

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

**OF THE**

***One Hundred and Ninth  
Legislature***

**OF THE**

**STATE OF MAINE**

**SECOND REGULAR SESSION**

**January 2 to April 3, 1980**

**THIRD SPECIAL SESSION**

**May 22, 1980**

**THIRD CONFIRMATION SESSION**

**July 17, 1980**

**FOURTH CONFIRMATION SESSION**

**July 24, 1980**

**FIFTH CONFIRMATION SESSION**

**September 12, 1980**

**REPORT, HEARING TRANSCRIPT AND  
RELATED MEMORANDA OF THE JOINT  
SELECT COMMITTEE ON INDIAN LAND  
CLAIMS**

STATE OF MAINE  
One Hundred and Ninth Legislature  
Second Regular Session  
JOURNAL OF THE SENATE

February 22, 1980

Senate called to order by the President.

Prayer by the Reverend Russell M. Chase of the United Methodist Church of Monmouth.

Reverend CHASE: Let us be in the spirit of prayer together! O'God our Heavenly Father, we have arrived at this minute of this day. We thank you for the date, the 22nd, when thy servant, George Washington was born. We thank you for the honorable history of our country, and for the honorable history of this body.

We thank you for the blessings you have bestowed upon it, and upon its members. We thank you for the privilege of laboring in your vineyard, as we would strive to lead the people of this State onward and upward.

We thank you for the blessings of each one of us individually, that we may be steadfast in love, joyful in hope, always keeping our eye upon the finisher and perfecter of our faith.

We thank you for his life. We thank you for his teachings, and we thank you for the moral responsibility that each of us have one to the other and to the Members of this State.

So bless us our Heavenly Father, this day. Give us strength that we may be able to do your work. For we pray in Christ's name. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

**Papers from the House**  
**Joint Orders**

Expressions of Legislative Sentiment recognizing:

The Town of Wells' Historic Preservation Committee, co-chaired by Hope Shelley and Jean Foss, for successful efforts in preserving the heritage of early architecture. (H. P. 1862)

Homan H. Hollack of Portland, an internationally known and respected engineer, who will celebrate his 97th birthday on February 22, 1980. (H. P. 1861)

Kevin Huber of Lawrence High School, who won the Bausch and Lomb Science Award for highest scholastic standing in science subjects. (H. P. 1860)

Mrs. Joyce Rossignol, of Waterville, 1980 Maine Mother of the Year. (H. P. 1859)

Amanda Driscoll of Brewer, who celebrated her 101st birthday on February 16, 1980. (H. P. 1865)

Come from the House, Read and Passed.

Which were Read.

On Motion by Senator Pray of Penobscot, Passed, in concurrence.

**Joint Resolutions**

Joint Resolutions in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of Captain Samuel C. Gamache of Islesboro. (H. P. 1863)

WHEREAS, the Legislature has learned with deep regret of the death of the Hon. Alma H. Oakes, of Portland, a member of the 101st Legislature (H. P. 1858)

Come from the House, Read and Adopted.

Which were Read.

On Motion by Senator Pray of Penobscot, Adopted, in concurrence.

**House Paper**

Bill, "An Act to Amend the Emergency Home Heating Act of 1979." (Emergency) (H. P. 1866) (L. D. 1956)

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

Which was referred to the Committee on Appropriations and Financial Affairs and Ordered Printed, in concurrence.

(Off Record Remarks)

**Orders**

An Expression of Legislative Sentiment recognizing:

Richard LaBerge of South Portland, who heroically saved the lives of his family in a pre-dawn fire. (S. P. 765) is presented by Senator Gill of Cumberland (Cosponsor: Representative Benoit of South Portland).

Which was Read.

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

Senator GILL: Mr. President and Members of the Senate: On the morning of January 3 of this year, as he was preparing for his early morning paper route, Richard LaBerge, who is 14 years old and a student at Memorial Junior High School in South Portland, was surprised by a fire in his own home.

Showing courage and mature judgment, without regard for his own well-being, he was able to wake the members of his family, and carry the younger members out of the fire. He was also able to lead other members out including an aunt that was staying at the home and an older sister, who was sleeping in the room where the fire was taking place, and would have slept through the fire, had he not been able to get her out.

Later after he got the younger children out he was able to fight the fire while his mother called the fire department. Then was able to lead his mother to safety.

I believe families, as we all believe, are the basic unit of society. This hard-working close knit family has produced a very responsible son. They are all alive here today, because of him. I am particularly pleased to ask you to join me in honoring Richard LaBerge, on this day for the heroism he has displayed. Richard is here, Mr. President.

Which was Passed.

Sent down forthwith for concurrence.

(Off Record Remarks)

**Committee Reports**  
**House**

**Leave to Withdraw**

The Committee on State Government on, Bill, "An Act Concerning the Director of the Division of Special Investigations and Membership on the Board of Directors." (H. P. 1624) (L. D. 1734)

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.

**Second Readers**

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

**House**

Bill, "An Act to Amend the Lobbyists Disclosure Law." (H. P. 1855) (L. D. 1955)

Which was Read a Second Time, and Passed to Be Engrossed, in concurrence.

