

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh  
Legislature*

OF THE

STATE OF MAINE

**Volume II**

May 21, 1975 to July 2, 1975

**Index**

KENNEBEC JOURNAL  
AUGUSTA, MAINE

## SENATE

Wednesday, June 25, 1975

Senate called to order by the President.  
Prayer by the Honorable Philip L. Merrill of Portland:

Dear Lord, we often pray for wisdom. Today we pray for patience, patience with one another that comes from the knowledge of our own limitations. Amen.

Reading of the Journal of yesterday.

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

Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws." (S. P. 480) (L. D. 1760)

In the Senate June 24, 1975, Passed to be Engrossed as Amended by Committee Amendment "A" (S-351), as Amended by Senate Amendments "A" (S-355), "B" (S-362), "E" (S-361) and "F" (S-365) Thereto, and Senate Amendments "A" (S-352), "B" (S-353), "C" (S-356) and "D" (S-360).

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A", as Amended by Senate Amendments "A", "B", "E", "F" and House Amendments "B" (H-823), "C" (H-828), "E" (H-830), "F" (H-834), "G" (H-835) Thereto, and Senate Amendments "C" and "A", and House Amendments "A" (H-814), "B" (H-821), "C" (H-831), "D" (H-832) and "E" (H-836) in non-concurrence.

On motion by Mr. Collins of Knox, tabled until later in today's session, pending Consideration.

**Communications  
STATE OF MAINE  
Office of the Governor  
Augusta, Maine  
04330**

June 24, 1975

To the Honorable Members of the House of Representatives and Senate of the 107th Maine Legislature

I cannot believe the People of Maine want, need or will accept a tax increase at this time and, therefore, I cannot support legislation that will lead to such an increase.

I don't think it is fair to the People of Maine to mislead them into believing they are being extended additional services without a tax increase when we, as representatives of the people, know that the piper is going to have to be paid in the near future.

For these and other reasons I must veto L. D. 1937, An Act Making Additional Appropriations for the Expenditures of State Government and for other Purposes for the Fiscal Years ending June 30, 1976, and June 30, 1977.

It should be known that I tried in every way to work with Legislative Leaders in formulating a supplemental package based on priority of need. I was willing to commit to spending our \$5.4 million balance over the next two years to fund priority programs that the Governor and the Legislature could agree on. I also told Leadership that I would work to find ways in between now and January 1st to fund the other programs.

There is no denying that the elderly, the mental retardation program and many other worthwhile programs could use extra funding and no one is turning his back on these needs. However, I think it is much fairer to these people who need help to delay these programs until they can be

properly funded than to hold-out pie-in-the-sky promises to the effect that they are getting something without a tax increase.

Specifically, the Legislature is proposing to fund these additional programs for only one year. The Legislature does not address the problem of continuing these programs a year from now and where the money will be found to fund them. Are we going to give the elderly and others unable to help themselves a crumb now and send them a big bill for it later? This approach is not called a tax increase by the Legislature but the result is the same.

Not only does this approach hold out false hopes, but it also will leave the State with no balance at a time of economic uncertainty. I submit this is fiscal irresponsibility and I am afraid it will serve to undo the fine track record of fiscal integrity this Legislature established in its approach to the current services budget.

In effect, this Legislature is asking this State to adopt a policy of deficit spending that has led to financial chaos and virtual bankruptcy in states like Massachusetts and municipalities like New York City.

I plead with this Legislature to sustain this veto and, in the final days of this session, work with me to find another vehicle to fund priority programs in a fiscally responsible manner without burdening the people of this state with a tax increase. (S. P. 606)

Very truly yours,

Signed:

JAMES B. LONGLEY  
Governor of Maine

Which was Read and Ordered Placed on File.

An Act Making Additional Appropriations for the Expenditures of State Government and for other Purposes for the Fiscal Years ending June 30, 1976 and June 30, 1977. (S. P. 577) (L. D. 1937)

On motion by Mr. Speers of Kennebec, tabled until later in today's session, pending Reconsideration.

**Committee Reports  
House**

**Committee of Conference Report**

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Resolve, Proposing Study of the Implementation of State Ferry Service on Casco Bay. (H. P. 1154) (L. D. 1448)

have had the same under consideration, and ask leave to report: That the Senate recede from its action of accepting the majority "Ought Not to Pass" report of the Committee on Public Utilities, accept the "Ought to Pass" as amended by Committee Amendment "A" Report of the Committee on Public Utilities, read the resolve once, adopt Committee Amendment "A", give the resolve its second reading, and pass the resolve to be engrossed as amended by Committee Amendment "A" in concurrence.

On the part of the House:

KELLEHER of Bangor  
NORRIS of Brewer  
LaPOINTE of Portland

On the part of the Senate:

CUMMINGS of Penobscot  
GREELEY of Waldo  
CYR of Aroostook

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted, in concurrence.

**Committee of Conference Report**

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act to Allow Municipal Approval of Routine Great Ponds Permits" (H. P. 662) (L. D. 836) have had the same under consideration, and ask leave to report: They are unable to agree.

On the part of the House:

WILFONG of Stow  
MORTON of Farmington  
DOAK of Rangeley

On the part of the Senate:

COLLINS of Knox  
GRAHAM of Cumberland  
TROTZKY of Penobscot

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

On motion by Mr. Speers of Kennebec, Recessed until the sound of the bell.

**After Recess**

Called to order by the President.

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

An Act Making Additional Appropriations for the Expenditures of State Government and for other Purposes for the Fiscal Years ending June 30, 1976, and June 30, 1977. (S. P. 577) (L. D. 1937)

Tabled — earlier in today's session by Mr. Speers of Kennebec.

Pending — Reconsideration.

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

Mr. CARBONNEAU: Mr. President and Members of the Senate: Last night after we adjourned I heard about the rhubarb between a member of the Democratic leadership and the chief executive. Frankly, I was disturbed. As you know, the disagreement was and is all about the supplemental budget, L. D. 1937. On my way out of the building I stopped by the chief executive's office and left a message that I would like to see or talk to the Governor at his earliest convenience. Shortly before I got home he called and left a message that he would call back later in the evening, which he did, and invited me to come to his office this A. M., which I did, and here is what I found out:

First of all, the statement that appeared in the papers calling the chief executive a cruel man is, in my opinion, a very serious attempt to discredit the character of an extremely compassionate individual, who all his life has done nothing but try to help his fellow man. I know this man, and have known Jim Longley practically all his life. A more generous, sympathetic and compassionate individual I have yet to meet. On the home town level he has given generously of his time, effort and money to all charitable causes ever presented for the good of the needy. I know, because I have participated with him on all kinds of drives and campaigns to raise funds for one program or another. So a cruel man he is not.

