

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 28, 1974

Senate called to order by the President.

Prayer by the Honorable John B. Roberts of Sanford:

Let us pray. God Almighty, on this which may be the last day of the 106th Legislature, we give thanks for Thine divine guidance. We pray that our efforts will receive your acceptance and we pray that you will continue to give divine guidance to the leaders of the legislature, both present and future, of this grand state of ours. Amen.

Reading of the Journal of yesterday.

Papers from the House
Non-concurrent Matter

Joint Order (S. P. 956) relative to Legislative Council studying the manner in which the State Tax in municipalities is handled.

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

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

Thereupon, the Senate voted to Recede and Concur.

Non-concurrent Matter

Joint Order (S. P. 962) relative to Special Commission being appointed to supervise preparation in final legislative draft form of proposed changes of Domestic Relations Law and present revisions to 107th Legislature.

In the Senate March 27, 1974, Read and Passed.

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

On motion by Mr. Tanous of Penobscot, tabled pending Consideration.

Non-concurrent Matter

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

In the Senate March 25, 1974, Passed to be Engrossed as Amended by Committee Amendment "A" (S-401) and by Senate Amendments "C" (S-423) and "D" (S-435).

Comes from the House, Passed to be

Engrossed as Amended by Committee Amendment "A", Senate Amendments "C" and "D", and House Amendment "B" (H-813), in non-concurrence.

Mr. Tanous of Penobscot then moved that the Senate Recede and Concur.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Haskell.

Mr. HASKELL: Mr. President and Members of the Senate: Before we vote on this motion, I would like to point out one or two facts in relation to this bill as it stands at this juncture.

No. 1, in my view, we have nowhere near enough funding on the bill to protect the interests of the state in collective bargaining. As I understand it, the amount of money available for this is \$100,000. Those of you who are familiar with the first experience under municipal bargaining know that now all agree that the municipalities went into bargaining without skilled negotiators to represent them. They learned by experience in the first few years of bargaining that because of the complexity of the law it was necessary for municipalities to be well represented by skilled negotiators. Now, the state is going into collective bargaining on a very comprehensive scale.

During the course of the passage of this piece of legislation, the Senate has refused amendments that would limit the scope of negotiation. First of all, the management rights section was not accepted. Secondly, an attempt to keep negotiation out of the merit system was not accepted. So you have a posture where any relationship between the employee and the state is negotiable. The Attorney General's office has indicated that they have many questions as to the scope of the area that is negotiable in the classified service. There is no question that the Attorney General's office will have to have one and possibly two attorneys to represent the state's interest.

There is no limitation whatever in the bill on the number of bargaining units. Opinions have been expressed that the number of units may run anywhere from 20 to 200. Nobody knows the number of units that finally will come out because this will depend upon the amount of

organizing ability and energy that is put into trying to organize the various units that finally wind up representing the state. In any case, a unit that is organized within the framework of this law is entitled to negotiations on any aspect of the relationship of employment.

At the present time, to the best of my knowledge, the state has no skilled negotiators on the payroll. They may be faced with the possibility of negotiating with anywhere from 20 to 200 units, and these negotiations are not a one-time deal. In addition to the negotiation for the contract, you have continuing negotiations on grievances and things of this sort.

Now, under the terms of this act, your fact-finding and mediation are offered free to the participants. This is a cost that the state is going to have to underwrite. So I would like to point out that we are going into very complicated negotiations that are going to require skilled negotiators on both sides of the table. From the state employees' point of view, I think they should recognize that their cost of membership in associations or in unions is going to increase very substantially because they are going to have to be represented by skilled negotiators. I think it would be shortsighted indeed for the state to go into this without a staff of skilled negotiators and without adequate personnel in the Attorney General's office.

So the point I am making here is that, in my view, we are going into very complicated negotiations with a very inadequately funded department that at the present moment has no skilled negotiators, and they may be faced with the necessity of having from 10 to 12 very highly skilled people, and \$100,000 simply is not adequate to fund the program.

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

The motion prevailed.

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

Joint Order

WHEREAS, the year 1974 marks the

200th birthday of the Town of China; and

WHEREAS, contributions by its inhabitants over these 200 years have contributed greatly to the historical greatness of the State of Maine; and

WHEREAS, the residents of China have planned a gala occasion to celebrate its 200th birthday; and

WHEREAS, a committee has been appointed by the town to promote such a celebrated occasion and bicentennial silver medals have been produced; and

WHEREAS, the history of the town is being written, special events planned starting July 1, which are but a few of the highlights of this celebration; now, therefore, be it

ORDERED, the Senate concurring, that the Members of the 106th Legislature recognizes and congratulate the inhabitants of China for the prominent place they occupy in history of this great State and wish them well on the celebration of their 200th anniversary of their birthday; be it further

ORDERED, that a copy of this resolution be forwarded to the office of the selectmen of China and the Bicentennial Committee of the Town of China. (H. P. 2089)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Joint Order

WHEREAS, the requirements of the Federal Water Pollution Control Program were changed by the amendments of 1972 requiring the states to conduct a comprehensive water quality abatement needs survey; and

WHEREAS, the needs survey includes financial data relating to secondary treatment, treatment more stringent than secondary treatment, correction of infiltration inflow, major sewer system rehabilitation, collector sewers and appurtenances, interceptor sewers and appurtenances, correction of combined sewer overflows and treatment and control of stormwaters; and

WHEREAS, the requirements for correction of infiltration inflow, major sewer system rehabilitation, correction of combined sewer overflows and

treatment and control of stormwaters are major new requirements of the water pollution abatement program; and

WHEREAS, it is not known what the total cost of the new requirements are; and

WHEREAS, the Federal Water Pollution Control Act Amendments of 1972 expand the eligibility criteria for federal grants; and

WHEREAS, it is not known what the cost of the new requirements will be to the State if the eligibility criteria is expanded beyond interceptors, treatment plants and outfalls; and

WHEREAS, it is necessary for the State of Maine to know how much its share of the total pollution abatement cost may be; now, therefore, be it

ORDERED, the Senate concurring, that the Maine Department of Environmental Protection, in cooperation with the Maine Municipal Association, is authorized and directed to study and evaluate such aspects of the State of Maine's water pollution construction grant program, including, but not limited to, the following:

1. Minimum state participation in the construction grant program.
2. Maximum state participation in the construction grant program.
3. The costs of existing eligible work — interceptors, treatment plants and outfalls — under the state program.
4. The costs of expanding the eligibility criteria to include collection systems, correction of combined systems and treatment and control of stormwater.
5. The status of existing and source of additional state funds for items 3 and 4 above.

6. The status of existing and source of additional federal funds for items 3 and 4 above; and be it further

ORDERED, that said department and association prepare a report for presentation to the 107th Legislature not later than January 31, 1975 and also provide sufficient number of copies of such study to the Joint Standing Committee on Natural Resources and the Maine Municipal Association. (H. P. 2087)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Joint Resolution STATE OF MAINE

In the Year of Our Lord One Thousand Nine Hundred and Seventy-four

IN MEMORIAM

WHEREAS, the State of Maine has suffered the loss of a beloved and esteemed citizen in the passing, on March 19, 1974, of the Honorable Thomas LaSalle Maynard of Portland, Maine; and

WHEREAS, he worked tirelessly to advance the noble interests of education, his chosen profession, and served more than 20 years as principal, teacher and coach within that field; and

WHEREAS, in later life he distinguished himself further in such fields as business and government as an investment broker, Member of the Ninety-eighth Legislature and by his candidacies for the Congress of the United States; and

WHEREAS, he was a constant champion of underprivileged and minority interest and attracted, in his affable way with independent vote and thought, countless warm and lasting friendships; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Sixth Legislature of the State of Maine, now assembled in special legislative session on this 27th day of March, 1974, tender our deepest sympathy to the bereaved family of the late Thomas L. Maynard with assurances of sharing in their personal loss and offer this tribute to his memory in recognition of his service to this State; and be it further

RESOLVED: That a suitable copy of this Resolution be sent to Clara, his devoted wife, and their children in token of our esteem. (H. P. 2090)

Comes from the House, Read and adopted.

Which was Read and Adopted in concurrence.

Committee Reports House

Ought to Pass in New Draft
The Committee on State Government

on, Bill, "An Act Changing the Membership of the Legislative Ethics Committee." (H. P. 1716) (L. D. 2109)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 2069) (L. D. 2599)

Comes from the House, the Bill in New Draft Passed to be Engrossed as Amended by House Amendment "A" (H-816).

Which was Read.

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

Mr. RICHARDSON: Mr. President, I would inquire of the Chairman of the Joint Standing Committee on State Government what constitutional prohibition there is to setting up a truly independent ethics committee made up of some legislators, but a majority of whom would be selected from outside these halls, in order to sit in judgment on members of the legislature as to whom there is an allegation of conflict of interest.

I do not mean to in any way to derogate the effort of the State Government Committee. I think they have done an extraordinarily fine job, particularly with respect to the redraft of L. D. 2200, the bill I introduced on legislative ethics. But I think that one of the problems with our present system is that we have members of the legislature sitting in judgment on one another. I think that is a potentially dangerous situation and that we should correct it. Someone used the expression that it is like having the fox to watch the chicken house, which perhaps is an unnecessarily colorful way of expressing what I think the problem is.

I wonder if the Chairman of the State Government Committee might explain to us why we cannot set up a truly independent board or an independent group of people to review charges of conflict of interest, not only of legislators, but of public officials generally.

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

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I thank the good Senator from Cumberland, Senator Richardson, for raising this question. The Committee on State Government was indeed receptive to at least having some public members on a board which would constitute the ethics committee. The bill that was introduced actually had none other but public members and had no legislators whatever on such a committee.

We received an opinion from the Attorney General, however, that the constitutional provision which states very clearly that the two branches of the legislature shall sit in judgment over the activities of their individual members did indeed mean that we would not be able to have an ethics committee which would pass judgment on the members made up of individuals who were not legislators. With that opinion having been given to the committee, we then attempted to make the committee as broad a representation as possible from at least within the legislature itself.

As the committee is now constituted, it is the legislative leadership which makes up that committee. We felt that it would be perfectly proper and desirable to make the committee appointed by the leadership, but to make it comprised of other members of the legislature. So it is not going to be automatically the legislative leadership, but the leadership itself would appoint the members to this committee.

We then considered having it weighted between the House and the Senate much as our joint standing committees are at the present time, but we rejected that idea because we felt that this would be a matter which is not having to do with legislation in which the sizes of the two branches should be proportionately represented, but rather as a matter having to do with something entirely apart from legislation and, therefore, the two branches should be equally represented. So there is an equal number of members from either branch.

We also provided that this should not be a matter which would be open to partisan problems, so we did not provide that the majority party would have a greater proportion of members on the particular committee. We provided that

there be an equal number of individuals from each of the two parties on this committee. We did provide in the new draft that the President of the Senate and the Speaker of the House would be the individuals making the appointments, but this was changed in House Amendment "A", which we will be discussing in a moment.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Ought to Pass in New Draft Report of the Committee in concurrence?

Thereupon, the Ought to Pass in New Draft Report of the Committee was Accepted in concurrence and the Bill in New Draft Read Once. House Amendment "A" was Read.

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

Mr. SPEERS: Mr. President, as I mentioned a moment ago, House Amendment "A" changes the method of appointment to the ethics committee. The new draft states that the President of the Senate and the Speaker of the House shall make the appointments to this committee of each of the members from those individual houses. House Amendment "A" would provide that the minority leaders in each of the branches appoint the members of the minority party.

Now, Mr. President, I think it is quite obvious to everyone that this would be a radical departure from our present system of appointments to various committees. The joint standing committees are appointed by the Speaker of the House and the President of the Senate, minority members as well as the majority members, and various presiding officers have used this power differently. Some have voluntarily delegated their power or this right to the minority leaders entirely. Others have consulted the minority leaders and have requested their recommendations but have nevertheless retained the authority which they do have to themselves, and I don't know whether there has ever been an instance whereby an individual has been appointed who has not been recommended by the minority leader, but there certainly could have been.

I would object to House Amendment

"A" as being a radical departure from our present system of the presiding officers having the power to appoint the various committees. I think if we were to adopt this that it would be a very logical step then to go one step further and say that the minority leadership would also have complete power and authority over the appointment of the minority members on the joint standing committees. I think we would have a breakdown in the majority rule system under which we do operate, and operate very well, and I would move the indefinite postponement of the House Amendment "A".

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that House Amendment "A" be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. BRENNAN: Mr. President and Members of the Senate: In regard to legislative ethics, I personally felt strongly that we should have an independent commission. I appreciate the view of the Attorney General's office. I don't know but what we could have a commission that would serve in an advisory capacity, at least, so someone could seek an opinion from that commission. Possibly what they did would not have sanctions behind it except as to the public attention that would be focused on it.

