

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

1978

Second Regular Session

January 4, 1978 — April 6, 1978

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APPENDIX

SENATE

February 22, 1978

Senate called to Order by the President.
Prayer by the Reverend Thomas W. Cahill,
Church of the Nazarene, Oakland.

Reverend CAHILL: Let us pray. Our Father we thank you this morning for those who have committed themselves to the political arena of life, to take the leadership in establishing the laws and guiding the people of the State of Maine. We thank You for the commitment and for the dedication. And this morning as we would begin this day to proceed with business, we ask that You will help each of us to be aware and very conscious of your guidance and your direction.

We ask that you help us Lord to be constantly aware of the fact that we are stewards of what we have received and that we are accountable for our faithfulness to Thee, and to the people of Maine. We just pray that each decision that will be made, Lord for the benefit and blessing of not only our lives but for those of whom we serve. We ask that you will guide and direct and bless in every endeavor. We ask Lord that your richest blessing would rest upon each one as they have given themselves so involved into the work of caring for others and may we never lose, in any way, the ability to relate and to love and to care for our people and to understand them. And may as we would set the direction and the tone in the legislative area, may it be constantly with an ear toward the people and their need and an ear toward Thee and to thy calling and our task of putting them together. Thank you. Guide and direct and bless through this day. In Christ's name. Amen.

Senator Hichens of York was granted unanimous consent to address the Senate on the Record.

Mr. HICHENS: Mr. President and Members of the Senate:

On Monday of this week in observance of the birthday of George Washington.

We had a day of freedom from our duties and for good measure had another one.

When we could do the hundred chores as needed or take the day off simply to relax. Most of us quite unaware observing another birthday. Now here are the facts.

There's one amongst us who was celebrating another birthday — I couldn't say which one, But vivacious as she is I wager you couldn't guess how many years she's run.

The race of life, her youthfulness we envy, especially those of us far o'er the hill.

And every time she flashes her smile on us — all us old fogies get a thrill.

The legendary Greeks had nothing on her — for she's inherited a real finesse.

Her lightheartedness may oft betray her — for she's proven she can meet the stress

Of a legislator that is burdened with committee problems few may face

In the realm of health & institutions. How well I know her I've been in her place.

We've just got used to having her amongst us — and now she plans to leave these Senate halls

And move to higher realms of public service — so, how can we object when duty calls.

Of course the voters have the final sayso — as to whether she will go to Washington

Or stay here in our state awhile longer — but she's by far the most attractive one

That we can see on any ballot offered and we shall miss her where'er she may go

Regardless of party affiliation — we all respect her fondly and she'll know

That our best wishes are extended to her, especially as she starts another year.

So on this day of birthdate celebration, let's all give our Olympia a cheer

And wish her well in all the days that follow and trust that God will bless her on life's way

Where'er the path may lead — and though belated, we hope she had a very happy day!

Reading of the Journal of yesterday.

(Off Record Remarks)

**Papers from the House
Joint Orders**

Expression of Legislative Sentiment recognizing that:

Pascal Jandreau, ninety-two, and Sarah Jandreau, Eighty-seven, of St. Francis, having been married on February 27, 1908, are now celebrating the seventieth anniversary of their wedding, (H. P. 2117)

Harry Crooker of Brunswick, is a self-made man who has proved through his commitment to hard work, good judgment and a willingness to back his judgment with action that the State of Maine is still the land of opportunity, (H. P. 2119)

Comes from the House, Read and Passed.

Which were Read and Passed in concurrence.

Joint Resolution

A Joint Resolution In Memoriam:

Whereas, the Legislature has learned with deep regret of the death of Vincent A. Lavallee, a dedicated public servant of the Community of Gardiner, (H. P. 2124)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

Joint Resolution

Joint Resolution requesting the members of the Maine Delegation to the Congress of the United States to urge The President of the United States to approve the application of Governor Longley for a presidential declaration that a disaster exists in Maine because of severe winter storms suffered in January and February, 1978

WHEREAS, during January 8 to 10, 1978, the State of Maine suffered an extremely severe and widespread winter storm which, because of widespread flooding and extensive beach erosion, caused great damage to public and private coastal property; and

WHEREAS, the Governor of this State, The Honorable James B. Longley, applied, on January 18, 1978, to the President of the United States, requesting that he declare that a major disaster exists in the State of Maine under the provisions of the Disaster Relief Act of 1974, Public Law 288, 93rd Congress; and

WHEREAS, the Governor was informed that this declaration would not be forthcoming; and

WHEREAS, on February 7 and 8, 1978, the State of Maine again was struck by an extremely severe winter storm, accompanied by heavy snowfall, winds up to hurricane force, and record tides and surf; and