Now, let's get down to the crux of this matter. What the chief executive did was to veto a bill, the supplemental budget. The reasons as given in his message for vetoing, No. 1, is that there is no ceiling on tax relief for the elderly and this could become another 1994, or worse. No. 2, fringe benefits for state employees, as appears in his message. On this one he does not want to give only crumbs to state

employees.; he wants to put a good package together by the beginning of 1976 which will conform to the needs and merits of all state employees.

Now, I ask you, is that so bad? He is a businessman, thinks like one and acts like one. State finance is big business. He and I both agree that a good businessman does not contract to spend money he does not have or cannot foresee he will receive in the near future.

Now, why do I urge you to sustain the veto? Last Friday on my way home I stopped at my old place of business, and as you can imagine, the place of business being a neighborhood supermarket, everybody shopping in this store knows me. And of course, it is the imaginable how-do-you-dos, and so forth, and how do you like Augusta. Then they would say, "Hey, Roland, that fellow Longley is really showing you people that money doesn't grow on trees, isn't he." That is one comment. Others go as follows: "Why don't you legislators stop fighting him. Give him what he wants. What have you got to lose?" Or "If you do just that, and he doesn't deliver, the people can blame him, the Governor and/or his advisors, not you."

What this boils down to, in my opinion, is fiscal responsibility. If you don't have it, don't spend it. And if you don't know what the future will bring, don't depend on uncertainties. That is what the Governor is saying, as I read the message. Furthermore, he says, "Give me time to look around all over the state departments to see where I can implement economies, and then I will get back to you at the special session and recommend to you a program that will be based on sound fiscal probabilities and possibilities, or recommend to you a tax increase of some sort where it will hurt the least."

We are talking here a 5 million dollar budget for one year. What about the second year? That is the big problem. What is the use of instituting programs for one year and then having to abandon same a year later. That is just like giving a baby a lollipop, letting him lick it a couple of times, and then taking it away from him.

In conclusion, let me emphasize one political factor. Every time we, the legislators, attempt to knock down the Governor or his office, we are actually boosting him up in the eyes of the people and we are knocking ourselves down. So before we vote on this issue we should think about it very seriously.

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

Mr. CONLEY: Mr. President and Members of the Senate: I would agree with what the good Senator from Androscoggin, Senator Carboneau, has said relative to the Governor as a person. I think he is a good man, I think he is a businessman, and I think he is trying to administer state government as a businessman. On the other hand, I must, however, congratulate the Appropriations Committee for the work that it has done in these legislative halls since last January 1st. Having once been a member and served on that committee, I know that it is not an easy task to be dealing, one, with the budget of the Governor, particularly the budget that was received this year; secondly, with all of the other LD's, private and special, that are submitted by the Legislators and department heads, I know that even this adds to the problems of that committee; and in their fair judgment they try to

report back to both houses what they feel is the consensus of this legislature.

Primarily I would like to address myself to one section of the message of the Governor, and it is listed on the top of page 2, which states, "It should be known that I tried in every way to work with Legislative Leaders in formulating a supplemental package based on priority of need. I was willing to commit to spending our \$5.4 million balance over the next two years to fund priority programs that the Governor and the Legislature could agree on. I also told Leadership that I would work to find ways in between now and January 1st to fund the other programs."

I think most of us can recall when L. D. 1937, the supplemental budget, was reported out of the Appropriations Committee and was first on the calendar in this house, and I can recall that at no time did any member of this branch raise any inquiry as to its contents. There was plenty of opportunity for the members of this house and that at the other end of the corridor to raise questions, to voice objections, or to raise the package as it came out of the Appropriations Committee. That bill was enacted in both houses.

The chief executive has been well aware of 1937 since it came from the printing office. It is known to me that the Chairman of the Appropriations Committee as well as the Presiding Office of this body at least on one occasion discussed this supplemental package with the Governor. When he states in his message of today that he has worked with the legislative leadership in trying to formulate a supplemental package, I can only say that yesterday morning was the first time that I, as the minority leader, had been invited to the Governor's Office to discuss this program.

Now, we can recall that back in the early days of this session there was a great deal of controversy between various members of the legislature and the chief executive, and I thought it was a great turn of events when members of their legislature began to sort of bite their cheeks and put their personal feelings aside and tend more diligently toward their legislative responsibilities without any confrontations with the chief executive.

I feel that the leadership of both parties have worked along not only together but have also tried to establish links of communication between the chief executive and themselves in order to make a more harmonious legislative session, and I think everyone can agree to that, up until the period of yesterday afternoon when at the other end of the hall from my party a news release was sent out that did infuriate and irritate the chief executive. I apologize for that and I am sorry that news release was ever submitted, because I think in the crucial hours of this legislative session there is one thing we do not need and that is further confrontation with the chief executive.

I would ask every one of you to examine the legislative document before you and give due consideration to those proposals that are in it, as you did when it was first reported out of the Appropriations Committee, and on that basis, I would ask you to vote to override the Governor's veto once you have made a conclusion.

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

Mr. GAHAGAN: Mr. President and

Members of the Senate: As a member of the Appropriations Committee, I would just like to go over a few of the bills which are in this package. I hope by going over some of them you will realize the impact that the sustaining of the veto will have on some of the needs which are in state government.

I will call your attention to L. D. 1659, as amended, An Act Appropriating Funds to the Department of Mental Health and Corrections for Fire Prevention and Structural Safety Improvements at the Military and Naval Children's Home at Bath. The state inspection of the Military and Naval Children's Home at Bath has revealed conditions which are in violation of fire and structural safety. These factors created an emergency situation which cannot be ignored since they are concerned with the safety of the juvenile residents of the home.

Another L. D., 1326, An Act to Provide Activity Programs to the Mental Retardation Residents of Boarding and Nursing Homes, \$100,000 per year. This would provide day programs to 200 of the 600 retarded individuals in boarding and nursing homes who are presently receiving only room and board. This need has been reflected in studies by the department and is an expansion of the present after care program. The initial request to meet the needs fully and appropriately was \$300,000. It has been cut back to \$100,000.

Another L. D. is L. D. 593, which would provide for a statewide correctional program improvement. This is a departmental bill and I would say it is the most significant L. D. in the correctional package this session. It will allow us to provide or purchase service, give grants and aides to private agencies, both privately operated half-way houses and quarter-way houses, and will assure a lot more opportunity for successful community treatment and potential for rehabilitation of offenders. The intent of this is not to have so many new programs as it is to expand or continue the assisting of particular juveniles in the community.

Another L. D. is L. D. 1525, which is An Act Providing Funds to Community Mental Health Centers to Offset Reduced Federal Grants. As federal financial staffing assistance for community centers terminates after eight years of funding, the community centers, in order to continue their programs already in existence, must have replacement funding. It is possible that in the future, after determining the role of the mental health institutes, some of the necessary replacement funding could come from decreased institutional budgets. However, at the present time this is not a possible source of the dollars needed. At least during the fiscal year of '75-'76 the appropriations requested is essential. This is \$212,732, and this is not a new program.

