

# MAINE STATE LEGISLATURE

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# LEGISLATIVE RECORD

OF THE

*1st Special Session*

OF THE

*One Hundred and Sixth  
Legislature*

OF THE

STATE OF MAINE

**Volume II**

MARCH 7, 1974 TO MARCH 29, 1974

**Index**

**Legislative Ethics Committee Report**

Kennebec Journal  
Augusta, Maine

**SENATE**

Friday, March 29, 1974

Called to order by the President.

Prayer by the Honorable Elden H. Shute, Jr. of Farmington:

Let us pray. O Lord, as we enter this 61st and hopefully the final day of this first special session of the 106th Legislature, we thank Thee for the privilege of having served together in a common bond, that of service to all the people of the State of Maine. We ask forgiveness for our shortcomings and for our failures to measure up to Thy commandments. We thank Thee for the friends we have made here. We thank Thee for all these men and women who have aided us in our work here. We ask that you bless them and their families. We thank Thee for the guidance given by our several leaders and the spirit of dedication they have given to their tasks. As we depart and go our separate ways, O Lord, grant us a safe journey home, grant that one day our paths shall cross again, and that our life's work shall continue to reflect service to mankind in a measure commensurate with our meager talents. Help us, O God, to relearn and place in daily practice the love, compassion and understanding for our fellow human beings enunciated in the teachings of Thy Son, Jesus Christ, whose crucifixion and resurrection we soon observe again. We ask these things in Jesus' name. Amen.

Reading of the Journal of yesterday.

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

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

In the Senate March 28, 1974, Bill and accompanying papers, Indefinitely Postponed, in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-801) as Amended by House Amendment "A" Thereto (H-832), in non-concurrence.

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

Mr. WYMAN: Mr. President and

Members of the Senate: I objected to this before, but I think now maybe it is all right, and I would appreciate it if somebody would table it until I would have time to read the amendment.

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

Thereupon, on motion by Mr. Berry of Cumberland, tabled pending Consideration.

(See Action Later in Today's Session)

**Non-concurrent Matter**

Bill, "An Act Exempting Machinery and Equipment Used for Manufacturing and Research from Sales and use Tax." (S. P. 746) (L. D. 2158)

In the Senate March 28, 1974, Indefinitely Postponed, in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "B" (H-834), in non-concurrence.

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

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

**Committee Reports**  
**House**

**Ought to Pass in New Draft**

The Committee on Health and Institutional Services on, Bill, "An Act to Integrate the Maine Statutes with the Federal Supplemental Security Income Program." (H. P. 1782) (L. D. 2254)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Relating to Supplemental Security Income" (H. P. 2084) (L. D. 2608)

Comes from the House, the Bill in New Draft Passed to be Engrossed as Amended by House Amendment "C" (H-833).

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

House Amendment "C" was Read and Adopted in concurrence and, under suspension of the rules, the Bill Read a Second Time and Passed to be Engrossed in concurrence.

Under further suspension of the rules,

sent forthwith to the Engrossing Department.

### **Senate Ought to Pass**

Mr. Tanous for the Committee on Judiciary on, Bill, "An Act to Ratify the Actions of the Trustees of the Cumberland County Recreation Center." (S. P. 970) (L. D. 2611)

Reported pursuant to Joint Order (S. P. 967) that the same Ought to Pass.

Which report was Read and Accepted and the Bill Read Once. Under suspension of the rules, the Bill was Read a Second Time and Passed to be Engrossed.

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

### **Enactors**

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

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

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

### **Orders of the Day**

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 — earlier in today's session by the same Senator.

Pending — Consideration.

Thereupon, on motion by the same Senator, the Senate voted to Recede and Concur.

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

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

Mr. BERRY: Mr. President and Members of the Senate: once again today we had in the press a matter extremely unfairly presented which reflects a great deal of discredit on the

Senate and on the legislature as a whole. It points out the problem that the press has with the American public; either through ignorance or intent, they are unable to get the facts straight in their papers.

I point out three particular things to you all dealing with the matter of legislative salaries and as reported in today's KJ and today's Portland Press Herald under the Associated Press byline: In the KJ, on the front page the head line says: "Solons double their pay". In the Press Herald on the back page in the upper right hand corner, full treatment, the headline says: "Senate votes \$400,000 Legislative Salary Raise". I reemphasize again, either though laziness or inability to research the facts, or to put in the paper whatever comes to their mind, or in a deliberate attempt to misinform the public on what is going on here in the State House, we have this. Now, the third misleading inaccurate thing is in the body of the thing itself. Now we can blame certainly the two headlines on the headline writers. It is interesting to see how the same article gets the treatment in two different papers as far as headlines are concerned. In the article itself, under the AP by-line, it says: "The upper chamber enacted and sent to Governor Kenneth M. Curtis for final passage a bill raising salaries from \$3,000 to \$6,000 per biennium."

Now actually what the bill did, and you don't have to spend a lot of time to find these facts out, the bill takes the salary from \$2,500 right now, to \$3,750 the next biennium, to \$5,000 the second biennium away. So the total figures, allowing \$1,000 at the special session for each of the second years under the three circumstances, the total salaries are these: presently \$3,500, the next biennium \$4,750, not \$6,000, and the third biennium \$6,000. Now doubling would have put the \$3,500 figure to \$7,000 at sometime in the future. We never go to \$7,000.

I am not going to bother you with all the newspaper clippings, the editorials, the columns, including the outstanding column of the Maine Newspaper Scene by Jim Brunelle, many people having said we deserve an increase in pay, but

nowhere has there ever been any comment that we don't deserve what we get. So I am not going to argue that. Everybody agrees we should get it, but along come these papers. With a lot of soul searching, we have wrestled with the question and passed it. The public has been deliberately or ignorantly misinformed. I hope the record is corrected in your minds, and I hope when you go back you will hold your heads strong and tall because you did a damn good job in this.

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

In the Senate March 28, 1974, Indefinitely Postponed, in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-835), in non-concurrence.

On motion by Mr. Haskell of Aroostook, the Senate voted to Recede and Concur.

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

##### **Joint Order**

WHEREAS, the use and management of the public lands of the State continue to be a subject of legislative concern; and

WHEREAS, there is a need for effective regulation of forest practices in order to benefit and improve the forest resources of the State; and

WHEREAS, these matters require the continued attention and study of the Joint Select Committee on Public Lands; and

WHEREAS, the expertise of an additional member would greatly assist

the committee in such study; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Select Committee on Public Lands created pursuant to Joint Order, House Paper 84 of the regular session of the 106th Legislature, is hereby authorized and directed to continue its powers and duties in the manner authorized by said order and as directed by the Legislative Council relative to forest practices; and be it further

ORDERED, that the Speaker of the House shall appoint an additional member to the committee; and be it further

ORDERED, that the committee make its recommendations and final report to the regular session of the 107th Legislature. (H. P. 2100)

Comes from the House Read and Passed.

Which was Read.

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

##### **Joint Order**

WHEREAS, the working conditions of state employees and the efficiency of Maine's governmental operations are enhanced by the conduct of the State's business in attractively designed buildings and structures, timely constructed on terms advantageous to the taxpayers; and

WHEREAS, Maine is fortunate in the number of exceptionally well-qualified architectural, engineering and construction firms located within its borders, which contribute substantially to the employment and economy of the State; and

WHEREAS, the Bureau of Public Improvements has, with respect to certain recent state construction projects, let contracts on the "design-build" concept, which in substance puts responsibility on one firm for both design and construction of the project; and

WHEREAS, such a policy tends to limit bidding for state construction projects to large out-of-state integrated construction firms having in-house architectural design capability; and

WHEREAS, questions have arisen

regarding possible conflicts of interest between the architectural and construction functions inherent in the "design-build" concept; the impact of such a policy upon the quality of future state construction; and its ultimate cost to Maine's citizens in terms of reduced participation by Maine architects, engineers and contractors, and their employees and suppliers, in the design and construction of state buildings; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council conduct and supervise a study, in consultation with the bureau of Public Improvements and the architects, engineers and contractors of Maine, of the "design-build" concept and such other policies or procedures regarding the purchases of architectural, engineering or construction projects, conducting such public hearings as may be necessary; and be it further

ORDERED, that the Council report its findings, together with any recommended legislation, to the regular session of the 107th Legislature; and be it further

ORDERED, that this order shall not be construed to impair the validity of any contracts heretofore entered into by the State on a "design-build" base. (H. P. 2098)

Comes from the House, Read and Passed.

