

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

Wednesday, March 27, 1974

Senate called to order by the President.

Prayer by the Honorable Jerrold B. Speers of Winthrop:

Let us pray. Eternal Father, grant us, we pray, the humility that comes from the knowledge that we in this body are indeed the servants of the people, the courage to follow our decisions, and the wisdom to know that here on earth Thy word must truly be our own. Amen.

Reading of the Journal of yesterday.

Papers from the House Non-concurrent Matter

Bill, "An Act Relating to Legislative Ethics and the Disclosure of Certain Information by Legislators." (S. P. 954) (L. D. 2605)

In the Senate March 25, 1974, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-817), in non-concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to Recede and Concur.

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

Non-concurrent Matter

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

In the Senate March 25, 1974, Passed to be Engrossed as Amended by Senate Amendments "A" (S-342) and "B" (S-426).

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

Mr. Clifford of Androscoggin moved that the Senate Recede from its prior action whereby the Bill was Passed to be Engrossed.

A viva voce vote being taken, the motion prevailed.

On further motion by the same Senator, the Senate voted to reconsider its prior action whereby Senate Amendment "B" was Adopted and, on subsequent motion by the same Senator, Senate Amendment "B" was Indefinitely Postponed.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. CLIFFORD: Mr. President, I would respectfully request that one of my colleagues table this until later in today's session for the purpose of another amendment which is being printed.

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

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

Joint Order

WHEREAS, current projections indicate that additional revenues may be needed to finance state government in the next biennium; and

WHEREAS, efforts are already directed towards establishing the extent of these needs and others which are expected to develop; and

WHEREAS, in the interest of good government, it is desirable to establish new or expanded revenue sources which equitably meet future needs; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council is authorized and directed to study current means and trends in state finance for the purpose of accurately forecasting the financial needs and revenue outlook for the forthcoming biennium and to develop reliable information and data as to expansion of existing sources or added sources of revenue to adequately and equitably meet any needs projected; and be it further

ORDERED, that the council report the results of such study, including legislation to implement any and all recommendations, at the next regular session of the Legislature. (H. P. 2085)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Joint Order

WHEREAS, a team of students from the University of Maine Law School recently were judged to have presented the best arguments in a mock trial involving the Law of the Sea; and

WHEREAS, the case, assumed to be before an International Court of Justice, drew legal teams from Brooklyn College, Columbia, Fordham, Harvard and Boston, Connecticut and New York Universities; and

WHEREAS, as regional winner, in April the Maine team will travel to Washington, D. C. to compete for the national championship at the annual meeting of the American Society of International Law; now, therefore, be it

ORDERED, the Senate concurring, that the Members of the House of Representatives and Senate of the One Hundred and Sixth Legislature of the State of Maine while assembled this day in special legislative session take this opportunity to commend this outstanding legal team from the University of Maine Law School represented by: Dana A. Cleaves, Ronald Battocchi and Stephen S. Bragdon of Portland, J. Michael Huston of Gorham and holder of individual honors for best speaker, George Bowden of Casco, and proudly extend the best wishes of the Maine Legislature for their forthcoming national encounter at Washington, D.C.; and be it further

ORDERED, that suitable copies of this Order be prepared and presented to the members of this distinguished team, their able student faculty adviser, Mr. Martin A. Rogoff, and their distinguished university in honor of the occasion. (H. P. 2086)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Communications

State of Maine

One Hundred and Sixth Legislature

Committee on Health &

Institutional Services

March 26, 1974

The Honorable Kenneth P. MacLeod

President of the Senate

Maine State Senate

State House

Dear President MacLeod:

The Committee on Health & Institutional Services 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 12

Leave to Withdraw 3

Ought to Pass 1

Ought to Pass, Amended 2

Ought to Pass, New Draft 1

Referred to 107th Legis. 1

Divided Reports 2

Ought Not to Pass 2

Sincerely,

Walter W. Hichens

Senate Chairman

Which was Read and Ordered Placed on File.

Orders

On motion by Mr. Tanous of Penobscot,

WHEREAS, the records of this State reveal solemnization of 11,794 marriages and granting of 4,133 divorces in the year 1972; and

WHEREAS, these figures reflect an alarming rise in the rate of divorce along with the many problems and costs associated thereto under existing law; and

WHEREAS, the State has a responsibility to strengthen and preserve the integrity of marriage and safeguard family relationships; now, therefore, be it

ORDERED, the House concurring, that a special commission be constituted and appointed to supervise the preparation in final legislative draft form, of proposed changes or additions to provisions of the Domestic Relations Law dealing with marriage, rights of married persons, parents and children, desertion and nonsupport, adoption, judicial separation, divorce and annulment and change of name, such proposed revisions to be presented to the regular session of the 107th Maine Legislature. Such proposed revisions shall include all such changes, additions and redrafts as are deemed appropriate by such commission particularly pertaining to the laws relating to divorce

and domestic relations, including, without limitation, revisions to sections of the Revised Statutes, Title 19, and revisions to any other Titles and sections of the Revised Statutes, pertinent providing adequate and comprehensive laws relating to said topics. Such revisions may, without limitation, incorporate such necessary repealers, amendments, additions and modifications of existing laws as, in the judgment of such commission, may be deemed necessary and appropriate to accomplish such purposes, and may include proposals for legislative enactments relating to said subjects, whether now existing or hereafter created. Such revisions may include such new or modified provisions as, in the judgment of the commission, will best serve the interests of the people of the State of Maine, and the commission may give due consideration to the domestic relations laws of other states, and requirements for enforcement thereof, and to the appropriate regulatory and administrative requirements on behalf of the states involved. Such commission may hold such public hearings as may be deemed necessary or appropriate to acquaint persons interested in the commission's work with its proposals and recommendations, and the commission shall have full access to all of the records of the State for the purposes of its investigations. It is the purpose and intent of this Order to provide such commission with sufficient authority and funds to enable it to carry out the foregoing purposes; and be it further

ORDERED, that the membership of the commission shall be constituted and appointed as follows: One member shall be a Member of the Senate in the 106th Maine Legislature, to be appointed by the President of the Senate; 2 members shall be Members of the House of Representatives in the 106th Maine Legislature, to be appointed by the Speaker of the House, and 2 additional members shall be appointed by the Governor, with the advice and consent of the Executive Council. The Commissioner of Health and Welfare and the Attorney General shall serve on the commission in an advisory capacity

only. Each member shall serve until the commission shall have completed its work, or until his prior death or resignation. In the event of the death or resignation of any member, his place shall be filled, upon written notice thereof from the commission, by the then President of the Senate, Speaker of the House, or Governor, as the case may be, in the same manner as with respect to the original appointment; and be it further

ORDERED, that said commission shall be appointed promptly upon passage hereof, and the Governor shall notify all members of the time and place of the first meeting. At that time the commission shall organize, elect a chairman, vice-chairman and secretary-treasurer, adopt rules as to the administration of the commission and its affairs, which rules shall require a minimum of 30 days' notice of any public hearing to consider one or more aspects of the laws or prospective laws to be considered by the commission and which rules shall require that all proposals shall be transmitted to each participant which shall have recorded its desire to receive and willingness to pay for the costs of printing and mailing same, and thereafter shall meet as often as necessary until its work is completed. In all matters as to which there is disagreement, a majority vote shall prevail, and a quorum shall consist of at least 3 members. The commission shall maintain minutes of its meetings and such financial records as may be required by the State Auditor; and be it further

ORDERED, that the commission may hire on a contractual basis the necessary qualified persons who shall have the responsibility for financial review and legal research and drafting required in connection with the preparation of the proposed revisions to the Law of Domestic Relations, under the direction and supervision of the commission. Persons, whose services are contracted for, shall, by virtue of prior training, experience, ability and reputation, have clearly demonstrated the ability to perform the tasks to be assigned to him by the commission; and be it further

ORDERED, that the members of the

commission shall serve without compensation, but may be reimbursed for their reasonable expenses in attending meetings, procuring supplies, clerical services, correspondence and other related and necessary expenditures; and be it further

ORDERED, that there is appropriated from the Legislative Account the sum of \$5,000 for the fiscal year ending June 30, 1974, to carry out the purposes of this Order. Any unexpended balances shall not lapse, but shall remain a continuing carrying account until June 30, 1975. (S. P. 962)

Which was Read.