There are two more L. D.'s I want to share with you. One is L. D. 992, which is An Act Providing Funds for Seriously Disturbed Children. This provides a non-lapsing appropriation of \$100,000, which was cut back to \$50,000 in 1937, which terminates June 30, 1977. This is to provide additional resources for the most severely disturbed children and youth in Maine. The appropriation has a very high priority since it provides the opportunity of financing care for the most severely mentally ill children and youth, especially

adolescents who are presently being detained rather than treated. Some of them are not even being served at all.

The last L. D. in this package I would like to call your attention to is L. D. 809, An Act Providing Funds for Payment to Residential Schools as an Alternate to Incarceration of Juvenile Offenders. If funds are going to be appropriated for this purpose, which is a very good purpose, they could be incorporated into the correctional improvement program, which would allow the purchase of these services. This is one of the program sources that would be used for correctional statewide program improvement as a very integral part of working with juveniles. Money given for this last year was used to pay tuition to some of the residential school facilities in the state and did keep kids out of the institutions.

These are just some of the bills that are in this package, 1937, and I think, Mr. President and Members of the Senate, that we should not sustain this veto, that we should override the veto to meet necessary services which are included in this package.

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

Mr. SPEERS: Mr. President and Members of the Senate: I would hate to have the comments that are made here this afternoon develop into a question of whether or not this branch or the legislature as a whole wishes to promote a confrontation with the chief executive of this state, because I am absolutely certain that that is not the case, and I would hate to have any comments made that would characterize this vote as such. I am absolutely certain that the chief executive himself would not wish to regard this matter as simply a petty confrontation between the members of the legislature and himself, but would indeed accord to every member of this legislature the integrity, the conscientiousness, and the desire to do what is best that I am sure that we accord to him in receiving this veto message.

But as was commented when we first received this particular legislation from the Appropriations Committee, this legislature has been faced, and indeed the Governor as well, the entire government of the State of Maine has been faced with a very serious problem, a very critical and a very difficult choice to make, that has been an undercurrent and run through the entire six months that we have been here, recognizing the very dire needs and very critical needs of many of the people of this state, on the one hand. We also recognize the great reluctance on the part of all of the people of this state to indulge in a tax increase at this particular point in time. I think that the legislature, and indeed the chief executive, have gone very far, if not perhaps all the way, in meeting the best of both of these diametrically opposed desires on the part of the people of the State of Maine.

I would like to point out very strongly that the legislature is not passing a tax increase. We are not spending money which is not available. The money is available without a tax increase.

We also very well recognize, as does the chief executive of this state, and I give him full credit as well in recognizing the problems of many of the people that we attempt to address in this supplemental package, and indeed in his veto message he states very clearly that he recognizes

these problems and indeed pledges to work toward solving them as well.

These problems are not the problems of merely special interests or particularly isolated groups of the citizenry of the State of Maine, but they are problems which I am convinced that all of the people of the State of Maine would like to see addressed, that if the money is available, or even to the extent that the money is available, I am sure that the people of this state do not wish to turn their backs on these problems.

I can only reiterate that to a very small extent indeed the money is available, and I think that it is incumbent upon us to do whatever we can within the very stringent limitations that we are faced with to help those areas that are in this supplemental package. I would certainly urge the Senate to override the veto that we are faced with this afternoon.

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

Mr. KATZ: Mr. President and Members of the Senate: I would presume that the Governor's veto will be overridden here this afternoon. My vote has been a very difficult decision, and I would like to tell the Senate why I shall vote to sustain. I guess it is a personal decision and I do not attempt to sway your votes.

At the beginning of the legislative session, I made a conscious decision that within the framework of my personal conscience I would attempt to support the Governor. It is not an easy thing to be a new Governor, and I remember my first term with Governor Curtis's first term, there was an awful lot of scrapping and I was responsible for a significant portion of it. It is not an easy thing to be a new Governor and it is not an easy thing to work with a new Governor, particularly when he is as painfully inexperienced as this Governor was painfully inexperienced when he came in in January. He has made some bad mistakes, and embarrassingly a lot of them have been in public. He clearly did not understand the give and take of the legislative process which is kind of old hat to some of us. It is based upon the reasonable assumption that one person is not right all the time and that there are different points of view which must be listened to and accommodated on occasion.

What he has done time and again this session is ask us to defer some basically important decisions, not to turn our backs on them but to defer. He has said, in effect, he has got a brand new management team attempting to change the direction of government from eight years, during which time we were program conscious, to give us a little breathing spell so that we could get fiscally conscious. He has asked us to defer any decisions on new and expanded programs until a special session.

Well, a special session is coming, and at that time very clearly we will be faced with the necessity as responsible employers, irrespective of other considerations, to meet the needs of our employees with some kind of pay raise. Very clearly, in this body we are not satisfied with the nature of our programs for relief of the elderly, and I think that lack of satisfaction is universal in this body.

I think very clearly the supplemental budget indicates a concern for citizen needs that are not presently being met, and at the time the supplemental budget first came up I expressed my extraordinary applause and satisfaction

on the job that had been done by the Appropriations Committee, and I wish the Governor had signed it. But he didn't sign it, and now we have a problem. The problem largely is whether or not we fund some programs for \$5.6 million for one year or \$5.6 for two years, at least initially to let us come back in a special session and do that which clearly must be done.

Well, today I guess I made up my mind to walk the extra mile and to wait until the special session to meet not only the problems that we have enunciated but an awful lot more tough problems that probably is going to involve an increase in taxes for Maine people. I know that this is probably a tough decision this Senate didn't want to have to make, but it is in front of us and I guess each of us is going to have to pursue our own conscience. In my conscience, I feel that it is responsible to go that extra mile to give our new chief executive the time he needs to put together a comprehensive program and to review the cost of the program. But perhaps I am particularly sensitive because as much as any other person in the legislature I hold myself personally accountable for the extraordinary overruns in education spending, and it is not something very, very easy to live with. I wish you well in your decision.

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

Mr. HUBER: Mr. President and Members of the Senate: Despite the contents in this veto message, I would simply restate what I said when this bill was first debated in this body. This is, I feel, a very careful package of human service needs. Most of these are current services. The Appropriations Committee pared down the programs themselves and also pared down the funding of these programs. The net result is less than seven-tenths of 1 percent of the total Governor's budget. I think very possibly that savings by the, I think, very good appointments in the departments, appointments made by the Governor, that savings of this magnitude could be easily made.

What we have done with this package is fund it for one year, and stated we funded it for one year purposely to gain time to see what economies we can gain in state government, to find out the costs of some of these programs where the costs are not currently firm, and to see what the economy in general was doing both within the state and nationally.

This is not a tax increase as indicated by the veto message. We have the funds available to make this package work for one year. I think it is fiscally responsible. I don't see the comments of the executive as being germane in terms of fiscal responsibility. I don't see the point, inasmuch as most of these programs are current service programs, of cutting them out, at the expense of the people served by these programs, to wait and see whether these economies can be made.