Which was Read.

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

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

Resolve, Providing Funds for Cerebral Palsy Centers. (L. D. 2118)

The same Senator then moved the pending question.

Thereupon, the Resolve 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 the following:

An Act to Provide Emergency Medical

Training for Ambulance and Rescue Personnel. (L. D. 2053)

An Act relating to School Buses. (L. D. 2134)

An Act Exempting Certain Sales through Coin-operated Vending Machines from the Sales Tax. (L. D. 2163)

An Act to Establish a Vocational Training and Sheltered Workshop at Camp Waban in Sanford. (L. D. 2279)

An Act Establishing a State Register of Critical Areas. (L. D. 2518)

The same Senator then moved the pending question.

Thereupon, 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:

An Act Authorizing a Study of Maine's Forest Resources and of Opportunities for their Better Utilization. (L. D. 2567)

On further motion by the same Senator, the Bill and 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 Special Appropriations Table:

An Act Amending the Elderly Householders Tax and Rent Refund Act to Improve Benefits. (L. D. 2584)

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 Relating to Transporting School Children to Other Than Public Schools. (L. D. 2466)

The PRESIDENT: The Senator has the floor.

Mr. SEWALL: Mr. President and

Members of the Senate: I will speak briefly to this bill. While there are no costs indicated on this piece of legislation, the implication for the future are extremely significant.

We presently have appropriated approximately \$300,000 to transport children that attend private schools throughout the state, and the implications while there are no costs on this bill, are that this could well cost between \$800,000 and \$1 million in the next biennium if this legislation is enacted today. So, Mr. President, I now move the pending question.

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

Thereupon, on motion by Mr. Minkowsky of Androscoggin, tabled until later in today's session, pending Enactment.

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

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

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.

The President laid before the Senate the matter tabled earlier in today's session:

An Act Relating to Transporting School Children to Other Than Public Schools. (L. D. 2466)

Tabled — by Senator Minkowsky of Androscoggin.

Pending — Enactment.

Thereupon, on motion by Mr. Minkowsky of Androscoggin, 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. Berry of Cumberland  
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 Relating to Consent to or Surrender and Release for Adoption." (H. P. 2051) (L. D. 2585)

In the Senate March 28, 1974, Passed to be Engrossed as Amended by Senate Amendment "A" (S-451), in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "B" (H-837), in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

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

Mr. Berry of Cumberland then moved that the Bill be Indefinitely Postponed.

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

MR. SHUTE: Mr. President, I would ask for a roll call on this motion.

The PRESIDENT: A roll call has been requested. The Chair recognizes the Senator from Cumberland, Senator Richardson.

MR. RICHARDSON: Mr. President and Members of the Senate: Since we are going to have a roll call, I want to indicate why I am voting for indefinite postponement. It is because I believe now, as I have all along, that we should have an independent ethics commission, that we should not have members of the legislature sitting in judgment on their fellow legislators, and this bill only further entrenches the existing law.

Now, it is my judgment that the elected leadership is just as competent,

in fact, perhaps more competent to review these matters than would be the ethics committee envisioned by this legislation. When we elect our leaders we know that they are going to assume positions of responsibility, that we are giving them a tremendous responsibility to discharge, and I see no reason why we should deprive the elected leadership of that responsibility here. If we are going to have legislators passing judgment in this legislative ethics area, then I think it ought to be the elected legislative leadership.

Of course, I would prefer, and I would hope that in the next session of the legislature the legislature will correct a glaring deficiency in our present law. I think we ought to have an independent ethics commission, and if a constitutional amendment is necessary, then I think that is just what we ought to have.

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

**MR. SPEERS:** Mr. President and Members of the Senate: First of all, I would like to say that the committee did not really consider the aspects of having public members on a legislative ethics committee, or having an ethics committee totally made up of public members, beyond the point where we received the communication from the Attorney General's office that such a committee would be unconstitutional. So whatever I have to say here at this point really has no bearing upon whether or not I would prefer to see a legislative ethics committee made up of public individuals or prefer to have it made up of legislative members. But I can't sit here and let go by the implication that members of the legislature are thoroughly unqualified to judge whether or not other members of the legislature are in a conflict of interest. To let that implication stand would be to imply that every single member of this legislature is willing to wink or to ignore or to turn their backs on a situation which may arise whereby there is a conflict of interest. And I submit to you that the good Senator from Cumberland, Senator Richardson, knows very well that that is plainly not true.

There are honorable individuals in these two bodies who are very much interested in serving the public good and the public interest, and who are very much capable of fairly judging whether or not a conflict of interest does exist and who are very much capable of exercising the courage, if that is what is necessary, to state that a conflict does exist where such a situation might arise, and to take the necessary precautions and follow the necessary steps that are indicated in this conflicts bill. I certainly do not wish to let that implication stand and go unchallenged because I think that it is plainly untrue.

**THE PRESIDENT:** Is the Senate ready for the question? The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Berry, that Bill, An Act Changing the Membership of the Legislative Ethics Committee, be indefinitely postponed. A roll call has been requested. In order for the chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Berry, 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.

#### **ROLL CALL**

**YEAS:** Senators Anderson, Berry, Graffam, Greeley, Henley, Hichens, Joly, Richardson, Sewall, Shute, Tanous, Wyman, MacLeod.

**NAYS:** Senators Brennan, Cianchette, Conley, Cox, Cummings, Haskell, Kelley, Minkowsky, Roberts, Speers.

**ABSENT:** Senators Clifford, Cyr, Danton, Fortier, Huber, Katz, Marcotte, Morrell, Olfene, Schulten.

A roll call was had. 13 Senators having voted in the affirmative, and 10 Senators having voted in the negative, with 10 Senators being absent, the Bill was Indefinitely Postponed in non-concurrence.



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

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.

(See Action Later in Today's Session)

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

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

Mr. CONLEY: Mr. President and Members of the Senate: I am not going to delay this any longer, but I feel that the legislature is certainly taking a step in the wrong direction by passing legislation that contains mandatory sentencing. Mr. President, I move the indefinite postponement of this bill.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that Bill, An Act Relating to Mandatory Sentences for Persons Convicted of Second Offense Breaking, Entering and Larceny or Burglary, be indefinitely postponed.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS: Mr. President and Members of the Senate: I rise this morning to oppose the motion of my good friend, Senator Conley from Cumberland. Lady and Gentleman of the Senate: If there is one bill that has come before this body at this session that is aimed directly at one of the most serious problems that exists in the State of Maine relative to commissions of serious crimes, this, in my opinion, is the bill. It is a bill that the people want; they have shown it by their desire expressed in petitions and letters. And I am fully convinced that the enactment of this bill will certainly be a move showing that we are representative of the will of the people.

There is no question in my mind that, hopefully, hopefully I say, that the word may well get out to those people who

may desire to break and enter and loot homes or camps, or whatever it may be, that this bill will serve as a public notice that come a second offense, after a cruel and deliberate crime has been committed by an individual on a second time basis, he will realize that at least there will be a law on the books to deal with him very effectively. I think, hopefully, as I say, it will prevent some individual from committing a second offense, after having had one chance at the apple, that they might reconsider and, hopefully, it will prevent breaking and entering and the looting of homes.

This is a serious matter. I realize that perhaps in the Cumberland County area you folks don't face this, but in the rural areas of the state, such as we have in central and northern Maine, this is a most serious crime that is committed. As I mentioned, over last year we had over 5000 breaking, entering and larcencies committed in the State of Maine, and only approximately 1500 of these individuals were apprehended. It is a serious crime, and I think that the legislature has got to move in the direction to at least serve public notice on those individuals that we are no longer going to fool around with crime.

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

Mr. CONLEY: Mr. President and Members of the Senate: I appreciate the remarks made by the good Senator from Penobscot, Senator Tanous, and I am well aware of how serious a crime breaking, entering and larceny is, and the rest of the crimes that we are making reference to. But we know for a fact the court has the power right now to act if they wish to act, but I wonder how many attorneys in the Senate today, those presently members of the Senate, and those sitting in the back of the room that practice criminal law, get before the county attorney and get before the judge and start plea bargaining and so forth. We know that if it is a weakness, it is not in the fact that we have to have mandatory sentencing on the books, but what we have to do is send some strong language to the courts. I don't think this is the vehicle that should be used. Perhaps a joint order, such as was

issued the other day to the Department of Environmental Protection, or DEP, relative to the oil refinery down in Sanford, that the Maine citizens would get their fair share of the products.