WHEREAS, this additional storm increased the widespread damage already suffered by the State, causing enormous monetary loss and great human misery, and leaving Maine's coastal storm defenses so damaged that another severe storm can be expected to greatly add to the present destruction along Maine's coast; and

WHEREAS, the Governor of Maine, on February 15, 1978, again wrote to the President of the United States requesting him to consider the storms of January 8th and 10th and of February 7th and 8th, as one incident and again requesting him to declare that a major disaster exists in Maine under the Disaster Relief Act Amendment of 1974; and

WHEREAS, in view of the fact that the damage caused by these two storms occurring in quick succession amounts to over \$47,550,000, and in view of the fact that the State of Maine urgently needs immediate federal assistance to reinforce Maine's efforts to both overcome the human suffering and property damage already suffered and to prepare for the possibility of more damaging storms this winter, it is vital that Maine receive federal dis-

aster assistance available only after a presidential declaration that a disaster exists in Maine; now, therefore, be it

RESOLVED: That we, the members of the 108th Legislature, assembled in the Second Regular Session, do hereby request and urge the Congressional Delegation of Maine to the Congress of the United States to use all resources within their power to persuade the President of the United States, the Honorable Jimmy Carter, to approve Governor Longley's application of February 15, 1978, and to declare that a major disaster exists in the State of Maine under the provisions of the Disaster Relief Act Amendment of 1974, Public Law 288, 93rd Congress; and be it further

RESOLVED: That upon passage in concurrence, the Clerk of the House prepare suitable copies of this joint resolution for immediate transmittal to each member of the Maine Congressional Delegation and to the Governor of Maine, the Honorable James B. Longley.

(H. P. 2123)

Comes from the House, Read and Adopted.

Which was Read.

On Motion of Mr. Huber of Cumberland, Tabled Two Legislative Days, pending Adoption.

Communication

Honorable May M. Ross

Secretary of the Senate

108th Legislature

Augusta, Maine 04333

Dear Madam Secretary:

The House today voted to Insist and Join in a Committee of Conference on Bill "An Act to Provide for Alternative Election Procedures for School Budgets on a Local Basis" (H. P. 1909) (L. D. 1970)

Signed:

EDWIN H. PERT

Clerk of the House

Which was Read and Ordered Placed on File.

The PRESIDENT: The Chair will name on the part of the Senate as Senate Conferees, The Senator from Kennebec, Senator Katz; Senator from Kennebec, Senator Pierce; and the Senator from Cumberland, Senator Usher.

Joint Resolution

Mr. Hichens of York (Co-sponsor: Rep. Biron of Lewiston) presented, the following

Joint Resolution and moved its adoption:

STATE OF MAINE

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

Joint Resolution Concerning

A Proposed film on the Life of Jesus

WHEREAS, it has been brought to the attention of the Legislature that a British filmmaker is planning to produce a film which portrays Jesus of Nazareth engaged in a number of explicit sexual acts for which there is absolutely no biblical or other historical evidence; and

WHEREAS, we believe the exploitative use of both sexuality and a revered religious figure is essentially an attempt to gain notoriety for what otherwise would be just another pornographic film; and

WHEREAS, we believe such a film would be patently offensive to the deepest feelings of thousands of Maine people; now, therefore, be it

RESOLVED: That we the members of the 108th Maine Legislature go on record as respectfully requesting anyone involved in the production or dissemination of such a film to consider thoughtfully the welfare of their fellow citizens before proceeding with such an enterprise; and be it further

RESOLVED: That upon passage of this resolution in concurrence, the Secretary of the Senate shall make available suitable copies of this resolution to the public. (S. P. 706)

Which was Read.

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

Mr. HICHENS: I now move that this be tabled for three legislative days pursuant to Joint Rule 4.

The PRESIDENT: The Senator from York, Senator Hichens, now moves that this item be tabled for three legislative days.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: I request a Division.

The PRESIDENT: A Division has been requested on the tabling motion.

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President, I request a Roll Call.

The PRESIDENT: A Roll Call has been requested. In order for the Chair to order a Roll Call, it must be the expressed desire of one fifth of those Senators present and voting.

Will all those Senators in favor of a Roll Call please rise in their places to be counted.

Obviously more than one-fifth having arisen, a Roll Call is ordered.

The pending question before the Senate is the Motion by the Senator from York, Senator Hichens, that (S. P. 706) be tabled for three legislative days pursuant to Joint Rule 4.

A yes vote will be in favor of tabling.

A nay vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Carpenter, Farley, Greeley, Hewes, Hichens, Lovell, Mangan, McNally, O'Leary, Redmond, Wyman

NAY — Chapman, Collins, D.; Collins, S.; Conley, Curtis, Danton, Huber, Jackson, Katz, Levine, Martin, Merrill, Minkowsky, Morrell, Pierce, Pray, Snowe, Trotzky, Usher

ABSENT — Cummings, Speers

11 Senators having voted in the affirmative and 19 Senators in the negative, with 2 Senators being absent, the Motion to table does not prevail.