The PRESIDENT: The Senator has the floor.

Mr. TANOUS: Mr. President and Members of the Senate: I would like to call to your attention the last paragraph of the order on the printed calendar where there is an error. It relates to "the Unappropriated Surplus of the General Fund", and this should have read "the Legislative Account", so there is that mistake in there that I wanted to point out to you.

I would also like to speak briefly on the purpose of this particular order. In doing some research with the Health and Welfare Department, commencing with July 1, 1969, to June 30, 1970 the case load in the State of Maine for welfare was approximately 10,000 cases, and the costs relative to payments for AFDC claims amounted to approximately \$10 million. Now, in pursuing the research over the next three-year period, the case load increased up to July 1, 1973 to 20,000 cases, and the cost of this particular program also doubled so that in the last full fiscal year the cost of this program to the state amounted to \$20 million.

Now, in further research I noted that 90 percent of the AFDC claims were as a result of divorce cases. In that period of time, as the order shows, there were a little over 11,000 marriages a year, with an average of over 4,000 divorces being granted a year. So in that three-year period the State of Maine courts granted approximately 12,000 divorce cases, one in three marriages, one divorce for every three marriages. 90 percent of these divorce cases ended up on the AFDC rolls, indicating that the major

portion of the increased cost of welfare results from the divorce cases that have been decreed in the State of Maine over that same period, so that 90 percent of the 12,000 cases, approximately 10,000 cases, ended up on the welfare rolls. So, in essence, literally the State of Maine is financing divorce cases. This is what it really boils down to. So that the state has a legitimate interest in this instance perhaps to pursue this matter to see what the problem is.

Now, I recall, and I am sure the other attorneys here have been practicing as long as I have — I have been practicing law for 19 years — and I recall in the first seven or eight years, up until 1963, if I had approximately perhaps in the area of 50 divorce cases a year that I interviewed, 90 percent of these cases, as a rule, would reconcile and go back together again. Back then the divorces were held in the Superior Court and it took anywhere from four to six or seven months to get a hearing in Superior Court, and by the time that the hearing came along, as I mentioned, 90 percent of these people reconciled their problems and went back together. Now, it might have been through counselling or some other means but, in any event, it indicated that the period of time that elapsed at least gave them time to reconsider their action for a divorce.

Now, in 1963 the Maine Legislature, in its wisdom, went to the Maine District Court system and authorized the Maine District Court to grant divorces at the local level, so that in almost every town that has a district court divorces are granted there. For some unknown reason now, under this new system, the divorce case load has just increased to the point where 90 per cent of the cases that a lawyer interviews in his office or picks up in his office actually go through. I might add that when you file a complaint for divorce today, sixty days later the clients call you and want to know when they can have their hearing, and usually you can have a hearing within two or three days after they call you. So I am convinced that there is not sufficient time for these folks to review to and reconcile their matters.

I am seriously concerned about this for two reasons: the first reason being that

the family unit is the basic foundation of our entire society, and the break-up of the family unit is indeed a tragedy and I think it has an unknown quantity of effect upon our society and our social way of living. That is a concern for the legislature as well. The second concern, of course, is the increased cost to the taxpayers. For these two reasons, I feel that the Maine Legislature has a legitimate interest to study the whole spectrum of our divorce laws and our marriage so perhaps we can come up with some solution. I have in mind also counselling provisions to be considered prior to the divorce and also counselling in the areas where divorces are granted because many of the AFDC mothers certainly can use counselling after the divorce to help them out. It is for these many reasons that I ask that this order be passed. Thank you.

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

Thereupon, the Joint Order received Passage.

Under suspension of the rules, sent down forthwith for concurrence.

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

Mr. BERRY: Mr. President and Members of the Senate: Yesterday we had an extensive debate on the Maine Port Authority Bill. The matter has concerned me, of course, long before and it has concerned me since our vote yesterday.

I accept, of course, the vote of the Senate in perfect equanimity. I have been around far too long to let the vote itself concern me. I am sure the record will go home with all of us and, as matters develop, each of us will reflect on the situation.

My concern was engendered primarily by the fact that factual questions and matters of concern of a very explicit nature remained unanswered during the debate. However, accepting the vote, the Senate of Maine has gone on record as favoring the situation after all the questions were asked and non-factual answers given.

There remains under our

parliamentary system, however, one further recourse which I must take, and I asked the Governor of the State of Maine to veto this. I asked him to do this because of the facts which were brought out in the debate because of questions which remain unanswered, and I think these are serious questions that the Governor must ask himself, and I am sure that he will do this.

I also ask that the Governor state publicly that he will in no way participate legally in his profession as an attorney in any future legal matters, partnership operations or professional consideration, when he retires from public life on December 31st, in any matters connected with the Maine Port Authority or the Gibbs Oil Refinery.

Committee Reports House

Ought to Pass - As Amended

The Committee on Taxation on, Bill, "An Act Relating to Income from the Public Reserved Lands." (H. P. 1739) (L. D. 2185)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-755).

Comes from the House, the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-801).

Which report was Read.

On motion by Mr. Wyman of Washington, tabled until later in today's session, pending Acceptance of the Committee Report.

Divided Report

Four members of the Committee on Transportation on, Bill, "An Act to Change Weights and Related Provisions for Commercial Vehicles." (H. P. 1789) (L. D. 2261)

Reported in Report "A" that the same Ought to Pass in New Draft "A" under same Title (H. P. 2059) (L. D. 2591)

Signed:

Senator:

CIANCHETTE of Somerset

Representatives:

DUNN of Poland

BERRY of Madison

KEYTE of Dexter

Two members of the same Committee on the same subject matter reported in

Report "B" that the same Ought to Pass in New Draft "B" under Same Title (H. P. 2061) (L. D. 2593)

Signed:

Senator:

GREELEY of Waldo

Representative:

McCORMICK of Union

Six members of the same Committee on the same subject matter reported in Report "C" that the same Ought to Pass in New Draft "C" under Same Title (H. P. 2060) (L. D. 2592).

Signed:

Senator:

SHUTE of Franklin

Representatives:

WOOD of Brooks

McNALLY of Ellsworth

STROUT of Corinth

FRASER of Mexico

JACQUES of Lewiston

One member of the same Committee on the same subject matter reported in Report "D" that the same be referred to the 107th Legislature.

Signed:

Representative:

WEBBER of Belfast

Comes from the House, Report "C" Read and Accepted, and the Bill in New Draft "C" Passed to be Engrossed as Amended by House Amendments "B" (H-791) and "D" (H-800).

Which reports were Read.

On motion by Mr. Berry of Cumberland, tabled pending Acceptance of either Committee Report.

Enactors

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

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

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

Emergency

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

This being an emergency measure and having received the affirmative votes of 23 members of the Senate, with one

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

Reconsidered Matter

On motion by Mr. Tanous of Penobscot, the Senate voted to reconsider its action whereby

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

On further motion by the same Senator, and under suspension of the rules, the Senate voted to reconsider its action whereby the Bill was Passed to be Engrossed.

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

Senate Amendment "C", Filing No. S-445, was Read.

The PRESIDENT: The Senator has the floor.

Mr. TANOUS: Mr. President and Members of the Senate: Yesterday or the day before we indefinitely postponed this particular bill because I felt that it was taken care of in the energy crisis bill granting the Governor executive powers. Well it does in fact have it in the other bill, but a House Amendment was placed on the other bill whereby the legislature would have to be called into special session after 90 days to confirm the actions of the Governor, and I feel that this would be rather expensive in the case of lowering the speed limit on our highways, so I changed my position, as I mentioned to you, relative to the bill. This proposed amendment would require the confirmation or the approval of the Governor and Council to change the speed limits on our Maine highways. Thank you.