**House — As Amended**

Bill, "An Act to Establish Time Limitations for Applications for Attendance at Certain Approved Secondary Schools under the Education Laws." (H. P. 1662) (L. D. 1771)

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

**Senate — As Amended**

Bill, "An Act Relating to the Provision of Telephone Equipment by Telephone Companies to the Hearing Impaired and their Families. (S. P. 655) (L. D. 1694)

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:

**Emergency**

An Act to Validate Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 37. (S. P. 659) (L. D. 1697)

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

Senator LOVELL: Mr. President and Members of the Senate: In the 101st Legislature, I had the privilege of staying at the Augusta House, and being very friendly with the Speaker of the other Body, Dave Kennedy. We had some really good times in those days at the Augusta House, as some of you may have heard about, they are somewhere near as old as I am. I chummed around a good deal with Dave and in fact Barbara Gill's husband, who passed away, unfortunately.

I received a letter from David Kennedy, and he states on this particular bill. "Dear Ralph," he says, "we are seeking your support in an effort to stop passage of L. D. 1697, emergency legislation aimed at correcting defects of the referendum held in School Administrative District No. 37, during the recent November Special Election.

"It is our belief as selectmen of Milbridge", Dave is our selectman in Milbridge, "it is our belief as selectmen of Milbridge, that the outcome of the referendum would have been different had the voters of SAD No. 37 been fully aware of the costs involved in the operation of the proposed new Harrington Elementary School.

"While the referendum passed by a majority of 193 votes, in the District as a whole, it should be noted that half the towns which comprised SAD No. 37, voted in the negative. In particular, the Town of Milbridge, which is the singular largest contributor in terms of number of students and shares of costs voted by the Board of Selectmen. 4 of the 6 towns, comprising the District, are on record opposing the new school construction, based on the facts presented by the public.

"The people of SAD No. 37, made a judgment on the facts presented to them, however, the facts were erroneous. It would be a great injustice to the voters of this school district to usurp through Legislation their right to judge the proposed new school for Harrington on its merits or faults. We firmly believe the voters of SAD No. 37 should have the opportunity to re-appraise their action based on new facts and figures, which have become apparent, since the referendum was held in November.

"We appeal to you to send the proposal back to the voters of SAD No. 37 for their reconsideration. Signed David Kennedy, Selectman of Milbridge."

I'm not going to ask for Indefinite Postponement of this bill, because the last bill I asked Indefinite Postponement, I was the only one that voted. So I'm going to ask today that you just vote No, because it has got to have 2/3's majority. When it comes up for the vote, and I hope it will come up very shortly, because there is going to be a bad storm, and I've got to get back to Sanford, I hope we won't have too much debate on it, but I hope you will vote No. I thank all you good Senators for your courtesy.

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

Senator TROTZKY: Mr. President and Members of the Senate: We're being asked to validate an election so that bonds can be issued to build this school. That's what the issue is here.

Mr. Kennedy's letter is misleading when he states, the facts were erroneous that were presented to the voters. They were not erroneous. Number 1, we passed L. D. 1062 in the last Legislative Session, and it was entitled "An Act to Provide for Voter Approval of School Construction Projects". It said what must be in the referendum.

In this referendum they stated you have to mention the initial local share of the total cost of the project, specifically said it was presented to the voters. The questions that were presented show school directors be authorized to expend \$1.5 million to build an elementary school in Harrington. They were told to vote yes or no on that they told them the amount of the initial share, which was \$58,000, which was not eligible for re-imbursement.

There was only one question which was omitted. That was the State's percentage of reimbursement. That was something that was new, that was put into the law, which became effective September 14.

The Directors from SAD No. 37 went to the attorneys in Bangor, Eaton, Peabody, Bradford & Veague, and asked them to draw up the ballots for the people to vote on.

They went to the Department of Education. The Department of Education stated any school which had got concept approval before September 14 should use the old form. So the attorneys in good faith and the school directors, in good faith, without intent to defraud or mislead the people of this SAD, they drew up the ballots.

We passed another bill at the beginning of the session. That was the Town of Orono, which Senator Devoe sponsored, which was also to validate a referendum so that bonds could be issued, because again there was something left out on the warrant. The reason this was left out is because both towns relied on the department's statement that any school which had received concept approval before September 14 this year could go by the old ballot. On that ballot the people were told, the school would cost \$1.5 million. The initial share which was not reimbursable. They were not what we required in the new law, which was the percentage of reimbursement.

If they were told what the percentage of reimbursement was, it happened to be in that area, somewhere around 60%, which means that that school was actually being paid for by some of the other communities in the State of Maine. To me it would have even been, it would weigh in favor of a positive vote on the referendum.

So I think that we do a dis-service to the people of this SAD by turning this bill down. I hope the Legislature would pass this bill. There was no intent at misleading the people, no intent at fraud. Mr. Kennedy's letter is inaccurate, when he said the facts were erroneous. The facts that were presented were true.

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

Senator HICHENS: I move that this item be tabled for 1 Legislative Day.

The PRESIDENT: The Senator from York, Senator Hichens, has moved that this item be tabled for 1 Legislative Day, pending Enactment.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President, I request a Division on the tabling motion.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Motion to Table L. D. 1697 for 1 Legislative Day, please rise in their places to be counted.

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

6 Senators having voted in the affirmative, and 22 Senators in the negative, the Motion to Table does not prevail.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate: In addition to the remarks made by the good Senator from Penobscot, Senator Trotzky, the Committee on Education also received a Resolution from SAD No. 37 dated February 14, 1980 to further clarify exactly what went on. This was an

emergency session held by the Board of Directors. I would like to call the Senate's attention just to one aspect of it, to show how ethical and how honest these people are. I'd also remind the good Senator from Sanford that during the 103rd Legislature, I did spend some time with Dave Kennedy at the Augusta House also. I found him to be a very ethical and honest man.

It states here: "Resolve that it is the opinion of the Board of Directors of School Administrative District No. 37, that the voters in said District were not in any way misled by the wording in the warrants and ballots used for the aforesaid referendum election notwithstanding the omission of certain language required by law," which the good Senator from Penobscot, Senator Trotzky, clarified. "That it is the wish of the majority of those who voted in the said election that the new elementary school be constructed, and that the bonds and notes of that District be issued for that particular purpose."

The Committee on Education had the attorney who drew up the original language back for his clarification. I believe in a very ethical, constructive way, he explained the error in detail, which convinced the entire committee. Yet in all sincerity, I cannot see why this particular issue should be held up.

In the event that this bond issue is not validated by the Maine Legislature, we are going to create one serious problem, and it's this. That school will still be constructed, Number 1, because of the fact that it was approved by the voters, but it will have a qualified rating. That simply means that the district will be paying an additional, at least, \$20,000 more in interest on those particular bonds. I certainly cannot see that particular district paying additional money on a bond issue, which can be validated very simply today, which the majority of the voters in that district said that they wanted and should be validated by the Maine Legislature.

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

Senator HICHENS: Mr. President and Members of the Senate: Last evening about 9:30 I had a telephone call at my motel room, from former Senator Wyman. Mr. Wyman asked me if I would have this bill tabled until next Monday, which I tried to do. Then he said if you can't get it tabled kill it.

I believe along with the good Senator from Sanford, which I am agreeing with this morning, which isn't all the time, we agree on things, that these 2 former Legislators are very much concerned. They should have the right to have their opinions expressed on the floor of this Senate, that we should respect their desires because they know a lot more about the issue than I do, and that most of us do. That if we can't get this tabled until Monday, at least we should kill the bill.

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

Senator KATZ: Mr. President, is it possible for the sponsor of this Legislation to speak in rebuttal at this time?

The PRESIDENT: The Senator has the floor.

Senator KATZ: This is the only bill I sponsored this session. The last bill I'll ever sponsor. So I think I would like to push the fun making aside, and talk to the Senate just briefly as to what a validation vote is.

In my time, I venture to say as Chairman of the Education Committee, we had a couple dozen of these. They are routine bills. They are so routine that during one Legislative Session, we took 5 of them and we put them together in one bill. What are they? Somebody's made a possible error locally, which casts a cloud on the bond issue, on the holders of the bonds. That's all!

They come to the Legislature and say: Remove the cloud! Remove the cloud so the bonds can be put out at the lowest possible rate, so that the taxpayers in the local community can get the best possible deal.

The Legislature, without exception, over the years has approved these validation measures. Every once in a while the local people who have lost their point of view, identified the existence of such a validation bill as an opportunity to get a second bite of the apple. A chance to use the Legislative Process to overturn the clear intent of the majority of the people locally.

Now, in Mr. Kennedy's letter, he said that the majority of voters had voted for this local school, and that is true. He said the majority of towns voted against it, and that is true. He said that the Legislature should not usurp the right of local people for self-determination.

Well you know on the Democratic Caucus day we heard some wild things as to who wins and who loses. In the vote on an SAD construction, it's the majority who win, and the minority who lose. It is the minority that's trying to use the Legislature to overturn the will of the majority.

Now, I have great respect for Senator Wyman, with whom I served, I enjoyed his friendship. I have great respect for Speaker Kennedy, with whom I served for many years. Their arms are awful long here today, but we're not playing fun and games, we're dealing with the desire of local people.

I hope that the Senate is not used, even temporarily, to overturn the clear, honest, good faith of the majority of local people. That's not what we're here for.

If this bill does not succeed here today, it's going to cost the local people more money. It happens that the school in question is a wood-framed building, that I understand, there's some move to have the fire marshal condemn. The situation of the local school is not involved here. The details of the pros and cons of building a school are not involved. That's been settled.

I urge you if you cherish your vote to vote on the issue like every Legislature has before you. There's only one exception that a committee looks into in these bills. Has there been fraud?

I think that we have an Education Committee that looked into the question of fraud with some degree of thoroughness. It came out to be a unanimous Committee Report, even as the Senator from Penobscot, Senator Devoe's bill, was a unanimous Committee Report. It's proforma. Went under the hammer. The only difference is this bill is being lobbied by the losers, by the minority whose point of view was not sustained. I hope the Legislature today, the Senate, takes it's responsibility very seriously and votes for Enactment.

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

Senator HICHENS: Mr. President, this is an odd situation where 2 Senators from the southern most part of the State are fighting on an issue up in Washington County. Something else is very strange about this, is the fact that the Representative from Milbridge was not asked to sponsor the bill, did not know anything about the bill, according to her own declaration, until she saw it on the calendar.

The Senator from Washington County who represents Milbridge did not present the bill. It was presented by a Senator from Augusta. Now there's something fishy about that whole situation. Where Senator Wyman is a fish exporter, maybe that's where the fishy part comes, I don't know. But I think we should consider this very carefully, and if 2 of these distinguished former Legislators appeal to us to kill this bill, I think we should honor their requests.

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

Senator KATZ: The Senator is so right. It's very unusual. I would like to explain it slowly and simply so he and other members can understand it.

Earlier during its Legislative history the Senator from York, my good friend Senator Lovell stood up, and he asked to be excused be-

cause of a conflict. I thought that was one of the most precious requests I have ever heard. If you remember he said, when the President had asked him the nature of the conflict, he said, "I received 5 phone calls to vote for this bill, and 5 to vote against it."

When I was approached to sponsor this Legislation, it was my understanding it was a clear representation that the local that the local representative had been approached. She comes from Milbridge. You just put yourself in her position. The kind of thing that gives a Legislator nightmares her home town has voted against it. Now how in the world was this lovely person going to sponsor a bill against the clear wishes of the people in her home town? I got a phone call from Bud Kneeland, some of you know him, and he said will you do something for me? I've known him for many years, and I said what is it, Bud, anything I could do to help? He said I'd like you to sponsor a validation bill for me. I said, gee, Bud that's something that your local Representative should sponsor. He explained the issue to me. I said I really don't want to get involved. I don't want to sponsor any Legislation. It's my last time. He said, well, you're there in Augusta. The deadline is approaching. Would you please sponsor it? I had a feeling that justice, he's an old friend, required that I sponsor the bill, and I sponsored it. If that's fishy, God save us all!

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

Senator PERKINS: Mr. President and Ladies and Gentlemen of the Senate: I hesitate to get involved in this, knowing the sponsor and some of the other affinity, and my closeness to his books, which are near my head in the rear. But I have been asked, as has the good Senator from York, to take some interest in this piece of Legislation. I guess having lived in a similar area, and similar population area, I perhaps have some empathy for their situation.

Here you have 6 communities, 3 of which voted in favor and 3 who voted against. As I understand it the plurality of this bill margin which we're going on was 193, which deals with a population of between 5 and 6,000 and 193 relates down to me to less than 5%. to spend \$1.5 million.

Speaking for myself, I have been in situations in my life where I committed to something, to spend money and the climate changed. Who among you have not said; Gee! I wish I hadn't made that commitment?

I feel for these communities because I think they find themselves in a like situation. I don't disagree with what the good Senator from Kennebec says that all things were as they should be on the ballot, but there was a flaw. I don't disagree with the process that my good friend uses to defeat this bill, because I think he used what you and I would use also. The tools at hand.

So I say to you, if you have never had a point in your life when you wish you could reconsider, and if the economic community is now as it was in November and you look on it the same as you did in November, then maybe you'll vote to pass it. I will not because I think times have changed and if the people were given the opportunity to vote today, they would change and the 193 plurality would rapidly disappear.

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

Senator TROTZKY: Mr. President, I remember sometime last year when the Education Committee had to take a trip down to Ellsworth to try and help them get their school going again, where they had problems with their Vocational School. The Legislature did act positively and helped solve a problem down there.

First of all the election was held in November, that's where you usually get your largest turnout. It was about 660 to about 460. That was what the vote was, which is about a 200 vote difference. A school can be voted in by 10 vote dif-

ference. This is a fairly significant difference when it's about 660 to 460, especially at a November election.

So again I feel it's being very unfair to the people who won that election down there to force them to have another election when a very small point happens to be left out on the ballot. We did approve the bond issue in Orono this term. I feel it would only be fair to the people down there to do the same, because again all we're doing by not validating this is we're giving the losers a second chance.

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

Senator CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: It seems to me that I'm getting a little bit confused here. I have a question that I would pose to the good Majority Floorleader of Kennebec, Senator Katz. If I heard right what Senator Perkins just said that there has been a great change of heart down there, and the 193 people really would turn around and vote the other way now. That if we don't pass this validation bill, which Senator Katz has just called proforma legislation, that somehow they are going to have this second chance.

I've heard other people say that the net result of not passing this Legislation is not that they are going to have a second chance, and not that the school won't be built, but the fact is that it's going to cost the people of the district more money on interest on the bonds. I think that's a point that needs to be clarified.

If the people who are lobbying, long arms reaching up from Washington County on this bill are in fact sore losers, and are trying to use this bill, to somehow get their point across, I think that's something that we ought to give very, very serious consideration of in this body. I've got a few former Legislators kicking around in my district. Maybe I could get them involved in the act.

To respond to Senator Perkin's remarks, I think most of us, especially those in the Minority Party in this body have lost votes in this body by less than 5%. I haven't seen the good Senator from Hancock rising to change the rules so that we have to win by a certain margin. We've all had very close elections. I think the good President, won an election by less than 5% just a very few years ago. I think the good Senator from Cumberland, Senator Conley is very well aware that close only counts in horseshoes and hand grenades.

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

Senator CONLEY: Mr. President and Members of the Senate: I always get a little nervous when I hear the Majority Floorleader treading into territory where I think he should keep out of, when he starts quoting results from Democratic Caucuses that were held State-wide.

It reminds me of an article I read recently in the Newsweek where the Carter Administration in Washington became very much upset with the Boston Globe because of the fact that the day after the Maine Caucus was held said, President Carter Wins, Fails to get Majority. So the House Press Secretary decided that they would afford a private interview with the leading newspapers of the City of Boston. They took a poll amongst the Whitehouse Staff. They found out that the Globe got 48%, that the Boston Herald got 36%, and that there were 16% of the staff undecided, and the Globe failing to get a majority, they invited the Boston Herald for the interview. Obviously the Globe was very upset.

I agree with what the good Senator from Aroostook, Senator Carpenter stated, was that the President assumed the rostrum here in this Chamber a few years back with 7 votes, 7 votes. That wasn't 7 votes of his party. He had the unanimous vote of his party, but he only received the plurality of 7 votes of the district, that elected him. The Minority Party as usual being the good and faithful servants that we are

did nothing to intervene with that election, with the recount process and everything underway, and welcomed him to these Chambers. As it was he eventually won the recount and has been here ever since. Whether that's for the good or the bad of the State, his district will have to respond to that.

However, as the good Senator from Kennebec, Senator Katz, has stated, I recall back I think it was in my first session in the 102nd where we had a very infamous or in-famous Legislator who served down in Falmouth, who used to take pride in stringing these things out on the calendar. I think there was something like 82 of them that came all in, in separate LD's at one time. We kept seeing them being sponsored by this one particular guy. Finally he said why don't they just put them all together in one bill, and send them out and ratify it. Eventually that's what practice was adopted, by the Education Committee.

This particular bill that's before us today is nothing more than what has been done as Senator Katz has stated, that it's just purely clearing a cloud or a shadow and some of the language that would remove any doubts of circumstance with the bond. So it should be ratified, we should clear it. I would hope that the Senate would go ahead and pass this emergency legislation.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: Just one final point relevant to this entire issue, and clarifies I believe the point of the good Senator from Aroostook brings out Senator Carpenter. When I stated earlier that this school will be constructed regardless, it's not going back to the voters. The only thing this is going to amount to is that they will pay more money. I think the estimate amount of money if they go into a qualified rating on the bond issue of about \$20,-000 more.

To reiterate one point, which I did not bring out earlier on the Board of Directors. It stated that the Directors of the School Administrative District No. 37 declare it to be their intention to construct the aforesaid elementary school building in Harrington in accordance with the wishes of the majority of those voting in the said referendum election, notwithstanding since bond counsel may be required to render a qualified opinion, the bonds and notes to be issued for financing the same may carry an unnecessary high interest rate.

All we're voting on today on this validation is not to subject this SAD to a higher interest rate, and nothing more than that, because they are going to build the school anyway. It's not going back to the voters for a second time around.

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

Senator LOVELL: Mr. President, just a few words before the vote. Ladies and Gentlemen of the Senate, I have a great deal of confidence in Speaker Kennedy, have known him for years. I have a great deal of confidence in Hollis Wyman, I served with him since 1960. I think those 2 men deserve our attention definitely this morning.

I am very sorry to hear the good Senator from Cumberland, Senator Conley, state that he was going to vote for the bill when he told me upstairs just a little while ago that he was going to vote against the bill. So I don't know just how he's going to vote, but I presume that he will keep his word to me and vote against the bill.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President and Members of the Senate: I think that's the first time in 18 years that I have been accused of jumping

on the opposite side of the wagon, I saw the good Senator upstairs, in the Senate Retiring Room and I was ready to give him mouth-to-mouth resuscitation, because I really thought he was asleep in the swivel chair when his eyes opened up after the good Senator from York, Senator Farley, came in for a cup of coffee, and he asked me about this particular bill. I told him that I had received a letter from Speaker Kennedy.

I came downstairs, was in fact riding the former President of the Senate, former Senator Ken MacLeod, and we were sort of jostling the fact that the outstretched arms of a few people from Washington County never seem to stop. I'm sure when most of those people in Washington County are long gone, their descendants are going to be up here with their outstretched arms.

I told the good Senator that I was thinking negative about the particular bill at the time, had not really listened to any of the arguments, said I was going to speak to any of the arguments, said I was going to speak with my Chairman or my member of the Education Committee to find out exactly what the problem was. Told him again if he wanted to be totally honest, I told him again when he came down that I felt differently about the bill after learning all the arguments.

So maybe it was a jump to conclusion. The original comment made upstairs, but after finding the facts about the bill, I told him that I was going to vote for the bill.

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

Senator LOVELL: Mr. President, just one word more before we vote.

The PRESIDENT: The Senator has the floor.

Senator LOVELL: After I had talked with the good Senator from Cumberland, I went early into his office this morning, and pushed into his private office and showed him the letter and I asked him if he would vote against this, and he told me then he would. So that's twice this morning he said he was going to vote against this bill.

This being an emergency measure and having received the affirmative votes of 24 Members of the Senate, with 7 Senators voting in the negative, was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

#### Orders of the Day

The Chair laid before the Senate the first tabled and specially assigned matter:

Bill, "An Act to Authorize Cutting of Trees on State Park Lands." (H. P. 1623) (L. D. 1733)

Tabled—February 21, 1980 by Senator Katz of Kennebec.

Pending—Consideration.

On Motion by Senator Katz of Kennebec, Retabled for 1 Legislative Day.

The Chair laid before the Senate the second tabled and specially assigned matter:

Bill, "An Act to Develop Elderly Congregate Housing in Maine." (S. P. 724) (L. D. 1873)

Tabled—February 21, 1980 by Senator Katz of Kennebec.

Pending—Consideration.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: There are some questions relevant to this particular bill that I certainly would like to have clarified. One is relevant to the \$87,360 appropriation which is classified for Support Services only in Congregate Housing, that this will be placed in an Escrow Account, if I understand correctly, for at least 2 years, hopefully, before the construction of the Housing Units.

I also understand that that money can be withdrawn during a 2 year span of time through

an order from the Finance or Budget Office for other purposes. I was wondering if somebody on the committee or possibly the sponsor of the bill could clarify that aspect of this. I have another question after that to lead up to.

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

Senator CONLEY: Mr. President, with respect to the \$87,000 that the good Senator from Androscoggin, Senator Minkowsky has questioned. The fact is, it's my understanding that it's the policy of FHA that the State must come up with the operating costs which is the \$87,000, and it has to be set aside prior to the authorization by the Housing Authority for the construction of this facility.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: Secondly, there has been statistics developed from the State Planning Office. I guess I'm basing it upon my own particular community, the City of Lewiston, which were based on 1970 figures which said that there were 716 units for elderly in our area. From another source we find out that there is only 360 units. This more or less sometimes brings to light that the State Planning Office and all the elite and educated prima donnas that they have over there don't always give us the actual facts.

I'm just wondering and of course I think we found this out very clearly when we went through that particular department with Audit and Program Review. It's strange in this day and age with all the computerization we have here in State Government, that they can bring forth such erroneous figures.

If that question cannot be answered, Mr. President, at the present time, then it might be worthwhile that this bill be tabled another Legislative Day.

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

Senator CONLEY: Mr. President, again I can't respond to the statement made by the good Senator for the State Planning Office. I think that the bill that we have before us is one that the Senate should take a very positive look at.

It's my understanding that the cost of keeping people in nursing homes, comes to a cost of somewhere near \$87 per day. Under the Congregate Housing Proposal, the cost is \$5 a day. I think this is a situation where we have to give some very, very serious attention to the long-range program for our elderly in this State. If we're going to cut back on what I consider to be, and I'm sure everyone else considers to be a run away program in the cost of taking care of our Senior Citizens.

This to me certainly offers a much more meaningful and less expensive program than what is currently before us. Therefore, I would move for the Engrassment of this particular bill, or Recede and Concur with the House.

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

Senator MINKOWSKY: Mr. President, I move this item be tabled 1 Legislative Day.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, moves that L. D. 1873 be tabled for 1 Legislative Day.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion to Table L. D. 1873 for 1 Legislative Day, please rise in their places to be counted.

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

17 Senators having voted in the affirmative, and 11 Senators in the negative, the Motion to

Retable 1 Legislative Day, does prevail.

On Motion by Senator Katz of Kennebec, there being no objections all matters previously acted upon were sent forthwith.

The Chair laid before the Senate the third tabled, and specially assigned matter:

JOINT RESOLUTION Requesting the Attorney General to Examine the Price Increases in Petroleum Products. (H. P. 1857)

Tabled—February 21, 1980 by Senator Katz of Kennebec.

Pending—Adoption.

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

Senator KATZ: Mr. President, I move that this Joint Resolution be Indefinitely Postponed, and would speak to my motion.

The PRESIDENT: The Senator has the floor.

Senator KATZ: This Resolution expresses very graphically the deep concern that all of us feel, about our advent into this uncertain world of increasing energy costs.

Unfortunately the course of action suggested by the Resolution involves a massive action on the part of the Attorney General of this State. Sorry that I do not have my letter from the Attorney General in front of me this morning, but it is very clear to any fair minded person reading the letter from the Attorney General that the answers to this are not State in nature. That it is going to require a massive Federal involvement if our people are to be protected from gouging.

Yesterday in our brief conference with the Governor we discussed the matter. Essentially until we kill it it is still a Legislative problem.

I suspect that the appropriate answer is through our Federal establishment, either through the Federal Attorney or more appropriately through our Congressional Delegation, in Washington.