(Off Record Remarks)

Committee Reports

House

Ought to Pass

The Committee on Judiciary on, RESOLUTION, Proposing an Amendment to the Constitution to Grant to the Supreme Judicial Court the Power to Remove a Judicial Officer from Office. (H. P. 1886) (L. D. 1943)

Reported that the same Ought to Pass.

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

The Committee on Local and County Government on, RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Oxford County for the year 1978. (Emergency) (H. P. 2105) (L. D. 2142)

Reported that the same Ought to Pass pursuant to Joint Order (H. P. 1986).

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

Which Reports were Read and Accepted, in concurrence, and the Resolution and Resolve Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

The Committee on Energy on, Bill, "An Act to Establish Standards to Protect; Maine Consumers Against Unsafe and Improperly Manufactured Cellulose Fiber Insulation." (Emergency) (H. P. 1998) (L. D. 2079)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-1045).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

The Committee on Energy on, Bill, "An Act

to Provide for the Sale of Electricity to Public Utilities." (H. P. 2036) (L. D. 2100)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-1047).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

The Committee on Judiciary on, Bill, "An Act to Provide for Limited Guardianship." (H. P. 1991) (L. D. 2064)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-1049).

Comes from the House, the Bill 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.

The Committee on Natural Resources on, Bill, "An Act to Clarify Certain Definitions under the Subdivision Law and to Set Out the Intent of the Legislature in Enacting that Law." (H. P. 1935) (L. D. 2006)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-1032).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" (H-1053) thereto.

Which Report was Read.

On Motion of Mr. Minkowsky of Androscoggin, Tabled for One Legislative Day, pending Acceptance of the Committee Report.

Ought to Pass in New Draft

The Committee on Public Utilities on, Bill, "An Act to Expand the Purposes for which Brownville Junction Water District may Issue Bonds." (H. P. 2065) (L. D. 2121)

Reported that the same Ought to pass in New Draft under new title, "An Act to Revise the Brownville Junction Water District Charter" (Emergency) (H. P. 2115) (L. D. 2147)

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

Which Report was Read and Accepted in concurrence, and the Bill, in New Draft, 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 20 of the Joint Rules:

Bill, "An Act Relating to the Importation of Drugs." (S. P. 674) (L. D. 2082)

Second Readers

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

House — As Amended

Bill, "An Act Authorizing Municipalities to Provide Textbooks and Other nonsecular Services to Elementary Secondary Pupils Attending Private Schools" (H. P. 1889) (L. D. 1946) Which was Read a Second Time.

On Motion of Mr. Katz of Kennebec, Tabled until later in Today's Session, pending Passage to be Engrossed.

Bill, "An Act to Establish a Solar Water Heater Demonstration Program for Maine." (H. P. 2038) (L. D. 2102)

Bill, "An Act to Expand the Elderly Low Cost Drug Program." (Emergency) (H. P. 1912) (L. D. 1973)

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

Bill, "An Act Clarifying the Statutes Relating to Municipalities." (Emergency) (H. P. 1921) (L. D. 1982)

Which was Read a Second Time and Passed

to be Engrossed, as amended, in nonconcurrency.

Sent down for concurrence.

Senate

Bill, "An Act to Encourage Early Resolution of Discrimination Complaints and to Clarify the Subpoena Power of the Maine Human Rights Commission." (S. P. 703) (L. D. 2150) Which was Read a Second Time.

On Motion of Mr. Morrell of Cumberland, Tabled for One Legislative Day, pending Passage to be Engrossed.

Enactors

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

"An Act to Amend Foreclosure Proceedings by Civil Action." (H. P. 1977) (L. D. 2062)

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

"An Act to Set Off a Portion of Land from the Town of Wales and Annex the Same to the Town of Sabattus." (H. P. 2058) (L. D. 2116)

On Motion of Mr. Minkowsky of Androscoggin, Tabled for One Legislative Day, pending Enactment.

"An Act to Reconstruct the Fuel Adjustment Clause." (H. P. 2092) (L. D. 2137)

On Motion of Mr. Collins of Aroostook, Tabled for One Legislative Day, pending Enactment.

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

Mr. CONLEY: Mr. President, with respect to Bill, "An Act to Expand the Elderly Low Cost Drug Program" (Emergency) (H. P. 1912) (L. D. 1973)

I move that the Senate reconsider its action whereby this Bill was Passed to be Engrossed.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that the Senate reconsider its action whereby (L. D. 1973) was Passed to be Engrossed. Is it the pleasure of the Senate? It is a vote.

On Motion of Mr. Conley of Cumberland, Tabled for One Legislative Day, pending Passage to be Engrossed.