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

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

Under suspension of the rules, sent down forthwith for concurrence.

(Off Record Remarks)

On motion by Mr. Sewall of Penobscot, Recessed until the sound of the bell.

After Recess

Called to order by the President.

Joint Order

Out of order and under suspension of the rules, on motion by Mr. Hichens of York:

WHEREAS, the Wilde Stein Club was created in 1973 to fill the needs of the homosexual community at the University of Maine, Orono; and

WHEREAS, membership is restricted neither by sex nor sexual preference and is open to the entire university community; and

WHEREAS, the goals of the organization are threefold: Educational, social and political; and

WHEREAS, the purpose of the club is to create a campus atmosphere where the gay student can live in an open society free from repression and discrimination; and

WHEREAS, the club offers a wide range of activities ranging from weekly meetings, guest speakers and monthly dances, to a cooperative sexuality counseling service run in conjunction with the University Health Center; and

WHEREAS, a Maine gay symposium has been authorized by the trustees of the University of Maine to be held on April 19th and 20th, 1974 on the Orono campus of the University of Maine; and

WHEREAS, citizens from all over this State are protesting such authorized use of state university facilities for such activity and for fostering and encouraging homosexuality; and

WHEREAS, legislators have received volumes of mail requesting intervention for the purpose of reversing the trustees' decision and to withhold funding in escrow as further deterrent; now, therefore, be it

ORDERED, the House concurring, that the Members of the House of Representatives and Senate of the 106th Legislature of the State of Maine now

assembled in special legislative session being ever mindful of our representative capacity and the expressed desires of a majority of our constituents hereby go on record as opposing use of the facilities of the University of Maine for purposes of a Maine gay symposium and respectfully direct the trustees of said university to reverse their position and take appropriate action to cancel the conference forthwith; and be it further

ORDERED, that a copy of this Order be forwarded to the trustees of said university as notice of this action. (S. P. 964)

Which was Read.

The PRESIDENT: The Senator has the floor.

Mr. HICHENS: Mr. President and members of the Senate: I present this order today on behalf of thousands of Maine residents who have been deeply disturbed with the activities of the Wilde Stein Club at the University of Maine, Orono, and the symposium scheduled next month.

As stated in the order, legislators have received volumes of mail requesting intervention for the purpose of reversing the trustees decision. I did not vote against funding the University because I do not feel that the entire student body should be penalized for the actions of a few. On the other hand, I do not feel that these students should be subjected to the stigma provoked by the Wilde Stein Club activities and the planned symposium.

Since the days that laws were set down for the Hebrew people wherein we read in the Book of Leviticus, Chapter 18, Verse 22: "Thou shalt not lie with mankind as with womankind, it is an abomination", Homosexuality has been regarded as against the laws of nature and government. Unnatural sexual activities are unlawful according to the State of Maine statutes, Title 17, M.R.S.A., section 1001, entitled "Crimes Against Nature and Sodomy", which includes homosexuality.

I am not going to pursue this matter further, but I now move the adoption of this order.

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

Mr. ANDERSON: Mr. President and

Members of the Senate: I can't begin to tell you how many letters I have received from my constituents expressing disgust at the way things are going at our state university.

To show you how I feel, I would like to read the last paragraph in answer to one of my constituents: "It is my hope if we all scream loud enough we can get back to the basics of clean uplifting morals which should go hand in hand with our state system."

Mr. President and Members of the Senate: I shall support the order of the gentleman from York, Senator Hichens.

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

Mr. BERRY: Mr. President and Members of the Senate: I am very much opposed to the order. I feel that interference with the operation of the University Board of Trustees and judgment is not within the province of the legislature.

I make no issue with the philosophical problem that the other two Senators have mentioned, but I am very much opposed to the legislature meddling in the administration of university affairs. I am going to vote against the order.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: I am sure that perhaps political discretion would indicate that I should not enter this, but I cannot allow this order to be acted on in this legislature without making a point which I hope the majority members of this legislature share.

First of all, had I been a member of the Board of Trustees at the University of Maine passing judgment on the application of this group, I would have voted against it and would have asked the court to decide whether or not the type of activity conducted by this group of people was constitutionally protected under the provisions guaranteeing freedom of speech, freedom of assembly, and the like. I want to make that as clear as I possibly can, that had I been a member of the Board of Trustees, I would have voted against permitting this so-called gay symposium to take place at the University of Maine at

Orono. But there is another issue involved, there is another issue involved, and it is: whose responsibility is it to make the policy judgments, the policy decisions at the University of Maine's several campuses? The Trustees at the University of Maine are charged by law with the responsibility to make these decisions and, very frankly, Mr. President the Members of the Senate, I shudder to think of the day when academic policy, and other policies affecting the life the University of the people of the State of Maine, are going to be made by the whims of political expediency that waft back and forth in the corridors between this branch and the other branch.

I think that it would be a tragedy for this legislature to go on record as accusing the trustees of the University of Maine of "fostering and encouraging homosexuality." I do not believe that that is a legitimate interpretation of what they have done. As I say, again, I disagree with the decision of the Board of Trustees, but I will defend their right to make that decision. We should not retaliate against the thousands and thousands of students at the University of Maine present and past, and those who are to come, by setting a precedent for this legislature to begin running the university. I say it is the wrong place to run it.

I communicated my views to members of the Board of Trustees, as I am sure some of the members of this Senate did. I urged the Chancellor at the University to review and reevaluate the position which they have taken, which I think was a mistake, but they having made that decision, I believe they are charged by law with the responsibility and authority to make it and I don't believe we should meddle with it.

Mr. President, this is a difficult issue because to have spoken as I have might imply that I condone the conduct of this particular group or that I support their views. I do not. But I also believe that the University of Maine is entitled to our considerate treatment, and I don't view this order as doing that. I would hope, Mr. President, that there will be a division, and that this order which charges the trustees at the University with fostering and encouraging

homosexual conduct will be defeated.

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

Mr. BERRY: Mr. President and Members of the Senate: I agree with a large part of the comments of Senator Richardson of Cumberland, but I certainly do want to emphasize that I strongly commend the Trustees of the University for having this meeting. Where would you like to have any group meet with whose views you do not agree? What better place? I think they did the right thing.

The PRESIDENT: As many Senators as are in favor that this joint order receive passage will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Seven Senators having voted in the affirmative, and 17 Senators having voted in the negative, the Joint Order Failed of Passage.

Joint Order

Out of Order and under suspension of the rules, on motion by Mr. Kelley of Aroostook:

WHEREAS, New England not only has long, cold winters and is located at the very end of the fuel distribution line, but it uses far more oil and gasoline, paying much more for it than any other area in the country; and

WHEREAS, the Federal Energy Office has determined that the economic impact of the Vacation Travel industry in Maine is among the top 5 in the nation, that industry being dependent on gasoline supplies for its very existence; and

WHEREAS, geologists now believe that deposits of oil or gas comparable to the rich Gulf of Mexico may lie beneath the sandy bottom of the North Atlantic Outer Continental Shelf; and

WHEREAS, there is good reason to believe that the court will soon settle ownership of the Outer Continental Shelf in favor of the states which could result in 200 million dollars in oil royalties to the State of Maine alone; and

WHEREAS, Maine has taken no steps to determine a taxing or royalty structure or its applications on a possible

share of as many as 10 billion barrels of oil and 10 million cubic feet of gas recently estimated to exist by Massachusetts Institute of Technology in the area of Georges Banks; now, therefore, be it

ORDERED, the House concurring, that a Commission on Potentials of the Outer Continental Shelf, consisting of 3 members to include the Commissioner of Environmental Protection, the Commissioner of Commerce and Industry and the Commissioner of Conservation, is hereby created and appointed for the purpose of developing relevant data and needed legislation for consideration by the 107th Legislature in connection with potential use and royalty revenues of the Outer Continental Shelf. The commission is not only authorized to review all legislation introduced in connection with the deposits of oil or gas beneath the North Atlantic, but is directed to study and report on the present legal status as to ownership of the Outer Continental Shelf, the potential royalty revenues to be derived from such ownership, the alternative methods of deriving revenues and how such funds may be put to use in the public interest and to report to the next Legislature its views and recommendations in regard to what action, if any, the Legislature should take in regard to the use of these oil and gas deposits and to draft legislation to implement its recommendations.