Now, in regard to this amendment, certainly I think if a decision is going to be made by some committee of the legislature with regard to ethics, it should be balanced in regard to the make-up from the different political parties. I appreciate again it is unusual for the minority leaders to appoint anybody to anything of any importance, however, if we really want to have some respect, I think, for the opinion that would be rendered by the ethics committee, I think we are going to leave ourselves open to charges that it is not fairly composed. And if we really want balance, it seems to make some sense to have some from the Democratic Party and some from the Republican Party. Even though I suspect in the next session of the legislature the Democratic Party will be in complete control, and I know

we would be very kind about it and make sure some Republicans sat on this particular committee, we can't always, you know, be assured that we are going to be in control.

I do feel it does make some sense though to have an equal balance, and I don't foresee what the good Senator from Kennebec, Senator Speers, sees as taking away some of the authority and the power, and so forth, from the President of the Senate or the Speaker of the House. This is just one area in which I think we really should try to be bipartisan. So I would oppose the motion to indefinitely postpone this amendment.

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

Mr. SPEERS: I feel somewhat guilty, Mr. President, for not explaining this perhaps, quite obviously, as well as I should have. There certainly is going to be an equal balance between the two parties on this committee. In fact, as I attempted to explain, we specifically rejected the idea that the majority party would have a large proportion of membership on this committee. We rejected that idea and provided specifically that the two parties would have exactly the same number of individuals on this committee.

The House Amendment does nothing more than provide that the appointment of the minority members would be made by the minority leaders in each of the two branches rather than by the presiding officer. That is the amendment that I object to, and that is the amendment I say is attacking the very well established and well thought of principle of majority rule.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion of the Senator from Kennebec, Senator Speers, that House Amendment "A" be indefinitely postponed. The Chair will order a division. As many Senators as are in favor of the motion of the Senator from Kennebec, Senator Speers, that House Amendment "A" be indefinitely postponed will please rise and remain standing until counted.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS: Mr. President and Members of the Senate: The only question I have is that if you have got an even number of members on this commission, I am wondering whether we might run into problems in a tie vote on some occasions, and I wonder if this was considered by the committee.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: We considered this in the State Government Committee: The highest decision-making body in the State of Maine, the Supreme Judicial Court, has six members, and the rule is that if there is a tie vote then whatever the motion is does not prevail. I don't think that is a problem at all. We did consider that the only way to get a balance between the political parties was to have an even number. I don't think that really presents a problem, and I think it is the only way to maintain the political balance that you really want on a committee of ethics and that I think you need.

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

Mr. BERRY: Mr. President and Members of the Senate: I am sitting here trying desperately to find the logic for having equal representation on a partisan basis, and I don't understand why we don't have all our committees on such a basis. Perhaps the good Senator Brennan and Senator Clifford, and I must include Senator Speers in that honorable group, would explain why we don't make all our committees on that basis.

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

Mr. SPEERS: Mr. President, I think the feeling of the Committee on State Government was that this subject matter is a matter which could be peculiarly subject to political maneuvering, and we would not wish to have an ethics committee which could be subject to the thought that a majority party, whether it be the present majority party or some other majority party, would be using this matter solely for

political gain. For that reason, we felt that there should be an equal number from both parties on this committee.

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

MR. BERRY: Mr. President and Members of the Senate: Well, that is just a beautiful situation: we have decision coming from this committee based on a partisan rationale and with no decision coming out of the committee. I think we are getting now right to the nub of the problem. Somebody has got to stand up and be counted on this ethics problem.

Now, as I look back over the past three or four years when we have first coped with ethics, I have yet to see in any way, shape or manner in the cases with which the ethics committee has been dealing any single even mention by every single member of the ethics committee. So I don't think partisanship is a problem.

I do think that if we compose our ethics committee equally balanced between the two parties we are going to create a partisan ethics situation. I think this is just exactly what is going to happen. So, much as I agree with the main thrust of the position, I quite frankly don't feel the basic bill is going to work.

While I am on my feet, I do want to disagree very much with Senator Richardson of Cumberland. I think one of the basic concepts of our American system of operation, politics and the judicial operation, is trial by people who have equal interests, equal knowledge, equal responsibility, equality in every single thing and, to keep it within the legislature, I want to commend the Committee on State Government. You have grabbed the problem and you solved it right there. That was the most important decision.

But I don't think we should try to say that in any way can we evade the responsibility of leadership or majority control. If we are going to come out with even decisions on the ethics committee, equally for or against the decision, A, you are not going to get a decision because it has been divided and, B, you have thrown in the fact that when you vote you vote as a Republican or you vote as a Democrat. This isn't the way you want to vote. You want to vote as a legislator.

So personally I am against the amendment and I am basically against the bill.

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

MR. BRENNAN: Mr. President and Members of the Senate: Just very briefly, I think that if you let the minority leader in the House and the Senate appoint their members, they can appoint what they think are the strongest members as far as their party is concerned to that type of a committee, rather than having a situation where the presiding officer of the respective body can sort of, you know, appoint sweetheart type members that really aren't going to do the best job. I personally feel that the minority leader ought to be able to appoint the minority members of the respective committees. I think it makes much more sense and I think it would develop more two-party strength. I see no reason why you shouldn't.

THE PRESIDENT: The Senator from Kennebec, Senator Speers, asks leave to speak a fourth time. Is there objection? The Chair hears none, and the Senator may proceed.

MR. SPEERS: Mr. President and Members of the Senate: The precise same argument could be made in the reverse, that the presiding officer could appoint those individuals in the minority party whom he feels would be the best individuals to serve on this type of a committee, whereby the minority leader could appoint his so-called sweetheart members. So it is really not that kind of a decision to be made. The decision to be made is whether or not the presiding officer of this body and the other body are going to have the power of appointment as they should have.

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

MR. CLIFFORD: Mr. President and Members of the Senate: I hope the reference to "sweethearts" has nothing to do with the issue discussed in the Senate yesterday.

Mr. President, I would point out that as it pertains to a committee with an even number of members, the most

important committee in the legislature, the Committee on Appropriations and Financial Affairs, consists of 10 members, which is an even number. And I think the amendment really puts into effect what in fact is the practice anyway, and that is the minority leaders in fact making the appointments, although not officially, of the minority members to the committees. So what we are really doing, it seems to me, is putting into effect what actually happens now anyway. Thank you.

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

Mr. TANOUS: Mr. President and Members of the Senate: The 10 member committee has always been the number until approximately four years ago. I think the point there is that the committee members are not the final decision-making body on a particular bill. I mean, the legislature remains to decide the ultimate decision on any proposal, so the committee report, even though it may be even, certainly would not have the same impact as an even vote on the ethics committee. Really I can't visualize how you are going to come out with any decision if you are going to be divided on an equal basis all the time. I mean, you would have an impasse and there would never be any decisions coming out of the committee, resulting, in my opinion, again in the appearance of a sham on the part of the ethics committee, and this is what we should be avoiding.

I think the bill ought to be amended to make it an odd number so you can at least have the hopes of a decision one way or another.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: Every single word that has been spoken in this Senate this morning dramatizes, underlines the fact that the members of the legislature should not be sitting in judgment on questions of conflicts of interest involving their own members. Now we have gotten into a discussion of the possibilities of petty partisanship creeping into the decision with respect to

whether or not a legislator has a conflict of interest. The last thing, the last thing the problem of legislative ethics needs is a generous dosage of partisan politics.

Mr. President, is it appropriate to move that the bill and all accompanying papers be indefinitely postponed?

The PRESIDENT: It is very much in order.

Mr. RICHARDSON: I so move.

The PRESIDENT: The Senator from Cumberland, Senator Richardson, now moves that Bill, "An Act Changing the Membership of the Legislative Ethics Committee", be indefinitely postponed in non-concurrence. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. BRENNAN: Mr. President, I would ask for a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President, I would request a roll call.

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those members 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 Cumberland, Senator Richardson, that Bill, "An Act Changing the Membership of the Legislative Ethics Committee", be indefinitely postponed in non-concurrence.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: Very briefly, I would urge a vote against the motion to indefinitely postpone the entire bill and all accompanying papers. I would hope that should those of you who feel that the legislative ethics should be decided by others than the legislature itself would be willing to introduce a constitutional amendment to provide precisely that, because that is what it would take, and

we can argue about that at some future point.

At the present point I think this particular bill does improve the situation by taking the membership of the legislative ethics committee out of the hands of the leadership and into the body itself.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Richardson, that Bill, "An Act Changing the Membership of the Legislative Ethics Committee", be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

YEAS: Senators Anderson, Berry, Cox, Graffam, Haskell, Hichens, Huber, Richardson, Sewall, Shute, Tanous, MacLeod.

NAYS: Senators Brennan, Cianchette, Clifford, Conley, Cummings, Danton, Greeley, Henley, Kelley, Marcotte, Minkowsky, Roberts, Speers, Wyman.

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

A roll call was had. 12 Senators having voted in the affirmative, and 14 Senators having voted in the negative, with seven Senators being absent, the motion did not prevail.

The PRESIDENT: The pending motion before the Senate is the indefinite postponement of House Amendment "A". The Chair will order a division. As many members as are in favor that House Amendment "A" be indefinitely postponed will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 17 Senators having voted in the affirmative, and eight Senators having voted in the negative, House Amendment "A" was Indefinitely Postponed and the Bill Passed to be Engrossed in non-concurrence.

Thereupon, under suspension of the rules, sent down forthwith for concurrence.

Senate Ought to Pass

Mr. Sewall for the Committee on Appropriations and Financial Affairs on,

Bill, "An Act Making Additional Appropriations for the Expenditure of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1974 and June 30, 1975 and Changing Certain Provisions of the Law Necessary to the Proper Operation of State Government." (S. P. 966) (L. D. 2609)

Reported pursuant to Joint Order (S. P. 959) that the same Ought to Pass.

Which report was Read and Accepted and the Bill in New Draft Read Once.

Under suspension of the rules, the Bill was then Read a Second Time.

Thereupon, on motion by Mr. Sewall of Penobscot, tabled pending Passage to be Engrossed.

Enactors

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

An Act Relating to Conflicts of Interest and Purchases by Governmental Units. (H. P. 2080) (L. D. 2603)

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

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

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

Mr. MINKOWSKY: Mr. President and Members of the Senate: This particular bill which puts Kennebec County in the ambulance business, basically in competition with the private sector of business, I at this time do not feel is a very proper thing to do.

I would like to call very briefly the Senate's attention to the report from the Attorney General again which apparently had been clarified in part insofar as the constitutionality of this particular document, but it has not clarified the final paragraph, in my estimation, which says basically, even assuming the constitutionality of an assessment, there is no indication in this resolve as to how an assessment is to be determined, No. 1, the basis for the assessment, nor how long the

assessment shall continue. I really think this is of paramount importance, and this is the major thrust as to why this is really not in the best interest of the people in Kennebec County.

The second item I think I would like to refer to very briefly again is the Progress Report No. 1 from the C.H.I. Systems which, in essence, took all the statistics from the existing ambulance service in Kennebec County. I think that these people found the statistics so good that they decided really not to have this particular publication go any further. It was most unfortunate really because what we are doing in this particular case is setting up a competitive ambulance service against the free enterprises system.

If I could see justification for this, I certainly would be one of the many people who would endorse this particular proposal. But as we have discussed so many times in this special session, the trials and tribulations of the small businessman — and I think this was brought out very clearly yesterday when we were discussing the truckers — these people have got a substantial investment tied up in this business, and I think they deserve the consideration of this legislature insofar as giving them ample time for which to work out their differences.

Now, as you may recall, this emergency clause had been removed because, as I have previously stated, there is no emergency existing in Kennebec County as you have an adequate, dependable, reliable service. Now, we are only nine months away from a regular session, and this particular bill, if it should be passed, will be only six months away from the regular session. In my estimation, their differences can be ironed out in this segment of time.

Mr. President and Members of the Senate: Because of the humility I possess for the people of Kennebec County, I am not going to ask for the indefinite postponement of this bill, but I am going to simply ask that since you have weighted, evaluated, analyzed and disseminated this thing, I am sure, in all the debates that have materialized, I would simply say that I hope you would

vote with me in not enacting this particular measure.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: I feel it is my duty to disclose to the legislature my position on this issue. The owner or principal stockholder of the private enterprise, the person who is in business now in Kennebec County, has a case which is being handled not by myself but one of my partners in my law office. The case is the only case we are handling for the individual, and the case in no way is related to this bill. I have refrained from voting prior to this on these issues because of the appearance of a possible conflict of interest. But I felt, the more I thought about it, that Mr. Clark, who is from my area, was not getting the kind of representation in Augusta that perhaps he thought he should be getting since I represented his area. Because of that, I took this matter to the Ethics Committee for an informal advisory opinion. The Ethics Committee indicated they felt there was no conflict of interest. I feel there is no conflict of interest. I wanted to get this on the record, and I intend to vote on this matter. Thank you, Mr. President.