I hope the Senate will override this veto on the merits of the bill and not on any emotional reaction to the veto message itself.

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

Mr. BERRY: Mr. President and Members of the Senate: As I look down through 1937, I don't see attached to the L. D. numbers any particular legislator's

name. I get an entirely different message. I see the words "cerebral palsy, cystic fibrosis, mental health, seriously disturbed children, retarded individuals, people who are deaf, dental health program, child welfare, supplemental security income, juvenile offenders", and the message that comes to me is not the message that we should wait until a special session or any other time. The message that comes to me is that this is not a bill where legislators are asking for something. It is a message from people who can't care for themselves or who need help in caring for themselves, and they are asking this legislature to provide that help and to provide these services that they need because they are not capable of providing them themselves.

I would urge the members of the Senate to go along with what is right and to override the Governor's veto.

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

Mr. CURTIS: Mr. President and Members of the Senate: Although I applaud the efforts of the Appropriations Committee, and those people who have worked on this legislation to try to fund the very important human service programs which the previous speaker has enumerated and other people have described in greater detail, I am very concerned about what is not in this L. D. 1937 supplemental appropriations budget.

Earlier in this session I spoke to you about my concerns about some of the people who are dependent upon state financing to support the programs that they are interested in to pay their salaries, and I am intrigued by a previous speaker who referred to the suggestion, as the Governor had, of deferring some basically important decision until a later time. I am going to vote to override the gubernatorial veto because I think that we have deferred many of these decisions too long.

My concern, as many of you know, is primarily at this point with the University of Maine and the fact that this legislature is providing funding to the University at a lower level for fiscal year '76 than we did for fiscal year '75. And I am concerned about the employees at that institution, the classified employees, for example, who have wages which are frozen and who will not be receiving, as state employees will be receiving, the regular merit step increases that have been previously budgeted by the Maine Legislature. Now, I am well aware of the fact that the University is not on a line budget, and it is very difficult for me to defend in detail the point of view that I express.

I am sorry that I have to report to you today an example, and I think it is going to be only one of many situations which will occur in the near future, of a professor who is leaving the University of Maine. Mr. President, you may recall a few months ago that we had the University of Maine Chorus sing here in the halls of the Maine Senate the National Anthem one morning as we started our proceedings. The gentleman who is the Director of that Chorus will be leaving the University next year, and he will be leaving for a substantially higher salary to teach elsewhere. And what adds insult to injury to the situation is that the elsewhere where he is going to teach is a high school in Illinois.

At some point, my colleagues, we have got to realize that the strength of any institution lies not in the brick and mortar

but in the dedicated people who devote their careers to pursuing their profession in serving their fellow man. Unfortunately, we have relied upon the devotion of the people at the University and also of state employees for too long, and many of the professors at the University of Maine are retiring and they are getting older. There is a freeze on their salaries this year, and there has been no major increase, very little increase in the past.

So you might ask why am I going to support this bill. Well, I guess you find hope where you find it. In section "T" of 1937, it provides that the State of Maine through the board of trustees, that is of the insurance program, shall pay 100 percent of the employees' share of health insurance. And included in that section "T" is \$500,000 for state employees, \$200,000 for the University of Maine, and \$12,000 for the Maine Maritime Academy. So because there is an item here which will mean to many of my people less than \$3 a week in the full payment of their health insurance program, but at least it will be something, I will vote to support this bill.

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

Mr. CYR: Mr. President and Members of the Senate: I don't mind telling you that all through this debate I have been praying for guidance. I understand just before this session started that I am considered the swinging vote, therefore, I attach a lot of importance to my decision. However, before I tell you my reason and why I will vote the way I am going to vote, I would like to bring to your attention my great concern in being put in the bind that we are in, and I certainly am not happy with the leadership of both parties in both chambers for not having the caucuses that we have held today, yesterday, when at that time we could have had some other options. I have always resented and will always resent having to take a vote under duress, and this is exactly the feeling that I have today, that I am taking a vote under duress.

I think it is common knowledge, particularly at the outcome of our caucus, where I expressed my views and myself quite clearly, that I was ready to sustain the veto. I was ready to sustain the veto for one reason, and one reason only, so we could reopen this, reopen this possibly if it was only to change the date on this document to read not for one year but for the biennium and, therefore, cut these programs by half.

I understood from the beginning that the monies to finance this were to come from a loan from the retirement fund, which was to be paid back. Now I am told that this is to be financed out of an estimated surplus. I am also told that the anticipated revenues are not coming in as fast as it was hoped they would. If this is so, then on the full amount of 5.4 million we are going to be facing deficit financing, and that to me is repugnant.

Also, by projecting this to six months from now, my feeling is that we are sowing the seeds for a tax increase. And if this is so, we will have to account for our action.

Some of my concerns were answered, and I take the word of the Chairman of our Appropriations Committee to be correct when he says that this is responsible financing. I will accept that. From that point of view, I am looking now at what is going to happen to the homemakers program, what is going to happen to the

aid for the elderly, particularly the SSI program. I am looking at it from the standpoint of the senior citizens in my area, the homemakers in my area that have done a tremendous job. I am also told in no way can some of these programs be replaced in a wrap-up program or wrap-up bill at the end of the session. I am also told there is no way that this can be reopened.

Now, for those reasons, and those reasons alone, fearing that we may end up with no program, we may end up with no budget to help out these elderly people, I can tell you that very reluctantly and with sadness in my heart I will have to vote to override the veto.

The PRESIDENT: Is the Senate ready for the question? According to the Constitution, the vote will be taken by the "Yeas" and "Nays."

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: The seed which is causing some concern to good Senator Cyr from Aroostook, of course, if he is watching it, has already grown into a huge bush, and like Jack and the Beanstalk, it is going to come around and haunt us. I think this is the major concern that we have. From a budget of \$900 million the last biennium to a total state expenditures, with the exception of bond expenditures, of the coming biennium, starting next week, which will amount to a \$1,000,600,000, our principal problem here in this session of the legislature, at the special session whenever it comes, and the next session of the 108th is going to be fiscal responsibility.

It is my opinion that this legislature has not acted in a fiscally responsible manner. When we are borrowing from the retirement fund, when we are spending estimated surpluses to the last penny, when every single crisis of error in judgment and in accounting is promptly answered by neat paper work, I say that this legislature has not and is not acting fiscally responsible. I say that this legislature is passing on to a special and to a regular session a fantastic challenge in taxes.

It is estimated that our personal income tax for the coming biennium is \$100 million, for two years \$100 million. How many millions do you think you are going to have to raise? Are you talking a 40 percent increase in personal income tax? Are you talking a 50 percent increase in personal income tax? Maybe as we are sitting around the holy circle we ought to ask ourselves questions like that this afternoon.

So I think that is the issue. There is scarcely a social program that is not adequately funded in the regular budget, and here we have a sop thrown out to every one of us. You don't dare vote against it, and some of us have admitted it this afternoon. Sops they are, not a meal. So I would hope that we could commune with ourselves, rise to the occasion, and stop this profligate spending which is going on now.