The commission shall act as expeditiously as possible and shall report to the 107th Legislature either in regular or special session in such manner as the commission deems appropriate.

The commission shall proceed in its work with the assistance of the Attorney General's Department, the Director of Legislative Research, the Legislative Finance Officer and any other state department, board, commission, authority or agency from which information may be required to carry out and expedite the commission duties. Furthermore, said commission may employ such assistants, clerks, attorneys, agents and advisors as it shall deem necessary and set the conditions of their employment with the approval of the President of the Senate and the

Speaker of the House. If it is necessary for the commission to meet when the Legislature is not in session, the commission members shall be reimbursed for their actual expenses in service to the commission, with the exception of mileage which shall be paid at the same rate received by state employees. The commission is authorized to conduct public hearings at such times, places and in such manner as it deems appropriate to fulfill its duties. (S. P. 963)

Which was Read.

The PRESIDENT: The Senator has the floor.

Mr. KELLEY: Mr. President and Members of the Senate: The purpose of the order is that it has come to my attention that there is a law suit now pending by the State of Maine vs. the Federal Government to determine the ownership of the Georges Bank area in the Continental Shelf off the State of Maine. That decision will probably come in the spring. It has also come to my attention that there is a potential for natural gas and oil off the coast which, regardless of whether the federal government or the state may have ownership, may in the future be explored. The purpose solely of the order is so that the three individuals in the order will have the opportunity to look into the potential solely of future tax revenues or royalty rights the State of Maine may have. The estimated total royalty rights the State of Maine may have is \$4 billion, which would range from Massachusetts up through Maine. So it has not got a price tag on it because I feel that the three individuals who would be doing this would have the ability within their own means to do this. The purpose, again, of the order is just to determine which steps the state should take by recommendations to the legislature next time of what our future revenues might be in this area.

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

Mr. BERRY: Mr. President and Members of the Senate: I want to thank the Senator from Aroostook, Senator Kelley, for having made one of his rare speeches in the Senate on this vital matter.

I would also invite the Senator's attention to the existence of the Maine Marine Resources Commission, of which that frequently unsuccessful Senator from Cumberland, Senator Berry, happens to be Chairman. The Maine Marine Resources Commission is an official body of the State of Maine, created by the legislature, and it has, in addition to myself, the State Geologist as an ex officio member, the Commissioner of Marine Resources as an ex officio member, and a member from the House on the Board. We meet frequently. We are very concerned with the problems enumerated in Senator Kelley's order. There are many facets to the problem. It is a reasonably delicate matter. We have problems with the Canadian boundary. We have problems with the New Hampshire boundary. I can assure the Senator that the interests of the State of Maine are being very, very carefully protected.

The possibility of a potential revenue source, of course, is very much in the area of concern of the Commission. I can assure the Senator and other members of the Senate that the Commission will continue to function, charged as it is with these responsibilities, for all the areas affecting the State of Maine in the waters out to the edge of the Continental Shelf.

Accordingly, Mr. President, I would move this order be indefinitely postponed.

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

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Thereupon, on motion by Mr. Clifford of Androscoggin, a division was had. 17 Senators having voted in the affirmative, and eight Senators having voted in the negative, the Joint Order was Indefinitely Postponed.

On motion by Mr. Sewall of Penobscot,
Recessed until 1:30 o'clock this afternoon.

After Recess

Called to order by the President.

The President laid before the Senate the following tabled matter: Bill, "An Act to Authorize the Construction of a District Court Facility in Lewiston." (S. P. 888) (L. D. 2484)

Tabled earlier in today's session by Senator Marcotte of York.

Pending—Passage to be Engrossed.

Mr. Clifford of Androscoggin then presented Senate Amendment "C" and moved its Adoption.

Senate Amendment "C", Filing No. S-446 was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Under suspension of the rules, sent down forthwith for concurrence.

The President laid before the Senate the following tabled matter: Bill, "An Act Relating to Income from the Public Reserved Lands." (H. P. 1739) (L. D. 2185)

Tabled earlier in today's session by Senator Wyman of Washington.

Pending—Acceptance of the Ought to Pass as Amended Committee Report.

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

Mr. WYMAN: Mr. President, I had an amendment prepared for that, and then they made a mistake in preparing it, so they are drawing another amendment. I would appreciate having somebody table it until later because I will have the amendment very shortly.

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

Thereupon, on motion by Mr. Berry of Cumberland, tabled pending Acceptance of the Committee Report.

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

Divided Report

Four members of the Committee on Transportation on Bill, "An Act to Change Weights and Related Provisions for Commercial Vehicles." (H. P. 1789) (L. D. 2261) Report in Report "A" that the same Ought to Pass in New Draft "A" under Same Title (H. P. 2059) (L. D. 2591)

(Signed)

Senator:

CIANCHETTE of Somerset

Representatives:

DUNN of Poland

BERRY of Madison

KEYTE of Dexter.

Two members of the same Committee on the same subject matter report in Report "B" that the same Ought to Pass in New Draft "B" under Same Title (H. P. 2061) (L. D. 2593)

(Signed)

Senator:

GREELEY of Waldo

Representative:

McCORMICK of Union

Six members of the same Committee on the same subject matter report in Report "C" that the same Ought to Pass in New Draft "C" under Same Title (H. P. 2060) (L. D. 2592)

(Signed)

Senator:

SHUTE of Franklin

Representatives:

WOOD of Brooks

McNALLY of Ellsworth

STROUT of Corinth

FRASER of Mexico

JACQUES of Lewiston

One member of the same Committee on the same subject matter reports in Report "D" that the same be referred to the 107th Legislature.

(Signed)

Representative:

WEBBER of Belfast

Comes from the House, Report "C" Read and Accepted, and the Bill, in New Draft "C" Passed to be Engrossed as amended by House Amendments "B" (H-971) and "D" (H-800).

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

Pending—Acceptance of Either Committee Report.

Mr. Greeley of Waldo then moved that the Senate Accept Report "D" of the Committee, that the same be referred to the 107th Legislature.

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

Mr. SHUTE: Mr. President and Members of the Senate: I would oppose the motion to accept Report "D" and ask for a roll call on that motion.

This is a bill with which the Transportation Committee has agonized for the last several weeks, and this is a point for the time of reckoning.

To refresh your memory on the four reports, Report "A" provided for double bottoms in this truck bill; Report "B", which was signed by Senator Greeley and three others, is a Department of Transportation Bill; Report "C", which six members of the Transportation Committee signed, including myself, is one which was prepared by the industry and in which the truckers of the state are interested, and particularly those people who live in District 17 and work in District 17 and find the trucking of pulpwood and logs to be their primary source of income; and Report "C", which Senator Greeley has just moved that you accept, is one which would do nothing about a problem which exists and refer it to the 107th Legislature. This, I believe, is the wrong way to approach this problem. We are here, we are faced with one of three decisions, and I think that today is a decision making day for the people in this industry.

There is no question about the fact that the Maine truck weight laws are almost as confusing as the laws regulating the Maine Milk Commission, not quite but almost. Some of these laws have been on the books for fifty years, and those legislators of 1923 or thereabouts passed some farsighted laws which basically specify that 600 pounds should be the maximum load applied to any square inch of road surface, 600 pounds per square inch of road surface. 50 years ago this law was placed on the books. It is still on our books and is basically a good law. We believe that this law is correct and the weight limits of trucks should be permitted to conform to this.