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

Mr. SPEERS: Mr. President and Members of the Senate: This bill has been bandied back and forth between the two branches of the legislature, and every time that it has been in this branch it has been debated, so I certainly don't wish to add a great length of time to that debate. But I think there are certain salient facts about this bill which should be pointed out, and pointed out very strongly.

In the first place, it does not, as the good Senator from Androscoggin, Senator Minkowsky, mentioned, it does not put Kennebec County into the ambulance business. This is enabling legislation. It enables the people of Kennebec County, if they so desire, to contract for an ambulance service. It is just as simple as that. It is a home rule measure. If the people of Kennebec

County wish to contract for an ambulance service, they may do so.

The emergency clause was removed, as the good Senator from Androscoggin, Senator Minkowsky, so very well knows, not because there is no emergency situation in existence, but because the two-thirds vote necessary, because of the very effective, strong, deliberate lobbying effort that has been made — and I take my hat off to him; he represents his one constituent very well — and the two-thirds vote was not there. That does not remove, however, the sense of urgency that those of us who live in the rural areas of Kennebec County feel about not having an ambulance service available to the adequate extent that we feel it should be available.

I in no way wish to derogate the service that is provided by Ace Ambulance to the extent of their ability, but their ability is very limited. They are housed in Hallowell. It takes quite some time to get from Hallowell to Winthrop or to Monmouth or to Wayne or to Vienna or Mt. Vernon, or some of the other outlying areas of Kennebec County. It is as very simple as that. A young boy, very unfortunately, was run over in Winthrop last night. Fortunately, it was not that serious, but he did break a leg. The ambulance did come and he was taken in the ambulance. But I cannot help but think what would have happened if that individual had been more seriously injured. And what a tragedy it would have been if we had not had an ambulance available more quickly to take him and provide the care that he needed more quickly.

I would simply say again that this is enabling legislation enabling the people of Kennebec County to contract, if they so desire, to provide for further ambulance service. Mr. President, I would ask for a roll call and I would hope that by so doing we could get some of the individuals who seem to have disapproved from this body back in here to be counted on this vote.

I would also say that I consider this matter to have been lobbied on perhaps one of the most narrow of special interests that have been mentioned during this long legislative special session. This is a very special interest that is against this particular bill, and I

have no harsh feelings against the individual who owns Ace Ambulance — I don't even know the gentleman — but on the other side of this single one individual, the owner of this ambulance service, are the many thousands of residents of Kennebec County. I think if this body is to be responsible and to be responsive to the people of the State of Maine, it will vote for the enactment of this bill.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate: I hope I am not led to believe that those remarks made by Senator Speers were deliberate and cruel remarks. I would think he would be more broad-minded in his evaluation. I am not representing one constituent. In fact, Ace Ambulance Service is not a constituent of mine. He lives in District 13, but he services me in District 14 with the Towns of Richmond, Bowdoin and Bowdoinham. I don't look upon this as a narrow expression of treatment for a specialized service. Again, I look upon this as a very detrimental and cruel remark. I thought the Senator from Kennebec and the Senator from District 15 would be a more broad-minded person instead of stooping to this particular degree.

I am looking at this basically from the viewpoint of a person in the free enterprise system who has come to Kennebec County six years ago at the request of the undertakers in Kennebec County and has subsidized his own business and has borrowed a great deal of money to provide this service in Kennebec County. The carrot that is being waived in front of this legislature at the present time is \$100,000 to be given out to the various towns who decide to go into the ambulance business. That is why I brought out the remarks from the Attorney General's report, because there is no clear cut definition—

The PRESIDENT: The Chair would ask the Senator to defer until the Senate has a quorum.

The Senator may proceed.

Mr. MINKOWSKY: Mr. President, what basically it boils down to is this: why should the people of Kennebec County be compelled to pay additional

taxation to the county government, through municipal taxation, to get a duplication of service that is being rendered at the present time?

The Senator from Kennebec, Senator Speers, brings out about the young man or boy last evening who was apparently hit by a car in the Town of Winthrop, but he did not go on to elaborate exactly how long it took the ambulance to get there. I didn't even realize this had materialized, but I would say this to Senator Speers: in the Town of Winthrop you had eighty cases last year of ambulance service. 65 of those cases were at the three nursing homes that you have in your own immediate home town, and 15 cases were not all of an emergency nature. They were all handled very, very adequately.

If I am led to believe that Senator Speers is looking to have a satellite ambulance agency set up in his home town, I think he had better research exactly what the cost factor would be, because you are going to have eight full-time employees, plus the cost of the ambulance and the building. And to handle roughly 15 calls a year of an emergency nature, or possibly more than that, I don't think warrants subjecting the people of Kennebec County or any other county in the State of Maine to this type of expenditure.

Senator Speers talks about the lobbying job that has been done, but in all sincerity, it has not been a lobbying job. It has just been stating the facts as they are. I would say the lobbying job is being done mostly by the interests in Kennebec County, including the people who represent the Southern Kennebec County Regional Planning Commission. I sometimes wonder if their workload, which is being paid for by the taxpayer, is sufficient for them to spend their time up here lobbying, and I wonder if they are registered in that particular respect. The gentleman indicates yes.

I am not going to pursue this matter any further, Mr. President and Members of the Senate. I think we have stated over and over again, and very, very clearly, that this matter can be resolved, it can be resolved without any additional cost to the taxpayers of Kennebec County, and all I am saying is

let's let these people get together in the next six months before this bill is enacted into law, and I think you will see things working out very, very favorably under the contractual arrangement, without again involving additional monies of the various municipalities in Kennebec County that partake in this particular carrot of \$100,000. I ask for a division, Mr. President.

The PRESIDENT: A roll call has been requested. Is the Senate ready for the question? The pending question before the Senate is the enactment of Resolve, Permitting the County of Kennebec to Expend Money for Public Ambulance Service. 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 less than one-fifth having arisen, a roll call is not ordered. The Chair will order a division. As many Senators as are in favor of this Resolve receive final passage will please rise and remain standing until counted.

A division was had. 12 Senators having voted in the affirmative, and 11 Senators having voted in the negative, the Resolve was Finally Passed and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

Mr. SPEERS: Mr. President, I move the Senate reconsider its action whereby this Resolve was finally passed and urge the Senate to vote against the motion.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate reconsider its action whereby this Resolve was finally passed. As many as are in favor of reconsideration will please say "Yes"; those opposed "No".

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

Emergency

An Act Providing Funds for Maine Vacation Travel Services. (S. P. 952) (L. D. 2604)

This being an emergency measure and having received the affirmative votes of 22 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.

Emergency

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

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

(Senate at Ease)

Called to order by the President.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table:

An Act Relating to Salary, Expenses and Travel of Members of Legislature. (L. D. 2463)

The same Senator then moved that the bill be Enacted.

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

MR. RICHARDSON: Mr. President, as a member of this legislature who has served three terms in the House, four years as Majority Leader of the House, and now completing my second year of service in what we all like to refer to as the upper branch, I first want to say that I have never, in my recollection, ever voted against a legislative salary increase. I have consistently supported them because, in my judgment, it is essential that we not make elective office the special province of the well-to-do or those who are living on some sort of a retirement income that permits them to serve here. We must instead do everything we can to encourage working men and women to serve in the legislature. But I must protest this bill which talks about taking \$633,100 at this point in time to pay the members of the legislature in the coming session, in addition to the salaries, allowances and expenses they already receive.

You may ask why I am so bitterly opposed to this. The answer is because I

know that the leadership has made a decision not to pass L.D. 2158, which would have broadened the sales tax exemption on machinery used in manufacture, and I think that is a tragedy. At this point in time, when Maine to a unique degree is suffering unemployment and the threat of increasing unemployment because of the energy crisis, because of our unique position geographically, because of the transportation problem that has nagged our efforts to provide decent employment opportunities for Maine people, I think more now than at any other time it is important that we, as elected officials, provide leadership. And one of the things that I think we ought to provide is leadership in being willing to accept the realities of the present crisis in Maine, and we ought to be providing the moral and political leadership to assure that this crisis is at least met.

The bill that I have introduced would provide a tax incentive to Maine business, large and small, and most particularly small, to re-equip and modernize and expand. The bill, L.D. 2158, would broaden the sales tax exemption on new machinery used in manufacture, which we passed in the last session, to include used machinery, new to the Maine purchaser, used rebuilt machinery.

Now, with all the political rhetoric that is going around today, I tell you that the capacity of the State of Maine to effect jobs and employment is perhaps nowhere more significant than it is in the area of how we tax Maine business. When all the self-aggrandizing publicity is over, when you boil it down, the reason you travel to places like Greensboro, North Carolina and other parts of the south and see chunks of Maine's textile and shoe industry down there, one of the principal reasons they are there is taxes.

I am appalled that we are talking about killing legislation to provide an incentive to Maine business to re-equip and modernize and improve itself, and at the same time we are talking about a pay increase amounting to more than \$600,000 in pay and expenses.

The people of this state have a right to expect from us leadership, a willingness

to say we will take the lead, we will accept the sacrifice, we will accept the hardship, and we will help you.

Maine is at an extraordinary disadvantage in the energy crisis because the impact here is economic. We have some of the most regressive tax laws in the country as applied to business and to competitive free enterprise. And I am not talking about reducing the taxes that are paid by Maine industry. I am instead talking about placing the taxes on their ability to make a profit. Unless we do something constructive now in this area, I believe we are going to worsen, we are going to exacerbate, the unemployment situation in Maine. We need before next winter the necessary incentives to encourage Maine business to do everything it can to make itself more competitive with businesses in other states. And if we turn our back on this legislation now, I think we will rue the day when we, as legislators, gave way to the impulse to correct our problems at the expense of the problems of Maine working people.

This bill before you, L.D. 2463, presents a very difficult choice for me and for you, because I know legislators are underpaid. I know that. There is no question in my mind about it. But there is a more important issue, and that is given a choice that you have right now today, given a choice, who are you going to vote for? Are you going to vote for the legislators? All of us are here, and we all have a vote. Or are you going to vote to do the very best job you can to keep the necessary monies available on the Appropriations Table to fund what I think is a constructive program?

The Associated Industries of Maine, the Maine business people, small businessmen, the great majority of Maine business people support the legislation which is here before us because they recognize that we are at a tremendous competitive disadvantage with our surrounding states.

Now, whether you vote yes or no, you perhaps would refuse to characterize this issue in terms which I have chosen, but I think that is the way the people of Maine are going to look at it. Therefore, Mr. President, when the vote is taken on enactment of this legislative pay raise, I

request that it be taken roll call, and I urge every one of you to vote no.

The PRESIDENT: A roll call has been requested.

The Chair would ask the Sergeant-at-Arms to escort the Senator from Cumberland, Senator Berry, to the rostrum to assume the duties of President pro tem.

Theupon, the Sergeant-at-Arms escorted Senator Berry of Cumberland to the rostrum where he assumed the duties of President pro tem, and Senator MacLeod retired from the Senate Chamber.

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

Mr. SEWALL: Mr. President and Members of the Senate: I am very reluctant to rise, as I am sure you understand, to disagree with my seatmate and good friend, the Senator from Cumberland, Senator Richardson. However, I do think for the record that I should outline very briefly for you this legislative pay raise, what it consists of, and maybe some of the reasons at least that the Appropriations Committee and leadership felt that this item should be enacted.

I certainly agree with the good Senator from Cumberland that the removal of the tax on machinery is an extremely necessary thing to be done and, hopefully, at the next legislative session it will be done when monies are more available. Unfortunately, the removal of this exemption has been equated with a legislative pay increase. There are not too many items on the Appropriations Table which carry a price tag of the magnitude of both of these items, so that it might be natural to equate one against the other if the decision had to be made which would involve the kind of money we are talking about.

The good Senator from Cumberland was wrong in one respect, in that the price tag on the legislative salary increase is \$400,000 and not the \$600,000 that he indicated. The Appropriations Committee was given a report from a commission which was appointed by the Governor to study the entire spectrum of legislative pay rates, not only here in Maine but across the country. This

commission was comprised of some very outstanding citizens here in the state who worked long and diligently on this project. They gave the Appropriations Committee what we felt was a thorough analysis of legislative pay rates across the country, and they found that Maine was well down on the list of the 50 states.

It was hard for us to recommend that this bill be enacted, and we had considerable discussion about it in our executive sessions. We did not feel that we could adopt their recommendations in one legislative year so, consequently, we compromised to the extent of recommending the funding of half of the increase to take effect in the 107th and the additional to fall in during the 108th.