We have known for a long time that this supplemental budget was in trouble, like from January 1st, so it is no surprise to anybody. The gauge was thrown down, and in my opinion it has not been properly raised. Indeed, the legacy perhaps of the 107th to the 108th is going to be a very ignominious one. It is going to be one that calls for retrenchment, and I am sure we are going to be castigated in the future for irresponsible appropriations. I think now

is the time to stop it. I am certainly going to vote against the bill and I hope that you would join me.

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

Mr. MERRILL: Mr. President and Members of the Senate: I would just like to make a couple brief remarks in regards to the problems we are posed with and what has been said about them, and I hope the Senate will pardon me for what is a simple analogy.

I think in a way in the legislature we were faced as the man who had a leak in his roof that was causing his house to rot out and he had no money to deal with the leak. And I think in what we have done we could be criticized for some patchwork, we could be criticized for putting some buckets down to catch the water, from the standpoint that we haven't done enough, and I suppose that there is some legitimacy to the criticism that we pushed our resources as far as we can, maybe further than we would like to. But the alternative, I think, is to let the structure rot out, maybe beyond hope, in the case of what we are talking about here, and in the analogy what would be timbers would be the people in need and the people in our society that we want to help.

I don't think the question of fiscal responsibility is always an easy one for government. It is certainly harder than it is in business, and in business it is sometimes difficult when the only way to make money is to spend money. The question of what is the most fiscally responsible thing to do isn't simple there and it is a lot less simple here.

As a freshman Senator, as a person who came with no ties and really no great friendship or knowledge of any of the people in leadership in this legislature or who served on the Appropriations Committee, I applaud them for the job that they have done in trying to come to grips with a difficult situation, and I can very easily, within the context of the problems we have, vote to override the veto. I think that this legislature has been distinguished by the ability to put issues above personality and by the ability to put the concerns of Maine people above party. I am confident that we will do that this afternoon, and that the vote that is taken here this afternoon will be seen as another stop on that path, as nothing more and as nothing less.

The PRESIDENT: The pending question before the Senate is: Shall this bill become a law notwithstanding the objections of the Governor? A vote of "Yes" will be in favor of the Bill; a vote of "No" will be in favor of sustaining the veto of the Governor.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Berry, E.; Cianchette, Clifford, Collins, Conley, Corson, Cummings, Curtis, Cyr, Gahagan, Graffam, Graham, Greeley, Huber, Johnston, Marcotte, McNally, Merrill, Pray, Reeves, Roberts, Speers, Thomas, Trotzky, Wyman, Sewall.

NAYS: Senators Berry, R.; Carbonneau, Danton, Hichens, Jackson, Katz, O'Leary.

Mr. O'Leary of Oxford was granted leave of the Senate to change his vote from "No" to "Yes".

A roll call was had. 27 Senators having voted in the affirmative, and six Senators having voted in the negative, and 27 being more than two-thirds of the membership present, it was the vote of the Senate that

the Bill becomes a law notwithstanding the objections of the Governor.

Sent down for concurrence.

On motion by Mr. Speers of Kennebec, the Senate voted to take from the table the following Specially Assigned matter:

#### Non-concurrent Matter

Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws." (S. P. 480) (L. D. 1760)

In the Senate June 24, 1975, Passed to be Engrossed as amended by Committee Amendment "A" (S-351) as amended by Senate Amendments "A" (S-355), "B" (S-362), "E" (S-361) and "F" (S-365) Thereto, and Senate Amendments "A" (S-352), "B" (S-353), "C" (S-356) and "D" (S-360).

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" as amended by Senate Amendments "A", "B", "E", "F" and House Amendments "B" (H-823), "C" (H-828), "E" (H-830), "F" (H-834), "G" (H-835) Thereto and Senate Amendments "C" and "A", and House Amendments "A" (H-814), "B" (H-821), "C" (H-831), "D" (H-832) and "E" (H-836), in non-concurrence.

Tabled — earlier in today's session by Mr. Collins of Knox.

Pending — Consideration.

On motion by Mr. Collins of Knox, the Senate voted to Recede from its former action whereby the Bill was Passed to be Engrossed.

The same Senator then moved that the Senate Recede from its former action whereby Committee Amendment "A" was Adopted.

The PRESIDENT: The Senator has the floor.

Mr. COLLINS: Mr. President and Members of the Senate: We have a fairly complicated schedule of amendments to go through on this matter. The amendments now before us which were placed on the bill in the other body are listed on our calendars. After the pending question is put, we would then proceed through House Amendment "B", "C", "E", "F" and "G" as offered to the Committee Amendment. If there is any member of the Senate that opposes any of these House Amendments, it will be in order as they are read to indicate your position. We would then propose to offer the Senate Amendments to the Committee Amendment. I understand that there are at least two of those to be offered. We would then proceed with the Bill itself, the amendments placed by the other body, and then come to the new Senate Amendments to the bill itself. I would now ask, Mr. President, to proceed with the pending question.

The PRESIDENT: The Senator from Knox, Senator Collins, now moves that the Senate recede from its action whereby it adopted Committee Amendment "A". Is this the pleasure of the Senate?

The motion prevailed.

Whereupon, House Amendments "B" and "C" to Committee Amendment "A" were Read and Adopted in concurrence.

House Amendment "E" to Committee Amendment "A" was Read and, on motion by Mr. Hichens of York, Indefinitely Postponed in non-concurrence.

House Amendment "F" to Committee Amendment "A" was Read and, on motion by Mr. Collins of Knox, Indefinitely Postponed in non-concurrence.

House Amendment "G" to Committee

Amendment "A" was Read and Adopted in concurrence.

Mr. Clifford of Androscoggin then presented Senate Amendment "A" to Committee Amendment "A" and moved its Adoption.

Senate Amendment "H", Filing No. S-369, to Committee Amendment "A" was Read.

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

Mr. REEVES: Mr. President, I move the indefinite postponement of Senate Amendment "H" to Committee Amendment "A". This amendment seems inconsistent to me. In L. D. 1035, which I believe this amendment refers to the legislature passed a bill providing for public access to public records. And at the same time we specifically included the legislature itself for the first time, the legislature and its committees, under our right to know law. This amendment seems contrary to our intentions in passing this law. Good government is open government, and the more open the better.

Mr. President, because this is, I believe, a controversial matter and concerns the public's right to know, I ask for a roll call on this amendment.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: Senate Amendment "H" to Committee Amendment "A" does deal with the right to know law. It deals with exceptions to what are deemed to be public records and, therefore, open without restriction to members of the public.

Now, previous amendments to Committee Amendment "A" have gone in the direction of opening up further information that is available to members of the public. For example, under Committee Amendment "A", subsection 1 of section 1, concerning confidential information, this Senate, by an amendment, limited as an exception to the public records confidential information deemed confidential by statute, and struck out other confidential information which would have been deemed confidential by members of the bureaucracy.