For 20 years now Maine law has permitted 22,000 pounds per axle. Other legislatures saw fit to give a 10 percent overage or a tolerance, as they refer to it, to permit any leeway in the weight of products which would absorb water, ice or snow, and which subsequent legislatures provided for a further 15 percent increase for forest products during the three winter months of December, January and February. We have a tolerance of 10 percent, which

gives you 24,200 pounds, plus a 15 percent booster in those three months, for which truckers have to pay \$75 extra, or a total of 27,500 pounds per axle.

Report "C" with its House Amendment, and which are a compromise from our original suggestion, have been acceptable to the Department of Transportation. They say that they can live with the reduced weights that are specified in the amendment from Report "C". What the amendment adopted in the other body will do to Report "C" is to provide for a modest increase for three, four, five axle vehicles. Now, there is no current law on the books for six axle trucks, no law at all. The Department of Transportation has proposed that 100,000 pounds is fair, and this is included in Report "A" and Report "B" as well as in Report "C". The only area where we differ in the 100,000 pounds on the six axle vehicles is in the area of tolerance, the 10 percent for overweight and the 15 percent for the frozen road months.

I believe it is time, and I hope you will join me in my belief, that this legislature should adopt new weight limits, giving those small businessmen a break. Now, if you don't think that they are small businessmen, you should have heard the complaint I heard on the telephone last Saturday from the wife of a trucker whose family lives in Temple. I think there is a great deal of similarity to the plight of this family as there is with a small businessman who is in the restaurant business or who is in the retail business of some kind, who over the years finds that he has to improve his storefront, he has to modernize the inside, he has to add new pieces of equipment to his capital investment in order to keep up with the times. The small independent trucker is in the same boat. A few years ago he may have started with a two axle or a three axle truck, and as technology has improved and as perhaps his competitor, his neighbor, purchased a larger vehicle and competed with him successfully, then he too found that he had to improve his operation and purchase a larger truck. The larger trucks that are now on the road today are newer, they are bigger, and far safer than they were five or even ten years ago. And yet they are

carrying less weight per square inch now than with the older rigs that had the narrower tires.

What about this independent businessman in Temple and his family? She related to me that they made a total investment of \$32,000 in a three axle truck. They had to pay a sales tax of \$875 on the original just bare body truck. They had to pay \$585 excise tax. They had to pay \$415 for a license, plus \$75 for the three months of December, January and February. Incidentally, under Report "C" this licensing fee would be raised to \$600. They had to pay the federal government a \$200 federal use tax. They had to pay the insurance agency \$1,300 to insure it and get it on the road properly. They have to pay 9 cents a gallon tax for diesel fuel for federal tax, and they have to file this quarterly. They have to pay 4 cents a gallon for diesel fuel for state, and they file this quarterly. They had to go down to Thorndike, or some such place, and purchase air bags. Well, air bags are a new safety interlock system that provide for an extra axle so that the operator, while he is driving along the highway unloaded, can press a button and lift the two rear axles so that they won't come in contact with the road. And when he is loaded, these rear axles react against the air bags and become another axle. These cost \$2,500. The total investment for this family, \$32,000, and they have a difficult time making it go.

And do you know what they get per cord of wood? Well, it used to be \$3 and \$4 for hauling to wherever they haul, maybe the International Paper Company or maybe Oxford Paper. Maybe another week they will haul long logs into a neighborhood saw mill. But they used to get \$2, \$3, or \$4 a cord, and now it is around \$9. And they are asking for more money from the paper companies, the big companies that are a terrible maw for our forest products because of the great demand for paper and paper products.

Many of these truckers, not only this one in Temple but all over the state, have been caught by the state police for carrying overweight loads. The schedule calls for varying lengths. According to the length of the truck, they can carry so much weight. The maximum right now

is 73,280 pounds. These truckers don't want to be criminals but they are treated as criminals, and when they pay a fine they pay the maximum fine of \$210. Now, some future legislature may very well have some system that is different and more equitable. These people don't want to live outside the law. It is an unpopular law and one which restricts their business and prevents them from earning a living.

I have talked to a lot of troopers in our area too who have to enforce the laws that are on the books, and they agree that the current law discriminates against truckers who make investments in bigger, better and safer highway trucking equipment, and they are sympathetic to their problem. During the week of March 10th there were 21 truckers in Rumford District Court who paid \$210 each in overweight fines.

If we don't do something, if we don't do something today in this body, I suggest that there is an ugly mood among the truckers and that they very well could start demanding jury trials. What would that do to the court system? Why is it that the state is more anxious to collect fines than it is in enforcing the law? I am talking about Section 1653 of the law, which says that the state police shall enforce the law by requiring them to unload their load wherever they are caught and place it at a convenient place along the roadside. This would be the quickest way to make the truckers obey the law, and yet the state police have been compassionate about this. They set up their weight scales at the entrance to the big log compounds at Oxford Paper, International Paper, Scott Paper, or wherever, and weigh them outside. If they are overweight, they say "Well, you unload in there", which is their destination anyway. So they have been fair about this, but they could have taken them to court and forced them to unload their lumber right on the road.

But compassionate or not, we agree that the weight limits are unjust, and it would appear that the state is more interested in collecting fines than in enforcing the law that Section 1653 dictates.

Conservationists have demanded that logs be removed from the rivers, and

they are being removed. The Kennebec River in a couple of years will see no more log drives. The Penobscot will be devoid of any further log drives. We are talking about Maine's second industry. Paper manufacturers yes, but also manufacturers of finished lumber. The lumber industry is our second largest industry in the state, and if it is to be fed its raw product, we are going to have to move pulp, logs and chips by truck. Railroad cars are scarce right now.

Last week while I was out and was ill, my roommate in the hospital was a fellow who supervised a log loading area in East Newport for one of the prominent landowners based in Bangor. I asked him about the railroad car situation, and he said "We never can get enough." He said, "We use a lot of them on the Belfast and Moosehead Lake Railroad, and they just aren't available down on that road either." Railroad cars are scarce not only here but in other parts of the country, so we have got to depend on trucks.

The new mill that Scott Paper Company is building at Hinckley will require even more trucks, and if we think we have seen a lot of trucks on the highway — and Farmington is sort of a focal point and so is Skowhegan for all of these trucks coming out of the northern Maine wilderness territories where the raw product comes from — then you wait for a couple of years and you will really see a lot of trucks.

Yes, we do need better roads. The roads are far better today than they were 20 years ago when the last change was made in the weight laws. But International Paper, Scott Paper, Oxford, St. Regis, Frazier, Georgia Pacific, and Great Northern depend on trucks, and they depend on full trucks, not half-full trucks. And the six axle vehicles, which are new and which have the wide tires and provide less than 600 pounds per square inch on the road surface, are modern by all technological standards, and do not provide any loopholes in the law as far as they are concerned, yet their basic weight when they are purchased is almost half of the legal weight they are permitted when they get on the road.

So my plea with you today is to give the truckers the break that they have

deserved for so long and give them a rejection of Report "D", and then I will move to accept Report "C" with your help.

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

Mr. BERRY: Mr. President and Members of the Senate: I want to congratulate the Senator from Waldo, Senator Greeley, for proposing a very statesmanlike solution to the dilemma which has been facing everybody on the third floor today.

If there is a hodgepodge of laws, it certainly is well demonstrated in the motor vehicle tonnage and length laws, and the proposal to seriously study with full committee action, which is now for the first time possible by the Transportation committee, and report back next January to the 107th, is a most happy and practical solution to the problem.

I also want to congratulate Senator Shute of Franklin for his very moving and responsible explanation of the problem, particularly from the viewpoint of the people in Senator Shute's area. As I mentioned outside of the door just now to someone, there probably is no member of the Senate more intimately and solely involved with lumber trucks than Senator Shute. Also there is no better example of an area of the state where overloading damage to roads is more in evidence.

Last Sunday I took one of my favorite drives, which is Route 27, the Arnold Trail, from Kingfield to Coburn Gore, real God's country, and every bit of the road is wracked and torn, with holes and frayed pavement, and if you have time to dodge the lumber trucks going back and forth from Canada to the United States, you can see some of the most lovely scenery in the world.