At the present time, as I am sure you are all aware, we are paid \$2,500 for the regular session of the legislature, and for the special session we are paid \$1,000, plus \$25 a day. The expenses are at \$8 and \$10 for food and lodging at the present time. The Appropriations Committee recommended that for the regular session, commencing with the 107th Legislature, that the pay be increased to \$3,750, an increase of \$1,250 a year. And again, at the special session the rate would be at \$1,000, plus \$25 a day, which is the same as at the present time, and the expenses be increased from the present \$18 to \$25 per day, which would seem reasonable in light of the ever-increasing costs to live here in Augusta.

Then came 108th Legislature, the pay would be increased to \$5,000 for the regular session, with the \$1,000 and \$25 per day for the special session.

Of course, many suggested that we include in our bill an amendment which would make a reduction in the size of the House of Representatives a part of this package, but we did not feel this was within our province. And though many would concur that the other chamber may be somewhat larger than good government would indicate that it should be, nevertheless, we did not feel that we could include this within this bill.

It is too bad that many people here in the state are precluded from service here in the legislature because of the low rate of pay which is paid legislators. I honestly believe this is the case, not only

for the pay but for the expenses. At the present time a considerable hardship is placed on those who are willing to devote nearly a third of their time in any two-year period to serving here in Augusta.

I am sure that politically it is not a very good posture in some people's minds to recommend a pay raise for legislators but, nevertheless, the committee felt that this was a worthy item and should be adopted. So I do oppose the motion of the good Senator from Cumberland and hope that this bill will be enacted.

The PRESIDENT pro tem: The question before the Senate is enactment of L. D. 2463. The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate: I would congratulate the good Senator from Cumberland, Senator Richardson, because I think what he is saying in fact does have a lot of merit, but I think it is also true, and unfortunate in a sense, that the good Senator didn't have the opportunity of sitting on the Appropriations Committee with myself and the other two gentleman from this body, along with the membership from the House. Commencing with the day we began, until the present time, the Appropriations Committee has had to make many difficult decisions. When we relate to the tax write-off as far as machinery is concerned, we can also relate to the supplemental budget that was passed yesterday morning. I would particularly point out that in that budget document, when people were coming before the legislature and before the Appropriations Committee, and we had hundreds appear before us in testimony, to increase the needs of AFDC families to the standard need of the year 1969, it was required to have \$5.1 million, and the Committee could not possibly go along with that amount of money. So we enacted it by giving them a 30 percent increase starting April 1st of this year. And as we began to commence work on the documents before us, we found again that additional revenue was needed. So we went back into session and pulled out the carving knife and lopped off from

April 1st to July 1st, which was a reduction of 800 and some odd thousand additional dollars from that act.

Yesterday morning we found ourselves in another difficult predicament, needing an additional \$655,000 to help finance the S.S.I. program. Once again we went in with a carving knife and we took again from AFDC an additional large sum of money by again further postponing the July 1st deadline to September 1st of this year.

What I am trying to say, and I hate to use AFDC as a program because I know that most people have a gut reaction toward it, but what I am saying is that it is a human need program. It is certainly one that when you start thinking of children you disregard the thought of the mother and the father and all the stories that are raised about them out drinking and so forth. What we are concerned primarily with though is that somehow or other we do hope and pray that the children are going to get the benefits from these programs.

I think we have done quite a bit for some of the businesses in this special session of the legislature, and I think we did very well by business and industry during the regular session of the legislature. And I think that if there is one thing that is probably needed, as the basic foundation of democracy, is to try to have people serving in both branches of this legislature that do truly represent the people of the state. I have heard the Senator from Kennebec, Senator Katz, state more than once on the floor of this Senate that he has been proud and delighted to have served in this body in this particular session because he feels that this is one of the greatest Senates that he has ever served in. And gentlemen and ladies of this Senate, I can concur, I think, that individually each of you can be proud of having served here and I think you are decent fine living people. But when I start to think of people who would like to actively become involved in government, when I think of the sum of money that the state is paying for its representation here, I think it is a crying shame. I think when we look at the \$17 a day expenses, that that is a deplorable condition because it is obvious to anyone who just has one meal a day, say the main meal at

suppertime, it more than absorbs the pittance of an allowance that is given to us. And if you stay in one of the motel rooms around Augusta, we know that at the end of the week when you check out your bill far exceeds the allocation again that is given to you.

If we are going to have any type of broad based representation in the Senate or in the House, we have to be able to at least bring the expenses up to a point where people can at least afford to stay here.

Now, the good Senator from Penobscot, Senator Sewall, I think did an excellent job in stating the position of the Appropriations Committee. And we have to commend also the commission that was established and held public hearings throughout the state and the time that they spend as private citizens who recognized the fact that we are one of the poorest paid legislatures in the country. And I can concur with the remarks made by the good Senator from Cumberland, Senator Richardson, that the House should be cut, but to use this bill as a vehicle or to try to push through reorganization of the legislative bodies tied to a pay raise is an impractical and impossible thing to do.

I think the question really is: how many members of this Senate are like myself and perhaps one or two other people in this body, who have to work on a weekly basis and get paid on Fridays, or whatever day it is, and are able to come here? Most of you are self-employed and really have no serious financial problems. And I am not in any way pleading poverty for myself because, as far as I am concerned, the legislative salary thing is only one part of it. The important factor of this thing, I think, primarily is the expenses. I think if we are going to give an opportunity to those who want to serve in government, to have a voice in government, then I think the only way to do that is to enact this bill currently before the Senate.

The PRESIDENT pro tem: The Chair recognizes the Senator from Penobscot, Senator Cummings.

Mrs. CUMMINGS: Mr. President and Members of the Senate: I, for one, would like to say to the Senator from Cumberland, Senator Richardson,

bravo. I can't believe that an increase in salary will result in any better bills or that any better decisions will be made, or that the citizens of the State of Maine will get any better government. The Senator from Penobscot, Senator Sewall, mentions that we are well down on the list as far as our legislative pay is concerned, but aren't we also well down on the list as to our population? We are certainly well down on the list as far as income per capita, and we are away down on the list as far as the percentage of employed. I think the timing is extremely bad for a pay raise at this particular time, and I would like to vote against this bill.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I appreciate that it is not politically prudent to support legislative pay increases, particularly if one is running for major office in this state, but I can't go around this state, as I have for the last seven or eight years, and talk about upgrading the legislature, talking about strengthening the legislature, talking about giving everybody an opportunity to serve in the Maine Legislature, and then oppose one of the biggest stumbling blocks. We have a situation in this state where many legislative seats go by default.

I would just like to read a few excerpts from this commission. Now, this commission is composed of several people who served in the Maine Legislature. First there is Dr. Richard Morgan, a professor at Bowdoin; Mrs. Brooks Brown; Joseph Delfonso; former Senator Floyd Harding; Mrs. Mark Knowles; Mrs. Willard Linscott; Robert A. G. Monks; Mrs. Robert Robinson; Mrs. Philip E. Tukey. I think these people have some experience with government, many of them know a great deal about money, and they recommended more than this increase presently calls for. But just to read some of their excerpts which I think are quite accurate: "Far too many income, employment and age groups are prevented or discouraged from serving. While it is clear to the commission that

no conceivable scheme of compensation can make it possible for all Maine citizens to serve in the legislature with equal ease, the fact that perfect equality of opportunity is impossible should not prevent us from reducing somewhat the present gross inequalities. Not only does the present token compensation severely restrict service in the legislature, it also places very undesirable burdens on the time and energies of those who do serve at present and are dependent on one or more jobs to maintain themselves.

"The commission heard of nightshifts, week-end work, the present searches for temporary out-of-session employment to replace the job lost because an employer could not retain a man or woman who had been away during the session. Clearly this discourages many from serving. It should be emphasized that the only reason we do not find much more of this in the present legislature is that so few persons of modest means and with family responsibilities try at all.

"The modest salary increase of the legislators of the 107th which this commission recommends will not alone be adequate to sustain a man or woman with family responsibilities. Such a person will still have to find some employment out of session, but our proposal will relieve some of the grinding, hand-to-mouth problems which some legislators now experience in piecing out a survival income. Testimony also indicated that it would be easier to recruit able candidates as legislative compensation was increased."

I happen to feel that there were many bills that took the count this session on which the result may have been different if we had an upgraded legislature. I am talking about retail price fixing and milk, I am talking about drug advertising, I am talking about the Grand Plantations. I think some of those results might have been different if we had a wider spectrum of people representatives in this body, so I will support that pay raise.

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

Mr. SPEERS: Mr. President and Members of the Senate: I would like to

commend both of the good Senators from Cumberland, Senator Richardson and Senator Brennan, but I would hate to have the impression be given, as I am afraid it was by the good Senator from Cumberland, Senator Richardson, that this legislature has ignored the plight of businesses that are faced with the pressure of moving southward to gain better tax breaks and that we have therefore turned our back on the working man.

I would like to make it very clear that this legislature responded very positively to precisely the concern of the good Senator in the regular session when we enacted legislation which did provide for the sales tax exemption on new machinery. I think that that was a very significant tax break for these businesses. I would like to ask whether or not there is any figure which the good Senator has as to how much of a saving this would be to any one particular industry in the State of Maine, and whether or not that saving is significant enough to be a factor in its decision to move away from the State of Maine or to seek business elsewhere. I don't feel that the particular bill that he has been referring to is going to save that much to any one particular factory or business in the state. We have already provided for a major tax break for these businesses and responded very positively to just the type of thing he is discussing here.

The good Senator from Cumberland, Senator Richardson, also did mention the very reason why, I feel, this bill should be enacted. He mentioned that the legislature should not be the special province of the well-to-do. And the good Senator from Cumberland, Senator Brennan, in reading from the report of the Legislative Compensation Commission, spoke words which I feel are a great tragedy to democratic government when he said that so few persons try at all. I feel that really is the very heart of the problem that we have at the present time, that so very few persons try at all. I would certainly support the enactment of this particular bill.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: The distinguished Chairman of the Appropriations Committee, Senator Sewall, says that it is too bad that a lot of people are precluded from service in state government, and the Senator from Cumberland, Senator Brennan, suggests the same. As I attempted to point out in what I thought was a very openhanded and fair manner, I recognized the fact that there are very compelling arguments on both sides of this question. Those of us who have served together for so many years in the legislature recognize the fact that the Senator from Cumberland, Senator Richardson, at least, is one of those who says that legislators are underpaid, that their salaries should be increased, and that we should make legislative service available for all Maine people, regardless of their income standards. But just as it is too bad that people are precluded from service in the legislature on occasion by reason of economic hardship, I think it is also too bad that our unemployment rate is soaring.

I think it is also too bad that our income that Maine working people are able to earn in too many instances is insufficient to provide them with the decent basic necessities of life, that too many Maine people live in substandard housing, and I think that is too bad. And I am asking you to make a judgment now, today, as to where your vote is going to fall on the question of whether or not we try to do everything we can to provide more jobs for Maine people, or do we instead enact a salary increase now for Maine legislators who will serve in the next session.

If there is no urgency, if we are suggesting that we are going to wait on the unemployment problem, then let's wait on this problem. Let's go back, for example, as Senator Brennan mentioned, the legislation that he is disappointed about. I am disappointed that you didn't see fit to grant \$50,000 of state money in order to create a one-half million dollar mass transit program for Maine. I am sorry about that too, while we are on the sour grapes kick.

Now, I am sorry that I didn't have before me the engrossed copy of this bill.

The price tag on this bill which is now before you is only, only \$400,976. Ordinarily our very efficient ladies that work here in the Senate with us, and who are our friends, keep me straightened out by putting the relevant engrossed copy of the bill right in front of me so that I don't get mixed up. Apparently they didn't do that today. But they did today just hand me two checks, just as each of you just received your pay and allowance checks. Mine totaled, which I received just a couple of minutes ago, \$186.08. Now come on, we can get along for a few more months on pay at that kind of a level.

I commend the Commission on Legislative Salary for looking very carefully at this question. I agree that legislative salaries ought to be increased, but in this time when everybody in the State of Maine is being victimized by the energy crisis, when every one of us, political candidate or not, ought to be concerned about what the future is going to be, I think that we ought to make a choice between priorities. And we ought not to be burdening an already dangerously burdened general fund with an additional \$400,000 recurring appropriation.

This bill not only provides for increasing salaries to \$6,000 a year and increasing the other allowances, but it also provides that the presiding officers of each of the branches in this legislature will receive compensation 50 per cent in addition to that which is paid to the other members. Of course the leadership ought to be compensated more for the additional hours of work, and I might say the additional agony of being in a leadership position, but I don't think that this is the time to do it. In short, I think this is the wrong increase at the wrong time and I urge you to vote against it.