We also struck out as an exception to what is deemed a public record interoffice memoranda between the various departments, which could have included opinions of the Attorney General, which I think you will agree with me, and the Senate agreed by adopting that amendment, should be public.

What we are talking about here, I think, is an area that is a little different, and that is working papers, memoranda of members of the legislature down in the Office of Legislative Research. And unless this amendment is adopted, those working papers, those memoranda, would be open to the lobbyists and to everybody and would present an administrative problem to the Office of Legislative Research which would be very substantial.

Now, any time an amendment is printed, it becomes a matter of public record. Any time an amendment comes out and is distributed, it is a matter of public record. But it seems to me that memoranda of the legislators, working papers of the members of the legislature, should be free from people, for example, from the lobby, going in and opening up those files in the

Office of Legislative Research. That is what this Senate Amendment "H" to Committee Amendment "A" does. It does not in any way diminish the public's right to see amendments, whether they be printed or just waiting in the legislative office. What we are talking about is working papers, interoffice memoranda of the legislators, and notes that a legislator may have put in those files.

It seems to me if we want a government in which a legislator will feel free to present any amendment he wants, and will feel free to give Legislative Research any material he wants to back up those amendments, that we would vote against the motion to postpone Senate Amendment "H" to Committee Amendment "A". That is what we are talking about. The legislators should feel free to bring in their memoranda, their working papers, their working notes, to help to aid Legislative Research in drafting legislation and drafting amendments, and I think if we vote to postpone Senate Amendment "H" to Committee Amendment "A" that we are working against that freedom in that process. So I hope you would vote against the motion of the good Senator from Kennebec, Senator Reeves, and that we could adopt Senate Amendment "A" to Committee Amendment "A".

This would be consistent with previous action of this legislature. We are talking here about a bill to correct errors and inconsistencies, and this legislature in a previous action defeated a motion, an order, to completely open up the legislative files, so that this amendment is consistent with previous legislative action. And I think it would be consistent with good legislation, legislation free from people snooping, lobbyists snooping, to see what a legislator might have written in his notes when he brought a particular bill or a particular amendment in to Legislative Research to help in drafting that bill or that amendment. Thank you, Mr. President.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion by the Senator from Kennebec, Senator Reeves, that Senate Amendment "H" to Committee Amendment "A" be indefinitely postponed.

A roll call has been requested. In order for the Chair to order a roll call, it requires the expressed consent of one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call please rise in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending motion before the Senate is the motion by the Senator from Kennebec, Senator Reeves, that Senate Amendment "H" to Committee Amendment "A" be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement of Senate Amendment "H" to Committee Amendment "A"; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Collins, Curtis, Gahagan, Graham, Hichens, Katz, McNally, Reeves.

NAYS: Senators Berry, E.; Berry, R.; Carbonneau, Cianchette, Clifford, Conley, Corson, Cummings, Cyr, Danton, Graffam, Greeley, Jackson, Johnston, Marcotte, Merrill, O'Leary, Pray, Roberts, Speers, Thomas, Trozky, Wyman.

ABSENT: Senator Huber.

Mr. Katz of Kennebec was granted leave of the Senate to change his vote from "Yes" to "No".

A roll call was had. Seven Senators having voted in the affirmative, and 24 Senators having voted in the negative, with one Senator being absent, the motion did not prevail.

Thereupon, Senate Amendment "H" to Committee Amendment "A" was Adopted and Committee Amendment "A" as Amended by Senate Amendments "A", "B", "E", "F" and "H" and House Amendments "B", "C" and "G" Thereto, was Adopted in non-concurrence.

House Amendments "A", "B", "C", "D" and "E" were Read and Adopted in concurrence.

On motion by Mr. Collins of Knox, the Senate voted to recede from its former action whereby Senate Amendment "B" was Adopted and, on subsequent motion by the same Senator, Senate Amendment "B" was Indefinitely Postponed.

On further motion by the same Senator, the Senate voted to recede from its former action whereby Senate Amendment "D" was Adopted.

The same Senator then moved that Senate Amendment "D" be Indefinitely Postponed.

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

Mr. CONLEY: Mr. President, would the Secretary give the filing number of Senate Amendment "D"?

The SECRETARY: S-360.

Mr. CONLEY: Mr. President, that is my amendment and I congratulate the Senator from Knox.

The PRESIDENT: Is it now the pleasure of the Senate that Senate Amendment "D" be indefinitely postponed?

The motion prevailed.

Mr. Corson of Somerset then presented Senate Amendment "E" and moved its Adoption.

Senate Amendment "E", Filing No. S-368, was Read and Adopted.

Mr. Merrill of Cumberland then presented Senate Amendment "G" and moved its Adoption.

Senate Amendment "G", Filing No. S-371, was Read and Adopted.

Mr. Clifford of Androscoggin then presented Senate Amendment "F" and moved its Adoption.

Senate Amendment "F", Filing No. S-370, was Read.

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

Mr. CONLEY: Mr. President, it just appears to me that the Judiciary Committee is offering all kinds of amendments on this errors and inconsistency bill, and the question in my mind is to whether or not the committee ever met.

The PRESIDENT: The Senator from Cumberland, Senator Conley, has posed a question through the Chair which any member on the Judiciary Committee may answer if he so desires.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, in that regard, I just got a note from somebody saying they weren't completely clear as to what was going on here. I really think it is pretty simple as to what is happening, and if anybody has any questions they can address them to the Senator from Knox, Senator Collins.

The PRESIDENT: The Chair recognizes

the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President, I think the members of the Judiciary Committee are just letting the members of the Senate know that they know the phonetic alphabet.

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

The motion prevailed.

The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, as far as the Judiciary Committee knows, this is all amendments that are forthcoming to this bill and I would ask now that it be passed to be engrossed.

The PRESIDENT: The Senator from Knox, Senator Collins, now moves that this bill be passed to be engrossed in non-concurrence. Is this the pleasure of the Senate?

The motion prevailed.

Thereupon, under suspension of the rules, sent down forthwith for concurrence.

The PRESIDENT: Is it now the pleasure of the Senate, under suspension of the rules, that L. D. 1937, the veto message, be sent forthwith to the House?

It is a vote.

On motion by Mr. Speers of Kennebec, Recessed until the sound of the bell.

#### After Recess

Called to order by the President.