So I think we have right here the nub of the problem, and let's hope that Senator Greeley's committee, if we can pass this motion of Senator Greeley's, will solve the problem. We have got to cope intelligently with overweight and length.

Now, there has been a lot of lobbying here. I think that we probably are faced with an economic question. The question might be phrased this way: The money

that ends up in the pocket of the truckdriver at the end of the week, is the decrease in this due to the energy problem and the increased fuel costs, and apparently fines, is this going to be made up in part by the lumber and the pulp companies paying a little bit more money to these people or are we going to sacrifice more the roads of the State of Maine to let them increase their pay? I think the answer is obvious, but I think it should be worked out in a careful deliberate mood by a committee armed with facts and intelligent staff people to work with them — this is available to them and will be — and then we are going to come up with something that all of us can understand.

I wouldn't offend Senator Shute or anybody on the committee by asking them to explain the laws that we are supposed to be discussing this afternoon. It is totally impossible to do it. Their own men can't do it. So I think that we do have something, and I would assure everybody that this is no compromise. And if it is a compromise to any extent, it is a compromise only for the welfare of the people of the state involved, and neither the truckers or the pulp people. There are trucks involved other than the pulp trucks too. I don't think we need to go through the old arguments we have here every two years on the trucks going back and forth and the little Volkswagen getting bumped around and all that stuff when the big trucks go by.

I think the issue is very simple. I think that Senator Greeley's committee is in a unique position for the first time in many, many years, as Senator Shute has pointed out, to straighten out this morass of laws, and it will be for everybody's benefit. So I would hope very strongly that we will support Senator Greeley.

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

MR. CIANCHETTE: Mr. President and Members of the Senate: This is a first for me, to stand up and oppose a motion by the Chairman of the Transportation Committee on a committee problem. And I would like to say that Senator Greeley from Waldo has been my closest friend here in the Senate, one of my closest advisors, and I

have a great deal of respect for him. I feel that Senator Greeley has been under very serious pressures on this truck weight problem, and I can appreciate his problem and I can appreciate why he would like to have it over and done with and a complete study so that he could stand up here and explain the truck weight laws of the State of Maine.

If we pass any of the reports, we will be doing that, because Report "C", Report "B" or Report "A" all have provisions for a study to be reported back to the 107th Legislature for a revision of the truck weight laws. We all know that that needs to be done and it should be done. In the meantime, there is a problem. I believe that they are very close now to agreements on what could be done in this legislature to help out a little bit, to keep things moving, and to keep a good spirit of cooperation going.

I would like to see this bill kept alive and to see if here today or, if not, tomorrow morning we could arrive at that compromise and give some relief right now, and continue a good spirit of compromise and attempt to do a good job on studying this legislation for the 107th. So I would oppose the motion before the Senate now.

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

MR. SPEERS: Mr. President, in speaking on this particular bill, I think it is incumbent upon every one of us to, in the very first place, ask the purpose of truck weight laws, what the whole purpose of having truck weight laws has been in the past. Obviously, the purpose of having truck weight laws is not to impose a burden upon truckers, not particularly to help them out. In fact, probably the whole purpose of it had nothing to do with truckers themselves at all. Quite obviously the purpose of these laws is to make sure that the condition of the roads of the State of Maine is such that they are not torn apart for all the populace of the State of Maine; not just those who are driving trucks over them, but for all of the people of the state.

Now, we have not heard one single argument in favor of this particular bill which has mentioned in any way, shape

or form what the effect of increasing the weight of these trucks is going to be upon the condition of the roads of this state. I think it obvious that the condition of the roads in the State of Maine at the present time is not one of great admiration. It is also obvious that the State Transportation Department does not now have the funds to maintain the roads in the condition that they should be maintained for all of the people of the state. In fact, they have indicated that they need a two cent increase in the gasoline tax just to maintain the roads in the present condition, which is obvious is not even now satisfactory. They are not going to have that two cent increase in the gasoline tax, we don't know what the revenues are going to be from gasoline sales over the summer, and we don't know what state the highway maintenance program is going to be in the future. Yet all of these questions are ignored when we are asked to increase the weight limits for trucks rolling over these highways. There hasn't been a single mention of what it is going to do to the condition of the roads. It certainly is not going to help them.

I support the motion of the good Senator from Waldo, Senator Greeley, to refer this to the 107th so that the Transportation Committee can look into the problems of truck weights and the effects that they are going to have on the various roads in the state, and to come back to the 107th Legislature with a valid and intelligent report as to the effects that the various weights would have.

I would like to make a comment on one of the most incredible arguments I think we have heard in this session of the legislature to date, and this includes the regular session as well as this special session. That is the argument that has been flying around these chambers that these weights are being violated every day anyway, so what we should do here in this body is change the law to conform with what has actually been the fact throughout the state all along. Well, ladies and gentlemen of the Senate, we don't tailor the laws of the State of Maine to conform to what those who are now breaking the law would say that law should be. We should be here tailoring the laws of the State of Maine to conform with what we feel is in the best interests

of all the people of the state. By that, I mean the purpose of these laws, and that is to maintain adequate and safe, good highways. If we were to adopt that kind of an argument, we would take a look at the crime statistics and say well, the crime statistics are on the rise and everyone is committing crimes, therefore, we should tailor the laws of the State of Maine to abolish all crimes so that nobody would be committing crimes. I think that argument is utterly preposterous.

So I would support the motion of the good Senator from Waldo, Senator Greeley, to have this matter go out to a study of the Transportation Committee over this summer, and have them come back to the 107th with a clear report on the effects of the weight on the highways of the state, which is after all what we should be clearly concerned with in this and, hopefully, clearing up what has been referred to as a hodgepodge of weight laws at the same time.

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

Mr. RICHARDSON: Mr. President, I would like to pose a question through the Chair to the Chairman of the Transportation Committee, and that is: I would like to know whether or not my understanding is correct, and that is on Report "B" which the Senator from Franklin is asking us to ultimately adopt, whether or not Report "B" would allow maximum weight of 128,500 pounds?

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY: Mr. President and Members of the Senate: In answer to the question, the weight is 100,000 pounds, but with the ten percent tolerance plus the fifteen percent tolerance, it goes up to 128,500 pounds.

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

Mr. SHUTE: Mr. President and Members of the Senate: Also in response to Senator Richardson's question, it is Report "C" and not Report "B". Report "B" also calls for 100,000 pounds for six axle units as well as Report "A". This is a Department of Transportation

proposal. Their proposal, however, limits it at 100,000 pounds and provides for no tolerance whatever. Report "C" does provide for a tolerance.

With reference to the fact that the legislature shouldn't be tailoring the laws of the state to those people who are disobeying, Senator Speers will recall, I am sure, from his high school days he surely must have studied the effects of prohibition in this country. The fact it was an unpopular law was no less a reason for people finding that they should observe it, which they didn't, and which later they were responsible for the repeal. Senator Speers and the rest of you will recall in your high school English days that you may have read the speech on conciliation by Edmund Burke before Parliament, in which he deplored what Parliament was doing to the colonies with the stamp tax and all of the other oppressive acts. Now don't you think the people in the State of Maine who are represented here by the truckers feel somewhat in the same position? They feel that they have an oppressive law and they feel that it should be changed. This is why they are here with Report "C".

Senator Berry has alluded to Route 27. I recall when I was a boy I went over that "road", and I will put quotes around "road" because that is all it was, a trail from Eustis to Wilton. In those days when you came to the chain of ponds and you had a Model T Ford, you had to turn the thing around and go in reverse in order to get up those steep pitches. It is little better than that right now. And the Civilian Conservation Corps, under our great Democratic President Roosevelt, was responsible for getting a bunch of unemployed people up in that country and doing that road over or fixing it up so that you can at least get two trucks over it, and just about that, but little has been done since the days of the CCC. There is one short stretch above Eustis that the Department of Transportation reconstructed a few years ago, but essentially we are talking about a road that is 30, 40 or more years old, and it hasn't been changed much since then. We are talking about a law that is as old as that, and nothing has been done about it. I say if we adopt Report "B", this

indeed is a copout that you have been talking about, and probably will be talking about until April Fools Day.