(Off Record Remarks)

Orders of the Day

The President laid before the Senate: House Report — from the Committee on Local and County Government — Bill, "An Act to Support Improvement of Air Passenger Services." (H. P. 2048) (L. D. 2110) Ought to pass Tabled — February 17, 1978 by Senator Collins of Aroostook

Pending — Acceptance of Report

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

Mr. COLLINS: Mr. President, I move the Indefinite Postponement of this Bill and accompanying papers, and would speak to my Motion.

The PRESIDENT: The Senator from Aroostook, Senator Collins, now moves that the Senate indefinitely postpone this Bill and all its accompanying papers.

The Senator has the floor.

Mr. COLLINS: Mr. President and Members of the Senate, it is with a great deal of reluctance that I make this Motion. I think that the delegation from Aroostook County has had a long history of working together for our common interests and concerns. And it is a rare occasion when we find that that we must disagree.

Essentially this Bill provides for an air service to a portion of Aroostook County that is not now serviced. And it essentially provides for a direct subsidy to an individual or to a business concern through the vehicle of the County Commissioners to provide the service to Frenchville Airport and to Houlton Airport.

I guess that my concern is that we are about to use a fair amount of county money to subsidize a private venture. And I am aware that Aroostook County needs additional air service in some respects and I am also aware of the problems incumbent upon establishing that service.

Not long ago we had an informal meeting of the delegation and I, at that time reluctantly agreed to support this Bill into being admitted into the Legislative procedure, however, since that time, I have had a great deal of objection from municipalities throughout my district and throughout other districts. It seems to me that we are facing a situation whereby we are tentatively providing a subsidy for a business that is a very precarious one.

I would like to read to you one or two letters that have been addressed to the Chairman of the Committee on State and Local Government. The first one is from the City of Caribou and I think it is perhaps typical of some sixteen or seventeen others that I have received. It says and I quote,

"Dear Sen. Jackson:

The Caribou City Council has instructed me to write you to express their reservations about (L. D. 2110), a bill to authorize County subsidy of a scheduled airline service in Aroostook County.

While we support the idea of additional air service in the County and sympathize with the efforts of those attempting to provide such service, we disagree with this method.

We do not feel that it is fair to tax all people in Aroostook County to subsidize an airline which would be available to only segments of Aroostook County.

We also do not feel that it is proper to use local tax money to subsidize a private business. Instead, perhaps a feasibility study could be considered to determine whether such an airline would work.

Since the City of Caribou pays a substantial share of the county budget, the City Council objects to the use of this tax money as proposed in this measure."

There are a number of other letters which are very similar in tone. But there is another area which I should like to draw to your attention and this is a letter from Doctor George F. Higgins, who is formerly the President of Aroostook Airways and he says, the letter is addressed to

"The Honorable James McBreairty

This is a letter to follow-up the discussion we had on the telephone, recently, concerning the County's subsidy to operate a commuter airline between Frenchville, Houlton, Bangor and Augusta.

I feel that I have some knowledge of this type of business, since I was President of Aroostook Airways for several years when we ran a commuter airline serving Aroostook County and points south. We tried to service Frenchville and Houlton but found that it was not economically feasible.

When we went out of business, Bar Harbor made a study of this situation and is now serving the County with several flights a day between Presque Isle and points south. I feel very strongly that this is a marginal business at best and should the County subsidize another airline in direct competition to Bar Harbor, all it could do is to cause a deterioration in the service we already have. Since any passengers a new airline would carry, would result in decreased revenue for Bar Harbor. Subsidizing this new commuter service would be of benefit for so few at the expense of so many in the face of our declining economic situation in Aroostook County.

We must remember that other airlines have tried commuter services and have failed. Century Aviation, which was based in Brewer, Maine, tried to route between Brewer, Greenville, and Augusta and they failed. There was another commuter service which tried to es-

tablish itself in Presque Isle and it also failed. These commuter services are in addition to Aroostook Airways failure.

I think that we should be realistic and realize that the Presque Isle Airport is within one hour's drive of any point in Aroostook County and I feel that this is all that we should expect since, after all, a person living in Manhattan has to drive one hour to get to Kennedy Airport.

I sincerely hope that something can be done to educate your colleagues concerning the potential damage this bill could do to Aroostook County.

Sincerely,

GEORGE F. HIGGINS, M. D.

Former President of Aroostook Airways"

I hope that you will join with me today in removing this from the Roll because it is obvious that it will fail in my view, I am sympathetic to my colleagues who would like to provide some service but realistically I think that we must recognize that county money ought not to be used for this purpose.

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

Mr. MARTIN: Mr. President and Members of the Senate: I stand to oppose the Motion that was made by the Senator from Aroostook, Senator Collins. It is not very often that I stand to oppose my good friend and colleague from Aroostook, However, I feel that I must give an explanation and a reason why this Bill is before us.