So I urge you to believe that a vote against this Resolution today is not an insensitive vote to the suffering of Maine people but rather a sincere desire to go about this in the most effective possible manner.

The PRESIDENT: Is it the pleasure of the Senate that L. D. 1857 be Indefinitely Postponed?

The Chair recognizes the Senator from Oxford, Senator O'Leary.

Senator O'LEARY: I would ask for a Division on that motion. It reminds me of my earlier years when I came down here, I had six children at home. I travelled back and forth each day, working nights. Generally life was pretty good, I had a new car each year, but I am looking at what is happening now, my family is all grown. My fuel bills for the month of January, (fuel oil) in excess of \$300, plus a cord of wood, plus heating with electricity in the wash room. So I am using in excess of 40% of my income right now to pay for just heating my home. Now I am approaching a time in life when things ought to be a lot easier for me and my wife to exist.

I am concerned that here in the State of Maine there are going to be a lot of people go cold. I believe that there is a certain amount of gouging by oil dealers especially the larger ones who have bought oil at one price and sell it at the new price. I am sure that, that exists and it does not seem to me that it would be asking too much of the Attorney General to just check on our dealers here in the State of Maine to see what they are doing to us.

I am also of the opinion that Government doesn't seem to want to do anything for the people, and I hear it time in and time out going through my district, especially with the people that I work with. They are of the opinion that perhaps everyone that works for a living ought to just stock up on their food, don't do a bit of work for a week and bring government to its knees until it does something. I would recommend that course of action, Mr. President, be-



cause 1/52 of the income coming into the State and Federal Governments would cease and they would realize that the people are rebelling.

Mr. President I oppose the motion to Indefinitely Postpone this order.

The PRESIDENT: Is the Senate ready for the question?

A Division has been requested.

Will all those Senators in favor of the motion to Indefinitely Postpone H. P. 1857, please rise in their places to be counted.

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

16 Senators having voted in the affirmative and 12 Senators in the negative the Motion to Indefinitely Postpone in non-concurrence does prevail.

Sent down for concurrence.

The Chair laid before the Senate the fourth tabled and specially assigned matter:

Bill, "An Act to Permit the Department of Transportation to Acquire Railroad Operating Equipment" (S. P. 666) (L. D. 1720)

Tabled—February 21, 1980 by Senator Pierce of Kennebec.

Pending—Enactment.

On Motion by Senator Katz of Kennebec, Retabled for 1 Legislative Day.

The Chair laid before the Senate the fifth tabled and specially assigned matter:

Bill, "An Act to Increase the Fees for the Driver Education Evaluation Program." (H. P. 1691) (L. D. 1801)

Tabled—February 21, 1980 by Senator Pierce of Kennebec.

Pending—Enactment.

On Motion by Senator Katz of Kennebec, Retabled for 1 Legislative Day.

On Motion by Senator Katz of Kennebec, the Senate voted to remove from the Unassigned Table:

Bill, "An Act to Establish \$10,000,000 as the Limit of the Maine Coastal Protection Fund." (H. P. 1618) (L. D. 1728)

Tabled—February 8, 1980 by Senator Katz of Kennebec.

Pending—Passage to be Engrossed.

On Motion by Senator Katz, of Kennebec, Passed to be Engrossed, as amended, in concurrence.

Senator Conley of Cumberland, was granted unanimous consent to address the Senate, On the Record.

Senator CONLEY: Mr. President and Members of the Senate: A week ago, February 15, 1980, a day which will live in infamy, I am sorry I got that mixed up with another sneak attack.

Last Friday the Majority Floorleader rose in his place and delivered what he called "A Republican White Paper." After spending some 25 or 30 minutes he issued a 12½ page statement of which all members of the Senate, I feel, gave him their very strict attention.

After he completed his remarks, I asked the President and the Majority Floorleader, if they would extend the courtesy to us the Minority Party of this branch the opportunity to respond to the remarks of the good Senator at a future date. I notice that I got an acknowledgement from the President, as well as, the Majority Floorleader.

Well we have given our remarks this morning already. Yesterday the Majority Party of this Senate met with the Chief Executive and they met with him in a spirit of trying to work together without any bickering or further harassment from one party to the other. I think that that is a proper step for both the Chief Executive and the Republican Party, the Majority Party of the Legislature to take.

Before I sit down, I would like to say just a couple of words with respect to the members of

my party, who serve in this Chamber. I have been here many many years perhaps too many, there are others who haven't been here as long, but even during the period of time that they have been here they have taken, what I consider to be unfair abuse, because of the power that lies in the hands of the majority.

I know what goes on at the other end of the hall, the other end of the corridor, I have spoken with the Minority Leader of that branch, and he has my sympathy on occasion. I think that when you are the minority in a particular branch whether it is here or down to the other end, you have to anticipate and expect that you are going to take so much abuse, and you have to be able to shoulder that.

Sometimes I think it is overdone. It is overdone, there is no need for it. Parliamentary Procedure for example, of throwing bills onto the table unassigned. We can go back to the first of the session last January when it came to the issuing of seats, which was stupid the way that it was handled, but we accepted it. We have accepted a lot of other little petty things along the line.