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

Mr. KATZ: Mr. President and Members of the Senate: I remember standing in the back of the House of Representatives and hearing Senator Shute's very first major speech to the House of Representatives in his freshman year. And I suspect that because he is not standing for re-election that this may have been his last, and I want the Senator to know that I think that, even with his superb beginning, he improves with age, and I still am influenced by his speeches.

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

Mr. HICHENS: Mr. President and Members of the Senate: I am sitting here rather enjoying the debate regarding the fact that they are breaking the law so why not make it legal. If I remember correctly, last week or the week before we had three individual liquor bills which we debated, and the gentleman from Androscoggin County who is absent today said that they are doing it anyway, so why not put it under controls and make it legal. I think the same arguments would be effective as has been presented this afternoon. But I also sat in caucus this morning and listened to a debate on these three reports, and I was told that there was going to be some agreement made before we discussed it this afternoon. I have just checked with Senator Shute and he tells me that no agreement has been made, so under those circumstances, I will have to go along with the Senator from Waldo, Senator Greeley's recommendations.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Waldo, Senator Greeley, that the Senate accept Report "D", Refer to the 107th Legislature, in non-concurrence. 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 Waldo, Senator Greeley, that the Senate accept Report "D" of the Committee on Transportation on Bill, "An Act to Change Weights and Related Provisions for Commercial Vehicles", to report this to the 107th Legislature, in non-concurrence. A "Yes" vote will be in favor of accepting Report "D"; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Berry, Brennan, Conley, Cox, Greeley, Hichens, Marcotte, Richardson, Speers, MacLeod.

NAYS: Senators Cianchette, Clifford, Cummings, Danton, Graffam, Haskell, Henley, Huber, Katz, Kelley, Minkowsky, Roberts, Sewall, Shute, Tanous, Wyman.

ABSENT: Senators Cyr, Fortier, Joly, Morrell, Olfene, Schulten.

A roll call was had. 11 Senators having voted in the affirmative, and 16 Senators having voted in the negative, with six Senators being absent, the motion did not prevail.

Thereupon, on motion by Mr. Shute of Franklin, the Ought to Pass in New Draft Report "C" of the Committee was Accepted in concurrence and the Bill in New Draft Read Once. House Amendments "B" and "D" were Read and Adopted in concurrence and under suspension of the rules, the Bill as Amended Read a Second Time and Passed to be Engrossed in concurrence.

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

Papers from the House

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

Non-concurrent Matter

Joint Order (S. P. 961) relative to Maine Port Authority.

In the Senate March 26, 1974, Read and Passed.

Comes from the House, Indefinitely Postponed, in non-concurrence.

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

Mr. KATZ: Mr. President and Members of the Senate: This was the order that we debated briefly yesterday pertaining to a trade-off in the direction of assuring that Maine people get the benefits of the products of any refinery that ever comes to Maine.

In my conversations with the Department of Transportation, I am convinced that they share this feeling, that if we do get a refinery there should be some kind of sharing of the products. I think we have gotten the message across, and I move that the Senate recede and concur.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate recede and concur with the House. Is this the pleasure of the Senate?

The motion prevailed.

Non-concurrent Matter

Joint Resolution (S. P. 913) Creating a Task Force on Mental Health Study.

In the Senate March 26, 1974, Read and Adopted.

Comes from the House, Indefinitely Postponed, in non-concurrence.

Thereupon, on motion by Mr. Hichens of York, the Senate voted to Recede and Concur.

Non-concurrent Matter

Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws." (S. P. 953) (L. D. 2606)

In the Senate March 26, 1974, Passed to be Engrossed as Amended by Senate Amendments "A" (S-427), "B" (S-428), "C" (S-429), "D" (S-431), "E" (S-432), "F" (S-433), "G" (S-434), "H" (S-436), "I" (S-437), "K" (S-439), "L" (S-440), "N" (S-442) "O" (S-443).

Comes from the House, Passed to be Engrossed as Amended by Senate Amendments "A", "B", "C", "D", "E", "F", "G", "H", "I", "K", "L", "N", "O" and House Amendments "A" (H-810), "B" (H-811) and "D" (H-820), in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Under suspension of the rules, sent

down forthwith to the Engrossing Department. Ordered Placed on File.

Communications

STATE OF MAINE

One Hundred and Sixth Legislature
Committee on State Government

March 27, 1974

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

Dear President MacLeod;

I am pleased to report that the Joint Standing Committee on State Government of the 106th Legislature, Special Session, has completed its assigned duties, and the following is a resume of the work placed before it, indicating the action taken on these matters.

Total bills received	73
Recommitted	1
Leave to withdraw	12
Ought to Pass	7
Ought to Pass, amended	8
Ought to Pass, new drafts	14
Referred to 107th	
Legislature	2
Divided reports	15
Ought Not to Pass	14

Sincerely,

Signed:

JERROLD B. SPEERS

Senate Chairman

Committee on State Government

Which was Read.

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

Mr. SPEERS: Mr. President and Members of the Senate: I am sure that the great sigh of relief with which the legislature receives this report is equalled only by my sigh of relief in sending it, and I would point out only the total number of bills that the Committee on State Government handled in this special session as being 73. And I would commend the members of this committee for the diligence with which they undertook their task and studied these bills and reported them to this session.

The PRESIDENT: Is it now the pleasure of the Senate that this communication be placed on file?

Thereupon, the Communication was

Joint Order

Out of order and under suspension of the rules, on motion by Mr. Berry of Cumberland:

WHEREAS, present statutory provisions governing the State's purchases of property and services fail to designate that a fair proportion of the State's purchases be placed with small businesses; and

WHEREAS, the vast majority of businesses in Maine are small, but in spite of their size are still capable of fulfilling the State's needs for property and services; and

WHEREAS, the United States Government and the majority of states in the United States have existing legislation which ensures that a portion of their purchases are made from small businesses; now, therefore, be it

ORDERED, the House concurring, that the Legislative Council be authorized and directed, through the Joint Standing Committee on Business Legislation, to inquire into the manner in which the Department of Finance and Administration, through the Bureau of Purchases, presently purchases property and services, particularly in respect to any policy of purchasing from small businesses, and to determine whether or not legislation is needed to ensure that a fair proportion of the State's purchases are made from small businesses. Such study is to also include, but not be limited to, determining the feasibility of designating certain state purchases to be as small business set asides, and all invitations to such bids be restricted to small businesses; and also to study the possibility of the Bureau of Purchases designating a contract negotiator to serve as a small business procurement specialist; and be it further

ORDERED, that the Bureau of Purchases be directed to provide the Council and committee with such information and other assistance as they deem necessary or desirable to carry out the purposes of this Order; and be it further

ORDERED, that the Council report its findings and recommendations, including all necessary implementing

legislation, to the next regular session of the Legislature. (S. P. 965)

Which was Read.

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

Mr. BERRY: Mr. President and Members of the Senate: This order highlights a proposal known as "The Small Business Set-aside Program. The main thrust of this — when you use the word "thrust" you know you are referring to a federal program — the main thrust of this is that there is a checklist in Washington, and Maine would have its name checked off in that this model legislation were being considered here in Maine.

The Small Business Set-aside Program provides that, with federal assistance and guidance, the state set up programs where certain types of contracts can be let with preferential treatment off small businesses. This is peculiarly adapted to the State of Maine because we have many small businesses.

We are not particularly concerned here with the actual implementation of the program or my presentation would not contain the modicum of levity that it does. We are asking the Business Legislation Committee to look into this matter, which is being considered by practically every state in the country, and report back to the 107th as to the advisability of implementing such a program. I move the passage of the order, Mr. President.