Several months ago, it was brought to the attention of several Legislators of Aroostook County that there existed in the County a need for some type of commuter Air Service between Northern, Central, and Southern Aroostook, to link the County with the remaining part of the State. Already knowing that Central Aroostook, specifically Caribou and Presque Isle was being provided some air service, we were left with providing service for the Northern and Southern part of the County. As a result a survey was taken in both the Northern and Southern part of Aroostook County. The survey as expected, indicated that there was a need for this type of service. This proposal was then submitted to the County Commissioners by the Northern Regional Aroostook Airport in Frenchville and the Houlton International Airport in Houlton. At its annual budget meeting on December 8th, 1978 all three County Commissioners recommended the sum of \$17,000.00 of county funds, again I reiterate, county funds, not State appropriations, to provide some type of financial assistance to anyone or any company that would be responsible for this air service in Aroostook County. We were later advised that Legislation would be required to allow this. We pursued this matter and requested the Attorney General's Office to draft Legislation that would allow the Commissioners of Aroostook County to provide support to improved air service in the County. Thus developed LD 2110, An Act to Support Improvement of Air Passage Service for Aroostook County.

At its delegation meeting three weeks ago, the delegation voted fourteen to one to approve the sum of \$17,000.00 and to endorse LD 2110. Again I reiterate, fourteen to one.

I would also point out that this Bill came out of the Local and County Government Committee Unanimous Ought to Pass and that there was only one opponent. Incidentally the same gentleman who opposed it at our delegation meeting. Mr. President, I would request a Division and would urge all Members of the Senate, of this Body, to vote no on the pending question.

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

Mr. COLLINS: Mr. President, I am aware of the meeting of which my good friend, the Senator from Aroostook, Senator Martin speaks, And I also recognize that as he does, that the vote there was in favor of the Bill. And I think that I told you that my vote was a reluctant one because I had not at that time explored the

ramifications of this particular Legislation.

Now with respect to the survey that was undertaken, I would like to point out that there were only 45 people that were surveyed. And it seems to me that this is a relatively small group of people from which to derive some sense of the people.

I would hope that if you could today kill this Bill. I can assure you that there is a wide division of thought in Aroostook County with respect to the Bill and it exists not only in my district, but also in another district and I hope today that you will vote with me to indefinitely postpone the Bill.

The PRESIDENT: Is the Senate ready for the question? The Chair recognizes the Senator from Cumberland Senator Jackson.

Mr. JACKSON: Mr. President and Members of the Senate: it has been indicated in the previous debate the Committee on Local and County Government did hear this particular Legislation. It was signed out of Committee unanimously. I might like to point out why the Bill was signed out. Why the Committee felt that it might be a piece of Legislation that could be used to unify Southern Aroostook County and Northern Aroostook County. We did ask the question if the monies were in the budget, and it was indicated to us that they had had the monies in the budget when the budget was heard in Aroostook County at public hearing. The monies were then in the budget, so we felt that the possibility the area residents of Aroostook County had had the opportunity to voice their opinion. I have to concur with the good Senator from Aroostook, Senator Collins, that the mail that has been coming in in opposition to this Legislation out numbers the mail that is in favor of it by about three to one.

What we did on the Committee we felt where there was a delegation vote where there was fourteen to one, that it had a public hearing in its own area that may have been some merit and we did not want to interfere in the political process in Aroostook County. But I do think and still think that the possibility of, and I think that maybe we should have added a little more to the Legislation that came out. We should have requested some sort of it in writing the type of service to be provided and the guidelines to be used which we did not but again I think it could be a useful tool for Aroostook County.

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

Mr. KATZ: Mr. President, there is a very interesting policy question involved here that goes far beyond the Bill. Should taxpayers money be used in the State of Maine to underwrite the cost of air transportation. It might be of interest to the Senate to know that this subject has come up before. First as a member of the Governors Air Service Advisory Committee we question the propriety of subsidy again from the Maine Transportation Commission. The question of subsidy came up and in every case it was the consensus of those of us who dealt with the problem that subsidy at local or state level was a bottomless pit and as a matter of public policy the State of Maine should not pursue this course of action.

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, to answer a few of the questions or point that have been raised this morning I would like to take just a couple of minutes.

One point that bothers me a little bit is the amount of mail that has been generated by one particular individual in this case. I would assure you that the Senator from Aroostook, Senator Martin and myself could have generated twice that much mail had we thought there was a need but when you have a fourteen to one delegation vote, unanimous Committee Report normally you have no problem, especially, when you are talking about Home Rule

situation involving many many elected officials County Commissioners, Legislators, ect.