In all sincerity, today's vote is a vote that is going to decide whether or not Maine business, small business and all other kinds of business, are given the tax incentive that will encourage them to become competitive with business in other states. The Federal Reserve Bank in Boston did a study of Maine tax laws and tax laws in other states as applied to business a few years back, and Maine is

one of the most regressive states in the nation. If you want to know why we have poor employment opportunities for Maine people, that is the most significant villain that anybody could pick out. Everybody is agreed on it.

There is a business down in Gorham that would not have located here in the first place if it hadn't been for the action of the last session of the legislature, and with the provision that this kind of legislation would be encouraged to expand to provide more and better employment opportunities.

My final comment is: don't match up the tax reform legislation against this particular bill, but take a look at all of the other things that we ought to be doing with \$400,000 besides voting a pay increase.

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

Mr. HENLEY: Mr. President and Members of the Senate: I hope you will indulge me for a few moments on this, possibly the last day of my attending session in a group of people, in a body, which I hold in tremendously high respect. Do not be surprised also that I am going to vote differently than I did last time the pay raise came up.

Don't be surprised that even though I have been disagreeing some with my very good friend, the Senator from Cumberland, Senator Richardson, that this time I am going to vote with him. I am going to oppose this pay raise. You may be surprised to know that I appeared before this same commission and recommended, I discussed it at some length, a pay raise for pay and allowances, and that my specific recommendation is very, very similar to what came out as their recommendation. You will not be surprised, of course, to realize, as I do, that things across the state and across the nation have changed somewhat in the past six months.

I voted for a pay raise and spoke for it in the other body before. I stated that we needed to get a better financial posture for prospective members of these two bodies, to enhance it, to encourage younger individuals, both men and women, to aspire to this body or the

other body. But I had also hoped, and this time I am agreeing with the news media, which I don't do often, that the other body should have been reduced to size and that they should have quite a bit more pay to compensate for it. But, as I say, there is a lot of water gone over the dam.

We all realize the curtailment of revenue in the state this year. I have been very proud in my nearly eight years in both bodies of the legislature. I think that legislators, possibly across the land but much more so in states like ours, are underpaid, and consequently they have to be dedicated. We come from all walks of life, and you have to be dedicated in order to serve because the compensation is not sufficient to warrant it otherwise. But I am very proud of the body that we have. I feel that the legislature in the State of Maine is outstanding in its not needing, for instance, such bills as our ethics bills, which are going through because of the trend. We have, I believe, outstanding honesty in both parties in this legislature in both bodies. And again, I have all my life, since I was a little shaver and was introduced to a Senator serving in this body at that time in the Town of Lovell — I have never forgotten how proud I was to shake hands with a Senator from the Capitol — and I am still just as proud of the people of this body that I am privileged to serve with.

I feel, because of the dedicated way in which we serve, that today in making this decision we have got to refer to our own individual feelings in the matter. Last fall before this session, I made it a point through invitation also to attend a few meetings of a group of other dedicated people in the State of Maine, foster parents of otherwise homeless children. I went into the homes of some of these foster parents, they weren't always tremendously tidy because a lot of these foster mothers had all the way from three to five or six children around, little children, and of course sometimes they got in the way, sometimes they were dirty, sometimes they were fussy, but I was shown that if it weren't for the fact that they loved children, wanted children around, put themselves out tremendously, and in a good many cases

month by month taking money out of their pockets and using their own funds, they wouldn't have had these children, and the children would have been reverted to state control and possibly to orphanages. I insisted that I would try, in spite of my conservative viewpoint, to get them more money. I think we did vote them some more money, but with this SSI thing that came up yesterday, I wondered just how much the Appropriations Committee had to cut into this already arranged budget, and I wondered if these foster parents were going to suffer. Some of the small increase that was granted to them.

I feel that as far as I am concerned, one will say well, you are not coming back to the legislature so you don't care. I think that if I was coming back, if I was running for office, I still would not be able to go back and meet these foster mothers and fathers on the streets in my town and say, well that \$400,000 that is going to help increase your pay could have gone quite a ways towards giving us not \$65 a month to take care of, clothe and medicate, and wipe the noses of these little kids, but it could have given us a few more dollars each month. I know this is an emotional thing, but we have a lot of foster children in this state. And through our efforts, in that one area of our Welfare Department, I think that money is very well spent.

Because we are having a tough year, because of the energy crisis and one thing or another, I am not as concerned with the businesses as I am with the fact that we are going to have a lessened amount of revenue, and I would like to see this raise put off maybe until the regular session, or maybe for a couple more years, until we get this thing squared around and we get our income back on a keel of annual expansion as it has been for the last, I don't know how many years, but all the years I have been in the legislature anyway, and quite an increase each year. This year I think we are going to lose. I think we are going to have less money rather than more. So I think again we, the legislators, should compromise and we should be last possibly to get in on the goodies. It reminds me a bit of some of my military career, and any of you who

have been officers in the armed forces, especially commanders of troops, will recall that in field conditions, regardless of what other people may think, usually in the units, especially the field unit of a platoon and company, the commanding officer is the last man to eat. It doesn't matter if the outfit hasn't eaten in three days, the commanding officer waits until his men are fed, or at least until they are pretty well fed, before he goes and gets a mouthful. Believe it or not, at least in the old army that was done. So I feel that we here in the legislature should continue to be dedicated for another few years and forego this pay raise until such time as our economy spruces up a bit. So I shall vote against this pay raise.

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

Mr. JOLY: Mr. President and Members of the Senate: As one of the more conservative members of the Senate, I would like to say that I am going to vote in favor of this pay raise. We have often talked about you get what you pay for, and what you get for nothing you don't get very much. But in spite of that, I think we have been very lucky in the Maine Legislature over the years, in spite of our low pay, with the caliber of people we have in both the House and Senate. I have never served with a grander group of men and women than I have in this Senate, and I know that any pay raise wouldn't improve the caliber of this Senate, it couldn't.

But what I am thinking about are the people that own a small business, the small farmer, and if he had the pay schedule of what is being proposed, there would be enough so that he or she could hire someone to take their place while they are serving down here. They wouldn't make any money out of it, but still break even.

I would be totally against and always will be against salaries in comparison to some of our larger states when you have what they call a professional politician. I don't think Maine ever wants that. We don't need it and we don't want it. But what the salary increase amounts to here is a very modest one, and it would handle this problem of recruiting more people to run. I know, because I have

been in the recruiting business for some time and believe me, it is hard, it is very hard, and money is one of the reasons, no question about it. Some of our younger people just cannot do this. They are just starting out, some of them, with their wives teaching school. If they had a salary of the amount we are talking about, it would enable them to do it too, and I certainly think the more young people we have in the legislature the better too. We certainly have had some fine young people in both parties in the House and Senate in this term. When the time comes, Senator Katz, my esteemed seatmate, who I just left at the airport, — he is flying south and I just flew down from Waterville — would vote against the bill, so I request that my vote be paired with Senator Katz's.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: It is my understanding that the Senator from Cumberland, Senator Morrell, were he present, would vote "Yes", and it is my intention to vote "No". I request permission that my vote be paired.

The PRESIDENT pro tem: The pending question before the Senate is the enactment of L. D. 2463, An Act Relating to Salary Expenses and Travel of Members of the Legislature. 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 Senator from Kennebec, Senator Joly, states that if the Senator from Kennebec, Senator Katz, were present, he would vote against enactment of this bill, and Senator Joly of Kennebec will vote for it. Senator Joly requests to be excused from voting. Is this the pleasure of the Senate? It is a vote.

The Senator from Androscoggin, Senator Clifford, states that if the Senator from Cumberland, Senator Morrell, were present, he would vote for the bill, and the Senator from

Androscoggin, Senator Clifford would vote against the bill. The Senator from Androscoggin, Senator Clifford, requests permission to be excused from voting. Is this the pleasure of the Senate? It is a vote.

The pending question before the Senate is enactment of L. D. 2463, An Act Relating to Salary Expenses and Travel of Members of the Legislature. If you are in favor of enactment you will vote "Yes"; if opposed, "No".

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Berry, Brennan, Cianchette, Conley, Cox, Danton, Haskell, Hichens, Marcotte, Roberts, Sewall, Speers, Tanous, MacLeod.

NAYS: Senators Cummings, Graffam, Greeley, Henley, Huber, Kelley, Minkowsky, Richardson, Shute, Wyman.

ABSENT: Senators Cyr, Fortier, Olfene, Schulten.

A roll call was had. 15 Senators having voted in the affirmative, and 10 Senators having voted in the negative, with four Senators being absent and two Senators excused from voting, the Bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

(See Action Later in Today's Session)

The PRESIDENT pro tem: The Chair would ask the Sergeant-at-Arms to escort the presiding officer to the rostrum.

At this point, the Sergeant-at-Arms escorted the President to the rostrum where he assumed his duties as President of the Senate, and the Sergeant-at-Arms then escorted Senator Berry to his assigned seat on the floor of the Senate Chamber.

The PRESIDENT: The Chair would like to take this opportunity to thank the Senator from Cumberland, Senator Berry, for his usual competent performance as President pro tem, not only this morning but on other occasions when he has taken the Chair. (Applause)

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table:

An Act Exempting Machinery and Equipment Used for Manufacturing and Research from Sales and Use Tax. (L. D. 2158)

On further motion by the same Senator, the Bill and all accompanying papers were Indefinitely Postponed in non-concurrence.

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

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the unassigned table the following:

Bill, "An Act Making Appropriations for the Expenditure of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1974 and June 30, 1975 and Changing Certain Provisions of the Law Necessary to the Proper Operation of State Government." (S. P. 966) (L. D. 2609)

Pending — Passage to be Engrossed.

Mr. Tanous of Penobscot then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-447, was Read.

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

(See Action Later in Today's Session)

Reconsidered Matter

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

Mr. BERRY: Mr. President, having voted on the prevailing side, I move the Senate reconsider its action whereby Bill, An Act Relating to Salary Expenses and Travel of Members of the Legislature, L. D. 2463, was passed to be enacted.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that the Senate reconsider its action whereby Bill, An Act Relating to Salary Expenses and Travel of Members of the Legislature, was passed to be enacted. Is this the pleasure of the Senate? As many Senators as are in favor of reconsideration will please say "Yes", those opposed "No".

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

On motion by Mr. Sewall of Penobscot

the Senate voted to take from the Special Appropriations Table:

An Act Increasing Mileage Allowance for State Employees on State Business. (L. D. 2076)

An Act Appropriating Funds to Carry Out Duties of the Director of Legislative Research. (L. D. 2140)

An Act Creating a Third Assistant County Attorney for Androscoggin County. (L. D. 2191)

An Act Providing Minimum Retirement Benefits for Certain Teachers. (L. D. 2267)

An Act to Establish a Small Grants Program for Municipal Conservation Commissions in the Department of Conservation. (L. D. 2320)

The same Senator then moved the pending question.

Thereupon, these being emergency measures and having received the affirmative vote of 23 members of the Senate were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table:

An Act to Increase Salaries of County Attorneys and Assistant County Attorneys. (L. D. 2341)

An Act Appropriating Funds to Provide for Secretarial Assistance to the Members of the Legislature (L. D. 2462)

An Act Establishing a Full-time Administrative Assistant for the State Parole Board. (L. D. 2494)

An Act Relating to the Statue, "The Maine Lobsterman." (L. D. 2509)

The same Senator then moved the pending question.

Thereupon, these being emergency measures and having received the affirmative vote of 24 members of the Senate, were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table:

An Act Relating to Standards for Selection of State Auditor and Duties of the Office. (L. D. 2538)

The same Senator then moved the pending question.

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

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table:

An Act to Correct Errors and Inconsistencies in the Education Laws. (L. D. 2488)

An Act Establishing the Office of Energy Resources. (L. D. 2375)

The same Senator then moved the pending question.

Thereupon, these being emergency measures and having received the affirmative vote of 24 members of the Senate were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table:

Resolve, Providing Funds to Settle an American Arbitration Association Award and for Extra Costs in Constructing a Fish Trap on the Union River. (L. D. 2264)

The same Senator then moved the pending question.

Thereupon, this being an emergency measure and having received the affirmative vote of 24 members of the Senate was Finally Passed and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table:

An Act to Establish a Pilot Rural Housing Rehabilitation Program. (L. D. 2303)

The same Senator then moved that the Bill and all accompanying papers be Indefinitely Postponed.

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

MR. BRENNAN: Mr. President and Members of the Senate: I rise in

opposition to that motion. This bill calls for \$75,000. A similar bill passed in the regular session calling for \$1 million, so it has been cut down to \$75,000. We all are aware of the tremendous housing problems in the state. This bill is not directed at new housing; it is directed at rehabilitating old houses.

A survey was conducted up in St. Agatha with some of the elderly people and they were asked whether or not they wanted a low income housing project, and they said no. In effect, what they said is that they would like to have their own homes rehabilitated.