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

Mr. SPEERS: Mr. President and Members of the Senate: I hadn't had an opportunity to look at this prior to this moment, and I certainly agree with the Senator from Cumberland, Senator Berry, as to the thrust of this order. In going down through it, however, I do note that it has to do with the purchases of property and services for the State of Maine, and I would point out that this special session has passed earlier a study order for the Committee on State Government to look into the entire purchasing-building process, and I am wondering whether or not this should

come to the Committee on State Government as part of that original study.

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

Mr. BERRY: Mr. President, I know that the State Government Committee has been quite overloaded, as the good Chairman just announced, and I think that the Business Legislation Committee should share a little bit of the load of the legislative process. And unless the Senator from Kennebec, Senator Speers, has grave reservations, I would hope that this might be allowed to go to the Business Legislation Committee.

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

Mr. SPEERS: Mr. President, I am certainly very willing to welcome the participation of the Committee on Business Legislation in this study. I do want to draw this to everyone's attention, however, because I am afraid there might be some overlap or some duplication in this study since the State Government Committee is already going to be studying all aspects of the state purchasing, and not just as it pertains to small businesses, but I certainly have no objection to the passage of this order and would hope that we would be working with the Business Legislation Committee in regards to this particular problem.

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

Thereupon, the Joint Order received Passage.

Under suspension of the rules, sent down forthwith for concurrence.

Enactors

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

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

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

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

An Act Creating the Post-secondary Education Commission of Maine. (H. P. 2075) (L. D. 2601)

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

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 Making Supplemental Appropriations from the General Fund for the Fiscal Year Ending June 30, 1975 and Changing Certain Provisions of the Law Necessary to the Proper Operation of State Government." (S. P. 951) (L. D. 2602)

In the Senate March 26, 1974, Passed to be Engrossed as Amended by House Amendment "F" (H-806).

Comes from the House, Passed to be Engrossed as Amended by House Amendments "F" (H-806) and "K" (H-822), 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 York, Senator Hichens.

Mr. HICHENS: Mr. President, may I make an inquiry please?

The PRESIDENT: The Senator may state his inquiry.

Mr. HICHENS: Will we be recessing and coming back again today?

The PRESIDENT: The Chair would appreciate it if the Senator would defer his inquiry until we dispose of this particular matter.

Mr. HICHENS: Well, my inquiry relates to this particular matter, sir.

The PRESIDENT: The Chair would answer that he does not have any idea at this point.

Mr. HICHENS: I will ask that it be tabled until we come into session again then.

The PRESIDENT: The Chair would rule that the Senator is out of order; he is debating a tabling motion.

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President, I would

ask for someone to table this for me.

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

The Chair recognizes the Senator from Cumberland, Senator Richardson.

Mr. RICHARDSON: Mr. President, I request that this be set aside until later in today's session.

The PRESIDENT: The Senator from Cumberland, Senator Richardson, moves that Item 1-1, Legislative Document 2602, be tabled until later in today's session, pending consideration. Is this the pleasure of the Senate? The Chair will order a division. As many Senators as are in favor of the motion of the Senator from Cumberland, Senator Richardson, that this bill be tabled until later in today's session, pending consideration, will please rise and remain standing until counted.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY: Mr. President, is this bill debatable?

The PRESIDENT: No, it is not. A tabling motion is before the body. As many Senators as are in favor of the motion to table this bill until later in today's session will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 11 Senators having voted in the affirmative, and 12 Senators having voted in the negative, the motion did not prevail.

Thereupon, the Senate voted to Recede and Concur.

Under suspension of the rules, sent forthwith to the Engrossing Department.

(Senate at Ease)

Called to Order by the President.

The President laid before the Senate the following matter:

House Report — from the Committee on Taxation — Bill, "An Act Relating to Income from the Public Reserved Lands." (H. P. 1739) (L. D. 2185) Ought to Pass with Committee Amendment "A" (H-755)

Tabled — March 27, 1974 by Senator Wyman of Washington.

Pending — Acceptance of Report.

The Ought to Pass Report of the Committee was Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read.

On motion by Mr. Richardson of Cumberland, Committee Amendment "A" was Indefinitely Postponed.

House Amendment "A" was Read.

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

Senate Amendment "A", Filing No. S-448, to House Amendment "A" was Read.

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

Mr. SHUTE: Mr. President, an inquiry to the good Senator from Washington: I noticed in just a quick glance at Senate Amendment "A" to House Amendment "A", "Amend said amendment by striking out all of the last two paragraphs before statement of fact." Lo and behold, I look at House Amendment "A", at the statement of fact and the two paragraphs before that, and it effectively deletes everything before that. I would like to know what is happening here and what is going on. If somebody would explain this to me I would appreciate it very much.

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

Mr. WYMAN: Mr. President, what this does is that in the statement of fact it says the purpose of this amendment is to repeal the provision which gives the assessors of plantations veto power over the Management Director of the Bureau of Public Lands on public lots located in their respective plantations, and I talked with the sponsor of the House Amendment this noon and it was my understanding that this amendment is agreeable to him.

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

Mr. SHUTE: I would like to inquire if anyone has any knowledge about the amount of money that the state is taking away from these organized plantations and about whether or not these organized plantations approve of this

type of arrangement. As I understand it, at the last regular session a bill was passed and the law went into effect October 3rd which took away the income from the public lots to the organized plantations. There are several of them in my area and some of these people have questioned me about the law.

I investigated to some extent, and there are 53 plantations, Mr. President and Members of the Senate, throughout the state, and the income from these public lots has been taken away from the plantations and given to the Bureau of Public Lands. So now the only income derived from the sale of stumpage on these public lots is the interest. I would like to inquire if this is the intent of this amendment, to restore this to the status quo of October 3rd? Anything that would be illuminating would be appreciated.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: This amendment which is before you, Senate Amendment "A" under Filing S-448, is an amendment to House "A", which is under Filing 801. Quite frankly, as I read this amendment which has been presented by the Senator from Washington, Senator Wyman, I raise the same question. I was not aware that the language of it was as described or suggested in the question of the Senator from Franklin, Senator Shute, but I think the draftsmanship of this, without reference of course to the Senator from Washington, Senator Wyman, but whoever has done this, I think they have, as I read it, in Senate "A" wiped out all of House "A".

Now, with that unenlightening explanation, I would like to tell you what we are trying to do. There are 75,000 acres of located public lands on which grass and timber rights have not been sold. 53,000 acres lie within plantations and the balance are within non-plantation areas. Now, until L. D. 1812 was passed during the last session, the income from located public lots in the plantations was divided up. 90 percent went to the plantations and 10 percent to the Bureau of Forestry. But that income was not paid directly from the sale of stumpage on the public lots to

the plantations. It was instead put into the Organized Townships Fund, and interest was paid out, 90 percent of the organized township interest to the plantations on a pro rata basis, and 10 percent to the Bureau of Forestry.

After the adoption by the legislature of L.D. 1812, it became as follows: All of the income in the Organized Townships Fund was to be paid out as before, and on incorporation into a township the principal on a pro rata basis would be paid out to the newly incorporated township. The only change which we made in the last session, which I think was a sensible change, was to provide that additional income arising out of the sale of stumpage, that is the creating, if you will, of new principal, would go into the Land Management Fund for the Bureau of Public Lands to use in administering public lands. This was consistent, the creation of a Public Reserve Lands Management Fund, with the opinion of the justices of the Supreme Court.

What I believe the Senator from Washington, Senator Wyman, is attempting to do is to restore the situation where income from the Organized Townships Fund would continue to be paid as it was before the adoption of L.D. 1812 by the last session. Now, I was not aware of this, but because I do not believe that this amendment accomplishes that end, I think perhaps it would be appropriate to retable this matter until tomorrow and attempt to work this out then, because I raise the same question that Senator Shute from Franklin raises.

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

Thereupon, on motion by Mr. Berry of Cumberland, tabled pending Adoption of Senate Amendment "A".

On motion by Mr. Berry of Cumberland,

Adjourned until 9 o'clock tomorrow morning.