I think what you are witnessing this morning is a little bit of intercounty jealousy. Presque Isle and Caribou, Central Aroostook County, have been very attractive to economic development. This is basically one of the major issues that we are talking about here. We are not talking about the convenience of flying Legislators to Augusta, although that would be a convenience, we are talking about the attractiveness of Southern and Central Aroostook, excuse me Southern and Northern Aroostook County, their attractiveness to industry and just to set the record straight we are not talking about a segment of Aroostook County, we are talking about 4/5ths of the land mass of the largest County in the State of Maine that is presently without regularly scheduled air traffic. This Bill, I would prefer to call it an insurance policy rather than a subsidy, would allow, if you will read the Bill, would authorize or allow the County Commissioners in Aroostook to study the feasibility of supporting a commuter airline connecting Frenchville possibly Caribou, Houlton, and points South. Presently in order to fly 45 minutes south, you have to drive a hour and a half north. Which has always bothered my constituents a little bit. We have done or the Houlton Regional Airport has done an extensive survey as to the usage, potential usage of this air service, and we find that hopefully that the subsidy would not be used. The figures have been kicked around and I know that the lobbying has been done in this Body, the figure has been kicked around of \$17,000.00, \$35,000.00 and \$80,000.00 and what the County delegation did and yet kept the budget lower than it was last year in Aroostook County, by the way, was to authorize the Commissioners if this Legislation passed to build an insurance policy of \$17,000.00 and \$34,000.00 next year. Research has been done and has shown that in order for a commuter airline to break even, it must have three passengers per take off. The insurance policy that we are talking about this morning that is contained implicitly in this Bill would pay the airline service, whichever one it may be, it may be Bar Harbor, it may be Air New England, it may be a private one that is not even in existence now. It would pay them for every seat under there that they have on a given morning. If they have three seats out of Frenchville this morning, three seats out of Houlton, no cost to anybody.

We get into a great debate in this Body about Home Rule and I would submit to you that we have three County Commissioners in Aroostook County, all of whom including the one from Caribou — Presque Isle area support this Legislation.

I had the privilege and the chance to take a flight out of Presque Isle last November to interview with some people in Hagertown, Maryland about the potential of moving part of their industrial complex to the Town of Houlton. The first question they asked me. Do you have airline service? Our industrial park in the Town of Houlton sits on the Airport. You could taxi a plane up and drop passengers off within fifty feet of the industrial development complex.

I would just ask you to please take a hard look at what we are asking for. We are not asking for you to give us, to tell us to spend county money, we are asking for that right. We had a fourteen to one vote in the Delegation. If you look at the letters you received on the map, you can draw a very small radius around the City of Presque Isle, the City of Caribou and while you are looking at that packet, please take out the Town of Easton and throw it away, because they now support this concept. Now we have fifteen letters instead of sixteen if we are going to go on numbers.

I hope that you will give us a chance. I realize that Aroostook Airways did not make it a few years ago. I would submit to you that a few

years ago air travel was a luxury enjoyed by the privileged few and today it is a necessity enjoyed by many, many people in Aroostook County. Inconvenient to the people in the Northern part of the County, the Northern two-fifths and in the Southern part of the County, the Southern two-fifths. We have a bit of jealousy problem I think that in the Presque Isle-Caribou area do not want good clean competition either in terms of air traffic or in terms of their attractiveness in the area of industrial development.

I would hope this morning that based on the Delegation vote, based on the Committee Report that we could have a favorable reading on this Bill. Mr. President, when the vote is taken I would request Yeas and Nays.

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

Mr. MARTIN: Mr. President, I will be the first one to admit that there are those who oppose this concept and that you have on your desk this morning written testimony in opposition from those communities who are now being provided air service for Central Aroostook.

I would like to very briefly go through some of these. We have a letter from the Selectman of Woodman, it states that he is not in favor of Aroostook County Commissioners spending property tax dollars to provide air service. However, he supports (L. D. 2110). The City Manager of Caribou expresses reservations to (2110). The City Manager states that he supports the idea but cannot agree with the County Commissioners.

I would hope, Mr. President, that this Body would not confuse the Bill before us with what the County Commissioners and the Delegation Members from Aroostook County authorized earlier.

Mr. President, I would also point out that the Airport in Presque Isle is presently being provided annually the sum of \$25,000.00 from the County Commissioners budget. \$25,000.00 annually to subsidize, direct subsidize the Airport in Presque Isle.

And for the record, I would point out the following communities that are in favor of (L. D. 2110); Eagle Lake, Easton, Fort Fairfield, Fort Kent, Frenchville, Grand Isle, Saint John, Houlton, Island Falls, Madawaska, Patten, Saint Francis, and Van Buren, and if each Member of this Body checks their desk this morning, they will find 25 other communities who are in favor of this Bill. Thank you.

