

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

One Hundred and Seventh Legislature

(Second Special Session)

1976

SENATE

Monday, June 14, 1976

In compliance with a proclamation of His Excellency, Governor James B. Longley, the Senators convened in the Senate Chamber at nine-thirty o'clock in the morning and were called to order by the President.

Prayer by the Honorable Walter W. Hichens of Elliot:

May we pray, Our Heavenly Father, as we gather together on this day on which we honor our country's flag, we thank Thee for Thy care over us since we have last met, and for this day of decisions that Thou will give us wisdom and understanding. We thank Thee, Lord, for physical strength, and we pray, Lord, for those who have had physical problems, those who have experienced sadness since we last met, that Thou be very close to them. We pray that from this day on that we may renew our strength through Thee, through wisdom and understanding and by Thy grace. Amen.

The Secretary read the Proclamation.

**STATE OF MAINE
PROCLAMATION
BY THE GOVERNOR**

WHEREAS, I have determined that there exists in the State of Maine an extraordinary occasion requiring the Legislature of this State to meet in a Special Session to consider the following legislative document entitled, "An Act to Revise and Reallocate Appropriations from the General Fund for the Expenditures of State Government for the Fiscal Years Ending June 30, 1976 and June 30, 1977, and Changing Certain Provisions of the law Necessary to the Proper Operation of State Government" for the purposes of making adjustments in the classification and compensation of State Employees; appropriations and adjustments in Education, Human Services, University of Maine, Maine Maritime Academy, and other operations of state government necessary to the welfare of the State: and

WHEREAS, leaders of the Senate and House of Representatives have agreed that a Special Sessions is necessary to consider this Act;

NOW, THEREFORE, I, James B. Longley, Governor of the State of Maine, by virtue of the constitutional power vested in me as Governor, convene the Legislature of this State, hereby requesting the Senators and Representatives to assemble in their respective chambers at the Capitol at Augusta on Monday, the Fourteenth day of June, 1976, at nine-thirty o'clock in the morning, in order to receive communications and consider and enact the aforementioned Act for the welfare of the people of the State of Maine.

Given at the Office of the Governor at Augusta, and sealed with the Great Seal of the State of Maine, this Fourth day of June, One Thousand Nine Hundred and Seventy-Six and of the Independence of the United States of America, the Two Hundredth.

Signed:

JAMES B. LONGLEY
Governor

By the Governor
Signed:

MARKHAM L. GARTLEY
Secretary of State

A true copy.
Attest:
Signed:

MARKHAM L. GARTLEY
Secretary of State

Which was Read and Ordered Placed on File.

ROLL CALL

The roll being called, the following Senators responded to their names:

Berry, E.; Berry, R.; Carbonneau, Cianchette, Clifford, Collins, Conley, Corson, Cummings, Curtis, Cyr, Danton, Gahagan, Graffam,

Graham, Greeley, Hichens, Huber, Jackson, Johnston, Katz, Marcotte, McNally, Merrill, O'Leary, Pray, Reeves, Roberts, Speers, Thomas, Trotzky, Wyman, Sewall.

33 Senators having answered to the roll call, the President declared that a quorum was present.

Orders

Out of Order and Under Suspension of the Rules:

On motion by Mr. Speers of Kennebec, ORDERED, that a message be conveyed to the House of Representatives informing that Body that a quorum of Senators is present for the consideration of such business as may come before the Senate.

Which was Read and Passed.
The President appointed the Senator from Kennebec, Senator Speers, to convey the message.

Subsequently, Senator Speers reported that he had delivered the message with which he was charged.

At this point, a message was received from the House, through Representative Rolde of York, informing the Senate that a quorum was present for the consideration of such business as might come before the House.

Out of Order and Under Suspension of the Rules:

On motion by Mrs. Cummings of Penobscot, ORDERED, that a message be sent to His Excellency, The Governor, informing him that in obedience to his Proclamation, a quorum of Senators is assembled in the Senate Chamber for the consideration of such business as may come before the Senate.

Which was Read and Passed.
The President appointed the Senator from Penobscot, Senator Cummings, to convey the message.

Subsequently, Senator Cummings reported that she had delivered the message with which she was charged.

**Communications
STATE OF MAINE
Department of Audit
Augusta, Maine 04330**

June 10, 1976

To Governor James B. Longley and Members of the One Hundred and Seventh Legislature

In compliance with statutory requirements, I submit herewith the 56th Annual Report of the State Auditor for the fiscal year ended June 30, 1975. The financial data presented are based on the accounting records maintained in the Bureau of Accounts and Control.

We have made extensive examination of major pertinent transactions. We do not make a detailed examination of all recorded transactions on the general books of the State for the year. We did, however, make a detailed examination of accounting records, procedures and internal controls, and verified financial transactions on a selective basis in our post audits of the activities of the various State Departments, Agencies, Boards, etc., during the year. The results of these audits, together with comments, observations and audit findings and recommendations are contained in our individual audit reports submitted to the respective State Departments, Agencies, Boards, etc.

Based on the scope of our examination, it is our opinion that, except for the exclusion of certain trust and operating fund transactions and balances recorded and controlled locally by State agencies and not reflected herein, the commentary and statistical information present fairly the financial position and operating results of the various State Departments, Agencies, Boards, etc., of the State of Maine for the

fiscal year ended June 30, 1975 in conformity and with generally accepted governmental accounting principals applied on a consistent basis.

This report has been reduced to commentary and statistical information in order to implement recommendations from the Maine Management Cost Survey Commission. Statements and schedules pertaining to the financial position of the various operating funds of the State of Maine at June 30, 1975 may be found in the Annual Report of the State Controller.

I would like to express my special appreciation to the Staff of the Department of Audit for their continued loyalty and devotion to duty and to the State officials for their cooperation with this department.

Respectfully submitted,

Signed:

LESLIE J. HANN
Deputy State Auditor
(S. P. 822)

Which was Read and with accompanying papers Ordered Placed on File.
Sent down for concurrence.

**STATE OF MAINE
Office of the Governor
Augusta, Maine 04333**

June 11, 1976

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

I am returning without my signature and approval, S. P. 783 — L. D. 2338, "An Act to Provide for the Position of Associate Administrative Court Judge and to Revise the Administrative Court Law"

I am opposed to provisions in this Act creating a new position within the Administrative Court of an Associate Administrative Court Judge and delaying until the next biennium funding for this position. This bill mandates an increased cost for the next biennium and circumvents established procedures in preparing and recommending a balanced budget for the coming biennium. This position should be subject to review by the Governor and Legislature as a part of the total budget recommended for the next biennium and not mandated in a piecemeal fashion without knowing what the revenue constraints on this Governor and the next Legislature will be at this time.

I respectfully request that you sustain my veto and in doing so continue to support the policy of fiscal responsibility put forth by this Governor and this Legislature.

Very truly yours,
Signed:

JAMES B. LONGLEY
Governor
(S. P. 832)

Which was Read and Ordered Placed on File.
Sent down for concurrence.

Thereupon, the Bill on motion by Mr. Speers of Kennebec, tabled until later in today's session, pending Consideration.

**STATE OF MAINE
Office of the Governor
Augusta, Maine 04333**

June 11, 1976

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

I am returning S. P. 669 — L. D. 2128, "An Act Relating to Definition of Retail Sale Under Sales and Use Tax Laws" without my approval and signature.

I am opposed to this bill because this is a glaring example of a special tax break to one industry in Maine which is unfair, not only to the people of Maine, but to other businesses as well. This bill would transfer a tax break of approximately \$225,000 from one national company to the backs and pocketbooks of the remainder of Maine's businesses and its people.

I feel State government has done and is continuing to do everything possible to help this company, because it is a valuable one. Our Commissioner of Transportation and this Governor have done everything possible to assist this firm, but on a basis that is fair and equitable to the remainder of Maine.

In addition, a business as large and as successful as the parent company involved, should recognize good business practices for government, as well as business and our approach to save and help all of Maine businesses equally, rather than favor one at the expense of all others.

Therefore, I respectfully request that you sustain this veto.

Very truly yours,
Signed: _____

JAMES B. LONGLEY
Governor
(S. P. 833)

Which was Read and Ordered Placed on File.
Sent down for concurrence.

Thereupon, the Bill on motion by Mr. Speers of Kennebec, tabled until later in today's session, pending Consideration.

STATE OF MAINE
Office of the Governor
Augusta, Maine 04330

June 11, 1976

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

I am this date returning without my signature and approval S. P. 618, L. D. 1950, "An Act Relating to a Cost-of-Living Adjustment for State Retirees".

I did not sign this bill after the previous Special Session was adjourned for two basic reasons:

(1) It was our best information that as a general practice, increases to retirees have coincided with general salary increases to active State employees.

(2) We also were informed that a cost-of-living increase would have cost the Retirement System some \$210,000 monthly (\$840,000 for four months) and that without a corresponding general pay increase this would not be actuarially or fiscally sound.

Specifically, in a June 3 memorandum to William G. Blodgett, Executive Director of the Maine State Retirement System, Mr. Robert J. Towne, actuary for the System, said: "Sections 1124 and 1128 of the Maine State Retirement System Laws provide for increases in the benefits paid to, respectively, beneficiaries receiving survivor benefits and retired employees, determined by the same percentages of increase that apply when general salary increases are granted State employees." Furthermore, the language of the compromise appropriations bill clearly stipulates that the date of the general salary increase for State employees shall be November 1. Since it is the obvious intent under present law for retiree and employee increases to coincide, I believe we would run the risk of establishing a precedent by making a retiree increase effective at an earlier date than one for active employees.

It is our firm belief that retirees are deserving and in need of a cost-of-living adjustment and we have made certain that a provision for a 6.4 percent increase is retained in the appropriations act you were called into session to consider. Making the increase for retirees effective the same date as a general salary increase for active State employees, we feel, is fairer to everyone concerned and is more actuarially sound. A one time bonus is not considered a general salary increase. The contention has been made that the money would come from the Retirement System, but at the same time there have been contentions that the System is underfunded. In any event, it is a fact that we would be taking almost \$1 million from the Fund and might be called on at a later date

to replace it. Furthermore, the invasion of a retirement fund in this manner is the very thing I believe Maine should avoid because of the trouble being experienced by pension funds throughout the nation.

We all would certainly like to do more for everyone and, as Governor, I would love to be able to say to everyone in need in this State that they would receive more benefits. However, we do not have the resources to do this and therefore, I feel we should treat everyone as fairly and equally as possible.