I think that when we start mandatory jail sentencing, without taking any conditions or circumstances under consideration, if you take that away from the courts you might as well abolish the court. There is no reason to take them to court; you might just as well wheel them right up to Thomaston.

I think that there is a weakness in the system, but the weakness is on the judicial side, both the lawyers themselves pleading for their clients and, secondly, the judges perhaps have in some cases been a little bit too lenient. But I feel this measure here is just going too far and certainly isn't going to solve the problem whatsoever. I think any attorney in this room here will tell you that the judges are just not going to find someone guilty when you are putting him in the awkward position of sentencing them anyway. The county attorneys are going to be reducing the charges, and so forth, and when we come back in the next session we are not going to have any great number of people that we feel we are going to be putting in prison. I think it is just a lot of wasted ink.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS: 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 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 Cumberland, Senator Conley, that Bill, An Act Relating to Mandatory Sentences for Persons Convicted of Second Offense Breaking, Entering and Larceny or Burglary, be indefinitely postponed. A

"Yes" vote will be in favor of indefinite postponement; a "no" vote will be opposed.

The Secretary will call the roll.

### ROLL CALL

YEAS: Senators Brennan, Conley, Sewall, Speers.

NAYS: Senators Anderson, Berry, Cianchette, Cox, Cummings, Graffam, Greeley, Haskell, Henley, Hichens, Joly, Kelley, Minkowsky, Richardson, Roberts, Shute, Tanous, Wyman, MacLeod.

ABSENT: Senators Clifford, Cyr, Danton, Fortier, Huber, Katz, Marcotte, Morrell, Olfene, Schulten.

A roll call was had. Four Senators having voted in the affirmative, and 19 Senators having voted in the negative, with 10 Senators being absent, the motion did not prevail.

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.

### Emergencies

An Act Making Additional Appropriations for the Expenditures 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)

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)

Thereupon, these being emergency measures and having received the affirmative votes 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. Berry of Cumberland, the Senate voted to take from the unassigned table the following:

Joint Order—Relative to Joint Standing Committee on Public Lands directed to continue its powers and duties. (H. P. 2100)

Tabled—March 29, 1974 by Senator

Berry of Cumberland.

Pending—Passage.

On further motion by the same Senator, the Joint Order Received Passage in concurrence.

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

Joint Order — Relative to Legislative Council supervise a study of "Design-Build" Concept. (H. P. 2098).

Tabled — March 29, 1974 by Senator Berry of Cumberland.

Pending — Passage.

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

Senate Amendment "A", Filing No. S-453, was Read and Adopted and the Joint Order, as Amended, Passed to be Engrossed in non-concurrence.

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

Mr. Anderson of Hancock was granted unanimous consent to approach the rostrum and address the Senate.

Mr. ANDERSON: Mr. President, you have served this body for an unprecedented six years as President of this Senate. At times you have been harsh but you have always been fair. I have been given the honor to present to you this little token of our esteem, and with it our best wishes for a long, prosperous and happy life. God Bless you, Ken. (Applause, the Senate members prising)

The PRESIDENT: That is a beauty. Frank, I want to thank you and the other members of this body. Six years is a long time, and I know it has been longer for many of you who have sat through the three terms than it has been for me up here on the rostrum, but it has been with a lot of pride and a lot of humility that I have been privileged to lead this body for six years. As has been said on the floor several times by other members who have been here many terms, that they feel that this is the best Senate with which they have ever served, I share that sentiment. This is the best Senate I have ever been in. There has been a feeling and a sense here in this body ever since we convened in January of last year, a good feeling, between members

of both parties and between us as individual Senators. I have been very proud to have been your presiding officer, and more proud to have been a member of this Senate. Thank you.

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

### 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 Authorizing a Study of Maine's Forest Resources and of Opportunities for their Better Utilization." (H. P. 2026) (L. D. 2567)

In the House, March 18, 1974, Passed to be Enacted.

In the Senate March 29, 1974, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted.

Mr. Berry of Cumberland moved that the Senate Adhere.

Mr. Brennan of Cumberland then moved that the Senate Recede and Concur.

The PRESIDENT: The Senator has the floor.

Mr. BRENNAN: Mr. President and Members of the Senate: We have studied about everything under the sun since I have been in this legislature, and I can think of nothing more important to study than Maine's forest resources on which so much of our economy depends and, frankly, which there seems to be so little information in the public domain on. I think this would be money very well spent for the benefit of all the people of the State of Maine. So I hope this Senate would go along with receding and concurring.

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

Mr. BERRY: Mr. President and Members of the Senate: We passed this morning a bill authorizing the Joint Legislative Committee on Public Lands

to look into this area, and this would be a needless duplication. I hope you accordingly would vote against the motion to recede and concur.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Brennan, that the Senate recede and concur with the House on Bill, "An Act Authorizing a Study of Maine's Forest Resources and of Opportunities for their Better Utilization." 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. Six Senators having voted in the affirmative, and 16 Senators having voted in the negative, the motion did not prevail.

Thereupon, the Senate voted to Adhere.

WHEREAS, special tribute is in order upon retirement of the Honorable Ethel B. Baker of Orrington, a distinguished and highly respected member of the House of Representatives; and

WHEREAS, Mrs. Baker has applied herself to the responsibilities of public office with tireless determination through most of her adult life, including 21 years as Town Clerk of Orrington, and over 14 years in the Legislature; and

WHEREAS, by her long and dedicated public service, highlighted by House Chairmanships of Towns and Counties, Legal Affairs and Judiciary Committees and membership on the Legislative Research Committee, she has contributed immeasurably to the constructive progress of the State of Maine; and

WHEREAS, she was a devoted wife until the death of her fine husband and is a wonderful mother and grandmother who still remains active in many worthy charitable, religious and community causes and above all, she is a lady of great love and compassion for her fellow man; now, therefore, be it

ORDERED, the Senate concurring, that We, the Members of the Senate and

House of Representatives, now assembled in this first special session of the 106th Legislature, pause to extend to our friend and colleague, the Honorable Ethel B. Baker, our sincere thanks for her many years of fine service in the Maine Legislature, and extend every best wish for enjoyable travels in the years to come; and be it further

ORDERED, that a suitable copy of this Order be prepared and presented to Representative Baker as an expression of lasting tribute from the Members of the Legislature of the State of Maine. (H. P. 2102)

Comes from the House, Read and Passed.

Which was Read.

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

Mr. TANOUS: Mr. President and Members of the Senate: I know that we are in a rush here to adjourn today, but I can't permit the order to go by without a few words relative to Representative Ethel B. Baker. The order pretty well denotes her career in public life. She has chosen not to run for office this year, and I feel certainly that her decision is a very sincere loss to the State of Maine. She was my House Chairman on the Judiciary Committee, and I might say that for a lady who had no legal background or formal legal education she stood with the best of the lawyers on that particular committee. And I for one certainly, as an individual, want to go on the record publicly commend this fine lady for the wonderful public service that she has given to the State of Maine.

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

Thereupon, the Joint Order received Passage in concurrence.

WHEREAS, the year 1974 marks the 200th birthday of the Town of Union; 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 Union 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

WHEREAS, the history of the town is being written, "200 years in Union," special events planned starting July 19th, 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 recognize and congratulate the inhabitants of Union 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; and be it further

ORDERED, that a copy of this Order be forwarded to the office of the selectmen of Union and the Bicentennial Committee of the Town of Union. (H. P. 2104)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

#### **Joint Order**

ORDERED, the Senate concurring, that it is the intent of the Legislature that the Maine Port Authority, if possible, include in any contract, document or legal commitment required for the construction or operation of oil refinery facilities, a provision requiring the distribution and sale of its products which recognizes the need of Maine people for a guaranteed share of the refinery's production. (H. P. 2097)

Comes from the House, Read and Passed.

Which was Read.

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

#### **Joint Order**

WHEREAS, the operation and organization of the Bureau of Social Welfare within the Department of Health and Welfare affects all taxpayers and thousands of citizens who need help available through the bureau; and

WHEREAS, the proper organization and conduct of the Bureau of Social Welfare requires assurance that principles of public administration and human services are followed in management of the bureau; and

WHEREAS, the Office of Maine's Elderly and the Office of Resource Development also administer activities relating to social services; and

WHEREAS, the bureau annually expends in excess of \$61,100,000 and has 984 employees out of the department's annual expenditures of over \$120,000,000 and 1,482 employees; and

WHEREAS, the bureau offers a wide variety of income supplementation programs including aid to families with dependent children, general relief, food stamps, state supplemental income for blind, disabled and elderly people; and social services including foster care, adoption, day care and other child welfare services; protective services for adults, education counseling and referral, employment services and transportation services; and

WHEREAS, these activities affect the lives and quality of living of all Maine people and organizations including the public at large, recipients of income supplementation and private social agencies; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council shall authorize a study and present its findings and recommendations to the regular session of the 107th Legislature relating to the organization and administration of activities now conducted by the Bureau of Social Welfare within the Department of Health and Welfare; and be it further

ORDERED, that the study shall be conducted with the advice of representatives from citizen groups related to human services including representatives of private social agencies; and be it further

ORDERED, that the Department of Health and Welfare is respectfully directed to cooperate with the Legislative Council and to provide such technical and other assistance as the council deems necessary to carry out the purposes of this Order, including, but not limited to, personnel and staff as part of their regular employment and the study of any subject or matter relevant or germane to the subject or helpful to the council in carrying out this Order, shall be deemed within the scope of said study hereunder; and be it further

ORDERED, that upon final passage, a copy of this Order be transmitted forthwith to the Department of Health and Welfare as notice of this directive. (H. P. 2103)

Comes from the House, Read and Passed.

Which was Read.

On motion by Mr. Hichens of York, tabled pending Passage.

### Enactors

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

An Act to Ratify the Actions of the Trustees of the Cumberland County Recreation Center. (S. P. 970) (L. D. 2611)

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

### Emergency

An Act Relating to Supplemental Security Income. (H. P. 2084) (L. D. 2608)

This being an emergency measure and having received the affirmative vote of 22 members of the Senate, 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. 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 29, 1974 by Senator Berry of Cumberland.

Pending — Enactment.

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

Mr. BERRY: Mr. President, I would hope that the members of the Senate would vote against enactment of the bill. I would request a roll call, and I will speak very briefly to the problem.

I understand that one of the gubernatorial candidates in the Republican Party who is pushing

Senator Tanous of Penobscot in second place had an ad some time ago saying don't knuckle under to the paper companies. I think that the message in that ad perhaps could be brought forth very clearly today. I have heard for the first time in my legislative career of attempts made to influence votes by donations to the Republican Party. I consider this a reprehensible act. I notice that the only thing that is being given as an argument for the bill is the dollar sign.

We had some pretty good debate on this the other day. There was one point that we did not touch on. The unfortunate problem, speaking economically, is that it is not too difficult to get into the trucking business. This works pretty well for the paper people. The more people you have as independent truckers running their own rigs, trying to meet their payments with the bank, trying to feed their families, the lower you can keep the price of hauling pulpwood. There are several other businesses in the same unfortunate predicament, but we are just dealing right now with the truckers for pulpwood people. If you have got a driver's license for a truck and you have got a reasonable credit rating, you can go out and buy a 20 to 40 thousand dollar rig and get in the business. You can get in line and try to get loaded up with pulpwood. There is no reason under the sun, and I can't blame the pulp companies for paying you any more than they need to haul pulp.

I have noticed for the first time in discussing overweights the total absence of any opposition to this except for pulpwood people. Of course, every session we have had knockdown dragout fights on weights and lengths, and it used to be over what we thought were major changes such as 10 percent of the gross weight, or 5 percent of the gross weight. But, lo and behold, today we certainly aren't talking in small figures; we are thinking in astronomical terms. As I pointed out yesterday in the debate, on a 12 foot center to center distance of the axle on a truck we have gone from 18 tons to 27 tons, and that is a 50 percent increase. That is a far cry from those figures that we used to fight and bleed over in previous legislatures.

Under the guise of an energy crisis, under the guise of the fact that a man can't take home his former paycheck, we are being asked to take the roads of the State of Maine and let them be wrecked, and we are being asked to put the safety of the citizens of the State of Maine in second place. As responsible members of the legislature, I find this a totally untenable position. The matter is nothing but a dollar and cents problem.

Now, there are many people in the State of Maine who make up these unemployment statistics, and maybe they would like to come down and have you vote to give them some money or change the requirements of their job so they will be able to take home a paycheck that they used to take home. Now, these are people who without any question are suffering because gas and diesel fuel are costing them more, but they are suffering more because there are a lot of fellows in the business and the paper companies aren't paying them any more to haul pulp than they used to.

I think these are the issues, and I would hope that we can think of the people of the State of Maine today, and not a small group of either very powerful paper companies or a small independent — God love them, and I hope they can exist — pulp truck operators. I hope that you would vote against enactment of the bill.

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

Mr. HICHENS: Mr. President, if the Senator from Cumberland, Senator Richardson, were here this afternoon, he would be voting against passage of this bill, or would be voting for the indefinite postponement, where a I would be voting against indefinite postponement, and I would now ask permission to pair my vote with Senator Richardson's.

The PRESIDENT: The Senator from York, Senator Hichens, asks leave of the Senate to pair his vote with that of the Senator from Cumberland, Senator Richardson, who, if he were here, would be voting against the bill, and the Senator from York, Senator Hichens, would be voting for the bill, Is this the pleasure of the Senate?

It is a vote.

The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON: Mr. President, I wish to pair my vote with the Senator from Aroostook, Senator Cyr. He would vote for the bill, and I would vote against it.

The PRESIDENT: The Senator from Hancock, Senator Anderson, asks leave to pair his vote with that of the Senator from Aroostook, Senator Cyr. The Senator from Aroostook, Senator Cyr, if he were here, would be voting for the bill, and the Senator from Hancock, Senator Anderson, would be voting against the bill. Is it the pleasure of the Senate to grant this leave?

It is a vote.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS: Mr. President and Members of the Senate: We will be adjourning shortly, and the argument of lobbying bills has been brought up several times during discussions on major bills, and I am somewhat pleased that Senator Berry of Cumberland has brought up the subject on this particular bill as well.

Now, I have been here the last several days listening to the debate and I haven't participated in the debate on this particular bill. I hesitate to because of the area I live in. I guess most people have me as a marked man because I live in an area that is heavily industrialized by the woods product and this bill directly affects my area, but I am sure that it affects the entire State of Maine because our biggest employer in the State of Maine is represented by the woods product industry.

I commend Senator Greeley for his stand on this particular bill because he indeed is a capable and sincere individual in his position. But the lobbyists who have opposed this bill, members of the Senate, have been a special interest group, if we are going to discuss special interest groups. The only lobbyists that have approached me to change my position on this particular bill have been the lobbyists for the railroad industry. No one else has approached me to change my position on this bill. The railroad industry is opposed to this bill because it represents competition to them.

Now, I have many times stood here and mentioned to the members of this body that there are many individuals back home that don't have sufficient funds to be represented here on bills involving their interests. Many times on labor bills have I debated the fact that the unions don't care about that bill because they can get this through negotiation, yet the poor guy that is back in the puckerbrush digging ditches and working in the woods depends on us to represent him here in this body and use our discretion and our reason. And I apply this argument to this particular instance, because I have attended several meetings whereby these individuals who don't work for a big company, the individual truckowner, is interested in seeing legislation enacted to assist him in making a livelihood and to live as a decent person should live in this day and age. This is his profession, as much so as it is to a lawyer or doctor or storekeeper or anybody else. This is his profession and his livelihood, and he has invested his years and income into this particular field, and he is at the point where the financial aspects of his career are being threatened.

Now, I have seen the editorials in the papers with the graphic diagrams that show a big pulp truck overloaded over the rim, and I have never seen, as Senator MacLeod has mentioned before, misrepresentation of facts in the papers such as these diagrams. I live in an area where pulp trucks go by my home day in and day out, and you don't see loads heaping over the barriers, over the stakes, because we have laws that pertain to this, and the laws that we do have are such that they can't load a pulp truck over the stakes. Unfortunately, under the present law they can only get their pulp approximately half way up the stakes, and this is the only legal load they can carry presently. All we are asking is that they be able to carry a little more pulp, but not over those stakes on those particular trucks. That is all. They are not going to heap over and scare people half to death when they go by you. If you want to see a truck that is going to scare you half to death when it goes by you, I welcome you to go up the Golden Road sometime, which is a

private road, and see some of those trucks coming down that area.

Now, it has been mentioned that these trucks destroy or damage the roads. This has been said here in debate. Of course, I have a brother who has a sense of perception, and I am a skeptic in that area. You see, I don't mind saying this publicly, I am a skeptic in that, and I am also a skeptic when I hear people telling me that it destroys our roads because, as I mentioned, I have lived in the Millinocket area for 19 years, and they built a new road there back in 1955 and '56 that we have been using for 18 years, and there isn't one single road in this whole state of ours that has had as many pulp trucks cross over it in a period of 19 years than Route 157 from Millinocket to East Millinocket. I welcome any one of you to come up there and travel on that road to see what damage has been done by pulp trucks. If you can find any one spot that has been damaged by pulp trucks, gentlemen, I would switch my vote. You may argue that maybe there has been work done on this road. Well, we have had one skinny surface job that has been done on this road in 18 years. I am told that after 20 years a road needs an entirely new structure or base to it, but it hasn't happened to this particular road. So I can't buy the argument that this damages or destroys our roads.

That particular legislation asking for this increase is not unusual. It may be unusual for Maine but it isn't for other states, nor is it for Canada. This load that is requested in this bill has been in effect in Canada for several years and it has been in effect in many other states along the northern portion of our country. So when I hear the arguments against this bill, and I mentioned earlier, the only argument that I can conceivably come up with to oppose this bill is that there is a special interest group that wants to defeat this bill because it represents competition for their own industry. Thank you.

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

Mr. CIANCHETTE: Mr. President, I feel this item has had enough debate and I will not be debating the item, but I have a question. Earlier this week the Senator



from Cumberland, Senator Berry, the Majority Floor Leader, was questioned when he was tabling these items unassigned, and Senator Berry I remember said something like this: I want to assure you that I am not tabling these items just to kill them and that if I were to do that I hope someone would shoot me. I think those are pretty close to his words. Now, I would like to ask the Senator from Cumberland, Senator Berry, though the Chair, if I may, what was his reason for tabling this bill this morning.

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

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, I will relinquish the microphone to the Senator from Waldo, Senator Greeley, who can answer that question.

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

Mr. GREELEY: Mr. President, I don't think it will take me too long to answer it. I am willing to admit that I was confused and didn't know what to do, so I asked the Senator from Cumberland, Senator Berry, to table the bill. And I am still confused.

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

Mr. BERRY: Mr. President and Members of the Senate: I want to thank the Senator from Somerset, Senator Cianchette. I am not totally surprised at his concern and I am not totally surprised at his tactics. If I were a major owner in a large road construction company and I were looking at the physical conditions of the roads of the State of Maine, and I had before us a measure that would noticeably increase and accelerate the deterioration of the roads, I know how I would vote.

The PRESIDENT: The Chair would caution the Senator from Cumberland, Senator Berry, on impugning or questioning the motives of any one of the Senators in this body on voting.

Is the Senate ready for the question?

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, a good deal has been said about the efforts of the lobby on this particular measure, and it is very true that lobbyists have been contacting members of this body to discuss both the pros and cons of this measure. But I would like to relate and have it go on the record that I have been contacted at least by members of the general public as well. I have received phone calls on this matter, and as far as I am concerned, the only reason I am voting against this particular measure is, not because of anything that the lobby may have said to me, but rather because I do feel that it is detrimental to the public interest to increase the weights to the significant proportion that this measure does increase them and impair the roads as this increased weight would impair them.

There really hasn't been very much said about what the effect of the increased weight would be on the roads. And I submit again, members of the Senate, that it is incumbent upon those who proposed this increased weight to show that it would not have a detrimental effect upon the condition of our highways. I would call the attention of the members of the Senate to the letter that the Commissioner of the Department of Transportation wrote to us, and I would quote again from that letter. "Final enactment of the truck weight legislation which we have before us would mean a significant step backwards for the safety of Maine's approximately 500,000 licensed drivers and their often young passengers. Again, 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. I can assure you that such loads will impose an inordinate amount of risk on the traveling public in this regard." And then he goes on. I think the Commissioner is indicating very clearly that it is the sense of the Department of Transportation that it would be detrimental to the traveling public in the State of Maine to increase the loads on the various roads that this measure would accomplish.

Now, I suppose the argument could be made that we don't really know precisely at what point the roads will not be torn apart by increased loads, that perhaps they can withstand a bit more of an increase, but I would submit again that it is incumbent upon the proponents of this legislation to show what that particular point is. I think it has been demonstrated and we have been told in as clear terms as possible that that point has been left far behind by this particular legislation, that this goes far in excess of the point at which the roads can take the weights.

So the lobby has been very helpful and very useful in presenting some facts and figures on this particular measure, but I think the people of the State of Maine, the constituents whom we all represent, have a very significant interest in this, far more so than just the businesses which the lobbyists represent. They have been interested in this, and I have been contacted and know how they feel about it.

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

Mr. SHUTE: Mr. President and Members of the Senate: The Senator from Kennebec, Senator Speers, and I have discussed this. I have tried to convince him that the truckers of this state — and I am speaking principally of the pulp truckers, the people in my area who are small businessmen, who are trying to eke out a living, and they do make a heavy capital investment in the equipment that they own — I tried to point out to him and to the Senate repeatedly that the law that is now on the books, that is 50 years old, provides for 600 pounds per square inch. This bill does not propose to exceed those limitations. It does not propose to exceed the limitations of 22,000 pounds per axle.

I am really surprised at the position the Senate finds itself in today, because yesterday Amendment "B" was acceptable to this body. Today is a different story. Now, I opposed the adoption of Amendment "A" and "B" yesterday because I knew that we would be in non-concurrence with the other body and that the bill would be in difficulty. Sure enough, it is. But it is the

same old game, both sides are playing it, and it is pretty evident. That is why we are down to H-hour of D-day in discussing this bill which is at the very lifeblood of a lot of people in this state.

Now, Senator Berry has business in the north county and he knows well how dependent so many people are on truck weights and improved truck weight conditions for the people in that area, and he is fully aware of the financial plight of these people. Surely they aren't in the same situation that many of his constituents are in the Cape Elizabeth area. They have to fight for a dollar bill that they earn, they have to fight for the \$9 a cord they can get from the paper companies, and they intend to fight for a greater price per cord. They have guaranteed that. These are small businessmen, ladies and gentlemen, and they are just asking us to rectify what they consider to be an unjust law which has been on the books for 30 years.

These wider tire widths are not destroying the roads. They are not providing a greater pound per square inch than 600 pounds. And if we could only get that through to the Senator from Kennebec, he would change his vote and vote for this bill.

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

Mr. BRENNAN: Mr. President and Members of the Senate: First, I want to say that there have been no offers of contributions to the Democratic Party, to my knowledge. I guess we are being discriminated against in regard to a vote on this bill.

I would say that I have talked to half a dozen lobbyists on both sides and, frankly, I don't think any of them really penetrated. As far as I am concerned, it is not a battle between the railroads and the truckers. I think the question is really what is in the best interest of the general population of this state.

Now, I appreciate the small truck operator is having a real problem making a go of it, but the responsible party apparently is the paper company, and I think during the last session of the legislature we passed legislation permitting them to deal collectively with the paper companies. At one time it was

thought to be in violation of some anti-trust statute. I frankly think that is the answer, to deal collectively with the paper companies. I don't think the answer is to call on the citizens of the State of Maine to indirectly subsidize the paper companies because the paper companies are not paying apparently a fair rate to these truckers. So that is what I would like to see them do.

The other problem I have is that I can't in good conscience ask the Department of Transportation to absorb more weight on the roads — no matter how you do it, it is going to cause more damage — and not give them more money. I pledged not to support a two cent increase in the gas tax, I couldn't find anybody in the state that was for it, and it seems to me inconsistent to ask the Department of Transportation to do more maintenance with less money. So that is why I am going to vote against enactment.

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

MR. GREELEY: Mr. President and Members of the Senate: I suppose I have got to come up with some kind of a jingle. I don't know if it will compare with the Campbell Soup jingle or not, but I don't imagine it will be as good because there is nothing good about it.

I think the last few days has been about the most unusual education that I have ever received in being a member of the Senate. I think probably that I saw maybe the toughest and maybe the most expensive lobby that I have ever seen in being a member of the legislature, and I started 27 years ago.

There is one thing that I did learn from the Senator from Franklin, Senator Shute, and that is I don't want to get involved in the trucking business. When he came up with the price of the truck and the excise tax, and the cost to get a truck on the road, I decided I'd join the guy that was selling the lobster traps because, as the way I understand it, his friend came along on a Thursday and he asked him how business was. Well, he says, "I will tell you." He says, "Monday I didn't sell any traps. Tuesday I sold ten traps. Wednesday," he says, "he brought them back, so I

guess you would have to call Tuesday my best day."

These truckers have had a special privilege on the frozen road law. Now, if you want to go back this winter and analyze the weather we have had, the road didn't stay frozen, and that is what our problem was, but they keep on hauling, so there is a chance to break up the road, there is no question about it. This has been one of the worst winters as far as freezing and thawing that I have ever seen. But I did write up a little statement concerning the hearings we have had, and so forth and so on. I will try and read it into the record:

There was testimony before the Transportation Committee that weights far in excess of those permitted by this Bill were being hauled regularly by those who testified. So it seems that all this Bill will do is perhaps lower their fines when they are caught and permit those who have obeyed the law to haul some added weight.

This Bill as presently written permits the highest tandem axle limits in the United States, 42,000 pounds. The Interstate System tandem axle limit remains presently at 32,000. Bills pending before the U. S. Congress suggest raising this to 34,000, which would still leave our law permitting 8,000 additional pounds on even our poorest class of secondary roads by all trucks, and loads of up to 52,800 on a tandem axle loaded with forest products.

Road and axle limits permitted by this Bill will be unable to go into either New Hampshire, New Brunswick or Quebec without being in violation of their laws.

From testimony before the Committee, we were told weight limits are not enforced to any degree in other jurisdictions, so we can assume that this law will add to the number of vehicles violating other jurisdictional laws before entering Maine or after leaving Maine.

It would seem to me that the weights permitted by this Bill would be permitted in States that do not have the frost and weather problems that we have if they were at all reasonable.

The Department of Transportation and municipalities will have to post a great number of bridges, as you have been told, and if one of these bridges

stands between the point of pick-up and the point of delivery of a trucker, I believe we all know what the trucker will do, and we won't be able to have a police officer watching every posted bridge in the State.

This Bill grants thousands of pounds of additional weight and does nothing to make the penalty more severe for excessive overloads. By that, I mean they will not be able to be fined more for an overload of 25,000 pounds than they will for 10,000 pounds. As several testified before our Committee, the maximum fine under the law at this time for 5,000 pounds can be \$210.00, so they might as well haul all they can get on. It will cost no more if they are caught, and if they get by a couple of trips they can afford the fine. The same situation will be true with this bill.

There has been testimony in this body that the State Police have not made truckers remove overloads. I want to make it a matter of record that they should follow the law as written and make them remove overloads as the law spells out.

Finally, we all know the condition of some of the roads in Maine, and common sense says that they get worse with these higher weights for all vehicles.

We should be prepared to accept the fact that our vote on this Bill is being made with the knowledge that we are willing to take our share of the responsibility when our constituents complain about highway conditions.

The PRESIDENT: The pending question before the Senate is the enactment of Bill, An Act to Change Weights and Related Provisions for Commercial Vehicles. A roll call has been requested. In order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the enactment of Bill, An Act to Change Weights and Related Provisions for Commercial Vehicles. A "Yes" vote will be in favor of final enactment; a "No"

vote will be opposed.

The Secretary will call the roll.

### ROLL CALL

YEAS: Senators Cianchette, Cummings, Graffam, Haskell, Henley, Joly, Kelley, Minkowsky, Sewall, Shute, Tanous, Wyman.

NAYS: Senators Berry, Brennan, Conley, Cox, Greeley, Roberts, Speers, MacLeod.

ABSENT: Senators Clifford, Danton, Fortier, Huber, Katz, Marcotte, Morrell, Olfene, Schulten.

A roll call was had. 12 Senators having voted in the affirmative, and eight Senators having voted in the negative, with nine 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.

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

Mr. SHUTE: Mr. President, having voted on the prevailing side, I ask for reconsideration and ask you to vote against me.

The PRESIDENT: The Senator from Franklin, Senator Shute, now moves that the Senate reconsider its action whereby this bill was passed to be enacted. 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. Hichens of York, the Senate voted to take from the table the following unassigned matter:

Joint Order, H.P. 2103

Tabled—earlier in today's session by Mr. Hichens of York.

Pending—Passage.

Thereupon, the Joint Order Received Passage in concurrence.

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

Joint Order H. P. 2097

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

Pending—Passage.

Thereupon, the Joint Order Received Passage in concurrence.

(Off Record Remarks)

Mr. Greeley of Waldo was granted unanimous consent to address the Senate:

Mr. GREELEY: Mr. President and Members of the Senate: I don't know what I am going to say, but whatever it is I want it on the record because I want the whole wide world to know exactly how I feel.

There was no member of this Senate here now and there is only one person working in this State House who was here when I started 27 years ago. I have had the privilege of serving in this body four different decades, not continuous, but four different decades makes quite a change, I am sure. This probably is as good if not the best Senate I have ever served in, and you have heard that statement made before. The reason for it, to me the main reason, is because leadership has treated me the fairest and by far the most honestly of any other session I ever served in. At least, that is the way I feel.

There is one other little statement I would like to make, and that is that I don't believe there is any member of this Senate who will ever live to see the day when you have a better group of people working for you than we have at the present time. I am not only speaking for those who are closely related to the Senate, but all the rest of the people in this State House, and there are a lot more of them in the other building. In fact, I have got along pretty well down in the Governor's office; they have treated me pretty good. When I had my Camden-Rockport High School Basketball Team up here two or three weeks ago, I told them that before you fellows go home I am going to try and prove to you that when you come inside this State House you are amongst some of the best and the most friendly people that walk on this earth. The last visit we made was over to the State Police barracks, and when they started aboard the bus just after we got through in there, one of them said to me, "Well, I guess we understand just what you were talking about." So Mr. President, that is

the way I feel and, as Walter Cronkite says, "that's the way it is."

Mr. Shute of Franklin was granted unanimous consent to address the Senate:

Mr. SHUTE: Mr. President and Members of the Senate: I think we all agree that this is Senator Greeley's finest hour, and the remarks that he has just made are in keeping with his character and his integrity. I can say that as a member of his committee, the Transportation Committee, I never found a fairer chairman and a person who treated every individual alike more than Senator Greeley did.

I think we can be proud of the fact that two of our eldest members here are long-term members, and the gentleman to my right, whom my wife refers to as the Senator Goldwater of the Maine Senate because of his similarity in appearance, Senator Anderson, has been around these halls for many years, and he will not be returning. I have acquired a great deal of respect for his good judgment, his good sense of humor, his knowledge of politics, knowledge of committee work in which he has been involved over the years, and I want him to know that I am proud to have served with him as his seatmate. I think this feeling is also shared by the people in his area because Russell Wiggins, the renown editor of the Ellsworth American, former entrepreneur of the Washington Post, sometime ago wrote these words in an editorial in the Ellsworth American, which I would like to have inserted in the record today:

"The Retirement of Senator Frank Whitehouse Anderson, who proposes to leave public life when his present Senate term ends, will conclude a remarkable career. Senator Anderson has been an independent political figure in his long years at Augusta. He could never be counted on to come to heel at the orders of the party leaders. He had his own views on public affairs and he adhered to them with remarkable tenacity. He probably reflected the views of his constituency generally, but he was no captive of his electorate, and when he felt like defying popular majorities he did it. He construed it to be his duty to

vote for the best interests of his district, even when the popular estimate of that interest and his own measure of it differed. His lifelong interest in conservation affairs was the distinguishing feature of his legislative career. As Chairman of the Fish and Wildlife Committee, he was able to do a great deal to preserve natural resources and maintain wildlife. While he was a hunting enthusiast in late years, his interest in the game itself was probably greater than his interest in getting his bag. He successfully resisted efforts to put an open season on moose. He fought relaxation of other limitations on hunting. He is almost wholly responsible for the salmon pool in the Union River at Ellsworth. His independence no doubt diminished his ability to gain the support of his colleagues for some measures he favored. He was not a part of the establishment ready to take his marching orders from party leaders. Both his independence and his consistent conservatism irritated many. His personal popularity made it possible for him to surmount the opposition his policies aroused. He will end his legislative life with satisfaction of a man who has been the kind of representative he wished to be, undeterred by anxiety about reelection, and that is quite a lot to say about the Senator whether one always agreed with his votes and views or not."

That is from the editorial in the Ellsworth American. I think those words speak a lot, and I think they echo our sentiments and our feelings for the good Senator from Hancock, Senator Frank Whitehouse Anderson. (Applause)

Mr. Hichens of York was granted unanimous consent to address the Senate:

MR. HICHENS: Mr. President and Members of the Senate: It has been my privilege and opportunity several times during the session to come up with some light verse, and I have been asked by many people to write appropriate verse for the ending of the session. But I did not feel so inclined or did not have the inspiration because I had other weightier matters on my mind, such as was discussed yesterday afternoon and

waiting for the school bus bill to get passed, and so forth. But I have in my hand here a booklet that was written 70 years ago by a lady who was in her early teens at the time, entitled Legislative Memories. It was written by a lady in my own Town, the Town of Elliot, who last year with her husband observed their 62nd wedding anniversary. I would like to share with you in the way of verse her impressions, entitled Legislative Memories. I am not going to read it all because it is quite lengthy, and I am leaving out references to the other body. But I would like to share them with you, and then I would have a few words to add after I share them with you.

"They gathered there in Legislative halls,

The chosen Solons of the Pine Tree State;

Assembling from the north and from the south,

And all parts of our great and comely state.

All these men from such varied walks of life,

Here met, in fellowship most genuine,

And mutual forbearance, realizing

That each, according to his judgment sought

To further the best interests of the state.

Now, after leaving this historic hall,

One enters next a room more sumptuous far;

The Senate chamber, where the chosen few,

More sage and sober, review and revise;

And give with their approval final seal

To bills which have already passed the House;

Or, disagreeing, check their onward course.

This smaller room more luxury contains.

With velvet covered seats, in curving rows,

And chairs of state for him who there presides.

And long may Senators assembled here,

Preserve the grave and e'er most courteous mien,

Which in past years have ever here been found;

Realizing the responsibilities  
Resting on them as "Elders" of the  
state.

How many laws that session short  
produced.

What acts have made eventful history!

How many subjects occupied the time.

Resolved for private individuals.

Or worthy institutions needing aid;

And special Acts for companies and  
towns.

And last, but most discussed, the  
Public Laws,

Which deal with vast variety of theme.

What long debates in either branch  
took place.

What arguments convincing were  
advanced.

What speeches stored with wisdom  
most profound!

Full well they served thee, now, their  
duty done,

Let them depart, with thy due thanks,  
O State!

We pray that thou such servants e'er  
may have,

To guide thee and protect thee, Mother  
Maine.

And that thy citizens may ever be  
Upright and earnest, anxious to  
maintain

Thy civic honor without taint or stain:

That thou mayst hold secure thine  
honored place

Among the Union stars, O State of  
Maine."

The good Senator from Franklin,  
Senator Shute, sort of beat me to it when  
he got up and talked about the good  
Senator from Hancock, Senator  
Anderson. But I too want to get up and  
express my appreciation for the support  
and the fellowship I have had with this  
Senator. It was my privilege during the  
session to read a book of poems that he  
too had written, entitled Windfalls. The  
last page of that book is maybe sort of an  
epitaph, and yet I think it is a somber  
thought as we leave here today, and as  
Frank Anderson goes from these halls  
into many long years of service before  
this finale takes place. But I would read  
this finale on the last page of his book  
Windfalls to you.

"And now that my work has been  
censored

There's an unblazed trail to be trod

A stream I must chase to its mountain  
Spring  
And a rendezvous with God."

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:

### Joint Order

WHEREAS, present statutory  
provisions authorize municipalities to  
retain all or a portion of the State tax  
levy to offset local appropriations; and

WHEREAS, the proceeds of the State  
tax levy which are to be so retained  
exceed in some instances the amount of  
local appropriations; and

WHEREAS, existing legislation  
makes no provisions for the manner in  
which such excess proceeds of the state  
tax levy are to be handled; now,  
therefore, be it

ORDERED, the Senate concurring,  
that the Legislative Council be  
authorized and directed to study the  
manner in which the State tax in  
municipalities is handled under the  
Revised Statutes, Title 36, sections 451,  
452 and 453 to determine how such excess  
proceeds of the state tax levy should be  
treated; and be it further

ORDERED, that the Bureaus of  
Taxation and of Property Taxation be  
directed to provide the Council with such  
technical information and other  
assistance as the Council deems  
necessary or desirable to carry out the  
purposes of this Order; and be it further

ORDERED, that the Council report its  
findings and recommendations to the  
next regular session of the Legislature.  
(H. P. 2105)

Comes from the House, Read and  
Passed.

Which was Read and Passed in  
concurrence.

### Joint Order

WHEREAS, on February 3, 1972, the  
105th Legislature established the Maine  
Management and Cost Survey and

authorized it to study and analyze State Government; and

WHEREAS, a team of 42 executives from the Maine business community served over a period of 12 weeks in the conduct of the study; and

WHEREAS, after donations of over \$180,000 and more than 22,000 man hours from private sources, a comprehensive report recommending 807 changes in State Government functions was produced; and

WHEREAS, the Maine Management and Cost Survey has done its work conscientiously and demonstrated an unprecedented example of cooperation between public and private interests; and

WHEREAS, this important work will be continued by the Legislative Council as authorized by House Paper 2068; and

WHEREAS, the Legislature will continue to review the recommendations of the Maine Management and Cost Survey for further implementation; now, therefore, be it

ORDERED, the Senate concurring, that We, the Members of the Senate and House of Representatives of the 106th Legislature, take this opportunity while assembled in special session to commend the chairman and the several members of the Maine Management and Cost Survey Commission and its study teams for the conscientious and diligent effort with which they have fulfilled their responsibilities, and to express our thanks for the valuable aid and contributions so generously provided by them and the interests they represent; and be it further

ORDERED, that suitable copies of this Order be prepared and presented to each commission and study team member with this expression of gratitude and hope that this will be the beginning of a working partnership of lasting consequence which will serve as a valuable guide to the Legislature in its efforts to maintain an efficient, economical and productive governmental process for the State of Maine. (H. P. 2106)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

### Enactors

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

An Act Exempting Machinery and Equipment Used for Manufacturing from Sales and Use Tax. (S. P. 746) (L. D. 2158)

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

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

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

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

Mr. BERRY: Mr. President and Members of the Senate: On the record you are a hundred per cent right, that is Nicolson and Ryan.

It is too bad to come back to reality, but it you look at the top of 2601, you will find it says it's a new draft of 2537. If you look at the top of 2537, you will see it is a new draft of 2454. 2454 is entitled, An Act Creating the Maine Education Commission and Vesting in the Commission Certain Responsibilities.

I frankly consider this bill of equal importance with the super university bill. It puts another layer of control, administration, bureaucracy, red tape over every single existing education board. I think the thing that aroused my interest at first was the alacrity with which everyone agreed that with the removal of the \$50,000 the bill still could exist. If it can exist without the \$50,000, why was the \$50,000 put on it in the first place?

I know the hour is late but if you could possibly peruse 2601, I think that I would merely note in passing on page 3, at the bottom of the page, that my friend Senator Katz from Kennebec has found a sinecure for himself because he is obviously the member of the Maine delegation to the New England Board of Higher Education.

I think that the private institutions are being lulled into a sense of false security



in several respects. They are not receiving any money from the state, yet the governing boards of these bodies are surrendering their prerogatives for their curricula by having to be an agreement and subject to the approval of this Post-Secondary Education Commission. And this is in subsection 78, where it says: "The Post-Secondary Education Commission shall request institutions of post-secondary education in Maine to submit such information as may be reasonably necessary for the commission to carry out its responsibilities." This is a *carte blanche*, a *carte blanche* for a state board to require the private institutions to get down on their knees and do whatever the higher board wants them to do.

I think the main thrust is, if we are not going to do as Senator Haskell of Aroostook has wanted to do, give these institutions adequate funding, by what right are we requiring them to do such things as that, and by what right are we requiring them to submit their proposals for degree granting powers to the authority? And this is on page 9 under subsection 2202, which says that the trustees of all these educational institutions must make application to this commission. Why should Ricker, why should Unity, why should Thomas, why should Bowdoin, Colby and Bates subrogate their degree granting power? The next paragraph, if you read further, says, "Upon receipt of the application, it shall be the duty of this commission to obtain full information regarding the merit of the institution." Well, if you look up the makeup of this commission, who are they to determine the merit of Bowdoin to grant degrees? I would also address that question to the vanishing Senator through the door, Senator Sewall from Bowdoin.

Then we are giving these commission such nebulous guidance, such nebulous powers, such that these institutions have not progressed to the point where the commission believes it is ready to seek degree granting status. Now, we are giving an element of judgment without the guidelines to go by. Then we cut the \$50,000 off this morning.

As I say, this is an extremely important piece of business. I would

appreciate very much the trade-offs that have been made on the trucking bill for votes. However, I would hope that we would be independent in our thinking and realize the significance of this act. I am very regretful that my seatmate Senator Katz is not here, because I can't imagine anybody with whom I would rather lock horns on this issue. I hope that we would vote against the enactment of the bill, and I would reemphasize the importance of the measure. It is unfortunate that here we are probably forty-five minutes to an hour from adjournment discussing an extremely important educational matter.

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

Mr. HASKELL: Mr. President and members of the Senate: I am involving myself in this debate for the reason that there were three bills submitted to the Education Commission at the start of this session that dealt with this area. I was the sponsor of one of the bills that called for the creation of a commission of this sort. I regret that our majority Leader, because of the press of business and otherwise, just became cognizant of the bill today in the last stages of our legislative deliberations.

I want to assure the members of the Senate that the bill has had very careful consideration. The report from the Education Committee was a unanimous Ought to Pass Report. I regret that the good Senator from Kennebec, Senator Katz, the Chairman of the Committee, is not here to defend the bill. I am somewhat familiar with it, and I will do the best I can in a substitute capacity.

The need for the bill, I think, is very obvious to everyone. There is no agency currently that does any comprehensive planning in higher education in the State of Maine. Vocational education is growing like Topsy without any relationship to existing other forms of higher education. The public university system is growing like Topsy with no relation to other forms of higher education. The private system of higher education is protecting itself as well as they can from the unplanned competition and the inroads into

traditional areas that they have served without any form of planning whatever.

There are several very substantial programs of federal aid that recognize the very severe problems we have in higher education in the country that propose, through a system of grants, loans and otherwise, to solve these very critical problems. There is also a recognition at the federal level that it would be unwise to pour substantial federal dollars into states that were not doing comprehensive planning. For this reason, some very substantial programs that may be put in place very soon are contingent on their being in place in a state what is known as a 1202 Commission. This is what is proposed by this piece of legislation.

I agree with the Senator from Cumberland, Senator Berry, I likewise did not understand the \$50,000 price tag that was on this bill. It was excessive, and I think that the Appropriations Committee recognized that it was excessive, and the bill was indefinitely postponed with the \$50,000 price tag. The price was taken off in the House this morning, and this morning the Senate concurred in that action. Now, the first year that this piece of legislation is going to be in operation there is at least 80 to 100,000 federal dollars that will be available to pay for its operation.

What is proposed here is not a large scale bureaucracy. There will be an executive director. There will be a board of 15 people drawn from all interested segments of higher education, including vocational. Their function is going to be to coordinate the efforts of all of these segments in trying to give to the people of Maine a comprehensive and a balanced system of opportunities of post-secondary education.

Now, the degree granting status which seems to bother Senator Berry is no departure from what exists currently. The Board of Education, in the absence of any other group in the state that has authority in the field of higher education, has for many years handled the degree granting status of the colleges. New institutions have to apply to them for degree granting status. They have to maintain certain standards in order to continue to grant degrees, so we are not

really talking here about any change except a transfer of the authority from the Board of Education to this new commission.

This new commission has been very carefully studied. There was a hearing in which all segments of higher education in the State of Maine were present and expressed their viewpoints. Like all legislation, not all the segments are equally happy with it, but it does represent at this point a considered and carefully planned consensus to meet this problem. I hope that the Senate would continue in its decision and enact this piece of legislation which in my view is constructive, which is needed now, and about which we have no real reason to be apprehensive.

**THE PRESIDENT:** The Chair recognizes the Senator from Androscoggin, Senator Minkowsky:

**MR. MINKOWSKY:** Mr. President and Members of the Senate: It is true that this particular bill has been before the Education Committee in various forms. And I would say to Senator Berry from Cumberland that this bill in its present form is the best of both worlds. In so far as the appropriation is concerned, I think Title 1 and Title 6 funds should take care of it very nicely. I think they realize that with the tight purse strings placed upon this budget by the Appropriations Committee it would be impossible to get the \$50,000 to accomplish the objectives they had in mind originally.

This, ladies and gentlemen of the Senate, is a coordinated effort for the 1202 Commission between the private colleges in the State of Maine and the University of Maine and, as has been reiterated, I want to make this perfectly clear, that this is no trade-off for anything else that the good Senator from Cumberland has referred to earlier. This is just plain good legislation. And gentlemen, if we do not pass this this afternoon, we are going to be here another hour because it will go back in non-concurrence, and I think that everyone of us have reached our saturation point insofar as hurrying up and waiting.

During the public hearing on this particular bill, it was my understanding, and I don't think I misconstrued the

attitudes or the feelings of the Commissioner of Education nor the Chancellor from the University of Maine, that they were in complete accord with the 1202 concept. Now what Senator Berry has projected is an entirely radical departure compared to what my understanding was when we held this public hearing.

I think it is about time that we start utilizing the existing facilities here in the State of Maine of our private colleges, and not just go on a spending spree of building more and more facilities at our public institution, the University of Maine. I think this commission will bring forth a constructive coordinated effort between the private sector of colleges in the State of Maine and the University of Maine for the betterment of our youth in the state. I sincerely hope that you vote against the motion that this bill not be enacted.

**THE PRESIDENT:** The pending question before the Senate is the enactment of Bill, An Act Creating the Post-secondary Education Commission of Maine. The Chair will order a division. As many Senators as are in favor of enactment of this bill will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 14 Senators having voted in the affirmative, and four Senators having voted in the negative, 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.

### **Emergency**

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

This being an emergency measure and having received the affirmative vote of 22 members of the Senate was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

### **Order**

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

**ORDERED**, that a message be sent to the House of Representatives proposing a Joint Convention to be held forthwith in the Hall of the House of Representatives for the purpose of extending an invitation to the Governor to attend the Convention and present such communication as he may be pleased to make.

Which was Read and Passed.

The President appointed the Secretary of the Senate to deliver the message.

Subsequently, the Secretary of the Senate returned and reported that he had delivered the message with which he was charged.

Called to order by the President.

At this point a message was received from the House of Representatives, through Representative Larry E. Simpson, informing the Senate that the House concurs in the recent proposal for a Joint Convention, to be held forthwith in the Hall of the House, for the purpose set forth in the message.

At this point the Senate retired to the Hall of the House of Representatives where a Joint Convention was formed.

(For proceedings of Joint Convention, see House Report.)

### **After Joint Convention In Senate**

Senate called to order by the President.

### **Order**

Out of order and under suspension of the rules, on motion by Mr. Anderson of Hancock,

**ORDERED**, that a message be sent to the House of Representatives informing that Body that the Senate has transacted all the business which has come before it and is ready to Adjourn Without Day.

Which was Read and Passed.

The President requested that Mr. Berry of Cumberland carry the message, and the Senator retired to the House of Representatives and subsequently reported that he had delivered the message with which he was charged.

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

Mr. ANDERSON: Mr. President and Members of the Senate: This really is my swan song. Time marches on, and sooner or later all men must step down. It is inevitable, a sad fact of life. I have given 14 years of my allowed span as a servant to the people in this beautiful State of Maine. I have been honest in my endeavors over the years in promoting legislation which, in my opinion, will be helpful to all people. I don't know how well I have succeeded, but nobody can say I haven't tried. It is consoling to know that you have done your best.

I came into the legislature way back in the 100th session. With me was the Senator from Cumberland, Senator Berry, and we have kept step down through the years. I also served with the Senator from Penobscot, Senator MacLeod, and the Senator from Kennebec, Senator Katz, for twelve years. We have had our differences but, in spite of these, the years have left us still on speaking terms. It seems after each little tiff our friendship has been

more firmly cemented.

I love every one of you, and of course the dear Senator from Penobscot, Senator Cummings, in a little different degree than I do you chauvinistic males. I have been having a sinking feeling in the pit of my stomach every time I think I am not coming back. I guess you might call it nostalgic pains. I shall miss the camaraderie of you, my colleagues, and the devotion of the Senate staff who have been so helpful and so solicitous for my welfare.

Mr. President, my colleagues and the staff, it is my sincere wish that all the good things in life will come to every one of you. God Bless you all.

Mr. President, I now move we adjourn sine die.

The PRESIDENT: The Senator from Hancock, Senator Anderson, now moves that the Senate stand adjourned sine die. Is this the pleasure of the Senate?

Thereupon, at 5:08 p.m. on Friday, March 29, 1974 the Honorable Kenneth P. MacLeod, President of the Senate, declared the Senate of the 106th Legislature adjourned sine die.