Now with this \$75,000 I know we are not going to make Maine a perfect state for housing, but it would fund a pilot project in selected rural sections of this state. It is something that should be done. There is no question whatsoever about the need, and it is not calling for a great deal of money. And it is not a give away program; it would be loans. True, the interest to a certain extent may be subsidized in regard to the loans, but I do think we ought to take this step to do something about rehabilitating rural housing in this state. So I would oppose the motion to indefinitely postpone, and ask for a roll call.

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

Obviously less than one-fifth having arisen, a roll call is not ordered. The Chair will order a division. As many Senators as are in favor of the motion of the Senator from Penobscot, Senator Sewall, that this bill be indefinitely postponed will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 15 Senators having voted in the affirmative, and seven Senators having voted in the negative, the Bill was Indefinitely Postponed in non-concurrence.

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

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

Bill, "An Act Making Appropriations for the Expenditure of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1974 and June 30, 1975 and Changing Certain Provisions of the Law Necessary to the Proper Operation of State Government." (S. P. 966) (L. D. 2609)

Pending — Adoption of Senate Amendment "A".

The PRESIDENT: The Chair recognizes the same Senator.

Mr. BERRY: Mr. President, I question the germaneness of the amendment.

The PRESIDENT: The Senator from Cumberland, Senator Berry, questions the germaneness of Senate Amendment "A". Reluctantly, the Chair would rule that this amendment is not germane to the bill. This amends a private and special law, and has nothing to do with a bill making appropriations for the operation of state government, and the Chair would rule it not before the body.

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

Thereupon, the Bill was Passed to be Engrossed.

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

The PRESIDENT: The Senate will be at ease.

(Senate at Ease)

Called to order by the President.

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

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

Tabled—March 27, 1974 by Senator Berry of Cumberland.

Pending—Adoption of Senate Amendment "A" (S-448) to House Amendment "A" (H-801)

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

Mr. RICHARDSON: Mr. President and Members of the Senate: Because the

amendments to this legislative document are in somewhat of a state of confusion, and I really sincerely believe that we ought to try to work out a solution to this problem and a long-term policy with respect to the use of income from public lots located in plantations, I would move the indefinite postponement of this bill and all of its accompanying papers.

The PRESIDENT: The Senator from Cumberland, Senator Richardson, now moves that this bill be indefinitely postponed in non-concurrence. Is this the pleasure of the Senate?

Thereupon, the Bill was Indefinitely Postponed in non-concurrence.

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

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

Mr. RICHARDSON: Mr. President and Members of the Senate: I am sure that there is going to be a spate of farewell speeches, and I would like to make mine before lunch instead of after lunch.

I am very proud of my service in the legislature, and I maintain that pride despite the fact that politics and politicians in the political process are now at their probably lowest point in history both nationally and perhaps even here in Maine. And I know that what I am about to say is very trite, but it is nevertheless very heartfelt, that I am very sincerely proud for having served in the House for six years and in here for two years. I believe in Maine and I believe in Maine government. I have found here, as most of you know, some of the dearest friends I shall ever have, and I have also known here some of the bitterest defeats that I have ever had. That has been for you an instructive process for me, if not for you.

One of the things that I have come to sincerely admire here is the unique ability of the working press to take what I like to describe as an objective attitude when they are writing about matters that I agree with and they are writing about them favorably, and the very few times when they have been subjective in their reporting, that is, when they have

disagreed with positions which I have taken. Perhaps no more so than any is the coverage that has been given over the past several months to what I think is one of the significant issues of our time. Although it is not going to become, I think, a great issue to the people of Maine as more and more of them become aware of what is happening to them with respect to their public lands.

The Public Lands Committee, which has been my favorite committee because it numbers in its membership two distinguished members of this body who seldom if ever agree, has had an opportunity to study this problem and has been tremendously assisted, I think, by the perceptive news reporting of a newspaper reporter, and I have been carrying around for the last couple of days a piece of driftwood which myself and other members of the committee during a trip out to Aziscoos Lake in western Maine found, and we thought it expressed some of the sentiments.

I have the piece of driftwood with me today. It is in the shape of a shillelagh, I guess that is what you would call it. I have taken the liberty of having a little plaque attached to it, and the man whom I am going to give this to is reluctant about appearing here today to let me give it to him, so I am going to deliver it to him in his office. It says: "To Bob Cummings, for showing the people of Maine the way to the Public Lots." Thank you very much.

The PRESIDENT: There being no objection, the Chair would like to state on the record that at least one Senate member of the committee does not share the description of the Senator from Cumberland, Senator Richardson, as to the objectiveness of Mr. Cummings' reporting.

On motion by Mr. Sewall,
recessed until 2:00 o'clock this afternoon.

After Recess

Senate called to order by the President.

Papers from the House

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

Enactors

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

An Act Relating to the Dredging, Filling or Otherwise Altering of Rivers, Streams and Brooks. (H. P. 2053) (L. D. 2588)

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

Indefinitely Postponed by the House

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

Comes from the House, Indefinitely Postponed.

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

MR. RICHARDSON: Mr. President, I would urge that the Senate enact this legislation because I believe there is no more important bill before us in this session of the legislature than this one.

We are all talking about gubernatorial politics, it seems, in here in the Senate. The discussion was brought up initially in what seems like only yesterday, I am sure to many of you, but which really does seem like weeks ago to me, and I want to bring you a message from the people of Maine, and I know it is one that my friend from Cumberland, Senator Brennan, would also bring to you. The people of Maine want those who serve them in public office to stop going around with self-serving declarations about how honest they are and how straightforward they are, how committed to the public interest they are, and so forth. They want some good concrete tangible evidence of the fact that the people who serve them in elected office really do want to do what is in the public interest and really do want to improve the system by which we govern the State of Maine.

That is the message that the people are sending you, members of the Senate, and while I am sure there are many of us who don't agree on a lot of things, I bring you in all sincerity that message. That is

what the people want. They want to have their confidence in the elective process and in the governmental process restored, and I think this bill goes a long way.

Now, it doesn't do everything we ought to do. It doesn't establish an independent ethics commission, it doesn't require full disclosure, but as a sensible interim measure I hope that it receives your support.

It is of course improper for me to refer to the very narrow margin by which this bill was defeated in the other branch, and I certainly won't talk about it, Mr. President, because it would be improper to try to suggest that narrow margin is any reason why we should take any action. But certainly the Senate of the State of Maine ought to go on record as being willing to face up realistically to the problem of legislative ethics. Therefore, I hope you will vote to enact this bill.

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

MR. CONLEY: Mr. President, I am somewhat confused at this moment. I intended to vote for the enactment of the bill. It seemed to me as though the Senator from Cumberland, Senator Richardson, earlier this morning moved the indefinite postponement of this bill.

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

MR. RICHARDSON: Mr. President, my distinguished friend, the Senator from Cumberland, very rarely is in error, but he has not as yet returned from lunch on this question. I would request a roll call.

THE PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Brennan.

MR. BRENNAN: Mr. President and Members of the Senate: I would also agree that this is not a perfect bill, but I think we have to do whatever we can to try to help restore confidence in government. Probably one of the best ways is a little disclosure so that people will not always be suspect of legislators and people in major office, and this goes somewhat along that road. In that light,

I hope that this Senate would vote to keep it alive and, hopefully, the action down in the other body might change.

The PRESIDENT: The pending motion before the Senate is the enactment of Bill, An Act Relating to Legislative Ethics and the Disclosure of Certain Information by Legislators. 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 Chair recognizes the Senator from Oxford, Senator Henley.

Mr. HENLEY: Mr. President and Members of the Senate: I would like to suggest to my very good friend, the Senator from Cumberland, Senator Richardson, that I do not believe he has a corner on knowledge of what the people of the state want.

Furthermore, I would like to state that there is nothing much wrong with the bill except, as I stated yesterday, I still insist that it is nobody's business what a person's daughter, son, wife, or mother-in-law gets for an income or where it comes from. All well and good that people want to know where their legislators receive their income, fine, I will buy it, but that part of the bill that has to do with the members of the family, I still insist it is nobody's business except the people involved, and I shall oppose this bill.

The PRESIDENT: The pending motion before the Senate is the enactment of Bill, An Act Relating to Legislative Ethics and the Disclosure of Certain Information by Legislators. A "Yes" vote will be in favor of enactment of this bill in non-concurrence; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, Brennan, Cianchette, Clifford, Conley, Cox, Cummings, Danton, Haskell, Kelley, Marcotte, Richardson, Roberts, Sewall, Shute, Speers, Tanous, MacLeod.

NAYS: Senators Graffam, Greeley, Henley, Hichens, Huber, Joly, Wyman.

ABSENT: Senators Anderson, Cyr, Fortier, Katz, Minkowsky, Morrell, Olfene, Schulten.

A roll call was had. 18 Senators having voted in the affirmative, and seven Senators having voted in the negative, with eight Senators being absent, the Bill was Passed to be Enacted in non-concurrence.

Thereupon, under suspension of the rules, sent down forthwith for concurrence.

Emergencies

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)

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

These being emergency measures and having received the affirmative vote of 25 members of the Senate were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

Joint Order

Out of order and under suspension of the rules, on motion by Mr. Tanous of Penobscot,

ORDERED, the House concurring, that the Judiciary Committee is directed to report out a bill to amend the private and special laws of 1971, chapter 86, section 2 to ratify the actions of the trustees of the Cumberland County Recreation Center. (S. P. 967)

Which was Read.

The PRESIDENT: The Senator has the floor.

Mr. TANOUS: Mr. President and Members of the Senate: This order concerns a problem that the city of Portland presently has with a bond issue, and it arrived to us much too late to put into the errors and inconsistencies bill. I understand we are now going to go into another legislative day, and suggest that perhaps we ought to bring a bill out. The bill is ready and will be here shortly after the order is passed.

The issue is a problem that they have in the bonding aspect of the civic center in Cumberland County, and the phraseology of the bonding section of the law needs amendment.

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.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table:

RESOLVE, to Reimburse Lauren Sturtevant of South Paris for Damage to Property by Escapee from Boys Training Center. (L. D. 2092)

RESOLVE, to Reimburse Sheila Herbert of Chelsea for Damage to Motor Vehicle by State Ward. (L. D. 2097)

RESOLVE, to Reimburse Ansel Fowler, Sr., of Costigan for Loss of Beehives. (L. D. 2101)

RESOLVE, to Reimburse Gerald Perkins of Bucksport for Loss of Beehives by Bear. (L. D. 2174)

RESOLVE, to Reimburse Mr. and Mrs. Ernest Glidden of Gardiner for Property Damages Caused by State Wards. (L. D. 2244)

On further motion by the same Senator, the resolves were Finally Passed and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table:

Resolve, to Reimburse Erlon Ricker of Litchfield for Loss of Poultry Due to Activities of the State Police. (L. D. 2256)

Resolve, Reimbursing Southern Aroostook Community School District for Loss by Fire. (L. D. 2340)

Resolve, to Reimburse Michael Gilbert of Albion for Loss of Poultry by Wild Animals. (L. D. 2407)

Resolve, to Reimburse Edgar W. Tupper of Madison for Loss of Beehives by Bear. (L. D. 2408)

Resolve, to Reimburse A. D. Soucy Co. of Fort Kent for Redemption of Cigarette Stamps. (L. D. 2460)

On further motion by the same Senator, the resolves were Finally Passed and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table:

An Act Creating the Post-Secondary Education Commission of Maine. (L. D. 2601)

On further motion by the same Senator, Indefinitely Postponed in non-concurrence.

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

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

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

Tabled — March 28, 1974 by Senator Berry of Cumberland.

Pending — Enactment.

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

Mr. TANOUS: Mr. President, for purposes of placing an amendment on this bill, I move that the Senate reconsider its action whereby it passed this bill to be engrossed.

The PRESIDENT: The Senator from Penobscot, Senator Tanous, moves that, under suspension of the rules, the Senate reconsider its action whereby this bill was passed to be engrossed. Is this the pleasure of the Senate?

The motion prevailed.

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

Senate Amendment "A", Filing No. S-451, was Read.

The PRESIDENT: The Senator has the floor.

Mr. TANOUS: Mr. President and Members of the Senate: The amendment which I have just proposed deals with the changing of the word "shall" to "may". The bill deals with the adoption procedure under Maine laws, and as a

result of a decision which was rendered last year relative to the granting of notice of an illegitimate child to the putative father, the courts have ruled that notice should be given to the putative father or that he consent to the adoption. This particular amendment that I am offering deals with giving a notice to the putative father where he has been named in the birth certificate of the child. This particular bill in its original form would mandate that when a putative father can't be located that it would be published in the newspaper, and he would be given notice by virtue of publication in the newspaper. The amendment would leave it up to the discretion of the judge as to whether or not there ought to be notice by publication or some other method of notice.

THE PRESIDENT: Is it now the pleasure of the Senate that Senate Amendment "A" be adopted?

