

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Sixth

Legislature

OF THE

STATE OF MAINE

1973

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Tuesday, January 16, 1973

The House met according to adjournment and was called to order by the Speaker.

Prayer by Father Donald Jacques of Gardiner.

The members stood at attention during the playing of the National Anthem.

The journal of the previous session was read and approved.

Papers from the Senate Non-Concurrent Matter

Joint Order relative to Joint Special Committee on Public Lands (H. P. 84) which was passed in the House on January 9.

Came from the Senate passed as amended by Senate Amendment "A" in non-concurrence.

In the House: The House voted to recede and concur.

Non-Concurrent Matter Tabled and Assigned

Bill "An Act Relating to the Public Reserved Lots in the Unorganized Territory" (H. P. 25) (L. D. 25) which was referred to the Committee on Natural Resources in the House on January 3.

Came from the Senate referred to the Committee on Public Lands in non-concurrence.

In the House: On motion of Mr. Simpson of Standish, tabled pending further consideration and tomorrow assigned.

Non-Concurrent Matter Tabled and Assigned

Resolve, Authorizing the Forest Commissioner to Convey by Sale the Interest of the State in Certain Land in Piscataquis County" (H. P. 33) (L. D. 40) which was referred to the Committee on Natural Resources in the House on January 3.

Came from the Senate referred to the Committee on Public Lands in non-concurrence.

In the House: On motion of Mr. Birt of East Millinocket, tabled pending further consideration and tomorrow assigned.

Non-Concurrent Matter Tabled and Assigned

Bill "An Act Relating to Sale of Timber Stumpage on the Public Reserved Lands" (H. P. 73) (L. D. 86) which was referred to the Committee on Natural Resources in the House on January 9.

Came from the Senate referred to the Committee on Public Lands in non-concurrence.

In the House: On motion of Mr. Ault of Wayne, tabled pending further consideration and tomorrow assigned.

Non-Concurrent Matter

Bill "An Act to Provide for Full-time Elected District Attorneys" (H. P. 69) (L. D. 82) which was referred to the Committee on Judiciary in the House on January 9.

Came from the Senate referred to the Committee on State Government in non-concurrence.

In the House: On motion of Mr. Emery of Rockland, the House voted to recede and concur.

Bills from the Senate requiring reference were disposed of in concurrence, with the following exception.

Bill "An Act Providing a Moratorium on Cutting Timber and Grass on the Public Reserved Lots" (S. P. 7) (L. D. 34)

Came from the Senate referred to the Committee on Public Lands.

In the House, on motion of Mr. Simpson of Standish, tabled pending reference and tomorrow assigned.

Messages and Documents

The following Communication: (H. P. 155)

STATE OF MAINE

Department of Indian Affairs

Augusta

January 8, 1973

Honorable Louise Lincoln
Clerk of the House of Representatives
106th Legislature
State House
Augusta, Me. 04330

Dear Mrs. Lincoln:

The following were elected by their respective Indian Tribes as Indian Representatives at the

Legislature for the years 1973 and 1974:

Vivian Massey
Penobscot Tribe
Elected September 12, 1972
Albert Dana
Passamaquoddy Tribe
Elected September 5, 1972

Respectfully submitted,
(Signed)

JOHN STEVENS
Commissioner

The Communication was read and ordered placed on file.

The following Communication:
STATE OF MAINE
Office of the Governor
Augusta

January 15, 1973

COMMUNICATION

Honorable Members of the House of the 106th Legislature:

I am transmitting under separate cover copies of the report on State of Maine Government Finances prepared by ESCO Research, Inc. It has been a valuable guide to me in preparing my Tax Reform message which I will transmit in written form on January 18, 1973.

I hope members of the Legislature will find the report useful in developing revenue policy.

Respectfully,
(Signed)

KENNETH M. CURTIS
Governor

The Communication was read and ordered placed on file.

Petitions, Bills and Resolves

Requiring Reference

The following Bills and Resolves were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Business Legislation

Bill "An Act Prohibiting the Use of the Name Accountant Unless Registered as a Public Accountant" (H. P. 143) (Presented by Mr. Carrier of Westbrook)

(Ordered Printed)

Sent up for concurrence.

Election Laws

Bill "An Act Relating to Marking Absentee Ballots at a General Election" (H. P. 146) (Presented by Mr. Gahagan of Caribou)

(Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act Providing for Mandatory Jail Sentences for Night Hunting" (H. P. 153) (Presented by Mr. Churchill of Orland)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act Relating to Selling Certain Drugs" (H. P. 150) (Presented by Mr. Norris of Brewer)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act Relating to Forcible Detainer of Personal Property" (H. P. 141) (Presented by Mr. Dunleavy of Presque Isle)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act to Clarify the Maine Litter Control Act" (H. P. 144) (Presented by Mrs. Baker of Orrington)

Resolve to Reimburse R. B. Swan & Son of Brewer for Loss of Beehives by Bear. (H. P. 149) (Presented by Mr. Norris of Brewer)

Resolve to Reimburse Edgar W. Tupper of Madison for Loss of Beehives by Bear. (H. P. 151) (Presented by Mrs. Berry of Madison)

Bill "An Act Relating to Board of Trustees of Independent Churches" (H. P. 152) (Presented by Mr. Ross of Bath)

(Ordered Printed)

Sent up for concurrence.

Marine Resources

Bill "An Act Relating to the Taking of Alewives in the Salmon Falls and Great Works Rivers, York County" (H. P. 147) (Presented by Mr. Goodwin of South Berwick)

(Ordered Printed)

Sent up for concurrence.

Public Lands

Tabled and Assigned

Bill "An Act Creating a Committee to Locate All of the Public

Reserved Lands in the State' (H. P. 133) (Presented by Mr. Dyar of Strong)

On motion of Mr. Birt of East Millinocket, tabled pending reference and tomorrow assigned.

Public Utilities

Bill "An Act Prohibiting Pollution of Eagle Lake, Hancock County" (H. P. 142) (Presented by Mr. MacLeod of Bar Harbor)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act Creating the Bureau of Central Computer Services within the Department of Finance and Administration" (H. P. 145) (Presented by Mr. Bustin of Augusta)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act Providing a Full-time Office for Registration and Licenses for Operation of Motor Vehicles in the Town of Livermore Falls" (H. P. 148) (Presented by Mr. Lynch of Livermore Falls)

(Ordered Printed)

Sent up for concurrence.

Orders

Tabled and Assigned

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Curtis.

Mr. CURTIS: Mr. Speaker, is the House in possession of Senate Paper 42, L. D. 98?

The SPEAKER: The Chair would answer in the affirmative. Bill "An Act Relating to Animal Welfare, H. P. 42, L. D. 98, is in the possession of the House, which was referred to the Committee on Agriculture.

Mr. CURTIS: Mr. Speaker, I move that we reconsider our action of January 11 whereby we voted to refer the document to the Committee on Agriculture.

The SPEAKER: The gentleman from Orono, Mr. Curtis, moves we reconsider our action of January 11 whereby L. D. 98 was referred to the Committee on Agriculture.

(On motion of Mr. Evans of Freedom, tabled pending the motion of Mr. Curtis of Orono to

reconsider and tomorrow assigned.)

Mr. Kelley of Southport presented the following Joint Resolution and moved its adoption;

WE, your Memorialists, the House of Representatives and Senate of the State of Maine of the One Hundred and Sixth Legislative Session assembled, most respectfully present and petition the National Oceanic and Atmospheric Administration, as follows:

WHEREAS, the National Oceanic and Atmospheric Agency has summarily and publicly announced the intention of permanently closing the National Marine Fisheries Services facility at Boothbay Harbor on or before July of this year; and

WHEREAS, this incredible decision comes at a time when our commercial fisheries need the scientific capabilities that this, the only "cold water" fishery facility in the Nation can provide; and

WHEREAS, should budget cuts become necessary they should be planned and apportioned equally among all fisheries research centers rather than arbitrary closure and the accompanying financial burdens to the State; and

WHEREAS, the maintenance and development of this fishery research center at Boothbay Harbor is vital to the future overall economic development of the northeast; now, therefore, be it

RESOLVED: That we, your Memorialists, do hereby respectfully protest said closure and request the National Oceanic and Atmospheric Agency to cease and desist in its efforts to close the said facilities; and be it further

RESOLVED: That the Members of the United States Congress for the State of Maine are hereby urgently requested to use every possible means to cause the decision to close said facilities to be reversed; and be it further

RESOLVED: That a copy of this resolution, duly authenticated by the Secretary of State, be transmitted by the Secretary of State to the National Oceanic and

Atmospheric Administration and to the Honorable Richard M. Nixon, President of the United States; the Honorable Frederick B. Dent Secretary of Commerce; and to the Senate and House of Representatives in Congress and to the members of the said Senate and House of Representatives from this State. (H. P. 186)

The Joint Resolution was read and adopted and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Orders of the Day

The Chair laid before the House the first tabled and today assigned matter:

Bill "An Act Relating to Inherent Managerial Functions Under the Municipal Employees Labor Relations Law" (H. P. 1531) (L. D. 1974)

Tabled — January 9, by Mr. Simpson of Standish.

Pending — Action on Veto by the Governor.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Sheltra.

Mr. SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning to speak in favor of overriding the Governor's veto. Now there might be some Republicans who are thinking in their own minds, perhaps have even expressed an opinion, that this situation here today is a way in which they could perhaps embarrass the Governor. I feel sorry for this type of thinking, because we were elected, all of us, as watchdogs for our taxpayers and our constituency at home. For those Democrats who feel that we don't want to override the Governor's veto because this would also be embarrassing, this is by far not the issue confronting us here today.

During the 105th Legislature this bill was a non-partisan issue all the way, and not once was party partisanship ever mentioned. In my opinion, and I have always been a great friend of the Governor's — I have gotten up at 5:00 o'clock in the morning and met him at the mill gates — and in

my opinion he is a tremendous administrator and a great guy.

Now it doesn't take too much intelligence to look back to the general election and to see what little majority he was elected by. And also, it doesn't take too much intelligence to see and to understand that any organized groups, special interest groups within the State could point a finger at him and say, "Had it not been for us he would never been reelected." This is small thinking and small potatoes.

In my opinion, when the Governor vetoed this bill I think, and this is my own opinion and I am firm about it, that his intent was at that time not to make it a partisan issue but to send it out to the courts to let it be tested; to let the courts come back to us with some sort of a verdict which to date they have failed to do. It appears to me now that they are waiting for us to come up with this decision.

Going back to the 104th and 105th, and for the benefit of the new members, I would like to give a small summation as to how this bill went here before the House. It was referred to a Committee of Conference. The Committee came back with a verdict of 2 to 1 in favor of this bill's passage. There was a motion made to reject the Committee of Conference. This motion was defeated by a 89 to 43 some-odd votes, better than a 2 to 1 majority. It was debated and labored and redebated and what have you. And, by the way, I might add, at a considerable amount of expense to the taxpayer, the monies that we spent here last session in order to finally reach a verdict. It went to the House and was passed; and it then ended up on the Governor's desk. And for the reasons of which I have previously mentioned, I feel strongly that that, and that is the only reason that the Governor decided to pocket veto this bill. As a matter of fact, the statement that he made, or that the press made last week in the effect that this bill should have never come before us, I think tends to substantiate this theory.

I think that the magic word that is involved here for all of us is accountability. The Governor is accountable to the people. We, as the electorate, we are accountable as legislators to the people. The school boards are accountable to the people. Most industry and most people in business that I know of are accountable to someone. And I think that the teachers, also, should be accountable to somebody.

If this bill does not go through, the taxpayer will not have any recourse in order to have his point of view expressed. I have heard time and time again that this bill is weak, but it is by far a beginning. No one ever said the bill was perfect. But for a weak bill there sure has been a heck of a lot of opposition to it and a lot of fighting over it. If the bill is that weak; if it does not work, let us amend it later. But for God's sake give us something at least to work with temporarily.

School board members are laymen like myself. I don't declare myself an expertise. As a matter of fact, school board members work for practically nothing as opposed to the expertise that is being employed by the Maine Teachers Association.

It is not hard to understand how a school board, whether it be Biddeford where the plague started or elsewhere within the State, that they could be conned into some sort of agreement by which they find later that they can't live with. I think it is our duty to protect our taxpayers. I am fighting for my constituents, for the people of Biddeford that saw fit to re-elect me to a third term in this House. And this, ladies and gentlemen, is the real issue, not to embarrass the Governor. Let's face our responsibilities. I could point at each and every one of you individually and say that not one of you is directly responsible for my being here. I owe my presence here to the taxpayers of my community. And we all know what the tax situation is and what a burden the property tax is presently.

You know, it appears funny to me, actually, that whenever we come up here and we have all kinds of monies to spend there are

a lot of us that want to champion some cause, to do some good at the expense of many of our tax dollars. But whenever someone gets up and wants to protect the taxpayer in any way, he is attacked from many directions. This is our opportunity to prove that we are sincere to the taxpayers of the State of Maine. We are sincere to keep their expenses down and we owe it to them.

I remember that program a while back, "The Millionaire." Maybe many of you might have watched it. My wife used to watch that, and she would sit back afterwards. Oh, how she would deliberate as to how she would spend this money. As a matter of fact, she had trouble reaching certain priorities exactly as to how it was going to go. Well, this seems to be what we do up here. We have a surplus of money, and we just can't wait, seemingly, to spend it in one direction or another in order to give ourselves perhaps at times a little bit of notoriety or self-advancement or what have you.

Gentlemen, ladies, this is a time when we should show good faith to the taxpayers of the State of Maine and vote to override this veto. We have two terms of education: in layman's language, the Cadillac and the Chevrolet type of education. Some communities in one year might elect to buy the Cadillac type of package because the budget is strong enough. My understanding is, the way the present situation is, that if they do buy the big package and if they have an over abundance of extra-curricular activities, the following year they can't knock them off. They are like our bureaucracy is here with some of our bureaus. They can't phase them out. This is one of the big problems that we are facing, that the school board members are facing.

So, ladies and gentlemen, with this thought in mind I hope that you will see fit at this time to recognize the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I suspect that if many

members of the Legislature had their way this morning they would rather be somewhere else. Part of our role, I guess, is sitting in the hot seat, and that is where we come this morning. Whatever the decision we make, I suspect that many people will be displeased with it, and I suspect what we have to do is to feel that we are making the decision that is going to serve the State of Maine the best of all, regardless of what group we are going to try to please back home in the City of Biddeford; whether it be the Mayor of the City of Biddeford or whether it happens to be the school board or what certain area or not. Whether it happens to be school teachers in my own area, or whether it happens to be someone else in any County in this State. I think it is important that we look at what this bill is. It is important we look at the background of it. It is important that we look at what the consequences might be.

First of all, I suppose I should preface my remarks by saying that when the first municipal public employment bill came before this Legislature, I was one of those who believed that definitions ought to be included into the law. I was told by management people that this was not necessary, that this was going to be taken care of. Of course, as you all know, this has not been the case.

Because of a situation in the City of Biddeford last year this bill was introduced to solve a problem which they had. I understand the problem there and I am aware of the problems that they have had since. But I do not feel that it is proper for any city to take their local problems to the legislative halls to try to resolve them when they are unable to do so in a local area. For that I feel the City of Biddeford is at fault.

I think it is important to note that we are or would be, by overriding the Governor's veto, replacing vague words with vague words. The definition would be no better. As a matter of fact, it would probably be worse. Where would we end up? Back in court — for another couple of more years

of not knowing what direction we are going in.

I say for either side, management or the employees, overriding the Governor's veto is the worst thing that could happen because there will be a couple more years of indecisiveness, of this thing being thrown into the court rooms of this State.

The Biddeford case has now reached a point where we are going to receive a decision in the very near future, and I suspect that when that decision is reached we will be present, still in session and we won't have to be waiting until June to get that decision. Once that decision is made, then I think it would be proper to introduce legislation to solve the problems that exist if any do. It could very well be that that decision could solve all the problems that face us. I suspect not, but that is a far out possibility, I suppose, and we ought to consider that.

Addressing myself to the question of whether or not this is going to solve and save the communities money, it isn't going to do anything along that line at all. It is going to duplicate the problem if the veto is overridden.

I think this today, that if the veto is overridden, in the long run we will be worse off than following the other course of action. And so I ask you to vote no to maintain the Governor's veto today.

I think everyone has pretty well decided how they are going to vote and I suspect that whatever rhetoric we give isn't going to change much, including the extra remarks that are going to follow, I am sure, by the gentleman from Houlton, Mr. Bither. But I do want to remind the gentleman from Houlton before he speaks, that on January 26, 1972 he passed out a sheet to us legislators in which he pointed out that this legislation was going to correct the problem, that it was going to define the situation and I am sure that he is going to stand up and tell you that that wasn't the best thing that was written. I am sure that he is going to tell you that it is a start and I am sure that he is going to tell

you that this doesn't solve the problems that we face.

And with that in mind I think that we ought to listen to the gentleman from Houlton, Mr. Bither and then we won't have any problems at all.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Haskell.

Mr. HASKELL: Mr. Speaker and Members of the House: I didn't know whether my colleague from Houlton, Mr. Bither was going to seize this opportunity or not but apparently he isn't, so I will respond to Mr. Martin, and, I am going to disappoint him again. I am not going to take the course of action that he has outlined for me. In fact I am not going to debate the bill at all because I am sure that everybody has made their mind up on the merits of the bill. I do want to comment a little bit on the veto message and point out what in my view is the situation here.

The first speaker indicated that the support for this bill in the 104th and the 105th in all instances was almost 2 to 1 support. The bill landed on the Governor's desk and for some reason he was reluctant to sign it and indicated he was going to have it studied. He delayed forming a study committee until October and then he chose a format of a committee which seems reasonable, but I think you should understand what it was. He selected four people whose position on the M.T.A.'s side of the bill was well known. He selected four people whose position from the School Superintendent's side of the bill was well known.

If you attended the informational hearing meeting that we had last week, I think that you would recognize that there was very little possibility that the Representative for Augusta, Mr. Bustin, would change his mind through any committee action on the merits of the bill. And similarly I think you would recognize that there was very little possibility that Mrs. Bernstein who spoke and represented the management viewpoint would change her mind regarding the merits of the bill. So you have a situation where you

have four on each side whose final decision regarding the merits of the bill are well known.

The Governor then selected three people to represent the public view. I was disappointed, frankly, that the Governor chose to involve our Commissioner of Education in this process. I think the traditional approach that we have had of school superintendents being remote from partisan politics is a sound one. I think it is equally sound for the Commissioner of Education not to be involved in the political arena.

Unfortunately, in the 105th, the Governor chose to involve the Commissioner in the go around that we had here regarding the reorganization bill of the Department of Education, the Governor apparently supporting the idea that we should have a Commissioner of Education who was an absolute authority. The Board of Education, in the Governor's view should be reduced to an advisory capacity. And the Commissioner of Education in the hearing process and later was bent all out of shape trying to maintain his own integrity, his own views, and still accommodate the view of the Governor in this matter. The upshot of it was that the reorganization bill was amended in the House here and in the Senate and most of the authority was restored to the Board of Education. But in the process, the Commissioner's effectiveness was reduced in my view. And I was sincerely sorry to see the Commissioner involved in this controversy because he could do nothing but lose in the process. Because regardless of what his final decision was, he certainly is going to alienate the confidence of a large section of the educational establishment in the State. I am sure that this is going to happen, because now we have the situation where the Commissioner of Education indicated his support of the veto and he thus occupies as far as I know the unique situation of being the only man in the State of Maine who has been engaged in the negotiating process under current law who would feel that management prerogatives have not

been infringed by the law as it exists at the present time.

Now I am sure that we all recognize the right of an individual to hold his own opinion, as Thoreau expressed it, we recognize the right of an individual to march to the beat of a different drum. But I think we also must recognize that in this situation there is bound to be speculation as to who is playing the drum. And I think that the Commissioner's effectiveness has been reduced thereby.

But in any case, we wind up then with the Governor relying for his veto message on three people, the Commissioner of Education, Mr. Sumner Goffin of Portland, Mrs. Lucille Shepherd of Westbrook. I am not acquainted with either Mr. Goffin or Mrs. Shepherd; but in my view, the opinion of the Commissioner of Education, who may or may not have been subjected to political pressure, Mr. Goffin and Mrs. Shepherd are certainly no more valuable than the considerations and the decision of the legislative bodies of this State and I expected in a veto message something really substantial for a reason for the veto.

If you read the veto message carefully you will find there is no substantial new information. What it consists of largely is a restatement of the position papers of both sides in the controversy and there is absolutely nothing substantial for new reasoning. The Governor is simply saying, my judgment, the judgment of these three people is more conclusive as far as I am concerned than the judgment of the Legislature. And I sincerely hope that at this point we can look at the bill objectively, that we can divorce the partisan considerations from our vote and that we do vote to override the veto.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker and Ladies and Gentlemen of the House: I will make my comments very short. As a freshman member of this body I can think of a lot of other bills that would have been easier to speak on, but I feel that

I must offer my opinion on this one.

I have been a classroom teacher in this State for the past five years. I am certified now to teach high school, the subjects of English and History.

I have studied this Bill. I went to the informal hearing the other day and I support it. I suggest that the real issue that is before the House today is whether or not we as the elected representatives of all of the people of this State are willing to act in their best interests or in the best interests of a special group. Now I am in favor of the bill and I am going to vote to override the veto. And I would urge that everyone in this House consider the real important issue; namely, who do we represent?

The SPEAKER: The Chair recognizes the Gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker and Members of the House: Representative Haskell mentioned that one of the gentlemen on the Committee was Sumner Goffin and of course this body will make its own decision on the merits and not by reference to any other party. As a point of information, Mr. Goffin is a labor mediator from the Portland area who I think I can say enjoys a great deal of trust in both labor and management circles. In order to be a mediator you have to be known as a pretty square shooter and an arbitrator. You have to be known as a square shooter or both sides won't accept you.

I think what Mr. Goffin's concern is and what mine is in this Bill is this: You can make arguments certainly in both directions. We have the emotional overlay of the teacher situation and the real property tax. We all wish we could solve certainly the real property tax problem, but on this bill we are dealing with the law first enacted when Representative Haskell and I and eleven others, I think, then served on the Labor Committee. We sat next to each other with no fist fights and very little if any rancor, and I don't think that either one of us

anticipated the degree of rancor and confusion that would come out of the Bill we enacted. This happened four years ago. The case attempting to, the Biddeford school case, attempting to interpret the meaning of the current law is now pending before the Maine Supreme Judicial Court. It would certainly be improper for any member speaking in this body to express any criticism of the coordinate branch of government and I am certain that the law court is faced with a very difficult problem in deciding this case, a very complex and important problem.

It seems to me that ultimately, no matter what we do here, that there will be further court cases. If we pass a new bill we will have further delays and further uncertainty to teachers, to superintendents, to school committees, and to the public as to what their obligations are and what good-faith negotiation is.

It has taken about four years, three and a half or four years to get a case up before the law court where it is pending for decision. If we change the law again, and I want to preface this by saying that I regret that the law court did not come down with a decision and give us some guidance before the convening of this legislative session, but the legal process is very slow through negotiation to arbitration to the Superior Court and to the Supreme Court. We have waited three and a half years for particular guidance. If we change the law again we will likely wait another three and a half years. I don't think that makes very good sense to do that because in the meantime you are going to have conflict, you are going to have money expended, not on better teachers or better education for the children, but on more court cases. I think there is something to be said that when you have got a court case in the hopper so to speak, when you are expecting a decision to come down, you should wait and see what that decision is and see perhaps if it is not something that everyone or at least most of us may be able to live with before we change the

law again and go through another three and a half or four years of uncertainty.

In the event that this veto is sustained today and if 1974 does not become law, if there has not been already, I feel quite certain there will be new legislation introduced on this topic, if not by Representative Haskell by someone else, and this legislature will not today lose its authority and power to change the result of a court decision if it feels the court decision is erroneous. But it seems to me, although three and a half years is a long time to wait, that in a sense today we are being asked to jump the gun.

We are dealing with terms like inherent managerial policy, which Representative Haskell's bill makes an attempt to define. Terms like working conditions and conditions of employment which are inherently vague terms. There is vagueness, not because of any lack of skill on the draftsman or the sponsor of the bill but because the area is broad and complex. It is not possible to think of every little nuance that may come up in our many S.A.D.'s in towns during negotiations. It is very likely that whichever side, if you can think of it as sides, that the Supreme Court decision comes down on, that everyone will know more about their rights and obligations under the Supreme Court decision than they know without it.

But if we pass this Bill today and override the Governor's veto, then that Supreme Court decision which we are awaiting, becomes passe; it only applies to law that is no longer in effect and again we have that three and a half year waiting period.

Would it not make more sense, since we will have the authority to consider this question again during the legislative session, and I pray God we will have the authority to consider it after the law court has rendered its decision? Would it not make more sense to reserve decision on this most important question until we have better guidance, more information than we have now? And that guidance can come from only one place in the State of

Maine, which is the Supreme Judicial Court.

I would pose the question to the gentleman from Houlton, Mr. Haskell, in the event that we passed 1974, would he not anticipate that we would again be engaged in a period of litigation in three or four years before we have any degree of certainty? For those reasons I ask that you sustain the Governor's veto.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker and Ladies and Gentlemen of the House: I am violating one of the first rules of a freshman by speaking so early, but it is the concern that I have that has been generated over seven years as a school board member and having through all of those seven years been negotiating teacher contracts before the Boards, both before and after this law became effective. And I am concerned with some of the statements that I have heard made about the bill as to what it will do and what it won't do.

I would be the first to agree that this bill will not in and of itself create all the problems. But I submit that with people of good faith working on both sides, it will offer some framework where we can see an improvement in what I regard to be a deteriorating situation in the relationship between our teachers and school board members. This bill is not anti teacher in my opinion and I would not support it if it were. It is not designed to remove any item from the bargaining table and the bill in no way will allow any board to arbitrarily void any section of its contract nor should it.

In my opinion, the question we face here now has been said much better than I can say it. I would only like to reemphasize it. It is the consideration that has been given on the one hand by the previous legislature and what I consider to be a lack of consideration that has been given as a basis for the veto. And I would like to ask, Mr. Speaker, before I sit down, how are we to vote on this? Is yes to override and no to sustain?

Mr. SPEAKER: The Chair will note at the time of the vote that Article 4, Part 3rd, Section 2 of the Maine Constitution requires that this vote be taken by the yeas and nays. Rule 51 of the House rules requires that the question be worded as follows: "Shall this bill become a law notwithstanding the objections of the Governor?" So a roll call, yea and nay vote will be taken and the question is, Shall the bill become law notwithstanding the objections of the Governor? A yes vote is yes it will become law notwithstanding the Governor's veto. No is the bill will not become law.

The Chair recognizes the gentleman from Portland, Mr. Cottrell.

Mr. COTTRELL: Mr. Speaker and Members of the House: This is the most unpleasant duty that has ever faced me in my legislative experience. Those of you who know me know that for several decades I was a coach and a teacher at Deering High School. I have been very privileged, because of other economic opportunities, to have the privilege of teaching. I am quite sickened by this acrimonious spirit that has been developing between school boards and the teachers. To me the teaching profession is far removed from the ordinary industrial labor relationships.

Our whole country is in a turmoil. I am sickened by the fact of the strikes that are going on in Chicago and Philadelphia. In Philadelphia the strike is going on for twenty-two days despite two court injunctions against the strike. 220,000 students are affected. It is not just the teachers themselves. They are arranging in Philadelphia for seniors who are preparing for college admissions to have special sessions. I do not think that the teaching profession is the same kind of a profession as those who work in industry, whose works can be measured where there is a productivity basis.

I think that teachers should take warning by the sentiment expressed in this last legislature. I am in the profession. I am going to stay in the profession and I am going to support the profession,

and I hope that by working inside the profession along with Representative Martin, who I am sure with his seven years experience now, is not terribly dissatisfied with his remuneration or with the conditions under which he works.

I do know that there should be changes in curriculum, there should be changes in methods and bases for compensation. I do know too that teachers should be better trained. I know that there is a market economy in all of this too where we have teacher's colleges now refusing to take teachers, where we have a great over supply of teachers. It does make teachers concerned, but I think that with conciliation and a removal and a tempering down of this grief atmosphere, bad atmosphere of confrontation, that we can make some progress in this Legislature.

I have twenty recommendations of my own based on experience. I am not an old fogey yet. I can get along with the kids, long haired or short haired. I am getting so I admire Cheverus High School, even though they have been our great opponents, but Cheverus is coming through with flying colors in this disturbed educational atmosphere. I might say that it is not a religious complexion in my thinking, because I happen to be a Protestant, but their school is now becoming the great high school in Portland, Maine. Portland is in trouble and Deering is in trouble, but at this point I am going to support the veto.

The SPEAKER: The pending question before the House is, shall this Bill become law notwithstanding the objections of the Governor? Pursuant to the provisions of Article IV of the Constitution, the yeas and nays are ordered. If you are in favor of Bill "An Act Relating to Inherent Managerial Functions Under the Municipal Employees Labor Relations Law," House Paper 1531, L. D. 1974, becoming law notwithstanding the objections of the Governor you will vote yes; if you are opposed you will vote no.

ROLL CALL

YES — Ault, Baker, Barnes, Berry, G. W.; Berry, P. P.; Ber-

ube, Bither, Bragdon, Brawn, Briggs, Bunker, Cameron, Carey, Carrier, Chick, Churchill, Cressey, Curtis, T. S., Jr.; Davis, Donaghy, Dow, Dudley, Dunn, Dyar, Emery, D. F.; Farley, Farnham, Farrington, Faucher, Fecteau, Finemore, Flynn, Gahagan, Garsoe, Gauthier, Good, Goodwin, H.; Hamblen, Hancock, Haskell, Henley, Herrick, Hodgdon, Hoffses, Hunter, Immonen, Jackson, Kelley, Knight, Lawry, Lewis, E.; Littlefield, MacLeod, Maddox, McCormick, McMahon, McNally, Merrill, Morton, Murchison, Norris, Palmer, Parks, Perkins, Pratt, Ricker, Ross, Shaw, Sheltra, Shute, Silverman, Simpson, L. E.; Smith, S.; Snowe, Sproul, Stillings, Susi, Tanguay, Theriault, Trask, Tyndale, Walker, White, Willard.

NO — Albert, Binnette, Birt, Boudreau, Brown, Bustin, Carter, Chonko, Clark, Conley, Connolly, Cooney, Cote, Cottrell, Curran, Dam, Deshaies, Drigotas, Dunleavy, Ferris, Fraser, Genest, Goodwin, K.; Greenlaw, Hobbins, Huber, Jalbert, Kelleher, Kelley, R. P.; Keyte, Kilroy, LaCharite, LaPointe, Lewis, J.; Lynch, Mahany, Martin, Maxwell, McHenry, McKernan, McTeague, Mills, Morin, L.; Morin, V.; Mulhern, Murray, Najarian, O'Brien, Pontbriand, Rolde, Rollins, Santoro, Smith, D. M.; Soulas, Talbot, Tierney, Trumbull, Webber, Wheeler, Whitzell, Wood, M. E.

ABSENT — Crommett, Evans, Jacques, Peterson.

Yes, 84; No, 61; Absent, 4.

The SPEAKER: Eighty-four having voted in the affirmative and sixty-one in the negative, with four being absent, eighty-four being less than two thirds, the veto is sustained and the Bill fails passage.

The Chair laid before the House the second tabled and today assigned matter:

Bill "An Act Defining the Boundaries of Richmond's Island Sanctuary" (H. P. 117)

Tabled — January 11, by Mr. Simpson of Standish.

Pending — Reference

On motion of Mr. Good of Westfield, referred to the Committee on Fisheries and Wildlife, ordered

printed and sent up for concurrence.

Adjourned until ten o'clock tomorrow morning.

On motion by Mr. Simpson of Standish,