

# 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, July 2, 1975

Senate called to order by the President.

Prayer by the Honorable Gerard P. Conley of Portland:

Almighty Father, we give you thanks for guiding us through the legislative session that is about to end. Six months ago we gathered in these chambers, most of us strangers to one another, and now as we prepare to go home to our families, our friends, our businesses, we hesitate once more and give you thanks for bringing us together. Lord, we also extend our gratitude to you for keeping us free of partisanship, for making us more and more aware of the problems of the people of this state and giving us the wisdom and the energy to make a sincere attempt in solving some of them.

Lord, we give you thanks for the direction and the leadership you have extended to the presiding officer of this chamber, for we all know it was through your guidance that has made his responsibilities so much easier. As we depart from these chambers, we ask a safe journey home and an enjoyable summer for all of us.

Finally, Lord, once we have departed these halls, we pray that you continue to shower your blessings on our new chief executive and provide him with the strength that is so needed in such a trying job. For these and all your gifts, we thank you. Amen.

Reading of the Journal of Saturday, June 28, 1975.

On motion by Mr. Huber of Cumberland, the Senate voted to take from the Special Appropriations Table the following:

An Act Relating to Amount of Annual Excise Tax on Railroads. (H. P. 1494) (L. D. 1740)

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

Mr. CONLEY: Mr. President, because of the appearance of a conflict of interest, I wish to be excused from voting on this item.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now requests that he be granted leave to withdraw because of the possible appearance of a conflict of interest. Is it the pleasure of the Senate to grant this leave?

It is a vote.

The Chair recognizes the Senator from Androscoggin, Senator Berry.

Mr. BERRY: Mr. President, as in the past when this bill was before us, I would once again ask to be excused because of an apparent conflict of interest.

The PRESIDENT: The Senator from Androscoggin, Senator Berry, requests leave of the Senate to withdraw from voting on this issue because of a possible appearance of a conflict of interest. Is it the pleasure of the Senate to grant this leave?

It is a vote.

The Chair recognizes the Senator from Cumberland, Senator Huber.

Mr. Huber of Cumberland then moved that L. D. 1740 and all accompanying papers be indefinitely postponed.

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

Mr. COLLINS: Mr. President and Members of the Senate: I must oppose this motion. I represent in the Senate a

territory which extends from the Damariscotta River to the Rockland breakwater. Through that territory runs a branch of the Maine Central Railroad which is probably losing money. It certainly is not very profitable. But that branch means a great deal to the farmers and to the industries of that area, which includes Lincoln County and most of Knox County.

It is quite clear from the letter on our desks this morning and from the word in the corridors this morning that anyone who supports this motion is up for political shooting. If this be political suicide for me, so be it. I am not standing here to speak for the Maine Central Railroad as such or for its stockholders, but I am standing here to speak for what I consider to be fair play and a chance for the survival of the branch lines of this railroad. What I am voting for is boxcars, because under the peculiar regulations of the Interstate Commerce Commission and the related provisions of the Internal Revenue Code, this money that would remain with the railroad can be used for boxcars and their repair. Boxcars are extremely important to the State of Maine, not only to the farmers and industrial enterprises of my territory but to industrial enterprises all over the State of Maine, and not only for this particular railroad but for other railroads in the State of Maine.

It is very easy to get up and attack the big guy. It is a very popular political process these days, but I say to you that this is an issue that is much more important than to simply make political hay by attacking the big guy. This particular big guy hasn't made a profit in very many of the last 30 years; if you care to look at the record. And when it finally does make a modest profit, it seems to me to be hardly the time to sock it to them. I ask you to think carefully before voting in favor of this motion to indefinitely postpone.

I am not going to try to develop the technical issues because I think we all know them rather well, but I do ask you to think of not the stockholders of the railroad, but the farmers and the laborers and the industries that must survive on the unprofitable branch lines of this railroad.

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

Mr. CYR: Mr. President and Members of the Senate: I will support the motion to indefinitely postpone, and I am not trying to sock it to the big guy. I am trying to develop what is fair and what is not fair in this case.

To begin with, I think it should be indefinitely postponed for the reason that on Tuesday, June 24th, we passed a joint order pertaining to annual excise tax on railroads, to study the annual excise tax on railroads. So certainly, the action, if we were to pass this today, would be premature until this study comes in with their recommendation. That is point No. 1.

Point No. 2 is that what is the railroad excise tax? The railroad excise tax is to compensate, or it started out to compensate municipalities for the road bed, the tax on the road bed. This is what this is, tax on the road bed. You might say it is a user's tax. If we had passed the one-cent tax on gasoline, for instance, would you earmark that same tax that would have been paid by the truckers to be returned to a fund for them to buy trailers? Now, this is in essence the same thing.

If you read the statement of fact on this bill, which tells you a lot more than the bill

tells you, it says "incentive per diem charges are additional charges added to the basic per diem rental charges by the railroad." Now, you have got two things here that you have to differentiate. One is the basic per diem rentals. This is the rental on your cars if they happen to be on another railroad, and that railroad pays you so much a day for the rental of that car. It is the same as if the Pennsylvania Railroad, for instance, has a car on the B & A or Maine Central, then the Maine Central or Bangor and Aroostook pays the Pennsylvania so much a day for the cars on that railroad. Those are the basic rentals.

Now, this is not affected, except the tax. But what is affected is the incentive charges which have been allowed by the Interstate Commerce Commission, and this incentive charge, according to the ruling of the Interstate Commerce Commission, is to go for building new cars or repairing cars. But the thing is that the \$619,000 that they are asking the State of Maine to turn over to them also includes the basic per diem charges for which the State of Maine used to be paid before. If it only applied to the additional per diem charges, that would make sense possibly, to a certain extent, but not the basic as well as the incentive per diem charges. I hope I am making myself clear.

In 1971 we also had a bill that passed to cut down the percentage rate of annual excise tax on the railroad, which gives the railroad an incentive of \$250,000 a year. At that time we had the same argument, that unless that passed we were going to lose our railroads, that we need that for our railroads to survive. Well, this tax that we are asking, this \$619,000 tax for which they are asking the State of Maine, is here before us only because last year one of the railroads happened to make money, and they made money on these rentals. That is where they made the money, on these rentals. So now they are asking the State of Maine to forego these revenues of \$619,000. I don't believe that is fair. It is just like a farmer; we have seen the ups and downs in farming; for instance, now, if a farmer has a good year, you would say, well, now he shouldn't pay any taxes this year because he is going to go under, just because he has a good year. When he doesn't have a good year, he doesn't make money and so he doesn't pay taxes. Well, it is the same thing in this regard here.

Now, this \$619,000 is not what is going to keep the railroad alive. The tax, by the way, is one-fourth of one percent on the gross transportation receipts, less than the five and a quarter percent. They have to go up to five and a quarter percent before they receive that. So I think it is not fair to ask the State of Maine, particularly in the tight money crunch such as we have today, it is unfair to ask the State of Maine, the people of the State of Maine, actually to build \$619,000 worth of caboose and rolling stock.

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

Mr. REEVES: Mr. President and Members of the Senate: I would like to commend the leadership and Senator Huber, Chairman of the Appropriations Committee, for one of what I consider their best recommendations of the session, to recommend that this bill be indefinitely postponed. This bill has been called variously "Aid to Dependent Railroads", the "Millionaires Tax Relief Bill", and other such apt descriptions.

My notes on this matter have been packed away but I do remember this much: Mr. E. Spencer Miller, President of this railroad, announced in the Portland Press Herald how his company had made over 6 million dollars net profit last year, and that it is this embarrassment of riches that has put his railroad in the position of having to comply with an ICC regulation, which the good Senator from Aroostook, Senator Cyr, has discussed, to improve its boxcars. And except for these enormous profits last year, Mr. Miller and his lobbyists might not have written and pressed for this particular tax relief bill. And while I can sympathize with his position, I refuse to go along with those whose hearts bleed for the big corporations which scream at paying their share according to Maine's tax laws.

Some say the defeat of this bill would cost jobs. Others say that if it loses tracks will be torn up. If this is so, let Mr. Miller come forward and name the jobs and the tracks. Let's not succumb to corporate bluff again. This will be a bad year for all taxpayers, and some people who won't be employed enough to pay taxes.

Mr. President and Members of the Senate, I recognize that mine is an emotional plea and that as such it might not be quite fitting to this debate, but I am and have been worked up about this kind of special interest tax break. I voted against it before and I will now. But I urge you now to kill this, and if the Maine Central Railroad has a legitimate claim, let them take it to the ICC or to the tax courts. And I ask a roll call on this matter please.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate: My feelings in regard to this matter, I have to admit, are considerably different than the last two previous speakers. I think that this Senate knows, and has probably known from the beginning days of the stormy seas we found ourselves on temporarily in those beginning days of committee appointments, that I have a very deep concern over the taxation policies of this state, and I think that most of the members of this Senate, I hope, have come to appreciate that I have a strong desire to see our tax laws be equitable and to be made more equitable in regards to all taxpayers. Last week when my colleagues who were here had to sit through my lengthy remarks and my arguing for property tax relief for Maine citizens, that, it so happens I think, was a very popular argument to make. I didn't make it just for that reason, I hope my colleagues here appreciate that, but it happened that it was because it is very popular to speak for tax relief for the average taxpayer, but I also thought that it would make our tax system more equitable and that is the primary reason I support it.

Today we have a bill which I don't think is very popular. I am sure that the instincts of the Governor and others who oppose this bill are more in tune politically than my own, and I am sure that this is a bill that will be grossly misunderstood and those of us who vote for it, I am sure, will be misunderstood in our motives due to the efforts to some of those among us and elsewhere who at times seem to increase the heat without producing any light. But I think that this is an equitable bill.

I would like to make just a couple of comments because I think most of the comments that have been made in regard

to the bill are irrelevant, but there is one that I think should be spoken to, and that is the fact that we passed a study order. Let me explain the reason for this study order. What we are faced with in regards to these per diem charges is a new situation as far as the state's excise tax is concerned. It is a situation of first impression, and what the legislature is being asked to do is to make a decision as to whether or not these monies should be characterized so that they are added into the pool from which we collect our excise tax.

As a matter of first impression, what this bill asks the legislature to say is let's not add them in. The bill takes effect and would have effect only for this biennium. And the reason for the study order — and the study order was put in by those of us who support this legislation — was so that by the next biennium we could have a more in-depth look and make a decision then as to whether or not this bill should be continued.

One of the problems I have with granting tax relief just for the sake of providing monies to businesses that need it maybe is that they continue on and on without a reappraisal. This bill would get more than a reappraisal because it extinguishes itself in two years and there is a study that is to go on in the interim.

Whether or not we characterize these per diem monies as income is obviously up to this Senate and up to the legislature if it comes back after having been vetoed, but I don't have any problem with saying that it is more equitable that we don't than that we do. I note that in a letter that has been sent to the Maine Central Railroad from the Interstate Commerce Commission it is pointed out that these monies can't be used to pay this excise tax. These are monies that have been dedicated by the Interstate Commerce Commission. It isn't income in the caustic sense. It can't be taken out by the stockholders; it can't be used to pay dividends, it can't be used for anything except the repair of boxcars. And I don't think it is fair or equitable that this money be added in as income for the purpose of computing the excise tax.

Furthermore, I think that it is absolutely necessary to this state that we be fair at least in our taxation dealings with the railroad and that we not exercise our own political desires unfairly against them in this situation because, as the Senator from Knox, Senator Collins, has pointed out I think very clearly, the State depends on these railroads and their continued health. That is not a reason why we should just give them \$600,000, but that is a reason, if we need one, why we should treat them as fairly and as equitably as we would want to treat every other citizen, be they a private citizen or corporate citizen of this state.

I think equity demands that we pass this bill, and face whatever consequences there might be as one of the consequences of having run for this job and asked to make the decisions in the best interests of the people of the State of Maine.

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

Mr. JOHNSTON: Mr. President and Members of the Senate: Unlike Senator Collins, who is opposing the motion of the Senator from Cumberland, Senator Huber, to indefinitely postpone this bill, and whom I also oppose in this indefinite postponement, I have a particular love for the railroads. I am in the potato business and, although on the face of it today the rail shipments of potatoes may not seem an important factor, I want to tell you a

little story about my own particular operation, which is a small one, but which I think is indicative of most of the small operations in Aroostook County.

I am at present trying to either purchase or build a potato storage warehouse of some size. The major problem that I have with this potato storage warehouse, once I solve the problem of paying for it, is the site location for the warehouse, and I have insisted that it be built on a railroad siding. Last year I shopped from my operation 100 carlots of Maine potatoes. Only about 20 percent of those potatoes were shipped by rail, but I can tell you that if we are to survive in this business in an atmosphere that is more economically favorable to us as producers, marketers and processors than it is today, we will be moving in the next decade 50 percent or more of our potatoes and related products by rail. If you think that to be untrue, then I would like to have you during our busy shipping season ride from Fort Kent to Bangor on the Interstate in the south and on Route 2 in the north, and ten you will understand what I am saying.

You would further understand what I am saying if you were to spend any time at all either processing or growing potatoes and packing them for shipment and experience the delays and the problems that you have with trucks. It would be frivolous of me to try and sound the death knell of the trucking industry, and that is obviously not what I am trying to do. I think the two will live in concert and we will have a more healthy industry as a result of it. But, like Senator Merrill, what I am doing, I guess, is that you need a reason not to vote for indefinite postponement, or if you need a reason to support this legislation, I am trying to give it to you. I am trying to tell you how important the railroads are to the industry that I represent.

We have a tremendous amount of problems. I have two claims against railroads — I think one of them is the Maine Central Railroad, and it goes back five years, in regard to a shipment of potatoes that arrived at its destination damaged, and it was my contention that it was the fault of the railroad. I don't think we are ever going to settle that claim. But I can tell you that those problems can be resolved with the railroads.

I shudder to think what would happen — and I am not saying that the failure of this bill will sound the death knell of the railroad industry in Aroostook County and in Maine, but I am saying this package might help, and it is a direction in which I think we should be moving. So if you are looking for a reason, other than the fact that I think it is a fair and equitable bill, another reason is that we need it in the potato industry, and I hope you would vote against indefinite postponement.

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

Mr. CYR: Mr. President and Members of the Senate; I don't want to leave the impression that I am against the railroad, but I also want to correct some of the impressions that this would be fair and equitable.

In taxation, when we talk about being fair and equitable, if we are talking of income, it means that everyone is taxed on the basis of the income that he makes. If we are talking property we are talking of value, so everyone, to be fair and equitable, has to be taxed on the same value as his neighbor or the next town. That is what we call being fair and equitable.

Now, in this case here, it so happened

that a railroad made some money, and this tax is based on the revenues, on the profit that they made, and particularly on the profit that they made on these rentals. So what is unfair about that? If we in the State of Maine keep on cutting revenues and maintaining services or increasing services, where are we going to get the money to pay for them? This thing has got to stop somewhere.

Now, the fact that they owe \$600,000 to the State of Maine in revenue, and we insist on getting it, we are not being unfair. We are just insisting on what belongs to the State of Maine. I think we are unfair to the State of Maine if we don't insist on getting this \$600,000.

This is not going to bankrupt the railroad. The railroad has bankrupted themselves by their poor service. And as my colleague from Aroostook County just mentioned, he has got a claim on the same railroad we are talking about here that goes back five years. When I worked for the UPPN from 1955 to 1969, we had discussion after discussion with the railroad in trying to improve their services. As a result, at that time they weren't listening and, as a result of it, the truckers took over. Now, that is not the fault of taxation.

If we are to push this to its conclusion, a farmer that is making money shouldn't be paying taxes. And when he is not making money, naturally, he doesn't have the income and, therefore, he doesn't pay taxes.

One point I want to insist on, and I want to repeat again, is that the ICC ruled that they would have to restrict the use of the income only for the incentive per diem charges, not for the basic per diem charges. I don't know if I am making myself clear on that. Up until the ICC ruled and gave them permission to increase their rental charges, there was no such thing as this. The basic per diem, the profit that they would make on that, they would have to pay the dividends to their stockholders, they would have to pay their stockholders and everything else, and this is only on the basic charges. But what ICC ruled is that they give them permission to increase those charges, and it is only on the incentive charge that they put that in a special account to build new boxes and repair railroad boxes, that's all. But according to this bill here, they are exempt on the whole thing, on the basic as well as on the incentive charges, and that is what I object to. And I certainly object to it at this time until we have that study made and find out just where we are going on this railroad excise tax question.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President, as I understand this, there is a difference between this and an ordinary tax. Now, if you or I or a corporation pay an income tax, when we have paid the tax we can use the remainder of the money we have left for anything we want to. Under this, the railroad is restricted as to what they are going to be able to use their money for that is left. It is tied down to building or repairing boxcars, so I think it is quite different from an ordinary tax.

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call please rise in their places 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 Cumberland, Senator Huber, that L. D. 1740 and all accompanying papers be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

**ROLL CALL**

YEAS: Senators Carboneau, Corson, Cyr, Graham, Huber, Jackson, O'Leary, Reeves and Speers.

NAYS: Senators Berry, R.N.; Cianchette, Clifford, Collins, Cummings, Curtis, Gahagan, Greeley, Hichens, Johnston, Marcotte, McNally, Merrill, Pray, Roberts, Thomas, Trotzky and Wyman.

ABSENT: Senators Danton, Graffam and Katz.

A roll call was had. Nine Senators having voted in the affirmative, and 18 Senators having voted in the negative, with two Senators being excused from voting and three being absent, the motion did not prevail.

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

**Communications**  
State of Maine  
Office of the Governor  
Augusta, Maine  
04330

July 2, 1975

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

I am vetoing L. D. 669, An Act to Provide an Agricultural Education Consultant within the Department of Educational and Cultural Services.

I question the need of such a consultant position at this time. My Commissioner of this Department, Sawin Millett, sees no full-time need of such expertise within his operation.

Facing stringent budgetary considerations as a State, to pay between fifteen and twenty thousand dollars for a part-time consultant is needless expense for the taxpayers of Maine.

By the same token, I pledge to work with the sponsor of this legislation, the Commissioner of the Department of Agriculture and the Commissioner of the Department of Educational and Cultural Services to insure that the objectives intended by this bill are produced without such additional expense.

I ask you not to add such a layer of expense on the shoulders of the taxpayers. We are all engaged in trying to hold the line to avoid a tax rise. With extra burdens in rising fuel prices in the fall and uncertain economic conditions, I feel we should avoid all questionable expenses.

I respectfully ask that you sustain my veto.

Very truly yours  
JAMES B. LONGLEY  
Governor  
(S. P. 616)

Which was Read and Ordered Placed on File.

An Act to Provide an Agricultural Education Consultant Within the Department of Educational and Cultural Services. (S. P. 202) (L. D. 669)

The PRESIDENT: The pending question before the Senate is: Shall this Bill become a law notwithstanding the objections of the

Governor. According to the Constitution, the vote will be taken by the "Yeas" and "Nays." 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 Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President, I feel lost to understand very much about this, and I would appreciate it if somebody would explain what the bill does.

The PRESIDENT: The Senator from Washington, Senator Wyman, has posed a question through the Chair to any Senator who may care to answer.

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

Mr. JOHNSTON: Mr. President and Members of the Senate: L. D. 669, An Act to Provide an Agricultural Education Consultant Within the Department of Educational and Cultural Services, is my bill and it is presented in the interest of the agricultural community. It is strongly supported by the Department of Agriculture at the University of Maine. It is supported by virtually all segments of the industry that I represent, and that should say something to the members of this body because on occasion within my industry we don't agree on some matters. We happen to agree on this one. This particular position was a matter of fact until a few years ago when the Department of Education saw fit to discontinue this agricultural specialist.

I personally feel that if we are to create an awareness of the problems of agriculture, within the agricultural community here in Maine especially, I think that this particular job is a necessary one. If the Governor vetoed it because he doesn't think that there is a need here, I would guess there would be no problem of this body to override the veto. I don't think that is the reason that he vetoed it. As a matter of fact, he states in his letter that he is willing to pledge his support in working with the sponsor of the bill and the Commissioner of Agriculture and Commissioner of Education to come up with a solution to the problem that this bill intended to solve.

Well, we have waited a few years now for this kind of cooperation from the Department of Education and it hasn't been forthcoming. This bill was introduced in the last session and it died on the Appropriations Table. Those people, in their wisdom, this time saw fit to pass the bill, and I can only say that if the Governor vetoed it then because the Commissioner of Education asked him to veto it, then I disagree with the Commissioner of Education, and I see no reason why this body should not see fit to override the veto of the Commissioner of Education.

The price tag was \$35,000. The problem as I see it is a simple one. If you go to a high school senior in Caribou, Maine, in Presque Isle, Maine, and Fort Fairfield, the heart of the potato industry, and ask them some of the problems with marketing, processing and producing potatoes, you don't get an intelligent answer: If you could talk with a high school senior and see the massive amount of total ignorance they have with respect to these three subjects, you would understand the need. I think the vocational agricultural teachers within each school system in each town, these people have the interest and they have the ability to teach, but they have no leader. They have no leader in the Department of Education, and it obviously

at this point is not the problem of the University of Maine. This agricultural specialist will coordinate their activities and he will develop a program that I think is effective, so from the seventh grade on high school students will be exposed to the problems of the agricultural industry, and most especially within the State of Maine.

What does that give us at the end of the senior year? I am sure you could make a great case here for not trying to educate a youngster to become a farmer at the tender age of 17 because it is obvious that if you want to get into the industry as a producer and buy a 100-acre farm and all the things that go with it, it costs too much money, but if we are going to make a significant breakthrough in this industry and in all agricultural industries, we are going to have to have young people with an interest first in furthering their education in the agricultural field so that they might one day be able to make these significant breakthroughs. We don't have those people today.

This bill is important in getting us moving in the direction of which I speak, moving down that road toward the solution of some of these problems. And if you don't think that we have problems, let me remind the Senate again that in Maine the way to survive is to encourage the underproduction of potatoes. I am afraid the next war will be fought not over political philosophies that we argue about in this body but over where the food is going to come from. If we are currently discouraging overproduction or even hold-the-line production, I would guess that we would have to do something to move in another direction. This was an important step and it still is. I would urge the Senate, if they could see fit in their wisdom, to override this veto.

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

Mr. BERRY: Mr. President and Members of the Senate: I would not only like to concur with the remarks made by the good Senator from Aroostook, Senator Johnston, but I would like to point out to the members of the Senate that this bill was introduced to the Education Committee and was held in that committee for a fairly substantial lengthy period of time in hoping a solution to the problem could be worked out through the Commissioner of Education and Cultural Services and Commissioner of Agriculture. When it finally became apparent that no solution to the problem could be worked out, the Committee on Education saw fit to vote out the committee report that this bill should pass. I think Senator Johnston's remarks are adequate as to the serious situation which does exist in the agricultural industry of Maine, and I would ask the Senate's support in overriding this veto.

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

Mr. GAHAGAN: Mr. President and Members of the Senate: This bill was before the 106th Legislature and we fought quite hard for this bill at that time. As you know and as has been mentioned, this bill was finally defeated through a lack of funding on the Appropriations Table. Well, this year we managed to get it through the Appropriations Table, with some help from some very good people from Aroostook on that committee and others who were in sympathy for what we were trying to do.

There is a trend in this state back to the

farming aspects and the agriculture strength which this state does have and could have in the future.

I think there is some question here as to the Governor's motives in this bill. I hope that he does recognize the significance of the agricultural community in the State of Maine and the significance we should place on it in our agricultural curriculums. The agricultural education consultant had been eliminated from the Department of Education largely because of a personality problem and, rather than get rid of the individual, the position had been eliminated. Now, we are not particularly concerned with who is in that position, but we do feel the state should demonstrate an interest in the agricultural community by creating this position again and letting a person fill this capacity in the very near future.

We did pass this bill in this legislature and it was funded through the appropriations community, and that community, in being a legitimate concern of the State of Maine, should get the support of this legislature on this override.

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

Mr. THOMAS: Mr. President and Members of the Senate: I rise to support the positions of Senators Johnston, Berry and Gahagan. I too am a member of the Education Committee and, being a city boy, I was rather amazed to learn how many agricultural programs were in our rural high schools. There is absolutely no question that these people need direction, guidance and coordination in order to strengthen the agricultural programs of the state.

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

Mr. BERRY: Mr. President and Members of the Senate: I must say, as I very much dislike to hear other people say, that I am sure the veto is going to be overridden, but I must call attention to the second, third and fourth paragraphs of the Governor's message, and say that it appears once again the legislature is paying no attention whatsoever to efficiency and economy in state government, rather it is much more interested in building up a bureaucracy, a criticism I have made before of some of our acts.

I have a great deal of respect for Commissioner Millett. I knew him before he had the job and I consider him a very efficient and capable educational administrator. And when he says we don't need this, we don't need it.

The Governor has pledged in here to work with the Commissioner to be sure that the objectives of the bill are produced without additional expense, and I think this is exactly what we have. I am certainly going to vote to kill the bill.

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

Mr. HICHENS: Mr. President and Members of the Senate: I rise in support of the four Senators who have asked you to override the Governor's veto. I think it is high time that we had someone in our Education Department that had expertise and looked out for the agricultural interests of the young people of the State of Maine. It has been appalling to me in the last few years to see the agricultural industry suffer so for education needs within our state. Our young people who want to get the technical advice on

agriculture for the profession it is have to go out of state to some of our neighboring states which are even more industrialized than we are. With this huge area which we have and the agricultural potentialities, I certainly think that we should go along and override the vote.

I have all the respect in the world for the Commissioner of Education, Mr. Millett, and even though it says here in the Governor's message that he sees no full-time need for such expertise, it doesn't say that he doesn't see some need for it. I think he is just going along with the Governor at this time and I think Mr. Millett himself would be glad to have expertise in his department.

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

Mr. GAHAGAN: Mr. President, I have a public document here, which is a letter from the Commissioner of Education to the Executive Department, which I would like to just briefly share with you.

The Commissioners of Education, in discussing this bill, has stated, "This legislation is similar to legislation which has been sponsored and has reached the stages of final enactment in each of the two previous legislation sessions. In both previous sessions this legislation has failed final funding."

The Commissioner goes on to say, "The support of this legislation has in a general sense come from the agricultural community, with particular support coming from the Maine Farm Bureau and other agricultural organizations. This Department's position has consistently been that agriculture as a subject area now being offered in the secondary schools of the State of Maine had declined in terms of the frequency of program offerings to the point where we were unable to justify a full-time consultant committed to the area of agriculture alone. We do, however, feel that this bill, as drafted, would provide for sufficient flexibility in using such an educational consultant's time to apply to agricultural education as well as duties in the area of science which are not currently being met by consultants within our department."

"Also, the potential for placing greater future emphasis on the importance of agricultural teachings to our high school students makes this piece of legislation of greater importance to us at this particular time than it has been in the recent past. I am referring to the recent trend towards a return to farming as a means of self-sufficiency and the need for more and more people to have access to general agricultural understandings in order to better provide themselves with food and sustenance."

"With this thought in mind, I believe that we could make very good use of such a consultant and, if such funds are available, would make a commitment to a sincere effort to employ a person who could promote the expansion of meaningful agricultural programs in our secondary and post-secondary schools. I support the intent of this legislation in the event that funding can be accomplished."

I refer you to the Governor's letter, in which he says, "I question the need of such a consultant position at this time. My Commissioner of this Department, Sawin Millett, sees no full-time need of such expertise within his operation." There seems to be some inconsistency here, Mr. President and Members of the Senate, and

I would urge that you vote to support this bill.

The PRESIDENT: The pending question before the Senate is: Shall this bill become a law notwithstanding the objections of the Governor. According to the Constitution, the vote will be taken by the "Yeas" and "Nays". 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.

#### ROLLCALL

YEAS: Senators Berry, E.F., Jr.; Cianchette, Clifford, Collins, Conley, Curtis, Cyr, Gahagan, Greeley, Hichens, Johnston, Merrill, O'Leary, Pray, Reeves, Roberts, Speers, Thomas and Wyman.

NAYS: Senators Berry, R.N.; Carbonneau, Corson, Cummings, Graham, Huber, Jackson, Marcotte, McNally, Trotzky and Sewall.

ABSENT: Senators Danton, Graffam and Katz.

A roll call was had. 19 Senators having voted in the affirmative, and 11 Senators having voted in the negative, with three Senators being absent, and 19 being less than two-thirds of the membership present, the veto of the Governor was sustained.

(See action later in today's session.)

#### Senate Papers

Mr. Clifford of Androscoggin presents the following Joint Resolution and moves its adoption:

#### State of Maine

In The Year Of Our Lord One Thousand Nine Hundred and Seventy-five.

#### In Memoriam

Having Learned Of The Death Of Barbara Kay Swengel Of Lewiston The Senate and House of Representatives of the State of Maine do hereby extend their sincere heartfelt condolences and sympathy to the bereaved family and friends of the deceased; and further

While duly assembled in session at the State Capitol in Augusta under the Constitution and laws of the State of Maine, do herein direct that this official expression of sorrow be forthwith sent to the family of the deceased on behalf of the Legislature and the people of the State of Maine. (S. P. 614)

Which was Read and Adopted.

Sent down for concurrence.

#### Orders

WHEREAS, recent bidding procedures and the awarding of certain bids by the State have received adverse publicity; and WHEREAS, the publicity given to the bidding procedures and awarding of bids related to promotional materials for the Maine State Lottery, the computer contract with the Honeywell Company and the promotional brochures for the State of Maine seem to indicate that inequities may result from the State's bidding procedures; now, therefore, be it

ORDERED, the House concurring, that the Legislative Council, through the Joint Standing Committee on Appropriations, is directed to study bidding procedures of the State in order to establish whether such bidding procedures result in the occurrence of inequities and in order to establish procedures which are more equitable; and be it further

ORDERED, that the Council consider the feasibility of the State publishing a periodic bulletin containing lists of projects upon which bids are to be received, as a means of correcting possible

inequities; and the feasibility of selling subscriptions to such a bulletin in order to cover costs of publication; and be it further

ORDERED, that the Bureau of Purchases is requested to cooperate with the committee in its study and to provide such assistance as the committee deems necessary; and be it further

ORDERED, that the Council report 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 a suitable copy of this order be transmitted forthwith to said agency as notice of this directive. (S.P. 615)

Which was Read.

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

Mr. CURTIS: Mr. President and Members of the Senate: This order is one that is coming in at the last moment and I apologize for that, but it is the result of some action that has been going on in just the last few days regarding the state's bidding process.

Because of my concern with a situation that has developed, and was reported in the newspapers in Saturday and again this week, regarding the awarding of a state contract for a brochure to publicize the State of Maine, and because of my concern with some statements that apparently, according to the press, were made by Mr. Hadley Atlass, who until recently was the Commissioner of the Department of Commerce and Industry and is still an employee of the State of Maine, and which I found his rather strange and distressing statements regarding a constituent of mine and his business and his application for this bid as being a terrible one — and I found that a strange and distressing statement because I think that a person involved with promoting the State of Maine ought to do so in a positive fashion and not in a negative one — I have introduced this order and hope that the state will take some attention, that the legislature will pay some attention to the bidding process.

I also proposed in that order a positive measure, as I think is appropriate, that the Legislative Council, through the Appropriations Committee, view the situation involved in the bidding process and consider the possibility of the state publishing a monthly or bimonthly news bulletin listing all of those contracts which the state is considering putting up for bid, and possibly selling subscriptions to that publication, so that a person who is interested in finding out what was likely to be put up for bid in the next month could subscribe to this publication and, therefore, have some notice.

The present system is one in which if a person is fortunate enough to know about a contract that is about to be put out to bid, he can ask for the bid form or he may have his name included on a list, and it is a very discretionary matter as to how long his name would stay on that list for any particular type of item, or in the present situation that I am most concerned with, one in which the state invited three potential bidders to make presentations regarding this particular contract for a state publication.

My concern is partly because the initial statement as to who had won the bid was that the high bidder, the one at \$35,000, had

won the bid, and my constituent, as I mentioned before, was concerned as he happened to be the low bidder at \$22,000 for this particular bid. I don't want anyone to have the impression I always think the person with the low bid ought necessarily to win the contract, especially when the situation is one like this that is under a service contract, but I think that the process that is involved in which only three Maine firms were invited to bid is one which ought to be investigated and one which the legislature should take a real hard look at.

The other thing I am concerned about, as I mentioned before, is what I think is a very negative approach of people who had been in the Department of Commerce and Industry, and particularly the Commissioner. I am disturbed by that kind of statement. I took it upon myself this weekend to look at the bid application that was made by this particular firm, Graphics North of Bangor, and I found that the bid was an interesting one. I thought it was an excellent proposal with a lot of exciting ideas. I didn't look at the other two bids and I don't know what their proposals were. Perhaps they were better and perhaps they were not. I think that is a very subjective decision that ought to be made. But it seems to me that the legislature ought to get concerned with the process that is involved.

The PRESIDENT: Is it now the pleasure of the Senate that this joint order be passed and sent down for concurrence?

It is a vote.

Mr. Cyr of Aroostook was granted unanimous consent to address the Senate.

Mr. CYR: Mr. President and Members of the Senate: I would just like to inform you that on the \$50,000 that you appropriated for the Pine Tree Legal Association last week, over the weekend when I was home I found out that the Town of Madawaska was sued by the Presque Isle office, and I would like to explain a little bit, as I am involved and I am also in the suit. I would like to inform you what the case is all about and let you judge on it.

The case concerns a Canadian family who had settled in Hartford, Connecticut. The individual, the father, had been working for a concern in Hartford. He was drawing a salary of between 18 and 20 thousand dollars a year. We inquired from the firm where he working and sure enough, it was true. He was also a good worker. His work was very satisfactory and the company was happy to have him. However, the reason he gave us for quitting his job was that he was being pursued by the Mafia, whatever that is. I don't know. But the family landed in Madawaska on February 26th of this year, and the individual pulled up to the town office with a brand new 1974 Matador and requested welfare help from the town.

After inquiring into this, and also inquiring from the Connecticut Unemployment Office, we found out that because of the way he quit the job there was going to be a nine week waiting period before he could get his employment check. So in the meantime, we did supply the family with support from the town for the next two months, March and April. However, the ninth week ended the first part of May and the unemployment check that he was drawing was \$125 a week. So based on four weeks, that would be approximately \$500. On our welfare standards, or a family of that size, they would be entitled to up to \$417. But where the \$417 was less than the \$500, we figured

that we had done our job and we stopped the aid. However, the family wanted the town to continue the same help as they had given during the winter, plus getting their unemployment.

So, for those reasons, we are being sued. I just wanted to let you know what type of organization you voted \$50,000 for.

#### Papers from the House

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

#### Communications

State of Maine  
One Hundred and Seventh Legislature  
Office of the Clerk  
Augusta, Maine

July 2, 1975

The Honorable Harry N. Starbranch  
Secretary of the Senate  
Maine State Senate  
State House

Augusta, Maine 04333

Dear Mr. Secretary:

House Paper 1401, L. D. 1787 having been returned by the Governor together with his objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

Sixty-seven voted in favor and seventy-one against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Respectfully,  
EDWIN H. PERT  
Clerk of the House

Which was Read and Ordered Placed on File.

#### Communications

State of Maine  
Office of the Governor  
Augusta, Maine

July 1, 1975

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

On the advice of my finance and budget office, I regret that I must oppose L. D. 640, An Act Relating to the Procedures for State Valuation. I feel the legislation is not suitable because:

1. It does not seem to me to be necessary to set up a second avenue of appeals on municipal valuation. The Municipal Valuation Appeals Board is independent of the Bureau of Property Taxation and, as such, can be expected to make proper decisions through the appeal route.

2. This legislation would add another avenue of appeals, could encourage more appeals by the municipalities and consequently, increase the cost of the Municipal Valuation Appeals Board.

3. As a result, the cost of the Municipal Valuation Appeals Board will increase.

4. The Legislature previously was advised that increased costs would be in the neighborhood of twenty to twenty-five thousand dollars. Apparently this figure has been disregarded, as there has been no additional appropriation forthcoming with this Bill. I question seriously the omission of a cost factor, which only adds tax dollars when legislation has inadequate funding.

For the reasons, I find I cannot sign L. D. 640 and I respectfully ask that you sustain my veto.

Very truly yours,  
JAMES B. LONGLEY  
Governor  
(H. P. 1794)

Comes from the House, Read and Ordred Placed on File.

The accompanying Bill, An Act Relating to the Procedures for State Valuation. (H. P. 523) (L. D. 640)

Comes from the House with the following endorsement:

In the House July 2, 1975, this Bill, having been returned by the Governor, together with his objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

116 voted in favor and 22 against, and accordingly, it was the vote of the House that the Bill become a law, notwithstanding the objections of the Governor, since two-thirds of the members of the House so voted.

(S)

EDWIN H. PERT  
Clerk of the House

Which was Read and Ordered Placed on File.

The PRESIDENT: The pending question before the Senate is: Shall this Bill become a law notwithstanding the objections of the Governor? According to the Constitution, the vote will be taken by the "Yeas" and "Nays".

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President and Members of the Senate: We had this bill before the Taxation Committee and all 13 members agreed on the bill as it was rewritten in the final draft. Now, if you feel that your tax in your town that you pay is too high, you can appeal to the assessors for a rebate, you can appeal to the county commissioners, and you can go to court. The municipalities have no such appeal.

Now, the Governor says in his statement that it would add another avenue of appeals. This isn't another avenue. Another avenue means another way, and this is not another way. This is an appeal to the courts which the municipalities do not now have. It is just a chance for the municipalities to appeal their valuations.

He speaks of the increased costs. The Municipal Valuation Appeals Board has reviewed this. They meet regularly, and the Chairman has stated that there will be no additional costs. Now, over a period of time there probably will be additional costs, just as there will be additional costs of the legislature and other forms of state government, but for the present there will be no additional costs. It does give the municipalities a chance to appeal a valuation which they feel is unjust, and I certainly hope that you will vote to override the Governor's veto.

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

Mr. SPEERS: Mr. President and Members of the Senate: There was a very significant movement in the last legislature to provide for property tax reform, as I am sure we are all aware. Property tax reform was provided for with a rather extensive over-hauling of the administration of the property tax and with the providing for a statewide valuation procedure in providing for significant reform or difference in legislation regarding the assessing and the actual assessors and the procedure to be followed in bringing about an assessing of property.

As a result of that reform, as with so many things that are overhauled and that are different, there were a good many bugs that had to be worked out. There were a good many problems that many of the towns foresaw and that many people were

disturbed about. And I am sure that we all are very well aware of the reaction, in many of the smaller towns particularly, to the idea that the state, and the state alone, is going to be the final word on valuation of property, and on the assessing procedures.

This bill, as I understand it, does not relate directly to assessing procedures, but it is a very significant response to the disturbances in many of our smaller towns throughout the State of Maine which are so very greatly concerned about the fact that the state would be the final word on the valuation procedures and then the actual valuations that the State Bureau of Property Taxation would be coming up with. I think that this Legislature has heard that concern and has responded to that concern by passing this bill.

I think that it is a very important bill to be written into law because it does have such a very great effect upon the tax reform that we enacted in the last session of the legislature, in the last legislature, and because it is a response to a very real concern on the part of many of the smaller towns of this state with what we have done here in the last session. I would urge the Senate to override this particular veto.

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

Mr. MERRILL: Mr. President and Members of the Senate: I understand that we are on Supplemental Journal Number 3, relating to the veto of L. D. 640, Am I correct?

The PRESIDENT: The Chair would answer in the affirmative.

Mr. MERRILL: Thank you, Mr. President. Mr. President and Members of the Senate: I would just like to say a couple of words in regards to this bill. I think it has been explained fairly clearly already.

Really, this bill is a creature of the Taxation Committee, as a great deal of rewriting was done on the bill from the time we received it. The thing that really remains the same is that the burden of proof has shifted from the municipality to the state in proving and upsetting what the town thinks its property is worth in toto. The Department of Taxation had no problem with that. They said in fact they really carry a great deal of that burden today because they are, of course, the people with the expertise and so they are the people that the factfinders look to, to come forward and produce evidence. So there was no problem with the standpoint of the Department of Taxation in having to carry this new burden.

The other thing that this bill does is provide for an appeal device. The Taxation Committee spent a long time in trying to find a way to allow for the people to appeal beyond the Evaluation Appeals Board to the courts, to have their right to appeal to the courts, and at the same time not upset the whole process that has to go on in the meantime with the assessments and the decisions in terms of funding that the state makes on the basis of that valuation.

The formula that we came up with, I think, is a good one, and the method that a town does win the appeal for reimbursement, I think, is a valuable one. And I think in granting this right to the towns to appeal that we are really granting a right that is more important in its presence than in the fact that it will actually be used a great deal. The Evaluation Appeals Board is available now, there is a minimal number of towns that bring their cases before this board, and out of those, I think about a quarter of the towns receive some adjustment. Now, I would be surprised if very many of the



towns that receive an adjustment would actually take this matter to the courts and carry it out in the courts. Of course, there is a considerable expense to the town if they pursue that course.

I think it is an important statement for the state to make that we are not going to deal arbitrarily with the towns in making these judgments, and that we are going to give the towns the same right to appeal to the courts of the state that we provide other people when dealing with different branches of the quasi-judicial part of our government, such as these regulatory boards and agencies.

So I think that what we have here is a very moderate bill. It wasn't opposed by the Department of Taxation, but has found a way to provide for this appeal and not upset the whole appellation in terms of the state making its assessments and making its judgments on time. And I think that the Chairman of the Taxation Committee, who labored long and hard to see that this bill passed, is to be owed a debt of gratitude by his constituents who would be most affected, I am sure. I really think that this moderate measure deserves passage, and it is one more step, I think, that we can point to when dealing with the people from the small towns to show them that we are responsive and that we don't want the state government to be perceived or to be in reality an arbitrary and capricious lord who rules over them and doesn't give them any right to take their just causes to the courts. And I would urge the Senate to vote to have this bill become law in spite of the veto of the Governor.

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

Mr. CYR: Mr. President and Members of the Senate: The statement made by the good Senator from Cumberland, Senator Merrill, is absolutely correct. This transfers the burden from the municipalities to the state for proof, the burden of proof.

I can cite our own case in my town. We did appeal our state valuation last year, last fall, and I appeared before the appeal board representing my town. As you know, the state valuation is taken on the odd year, every two years. Now, it goes back to 1971. In 1971 we had a reappraisal done of our town, and in those studies usually in trying to achieve the 100 percent valuation they will hit at a higher target. It seems as though the target they reached in my town was 110 percent. So at that time is really when they should have made the adjustment. Now, last fall we were at 104 percent, we found out at the appeal, however, there was no way that we could prove the thing.

Now, with this bill, the state would have to prove its own case against us, and I think that is the way it should be. I think the burden of proof should be on them instead of being on the municipalities because the municipalities, in most cases, do not have the expertise and do not have the figures. We don't know where the figures they present to you come from. I found out at the appeal about a lot of figures that I wasn't aware of. If I had known those figures before I came down for the appeal, I would have been in a much better position to defend my town. Well, this is what this bill would do, and I shall vote to override the veto.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is: Shall this Bill become a law notwithstanding the objections of the Governor? According to the Constitution,

the vote will be taken by the "Yeas" and "Nays". 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.F., Jr.; Berry, R.N.; Cianchette, Clifford, Collins, Conley, Corson, Cummings, Curtis, Cyr, Gahagan, Graham, Greeley, Hichens, Huber, Jackson, Johnston, Marcotte, McNally, Merrill, O'Leary, Pray, Reeves, Roberts, Speers, Thomas, Trotzky and Wyman.

NAYS: Senator Carbonneau.

ABSENT: Senators Danton, Graffam and Katz.

A roll call was had, 28 Senators having voted in the affirmative, and one Senator having voted in the negative, with three Senators being absent, and 28 being more than two-thirds of the membership present, it was the vote of the Senate that the Bill become a law notwithstanding the objections of the Governor and was by the Secretary presented to the Secretary of State.

#### Reconsidered Matter

Mr. Trotzky of Penobscot moved that the Senate reconsider its action of earlier in today's session whereby the veto of the Governor was sustained on the following:

An Act to Provide an Agricultural Education Consultant within the Department of Educational and Cultural Services. (S. P. 202) (L. D. 669).

The PRESIDENT: The Chair will order a division. Will all those Senators in favor of reconsideration rise in their places until counted.

A division was had, 24 having voted in the affirmative, and four having voted in the negative, the motion prevailed.

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

Mr. CONLEY: Mr. President, is the proper motion now to move the pending question to override the veto.

The PRESIDENT: The Chair would answer in the affirmative.

Mr. CONLEY: I so move.

The PRESIDENT: The pending question is: Shall this Bill become a law notwithstanding the objections of the Governor. According to the Constitution, the vote will be taken by the "Yeas" and "Nays". 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, Curtis, Cyr, Gahagan, Graham, Greeley, Hichens, Jackson, Johnston, Merrill, O'Leary, Pray, Reeves, Roberts, Speers, Thomas, Trotzky, Wyman.

NAYS: Senators Berry, R.; Carbonneau, Cummings, Huber, Marcotte, McNally.

ABSENT: Senators Danton, Graffam, Katz.

A roll call was had, 23 Senators having voted in the affirmative and six Senators having voted in the negative, with three Senators being absent, and 23 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 to the House for concurrence.

#### Papers from the House

Out of order and under suspension of the

rules, on motion by Mr. Speers of Kennebec, the Senate voted to take up the following:

#### Joint Order STATE OF MAINE

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Robert H. Ellis Highway Maintenance Engineer Who Has Retired After 40 Years at State Service

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 1786)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

#### Joint Order STATE OF MAINE

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Edward C. Winston of Kennebec Who, After 40 Years with the Postal Service and Active Involvement in Community Affairs Entered Retirement on June 30, 1975

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 1787)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

#### Joint Order STATE OF MAINE

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Denise Giguere Miss Maine Teenager 1975 Daughter of Mr. and Mrs. Robert Giguere of Sabattus

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 1789)

Comes from the House, Read and Passed.  
Which was Read and Passed in concurrence.

**Joint Order  
STATE OF MAINE**

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Patricia Cyr of Madawaska Miss Maine for 1975

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 1790)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

**Joint Order**

ORDERED, the Senate concurring, that the following be recalled from the Governor's Office in the House: Bill, "An Act Appropriating Funds to Move an Indian Dwelling on the Penobscot Indian Reservation." (H. P. 1377, L. D. 1708) (H. P. 1791)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

**Joint Order**

WHEREAS, The Governor has often stated, through his support of the Maine Management and Cost Survey and by numerous other actions and statements, his desire and intent to streamline State Government in order to better serve Maine's citizens; and

WHEREAS, it is necessary that the Legislature be aware of the progress which is being made by the Governor in so streamlining State Government as recommended in the Cost Survey and in other ways; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council is ordered, through the Joint Standing Committee on Appropriations and Financial Affairs, to study the funding of state agencies in an effort to ascertain what savings are being accomplished; and be it further

ORDERED, that the Department of Finance and Administration, including the Bureau of the Budget, and other executive departments are respectfully requested to cooperate with the committee in its study and provide such assistance as the committee deems necessary; and be it further

ORDERED, That the Legislative Council report its findings 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. (H. P. 1793)

Comes from the House, Read and Passed.  
Which was Read and Passed in concurrence.

**Joint Order  
STATE OF MAINE**

In The Year Of Our Lord One Thousand Nine Hundred and Seventy-five.

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of

John Arthur Cunningham

From Bangor

Selected As A Presidential Scholar

WE the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

ORDER and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 1796)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

**Papers From The House**

**Joint Order**

ORDERED, the Senate concurring, that the Clerk of the House and the Secretary of the Senate be authorized to furnish 100 10¢ postage stamps for each member of the House and Senate for the purpose of distributing various reports of the Departments of State and other public documents such as they may desire to mail to the citizens of the State. (H. P. 1788)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

**Communications**

State of Maine  
Office of the Governor  
Augusta, Maine  
04330

July 1, 1975

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

I am returning L. D. 1547 without my signature and approval. I have been strongly advised by my Commissioner of Finance and Administration, John P. O'Sullivan, that the "Act to Exempt Lobster Fishing Boat Operators from Withholding State Income Taxes from Sternman's Share of Proceeds and to Provide that a Sternman will be Considered Self-employed for Purposes of Maine Income Tax" will constitute a strict departure by the State from the Internal Revenue Code.

I sympathize with the quasi independent contractor state of sternmen but unless the Internal Revenue Statutes are changed, I do not favor the State doing so unilaterally. My main objections, based on the recommendations of my Finance Commissioner are:

1. The principal element that has made the Maine income tax so workable is its conformity with the Internal Revenue Code. We have not deviated from this policy until now, and I see no reason for this precedent.

2. It will also establish a precedent for other departures from the Internal Revenue Code by the State and a precedent for other employees whose employment arrangements are similar to the sternmen to request similar tax treatment. This kind of proliferation would

make a shambles of our tax situation.

3. In addition, the sternmen still will be treated as employees by the Maine Employment Security Commission, as well as the Internal Revenue Service and so this proposal would be inconsistent with our own statutes as well.

4. It will cause significant administrative problems for the Bureau of Taxation.

5. My finance advisers also indicate that the bill is underfunded.

6. Finally, there currently are efforts underway to change the provisions of the Federal Tax statutes regarding such cases as the sternmen's status. Should such change succeed, this legislation would be unneeded anyway.

For these reasons, I respectfully ask that you sustain my objections that L. D. 1547 become law.

Very truly yours,  
JAMES B. LONGLEY  
Governor  
(H. P. 1795)

Comes from the House, Read and Ordered Placed on File.

The accompanying Bill — An Act to Exempt Lobster Fishing Boat Operators from Withholding State Income Taxes from Sternman's Share of Proceeds and to Provide that a Sternman will be Considered Self-employed for Purposes of Maine Income Tax.

In the House July 2, 1975, this Bill, having been returned by the Governor, together with his objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the House proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

102 voted in favor and 25 against, and accordingly, it was the vote of the House that the Bill become a law, notwithstanding the objections of the Governor, since two-thirds of the members of the House so voted.

(S)

EDWIN H. PERT  
Clerk of the House

Which was Read and Ordered Placed on File.

The PRESIDENT: The pending question before the Senate is: Shall this Bill become a law notwithstanding the objections of the Governor? According to the Constitution, the vote will be taken by the "Yeas" and "Nays."

The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President and Members of the Senate: I hope that the Senate will vote to override this veto. It does not affect a great number of people and it affects a very small amount of dollars, but the problem has arisen because it is very difficult for Internal Revenue agents to recognize and understand the independence of the Maine fishermen.

I have worked with Maine fishermen concerning their income tax problems for many years and have had many occasions to point out to them that if they want to have an independent status they must do the things that qualify them to be what we call in tax parlance joint venturers. Unfortunately, fishermen are not very good record keepers and they do not always perfect all of the details that would support them in this position.

I think that this bill is largely an attempt to recognize what has been a tradition on the Maine coast for a couple hundred

years. Men go out together, one man may own the boat but another owns some of the gear and is secondary in some respects, but he nonetheless has an independent status in the minds of both of those participants and, as such, ought to be accorded the privilege of filing a schedule C as an independent contractor, an independent businessman, as it were.

Fishermen are allowed by federal law, if that is their principal occupation, the privilege of filing their return at a different time and under different requirements for withholding, or I should say for estimating their payments than other people. And I would say that this small recognition by Maine in its income tax law of this ancient tradition would not cause the state enough difficulty but would strengthen the position of our Maine fishermen in dealing with the Internal Revenue Service.

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

Mr. BERRY: Mr. President and Members of the Senate: I must reluctantly oppose the bill. I think that this is a laudable but unfortunate misguided attempt to strike back at the multiplicity of the Internal Revenue Service Act, in which I am sure we are very much in sympathy with the fishermen. This will be the first exception we have made and it would set a precedent, if its constitutional, and I question that it is, it would set a very bad precedent for two-man operations anywhere. Exceptions could be claimed for two loggers working in the woods, for a truckman and his helper, and for any number of other relationships of this nature.

As I say, I am very sympathetic with the lobstermen. They have been going on, as was said, probably for 100 years with this method of operation, and along came Uncle Sam and put the wood to them or pulled the plug, or opened the seacock, whatever they did to them, but I don't think that our sympathy and our good wishes should be translated into making a shambles of the state income tax. Maybe something else will come out of it, but I can see proliferation of unemployment taxes and social security tax, and so forth, that will just follow if this law goes on the books. So I would hope that we would vote to sustain the Governor's veto.

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

Mr. REEVES: Mr. President, I would like to state that the lobstermen are 100 percent in favor of this. I would also request that the committee report be read, if that is possible.

The PRESIDENT: The Secretary will read the committee report.

The SECRETARY: The Committee on Taxation, to which was referred the Bill, An Act to Exempt Lobster Fishing Boat Operators from Withholding State Income Taxes from Sternman's Share of Proceeds, (H. P. 1246) (L. D. 1547), have had the same under consideration and ask leave to report that the same Ought to Pass. Signed, Representatives Mulkern, Senator Merrill and Senator Wyman.

The Minority members of the committee who signed the Ought Not to Pass Report are Representatives Maxwell, Twitchell, Susi, Finemore, Morton, Immonen, Senator Jackson, Representatives Cox, Dam and Drigotas.

The PRESIDENT: The pending question before the Senate is: Shall this Bill become

a law notwithstanding the objections of the Governor?

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President, as a member signing the Ought to Pass Report, and after listening to the remarks of the good Senator from Cumberland, Senator Berry; he sees goblins in the corner. I don't think there are very many bills that go through here but what if we looked hard enough in the dark corners we could find goblins. So, that doesn't disturb me too much, and I certainly hope you will vote to override the veto.

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

Mr. CARBONNEAU: Mr. President, I request permission to pair my vote with that of Senator Clifford, who, if he were here, would be voting "Yes", and I would be voting "No".

The PRESIDENT: The Senator from Androscoggin, Senator Carbonneau, now requests leave of the Senate to pair his vote with the Senator from Androscoggin, Senator Clifford, who, if he were here, would be voting in favor of the bill, and the Senator from Androscoggin, Senator Carbonneau, would be voting in favor of sustaining the veto of the Governor. Is it the pleasure of the Senate to grant this leave?

It is a vote.

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 E. Berry, Cianchette, Collins, Conley, Corson, Cummings, Curtis, Gahagan, Graham, Greeley, Hichens, Huber, Jackson, Johnston, Marcotte, McNally, Merrill, O'Leary, Pray, Reeves, Roberts, Speers, Thomas, Trotzky, Wyman.

NAYS: Senators R. Berry, Cyr.

ABSENT: Senators Danton, Graffam, Katz.

A roll call was had. 25 Senators having voted in the affirmative, and two Senators having voted in the negative, with two Senators pairing their votes and three being absent, and 25 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 and was by the Secretary presented to the Secretary of State.

On motion by Mrs. Cummings of Penobscot,

Recessed until 2:30 this afternoon.

#### 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:

#### Non-concurrent Matter

Bill, "An Act Appropriating Funds to Renovate Indian Dwellings on the Penobscot Indian Reservation." (H. P. 1377) (L. D. 1708).

In the Senate June 27, 1975, Passed to be Enacted, in concurrence.

Comes from the House, recalled from the Governor's Office pursuant to Joint Order (H. P. 1791) and Passed to be Engrossed, as Amended by Committee Amendemnt "A" (H-489), as Amended by

House Amendemnt "A" (H-854) Thereto, in non-concurrence.

Thereupon, the Senate voted to Recess and Concur.

#### Papers from the House Enactor

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

#### Constitutional Amendment

Resolution, Proposing an Amendment to the Constitution to Provide for Annual Sessions of the Legislature with Limits on the Matters which may be Considered in the Second Regular Session of Each Biennium and to Change the Date of Convening of the Legislature. (H. P. 1510) (L. D. 1827)

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President, I would request a roll call.

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

Obviously more than one-fifth having arisen, a roll call is ordered.

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President and Members of the Senate: I would hope that the Senate would enact this resolution and allow the people to vote on the question as to whether or not they want annual sessions of the legislature. I think the fact is that we do have sessions on an annual basis, even though we may not call those sessions annual sessions, and I know there are differences of opinion among legislators as to how restrictive the constitution should be and how restrictive the sessions of the legislature should be. This Senate, I think, in most instances has come down on the side of restrictions on the sessions.

What the bill in its present form would do, it would provide for annual sessions of the legislature and it would limit the second regular session by the type of bill which could be introduced, which is very similar to what we have under the present rules of the Senate. Further, it would require the legislature, without putting a date or a number of days into the constitution, which a lot of people did not want to do, it provides more flexibility and requires the legislature to enact by statute appropriate limitations on both the first and second regular sessions of the legislature.

I am confident that this is as restrictive an annual session bill as you will ever get through the legislature, and I am further confident that the legislature can enact an appropriate statute to put a reasonable limit on both sessions. I think that this will be a step, first of all, to provide for annual sessions, which I think most people have observed as the actual fact for a number of years, and I think it will also, by these restrictions, help to guarantee that the Maine Legislature will continue to be a citizen legislature as opposed to a full-time legislature, and I hope we would vote to enact this legislation. Thank you, Mr. President.

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

Mr. CURTIS: Mr. President and

Members of the Senate: In theory, I don't like the idea of a restriction upon the time that the legislature can sit, and I spent some time debating that point of view a while back when this was under consideration earlier. Since that time I have had occasion to look at the calendar, and while home this past week-end to review my own personal situation, and I think probably all my colleagues have had that same opportunity too, and I think now I am starting to realize the wisdom of the position of the Senator from Androscoggin, Senator Clifford. If we are to expect our citizens to participate directly in the political process by running and serving in office, then I think we have either got to provide the salaries to make that a paying situation to the point where they can afford to do so or we have got to find some way, if we expect ourselves to be a citizen legislature, to provide some restrictions.

Two days from today is July 4th, and I thought it might be appropriate and you might enjoy listening to just a couple of paragraphs from one of my favorite authors, John Adams. On October 9, 1774, he was writing to his wife Abigail:

"I am wearied to death with the life I lead. The business of the Congress is tedious beyond expression. This assembly is like no other that ever existed. Every man in it is a great man, an orator, a critic, a statesman; and therefore every man upon every question must show his oratory, his criticism and his political abilities. The consequence of this is that business is drawn and spun out to an immeasurable length. I believe if it was moved and seconded that we should come to a resolution that three and two make five, we should be entertained with logic and rhetoric, law, history, politics, and mathematics, and then — we should pass the resolution unanimously in the affirmative."

It has always been a problem, I guess, in our country to try to find a resolution of those two conflicting problems, the desire to enable full debate at great length on every topic and the similar desire to enable people in public service to also be citizens. I guess if I can beg your indulgence for just another minute, I would like to read a section of a historical novel by Irving Stone called "Those Who Love". The situation is two years later, and John Adams is in Philadelphia, in the fall of 1776, and Abigail has for eight months been taking care of the farm in Massachusetts:

"John also begged her to send him a horse so that he would have a means of getting home. He had no money with which to buy or rent a horse in Philadelphia.

"Nor did Abigail have any in Braintree. The harvest was mediocre because she had not been able to hire extra hands for the time she was in Boston. Of the short sums she received she first paid her taxes, then £34 as a next-to-last installment on the decaying house on Queen Street. That left her with little cash to tide them over the winter, but she spent all of it to send young Bass to Philadelphia with two horses. She wrote:

"I know the weight of public cares lie so heavy upon you that I have been loath to mention your own private ones."

"She told him how much it would cost to put their Boston house in repair. Then she described his boat, lying rotting at the wharf; one more year without care and it would be worth nothing. The big family farm of thirty-five acres which they had brought from Peter was no longer paying its way. Either John would have to farm it

himself, or it would have to be rented out. There were no debts but neither were there any coins in the Adams Specie Bank. She and the children ate well off the farm and the dairy; they could make their own clothes, cut firewood for warmth. Nothing more."

Well, Mr. President and Members of the Senate: I thank you for being patient and listening to me, and I will try not to fall too much into the category of what John Adams was writing about in that first letter, but I do hope that we are able to find a good balance, and I would suggest that the resolution before us is such a balance. It provides that the legislature can be in annual sessions and take care of the matters that should be cared for on an immediate basis, but also give us the chance to restrict the lengthy sessions. So, once again, I am changing my position to follow the lead of the Senator from Androscoggin, and I think it is about time we put a limit of some type on the legislative sessions.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President and Members of the Senate: If I understand this correctly, this isn't going to do anything other than what our leadership and members of the legislature can already do by rules. And why we want to cement this into the constitution and send it to the voters I just can't see. I think we should leave it in the hands of the legislature and the legislative leadership to handle by rules. I certainly hope you vote against it.

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

Mr. BERRY: Mr. President, it is possible, even probable that this may not be perfect legislation, however, I think, like the bill that got rid of the Executive Council, that we are going to have to have enough trust and faith in future sessions to pass this bill. The bill does do something. It takes away the misnomer of a special session and it calls the off-session what it really is, a second regular session. It does even more than that, it sets a day that we are going to meet and, thank goodness, it is not going to be on New Years from now on.

So I think we should reaffirm our faith in the future, stating at the same time we are not infallible ourselves, and pass this. Many of us have had changes of heart about it, but I think we must come right down to the final decision that this is what we have been after, annual sessions, this is what we have been having, annual sessions, and this bill acknowledges the fact.

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

Mr. CONLEY: Mr. President and Members of the Senate: I concur very much with what has been said here this afternoon by each of those gentlemen who have spoken. I agree with Senator Wyman from Washington that really the constitutional amendment before us doesn't do too much, but what the Senator from Cumberland, Senator Berry, has stated is absolutely true, that at least it sets the framework whereby when we come in here right after this has been adopted, if it is adopted by the people, and we can put into statutory provisions exactly how many days we shall meet during a special session. I think that is important. I think that is where many of us

have made the compromise on this particular amendment and I would urge the Senate to support it and to come back perhaps at a future session and set the statutory limits as to how many days we will be here. I would urge the Senate to move for its adoption.

The PRESIDENT: Is the Senate ready for the question? A roll call has been ordered. The pending question before the Senate is the passage of this constitutional amendment. A "Yes" vote will be in favor of the constitutional amendment; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLLCALL

YEAS: Senators Berry, E.; Berry, R.; Carbonneau, Cianchette, Clifford, Collins, Conley, Corson, Cummings, Curtis, Cyr, Gahagan, Graham, Greeley, Hichens, Huber, Jackson, Johnston, Marcotte, McNally, Merrill, Pray, Reeves, Roberts, Thomas, Trotzky.

NAYS: Senators O'Leary, Speers, Wyman.

ABSENT: Senator Danton, Graffam, Katz.

A roll call was had. 26 Senators having voted in the affirmative, and three Senators having voted in the negative, with three Senators being absent, the Resolution was Finally Passed and, having been signed by the President, was by the Secretary presented to the Secretary of State.

Communications  
State of Maine  
Office of the Governor  
Augusta, Maine  
04330

July 2, 1975

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

I cannot sign L. D. 1775, An Act to Insure Citizen Participation in the Promulgation, Amendment and Repeal of Agency Rules. While I cannot dispute the merits of citizen input, this particular bill will be costly and administratively incompatible with efficient government implementation.

Such public hearings as envisioned in this legislation are almost certain to be contained in an Administrative Procedures Act now being prepared by the Attorney General's Office.

While the Administrative Procedures Act will be incorporating an overall look at public safeguards, L. D. 1775 deals solely with the one isolated aspect of the public hearing process. Where rule changes occur frequently because of the logistical considerations, such as in the area of Health and Welfare, this bill would incur penalties of inefficiency and loss of time in implementation, when such promptness is essential.

I also ask for time for our newer Commissioners, particularly in the Department of Health and Welfare and the Department of Mental Health and Corrections, to realign operational procedures before they are cemented in by statutory law, which could inhibit the efficiencies and cost-savings we know we can attain in our departmental operations.

I feel this legislation is premature. I would like to see more study made of the impact before we go ahead and put more laws on the books, based on incomplete facts.

Very truly yours,  
JAMES B. LONGLEY  
Governor

Comes from the House, Read and

Ordered Placed on File.

Which was Read and Ordered Placed on File.

The accompanying Bill — An Act to Insure Citizen Participation in the Promulgation, Amendment and Repeal of Agency Rules. (H. P. 1379) (L. D. 1775)

Comes from the House with the following endorsement:

In the House, July 2, 1975, this Bill, having been returned by the Governor, together with his objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

134 voted in favor and 0 against, and accordingly, it was the vote of the House that the Bill become a law, notwithstanding the objections of the Governor, since two-thirds of the members of the House so voted.

(S)

EDWIN H. PERT  
Clerk of the House

Which was Read and Ordered Placed on File.

The PRESIDENT: The pending question before the Senate is: Shall this Bill become a law notwithstanding the objections of the Governor? According to the Constitution, the vote will be taken by the "Yeas" and "Nays". 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.

#### ROLLCALL

YEAS: Senators Cianchette, Collins, Conley, Corson, Gahagan, Greeley, Hichens, O'Leary, Wyman.

NAYS: Senators Berry, E.; Berry, R.; Carbonneau, Clifford, Cummings, Curtis, Cyr, Graham, Huber, Jackson, Marcotte, McNally, Merrill, Pray, Reeves, Roberts, Speers, Thomas, Trotzky.

ABSENT: Senators Danton, Graffam, Johnston, Katz.

A roll call was had. Nine Senators having voted in the affirmative, and 19 Senators having voted in the negative, with four Senators being absent, and nine being less than two-thirds of the membership present, the veto of the Governor was sustained.

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

Mr. BERRY: Mr. President, just to prevent any lobbying like we have seen today, I am going to move reconsideration.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that the Senate reconsider its action whereby the veto of the Governor was sustained. Will all those in favor of reconsideration please say "Yes"; those opposed "No."

A viva voce vote being taken, the motion did not prevail.

On motion by Mrs. Cummings of Penobscot,

Recessed until the sound of the bell.

#### After Recess

Called to order by the President.

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

Mr. CONLEY: Mr. President and Members of the Senate: For the last several sessions I have sat in these chambers and have listened to the good Senator from Kennebec, Senator Katz, who is not with us this afternoon, extol the

beauties of past sessions that he has served with. I can recall that in each Senate he would say that this was the greatest Senate he had ever served in, and I used to turn around and sort of chuckle at him and whistle off into Dixieland or something. But this year I would like to honestly express my concerns and convictions that I have had a most enjoyable session in this body. I recognize also that many of us have wide differences of opinion, and many of those opinions have been shared from time to time and sometimes perhaps some of us became a little frustrated. But I can honestly say that I have been proud to know and to have served with every member of this body.

I particularly would like to single out the majority floor leader, who I think in the actions that have been taking place over the last past six months can attest very strongly that it is because of the cooperation and the opportunities that have been provided this session that very little bickering and perhaps none at all has taken place.

Honestly, again, Mr. President, I would have to thank you as presiding officer of this body for your fairness at all times in the matters of the day. I just didn't want to leave these chambers today without expressing these thoughts. And I look forward to seeing you all again in the special session.

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

Mr. SPEERS: Mr. President and Members of the Senate: I do thank the good Senator from Cumberland, Senator Conley, the Minority floor leader of this body, for his very kind words and the successes of this session. And I think that once we leave these halls and look back upon this session with some investigation we will realize how many those successes have been. I would say that the successes of this session have been a direct result from the very kind and very great cooperation that all of us in leadership have experienced with each other and have experienced with the members of this body. I would particularly again like to thank the minority leader of the Senate.

As we look back on prior sessions, I think that we can remember a good deal of partisan debate, partisan bickering, and I think that on numerous occasions this kind of activity has been to the detriment, at least in some instances, of the people of the state. But I think one very great characteristic of this particular session has been the real absence of any kind of unpleasant disagreements between the two parties serving in this body. I can actually only think of one particular instance when the good minority leader of this body tried very desperately to find the exact proper figure, and he bounded back and forth once or twice with five cent increments trying to find that figure and finally settled upon the correct one. But that aside, I think that the Senate has been very much free of any kind of partisan positions. I do wish to say that I have been very proud to have served as majority leader of this body and to have known and served with every member of it.

#### Papers from The House

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 Appropriating Funds to Renovate Indian Dwellings on the Penobscot Indian Reservation. (H. P. 1377) (L. D. 1708)

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

#### Communications

State of Maine

One Hundred and Seventh Legislature

House of Representatives

Office of The Clerk

Augusta, Maine 04330

July 2, 1975

The Honorable Harry N. Starbranch

Secretary of the Senate

State House

Augusta, Maine 04333

Dear Mr. Secretary:

House Paper 1494, L. D. 1740 having been returned by the Governor together with his objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

Sixty-one voted in favor and seventy-four against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Respectfully,  
EDWIN H. PERT  
Clerk of the House

Which was Read and Ordered Placed on File.

#### Orders

On motion by Mr. Conley of Cumberland,

ORDERED, that a message be sent to the House of Representatives informing that Body that the Senate has transacted all the business which has come before it and is ready to Adjourn Without Day.

Which was Read and Passed.

The President appointed Mr. Speers of Kennebec to deliver the message.

Subsequently, Mr. Speers returned and reported that he had delivered the message with which he was charged.

A message was received from the House of Representatives through Mr. Rolde, the Majority Floor Leader in the House, that the House had transacted all business before it and was ready to adjourn without day.

On motion by Mr. Speers of Kennebec,

ORDERED, the House concurring, that a Committee of three on the part of the Senate, with such as the House may join, be appointed to wait upon the Governor and Executive Council and inform them that both branches of the Legislature have acted on all matters before them and are now ready to receive any communication that he may be pleased to make. (S. P. 611)

Which was Read and Passed.

The President appointed as Senate members of such committee Senator Greeley of Waldo, Senator Speers of Kennebec, and Senator Conley of Cumberland.

Sent forthwith to the House for concurrence.

Subsequently the committee returned and reported that the committee had attended to the duties assigned to it and the Governor was pleased to say that he would attend the session forthwith.

At this time, His Excellency, Governor James B. Longley, entered the Senate

Chambers and addressed the Senate as follows:

**GOVERNOR JAMES B. LONGLEY:** Mr. President and Members of this honorable body: It has been six months before I stood before you and said that we collectively were embarking on a new experiment in government. I said at that time that I believed this experiment of a Democratic House, a Republican Senate and an Independent Governor, working together for the good of the people of Maine could work, and I am more convinced than ever that it is working, and I think history will record it as such.

We have given the people of Maine a balanced current services budget without a tax increase during a very trying economic period, and this, I submit, will be recorded as a major accomplishment of the 107th Legislature, along with single member districts and, of course, abolition of the executive council.

We have disagreed on occasions during the session, and I am sure there will be moments of disagreement when we come together again, but I respect the right of this legislature to disagree with the Governor, and if the legislature respects the right of the Governor to disagree in return, then I am convinced the process of government will be improved as a result. So long as the executive and legislative branches of government recognize each other as coequals, then the checks and balances provided in our constitution will help make certain that the best interests of our citizens here in Maine and in this country are protected.

I have been told that in the past there have been problems caused by departments and agencies of state government ignoring legislative intent once the lawmakers go home, and I have told my department heads, and I have their assurance of cooperation, that that will not be the case in this administration. As Governor, I want you to know that while the legislature is away I will do everything within my powers to ensure that the laws that you have passed are implemented and carried out as you intended them to be.

I wish each of you Godspeed on your travels home, and I wish for each of you a happy and a healthy summer. Thank you very much.

**The PRESIDENT:** The Chair recognizes the Senator from Waldo, Senator Greeley.

**Mr. GREELEY:** Mr. President and Members of the Senate: This is one of the advantages of old age, you get a chance to adjourn this Senate. I never supposed that I would be able to wear them all down to get to this position.

Evidently the duties of the 107th are coming to an end, and I want to say that I never was in a legislature that tried any harder to help a lot of people any more than this one has. I think the harmony in this Senate body has been far above what I expected, and I think the reason for that is the leadership on both sides. I never was in a Senate where the leadership worked any harder to get along together than they have in this Senate. I think part of that is due to you, Mr. President, in the way you have operated in your position as the presiding officer.

I have always considered it an honor to be in this body, and I imagine all of you members feel the same way. When I come into this chamber I always feel that I am among some of the best and the most friendly people that walk on this earth. This is not only the members of the Senate

but the staff that works for this Senate. In fact, this Senate has got along to the point that it reminds me of the story of a couple fellows who were rooming together.

It seems these two fellows had a large room and each one had a double bed. Well, one night they were out on the town and they came home separately. So one fellow came home and got into bed and went to sleep. The second fellow, whose name was Frank, knew better than to wake the other party up because when he was woke up in the night he was real irritable. So Frank came in and he didn't turn on the light, and felt around and he finally got into bed with the first fellow and he woke him up. So the first fellow said "Hey, Frank, I think there is somebody in my bed." Frank said "I think there is somebody in my bed." Well, the first guy said "Let's get them out of here." So the first guy piled out on his side of the bed, Frank got out on his side of the bed, it was dark, they met down at the foot of the bed and they bumped into each other, and they started in swinging. Well, it wasn't too long before Frank got his in the jaw and down he went. The first guy says, "Well, Frank, I guess they have gone but, you know, they may be back, so why don't you get in bed with me."

So right now, Members of the Senate, I move that this Senate adjourn sine die.

Therefore, at 4:32 in the afternoon of Wednesday, July 2, 1975, the Honorable Joseph Sewall, President of the Senate, declared the Senate of the 107th Legislature adjourned without day.