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

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

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table:

An Act Relating to Damage to Beehives, Bee Colonies or Honey by Wild Animals. (L. D. 2288)

An Act to Clarify Certain Election Laws. (L. D. 2526)

An Act Establishing a Commission on Maine's Future. (L. D. 2528)

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

On further motion by the same Senator, the bills were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table:

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

Resolve, reimbursing the Town of

Wade for Welfare Expenditures in Behalf of a Nonsettled State Case. (L. D. 2465)

On further motion by the same Senator, the resolves were Finally Passed and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

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

Joint Order — Relative to Special Commission being appointed to supervise preparation in final legislative draft form of proposed changes of Domestic Relations Law and present revisions to 107th Legislature. (S. P. 962)

Tabled — March 28, 1974 by Senator Tanous of Penobscot.

Pending — Consideration.

(In Senate — Read and Passed.)

(In House — Indefinitely Postponed)

THE PRESIDENT: The Senator has the floor.

MR. TANOUS: Mr. President and Members of the Senate: This is the order I submitted yesterday to create a commission to study a most serious problem which I mentioned relative to our divorce laws, which is concerned directly with the heavy expense and caseload dealing with AFDC. Apparently there are other people in this building that don't agree with this particular body, so I therefore move that the Senate recede and concur.

THE PRESIDENT: The Senator from Penobscot, Senator Tanous, now moves that the Senate recede and concur with the House whereby this order was indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed.

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

After Recess

Called to order by the President.

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 Changing the Membership of the Legislative Ethics Committee." (H. P. 2069) (L. D. 2599)

In the House March 27, 1974, Passed to be Engrossed as Amended by House Amendment "A" (H-818).

In the Senate March 28, 1974, Passed to be Engrossed, in non-concurrence.

Comes from the House, that Body having Insisted.

Mr. Berry of Cumberland then moved that the Senate Adhere.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I move that we recede and concur. This is the same situation as to who will make the decision regarding who would be appointed to the ethics committee. Again, I think it really makes sense, to assure minority representation that really represents the minority, that we adopt the amendment that has been adopted. In essence, I am saying let's be reasonable and do it my way.

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

Mr. SPEERS: Mr. President and Members of the Senate: I certainly hope that we vote to adhere on this matter and send it back down to the House to make the position of the Senate very clear. I think it boils down to a question of who is going to appoint the membership of the various committees. The bill, as it was engrossed in the Senate, would leave it to the presiding officer of each branch of the legislature to appoint the committees, and that is exactly the way that it should be. I certainly support the motion to adhere.

The PRESIDENT: The Chair will order a division. As many Senators as are in favor of the motion of the Senator from Cumberland, Senator Brennan, that the Senate recede and concur will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Five Senators having voted in the affirmative, and 17 Senators having voted in the negative, the motion did not prevail.

Thereupon, the Senate voted to Adhere.

Joint Order

WHEREAS, Mr. Walter F. Trundy of Stockton Springs celebrated the 95th anniversary of his birth on the 17th of this month; and

WHEREAS, Mr. Trundy, as town clerk of Stockton Springs, has served in that capacity for 67 years and is considered the oldest clerk still serving in the United States; and

WHEREAS, everyone within that area knows and appreciates his captivating personality and are often moved by his deep sense of dedication and concern for local people; now, therefore, be it

ORDERED, the Senate concurring, that the House of Representatives and Senate of the 106th Legislature pause from the duties of this First Special Session in special tribute to Mr. Walter F. Trundy, the State of Maine's oldest active town clerk and commend him for his many years of dedicated service to the townspeople of Stockton Springs and the people of the State of Maine; and be it further

ORDERED, that a suitable copy of this Order be prepared and presented to Mr. Trundy with all the best wishes of the Legislature.

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Joint Order

Ordered, the Senate concurring, that the Department of Health and Welfare is authorized and directed to prepare legislation and standards for permanent rules and regulations for the administration of the state supplemental income program as provided in the Revised Statutes, Title 22, chapter 855-D; and be it further

ORDERED, that said department shall present such legislation and standards on or before February 1, 1975 to the regular session of the 107th Legislature for enactment. (H. P. 2092)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Joint Order

WHEREAS, on March 15, 1820 in Jameson Tavern at a place named for Sir Andrew Freeport, an "Act of Separation" was signed and a state was born; and

WHEREAS, this historic village, first known as "Harrasseket," with its industrious fishermen and fine shoe firms, thrived and became widely known as a center of trade for a wealth of good things; and

WHEREAS, in keeping with this fine tradition, Leon Leonwood Bean, followed by his son and today his grandson, looked to new horizons and have thus extended the crowning quality of the Town of Freeport outward to the world; and

WHEREAS, the name L. L. Bean instantly calls forth many nostalgic memories held dear to the hearts of sportsmen with a boastful ring of quality and pride in both product and producer and the historic town from which it all began; 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 of the State of Maine, pause momentarily from the duties of this first special legislative session to appropriately honor and pay tribute to the founder and family of L. L. Bean and their many skilled employees, who, through years of consumer oriented business and ingenuity, have made a significant economic impact on their community and state and that all consuming love for the great outdoors so much more than pleasant conversation for so many people; and be it further

ORDERED, that a suitable copy of this Order be prepared and presented to the L. L. Bean Company with every good wish for joy and success in the years to come. (H. P. 2095)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Joint Order

WHEREAS, there has been a dramatic decrease in the number of inpatients at the two state mental health facilities; and

WHEREAS, questions have been

raised about the increasing unit cost of providing care in these facilities; and

WHEREAS, there are increasing resources for mental health care closer to the individual's homes and communities, but an obvious need for even more such resources; and

WHEREAS, active care and treatment programs now being provided forestall chronicity and the need for extended institutional care; and

WHEREAS, the State of Maine recognizes a solemn obligation to provide the most effective treatment-rehabilitation system possible for mentally handicapped people; and

WHEREAS, an extensive and competent consideration of the future role of the State mental health institutions should be undertaken in order to permit informed planning of a comprehensive and coordinated system of public mental health care; and

WHEREAS, the facilities themselves have potentials for possible alternative uses for the benefit of the people of Maine; and

WHEREAS, the talents of the dedicated employees of these facilities should be preserved in behalf of the mental health of Maine people; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council is authorized and directed to study the future role of the Augusta and Bangor Mental Health Institutes to determine a comprehensive and coordinated system of public mental health care utilizing the most effective and efficient treatment and rehabilitation methods possible for mentally handicapped people; and be it further

ORDERED, that the Council be directed to report the results of such study, including all legislation deemed necessary to implement their findings and recommendations, at the next regular session of the 107th Legislature. (H. P. 2091)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Order

Out of order and under suspension of

the rules, on motion by Mr. Joly of Kennebec,

WHEREAS, the 106th Legislature enacted chapter 14 of the Resolves of 1973 authorizing the Director of the Bureau of Forestry to sell and convey the State's interest in a certain lot in Codyville, Washington County to Dale R. Hamilton of Codyville in order to clarify title to his land; and

WHEREAS, the Director of the Bureau of Forestry has refused to execute said deed; now, therefore, be it

ORDERED, the House concurring, that the Director of the Bureau of Forestry comply with chapter 14 of the resolves of 1973 and execute forthwith said deed. (S. P. 988)

Which was Read.

The PRESIDENT: The Senator has the floor.

Mr. JOLY: Mr. President and Members of the Senate: In addition to the order that has been distributed to all of you, there has also been distributed a copy of the resolve. It was approved and signed by the Governor on April 23, 1973.

I am very upset. Whether you voted for or against this bill — and I can't remember whether it went under the hammer or whether it was a lopsided vote in favor, but it was one way or the other — it was passed. This is a piece of property where the problem came up before the Legal Affairs Committee. There is no question about the fact that this property had been in the name of this family for many, many years, and because of a problem a bill was put in so a deed could be given to clear title. Now, the Director of Forestry, I believe because of the direction of the Attorney General, is refusing to give a deed, and what this order does is simply order him to give it forthwith. I hope it is unanimously passed.

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.

on, Bill, "An Act Relating to the Office of Maine's Elderly and the Priority Social Service Program." (H. P. 1983) (L. D. 2532)

Reports that the same Ought to Pass in New Draft under New Title: "An Act Clarifying the Functions of and Reconstituting the Office of Maine's Elderly and the Office of Resource Development" (H. P. 2088) (L. D. 2610)

Comes from the House, the Bill in New Draft Passed to be Engrossed.

Which was Read and Accepted in concurrence and the bill in New Draft Read Once. Under suspension of the rules, the Bill was then given its Second Reading and Passed to be engrossed.

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

Enactors

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

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)

Mr. Hichens of York then moved that the Senate reconsider its action whereby the bill was Passed to be Engrossed.

The PRESIDENT: The Senator has the floor.

Mr. HICHENS: Mr. President and Members of the Senate: This may be my last speech in this special session, and then again I may have to speak on the Social Assistance Bill, but I am making this a long speech and I want to get across as well as possible so I have put it into writing.

In the past I have criticized the Commissioner of Mental Health and Corrections for shoddy practices in dealings pertaining to various areas under his jurisdiction. Several legislators have commended me for bringing to light the inefficiencies and the maneuverings of the Department, but almost every time when it comes to a showdown as to changing the trend set by the Department and withholding funds, the Legislature has gone along with the Department.

Committee Reports

House

Ought to Pass in New Draft

The Committee on State Government

Last week we passed an order prohibiting the further dismantling of buildings at Skowhegan in disregard of the Legislature's intent, another trick of the Commissioner to influence legislators as to the extra costs of maintaining the facility at Skowhegan.

Just this week we read in the papers that an escaped patient from the Augusta Mental Health Institute cannot be returned from New York because, in the opinion of the Deputy Attorney General, Richard Cohen, there is no place to put him, and Dr. William Schumacher, employed under the supervision of the Commissioner, stated that we don't want him back. The Commissioner closed the maximum security unit at the Augusta State Hospital some time ago, and there are no facilities anywhere in the state for committed mentally ill offenders. So what gives?

In today's KJ, we read that Commissioner Kearns is charging the Legislature with ignoring the trends and he cries because 30 positions have been eliminated from the Women's Correctional Center, which he has succeeded in closing. I cannot help wonder what he expects us to do with the jobs where a center is closed.

I emphatically disagree with the Commissioner when he says in this news release, "There isn't much interest in mental hospitals, retardation and corrections. A few criticize, a few are very interested, but the biggest majority (the ones who could make it count with the legislature) are neutral." The one part of the article that I do agree with is the last line of the last paragraph, which I will read to you: "Asked what positions would be eliminated under non-direct personnel, he said he really didn't know yet. It could be mechanics, secretaries, professional consultants to the departments or even the commissioner", himself.

Now, in this L. D. 2602, we find the members of the Appropriations Committee, adopting the same shoddy practices of the Commissioner, have slipped additional sections into the bill allowing the transfer of the Women's Correctional Center to Hallowell.

I am amazed and disappointed that

members of this Committee can be so contemptuous of their fellow members as to attempt to skip this measure through on a money bill, rather than let it live or die on its own merits. My confidence in these members of the Committee who went along with these shoddy procedures, and apparently every member of the Committee did so, as it is not a divided report, is nil, at least in the realm of Mental Health and Corrections. When legislative ethics are to be considered, actions like this should be at the top of the list.

I know when I am beat, but by passage of this bill with these sections included, allowing the Commissioner to have his own way once more, it is not I, fellow members of the Senate, who will suffer, except as a taxpayer, but all of the people of the state, who have suffered because of wastes of money by the Department, the philosophy incorporated in programs at the many institutions and correctional facilities of the state, and the disregard that the Commissioner has for the welfare of Maine residents, will continue to pay the price for allowing these practices to continue.

With the hopes to end this special session in a few hours in mind, Mr. President, I now withdraw my motion to reconsider, and I will continue to pray that things will not worsen too much before a change can be made in the Mental Health and Corrections Department, and that too many Maine people will not suffer until that change occurs.

The PRESIDENT: The Senator from York, Senator Hichens, withdraws his motion for reconsideration.

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

Joint Order

WHEREAS, the Legislature has learned that the Honorable Harold J. Keyte of Dexter does not plan to return to his legislative seat on completion of this, his 5th consecutive legislative term; and

WHEREAS, he is a person of unending

warmth and great personal charm who has earned the respect, loyalty and devotion of countless friends and colleagues within the Legislature; and

WHEREAS, the Legislature and the people of Maine have benefitted greatly through this long and valued association and he has ever honored the public trust; now, therefore, be it

ORDERED, the Senate concurring, that We, the Members of the Senate and House of Representatives, now assembled in the first special session of the 106th Legislature, extend to our friend and colleague, the Honorable Harold J. Keyte, our sincere thanks for his many years of fine service in the Maine Legislature and extend every best wish for his future retirement; and be it further

ORDERED, that a suitable copy of this Order be prepared and presented to Representative Keyte as an expression of lasting tribute from the Members of the Legislature of the State of Maine. (H. P. 2099)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Communications

State of Maine
Department of Health and Welfare
Augusta

March 28, 1974

Dear Senators:

Attached is the final Report to the Governor and Legislature of the Maine Commission on Drug Abuse. On January 1, 1974, the Maine Commission on Drug Abuse merged with the Division of Alcoholism Services to become the Office of Alcoholism and Drug Abuse Prevention in the Bureau of Rehabilitation, Department of Health and Welfare.

We have also included a copy of "Drug Abuse and the Maine Criminal Justice System", which contains the results of a survey conducted in the summer and fall of 1973. The purpose of this attitude survey was to provide background

information for future legislative proposals in the area of drug abuse prevention.

We hope that you find this information useful. If you have questions or comments on the reports, please do not hesitate to contact us.

Sincerely,
Marilyn L. McInnis, Director
Office of Alcoholism and Drug Abuse
Prevention
Bureau of Rehabilitation

Which was Read and Ordered Placed on File.

Enactors

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

An Act to Authorize Municipalities of the State to Construct, Equip and Furnish a District Court within the Municipality and to Lease Same to the State. (S. P. 888) (L. D. 2484)

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 to Change Weights and Related Provisions for Commercial Vehicles. (H. P. 2060) (L. D. 2592)

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

Communications

STATE OF MAINE

One Hundred and Sixth Legislature
Committee on Appropriations and
Financial Affairs

March 28, 1974

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

Dear President MacLeod:

The Committee on Appropriations and Financial Affairs is pleased to report the completion of the business of the First Special Session, 106th Legislature, that was placed before this Committee.

Total Number of bills

acted upon

Ought to Pass

56

11

Ought to Pass as Amended 7
 Ought to Pass in New Draft 4
 Leave to Withdraw 2
 Leave to Withdraw as covered
 by other legislation 5
 Ought Not to Pass 16
 Divided, Majority OTP 3
 Divided, Majority ONTP 1
 Reported out Pursuant to
 Joint Order 4
 Reported out Pursuant to Legislative
 Council Order 1
 Referred to 107th Legislature 2

Sincerely,

Signed:

JOSEPH SEWALL
 Chairman

Which was Read and Ordered Placed
 on File.

(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.

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

Communications

LETTER OF TRANSMITTAL
 To: Governor Kenneth M. Curtis
 The Members of the 106th
 Legislature of the State
 of Maine

The Bureau of Parks and Recreation,
 Department of Conservation and the
 Department of Transportation are
 pleased to submit herewith "Bicycling in
 Maine: An Examination of
 Transportation, Recreation and Safety
 Aspects of Maine Cycling." This report
 has been prepared at the special request
 of the 106th Legislature, regular session,
 pursuant to chapter 133, Private and
 Special Laws. (S. P. 969)

Respectfully,
 Roger L. Mallar
 Commissioner

Department of Transportation

Donaldson Koons, Ph.D.
 Commissioner

Department of Conservation

Lawrence Stuart
 Commissioner
 Bureau of Parks and Recreation

Which was Read and with
 accompanying papers Ordered Placed
 on File.

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

Papers from the House Non-concurrent Matter

Bill, "An Act Relating to Mandatory
 Sentences for Persons Convicted of
 Second Offense Breaking, Entering and
 Larceny or Burglary." (S. P. 957) (L. D.
 2607)

In the Senate March 26, 1974, Passed to
 be Engrossed.

Comes from the House, Passed to be
 Engrossed as Amended by House
 Amendment "B" (H-831), in
 non-concurrence.

Thereupon, the Senate voted to Recede
 and Concur.

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

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

An Act to Change Weights and Related
 Provisions for Commercial Vehicles. (H.
 P. 2060) (L. D. 2592)

Tabled — March 28, 1974 by Senator
 Berry of Cumberland.

Pending—Enactment.

Mr. Greeley of Waldo then moved that
 the Senate reconsider its action whereby
 the Bill was Passed to be Engrossed.

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

Mr. SHUTE: Mr. President, I would
 oppose the motion for reconsideration at
 this time. This was debated very
 thoroughly yesterday, and I think the
 time is now to move this bill along to the
 enactment stage, to pass it, and I would
 oppose the motion for reconsideration
 reluctantly.

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

Mr. CIANCHETTE: Mr. President
 and Members of the Senate: When this
 bill came up here before for enactment, I
 spoke briefly and asked for this bill to be
 kept alive so that a compromise may

have been reached. I think we have reached that compromise with the amendment that Senator Greeley is about to offer, if this bill is reconsidered.

The amendment will reduce this extreme weight of 128,500 pounds down to a figure of 110,000 or 112,000 pounds. I think it is needed, I think we should do it. I think it would be a responsible thing for this body to do, and I certainly hope the Senate will reconsider this for the purpose of the amendment.

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

Mr. SHUTE: Mr. President and Members of the Senate: It is true that if we adopt the proposed amendment it would lower the gross weight on six axle from 125, or the DOT says 128,000, down to 115,000. Some erroneous information was given to the other body and passed out here earlier from the Department of Transportation, misleading, in that they made a comparison with the minimum five axle vehicle weight of 73,280 pounds, and compared this with the 128,500 pounds, which they call special privilege six axle vehicles, it could carry under the proposal as it has moved along through both bodies to this point. But this is in error, again misleading, because the 73,280 pounds can also be added up with the 10 percent tolerance permitted of 7,328 pounds, plus another 15 percent for your three months of December, January and February, plus an additional 2,000 pounds which the Department of Transportation has added to the gross weight of 125,000, or actually 3,500; we are adding 2,000 pounds, giving a comparison of 93,600 pounds for five axle vehicles to the 115,000 for six axle vehicles. Yet the law specifies that you can have 22,000 pounds per axle weight. And in no way does this proposal exceed the limitation of 600 pounds per square inch on tire weights.

These people have asked for a reasonable compromise from the original starting point. These people are small businessmen who are trying to eke out a living by carrying pulpwood products and other products related to the timber industry in the State of Maine, and nothing has been done to help them in 20 years. There is no law on the

books for six axle vehicles, yet in other states they permit tolerances far greater than this.

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

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE: Mr. President, just in defense of this letter to the legislature from Roger Mallar, I don't think that he has misstated anything and I don't think he has been misleading. The facts are that the basic maximum today for five axle vehicles is 73,280. That is for the general commodity haulers and everybody except the special interest groups. The special interest groups are the ones that are allowed the additional 10 and 15 percent. So the letter is correct and exact and should not be misleading to anybody. It is a fact of law and I don't see how it could be stated any other way. I would just like to defend the letter because I am sure the letter is absolutely correct.

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

Mr. GREELEY: Mr. President and Members of the Senate: Mr. Mallar is in Washington. This morning about 7:00 o'clock he dictated this letter to his secretary, Mrs. Brown, in the Department of Transportation. She gave it to me about 7:30. I have talked with Mr. Mallar today and he would like to have this read into the record, so I am going to do Mr. Mallar that favor and read it into the record:

"Open Letter to Members of the
106th Maine Legislature -

"While I am very reluctant to write you this letter during the legislative process, I am impelled to do so if I am to fulfill my responsibility to the people of the State of Maine in assuring that they can travel on Maine highways in reasonable safety.

"The Maine Legislature has a long and proud history of positive action in developing highway safety legislation and from motor vehicle inspection to "implied consent" to school bus safety Maine has often been a leader in

highway safety programs.

"Currently you are considering final enactment of truck weight legislation (L. D. No. 2592) which would mean a significant step backwards for the safety of Maine's approximately 500,000 licensed drivers and their often young passengers. This legislation would increase Maine's allowable truck weights from a basic maximum today for five-axle vehicles of 73,280 pounds to a weight of 128,500 for special privilege six-axle vehicles before any fine would be imposed. Also the legislation would allow 54,000 pounds to be carried on a three-axle truck with only **twelve feet** between axles compared to 36,000 pounds today on that same vehicle.

"It is obvious to the Department of Transportation that such a concentration of loads on the many old bridges throughout the State will have a very serious impact on our ability to assure that these bridges remain safe for the use of Maine's motorists.

"While I cannot guarantee you catastrophic bridge failures, I can assure you that such loads will impose an inordinate amount of risk on the traveling public in this regard. We already have in Maine an extremely serious problem in regard to the ability of many of our bridges to withstand the loads being hauled today. Maine still has nine bridges which include so-called "pin" connections similar to that which failed catastrophically on the "Silver Bridge" between Ohio and West Virginia not so long ago. It is extremely difficult to determine the condition of these bridges due to their method of construction. In addition the State of Maine is responsible for maintaining approximately 1,300 bridges constructed before 1935 and the towns maintain approximately 1,000 bridges, nearly all of which are in the same condition. Rather obviously these bridges were not designed for the above weights and many have deteriorated to the point where it is becoming impossible to continue to repair them and be confident of their adequacy.

"I am sure it is unnecessary for me to point out to you the dangers involved in allowing trucks to carry weights that they were not built to safely handle and

the legislation would allow all of the older trucks to carry the same weights as more modern vehicles.

"While it is certainly understandable that the economics of those handling wood products in the pulp and paper industry should be of sincere concern to you, I am hopeful that in responding to that problem you will not jeopardize the lives of Maine motorists.

Very truly yours,
(Signed) Roger L. Mallar
Commissioner
Maine Department of
Transportation"

Mr. President and Members of the Senate: In listening to the debate in the other branch, I heard a lot of criticism about the Department, that it wasn't taking care of the roads and that the roads were not built to keep up with the technology of today. Well, I would like to inform you that there is \$20 million down in Washington waiting right now, if Maine can come up with \$8 million to match those funds. If we had passed the one cent in the regular session of the legislature, that probably would have been available. That money would have been allocated to match federal funds. But if we had passed the one cent at the regular session, we would be in the same predicament today as far as maintenance is concerned. Our gas tax revenue fell off about \$270,000 in the month of December. It fell off \$450,000 in the month of January.

I have almost come to the point where I have decided to forget the roads and try to save the bridges. Mr. Mallar has mentioned the bridge here across the Ohio River between West Virginia and Ohio, but I would like to cite you a case that is much closer to hand, the case of the Deer Isle bridge. That wasn't too long ago that one of the iron plates broke down there. When they found it out, the school buses couldn't cross that bridge and the children had to walk across.

This maximum load that I am talking about is 64 tons, and years ago when we used to be hauling with horses and oxen, we would call this quite a jag.

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

Mr. SPEERS: Mr. President, with a letter like this on our desks before us here now, if anything were to happen in the future on any of these bridges, I think it would be very difficult for any of us to say that we were not forewarned.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Waldo, Senator Greeley, that the Senate reconsider its action whereby Bill, An Act to Change Weights and Related Provisions for Commercial Vehicles, was Passed to be Engrossed. A roll call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, I can't sit here and allow these comments of Roger Mallar to go through without adding a few of my own. I am very disturbed in particular by the last part of the third paragraph. I just paced off 12 feet here in the rear of the chamber, and from the curb here of this step to that door is 15 feet, and Mr. Mallar is advising us that under the proposed legislation it is going to increase the weight 50 percent in the distance of 12 feet between axles. That means you have got an axle here and you have got an axle on this side of the back wall of the chamber, and you are increasing that weight in that short distance 50 percent, from 36,000 pounds to 54,000 pounds. Now, this is quite an increase in weight and, as Senator Greeley has said, there are many bridges in the state that hardly can stand the original 36,000 pound load.

Now, Roger Mallar has gone right on record here; he is all clear. I don't like either amendment. I am going to vote with Senator Greeley now, but unless some other facts come out, this is enough information for me not to put the lives of the people in Maine in jeopardy.

The PRESIDENT: 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 reconsider its action whereby Legislative Document 2592, Bill, An Act to Change Weights and Related Provisions for Commercial Vehicles, was passed to be engrossed. A "Yes" vote will be in favor of reconsideration; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, Brennan, Cianchette, Clifford, Conley, Cox, Cummings, Danton, Greeley, Joly, Marcotte, Minkowsky, Roberts, Sewall, Speers, Wyman, MacLeod.

NAYS: Senators Graffam, Haskell, Henley, Hichens, Huber, Kelley, Shute, Tanous.

ABSENT: Senators Anderson, Cyr, Fortier, Katz, Morrell, Olfene, Richardson, Schulten.

A roll call was had. 17 Senators having voted in the affirmative, and eight Senators having voted in the negative, the motion prevailed.

Mr. Greeley of Waldo then presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B", Filing No. S-452, 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.

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

After Recess

Called to order by the President.

On motion by Mr. Berry of Cumberland, adjourned until 9:30 o'clock tomorrow morning.