While we would specifically like to do more for retired State employees and retired teachers, I believe that we must keep in mind that there are other retired persons and other persons in need who do not even have the luxury of receiving automatic increases in retirement benefits when increases are granted to active employees. Our research indicates that most private businesses and many states do not have an automatic increase provision which gives retirees an increase each time a raise is given to active employees. While, as we said, we would like to do more for everyone, our research further indicates that retirement benefits for teachers and State employees are generous when compared to that received by other retired persons in Maine. Our research shows that the average annual benefit to a retired teacher in Maine is presently \$5,659 and \$4,128 for State employees. At the same time, the average annual benefit for other retired persons in Maine is \$2,844.

Because I believe the basic intent of L. D. 1950 will be carried out by the inclusion of its provisions in the appropriations act, I respectfully ask that my veto of L. D. 1950 be sustained.

Very truly yours,

Signed: _____

JAMES B. LONGLEY
Governor
(S. P. 834)

Which was Read and Ordered Placed on File.
Sent down for concurrence.

Thereupon the Bill, on motion by Mr. Speers of Kennebec, tabled until later in today's session, pending Consideration.

Senate Papers

Mr. Huber of Cumberland presented, Bill, "An Act to Revise and Reallocate Appropriations from the General Fund for the Expenditures of State Government for the Fiscal Years Ending June 30, 1976 and June 30, 1977, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government." (S. P. 821)

Under suspension of the rules, the Bill was given its First and Second Readings, without reference to Committee.

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

Mr. CONLEY: Mr. President and Members of the Senate: I would again like to point out to the members of this body that under this Appropriation Act, in the Division of Human Services, that those individuals that are receiving AFDC grants are still being denied an increase in those grants.

I would like to also point out that since the time we first began hearing this particular bill last fall and through the winter months the cost of living has continually gained. It certainly has been a tremendous hardship on these individuals. I would point out and make it again very clear that over 43 percent of individuals on general assistance rolls in the City of Portland are also recipients of AFDC grants. All the chief executive has to do to get these people off general assistance is to pick up the phone and call the Commissioner of Human Services and tell him to increase those grants immediately. If that were done, the property taxpayer not only of Portland but of every community in the state would be able to eliminate these in-

dividuals from the general assistance. Not only that, but it is only the humanitarian thing to do, and I would urge the chief executive to do so immediately.

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

Mr. O'LEARY: Mr. President, on page 21 of L. D. 2361, under Section 1, I am confused by the language that is in this. I am not certain that there aren't any state employees that will not be taking a pay cut. I am concerned with the last sentence. I would like assurance from someone on the Appropriations Committee, if they would, that no one will be receiving a pay cut.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, has posed a question through the Chair to any member of the Appropriations Committee.

The Chair recognizes the Senator from Cumberland, Senator Huber.

Mr. HUBER: Mr. President and Members of the Senate: As previously stated in reference to the preceding appropriations bill, no pay will be cut. This 10 percent limitation — and I have read this last sentence very quickly — is the so-called maximum 10 percent implementation of the Hay Report recommendations, in which somebody is advanced to the proper range as recommended under the Hay Study, and if the indicated increase exceeds 10 percent they are backed down within that range through the steps to 10 percent or less. However, if this would put them in a lower range, they are retained in the range indicated in the Hay Report. So in fact some employees, a number of employees, will receive increases in excess of 10 percent. Nobody will be reduced in salary, and in fact, through the bonus provisions, everybody will be increased at least on a one-time bonus basis.

Those classifications in which the range is decreased by the Hay Report will be so-called red circled and will be maintained at their current pay until the general increases come up below them.

The PRESIDENT: Is it now the pleasure of the Senate that under suspension of the rules this bill be passed to be engrossed and sent down forthwith for concurrence?

It is a vote.

Orders

On motion by Mr. Hichens of York,
STATE OF MAINE

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of D. Raymond Flynn Named as the Outstanding Citizen of South Berwick for His Contributions as a Businessman, Civic Leader, Selectman and Legislator

We the Members of the Senate and House of Representatives 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. (S. P. 829)

Which was Read and Passed.

Sent down for concurrence.

Orders

On motion by Mr. Collins of Knox,
STATE OF MAINE

June 14, 1976

ORDERED, the House concurring, that unless received by unanimous consent in both branches, no bill or resolve be considered at

this Special Session except Legislative Document No. 2362 and such bills or resolves, if any, as may be returned by or recalled from the Governor. This order shall not apply to such bills or resolves as are intended only to facilitate the business of this Special Session. (S. P. 823)

Which was Read and Passed.
Sent down for concurrence.

On motion by Mr. Cianchette of Somerset, ORDERED, the House concurring, that three hundred twenty-five (325) copies of the Legislative Record for this Special Session be printed and bound, together with the Legislative Record of the First Special Session, one copy for each of the members of the Senate, House of Representatives, the Secretary of the Senate, Assistant Secretary of the Senate, Clerk of the House and Assistant Clerk of the House, and the remainder to be deposited with the State Law Librarian for exchange and library use; and be it further

ORDERED, that suitable index be prepared for such Legislative Record under the direction of the Director of Legislative Research. (S. P. 824)

Which was Read and Passed.
Sent down for concurrence.

On motion by Mr. Trotzky of Penobscot, ORDERED, the House concurring, that there is appropriated from the Legislative Appropriation a sum sufficient to pay each of the Indian Representatives mileage for one round trip and compensation for meals, lodging and attendance commensurate with other members of the Legislature for attendance at the Second Special Session of the 107th Legislature. (S. P. 825)

Which was Read and Passed.
Sent down for concurrence.

On motion by Mr. Curtis of Penobscot,
STATE OF MAINE

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of the University of Maine Baseball Team Eastern Regional NCAA Champions for 1976

We the Members of the Senate and House of Representatives 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. (S. P. 826)

Which was Read and Passed.
Sent down for concurrence.

On motion by Mr. Curtis of Penobscot,
STATE OF MAINE

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of the Orono High School Boys Track and Field Team State Class C Champions for 1976

We the Members of the Senate and House of Representatives 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. (S. P. 827)

Which was Read and Passed.
Sent down for concurrence.

On motion by Mr. Curtis of Penobscot,
STATE OF MAINE

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of the Orono High School Girls Track and Field Team State Class C Champions for 1976

We the Members of the Senate and House of Representatives 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. (S. P. 828)

Which was Read and Passed.
Sent down for concurrence.

(Off Record Remarks)

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

After Recess

Called to order by the President.

Papers from the House

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

House Paper

RESOLVE, Designating the Madison-Anson Bridge as "The Bicentennial Memorial Bridge." (H. P. 2399)

Comes from the House, Passed to be Engrossed without Reference to Committee.

Under suspension of the rules, the Resolve was given its First and Second Readings and Passed to be Engrossed without Reference to Committee in concurrence.

Senate Papers

Mr. Berry of Cumberland presented the following Joint Resolution and moved its adoption:

STATE OF MAINE

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

IN MEMORIAM

Having Learned of the Death of Maurice F. Williams of Augusta, Former State Commissioner of the Department of Finance and Administration and an Administrative Assistant to Five Maine Governors

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. 830)

Which was Read.

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

Mr. BERRY: Mr. President and Members of the Senate: Maury Williams' life was certainly one which exemplified a long period of devotion and application of a remarkable man in his services to the state. I knew Maury as a friend and as a public official for many, many years. I early grew to admire his ability to cut through the red tape and the mystery which surrounds

many problems that were before his department.

Maury served with distinction and effectiveness for a long time under both Republican and Democratic leadership in the state. I think that I recall Maury's record of accomplishments, and they were many, in the light that he bridged the era from old fashioned administration by the book and by old methods to the present system of the age of the computer and the application of modern business methods in state government. To those of us who observed the state scene for many years, this is an extremely difficult thing to do, and rare indeed are the individuals who have the ability to do it. We will look back on our association with Maury as one of the many, many blessings that we have in state government, and I am sure Maury's pride above all was his outstanding service to the state.

The PRESIDENT: Is it now the pleasure of the Senate that this joint resolution be passed?

The motion prevailed.

Sent down for concurrence.

Order

On motion by Mr. Reeves of Kennebec,
STATE OF MAINE

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Ed Legg, Headmaster, Sumner Hawley, Dean of Faculty and the Students and Faculty of the Hyde School Whose Performance of "America's Spirit", an Original Bicentennial Production has Won the Acclaim of This State and of Our Nation

We the Members of the Senate and House of Representatives 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. (S. P. 831)

Which was Read and Passed.
Sent down for concurrence.

The President laid before the Senate the following tabled matter:

Bill, "An Act to Provide for the Position of Associate Administrative Court Judge and to Revise the Administrative Court Law." (S. P. 783) (L. D. 2338)

Tabled — June 14, 1976 by Senator Speers of Kennebec

Pending — Consideration

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 Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President, this is a bill which provides for an additional administrative judge, effective July 1, '77. As you know, the Administrative Court handles all licensing matters in administrative law and all liquor license violations. It also handles numerous other areas, including appeals from decisions made in tax relief for the elderly.

The Administrative Court takes a tremendous load away from the district and superior courts in the state, and it is a court which has had an increasing burdensome case load. The Administrative Court for the entire state right now operates with one administrative judge and a secretary to cover the entire state. This is a

court that has well over 400 cases a year before it, many of which are serious in nature and many of which require hearings. It is my understanding that in 1974 alone there were sixty full-fledged hearings pertaining to liquor, and in 1975 there were eighty-three full-fledged hearings on liquor violations, and the figure grows with each year.

The result of this is that we have experienced delays in the rendering of administrative decisions, and the other result which the state is running the risk of with one judge covering the entire state is poor decisions, because when a court is overloaded the result is delays and poor decisions.

I think that most of the license holders in Maine are affected by this Administrative Court are small businesses, and I think it is imperative and in their interest that they receive on an alleged violation a prompt and a fair and a full hearing.

The veto was based on the funding on the fact that this legislature is putting over to the next legislature the funding of the second administrative judge. There is no question, I think that no one really disagrees as to the need of the second administrative judge. Well, the Judiciary Committee in hearing the bill rewrote the administrative law so that the judge will be encouraged to use the power of the fine more than has been used in the past, so that the judge will now have the power of the fine as well as the power of suspension, and I think you will find that with increased use of the power of the fine, as well as the power of suspension, that this will be, if not completely, certainly very close to being self-funded.

It seems to me that this is almost a disgrace to have the State of Maine, the Administrative Court which is growing by leaps and bounds, the cases coming before it, be covered by only one judge. I don't think two is enough really, but it certainly is a step in the right direction, and I would hope that we could vote to override the veto of this bill. Thank you, Mr. President.

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

Mr. CURTIS: Mr. President and Members of the Senate: This bill evolved from a joint study order which was assigned to the State Government Committee, and because of that I would like to commend the Judiciary Committee which spent a great deal of time considering our recommendation and rewriting our draft legislation and improving it substantially.

The one thing that I would like to add to that very fine description which was given to the bill as it stands before us by the good Senator from Androscoggin, Senator Clifford, is that there are some other clarifications and improvements in the existing statutes which are provided in the new law. These things are necessary and desirable. One, for example, provides that the Administrative Court judge would be able to immediately suspend a license if he felt that a situation were an emergency, and in particular if a professional was practicing in a dangerous manner, misusing his license, or there was a situation in which the health and safety of an individual or the public at large might be affected. That power does not now exist in the Administrative Court, and the new law in its Section 2407 provides for that power. I think it is an important one.

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. 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.; Berry, R.; Cianchette, Clifford, Collins, Conley, Corson, Cummings, Curtis, Cyr, Danton, Graffam,

Graham, Greeley, Hichens, Huber, Jackson, Johnston, Katz, Marcotte, McNally, Merrill, O'Leary, Pray, Reeves, Roberts, Speers, Thomas, Trotzky, Wyman.

NAYS: Senators Carbonneau, Gahagan.

A roll call was had. 30 Senators having voted in the affirmative, and two Senators having voted in the negative, and 30 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 sent down for concurrence.

The President laid before the Senate the following tabled matter:

Bill, "An Act Relating to Definition of Retail Sale under Sales and Use Tax Laws." (S. P. 669) (L. D. 2128)

Tabled — June 14, 1976 by Senator Speers of Kennebec

Pending — Consideration

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 Knox, Senator Collins.

Mr. COLLINS: Mr. President, because of the economic importance of the only cement manufacturing firm in New England, I feel compelled to respond to the Governor's veto message concerning this bill.

The Governor states that this bill would result in an estimated loss of revenue of \$225,000 annually to the state. At this late date in the session, the amount in the next fiscal year would probably be about \$185,000, but in a good year it could be as high as he says. But the fact is that we have a real danger of losing this important part of Maine's economy, and if we should lose it, the loss in tax revenues not only to the State of Maine but to towns and cities in Maine would be much greater than \$225,000. If this plant closes, 12 million dollars per year of cash expenditures will cease, and that will cause a greater tax loss than the \$225,000 tax loss that this new definition of the sales tax provides.

The Governor says it is unfair to other firms, and individuals in the state because it helps a single firm. At this moment in time it does help largely a single firm, although there are possibilities of helping others in a very, very small way, but every time that we pass a tax or amend a definition or create an exemption we hurt someone and we help someone. It is part of the function of government to help those elements of our population, our economy, our society, that need help. Here is an industry that has stood on its own feet for more than fifty years and made major contributions to the Maine economy, and now for the first time it is in serious trouble. And why is it in trouble? It is in trouble because of the unusual combination of circumstances created by the quadrupling of the price of fuel oil and the fact that a foreign government, the Canadian Government, has seen fit to subsidize the oil that is burned in the plants just across the Canadian border, which are thereby permitted to bring cement into the State of Maine and to sell it at figures less than this company in Maine can afford to sell it. Now, that situation may not exist forever, but it does exist now. Two years ago there was a loss of 4 million dollars, and last year a loss of 2 million dollars by this plant. They are making every effort to control their costs and to become not only competitive but at least to break even. This is a step in that direction.

Now, this company is of course a large company. It has eleven plants in nine states all over the country, and the State of Maine is the only state that puts a sales tax on the fuel oil burned in the manufacturing process. This is the only plant that is losing money. And when the decisions are made in the corporate board room, I fear very much that this plant is one that would be closed down if these losses continue. But if

the State of Maine displays an affirmative attitude in its government, if the government of Maine says yes we want you, we are trying to help you be competitive in a situation that is beyond your own control, then that company will think again and I think that we will have a good chance of keeping this important 12 million dollar cash flow in the State of Maine. I urge you to vote yes on the pending question.

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

Mr. REEVES: Mr. President, I will make this brief. I think most of the people in the Senate know my position on this bill, but I would like to relate one incident that happened in the past month. Strictly by coincidence, I found myself cross-examining the president of the Martin Marietta Company in the rate hearings of the Central Maine Power Company. At that time the company was being ably represented by an associate of Senator Collins, Mr. Crandall, and they were looking for some kind of concession in their rates for electricity. And I might mention that at that time they did not mention the Senate's generosity in passing this bill during the last special session, so I brought this to their attention, and I asked the president of the company directly whether this was going to be the end of it, whether this tax break that they got from the legislature and the special concessions they were looking for in the rate case would keep the company in Maine. His answer was that this tax break, this \$200,000, which he thought was \$180,000, was just a pittance. And that is a quote from the president of the Martin Marietta Company.

Now, I would like to go on record as saying that I think this is a terrific company and they make a great product and do a great job and I have no quarrel with the company in their operations in the State of Maine, and I would like to do all I can to help keep them in the State of Maine and to make their operation a profitable one, but I don't think this is the way. I don't think this would help them. I think that the comment by the president of the company that this tax break was a pittance is probably the best characterization of this gesture that we are considering here today, and I think it is an expensive gesture for us. If on the other hand we are charging them a tax on an item which is used in manufacturing which we shouldn't do, then I think they should take this to the courts and I think the court would rectify this situation immediately. But I don't think this tax break is the way. I don't think lower electricity rates is the way. I think it is a much bigger problem. And I think if we override this veto today, this bill that really was spawned by the Sobin Chemical bill, that we are going to have more Sobins, and every session we will have a lot of these tax breaks on the rolls. I think it is wrong, so I hope the Senate will vote to override this veto today. Thank you.

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

Mr. McNALLY: Mr. President, I don't know as the Senators know the correct definition of cement, but it is a mixture of argillaceous and calcareous materials heated to incipient fusion, ground very fine, with gypsum added so it don't set too quickly. And how do I know it? Well, I was in college at the time when we had a very fine professor whose last name was Sprague, and we always called him Grumpy Sprague, and we soon learned that if we knew what cement was that we would get a little better rank in our prelims.

Now, this is a case whereby you have a lot of unemployment, you have very high prices on material, and if this company is put out of commission by not some small modicum of subsidization, you not only are going to hurt the State of Maine roads and bridges that have to be built but you are going to hurt the pulp mills that are being built, by the extra money that

they are going to have to pay for cement and to get it here, and you are going to hurt the little fellow that is building himself a home in that he can get the material readily. I hope that for once you will see that this is a case that is probably even more worthy than the Sobin case was, and I most certainly am going to vote to override the Governor's veto.

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

Mr. KATZ: Mr. President and Members of the Senate: The problem is that we are attempting to improve the economic competitive basis of an industry in the State of Maine, an important industry, one that we want to retain here, one that we want to see prosper. But take a look at the door that you are opening up that the Senator from Kennebec, Senator Reeves, indicated a moment ago.

I have a feeling that the future economic wellbeing of the State of Maine is probably a combination of the wellbeing of Maine agriculture, Maine woodcutting, and the resources of the ocean that lie off our coast. The biggest supporter of American agriculture, barring of course the excellent potatoes that come from that northern county, is the poultry industry. The poultry industry is in a non-competitive situation. The poultry industry in Maine may turn out to be not long for this world. The grain that we haul in from the midwest is brought in under the most expensive possible conditions. We are running into enormous competition from the Del-Mar-Va area, where the broiler industry in that part of the country is moving into the New York and Boston market with some success. And what is going to be our attitude when the Maine Senate is called upon to rescue the poultry industry in the State of Maine, where we really put the pickle to them on taxes. We tax them on their broilers where they are, the young birds while they are being raised, we tax them increasingly on workmen's compensation, on property tax at the poultry plant, and the tax burden on Maine agriculture is quite heavy. And it is very, very comparable. The only difference between the bill here today and the bill that might be brought in in two years or four years to rescue the poultry industry is the question as to whether or not fuel oil is incorporated into the manufacturing process. I think that is a tenuous argument.

The real interest of this Senate is whether or not the Senate can and should, at a cost of \$225,000 a year, attempt to put a little feather on the scale to rescue an industry that is important to us and is important to the economy of this state. Well, I wish it were within the power of the Maine legislature to rescue industries, but I have a feeling that it is the marketplace that is going to rescue industries. And we should not do anything to hurt industry. We should attempt to improve the climate for business in the state, but I don't know how much Sobin Chemical cost us — I voted against that, and I lie in bed some nights and hope that the Senate over my objections rescued an industry that might have moved out. I voted against this bill in the special session, and I would have a very sleepless night if I felt that my vote was going to create the loss of jobs. But again and again the legislature is going to be brought in with band-aids on a one by one basis to attempt to stabilize jobs in the State of Maine.

I think the tax laws of the state are a shambles. They have been accumulated over so darn many years. What are you going to do next year when I bring in a bill — and I wouldn't be adverse to bringing a bill — that says that the electroplating process in the State of Maine, which uses a significant amount of electricity, should be tax exempt. How many of you know anything about the electroplating process? Well, you take a hunk of pure silver over here and you put some electrical terminals, and you

put the item, the teapot or something that is going to be electroplated with pure silver, into a tub and you cause current to flow, and the pure silver flows over the copper base and you have got a beautiful teapot that I can sell very profitably in my shop. What are you going to do about that? What are you going to do about all the repeated requests that you get to help businesses and make them more competitive by action of the legislature? I have a feeling that this bill is not the proper approach.

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

Mr. COLLINS: Mr. President, I submit to the Senate that there is a valid distinction in the technology involved in the manufacture of cement as compared to the pure health problems that the Senator from Kennebec, Senator Katz, is discussing with respect to poultry and jewelry. We have to look at things on the basis of what is the need, what are the probabilities. We can't solve all the problems of the State of Maine in one whack. And the problems come up from time to time according to their urgency, according to the economic conditions that bring them forward to us.

I don't know what my judgments would be in the poultry industry because I haven't heard the evidence. But you have heard the evidence in this Senate. The committee heard the evidence. It has been thoroughly debated in the House and Senate, and we have to make a judgment according to our best lights. You make the comparison, there has been talk about a plastics industry. Plastics have as the basic raw material the same oil that we are talking about here. If you apply heat and you make a plastic, that oil that is transformed in the process into plastic bears no sales tax. But in this unique process of cement manufacture, heat is applied at a very high temperature, and in the process of combustion a part of that fuel oil, namely, the sulfur and some of the illuminates and the ash become a part of the finished product of cement, not all of the fuel but an important part of it. This, it seems to me, is the distinction. And it is a distinction that causes us to consider this a fair change in the definitional process.

The Senator from Kennebec, Senator Reeves, has referred to some hearings in the power rate case in which he is an intervenor. I have a transcript from that hearing in my hand. It is quite clear that this particular "tax break" does not solve the whole problem, but it is an important part of solving it, and I want to quote a line from that cement company president's response at a later point in the hearing, when he was asked whether the 181,000, as they described it there, would tip the scale back to profitability of the plant. The president answered: "No, that is not the purpose. It is one of the elements, cost, that we experience in Maine that we do not experience elsewhere, being a process type fuel, and we are trying to get relief from that. It is one of the many little things that are being done by our management to try to turn the plant around. That is all it amounts to. We need this help. It isn't tremendous but it is important to keep this business entity."

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

Mr. REEVES: I feel I have to set the record straight, Mr. President. I think I said the wrong thing when I finished my statement before. I have looked all session for a chance to stand shoulder to shoulder with the Governor, and I think this is it. I am going to vote to sustain his veto.

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

Mr. BERRY: Mr. President and Members of the Senate: I think some of us come back here today with feelings slightly mixed, thinking and hoping perhaps that in the event of the recent past that some of our members have

received messages, particularly from the electorate. Quite obviously, unfortunately, in this particular instance my associate, Senator Reeves, has not received the message.

We could replay the debate on this bill, and I think that, as I recall it, the argument in many of the instances that we had before us were jobs for people in the State of Maine, and I think genuine concern for jobs in the State of Maine certainly was one of the things we took into account in many of our votes.

This particular bill runs against the grain of many of us in the Senate. I think back over exemptions to the sales tax, and I know that many of us made the decisions for or against the exemptions with grave misgivings. Historically, many of us were solidly opposed to any exemptions on the thought that it would be the beginning of serious erosion in our sales tax law. That certainly was my point, I know, and many of my associates in this body. However, times have changed and, hopefully, we are changing with them. And as I look back on the exemptions we have made to the sales tax law, I think we can truthfully admit that we made no serious error to date.

We make much of exemptions to the sales tax saying that the particular industry is going to maintain jobs or bring jobs into the state, and these are valid arguments. In this particular instance we have a far more important argument which Senator McNally very briefly alluded to, and that is the impact of this industry on the entire state. The cement industry is an industry whose product depends a great deal on transportation. In other words, the cost of cement to the consumer is greatly influenced by the cost of transportation. And as in so many things in the State of Maine, we are at the end of the line here, so I think the survival of the cement industry in the State of Maine is an extremely important thing for each of us in his mind today to consider. If for any reason the cement industry in Thomaston stops — and as Senator Collins has said, it has stopped in the past for lack of business — if for any reason the cement industry stops in the State of Maine, it will never come back again. And this will probably be the final blow for what was a very large and extremely significant employing industry for probably 200 years in Maine's history. But what will this mean, other than employment? It means that the cement of everybody in the state, including the state itself, will come from two sources: it will come from Canada, from New Brunswick, or it will come from down in southern New York and Pennsylvania. Now, with freight being an extremely large component of the sales price of cement, it doesn't take much perspicacity to imagine what is going to happen to the cost of cement to you and to me and to the state. We will be totally at the mercy of out-of-state producers, and it is an assured bet that the price of cement is going to skyrocket, and this is going to affect everybody.

The Canadian cement producers are to a significant and effective extent underwritten by the Canadian Government's taxing policies, in particular as regards fuel oil. I think that we can't put our head in the sand any more and say that we are not going to make exemptions to the sales tax proposal and stop our thinking right there. We have got to take each one individually, analyze it carefully and look at its effect, and adopt our thinking to changing ways. If we follow this, which I hope we would do, we would say that this particular situation warrants exemption from the sales tax, and let the next proposal stand on its own merits.

Now, as Senator Collins pointed out in further explaining the word "pittance", and as Governor Longley has said many times since his assumption of office, it is the atmosphere of doing business in the State of Maine that carried a great deal of weight with the maintaining of existing businesses in the state and the decision on

the part of new businesses to move into the state. Certainly the \$181,000 isn't going to be the overall factor, but in the famous board rooms when the decisions are going to be made, if the State of Maine is willing to cooperate insofar as it can with industry, then industry certainly is going to cooperate and stay in the state.

I think this is a situation which very definitely warrants exemption from the sales tax law. It is not only increasing employment, maintain employment, but it is going to keep construction costs down some place under control and not put us totally at the mercy of out-of-state interests.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE: Mr. President, I support much of what the Senator from Cumberland, Senator Berry, has said about this, and I do think that it is a small price to pay to show business not only in Maine but out of the State of Maine that the Maine Legislature does support and will support a business in trouble in the state. And I hope that the Senator from Cumberland, Senator Berry, can afford the sales tax on the salt that he so effectively rubbed in the wound of the Senator from Kennebec, Senator Reeves.

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

Mr. WYMAN: Mr. President and Members of the Senate: I think maybe I am repeating myself from the previous regular session, but I think we are losing sight of the fact that we are isolated and that Canada is doing so much to take business and help the business people. Now, a short time ago Georgia Pacific built a plywood plant just across the river in McAdam, New Brunswick. The Canadian Government gave them \$1,000 for each new job they created, and they gave them 10 per cent of the cost of the mill. This was an outright gift. Then at the time that the mill was ready to go into operation, or nearly ready, they had a dinner and a big celebration to celebrate the fact that they had this new mill.

More recently a dye casting plant has come across the State of Maine and settled in New Brunswick over in St. Stephens, and I think the Canadian Government has given them 20 per cent of the cost of the mill. Now, that is what the Canadian people are doing to get business. And when a business comes here, the first question is how much are we going to get out of them.

Now, I do business up in Quebec and I operate a freezing plant up there, and I can operate it, lease it, for virtually nothing, and it would cost as much money as I could borrow to build. They just want to make jobs. Jobs furnish people with money to pay taxes and keep them off relief, and I think we most certainly ought to go along with this help to this cement industry. It may be a pittance, but sometimes it is the straw that breaks the camel's back. And I think in the long run Maine has got to take more of an attitude toward helping business make jobs so the workingman can pay taxes than the attitude we are taking which is exactly in reverse.

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

Mr. MERRILL: Mr. President and Members of the Senate: I don't rise exactly to put my views into this debate. I think that they are well known. I voted for the bill and I intend to vote to override, and I hope the Senate will do the same. I would merely like to correct what I believe is a misstatement of the record in regards to the Sobin bill. We added in the case of the Sobin bill the following language: "but shall not include electricity separately metered and consumed in any electrolytic process for the manufacture of tangible personal property for later sale." It was my understanding at the time, and it remains my understanding, that that does include the silver plating of teapots, and I think I want to put that

in the record so that if anybody in the state is doing that activity it will be in the legislative record that it was the intent of the legislature to provide that exemption, and that it will not be necessary for the good Senator from Kennebec, who we look forward to his return, to put that bill in at the next session of the legislature.

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

Mr. CONLEY: Mr. President and Members of the Senate: Over the weekend I noticed in the local newspapers the Governor's statement relative to the eight items that were coming before the legislature today, and the chief executive spelled out that actually the bills that he vetoed were bills that primarily represented special interest groups and didn't really serve the general welfare of the people of this state as a whole. Now, on this particular document, I submit that perhaps it doesn't take effect to the general populace, but I think we as members of this body are well aware of the fact of the economic conditions and the problems that we have been faced with relative to the high rate of unemployment, particularly over the last few years.

I, as one Senator, have been very vociferous in expressing my viewpoints relative to particularly social service programs that this body and the other body have continued to fund through the past sessions and have continued to do so during this session, and I look upon this one veto that if it is overridden that there is perhaps a slight possibility that we may continue to maintain employment at its current level in the area of Rockland. Personally, I see where it would not benefit me as one member of the Senate, nor perhaps would it affect the populace of my community. I do look at it though in a very strong way as being a rebate or a relief to an industry that is teetering. And if it is only a pittance, if that is what it is, then there is just a ray of hope that it might possibly give that type of relief that is going to continue the employment at its rate in that particular plant in Rockland, and I think it is all for the good. So I would hope the Senate would vote to override this veto message.

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.; Berry, R.; Cianchette, Clifford, Collins, Conley, Corson, Cummings, Curtis, Cyr, Danton, Gahagan, Graffam, Greeley, Hichens, Huber, Jackson, Johnston, Marcotte, McNally, Merrill, O'Leary, Pray, Roberts, Speers, Thomas, Trotzky, Wyman.

NAYS: Senators Carbonneau, Graham, Katz, Reeves.

A roll call was had. 28 Senators having voted in the affirmative, and four Senators having voted in the negative, 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. Sent down for concurrence.

The President laid before the Senate the following tabled matter:

Bill, "An Act Relating to a Cost-of-Living Adjustment for State Retirees" (S. P. 618) (L. D. 1950)

Tabled — June 14, 1976 by Senator Speers of Kennebec

Pending — Consideration

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 Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate: I have to respectfully disagree with our chief executive's reason for the veto of L.D. 1950 and request that this veto message be overridden.

Among his reasons for this veto, our chief executive points out that many private firms and other states do not provide for retirement benefit increases every time wage increases are granted. This may be true. Our own state does, however, provide for such increases. And we provide for such increases because a portion of each wage increase is funneled into the retirement fund.

Over the past several years most Maine teachers have been paying into the retirement fund at an increased rate because they have received wage increases. And thousands of state employees have also been paying into the fund at an increased rate because they have received merit increases. But the retirees have not received an additional dime with which to meet the increased costs of living.

For this reason I introduced this legislation, which has been correctly altered to insure that it is based upon the amount of the employee pay increase which we expect to sign into law within the next several days. Every retirement system must operate according to two principles: equity and actuarial soundness. This bill is a matter of equity and does not violate actuarial soundness.

It provides benefits to teachers who have been paying into the fund according to their recent salary increases. We are saying to the retired teachers "You have been paying into the fund at a higher rate in recent years, and when the state employees take home their increased paychecks with their bonuses, we are going to finally provide you with the cost of living increases which the fund has earned for you."

The chief executive raises the specter of violating the actuarial soundness of the fund, but these questions are raised in a vague manner. If the payment of these \$840,000 dollars violated the fund's actual integrity, I am sure that our governor, who in his former business certainly was familiar with actuarial studies, would clearly point this out to us. But to say that we are establishing a bad precedent is a judgment call, not a financial fact. One could just as easily suggest that we established a bad precedent in allowing teachers to pay in at a higher rate over the past several years without increasing the retirement benefits.

To suggest that we might need the one million dollars at a later date and that pension funds in other states are in jeopardy does not deal with specific actuarial questions. Of course we might need the one million dollars at a later date, and we might need 10 million or 20 million dollars at a date further on down the road. Under this line of reasoning we should cancel all benefit increases, even those scheduled after November 1. After all, look what happened in New York City. But this is not New York, and unless it can be specifically shown to me that this bill places the retirement fund in jeopardy, I believe this veto should be overridden as a matter of equity.

To say that we need not grant this cost of living increase in July because our retired teachers receive higher retirement benefits than other retired citizens is an insult to our teachers. They have earned these benefits because they have paid for them. The question is not one of whether the state should do more for its citizens. Our state's tax funds are not involved.

The only question before us is that of integrity. And I believe that the integrity of the fund will not suffer if this veto is overridden, and the integrity of our teachers and other state

employees' faith in the retirement system will be enhanced.

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

Mr. COLLINS: Mr. President and Members of the Senate: I am happy to concur with the views of the Senator from Cumberland, Senator Conley, on this question. I will vote yes.

In the Governor's letter and summary of June 4 appeared the statement that this measure was "not fiscally or actuarially sound," and a further statement that the "provisions of this bill" would be included in the new appropriations bill which is before us today.

The new appropriations bill differs from L. D. 1950 in two respects.

(1) The amount of increase in the new appropriations bill is 6.4 per cent, rather than 6 per cent.

(2) The effective date is November rather than July.

According to the Governor's veto message the November timing is "fairer" and "more actuarially sound."

You will recall that L. D. 1950 has a built-in adjustment provision, so that if it becomes law, and if the new appropriation bill also becomes law, the November increase in State employee compensation, defined as a 6.4 percent increase, will cause a retirement benefit increase in November of only four tenths of one percent because a six percent increase will already have taken effect as of July.

If L. D. 1950 becomes law today, it is not effective until either September 12th or July 29th, depending on which attorney general's opinion you accept, but it is my understanding that the benefits will be paid retroactively, from July, 1976, onward.

The issues here are not black and white. I know that the Governor gave this particular bill the most careful and complete study and that he talked with the professionals within the system as well as other advisors.

He was also most considerate in discussing the bill with the Senator from Knox as the Chairman of the Committee which had responsibility for this legislation. Reasonable people can differ in their judgments about these issues.

On the issue of "fairness," I agree with the Governor that the retirees are deserving and in need of a cost-of-living adjustment. The general principle that the retiree benefits increase when the active employee compensation increases also has elements of fairness. But when you paste the label of "BONUS" on the actives as of July, where is the "fairness" for the retirees who see no increase until November?

The Governor's second issue is "soundness." In yesterday's Sunday Telegram you may have seen a letter from the senior Trustee of the Maine State Retirement System, from which I quote:

"The Fund itself has a built-in actuarial figure of 2 percent per year of retirement allowances to provide for cost of living increases. As long as this amount is not exceeded, pension increases should be granted."

The last increase was in April, 1974.

I have studied again and again the analysis and explanation provided by Robert J. Towne, Actuary, under dates of February 5, February 16 and June 3, 1976. I do not pretend to be an expert in actuarial science. Perhaps there is support for the Governor's position in Mr. Towne's explanations. But in support of the position of the senior trustee, which I just quoted, I now quote from Actuary Towne's memorandum of February 16 as follows:

"The contributions of employees and the state are accumulated, with interest income thereon, as in a savings account and, in effect, the accumulation is distributed in the form of the regular formula benefits and the periodic additional retirement allowance adjustment. Approximately 18 percent of the contribution re-

quirements are for the purpose of funding future retirement allowance adjustments.

"As also noted above, the provision for the cost of periodic retirement allowance adjustments is provided by the accumulation of increased contributions over the years on a funded basis. Therefore, the cost of the increase in benefits that results from state salary increases at any particular time, and which continue during the lifetime of the then retirees, is not provided, as such, by the additional contribution resulting from the increased state salaries but is provided along with the cost of other future increases by the amount included in total contributions over the years for such costs for the benefits of all employees, state, teachers, and districts." This is the end of the quotation from the actuary.

I doubt if all this means — as the Governor fears — that we would be called upon at a later date to replace "almost \$1 million."

If, however, the actual experience of the retirement fund in the year ahead, because of L. D. 1950, results in a request for an additional half million in the next biennium, then I shall expect to vote for such funding.

Having carefully considered the issues of "fairness" and "soundness" which the Governor has quite properly raised, I continue to feel justified in voting in favor of L. D. 1950.

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.; Berry, R.; Cianchette, Clifford, Collins, Conley, Corson, Cummings, Curtis, Cyr, Danton, Gahagan, Graffam, Graham, Greeley, Hichens, Huber, Jackson, Johnston, Katz, Marcotte, McNally, Merrill, O'Leary, Pray, Reeves, Roberts, Speers, Thomas, Trotzky, Wyman.

NAYS: Senator Carbonneau.

Senator Carbonneau of Androscoggin was granted leave to change his vote from "Yea" to "Nay".

A roll call was had. 32 Senators having voted in the affirmative, and no Senators having voted in the negative, and 32 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.

Sent down for concurrence.

There being no objection, all matters acted upon in today's session requiring concurrence were sent down forthwith.

Papers from the House

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

Joint Orders

STATE OF MAINE

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Pittston Grange Number 214 Celebrating its 100th Anniversary in 1976

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. 2385)

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

STATE OF MAINE

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

WHEREAS, The Legislaure has learned of the Outstanding Achievement and Exceptional Accomplishment of Chelsea Grange Number 215 Celebrating Its 100th Anniversary in 1976

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. 2386)

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

STATE OF MAINE

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Victor A. Woodbrey and Leroy W. Rand Coaches of the 1976 Cape Elizabeth High School Baseball Team Who Have Instilled into Their Team Members Character, Citizenship, Fair Play and Sportsmanship

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. 2387)

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

STATE OF MAINE

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Orono High School Girls Track Team Class C State Track Championship for 1976

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. 2389)

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

STATE OF MAINE

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Orono High School Track Team Class C State Track Championship for 1976

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. 2390)

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

STATE OF MAINE

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Samantha Reynolds of Girl Scout Troop 175 of Pownal, Maine who has Achieved the Honor of First Class Rank the Highest Award in Cadette Girl Scouting

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. 2391)

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

STATE OF MAINE

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Jeanet Weir of Girl Scout Troop 175 of Pownal, Maine who has Achieved the Honor of First Class Rank the Highest Award in Cadette Girl Scouting

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. 2392)

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

STATE OF MAINE

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Dolly Henton of Girl Scout Troop 801 of Freeport who has Achieved the Honor of First Class Rank the Highest Award in Cadette Girl Scouting

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. 2393)

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

STATE OF MAINE

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Barbara Krause of Freeport High School Recipient of the 1976 Scholar Athlete Award of the Maine Sports Hall of Fame

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. 2394)

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

STATE OF MAINE

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of James O. Doane of Cheverus High School Recipient of the 1976 Scholar Athlete Award of the Maine Sports Hall of Fame

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. 2395)

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

STATE OF MAINE

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Vicky Cray of Girl Scout Troop 801 of Freeport who has Achieved the Honor of First Class Rank The Highest Award in Cadette Girl Scouting

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. 2396)

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

STATE OF MAINE

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Sueellen LaPierre of Girl Scout Troop 801 of Freeport who has Achieved the Honor of First Class Rank the Highest Award in Cadette Girl Scouting

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. 2397)

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

STATE OF MAINE

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Kathleen Holbrook of Girl Scout Troop 801 of Freeport who has Achieved the Honor of First Class Rank the Highest Award in Cadette Girl Scouting

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. 2398)

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

On motion by Mrs. Cummings of Penobscot, recessed until 2:30 o'clock this afternoon.

After Recess

Called to order by the President.

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

Senate papers

Mr. Katz of Kennebec presents, Bill, "An Act Pertaining to Private School Tuition." (S. P. 835)

The Committee on Reference of Bills suggests that this Bill be referred to the Committee on Education and Ordered Printed.

Under suspension of the rules, the Bill was given its First Reading without Reference to Committee.

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

Mr. KATZ: Mr. President and Members of the Senate: At the moment in the State of Maine if a family in York County wishes to send a student to Kents Hill School in Readfield, he has a free choice to do so. And although he has public education available to him in York County, if he chooses to pay the higher tuition at Kents Hill, he may do so. This is free choice. Inadvertently, a sentence in the errors and inconsistencies bill at the special session cast a cloud upon the right of the parent to take this choice and the prerogative of the local schools to collect the higher tuition in those cases where the parent had a free choice. You will get an opportunity to see this bill prior to enactment, but it is one sentence long.

The PRESIDENT: Is it now the pleasure of the Senate that the rules be suspended in order to give this bill its second reading by title only at this time?

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate: I just rise to get a little bit better understanding of exactly what the status of the law was before some action was taken, and what action that was that raises this ambiguity. I am sorry about the confusion, but is it the explanation of the Senator from Kennebec, Senator Katz, that the school systems, if they so wish, can send students to private schools if they collect the difference, and there has been some question raised about this ability? Could my confusion be cleared up possibly with further explanation by the Senator from Kennebec?

The PRESIDENT: The Senator from Cumberland, Senator Merrill, has posed a ques-

tion through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Kennebec, Senator Thomas.

Mr. THOMAS: Mr. President and Members of the Senate: As I understand it, the line that Senator Katz is referring to, here is an example of it: The Oak Grove-Coburn School in Vassalboro, of which I am a trustee, takes students from Vassalboro, China, and Palermo, where there are no public high schools. This line prevents the school from collecting the difference in tuition between what the state pays to the school and what the parent pays, which in the case of Oak Grove-Coburn could be 700 and some odd dollars. I think the state pays a little under 1100, and the tuition there is \$1800. This is where there is no public high school involved in the community, and inadvertently somebody slipped this line in. It affects Gould, Hebron, Kents Hill, and Oak Grove-Coburn, that I know of.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, under suspension of the rules, the Bill was given its Second Reading and Passed to be Engrossed.

Under further suspension of the rules, sent down forthwith for concurrence.

Papers from the House

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

Communications

June 14, 1976

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

House Paper 1805, Legislative Document 1964 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?'

Eighty voted in favor and sixty-two against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Respectfully,

Signed:

EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

State of Maine
Office of the Governor
Augusta, Maine
04333

June 11, 1976

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

I am returning H. P. 2346, L. D. 2352, "An Act Appropriating Funds to the Litchfield, Sabattus and Wales Community School District".

I disapprove of this bill because it provides supplementary funding to a community school district in addition to that funding provided under the School Finance Act of 1976 and is contrary to the intent of a comprehensive school finance law.

This bill, passed in the final minutes of the Special Session, was never referred to a committee for study and a public hearing. In addition, there are unanswered questions concerning this loss:

- (1) Is the lack of insurance the fault of a school district or a town versus all other cities and towns which have proper coverage or which have assumed the responsibility in the past?
- (2) Is it the fault of a contractor?

(3) Is it fair to require all the people of Maine to pay for such a loss?

In any event these questions and others should be addressed at a public hearing and subjected to committee review before this supplemental appropriation is granted.

For these reasons, I am asking you to sustain my veto.

(Note: Subsequent to the preparation of this veto message members of the board of this school district advised members of my staff that, despite the fact a fire at the school is referred to in the statement of fact, it has nothing to do with this appropriations request. This confusion is all the more reason a public hearing is needed.)

Very truly yours,
(Signed) JAMES B. LONGLEY
Governor
(H. P. 2409)

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

Which was Read and Ordered Placed on File in concurrence.

The accompanying Bill comes from the House with the following endorsement:

H. P. 2346 — L. D. 2352 — An Act Appropriating Funds to the Litchfield, Sabattus and Wales Community School District.

In the House, June 14, 1976, 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?'

101 voted in favor and 36 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.

(Signed) EDWIN H. PERT
Clerk of the House

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.

ROLL CALL

YEAS — Senators Berry, E.; Berry, R.; Carboneau, Clifford, Collins, Conley, Corson, Cummings, Curtis, Danton, Gahagan, Graffam, Graham, Greeley, Hichens, Huber, Jackson, Johnston, Katz, Marcotte, McNally, Merrill, Pray, Reeves, Roberts, Speers, Thomas, Trotzky, Wyman.

NAYS — Senators Cyr, O'Leary.

ABSENT — Senator Cianchette.

Senator O'Leary of Oxford was granted leave to change his vote from "Nay" to "Yea".

A roll call was had. 30 Senators having voted in the negative, with 30 being more than two-thirds of the membership present, it was the vote of the Senate that this bill become a law notwithstanding the objections of the Governor, and was by the Secretary presented to the Secretary of State.

State of Maine
Office of the Governor
Augusta, Maine
04333

June 11, 1976

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

I am returning without my signature and approval H. P. 2269 - L. D. 2336, "RESOLVE, to Require the Department of Human Services to Reopen the Itinerant Office in Belfast".

I am vetoing this bill because it is patently inconsistent with the joint legislative order

relative to low priority programs, which was presented to me by this Legislature and which was endorsed by me, as Governor. Indirectly, this joint effort is also endorsing elimination of unnecessary administrative costs such as this decision pertaining to one office. Otherwise, any person could argue for an office in any city, town or community in Maine.

The decision to close the Belfast Office was reached after extensive study and evaluation on the part of the Department of Human Services. I have been assured by the Department of Human Services that, services to clients in the Belfast area have not been cut back or reduced and constant monitoring has shown that these residents are being served better by a more manageable and effective program.

I respectfully request that you sustain this veto and continue to support the efforts for cost-effective and more responsive government to the people of Maine.

Very truly yours,
JAMES B. LONGLEY
Governor
(H. P. 2410)

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

Which was Read and Ordered Placed on File in concurrence.

The accompanying RESOLVE — H. P. 2269 - L. D. 2336 — comes from the House with the following endorsement:

In the House, June 14, 1976, this Resolve, 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?'

94 voted in favor and 46 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.

Signed:

EDWIN H. PERT
Clerk of the House

The PRESIDENT: The pending question before the Senate is shall this bill, Resolve, House Paper 2269, L. D. 2336, become a law notwithstanding the objections of the Governor, Resolve, to Require the Department of Human Services to Reopen the Itinerant Office in Belfast. 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 E. Berry; Clifford, Collins, Conley, Corson, Cummings, Curtis, Danton, Gahagan, Graffam, Graham, Greeley, Hichens, Johnston, McNally, Merrill, Reeves, Roberts, Speers, Thomas, Wyman, Sewall.

NAYS: Senators R. Berry; Carboneau, Cyr, Danton, Huber, Jackson, Katz, Marcotte, O'Leary, Pray, Trotzky.

ABSENT: Senator Cianchette.

Senator O'Leary of Oxford was granted leave to change his vote from "Nay" to "Yea".

A roll call was had. 22 Senators having voted in the affirmative, and 10 Senators having voted in the negative, and 22 being two-thirds of the membership present, it was the vote of the Senate that this bill become a law notwithstanding the objections of the Governor, and was by the Secretary presented to the Secretary of State.

June 14, 1976

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

Augusta, Maine
Dear Mr. Secretary:

House Paper 2278, Legislative Document 2339 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-five voted in favor and seventy-seven against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Respectfully,

Signed:

EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

Non-concurrent Matter

Joint Order (S. P. 823)

ORDERED, the House concurring, that unless received by unanimous consent in both branches, no bill or resolve be considered at this Special Session except Legislative Document No. 2362 and such bills or resolves, if any, as may be returned by or recalled from the Governor. This order shall not apply to such bills or resolves as are intended only to facilitate the business of this Special Session.

In the Senate June 14, 1976, Read and Passed. Comes from the House, Indefinitely Postponed, in non-concurrence.

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

Enactors

The Committee on Engrossed Bills reports as truly and strictly engaged the following:

Emergency

An Act to Revise and Reallocate Appropriations from the General Fund for the Expenditures of State Government for the Fiscal Years Ending June 30, 1976 and June 30, 1977 and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government. (S. P. 821) (L. D. 2361)

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

Mr. COLLINS: Mr. President, I have had a couple questions about the item on page 29 of the bill that I think ought to have just a word in the record. This is L. D. 2361, is it not?

The PRESIDENT: The Chair would answer the Senator in the affirmative.

Mr. COLLINS: On page 29 there is a new section, and the purpose of it is to correct an error with respect to state police retirement. There was an error made in one of our earlier special session bills which took away from the state police, but not from any other group, the limited grandfathering provision in the retirement law. It was not intended to take that away, and the effect of all these numbers in Part I on page 29 is to restore to the state police the same privileges for limited grandfathering that apply to other groups in our retirement system.

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

Mr. HUBER: Mr. President and Members of the Senate: Just in case there is any question on the changes in this bill from L. D. 2355, which was defeated late in the last special session, I would like to go through these point by point very briefly, although I am sure that most of you, if not all of you, are familiar with the changes in this bill.

I refer to the printed bill rather than the printed enactor simply because I had that first, and the page numbering of that bill is what I will refer to. On page 3, Section 9, under "Merit rating required", this postpones the implementation of the merit increase provision contained in L. D. 2355 until November 1, 1976. It further

provides that procedures ensuring equitable distribution of increases among pay ranges within each agency shall be provided, and these shall be provided regardless of the date of eligibility for merit increases throughout the fiscal year. This I think is the most substantive change, which is a delay of the implementation of the merit pay increase as contained in L. D. 2355 until November 1st.

On page 5 there is simply some heading changes, with no substantive change.

On page 6, under "Compensation Plan", the second item, this dollar amount is increased from \$1,210,000 by \$125,000 to fund the delay in the implementation of the merit increases.

On page 19, Section 14, it says "The Superior Court shall order reasonable compensation to be paid to counsel out of the state appropriation", rather than out of the county treasury, as was written in error in an L. D., I believe, out of the Judiciary Committee. It should have been out of the state appropriation rather than out of the county treasury, and should anybody have questions on this provision, which is essentially a correction of an error, I will hopefully refer them to the good Senator from Knox, Senator Collins.

On pages 20 and 21, Sections 26, 27, and 29 are essentially technical changes referring to lapsed balances and the effective dates of this act.

On page 23, Section 6, under "Temporary Compensation Review Board", the due date for all appeals to be submitted has been changed to July 15, 1976, and there are some other language changes essentially clarifying the intent of the previous bill, L. D. 2355.

On pages 24 and 25 — and perhaps on page 24 I would mention in passing there is the 6.4 percent increase in retirement concurrent on November 1st with the permanent increases in state employees salary. I would also like to mention in passing, because it has been misunderstood, that back on page 12 of this bill there is the one million dollars to the teachers retirement fund which has been discussed fairly widely. It was not put in in the budget in the regular session. It is put in in this bill, and I feel it has been somewhat misrepresented throughout the state. This is not a change.

Section 10, "Classifications Appeals Fund", and Section 11, the "Appropriation" of \$500,000 is specifically put into this bill with a new provision in the latter part of the first paragraph, Section 11, that the Executive Department shall make such funds available through cost savings or other means and, if necessary, it shall submit a supplemental appropriation request to the regular session of the 108th Legislature to successfully complete implementation of classification appeals.

The decisions of the Appeals Board are final and binding. This is an obligation of the state to pay these adjusted classifications that result from the works of the Appeals Board. This is further confirmation that money will be available or will be made available.

Section 12 provides that the provisions of this Act shall not in any way be deemed to affect or impair the obligation of the state to negotiate with state employees or their representatives with respect to wages, hours, and working conditions. This again is to clarify that this is not undermining the collective bargaining ability of state employees and really was the intent of the previous appropriations bill, L. D. 2355.

Finally, on page 29 is the retirement change which has already been explained by the good Senator from Knox, Senator Collins, and I believe the statement of fact summarizes these major changes quite succinctly. Thank you very much.

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

Mr. MERRILL: Mr. President and Members of the Senate: I intend to vote for this bill today,

not because I in any way approve of the provisions as regards pay increases, but because I am convinced that it is the only vehicle we are going to have available in front of us to do the other things that this appropriations bill does. I think that the pay plan is misguided, underfinanced, and unfair. And I think that the fact that we find ourselves in this position in regards to this bill probably just once again underscores the need to reform and to revise the method by which this legislature makes appropriations. I hope that will be something that the voters give their attention to in November, and I am sure if it is that it will be something that the next senate and the next legislature will give its attention to. Until then, we have to take the best that is available, and I am afraid this is that. I make no promises not to say I told you so when this bill gets us into financial problems that we face in the next session.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, this being an emergency measure and having received the affirmative vote of 29 members of the Senate, with one Senator voting in the negative, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Communications

STATE OF MAINE
Office of the Governor
Augusta, Maine
04333

June 11, 1976

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

I am returning H. P. 2351, L. D. 2354, "An Act Appropriating Funds to the Schoodic Community School District" without my approval.

I object to this bill because it provides supplementary funding to a community school district in addition to that provided under the School Finance Act of 1976 and is contrary to the intent of a comprehensive school finance law.

In addition, legislation was never referred to a committee for review; received no public hearing; and was rushed through the Legislature at the last possible minute. If further consideration of this matter is in order, I would hope it would only take place after both committee study and public hearing on the matter sometime in the future.

For these reasons, I respectfully request that you sustain my veto.

Very truly yours,

Signed:

JAMES B. LONGLEY
Governor
(H. P. 2408)

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

Which was Read and Ordered Placed on File in concurrence.

The accompanying Bill — H. P. 2351 — L. D. 2354 — An Act Appropriating Funds to the Schoodic Community School District, comes from the House with the following endorsement:

In the House, June 14, 1976, 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?'

96 voted in favor and 45 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.

Signed:

EDWIN H. PERT
Clerk of the House

The PRESIDENT: The pending question before the Senate is shall this bill, H. P. 2351, L. D. 2354, An Act Appropriating Funds to the Schoodic Community School District, become a law notwithstanding the objections of the Governor.

The Chair recognizes the Senator from Hancock, Senator McNally.

Mr. McNALLY: Mr. President, this is a case where a new school building is being built sort of out in the woods between Franklin and Sullivan, Maine. It is composed of eleven rooms, and like all new buildings, with the prices of material and things going up, with the few odd changes that have to be done it was found that there was more money needed to complete the school building.

Now, the town, by its formula that it has set up to raise money, has raised all the money they can. Due to the fact that the cost per student tuition is low in that section of the state, they find themselves unable by the sum of \$25,000 to pay for all the necessary things. The only way that they can see to complete the school and start it is to start it with two rooms vacant: one, the home economics, and the other one is the industrial arts.

Now, mind you, this is a country school. This has no recreation place that is laid out, no baseball field, no football field, and it is a school that has very few times that they take their students by bus anywhere. It is a school for the students of that country to learn something. I think it is a shame that the two things that are probably needed out in a country school up there, home ec. and industrial arts, would have to be deferred for a year.

It reminds me of when I was going to college and I found that I had to hire some money I worked for some of my relatives that were a little more pecuniarily endowed than I was, and they said to me, "Oh, you won't mind. You can stay out a year and work, and then you can go to college again." Well, I hunted around for some strangers and found enough so that I did get into the university that year all right enough. Now, the Governor says that he is deferring this until the regular session when it can be subjected to a committee hearing in public. In other words, it is all right out there in that little country school that is trying to do something for their students to go a year without any home economics or any industrial arts, and I think it is a shame that the \$25,000 can't be raised.

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 shall 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.; Berry, R.; Carboneau, Clifford, Collins, Conley, Corson, Cummings, Curtis, Danton, Gahagan, Graffam, Graham, Greeley, Hichens, Huber, Jackson, Johnson, Katz, Marcotte, McNally, Merrill, O'Leary, Pray, Reeves, Roberts, Speers, Thomas, Trotzky, Wyman.

NAYS: Senator Cyr.

ABSENT: Senator Cianchette.

A roll call was had. 30 Senators having voted in the affirmative, and one Senator having voted in the negative, and 30 being more than two-thirds of the membership present, it was the vote of the Senate that this bill become a law notwithstanding the objections of the Governor, and was by the Secretary presented to the Secretary of State.

The PRESIDENT: The Chair will interrupt proceedings to call the Senate's attention to a listing of the telephone charges which were made by Senators on their credit cards for the period from July 1, 1975 to May 31, 1976. The

Chair would like to point out that the order authorizing phone calls by Senators authorizes a reasonable number of calls. The Chair would urge the Senators who have obviously exceeded a reasonable number of calls, or who are approaching the limits of reasonableness, to please curtail further use of their cards for the remainder of the biennium.

Joint Resolutions STATE OF MAINE

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

IN MEMORIAM

Having Learned of the Death of Hilda M. Prior of Bristol, Maine Respected Legislative Committee Clerk

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. (H. P. 2407)

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

STATE OF MAINE

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

IN MEMORIAM

Having Learned of the Death of Beryl Borgerson Owls Head Public Health Nurse and Community Leader

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. (H. P. 2406)

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

STATE OF MAINE

In the Year Of Our Lord One Thousand Nine Hundred and Seventy-six.

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Dr. William B. O'Sullivan Of Biddeford Retiring From The Practice Of Family Medicine After Many Years of Devoted Service To The People of York County

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. 2400)

Comes fro the House, Read and Passed.
Which was Read and Passed in Concurrence.

STATE OF MAINE

In the Year Of Our Lord One Thousand Nine Hundred and Seventy-six.

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of The Portland High School Boys Track And Field Team State Class A champions For 1976

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. 2401)

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

State Of Maine

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of The Portland High School Baseball Team State Class A Champions For 1976

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. 2402)

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

State Of Maine

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Cecil A. Dority Tax Collector And Treasurer Town of Charleston For 25 Years

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. 2403)

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

State Of Maine

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Myra E. Trask Town Clerk Of Bradford, Maine For Over 50 Years

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. 2404)

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

STATE OF MAINE

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of the Cape Elizabeth High School Baseball Team State Class B Champions in 1974, Western Maine Class B Champions in 1975 and Cumberland County Conference Champions, Western Maine Class B Champions, and State Class B Champions in 1976

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. 2405)

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

Enactors

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

Emergency

RESOLVE, Designating the Madison-Anson Bridge as "The Bicentennial Memorial Bridge." (H. P. 2399) (L. D. 2362)

This being an emergency measure and having received the affirmative vote of 30 members of the Senate, with one Senator voting in the negative, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

On motion by Mr. Speers of Kennebec, the Senate voted to take from the table Joint Order Senate Paper 823, which was tabled earlier in today's session by that same Senator, pending Consideration.

Thereupon, on further motion by the same Senator, the Senate voted to Recede and Concur.

Reconsidered Matter

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

Mr. CURTIS: Mr. President, earlier in the day the Senate enacted two resolutions which were identical. As a consequence, I have talked to the sponsor of one of them and he is agreeable to indefinitely postpone one. Consequently, Mr. President, I would like to ask if the Senate is in possession of House Paper 2389?

The PRESIDENT: The Chair would answer in the affirmative, the Joint Order having been held at the request of the Senator.

Mr. CURTIS: Mr. President, this order recognizes the Orono High School girls track team, and because of its duplication, I move reconsideration of its passage in the Senate.

The PRESIDENT: The Senator from Penobscot, Senator Curtis, now moves that the Senate reconsider its action whereby this Joint Order was passed. Is this the pleasure of the Senate?

The motion prevailed.

Thereupon, on further motion by Senator Curtis of Penobscot, the Joint Order was Indefinitely Postponed in non-concurrence.

Under suspension of the rules, sent down forthwith for concurrence.

On motion by Mr. Speers of Kennebec, recessed pending the sound of the bell.

After Recess

Called to order by the President.
Committee Appointments

The President appointed the following

Senators to the Select Committee on State Property Tax Valuation, S. P. 610:

Senator:

WYMAN of Washington

The President appointed the following Senators to the State Tax Policy Committee:

Senators:

SPEERS of Kennebec

COLLINS of Knox

MERRILL of Cumberland.

The President appointed the following Senators to the Joint Select Committee on the Consolidation and Coordination of the Recommendation of Certain Studies Concerning the Maine Justice System, H. P. 2324:

Senators:

COLLINS of Knox

CURTIS of Penobscot

BERRY of Androscoggin

HICHENS of York.

The President appointed the following Senators to the Joint Select Committee to Assist the Bureau of the Census:

Senators:

CORSON of Somerset

JACKSON of Cumberland.

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

Senate Papers

Mr. Conley of Cumberland presents the following Joint Resolution and moves its adoption:

STATE OF MAINE

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

Joint Resolution in Commemoration of the visit of the British submarine H.M.S. Onyx

WHEREAS, Her Majesty's Ship Onyx will visit the Port of Portland in July of 1976; and

WHEREAS, the officers and crew of the submarine Onyx will participate in activities commemorating the bicentennial of American independence; and

WHEREAS, the visit of the British submarine Onyx is an occasion of great significance to Maine and its citizens; now, therefore, be it

RESOLVED: That we the members of the 107th Legislature while duly assembled in Special Session at the Capitol at Augusta do extend our welcome to the officers and crew of H.M.S. Onyx upon the occasion of their visit to the State of Maine in commemoration of the nation's bicentennial; and be it further

RESOLVED: That a duly authenticated copy of this resolution of welcome be sent forthwith on behalf of the Legislature and the people of Maine to the City of Portland for appropriate transmittal to Captain Richard Jones, Commanding Officer of H.M.S. Onyx, upon the occasion of that vessel's arrival at Portland Harbor. (S. P. 836)

Which was Read and Adopted.

Under suspension of the rules, sent down forthwith for concurrence.

Papers From The House
Joint Resolution
State of Maine

In the Year Of Our Lord One Thousand Nine Hundred and Seventy-six.

In Memoriam

Having Learned Of The Death Of Hon. Harold G. Clark of Jefferson who faithfully served the State of Maine as a Legislator and member of The Executive Council

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. (H. P. 2413)

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

Joint Orders

STATE OF MAINE

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Mrs. Ralph Herrick an outstanding citizen of Augusta who celebrated her 99th birthday in May of this year

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. 2411)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

State Of Maine

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of The Houlton High School Shiretowners Eastern Maine Class A Baseball Champions For 1976

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. 2412)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

State Of Maine

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of The Pine Tree Academy Bell Ringers Under The Direction Of Mrs. Doris Krueger Who Gave An Outstanding Performance For The 107th Legislature On June 14, 1976

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. 2414)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Non-Concurrent Matter

Joint Order (S. P. 827)

STATE OF MAINE

In the Year of Our Lord One Thousand Nine Hundred And Seventy-six.

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of the Orono High School Boys Track and Field Team State Class C Champions For 1976

WE the Members of the Senate and House of Representatives 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.

In the Senate, June 14, 1976, Read and Passed. Comes from the House, Indefinitely Postponed, in nonconcurrence.

The PRESIDENT: Is it now the pleasure of the Senate to recede and concur with the House?

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I would direct a question through the Chair to the Senator from Penobscot, Senator Curtis, with regard to this particular joint order. Is it the intent of the gentleman from Penobscot and the other sponsor of one of these joint orders in the other branch that both of these items be killed?

The PRESIDENT: The Senator from Kennebec, Senator Speers, has posed a question through the Chair.

The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, to answer the question, Orono had some outstanding teams, and one was the girls and one was the boys, and we decided to divide the orders so they would be equal among the legislators from the town. So it is appropriate action.

The PRESIDENT: Does the Chair understand that the Senator from Penobscot, Senator Curtis, moves the indefinite postponement of this joint order?

Is it the pleasure of the Senate that this joint order be indefinitely postponed?

The motion prevailed.

Papers from the House

Enactors

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

An Act Pertaining to Private School Tuition. (S. P. 835) (L. D. 2363)

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

At this point, a message was received from the House, through Representative Rolde of York, informing the Senate that the House had transacted all of its business and was ready to adjourn without day.

Papers from the House

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

Joint Resolution STATE OF MAINE

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

IN MEMORIAM

Having Learned of the Death of The Hon. Randolph A. Weatherbee Associate Justice of the Supreme Judicial Court of Maine

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. (H. P. 2416)

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

Mr. Carbonneau of Androscoggin was granted unanimous consent to address the Senate.

Mr. CARBONNEAU: Mr. President and Members of the Senate: I just want to tell you that it has been a great pleasure working with all of you. I think this was the most important experience of my life. I enjoyed every minute of the sessions, and God willing, I will return. Thank you one and all for being such nice people. Good luck to all of you. (Applause)

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

Mr. BERRY: Mr. President and Members of the Senate: Several years ago — as a matter of fact, so long that I can't be exact that the matter has been hanging fire — a situation developed that today has reached a very, very happy conclusion for the State of Maine, and I refer to a decision which was handed down today by the Federal Supreme Court deciding the marine boundary line between New Hampshire and Maine. It has been my pleasure and duty to serve as Chairman of the Interstate Boundary Commission with two fine gentlemen from Kittery, Ernest Hoyt and Ted Brown, and we have been working for a long time trying to come to this conclusion. There was a great deal at stake.

You may recall the action that was instituted back then was initiated by the two legislatures, New Hampshire and Maine. A commission was formed with three people from each state and the matter was arbitrated quite successfully. The commission came up with a proposed boundary line that was agreed to by everybody concerned, starting with the governors of both states and the Attorney General's Department, and we were very hopeful that the next action would have been ratification of the boundary line by the respective legislatures, as was provided in the joint order passed by the two legislatures. Unfortunately, for some very practical reasons, the people in New Hampshire, the lobstermen primarily, started a small revolt, and to make a long story short, the action of the commission was negated and the matter was referred to the Supreme Court.

The Supreme Court appointed special justice, retired justice Tom Clark, who was appointed to hear the arguments on both sides, and our Attorney General's Department did an outstanding job. The ruling of the justice was really in Maine's favor, but once again the New Hampshire people appealed the ruling of the justice to the full bench of the Federal Supreme Court, and we have just concluded a full-blown hearing. I am very happy to report that the amount of land awarded to the state, which is prime lobster land, really means a great deal to us in terms of the lobster harvest. A great deal of credit is due to Assistant Attorney General Charlie Larouche, who retired a year or so ago and moved to Nova Scotia, but has been informed of this action, and Assistant Attorney General Bob Stolt. These people, along with my two fellow commissioners, I feel, have done an outstanding job. When the maps are published in the paper I think you will see that Maine came out very handily in this matter.

(Off Record Remarks)

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

Mr. SPEERS: Mr. President and Members of the Senate: As the good minority floor leader has stated, there are many members of this body who will not be returning for another ses-

sion. Some of those have made the choice on their own, others have had the choice made for them, others probably will yet have the choice made for them. I think it appropriate, however, to point out that even though this has been a very difficult past two years for those of us who are engaged in the profession of politics, in the profession of representative government, that in the 200th year of this nation's birth it is very important for us to recognize that without the individuals who have taken the time and the effort and who have made the sacrifice, often a very deep sacrifice, to serve in this body and other bodies like it throughout the United States, that democracy and representative government as we have known it could not have flourished over the past 200 years. And certainly if we were to accede to the criticisms and the cynicisms of politics being a dirty word, then democracy and representative government will not be able to flourish as well in the future.

So, Mr. President, I think it very appropriate for each and every one of us, those who will not be returning and those who will be returning, to accept the thanks of the people for the sacrifices that have been made, and to each and every one of you I wish to extend my thanks and wish you all Godspeed.

(Off Record Remarks)

Orders

Out of order and under suspension of the rules, on motion by Mrs. Cummings of Penobscot,

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 the Senator from Penobscot, Senator Cummings, to convey the message.

Subsequently, Senator Cummings reported that she had delivered the message with which she was charged.

Out of order and under suspension of the rules, on motion by Mr. Greeley of Waldo,

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. 837)

Which was Read and Passed.

Under further suspension of the rules, sent down forthwith for concurrence.

The President appointed the following to wait upon the Governor:

Senators:

BERRY of Cumberland
THOMAS of Kennebec
CARBONNEAU of Androscoggin

These Senators were joined by the following Representatives from the House:

Representatives:

COONEY of Sabattus
CARPENTER of Houlton
KANY of Waterville
PELOSI of Portland
SNOWE of Auburn
LEWIN of Augusta
STUBBS of Hallowell

Senator Berry of Cumberland for the Committee subsequently reported that the Committee had discharged the duties with which it was charged and His Excellency had advised that he would attend on the Senate in due course to give a few words.

Whereupon, Governor James B. Longley, at-

tended by the Executive Council, entered the Senate Chamber, amid the applause of the Senate, the members rising.

The Governor then addressed the Senate as follows:

President Sewall, Members of the Executive Council, and Members of the Senate of the 107th Maine Legislature:

Thank you is most often a very inadequate phrase; yet one which I feel is very appropriate on this occasion, and yet too seldom used in our society. Although the words do not express the full measure of my gratitude, I would like to take a few brief moments to say a heartfelt thanks to each of you for your service to Maine.

First of all, I would like to thank you on behalf of the state employees, the elderly, the needy, and the towns and cities of this state for showing that you care, for demonstrating that in the final analysis you placed their interests first in almost every instance.

Secondly, I would like to thank you on behalf of the citizens of Maine for the manner in which you served, particularly on this very landmark day, not only in this brief special session but in the two previous sessions of this 107th Legislature. As you well know, it was not an easy time to serve in government, as we have all learned. You served in difficult economic times and in a new era of political reality, I believe, here in Maine and in this country. You were called on to give an accounting for years of virtually uncontrolled government spending. You were members of a legislature that heard the public say enough is enough. You were faced with the hard decisions of government growth, bureaucracy and spending. And while some might say that these were the worst of times, I think history will also show that they were the best of times to face up to the challenges to turn government around and get government back to the people.

I hope we have made it easier for future legislatures and governors to make the decisions that will clearly define what government can and cannot be. While we have all experienced disappointments and have not accomplished everything we would have liked, I believe history will record that the government of Maine during this period made giant strides to improve its personnel system and the manner in which state employees are hired and promoted on the basis of performance and merit, equal work for equal pay and equal treatment regardless of sex. I believe we have rendered a great service to state employees and, indeed, all the people of Maine.

Finally, I would like to say a very personal thank you to you members of the 107th. I will forever remember and cherish the help, the encouragement, and advice I received as a new governor from individual members of this legislative body. I think great pressure was placed on all of us these past eighteen months as we tried a new experiment in government and to make it work here in Maine. I think we have made it work, because while we have had our differences, not unlike any governor and legislature — and I find in talking to other governors that our differences are very slight by comparison — I believe the experiment did work for the good of the people of Maine, and that is what counts. And as I said when the first special session of the 107th Legislature adjourned, to those of you who will not return, I would like to say thank you on behalf of the people of Maine for your willingness to step forward and try to serve Maine. To those of you who will return, I look forward to working with you in the 108th Legislature, and will ask you to share a commitment with me to make the next regular session of the legislature the most productive and responsible in the history of the state.

Since this will probably be the last time the 107th Legislature will convene, I would be remiss if I did not take this opportunity to pay a special tribute and say a special thank you to President Sewall and this Senate, because time after time in the regular session and the special session this body stood between a giant increase in spending or taxation on the people of Maine and fiscal responsibility. So I say to you, Mr. Sewall, as President of this body, and to this body collectively, I think you have helped save Maine, you have helped turn Maine around. While individually there might be philosophical differences, it is the body politic as a whole that as Governor I am grateful to.

I would also be remiss if I did not take this opportunity to pay a special tribute and say a special thank you to Chairman Carl Cianchette and the other members of the Executive Council. And I have issued a proclamation attempting to express our collective gratitude, not only mine, on behalf of the people of Maine for the method and manner with which Carl Cianchette and this final Executive Council have carried out the duties and obligations of their body. In addition, I would say a public thank you and commend these seven individuals for ending an era in Maine government with dignity and dedication that speaks well for their service to Maine and hopefully for a brighter and better tomorrow, and I wish for them as well as each of you a happy and productive summer and Godspeed and good health.

The Governor and suite withdrew from the Senate Chamber.

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

Mr. GREELEY: Mr. President and Members of the Senate: It is quite evident this special session has accomplished its mission, and it seems to me the legislature should deserve a little credit on this one because we have done it in one day.

I want to wish every one of you the best of luck and the best of health and hope everybody has a good summer. I now move this Senate adjourn without day.

The PRESIDENT: The Senator from Waldo, Senator Greeley, now moves that the Senate stand adjourned sine die. Is this the pleasure of the Senate?

Thereupon, at 6:33 p.m. on Monday, June 14, 1976 the Honorable Joseph Sewall, President of the Senate, declared the Senate of the 107th Legislature adjourned sine die.