

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

Volume II

May 26, 1977 to July 25, 1977

Index

**Senate Confirmation Session
September 16, 1977**

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KJ PRINTING
AUGUSTA, MAINE

HOUSE

Monday, July 25, 1977

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

Prayer by the Reverend Victor P. Musk, Retired Methodist Minister, Augusta.

The members stood for the Pledge of Allegiance.

The journal of the previous session was read and approved.

On motion of Mr. Tierney of Lisbon Falls, it was ORDERED, that Ms. Goodwin of Bath, Mr. Jalberf of Lewiston, Mr. Carter of Winslow, Mr. LeBlanc of Van Buren, Mrs. Najarian of Portland, Mr. Greenlaw of Stonington, Mr. Morton of Farmington, Mr. Higgins of Scarborough, Mr. Perkins of Blue Hill, Mr. McBreairty of Caribou, be appointed a committee to wait upon the Governor and inform him that a quorum of the members of the House of Representatives had assembled in the Hall of the House of Representatives pursuant to Joint Order, H.P. 1840, and invite him to join with them for the purpose of making any communication he may wish to make.

Subsequently, Ms. Goodwin of Bath reported that the Committee had discharged the duty assigned to them.

Thereupon, the Honorable James B. Longley entered the Hall of the House amid prolonged applause, the members rising.

The Governor then addressed the House as follows:

Mr. Speaker and Members of the 108th Legislature: I must admit that I still am learning from government. When it was suggested that I ask for the opportunity to address a joint convention and there have been occasions in the past, it was on the final day of the session, rather than to adjourn the session as advised, we had a problem with the Attorney General. The Speaker told me we needed an Attorney General's opinion and I left it to the discretion of the Speaker and the President whether I would come in at the opening or the appropriate time, and they both, in kindness this morning, advised me that the question whether or not it should be before the caucus, which I guess you are going to have, or after the caucus, I left that also to their discretion, so I am here thanks to the kindness and the understanding of the Speaker and the President. I will be very brief because I asked to make these traditional closing remarks based on advice that due to the nature of this particular day and, incidentally, parenthetically, I am delighted it is a cool day, I speak for myself and no one else speaks for me in that regard.

First of all, based on a ruling from the Attorney General which we are still studying, as Governor, I may ask the Legislature to meet in a one-day special session to clarify referendum dates. Therefore, should there be any other urgent items such as a pay plan, if the Legislature sustains my veto of the Part II Budget, these would be considered at the same time as the referendum question, and as I have already indicated to the entire Legislature, I would call a special session on the referendum or possibly the referendum and a pay plan. At the cooperation and understanding and what is best for the majority, I would look to the leadership to advise me after having polled you people as to the best time for you. I believe that we could consider both of these issues in a productive one-day session. In any event, I pledge to work cooperatively with legislative leadership in determining a most convenient date for such a session.

Secondly, Helen and I have already conveyed to leadership and hopefully some of you people already know, but let me convey again this morning, we are inviting each of you to join us for a quick buffet at the Blaine House anytime between 12:00 and 2:00 P.M., your schedules

permitting. This is extended recognizing the crunch of your schedule today. If some of you want to come on a staggered basis, Helen joins with me in inviting you people. We have already advised leadership and maybe many of you people already know.

I would ask your indulgence. Due to an unexpected meeting in Washington on the very important Indian land damage case that will take two days unexpected this week, I have moved my schedule forward, so I might ask your understanding if for any reason I am not able to be with you for all or any part of this noon, but Helen, very graciously, will be there and is looking forward to seeing as many of you as possible, if you would like to come across the street and enjoy the hospitality of the Blaine House during this difficult day and save having to go to restaurants and find places to eat.

Number three, I also want to thank you for the consideration you have given our programs this session and to thank you for approving a balanced budget without a tax increase and without spending the cupboard bare.

I also want you to know that we carefully considered the 128 bills left on my desk when the Legislature recessed. We hope we have done our duty for you and for the people of Maine and performed a service to the Legislature in taking another look at the scores of bills passed in the final, hectic hours of the session and by giving each of you another opportunity to review them before your final decision is made. That, I feel, is one of the positive aspects of veto process which is often overlooked. Obviously, the item veto, once again, I think would have been a great service to this legislature and the people of Maine. The last minute backlog of legislation obviously tells us once again of the tremendous workload and pressure this places not only on the staff of the Governor's Office but on individual legislators, legislative committees and the legislature as a whole. It also tells us of the need to mutually work to even out this workload in future sessions and not have 128 bills facing the Governor to act on in 10 days.

Parenthetically, one of the legislators said to me this morning, it is a lot more important and easier to keep unnecessary laws from going on the books than it is to take laws off the books.

Finally, I want to respectfully ask each of you to seriously consider the objections we have raised to the employee compensation plan in the Part II Budget. We feel it is one of the most important decisions the Maine Legislature will ever make. We are pleading that this Legislature continue to give us the best system possible to operate government, particularly in your absence, in as fiscally responsible and humanitarian manner possible and yet one in the American way that rewards loyal and faithful service and the responsibility of a given position. And thanks to a former Governor, the previous Legislature and yes, this 108th Legislature, we have made tremendous progress in improving our personnel system and in bringing good management practices to government that have at least in part contributed to our present fiscal position. I encourage you not to undo all the good that has been done in these final hours. Please take the time to carefully examine the veto messages which we have mailed to your homes, and if you feel as we do that we must retain an incentive system in state government, please sustain the veto so we can come forward together again and reconsider only that one aspect of the Part II Budget.

I want you to know that I share the concerns expressed by many relative to the opening of the Part II Budget and the possibility of additional spending. And while we are delighted with the surplus, this could be temporary. We know, as many of you do, that we must hold on to every one of these dollars so we won't face

another education deficit that we can't meet in January and also keep them as a safeguard for the federal funds included in our budget and many many important concerns addressing all of us and me as Governor presently that could require a million or two or three dollars for emergencies or to avoid further deficits or unnecessary tax increases. However, regardless of any of the action you take on the bills before you today I want you to know, for what I feel has been a very productive session, I commend and thank you for a very productive session for the people of the State of Maine. I hope the remainder of the summer will be a productive and restful one for you and your family.

Thank you again, Mr. Speaker and each member of this body, for this opportunity to visit with you and wish you happiness and health until we meet again, either in a special or your January session. Thank you very very much.

Thereupon, the Governor withdrew amid prolonged applause, the members rising.

(Off Record Remarks)

On motion of Mr. Tierney of Lisbon Falls, Recessed until the sound of the gong.

After Recess
11:00 A.M.

The House was called to order by the Speaker.

The following communications:
STATE OF MAINE
OFFICE OF THE GOVERNOR
Augusta, Maine

July 11, 1977

To: The Members of the Senate and House of Representatives of the 108th Maine Legislature

I am returning without my signature or approval H. P. 1407, L. D. 1565, An Act to Assist Municipalities in the Acquisition and Development of Land or Interests in Land.

I am very appreciative of the intent of this legislation and believe it was presented in good faith by its sponsors. However, I cannot support it for the following reasons:

1. In a very real sense, it represents still another dedicated revenue account, a funding mechanism which more and more persons, including many legislators, are seriously questioning as a proper way to finance the operations of State government. I simply do not feel we should add further dedicated revenue accounts in State Government at this time.

2. Enactment of L. D. 1565 also would represent a tax increase as it would increase the real estate transfer tax from 55 cents to one dollar for each \$500 transferred. Taxes, no matter where they are applied, in the final analysis filter to the working men and women of Maine who are having a difficult time paying their bills. At a time when more and more Maine people are having difficulty buying a home, I feel that enactment of this legislation could only serve to make the task more difficult and more costly.

3. I also feel that this legislation would mandate to municipalities how they should spend tax dollars and would have the State establishing priorities. Towns and cities, for example, would not have the discretion of deciding whether they needed ambulances more than they do recreational areas. This, I feel, is a step in the opposite direction from which government should be going.

I respectfully request that you sustain my veto of this measure.

Signed:

Very truly yours,

JAMES B. LONGLEY
James B. Longley
Governor

The Communication was read and ordered placed on file.

The SPEAKER: The pending question before the House is, shall this Bill "An Act to Assist Municipalities in the Acquisition and Development of Land and Interests in land," H. P. 1407, L. D. 1565 become law notwithstanding the objections of the Governor? Pursuant to the Constitution, the vote will be taken by the yeas and nays. This requires a two-thirds vote of the members present and voting. All those in favor of this Bill becoming law notwithstanding the objections of the Governor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Beaulieu, Bennett, Benoit, Blodgett, Boudreau, A.; Brenerman, Burns, Bustin, Carey, Chonko, Clark, Connolly, Cox, Curran, Diamond, Dow, Durgin, Dutremble, Elias, Flanagan, Fowlie, Gill, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Higgins, Howe, Huber, Hughes, Immonen, Jalbert, Jensen, Joyce, Kane, Kany, Kilcoyne, Laffin, LaPlante, LeBlanc, Locke, MacEachern, Mackel, Mahany, Masterton, Maxwell, McPherson, Mills, Nadeau, Najarian, Pearson, Plourde, Post, Quinn, Spencer, Talbot, Theriault, Tierney, Trafton, Truman, Wilfong, Wood, Wyman, The Speaker.

NAY — Aloupis, Ault, Austin, Bagley, Berry, Berube, Biron, Boudreau, P.; Brown, K. L.; Brown, K. C.; Bunker, Carroll, Carter, D.; Carter, F.; Churchill, Conners, Cote, Cunningham, Devoe, Dexter, Drinkwater, Dudley, Fenlason, Garsoe, Gillis, Gould, Gray, Green, Hunter, Hutchings, Jackson, Jacques, Lewis, Littlefield, Lizotte, Lougee, Lunt, Lynch, Marshall, Masterman, McBreairty, McHenry, McKean, McMahon, Mitchell, Moody, Morton, Nelson, N.; Palmer, Peltier, Perkins, Peterson, Prescott, Raymond, Rideout, Rollins, Sewall, Shute, Silsby, Sprowl, Stover, Strout, Stubbs, Tarbell, Tarr, Teague, Torrey, Tozier, Twitchell, Whittemore.

ABSENT — Birt, Carrier, Davies, Gauthier, Hickey, Hobbins, Kelleher, Kerry, Martin, A.; Nelson, M.; Norris, Peakes, Smith, Tyndale, Valentine.

Yes, 66; No, 70; Absent, 15.

The SPEAKER: Sixty-six having voted in the affirmative and seventy in the negative, with fifteen being absent, the veto is sustained.

The following Communication: (H. P. 1841)

STATE OF MAINE OFFICE OF THE GOVERNOR AUGUSTA, MAINE

July 12, 1977

TO: The Honorable Members of the 108th Maine Legislature

I am returning without my signature and approval H. P. 1249, L. D. 1471, RESOLVE to Authorize the Conveyance of the National Guard Armory in Auburn to the City of Auburn.

The bill would require that the State convey the National Guard Armory in Auburn to the City of Auburn if the facility is "not necessary for further utilization as a National Guard Armory."

While I support increasing utilization of these facilities for the benefit of Maine youth and/or elderly and/or others in need, and while I do not support allowing these facilities to go unused or to have the use unduly restricted, I believe this bill should not become law for the following reasons:

1. I am advised that the National Guard has no present plans or intention to recommend conveying this facility. Although the budget which I submitted requested cutting funds to close armories which I was advised were not necessary, the Legislature restored those funds to the National Guard budget. Consequently, the bill is premature to the extent that no decision has been made, either by the Legislature or

the National Guard, as to the advisability of closing this facility.

2. I am advised that if the State conveys the Armory, it would have to assume the burden of reimbursing approximately \$50,000 to the Federal Government, yet this bill provides for conveying the facility free of charge.

3. I question whether the state wants to establish the precedent of giving away State property without at least adhering to a procedure which attempts to dispose of the property at a fair market price.

In summary, I support the purpose of increasing public access and utilization of these facilities. However, this bill sets a precedent which in fairness would require the State to offer the same free conveyance of State property to any and every community in which State property is located. If allowance is to be made for community contribution, then a formula should be established which takes all the equities into consideration and any State property should be disposed of pursuant to a uniform, consistent policy that we can live with in regard to every similar situation. In essence, there are still too many unanswered questions, and while sentimentally and emotionally I support the purpose, I cannot as Governor accept this approach.

I commend the Auburn Delegation for their concern, and I pledge to work with them and the Legislature during the next session to develop a procedure which would grant each community the same right of use and purchase on an equitable basis that will serve the best interests of the community as well as the State.

I respectfully request that you sustain my veto of this measure.

Very truly yours,

Signed:

JAMES B. LONGLEY
James B. Longley
Governor

The Communication was read and ordered placed on file.

The SPEAKER: The Chair recognizes the gentlewoman from Auburn, Mrs. Trafton.

Mrs. TRAFTON: Mr. Speaker, Ladies and Gentlemen of the House; I would like to respond very briefly to the three points that are raised in this veto message. Today, there are 25,000 people who are waiting on your votes, all the people of Auburn. This is a very important Resolve to them.

First of all, in regard to the first issue, the Auburn delegation is fully aware that this Resolve does not immediately turn over the Armory to the city. However, this Resolve continues to be very important. We have recently reached an agreement with the National Guard and with the Bureau of Parks, and it is important, before the City of Auburn leases this Armory and continues to invest money, that we have an assurance that our current equities and any further equities that we wish to invest in this facility will be protected. The city would like to add some additional storage areas to facilitate ongoing programs for the elderly, the youth, the handicapped and others who may wish to use the facility but it is clearly not reasonable to ask the taxpayers of Auburn to invest further in this facility if the Resolve fails, because then, clearly, our equity is in jeopardy, which is nearly 21 percent of the total cost plus the land and any further equities that we invest would be in jeopardy.

With regard to the second point, I have a copy of a Resolve passed by the City of Auburn on July 18, 1977 which states that the City of Auburn will reimburse the State of Maine for any sum of money which the State of Maine becomes obligated to pay to the federal government as a result of such conveyance to the City of Auburn and to reimburse the federal government for its equity in the Armory. It is clearly

the intention of the City of Auburn to undertake any expenses that might result if the federal equity is not phased out over a five-year period.

Additionally, I would point out that in the Resolve itself, although it says in the last statement that the State of Maine shall convey all rights, title and interest in the building to the City of Auburn, it does not preclude a financial arrangement to be made at that time.

With regard to the third point, the Auburn delegation would be supportive of developing a statewide policy for the transfer of all property. However, as we have tried to point out in previous floor debates, Auburn is an exception and will continue to be an exception. Of the total costs incurred when the facility was built in 1957, the federal government put up approximately 67 percent of the cost. The state has equity of about 12 percent but the City of Auburn has over 21 percent plus the land, which they decided to the state.

Finally, we appreciate the Governor's interest in submitting a bill in the second regular session to immediately remove the Armory from the National Guard and convey it to the city. However, we realize that this approach was essentially the content of our initial bill and was not satisfactory to many of you. Because of this, we have worked diligently with the National Guard and the Bureau of Public Lands to arrive at an agreeable and equitable solution for all parties involved.

We would urge you to override the veto today and to allow this Resolve to pass.

The SPEAKER: The pending question before the House is, shall this Resolve to Authorize the Conveyance of the National Guard Armory in Auburn to the City of Auburn, H.P. 1249, L.D. 1471 become law notwithstanding the objections of the Governor? Pursuant to the Constitution, the vote will be taken by the yeas and nays. This requires a two-thirds vote of the members present and voting. All those in favor of this Resolve becoming law notwithstanding the objections of the Governor will vote yes; those opposed will vote no.

ROLL CALL

YES — Aloupis, Ault, Bachrach, Bagley, Beaulieu, Benoit, Berry, Berube, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K.C.; Burns, Bustin, Carey, Carroll, Clark, Connolly, Cox, Cunningham, Curran, Davies, Dexter, Diamond, Dow, Durgin, Dutremble, Elias, Flanagan, Fowlie, Gill, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hall, Henderson, Higgins, Howe, Huber, Hughes, Hutchings, Immonen, Jackson, Jacques, Jalbert, Jensen, Kane, Kany, Kelleher, Kilcoyne, LaPlante, LeBlanc, Lewis, Littlefield, Lizotte, Locke, Lynch, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McKean, McMahon, Mills, Mitchell, Nadeau, Najarian, Nelson, M.; Nel on, N.; Palmer, Peakes, Pearson, Plourde, Prescott, Quinn, Raymond, Rollins, Sewall, Shute, Smith, Spencer, Talbot, Tarbell, Tarr, Teague, Tierney, Torrey, Tozier, Trafton, Truman, Twitchell, Valentine, Wilfong, Wood, Wyman, The Speaker.

NAY — Austin, Bennett, Brown, K.L.; Bunker, Carter, D.; Carter, F.; Chonko, Churchill, Conners, Cote, Devoe, Drinkwater, Dudley, Fenlason, Garsoe, Gillis, Gould, Gray, Hickey, Hunter, Joyce, Laffin, Lougee, Lunt, Mackel, McBreairty, McHenry, McPherson, Moody, Morton, Peltier, Perkins, Peterson, Post, Rideout, Silsby, Sprowl, Stover, Stubbs, Theriault, Whittemore.

ABSENT — Carrier, Gauthier, Hobbins, Kerry, Norris, Strout, Tyndale.

Yes, 103; No, 41; Absent 7.

The SPEAKER: One hundred three having voted in the affirmative and forty-one in the

negative, with seven being absent, the veto is not sustained.

Sent up for concurrence.

The following Communication: (H. P. 1842)
STATE OF MAINE
OFFICER OF THE GOVERNOR
Augusta, Maine

July 12, 1977

The Honorable Members of the Senate and House of

Representatives of the 108th Maine Legislature
I am returning on this date without my signature and approval H. P. 1391, L. D. 1618, An Act to Provide Legislative Oversight of Appropriated Fund Transfers.

As I have indicated to you previously, it is my feeling that the best leadership of state government requires a strong Legislature to complement, stimulate and direct a strong Executive Branch. With the passing of the Executive Council, we had the opportunity to reaffirm the separate roles of each of these equal branches of government. The administrative responsibilities were continued in the Executive Branch, placed squarely with the Governor, with reasonable discretion to exercise those responsibilities. It was clearly the Legislature's determination and intent, in keeping with the basic constitutional precepts and practical management needs of government, that it should continue to be concerned with establishing broad policy and general program intent. The Governor must have the authority for managing and administering state government, and should not be shackled with interference which creates cumbersome road blocks for exercising the freedom necessary to carry out the Executive Branch responsibility.

L. D. 1618 distorts the respective functions of the roles of the Legislative and Executive Branches. It would place a restriction on the Executive Branch to administer government programs in the most effective and economical fashion. The bill would result in a departure by the Legislative Branch from general policy areas into day-to-day operations of state government. This bill could cause appropriated fund transfers which are so important to efficient day-to-day operations of state government to be delayed when the Legislature is in session and to be delayed to even a greater degree when the Legislature is not in session. As an example, this bill could result in the possibility of the state not meeting payrolls on a timely basis as funds often must be transferred in order to be available to meet payroll obligations.

At the same time I realize the importance of keeping the Legislature aware of the Executive's actions in this area. It has been our custom and will continue to be our custom to supply the Legislative Finance Office with copies of the Financial Orders which authorize the appropriated fund transfers. Further, we make every effort to answer questions the Legislative Finance Office may have in this regard. It is our strong feeling that this is sufficient to keep the Legislature aware of our actions in this area, and that any additional Legislative interjection into the Executive role will only weaken the process and create serious management problems with respect to the separate Legislative and Executive Constitutional roles.

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

Very Truly yours,

(Signed)

JAMES B. LONGLEY

The Communication was read and ordered placed on file.

The SPEAKER: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker, Members of the House: This bill, which was unanimously ap-

proved by the State Government Committee and enacted by us without debate, would allow the legislature to disapprove significant transfers of funds between programs within a department. The Executive Council used to be involved in all transfers regardless of size, but this bill will allow the legislature to disapprove a transfer only if the transfer exceeds \$100,000 or 10 percent of the appropriated amount for a program. If we don't disapprove within 30 days, the transfer automatically goes into effect.

The legislature spends a lot of time and energy trying to work out fair and reasonable appropriations, as is our responsibility as the appropriating and policy-making branch of government, huge transfers without any legislative oversight certainly can undermine our appropriating and our policy making. This bill simply will help to avoid such situations and assure the proper separation of powers between the legislature and executive branches of our government.

I urge you to vote to override the Governor's veto.

The SPEAKER: The pending question is, shall Bill, "An Act to Provide Legislative Oversight of Appropriate Fund Transfers," House Paper 1391, L. D. 1618, become law notwithstanding the objections of the Governor? Pursuant to the Constitution, the vote will be taken by the yeas and nays. This requires a two-thirds vote of the members present and voting. All those in favor of this Bill becoming law notwithstanding the objections of the Governor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Austin, Bachrach, Beaulieu, Bennett, Benoit, Berube, Blodgett, Boudreau, A.; Boudreau, P.; Brennerman, Brown, K.C.; Burns, Bustin, Carey, Carrier, Carroll, Carter, D.; Chonko, Clark, Connolly, Cox, Curran, Davies, Diamond, Dow, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Gill, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Howe, Hughes, Jacques, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kilcoyne, LaPlante, LeBlanc, Locke, Lougee, MacEachern, Mahany, Martin, A.; Masterton, Maxwell, McBreairty, McHenry, McKean, McMahan, Mills, Mitchell, Moody, Nadeau, Najarian, Nelson, M.; Nelson, N.; Peakes, Pearson, Peltier, Perkins, Plourde, Prescott, Quinn, Raymond, Rideout, Sewall, Silsby, Spencer, Stubbs, Talbot, Tarbell, Theriault, Tierney, Tozier, Trafton, Truman, Twitchell, Valentine, Whittemore, Wilfong, Wood, Wyman, The Speaker.

NAY — Aloupis, Bagley, Berry, Biron, Birt, Brown, K. L.; Bunker, Carter, F.; Churchill, Conners, Cote, Cunningham, Devoe, Dexter, Drinkwater, Dudley, Garsoe, Gillis, Gould, Gray, Huber, Hunter, Hutchings, Immonen, Jackson, Laffin, Lewis, Littlefield, Lizotte, Lunt, Lynch, Mackel, Marshall, Masterman, McPherson, Morton, Palmer, Peterson, Post, Rollins, Shute, Smith, Sprowl, Stover, Strout, Tarr, Teague, Torrey.

ABSENT — Gauthier, Hobbins, Kerry, Norris, Tyndale.

Yes, 98; No, 48; Absent, 5.

The SPEAKER: Ninety-eight having voted in the affirmative and forty-eight in the negative, with five being absent, the veto is not sustained.

Sent up for concurrence.

The following Communication:
STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE

July 12, 1977

TO: Honorable Members of the Senate and House of Representatives of the 108th Maine Legislature

I am returning without my signature and approval H. P. 723, L. D. 856, "An Act to Provide

for Legislative Confirmation of Gubernatorial Nominations for Chairmen of the Maine Human Services Council and the Maine Committee on Aging.

The bill represents an unjustified incursion into the appointment authority which presently rests with the Chief Executive.

Prior to the abolition of the Executive Council, it had the responsibility for confirming appointments. With the abolition of the Council the Legislature has assumed the responsibility for confirming those appointments to judicial or quasi-judicial positions, or policy positions in the Executive Branch. The Legislature during the 107th Special Session conducted a thorough review of those positions and identified those appropriate for legislative confirmation.

This bill would now require legislative confirmation of the gubernatorial appointments of the Chairmen of the Committee on Aging and the Human Services Council, both of which according to law are "solely advisory in nature."

First, the legislation violates the established demarcation of constitutional responsibility between legislative confirmation of appointments of a policy nature and Executive appointments of positions which are advisory and management related. This bill violates this tested and reasonable standard and places the Legislature in a position of interjecting itself into Executive appointments.

Second, this legislation establishes an undesirable precedent from the viewpoint of not only the Governor but perhaps also the Legislature. Heretofore, Chairmen of various boards and commissions are designated by the Governor and not appointed. The reasons for designating rather than appointing Chairpersons are many and have longstanding historical basis in the law of our State. For example, if it is necessary to change Chairmen due to resignation, illness or death, a designation by the Governor can achieve that end within a relatively short period of time without threatening the ability of the board or commission to function. Also, since these appointments have traditionally and logically been Executive appointments, the designation of a Chairman is one which is an Executive concern in terms of establishing the necessary working relationship between the appropriate individuals within the Executive Branch and those on the advisory boards and commissions.

In summary the bill encroaches upon Executive appointments and would usurp an Executive responsibility and concern. I believe it is a step which the Legislature as well as the Executive should avoid since this bill would affect the very basic constitutional concepts involved, as well as the realistic day-to-day responsibilities of each separate and equal branch.

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

Very truly yours,

Signed:

JAMES B. LONGLEY
James B. Longley
Governor

The Communication was read and ordered placed on file.

The SPEAKER: The pending question is, shall Bill "an Act to Provide for Legislative Confirmation of Gubernatorial Nominations for Chairmen of the Maine Human Services Council and the Maine Committee on Aging," House Paper 723, L. D. 856, become law notwithstanding the objections of the Governor? Pursuant to the Constitution, the vote will be taken by the yeas and nays. This requires a two-thirds vote of the members present and voting. All those in favor of this Bill becoming law notwithstanding the objections of the Governor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Bagley, Beaulieu, Bennett, Boudreau, A.; Brenerman Brown, K. C.; Bustin, Carey, Chonko, Connolly, Cox, Curran, Davies, Diamond, Dow, Durgin, Elias, Flanagan, Fowlie, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Hughes, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kilcoyne, LaPlante, LeBlanc, Locke, Lougee, MacEachern, Mahany, Martin, A.; Maxwell, McHenry, McKean, Mills, Mitchell, Moody, Nadeau, Najarian, Nelson, M.; Nelson, N.; Peakes, Pearson, Perkins, Plourde, Post, Quinn, Rideout, Silsby, Smith, Spencer, Talbot, Theriault, Tierney, Tozier, Trafton, Truman, Valentine, Wood, Wyman, The Speaker.

NAY — Aloupis, Ault, Austin, Benoit, Berry, Berube, Biron, Birt, Blodgett, Boudreau, P.; Brown, K.L.; Bunker, Burns, Carrier, Carroll, Carter, D.; Carter, F.; Churchill, Clark, Connors, Cote, Cunningham, Devoe, Dexter, Drinkwater, Dudley, Dutremble, Fenlason, Garsoe, Gill, Gillis, Gould, Gray, Howe, Huber, Hunter, Hutchings, Immonen, Jackson, Jacques, Laffin, Lewis, Littlefield, Lizotte, Lunt, Lynch, Mackel, Marshall, Masterman, Masterton, McBreairty, McMahon, McPherson, Morton, Palmer, Peltier, Peterson, Prescott, Raymond, Rollins, Sewall, Shute, Sprowl, Stover, Strout, Stubbs, Tarbell, Tarr, Teague, Torrey, Twitchell, Whittemore, Wilfong.

ABSENT — Gauthier, Hobbins, Kerry, Norris, Tyndale.

Yes, 73; No, 73; Absent, 5.

The SPEAKER: Seventy-three having voted in the affirmative and seventy-three in the negative, with five being absent, the veto is sustained.

The following Communication: (H. P. 1843)
State of Maine
Office of the Governor
Augusta, Maine

July 12, 1977

To: The Honorable Members of the Senate and House

of Representatives of the 108th Maine Legislature:

I am on this date returning without my signature H. P. 1739, L. D. 1888, An Act Relating to Campaign Reports and Finances.

While I recognize that this bill is largely an amendment to existing law, and while I support tightening up the disclosure aspects of this law with respect to reporting the sources of money spent to defeat or promote referendums, I cannot sign this bill because of my concern that the existing law and to a degree this bill represent a threat to the ability of an independent candidate to have a reasonable chance to run for elected office.

The status of an independent candidate differs significantly from that of a party candidate. There are no party fund raising functions; there are no party staffs or volunteers available; and the independent does not have access to the resources within the party structure for purposes of deciphering and coping with detailed laws and regulations. However, I do not believe that any of these reasons should deter the establishment of stringent disclosure standards. Personally, I believe that what is important to the voter is knowing how much money a candidate receives from each source. I believe that arbitrarily establishing contribution limits, if not unconstitutional, at least is a harsh and severe inhibition against the exercise of an individual's freedom of choice and to a certain extent freedom of speech. More significantly, however, an independent, who does not have the best party resources available for fund raising and other assistance and promotion may have to rely upon a large number of small contributions and a small

number of large contributions to have a reasonable chance to seek elected office.

Again, I realize that this bill does not establish the initial contribution limit. However, this bill does change the law with respect to contributions from one's family. Again, although the classification appears innocuous on its face, it is an arbitrarily drawn line which may not have any effect on party candidates, but to the extent that it inhibits an independent from being able to draw upon resources to allow the independent a reasonable chance to compete with established party candidates, I cannot allow this bill to become law. Any measure that directly or indirectly detracts from or eliminates the possibility for non-party candidates to seek election is, I believe, contrary to the democratic process and contrary to the best interest of Maine citizens.

I joined in a suit which challenged the constitutionality of the original Federal law, and if I had to do it over again I would fight hard to challenge those provisions of our law which inhibit the individual's right to seek office and the voters' right to have a meaningful choice. I believe that better and more thorough disclosure laws could accomplish the purpose of allowing voters to scrutinize every source which finances a candidate's election, while allowing an independent candidate without the vast party resources to have a reasonable opportunity to seek elective office.

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

Very truly yours,

(Signed) JAMES B. LONGLEY

Governor

The Communication was read and ordered placed on file.

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: This bill is primarily a bill to update and correct some of the inequities found mainly in the campaign in the Commission on Governmental Ethics. The veto mainly seems to zero in on one particular point and that is the fact the Independents were independent candidates who were not having the same opportunities as others. I am not altogether sure that I agree with that.

I would like to read just one little statement because of the changes in the funding and what the background of it is. The only limit that the bill changes is that on contributions by family members. The effect of the veto, if sustained, would be to force the existing limits. The United States Supreme Court decisions specifically declared such limits to be constitutional. The limit on contributions from family members would affect a party candidate from a well to do family in the same way as a non-party candidate and I would hope that you would override the Governor's veto.

The SPEAKER: The pending question is, shall Bill "An Act Relating to Campaign Reports and Finances," House Paper 1739, L. D. 1888, become law notwithstanding the objections of the Governor? Pursuant to the Constitution, the vote will be taken by the yeas and nays. This requires a two-thirds vote of the members present and voting. All those in favor of this Bill becoming law notwithstanding the objections of the Governor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K.L.; Brown, K.C.; Burns, Bustin, Carey, Carroll, Chonko, Clark, Connors, Connolly, Cox, Cunningham, Curran, Davies Devoe, Diamond, Dow, Drinkwater, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gill, Goodwin, K.; Gould, Green, Greenlaw, Hall, Henderson, Hickey, Higgins,

Howe, Huber, Hughes, Hutchings, Immonen, Jackson, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kilcoyne, Laffin, LaPlante, LeBlanc, Littlefield, Locke, Lougee, Lynch, MacEachern, Mahany, Marshall, Martin, A.; Masterton, Maxwell, McBreairty, McHenry, McKean, McMahon, McPherson, Mills, Mitchell, Moody, Nadeau, Najarian, Nelson, M.; Nelson, N.; Palmer, Peakes, Pearson, Peltier, Perkins, Plourde, Post, Prescott, Quinn, Raymond, Rideout, Rollins, Sewall, Silsby, Smith, Spencer, Stover, Strout, Talbot, Tarbell, Tarr, Teague, Theriault, Tierney, Tozier, Trafton, Truman, Twitchell, Valentine, Whittemore, Wood, Wyman, The Speaker.

NAY — Aloupis, Berube, Biron, Bunker, Carrier, Carter, D.; Carter, F.; Churchill, Cote, Dexter, Dudley, Gillis, Gray, Hunter, Jacques, Lewis, Lizotte, Lunt, Mackel, Masterman, Morton, