

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

1975

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Thursday, April 3, 1975

Senate called to order by the President.

Prayer by Rev. Robert E. Canfield of Gardiner:

Shall we pray. Father in Heaven, with warm pleasure we remember the many times that you assisted and guided us in days past. But as we begin this day we realize that we cannot rely upon past blessings, that today is another day, another day for us to have faith in God and in the power of God to guide and direct. In each business that is transacted today we need your guidance and your direction, so Lord, bestow it upon us as you have done in the past, and we will continue to praise your name. Amen.

Reading of the Journal of yesterday.

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

Bill, "An Act Relating to Education and Training under the Laws of Barbering." (H. P. 437) (L. D. 545)

In the Senate March 21, 1975 Passed to be Engrossed as Amended by Committee Amendment "A" (H-84), in concurrence.

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" (H-84) and House Amendment "A" (H-117), in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Non-concurrent Matter

Bill, "An Act to Establish County Commissioner Districts in Penobscot County." (H. P. 56) (L. D. 68)

In the Senate March 21, 1975, Passed to be Engrossed, in concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-112), in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

House Papers

Bills, Resolves and Resolutions today received from the House requiring Reference to Committees were acted upon in concurrence, except for the following:

Bill, "An Act to Authorize Bond Issue in the Amount of \$6,500,000 for the Construction and Renovations of Higher Education Facilities at the University of Maine." (H. P. 1061) (L. D. 1341)

Bill, "An Act Making Capital Construction and Improvement Appropriations for the University of Maine from the General Fund for the Fiscal Year Ending June 30, 1976." (H. P. 1062) (L. D. 1342)

Come from the House referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

On motion by Mr. Katz of Kennebec, tabled until later in today's session, pending Reference to Committees.

Bill, "An Act to Redirect the Use of Plumbing Permit Fees." (H. P. 1092) (L. D. 1371)

Comes from the House referred to the Committee on Legal Affairs and Ordered Printed.

Thereupon, on motion by Mr. Speers of Kennebec, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed in non-concurrence.

Sent down for concurrence.

Bill, "An Act to Provide a Career Ladder

and 40-Hour Week for Correctional Employees." (H. P. 1048) (L. D. 1336)

Comes from the House referred to the Committee on Labor and Ordered Printed.

On motion by Mr. Speers of Kennebec, tabled and Tomorrow Assigned, pending Reference to Committee.

Communications

STATE OF MAINE

Bureau of Public Improvements

Augusta, Maine 04330

April 1, 1975

Hon. Joseph Sewall
President of the Senate
and Members of the
One Hundred and Seventh Legislature
Gentlemen:

In accordance with the provisions of Title 5, M.R.S.A., Section 1742, I present the accompanying Recommended Priorities for Capital Improvement Requests submitted to the One Hundred and Seventh Legislature for the fiscal years 1975-76 and 1976-77.

Respectfully submitted,

Signed:

RICHARD G. BACHELDER

Director

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

Senate Papers**Appropriations and Financial Affairs**

Mr. Conley of Cumberland presented, Bill, "An Act to Establish a Zero Base Budget for the State." (S. P. 434)

Mr. Katz of Kennebec presented, Bill, "An Act to Appropriate Funds to Enable the Bureau of Parks and Recreation to Develop the Kennebec River Greenbelt." (S. P. 436)

Which were referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Sent down for concurrence.

Mr. Katz of Kennebec presented, Bill, "An Act Concerning Construction for the University of Maine Funded by Nonstate Moneys." (S. P. 435)

The Committee on Reference of Bills suggested that this Bill be referred to the Committee on Appropriations and Financial Affairs.

On motion by Mr. Katz of Kennebec, tabled until later in today's session, pending Reference to Committee.

Health and Institutional Services

Mr. Gahagan of Aroostook presented, Bill, "An Act to Authorize the Board of Registration in Medicine to Conduct Medical Education Programs." (S. P. 430)

Which was referred to the Committee on Health and Institutional Services and Ordered Printed.

Sent down for concurrence.

Judiciary

Mr. Conley of Cumberland (Cosponsor: Mr. Speers of Kennebec) presented, Bill, "An Act Concerning the Landlord-Tenant Relationship in Mobile Home Parks." (S. P. 432)

Which was referred to the Committee on Judiciary and Ordered Printed.

Sent down for concurrence.

Veterans and Retirement

Mr. Conley of Cumberland presented, Resolve, Providing a Minimum Service Retirement Allowance under the State Retirement Law for Edward C. Miller of Portland. (S. P. 433)

Which was referred to the Committee on

Veterans and Retirement and Ordered Printed.

Sent down for concurrence.

Orders

On motion by Mr. Huber of Cumberland, ORDERED, the House concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out a bill "An Act Appropriating Additional Funds to the Department of Health and Welfare for Medical Care Payments and General Assistance Payments for the Fiscal Year Ending June 30, 1975." (S. P. 431)

Which was Read and Passed.

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

Committee Reports**House****Leave to Withdraw**

The Committee on Taxation on, Bill, "An Act to Increase the Property Tax Exemption for Veterans." (H. P. 304) (L. D. 367)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Ought to Pass

The Committee on Public Utilities on, Bill, "An Act to Amend the Charter of the Van Buren Light and Power District." (H. P. 740) (L. D. 921)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed.

Which report was Read and Accepted in concurrence, the Bill Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass - As Amended

The Committee on Judiciary on, Bill, "An Act Relating to Subsidized Adoptions." (H. P. 203) (L. D. 248)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-109).

The Committee on Judiciary on, Bill, "An Act Creating Uniform Standards for Disqualification of Applicants with Prior Criminal Convictions for a License or Permit to Practice a Trade or Occupation Regulated by the State." (H. P. 330) (L. D. 402)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-110).

Come from the House, the Bills Passed to be Engrossed as Amended by Committee Amendment "A".

Which reports were Read and Accepted in concurrence and the Bills Read Once. Committee Amendments "A" were Read and Adopted in concurrence and the Bills, as Amended, Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft

The Committee on State Government on, Bill, "An Act to Reorganize the State Personnel Board." (H. P. 370) (L. D. 464)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1238) (L. D. 1264)

The Committee on Labor on, Bill, "An Act to Protect the Rights of Persons Seeking Benefits Under Maine's Workmen's Compensation Law." (H. P. 269) (L. D. 325)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1222) (L. D. 1210).

The Committee on Transportation on, Bill, "An Act Relating to Expenditures of the Town Road Improvement Fund." (H. P. 443) (L. D. 548)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1247) (L. D. 1266).

Come from the House, the Bills in New Draft Passed to be Engrossed.

Which reports were Read and Accepted in concurrence, the Bills in New Draft Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Veterans and Retirement on, Resolve, Providing a Minimum Service Retirement Allowance under the State Retirement Law for Bertha Cargill Rogers. (H. P. 379) (L. D. 472)

Reported that the same Ought Not to Pass.

Signed:

Senators:

COLLINS of Knox
O'LEARY of Oxford
CLIFFORD of Androscoggin

Representatives:

MacEACHERN of Lincoln
THERIAULT of Rumford
KELLEY of Machias
MORTON of Farmington
LAVERTY of Millinocket
LEONARD of Woolwich
NADEAU of Sanford
POWELL of Wallagras

The Minority of the same Committee on the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Representatives:

USHER of Westbrook
CURTIS of Rockland

Comes from the House, the Minority report Read and Accepted and the Bill Passed to be Engrossed.

Which reports were Read.

Mr. O'Leary of Oxford then moved that the Senate accept the Majority Ought Not to Pass Report of the Committee.

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

Mr. KATZ: Mr. President and Members of the Senate: Bertha Rogers is a constituent of mine who has a long and distinguished record in her community. This bill was put in for her as a case of last resort. I think that she is a particular worthy person. I see that all three members of the Senate portion of the Committee are united in an Ought Not to Pass posture but, in any event, noting with some encouragement the action of the other body. I request a division on the motion.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President and Members of the Senate: This is the first of probably about 25 bills that will be coming before this body to provide pensions for former state employees who were never covered under the system. The Committee on Veterans and Retirement has adopted two principles that they intend to follow in all of these cases.

The first principle is that we will not recommend any pension like this unless there is attached to it an appropriation. In other words, we do not feel that we can recommend the dilution of the state retirement system fund. This particular item carries with it an appropriation of, I

think, a little over \$13,000. It is probably the smallest one on our list. But if we take every one of those nearly 25 bills that will come before you, we will have well over a quarter of a million dollars to appropriate for these purposes.

Nearly all of these bills are sympathetic bills. This happens to be one of the more sympathetic bills, and if the state had plenty of money I would be happy to make this kind of an award, but I think if we start to do this we will have a very difficult time to stop doing it, and I do not see that quarter of a million dollars in our budget.

It seems to me that, unfortunately, some of these cases may be fit cases for other types of state or local assistance. Other cases are purely cases of asking for what the state, hopefully, might provide, but there is no distinct need. We could try to screen them out in the committee, I suppose, but it has been adopted as committee policy, after careful debate, that it will be the committee's position that we will not recommend these cases to the legislature.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion of the Senator from Oxford, Senator O'Leary, that the Senate accept the Ought Not to Pass Report of the Committee. A division has been requested. Will all those Senators in favor of accepting the Ought Not to Pass Report of the Committee please rise in their places until counted. Will all those opposed please rise in their places until counted.

A division was had. 26 having voted in the affirmative, and five having voted in the negative, the Majority Ought Not to Pass Report of the Committee was Accepted in non-concurrence.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Natural Resources on, Bill, "An Act to Reclassify Prestile Stream." (H. P. 530) (L. D. 648)

Reported that the same Ought Not to Pass.

Signed:

Senators:

TROTZKY of Penobscot
WYMAN of Washington
O'LEARY of Oxford

Representatives:

CURRAN of Bangor
McBREAIRTY of Perham
BLODGETT of Waldoboro
HUTCHINGS of Lincolnville
DOAK of Rangeley
CHURCHILL of Orland
HALL of Sangerville
PETERSON of Windham
WILFONG of Stow

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Representative:

AULT of Wayne

Comes from the House, Bill and accompanying papers Indefinitely Postponed.

Which reports were Read.

Thereupon, the Majority Ought Not to Pass Report of the Committee was Accepted.

Divided Report

The Majority of the Committee on Veterans and Retirement on, Bill, "An Act Relating to Definition of Out-of-State

Service under State Retirement System." (H. P. 73) (L. D. 85)

Reported that the same Ought to Pass.

Signed:

Senators:

COLLINS of Knox
CLIFFORD of Androscoggin
O'LEARY of Oxford

Representatives:

POWELL of Wallagras
NADEAU of Sanford
LEONARD of Woolwich
LAVERTY of Millinocket
MacEACHERN of Lincoln
THERIAULT of Rumford
KELLEY of Machias
MORTON of Farmington
CURTIS of Rockland

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed:

Representative:

USHER of Westbrook

Comes from the House, the Majority report Read and Accepted and the Bill Passed to be Engrossed.

Which reports were Read.

Thereupon, the Majority Ought to Pass Report of the Committee was Accepted in concurrence, the Bill Read Once and Tomorrow Assigned for Second Reading.

Senate

The following Ought Not to Pass report shall be placed in the legislative files without further action pursuant to Rule 17-A of the Joint Rules:

Bill, "An Act Concerning Paid Vacations and Sick Leave of County Employees." (S. P. 250) (L. D. 822)

Leave to Withdraw

Mr. Jackson for the Committee on Local and County Government on,

Bill, "An Act Concerning Court Holidays and the Closing of Public Offices in County Buildings on Court Holidays." (S. P. 251) (L. D. 823)

Reported that the same be granted Leave to Withdraw.

Which report was Read and Accepted.

Sent down for concurrence.

Change of Reference

Mr. Jackson for the Committee on Local and County Government on,

Bill, "An Act to Prevent Hunting in Areas Near Dumps in Unorganized Territories and Plantations of the State." (S. P. 205) (L. D. 695)

Reported that the same be referred to the Committee on Fisheries and Wildlife.

Which report was Read and Accepted and the Bill referred to the Committee on Fisheries and Wildlife.

Sent down for concurrence.

Ought to Pass

Mr. Carbonneau for the Committee on Local and County Government on,

Bill, "An Act to Authorize the Treasurer and County Commissioners of Waldo County to Procure a Loan to Build a Detention Center." (S. P. 93) (L. D. 264)

Reported that the same Ought to Pass.

Which report was Read and Accepted, the Bill Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Judiciary on,

Bill, "An Act Increasing the Number of Associate Justices of the Supreme Judicial Court." (S. P. 147) (L. D. 510)

Reported that the same Ought to Pass.

Signed:
Senators:

COLLINS of Knox
CLIFFORD of Androscoggin
MERRILL of Cumberland

Representatives:

McMAHON of Kennebec
PERKINS of So. Portland
MISKAVAGE of Augusta
SPENCER of Standish
HENDERSON of Bangor
BENNETT of Caribou
HUGHES of Auburn
GAUTHIER of Sanford
HOBBINS of Saco.

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed: Representative:

HEWES of Cape Elizabeth

Which reports were Read.

Thereupon, the Majority Ought to Pass Report of the Committee was Accepted, the Bill Read once and Tomorrow Assigned for Second Reading.

Second Readers

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

House

Bill, "An Act to Increase the Maximum Permitted Compensation of Directors of School Administrative Districts." (H. P. 570) (L. D. 706)

Bill, "An Act to Create a Non-geographic School Administrative Unit for the Bureau of Corrections." (H. P. 645) (L. D. 797)

Bill, "An Act Providing Funds for Payment to Residential Schools as an Alternative to Incarceration of Juvenile Offenders." (H. P. 655) (L. D. 809)

Bill, "An Act Relating to the Borrowing Capacity of School Administrative District No. 43." (H. P. 755) (L. D. 925)

Bill, "An Act to Increase the Fee for Registration of Teachers." (H. P. 781) (L. D. 952)

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

Bill, "An Act to Protect Families with Children and Recipients of Certain Benefits Against Discrimination in Rental Housing." (H. P. 273) (L. D. 327)

Which was Read a Second Time.

On motion by Mr. Trotzky of Penobscot, the Senate voted to reconsider its action whereby it Adopted Committee Amendment "A" and on subsequent motion by the same Senator, Committee Amendment "A" was Indefinitely Postponed.

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

Senate Amendment "A", Filing No. S-44, was Read.

The PRESIDENT: The Senator has the floor.

Mr. TROTZKY: Mr. President and Members of the Senate: L. D. 327 seeks to extend coverage under Maine's Fair Housing Act. Under this act, it is unlawful to discriminate against potential tenants on the basis of race, color, sex, religion, or country of origin.

L. D. 327, as it was originally proposed, adds two other conditions. The first section would make it unlawful for landlords to discriminate against families having children when renting apartments or homes. The second part of the first section would make it unlawful for persons or landlords, agents, etc., to discriminate against potential tenants if they are recipients of public assistance.

What Senate Amendment "A" would do would be to eliminate the section on families with children, as there are many cases where such families might cause disturbances to other elderly tenants in the building. The amendment, however, preserves the second section. Let me state that refusals to rent to families receiving public assistance are discriminatory because they are made not with reference to the tenant's personal responsibility and integrity, but only on a general misapprehension that a family on public assistance is automatically an undesirable tenant. The purpose of this amendment is to enable those citizens of Maine in need of housing to have a fair and equal chance of obtaining it.

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

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

Sent down for concurrence.

Senate

Bill, "An Act to Require Public Hearings on the Appointments of Departmental Commissioners." (S. P. 429) (L. D. 1377)

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

Sent down for concurrence.

Senate - As Amended

Bill, "An Act Providing Funds for Treatment of Cystic Fibrosis." (S. P. 126) (L. D. 412)

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

Sent down for concurrence.

Enactors

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

An Act Relating to Limit of Insurance Risk Exposure under the Maine Insurance Code. (H. P. 292) (L. D. 344)

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

The President laid before the Senate the first tabled and Specially Assigned matter:

Bill, "An Act to Amend the General Assistance Laws." (H. P. 1032) (L. D. 1320)

Tabled — April 2, 1975 by Senator Huber of Cumberland.

Pending — Reference.

(The Committee on Reference of Bills suggests that this Bill be referred to the Committee on Health and Institutional Services.)

(In the House — Referred to the Committee on Health and Institutional Services.)

Thereupon, on motion by Mr. Huber of Cumberland, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the second tabled and Specially Assigned matter:

Bill, "An Act Creating the Maine Industrial Authority." (S. P. 423)

Tabled — April 2, 1975 by Senator Conley of Cumberland.

Pending — Motion of Senator Roberts of York to Refer to the Committee on Energy.

(The Committee on Reference of Bills suggests that this Bill be referred to the Committee on State Government.)

Thereupon, the Bill was referred to the Committee on Energy and Ordered Printed.

Sent down for concurrence.

The President laid before the Senate the third tabled and Specially Assigned matter:

HOUSE REPORTS — from the Committee on Judiciary — Bill, "An Act Relating to Hearing for Provisional Motor Vehicle Licensee on Suspension." (H. P. 333) (L. D. 405) Majority Report — Ought to Pass; Minority Report — Ought Not to Pass.

Tabled — April 2, 1975 by Senator Katz of Kennebec.

Pending — Acceptance of Either Report.

In the House — Passed to be Engrossed as amended by House Amendment "B" (H-107)

(In the Senate — Motion to Indefinitely Postpone lost.)

Mr. Katz of Kennebec then moved that the Bill be Indefinitely Postponed.

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

Mr. CONLEY: Mr. President, I noticed the sponsor of this bill, the good Senator from Cumberland, Senator Merrill, is not in the chamber at this time, and I wonder if perhaps somebody may table this until later in today's session.

The PRESIDENT: The Chair would interrupt to state that the motion of the Senator from Kennebec, Senator Katz, is not in order, since the motion to indefinitely postpone was defeated yesterday and there has been no intervening action by the Senate.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Thereupon, on motion by Mr. Katz of Kennebec, retabled until later in today's session, pending Acceptance of Either Committee Report.

The President laid before the Senate the fourth tabled and Specially Assigned matter:

House Report — from the Committee on Labor — Bill, "An Act Relating to Pulmonary and Cardiac Diseases Under the Workmen's Compensation Act." (H. P. 230) (L. D. 286) Ought to Pass as Amended by Committee Amendment "A" (H-85).

Tabled — April 2, 1975 by Senator Roberts of York.

Pending — Acceptance of Report.

(In the House — Passed to be Engrossed as Amended by Committee Amendment "A".)

On motion by Mr. Roberts of York, the Ought to Pass Report of the Committee was Accepted in concurrence and the Bill was Read Once. Committee Amendment "A" was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. ROBERTS: Mr. President, I move the indefinite postponement of Committee Amendment "A". By way of explanation, we will be presented an amendment which will replace this, but at this point the amendment is not in order, I understand.

The PRESIDENT: The Senator from York, Senator Roberts, now moves that the Senate indefinitely postpone Committee Amendment "A". Is this the pleasure of the Senate?

Thereupon, Committee Amendment "A" was Indefinitely Postponed in

non-concurrence and the Bill Tomorrow Assigned for Second Reading.

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

House Reports — from the Committee on Judiciary — Bill, "An Act Relating to Hearing for Provisional Motor Vehicle Licensee on Suspension." (H. P. 333) (L. D. 405) Majority Report — Ought to Pass; Minority Report — Ought Not to Pass.

Tabled — April 2, 1975 by Senator Katz of Kennebec.

Pending — Acceptance of Either Report. (In the House — Passed to be Engrossed as amended by House Amendment "B" (H-107).)

(In the Senate — Motion to Indefinitely Postpone lost.)

On motion by Mr. Speers of Kennebec, retabled and Tomorrow Assigned, pending Acceptance of Either Report.

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

Bill, "An Act to Authorize Bond Issue in the Amount of \$6,500,000 for the Construction and Renovations of Higher Education Facilities at the University of Maine." (H. P. 1061) (L. D. 1341)

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

Mr. SPEERS: Mr. President, was Item 1-3 not the item we just acted on and tabled for one legislative day?

The PRESIDENT: The Chair would reply in the negative. The item that you tabled was on today's special table. It is my understanding that it was L. D. 405. The Senator from Kennebec, Senator Katz, is referring to L. D. 1341.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Thereupon, on motion by Mr. Katz of Kennebec, referred to the Committee on Education and Ordered Printed in non-concurrence.

Sent down for concurrence.

(Off Record Remarks)

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

Bill, "An Act Making Capital Construction and Improvement Appropriations for the University of Maine from the General Fund for the Fiscal Year Ending June 30, 1976." (H. P. 1062) (L. D. 1342)

Thereupon, on motion by Mr. Katz of Kennebec, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed in concurrence.

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

Bill, "An Act Concerning Construction for the University of Maine Funded by Nonstate Moneys." (S. P. 435)

Thereupon, on motion by Mr. Katz of Kennebec, referred to the Committee on Education and Ordered Printed.

Sent down for concurrence.

(Off Record Remarks)

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

Mr. SPEERS: Mr. President and Members of the Senate: There has been something of a very quiet change going on

in State Government over the last year or so, one that was put into motion by one of our distinguished members sitting here on my right this morning, the good Senator from Aroostook, Senator Gahagan. I am referring to a document which all of you will be receiving, I am sure, within a very short period of time, and that is this document that I hold here in my hand this morning, entitled, "Maine State Government Administrative Report 1973-1974."

The good Senator from Aroostook, Senator Gahagan, sponsored a measure in the last session of the legislature which would do away with the multi-numbered reports which we usually are inundated with all through the legislative session, and which reports unfortunately, or perhaps fortunately, usually never are even read. I think that those of us certainly who have been here before can realize that we have not been inundated the way that we usually are, and I think that the bill is the reason for it.

This particular volume follows very closely the budget document and explains each administrative unit in state government, the major goal of that unit, the powers and the duties, the organizational background, the program that that unit is to undertake, and a history of the finances of that particular unit, a reference to the statutory authority, the number of full-time employees, the total fiscal expenditure in the past fiscal year, and the location of the unit along with its principal executive director. It is a very compact volume, a very worthwhile volume, and the good Senator is to be very much congratulated for the sponsorship of that bill.

I note that on the envelope in which this document was sent to him is inscribed "Number One," so I think it is very appropriate. I would also like to publicly extend the good wishes of the Senate and the thanks of the Senate to Bill Siebert and Bob Harding of the Budget Office and Allen Pease of the Governor's Office for the very extensive hours that they put into this report and the very good work that has resulted.

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

Mr. REEVES: Mr. President and Members of the Senate: Today I wish to speak about governmental accountability, and I would like to tell a story about a complaint which a constituent made to me over three months ago.

My belief is that if someone files a complaint with me, and I do not investigate it, then I become part of the problem, and I set out on January 6, 1975 to investigate this complaint which I had received on December 16, 1974. Having watched Watergate unfold, I thought I knew how to proceed, but not so. My first three calls were to the wrong departments, but I finally reached my man. "No problem, come in and we will talk about it and tell you everything", was his answer.

While he did indicate that the contract in question was awarded entirely within state government rules, I also heard him mutter something like, "I knew this was going to be a controversial contract from the start, and I told the Honeywell man it might have to be cancelled." I went to see him, but after two hours of talking with him, his deputy and his chief aides, it was still not quite clear to me, too technical. I asked him to present the situation before the legislative leadership. Later he made this

promise, contingent on the appointment of a new Commissioner.

Let me quote from his letter: "As soon as the new Commissioner is confirmed, it is agreed that the matter will be brought directly to his attention and a meeting established between this office, the Commissioner's office, yourself, and any other representatives of the companies involved in this particular award." Well, to make a long story short, that meeting never took place, because that new commissioner was ruled to have a possible conflict of interest and never was appointed.

So my next step was the Legislative Council; their advice was to take the complaint to the Attorney General. His advice was that if I filed a formal complaint he would investigate. It didn't seem right to me to make formal charges based on a constituent's complaint and a bureaucratic brushoff, but something had to be done, so I took it to the Performance Audit Committee, and they are working on it.

All this has taken three months. Friends and colleagues wonder why I am doing this and what it is all about. Here is how I sum it up:

A. Governor Longley, in his Cost Management Survey, recommended an automated system for energy conservation and life safety functions, such as fire alarms and security for state office buildings. This was an excellent suggestion and was scheduled to be implemented starting in the new state office building.

B. Last August, a contract to install such a computer system was signed with Honeywell for approximately \$39,000. Two other computer firms also bid on this contract.

Now here's the complaint:

No. 1. Honeywell was high bidder on this contract by nearly \$10,000 over the low bid.

No. 2. Honeywell drew up the specifications for this contract.

No. 3. The highest state official involved in this decision to make the award now works for Honeywell.

No., 4. The number two company, the loser, named Johnson Service Company, is familiar to anyone who has looked at the names on thermostats in any state building. This company has done a good job for the State of Maine for over 30 years.

No. 5. The original Honeywell contract was just \$39,000, but the overall cost of connecting all buildings in the Capitol Complex was to be approximately \$150,000, according to Governor Longley's Cost Management recommendation. Obviously in the computer business, the winner of the first award gets everything.

No. 6. Seven months after signing its contract with the State of Maine, Honeywell has upped the original cost by \$24,000 and claims this is a bargain. Let me quote: "Although the cost for this one demand load controller is about twice the cost of the smaller units I quoted, the cost for the larger is half the total controller cost quoted for all four buildings."

No. 7. With Honeywell running the central system, the overall cost for all buildings may have risen from \$150,000 to \$200,000.

No. 8. My final hope of settling, so to speak, "out of court" was a written promise of the Deputy Commissioner of Finance and Administration to "review this material at the earliest possible date, and following (this review) we should be in a position to take some action in regard to

your request for a review) That was weeks ago. I am still waiting.

No. 9 Number Two is trying harder, says it should have got the contract in the first placer. Further, it says it can save the state even more in total savings and manpower costs.

No. 10. The team of state engineers who examined the bids for this contract in question voted five to two in favor of the Johnson Service Company proposal which was the low bid.

No. 11. I have not been able to learn how this new automated system will be paid for or by whose authority, and I am not convinced that the whole thing is completely legal, but my proposal is this: Since Honeywell raised its price, and since the Honeywell representative was warned ahead that the contract might be withdrawn, why not rescind it and put it out to bid again.

Frankly, Mr. President, I have resented the long runaround that has brought me to the floor of this Senate today. I tell my story to warn others, but now is the time for action. This expensive computer system must soon be installed. Another week and we may be too late to correct a costly mistake. We want the most efficient system at the most competitive price. Are we going to get it?

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

Mr. SPEERS: Mr. President and Members of the Senate: The good Senator from Kennebec, Senator Reeves, has said that he resents the long runaround which brings him back to the floor of this Senate here today. Well, the mistake that is being committed is that he is back here on the floor of the Senate with this story and not where he has been consistently recommended to go with the story, if there has been wrong doing, and that is to the executive branch of government, the branch of government which is charged with the responsibility of executing the laws of the State of Maine, in the Attorney General's Office.

The good Senator has mentioned that he came to the Legislative Council and he was given certain advice. He did not choose to take that advice. He then went to the Performance Audit Committee and again was given certain advice, and he did not choose to take that advice. He brushes off himself what he says was a bureaucratic runaround, when he went to the Attorney General's Office and they explained to him that if he felt that there was wrong-doing involved with the laws of the State of Maine to file a complaint, and that they would take it up, that they would investigate, to find out if there is wrong-doing. But he stands here today and he says that he did not choose to take that route.

Mr. President, to make a long story very short, of course, we are very much concerned if there is wrong-doing or if the laws of the State of Maine are not being followed, but it is obvious that if the laws of the State of Maine are not being followed, if there is a genuine complaint of wrong-doing, of illegality, that the Attorney General's Office should indeed investigate this, and that there should indeed be a complaint brought to the Attorney General either by the good Senator representing his constituents or by the constituents themselves. And if the laws of the State of Maine have not been followed, then there will be a remedy

certainly forthcoming, and forthcoming very quickly.

Further, if there are laws of the State of Maine that need to be changed, then of course the legislature at that point should become involved in investigating what those laws are and why they should be changed.

But the good Senator is wrong when he says that there has been a bureaucratic runaround, because the advice that has been given from the very beginning in this case has been to go to the executive branch of government, to the Attorney General's Office, and to explain to them the facts of the case, and to see whether or not any of the laws of the State of Maine have indeed been broken or abrogated. He has not chosen to do that, for reasons of his own, and again we can only give him that advice at this time.

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

Mr. REEVES: Mr. President and Members of the Senate: I would like to thank Senator Speers for recapping some of the steps and some of the advice that was given to me during this long investigation inquiry into this constituent complaint, but I do have here a letter from the Attorney General in which he advises me to file a formal complaint.

This is the only point I would like to make at this time, that in making this statement today I do not wish to bring any criminal allegations against any individual in state government or out. That is not my intention. That is why I did not proceed with the matter with the Attorney General. My only point in bringing this to the attention of the Senate today was that it will soon be too late to rectify this particular award, if any change is going to be made. Under the circumstances, I felt this was my only recourse.

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

Mr. CONLEY: Mr. President and Members of the Senate: The good Senator from Kennebec, Senator Reeves, has from time to time kept me informed as to the procedure he had been following relative to this incident that he speaks of this morning. I congratulate him personally because I think that each and every one of us are morally bound to do what we feel is right. And although I agree also with the good Senator from Kennebec, Senator Speers, in some ways, he had been advised to follow a certain path or a certain route and he has proceeded right down the line. Although he has not made a formal complaint with the Attorney General's Office, it was not his intent to bring such a matter into such a large blown-up situation. But I commend him this morning for rising on the floor of the Senate, because I think too often, too many times, that once we get into political life perhaps we become so friendly with one another and friendly with those around us, particularly throughout state government, that when somebody brings a complaint to us, too often we summarily dismiss it and don't want to take a real close look at it.

I commend again the Senator from Kennebec, Senator Reeves, and I urge him to continue and to pursue his endeavor, because I am sure that because of the fact he has spoken here on the Senate floor this morning somebody is going to listen to what he is saying, and I am sure that at least the ultimate result will be that we

will get a clearer understanding of what has taken place.

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

Mr. BERRY: Mr. President and Members of the Senate: I too wish to commend Senator Reeves for his understandable concern and his sense of frustration when he, as a freshman Senator, has come chockablock on red tape bureaucracy and the seemingly slow pace of progress in matters of the kind that concern him.

As Chairman of the Performance Audit Committee, Senator Reeves spoke to me probably two months ago. And I expressed the greatest sympathy and interest in his cause, and since that time have been very concerned with this matter. I don't wish to refute the statement of Senator Conley from my own county, but I do wish to assure Senator Conley that Senator Reeves has received a most sympathetic ear.

I regret very much that we were told names this morning, and there were one or two words that have been used in the discussion this morning which I don't particularly feel that perhaps on reflection would have been used. I think of words like "rectify" and "mistake".

After Senator Reeves spoke to me, I discussed the matter with the committee. The matter was taken up with the individuals involved that were named in state government, and without going into detail, it is my personal opinion, and I think I can say the personal opinions of the members of the Performance Audit Committee, that no errors of judgment and no wrong-doing has taken place.

However, as frequently occurs to me in my enthusiasm to do what seems to be the right thing to do, I didn't pay proper attention to protocol, and I was brought up unofficially with one or two of my friends on the Legislative Council and it was pointed out under the rules, quite correctly, that I had proceeded a little precipitously to do what I have just discussed with you. And it was pointed out that an order is in the works for the Performance Audit Committee to check the purchasing procedures in the state, and perhaps under the umbrella of that order that the Performance Audit Committee could look into the matter. This is going to happen.

I would have preferred to report to you subsequent to this matter, but I felt that I should, in view of what was said today, give you my personal views on the situation.

(Off Record Remarks)

On motion by Mrs. Cummings of Penobscot,

Adjourned until 12 o'clock tomorrow noon.