#### Papers from the House

Out of order and under suspension of the rules, the Senate voted to take up the following:

#### Joint Order

WHEREAS, the State Legislature believes that there is a need to evaluate the several programs of the Maine Housing Authority in order to assure that maximum effectiveness in program administration is obtained in meeting housing needs for Maine people including the elderly and those of low income; and

WHEREAS, legislation dealing directly with the duties and powers of the Maine Housing Authority, such as L. D. 660, L. D. 723 and L. D. 1002, has been enacted or is presently being considered; and

WHEREAS, there has been question of the effect of such legislation on the present and future housing needs of the people of the State of Maine as well as on the credit rating of the State of Maine; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council through the Joint Standing Committee on Performance Audit conduct the necessary review and consideration of the Maine Housing Authority to determine the need or desirability for altering, adding to or deleting from existing statutory provisions the Maine Housing Authority's powers to meet housing needs in this State; and be it further

ORDERED, that the Legislative Council report the result of its findings together with any suggested recommendations and any necessary implementing legislation to the next special or regular session of the Legislature; and be it further

ORDERED, upon passage in concurrence, that suitable copies of this Order be transmitted forthwith to said agency as notice of this directive. (H. P. 1773)



Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

**Joint Order**

WHEREAS, during debate on L. D. 773, there was widespread agreement that there exists an enormous and immediate need for direct health care services in rural areas; and

WHEREAS, this legislation, which would have provided one means of delivering health care services in rural areas, was defeated, and no alternative was passed; and

WHEREAS, it is the view of many persons that state appropriations are essential in order to develop and organize an effective delivery system of direct health care throughout the State; and

WHEREAS, while there are various existing models and plans of health care delivery systems in the State, it is necessary to coordinate such models and plans; and

WHEREAS, failure to provide adequate health care services to persons residing in rural areas adversely affects the health and welfare of these persons; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be authorized, through the Joint Standing Committee on Health and Institutional Services of the 107th Legislature, to analyze existing resources for and models and plans of health care delivery, in order to determine if there is a need for generating additional resources, models, or plans, to recommend the areas, if any, in which state appropriations are needed, and if appropriations are recommended to specify how they can be used most effectively; and be it further

ORDERED, that in conducting its study the committee work in cooperation with agencies and organizations in the health care field, including, but not limited, to the Bureau of Health and the Comprehensive Health Planning Agency in the Department of Health and Welfare, Medical Care Development, Inc., the Maine Medical Association, the Maine Hospital Association and the Maine Osteopathic Association; and be it further

ORDERED, that the Council report the results of its findings together with any recommendations and necessary implementing legislation to the next special or regular session of the Legislature; and be it further

ORDERED, upon passage in concurrence, that suitable copies of this Order be transmitted forthwith to said agencies and organizations as notice of this directive. (H. P. 1774)

Comes from the House, Read and Passed.

Which was Read.

On motion by Mr. Speers of Kennebec, tabled, pending Passage.

**Communications**

STATE OF MAINE  
One Hundred and Seventh Legislature  
House of Representatives  
Office of the Clerk  
Augusta, Maine 04330

June 25, 1975

Honorable Harry N. Starbranch  
Secretary of the Senate  
107th Legislature  
Augusta, Maine

Dear Mr. Secretary:

The House voted today to join in a second Committee of Conference on the

disagreeing action of the two branches of the Legislature on Resolution, Proposing an Amendment to the Constitution to Abolish the Executive Council and Reassign its Constitutional Powers to the Governor (H. P. 16) (L. D. 24).

Respectfully,

Signed:

EDWIN H. PERT  
Clerk of the House

Which was Read and Ordered Placed on File.

**Committee Reports**

**House**

**Committee of Conference Report**

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act Relating to the Dredging, Filling or Otherwise Altering Coastal Wetlands" (H. P. 590) (L. D. 730)

have had the same under consideration, and ask leave to report: That the House recede from passage to be engrossed, indefinitely postpone House Amendment "B" (H-554) to Committee Amendment "A" (H-354), adopt Conference Committee Amendment "A" to Committee Amendment "A" and pass the Bill to be engrossed as amended by Committee Amendment "A" as amended by Conference Committee Amendment "A" thereto; that the Senate recede from indefinite postponement, indefinitely postpone Senate Amendment "B" (S-308) to Committee Amendment "A" (H-354), adopt Conference Committee Amendment "A" to Committee Amendment "A", and pass the bill to be engrossed as amended by Committee Amendment "A" as amended by Conference Committee Amendment "A" thereto in concurrence.

On the part of the House:

WILFONG of Stow  
DOAK of Rangeley  
MORTON of Farmington

On the part of the Senate:

TROTZKY of Penobscot  
HUBER of Cumberland

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

**Enactors**

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

An Act to Increase the Fees of Certain Licenses Issued by the Department of Inland Fisheries and Game. (H. P. 464) (L. D. 566)

An Act to Establish Rules for Legislative Investigating Committees. (H. P. 898) (L. D. 1085)

An Act to Guarantee to all State Employees the Right to Participate in the Nonpartisan Affairs of Municipalities. (H. P. 1041) (L. D. 1331)

An Act Relating to Personnel Classification and Functions of the Review and Evaluation and Fraud Investigation Division of the Department of Audit. (H. P. 1122) (L. D. 1409)

An Act Relating to Political Fundraising by State Employees. (H. P. 1382) (L. D. 1686)

An Act to Reform the State Retirement System. (H. P. 1725) (L. D. 1939)

(On motion by Mr. Huber of Cumberland, placed on the Special Appropriations Table.)

Which, except for the tabled matter, were Passed to be Enacted and, having been signed by the President, were by the

Secretary presented to the Governor for his approval.

**Joint Order**

Out of order and under suspension of the rules, on motion by Mr. Merrill of Cumberland.

WHEREAS, the statutes concerning divorce have been of great concern to recent Legislatures and to the people of this State; and

WHEREAS, much of this concern centers on the statutory grounds for divorce in this State; and

WHEREAS, the recent legislative decision to permit divorce on the grounds of irreconcilable differences has been a controversial one; now, therefore, be it

ORDERED, the House concurring, that the Legislative Council, through the Joint Standing Committee on the Judiciary, be authorized to study the statutes of this State relating to divorce, with special emphasis on the present grounds for divorce and procedures for obtaining divorce, to compare these statutes with comparable statutes from other states, to determine whether the present Maine statutes concerning divorce operate clearly and equitably, and if not, to recommend necessary changes to those statutes; and be it further

ORDERED, that the Council report the results of its findings together with any proposed recommendations and necessary implementing legislation to the next special or regular session of the Legislature; and be it further

ORDERED, upon passage in concurrence, that suitable copies of this order be transmitted forthwith to said agencies as notice of this directive. (S. P. 605)

Which was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. MERRILL: Mr. President, I would just like to make clear in reference to this order that it is a matter that was discussed earlier. Although it is under my name, it is introduced by both myself and the Senator from York, Senator Danton. We have had a disagreement on a specific item in this area but agree it is a matter of great concern that deserves the further attention of this legislature.

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

Thereupon, on motion by Mr. Speers of Kennebec, tabled pending Passage.

Mr. Cianchette of Somerset was granted unanimous consent to address the Senate.

Mr. CIANCHETTE: Mr. President, regarding Item 2-1 on the Supplemental Senate Journal this afternoon, regarding the Resolution, Proposing an Amendment to the Constitution to Abolish the Executive Council, I would hope that the members of this body that are joining the second committee of conference would just keep in mind and remember the Paris peace talks, the war was going on and they were just arguing about the shape of the table.

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

Bill, "An Act to Amend the Maine Housing Authorities Act by Creating a Loans-to-Lenders Program and Making Changes to Improve the Efficiency of Using Federal Housing Funds." (S. P. 286) (L. D. 1002) (Emergency)

Tabled June 24, 1975 by Senator Curtis of Penobscot.

Pending Enactment.

(In the House — Passed to be Enacted.)

This being an emergency measure and having received the affirmative votes of 29 members of the Senate was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

House Report — from the Committee on Taxation — Bill, "An Act to Levy Surcharge on Alcoholic Beverages Sold at Other than State Stores" (H. P. 1429) (L. D. 1690) Leave to Withdraw.

Tabled June 24, 1975 by Senator Speers of Kennebec.

Pending — Acceptance of Report.

(In the House — the Report Read and Accepted.)

(In the Senate — the Report Read and Accepted; subsequently, Acceptance of Report was Reconsidered.)

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

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

House Report — from the Committee on Taxation — Bill, "An Act Concerning Taxes on Alcoholic Beverages" (H. P. 1001) (L. D. 1272) Leave to Withdraw.

Tabled — June 24, 1975 by Senator Speers of Kennebec.

Pending — Acceptance of Report.

(In the House — the Report Read and Accepted.)

(In the Senate — the Report Read and Accepted; subsequently Acceptance of Report was Reconsidered.)

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

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

House Report — from the Committee on Taxation — Bill, "An Act to Impose a Tax on Tobacco Products Other than Cigarettes" (H. P. 1394) (L. D. 1799) Leave to Withdraw.

Tabled — June 24, 1975 by Senator Speers of Kennebec.

Pending — Acceptance of Report.

(In the House — the Report Read and Accepted.)

(In the Senate — the Report Read and Accepted; subsequently Acceptance of Report was Reconsidered.)

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

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

Joint Order — Relative to Legislative Council study of Liquor Licenses and Licensees. (H. P. 1499)

Tabled — April 18, 1975 by Senator Speers of Kennebec.

Pending — Passage.

(In the House — Read and Passed.)

Mr. Graffam of Cumberland then moved the pending question.

Thereupon, the Joint Order received Passage in concurrence.

On motion by Mr. Speers of Kennebec;

the Senate voted to take from the table the following unassigned matter:

Bill, "An Act to Permit Individuals to Pay Fines for Minor Traffic Violations without Having to Appear in Court." (H. P. 1452) (L. D. 1725)

Tabled — May 23, 1975 by Senator Speers of Kennebec.

Pending — Passage to be Engrossed.

(In the House — Passed to be Engrossed as Amended by Committee Amendment "A" (H-267).)

(In the Senate — Committee Amendment "A" Adopted in concurrence.)

On further motion by Mr. Speers of Kennebec, the Joint Order was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Speers of Kennebec, the Senate voted to take from the table the following unassigned matters:

Joint Order — Relative to Legislative Council study of means to conserve the lobster fishery: (H. P. 1761)

Tabled — June 23, 1975 by Senator Speers of Kennebec.

Pending — Passage.

(In the House — Read and Passed.)

Joint Order — Relative to Legislative Council to study the problems pertaining to uniform fiscal years. (H. P. 1760)

Tabled — June 23, 1975 by Senator Speers of Kennebec.

Pending — Passage.

(In the House — Read and Passed.)

Joint Order — Relative to Legislative Council study of L. D. 1790, L. D. 1759, and L. D. 1622 relating to shellfish and fishing industry. (H. P. 1759)

Tabled — June 23, 1975 by Senator Speers of Kennebec.

Pending — Passage.

(In the House — Read and Passed.)

Joint Order — Relative to Legislative Council study of methods of eliminating duplicate coverage between auto insurers and health insurers. (H. P. 1767)

Tabled — June 24, 1975 by Senator Cummings of Penobscot.

Pending — Passage.

(In the House — Read and Passed.)

Joint Order — Relative to Legislative Council study of tenant-landlord relationship. (H. P. 1763)

Tabled — June 24, 1975 by Senator Cummings of Penobscot.

Pending — Passage.

(In the House — Read and Passed.)

Joint Order — Relative to Legislative Council, thru the Committee on Judiciary, to study the Maine Revised Statutes. (H. P. 1765)

Tabled — June 24, 1975 by Senator Cummings of Penobscot.

Pending — Passage.

(In the House — Read and Passed.)

Joint Order — Relative to Legislative Council study of L. D. 1770 relating to methods of awarding state, county and municipal construction services contracts. (H. P. 1766)

Tabled — June 24, 1975 by Senator Cummings of Penobscot.

Pending — Passage.

(In the House — Read and Passed.)

Mr. Speers of Kennebec then moved the pending question.

Thereupon, the Joint Orders received Passage in concurrence.

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

Joint Order — Relative to establishing a Joint Select Committee on School Attendance. (H. P. 1772)

Tabled — June 24, 1975 by Senator Conley of Cumberland.

Pending — Passage.

(In the House — Read and Passed.)

On further motion by Mr. Speers of Kennebec, the Joint Order was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

(Off Record Remarks)

(Senate at Ease)

Called to order by the President.

#### House Papers

Out of order and under suspension of the rules, the Senate voted to take up the following:

#### Enactors

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

An Act Relating to Compensation and Benefits under the State Classified Service. (H. P. 406) (L. D. 495)

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

#### Emergency

An Act Concerning the Office of Energy Resources. (S. P. 549) (L. D. 1913)

This being an emergency measure and having received the affirmative votes of 30 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Mr. O'Leary of Oxford was granted unanimous consent to address the Senate.

Mr. O'LEARY: Mr. President and Members of the Senate: Before this legislature adjourns, I have one thing I must do. It is to apologize publicly for the statements I made on this floor heatedly, in frustration, to one Mr. Bill Adams, the Chairman of the Board of Environmental Protection. I am truly sorry for my unkind words of last Thursday and I hope he will accept my apology.

For the record, and the information of my fellow colleagues, I will state that before we began our session Monday of this week, I asked our Senate Reporter to omit the derogatory remarks from the record, and I have been assured by our Senate Secretary that it is proper.

I believe in the honesty, sincerity and integrity of Bill Adams. He does have a difficult department to head and he does a very commendable job.

I would also like to apologize publicly and for the record to our Governor for some very unkind words that I made in the same speech. I am going to apologize especially for the comment I made concerning my doubt that the Governor of this state was concerned about the economic future of this state. The newspapers of this state carried a story that the Governor was asking west coast businesses to set up their east coast operations in the State of Maine. Governor Longley, I want you to know I am sorry I made such a statement, and I wish you every success in your efforts. Thank you.

On motion by Mrs. Cummings of Penobscot,

Adjourned until 10 o'clock tomorrow morning.