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

Mr. CARPENTER: Mr. President, two points that I neglected to bring out and one was just dealt with by the Senator from Aroostook, Senator Martin, I would hope that before you vote on this issue, you think back to your own County Budget, and if you are going to talk in terms of subsidy, lets talk. Lets talk very honestly and very openly about what is subsidized in County Budgets. Senator Martin just mentioned we subsidize indirectly, Delta; \$25,000.00 to the Northern Maine Regional Airport at Presque Isle, we changed the name of it to make it a little bit more palatable even. We subsidize them to answer the Senator from Kennebec, Senator Katz, about subsidizing air transportation in the State of Maine, I would ask you to think back to the 5th of December when we had a Bond Issue in this State which indirectly uses taxpayers money to subsidize air travel in the State. If you are going to talk about pure unsubsidized air travel, lets talk about airlines running on their fares, not asking for county money, not asking for State Bonds, not asking for the State — to go into a debt to resurface runways. Two years ago Delta in a situation in Presque Isle said, if you do not do something about that run way, we are going to have to pull out. So everybody scrambled and ran around and ran into each other trying to get enough money to resurface the runway up their

to subsidize Delta, and Air New England, and Bar Harbor.

If we are going to talk subsidy, lets look this thing straight in the eye and talk about it. In Aroostook County we subsidize indirectly many private and public institutions and the other thing, and the thing that makes this particular issue a little bit unique, take any issue in any county budget in the State of Maine and bring a bill before the Legislature to authorize it. Be it the Maine State Blossom Festival which Aroostook County Subsidizes be at the Presque Isle Airport which Aroostook County subsidizes, this is a little bit unique because we have to change the law, okay. Think about putting out to the communities in your county to a vote any issue in your county Budget that effects one particular area. Make that a Boston Festival at Fort Fairfield. It would be overwhelmingly be rejected by the voters of Aroostook County, probably.

So we are in a bind here in this situation because we had to change the law a little bit, and otherwise, this issue would have gone to the county budget procedure fourteen to one. But you just think about your County Budgets and take any issue out of your County Budget that you are presently funding with York County Taxes, Sagadahoc County Taxes, Kennebec County Taxes, or Cumberland County Taxes. Think about taking one issue out and running it through this Legislature, one issue that affects, lets say less than half of your particular county. We are talking about an issue that affects 4/5's of our County. And I hope that you will think back on your own County Budgets and if you want to talk about the parochialism in the County Budget it is there, we know it. I would rather talk about the Home Rule, that we are authorizing three County Commissioners to do this sort of thing, and we would not even be here. This thing would be well on its way, except that we did have to adjust the law, we did have to change the law. Thank you.

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

Mr. COLLINS: Mr. President, I think that we ought to, when we talk about subsidies put it in its proper perspective.

It is true that the County has subsidized airports. Airports, not airlines. We have subsidized the airport in Northern Maine, which is the Presque Isle Airport. That is the only airport in Northern Maine now that provides daily service to the outside world, Bar Harbor Airlines, and Delta Airlines and we are very fortunate that they can come in there, and that they can serve Aroostook County. Delta Airlines serves only three points in the entire State of Maine; Bangor, Portland, and Presque Isle. I think that there is a real difference between a subsidy that goes to an airport, as opposed to an airline. Incidentally, in the past, we have subsidized the airport at Frenchville. I suspect also at Houlton and at Caribou. But we are talking in this instance about airlines, and I think that there is a difference.

I think I would like to point out to you some of the cost involved with this operation. For example, two round trips daily, from Frenchville, Houlton, would cost yearly, \$224,806.00. I think that if you look at the history of the airlines, the feeder airlines, the regional airlines in Aroostook County, they have had one thing in common, they have all failed. I think this is just throwing money away. That is what we will be doing if we vote for this Bill.

The PRESIDENT: Is the Senate ready for the question?

A Roll Call has been requested. In order for the Chair to order a Roll Call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators in favor of a Roll Call please rise in their places to be counted.

Obviously more than one-fifth having arisen, a Roll Call is ordered.

The pending question before the Senate is the

Motion by the Senator from Aroostook, Senator Collins, that (L. D. 2110) and all its accompanying papers be indefinitely postponed.

A yes vote will be in favor of indefinite postponement.

A nay vote will be opposed.

The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

ROLL CALL

YEA — Chapman, Collins, D.; Collins, S.; Curtis, Greeley, Hewes, Huber, Katz, Lovell, McNally, Morrell, Pierce, Snowe, Trotzky

NAY — Carpenter, Conley, Danton, Farley, Hichens, Jackson, Levine, Mangan, Martin, Merrill, O'Leary, Pray, Redmond, Usher, Wyman

ABSENT — Cummings, Minkowsky, Speers
14 Senators having voted in the affirmative and 15 Senators in the negative, with 3 Senators being absent, the Motion to indefinitely postpone does not prevail.

Which Report was Accepted in concurrence. The Bill Read Once and Tomorrow Assigned for Second Reading.

The President laid before the Senate:

Bill, "An Act to Establish and Apply a Policy on the Classification of Major Policy-influencing Positions Below the Head of State Department and Agencies." (H. P. 2051) (L. D. 2111)

Tabled — February 17, 1978 by Senator Collins of Aroostook

Pending — Enactment

On Motion of Mr. Katz of Kennebec, Retabled for One Legislative Day.

The President laid before the Senate:

Bill, "An Act to Revise the Salaries of Certain County Officers." (H. P. 1942) (L. D. 2108)

Tabled — February 17, 1978 by Senator Conley of Cumberland

Pending — Adoption of Committee Amendment "A" (S-472) Thereto.

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

Mr. PRAY: Mr. President, I move that this item be Tabled for One Legislative Day.

The PRESIDENT: The Senator from Penobscot, Senator Pray, now moves that this item be Tabled for One Legislative Day.

The Chair recognizes the Senator from Cumberland, Senator Jackson.

Mr. JACKSON: Mr. President, I request a Division.

The PRESIDENT: A Division has been requested on the Tabling Motion.

Will all those Senators in favor of Tabling LD 2108 for One Legislative Day pending adoption of Committee Amendment "A" please rise in their places to be counted.

Will all those opposed please rise in their places to be counted.

9 Senator having voted in the affirmative and 19 Senators in the negative, the Motion to Table does not prevail.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President, I move that this item be Tabled until Later in Today's Session.

The PRESIDENT: The Senator from Penobscot, Senator Pray, now moves that LD 2108 be Tabled until later in Today's Session. Is it the pleasure of the Senate? It is a vote.

The President laid before the Senate:

Bill, "An Act Allocating Funds to Construct an Access Road to the Phase 2 Housing Project on the Penobscot Tribal Reservation." (H. P. 1916) (L. D. 1977)

Tabled — February 17, 1978 by Senator Conley of Cumberland

Pending — Enactment

On Motion of Mr. Conley of Cumberland, Retabled for One Legislative Day.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz, in reference to

Bill, "An Act Authorizing Municipalities to Provide Textbooks and Other Nonsecular Services to Elementary Secondary Pupils Attending Private Schools" (H. P. 1889) (L. D. 1946).

Which was Tabled until later in Today's Session.

Mr. KATZ: Mr. President, there is within this bill an inconsistency. It is of a minor nature, and although I have gone to the trouble of having an Amendment reproduced and was to offer it, I have been advised that it could be taken care of in Errors and Inconsistencies, and therefore I move the pending question.

Which was Passed to be Engrossed, as amended, in concurrence.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pray, in reference to

Bill, "An Act to Revise the Salaries of Certain County Officers." (H. P. 1942) (L. D. 2108) which was tabled until later in Today's Session.

Mr. PRAY: Mr. President and Members of the Senate: I had prepared an Amendment for this Bill dealing with Penobscot County, and looking over the Amendment, and the Committee Amendment, I found there was an error in both of them. Also the Committee Amendment as well as the Amendment which I was going to offer to it. For that reason, I wish that it would be Tabled One Legislative Day.

On Motion of Mr. Conley of Cumberland, Retabled for One Legislative Day.

(Off Record Remarks)

Out of Order and under suspension of the rules, the Senate voted to consider the following:

Paper from the House House Paper

Bill, "An Act to Extend the School Budget Adoption Date." (Emergency) (H. P. 2125) (L. D. 2151)

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

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

Mr. KATZ: Mr. President, as I look at this Bill, which I have seen for the first time this morning, all it does apparently, is it resumes that the Legislature in its ordeal over school funding may create some problems for our communities back around the State and it seeks to push back and effective date.

I am not quite sure what part the Committee could have in understanding just what date we should have, so I would suggest and so move, Mr. President, that we give this Bill its first reading to decide where we are.

The PRESIDENT: Is it the pleasure of the Senate to suspend its rules, in order to give this Bill its first reading at this time without references to a Committee? It is a vote.

The Bill Read Once, and Tomorrow Assigned for Second Reading.

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

Mr. JACKSON: Mr. President, in reference to House Report — from the Committee on Local and County Government — Bill, "An Act to Support Improvement of Air Passengers Services." (H. P. 2048) (L. D. 2110)

Ought to Pass

I move reconsideration and urge the Senate to vote with me.

The PRESIDENT: The Chair would advise the Senator that this Bill has been assigned for Second Reading Tomorrow and at this point in time no further action is indicated.

(Off Record Remarks)

On Motion of Mr. Huber of Cumberland
Adjourned until 11: 00 in the morning, Thursday, February 23, 1978.