I would just like to close off this Friday by saying that we are all willing to work together. The minority of this branch of this House, with the Majority Party, who obviously want you to have as much success working with the Chief Executive, working through us and the Chief Executive. We are always willing to cooperate, in fact, in the years that I have been here, I doubt if the Senator from Kennebec, his predecessor or the presiding officer of this Chamber can ever say that we did not ever fail to come to a position in time, of cooperation, of compromise, for the betterment of whatever the Legislation was and to expedite the Legislative Process, and go home and explain our situation to our people.

So in the closing days that we have, whether it is 22 or whether or not there is an extension, I hope that all of us sit down and put the bickering aside and work for the betterment of what the Legislature has before it.

If you do not like the Governor's program, then I think that there are alternatives. We should submit our own options. We certainly had no problems when we had an Independent Governor, of working together when we wanted to. It is only when election times keep creeping up on us that we decide that, well we have got to beat the Republican Party and go out there and get the majority to take over that Legislature, and restore sanity to the State House, or the same thing with the Democrats, but let's put that aside and let's all try to work together. I am sure that it will be for the betterment of not only us as individuals, so that we can go home and sleep well at night, but it will be the betterment for the citizens of this State as well.

Senator Katz of Kennebec, was granted unanimous consent to address the Senate, On the Record.

Senator KATZ: Actually there is something fascinating about Fridays, it is a different kind of time. I was prepared to get belabored much more vigorously over my shoulders today, then the good Senator from Cumberland really belabored me and belabored my party. Actually the crux of the matter is yesterday we had an extraordinary meeting with our Governor.

I suggested to the press, that when the meeting started we entered the room as adversaries and went out as members of a team. I think it is a measure of Governor Brennan's stature.

I was well aware when I stood up last week that it was a heavy burden that we were laying on the Governor in public, but it was a measure of our concern that we went ahead nonetheless.

I am not a hatchet man, there is no time in my Legislative life that I feel more uncomfortable as when I am forced to be the hatchet man. In many respects I am probably a very bad choice to be Majority Leader, I am not that kind of a combative person.

The Majority Party has certain responsibilities and it was exemplified here today, on the Joint Resolution that was just before us. In conversations with members of the Minority Party and my party, it was clear that there were deep concerns about this approach, to dealing with any gouging that the major oil companies may be imposing on us. The Majority Party has the responsibility for straining out Legislation and ours was the lot this morning to vote to kill the bill. Being the Minority is a much easier role, where you can vote sometimes on the popular posture rather than the right thing to do. I know it, you know it, and it is a fact of life.

I have been a minority member down at the other end of the corridor. I always got treated like a gentleman and I hope that within these constraints each of you has been treated like a gentleman or gentlelady as the occasion comes up.

Let me tell you about the meeting very briefly with the Governor yesterday. We were concerned primarily about the long range fiscal implications with the State of Maine, what is going to happen after we take our action this year, what is going to happen to the 110th Legislature?

The best way of approaching this problem was to get the Finance people from the Executive Department, the Finance people from the Legislative Department and our Appropriation types together looking at their projections. Our projections are quite different from the Executive Department. The Governor recognizes that it would be important to reconcile those two points of view and that process is about to take place. It was very very positive, great benefits for the State of Maine. I am deeply appreciative to the Governor for working with us on this.

We are concerned about the level of employment and the Governor is concerned about the level of employment. As a result of the meeting yesterday we are going to attempt to keep the level of State Employment even. If there are 50 new positions that are high priority, we are going to attempt to off-set them by attrition, if possible, by reducing 50 other positions. Something where the people of the State will gain.

We approached the question of unissued bonds, bonds that have been authorized but unissued. It is just a recent development, but it appears that we can legally take a look at those bonds and de-authorize some of them if they no longer have any priority concern to us. I think that it is an exciting prospect. The Governor agreed, he said that it is innovative and we are going to work together identifying them.

We raised the question of limiting our bonding to something about 90% of what we retire. The Governor pointed out to us, that he had already a policy in his office, to minimize the reliance on bonding. So we are just in the case of semantics as to whether it is 90% or 80% or what. We are going to work together.

Perhaps from the long range point of view and most important, we agreed on weekly meetings. The Governor is a very busy guy and legislative leadership types tend to be busy, too. The Governor has made it very clear that whatever time is required on a regular basis we are going to work together.

So after the unpleasantness of last Friday, and a difficult time for the Republicans, as well as, the Democrats. What has emerged is a real sense of partnership, because God knows that we feel that the financial condition of the State is questionable. If we do not find out now we are going to lay a very heavy hand on the next Legislature.

To the Minority Leader, my friend of many years standing, I'll say that he has inspired me to a new level of sensitivity towards the needs of his party. I welcome him to call my attention to it when I am insensitive, and other than that I thank him for the restrained response that he gave here today.

Senator Usher of Cumberland, was granted unanimous consent to address the Senate, Off the Record.

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On Motion by Senator Pierce of Kennebec, adjourned until Monday, February 25, 1980 at 11 o'clock in the morning.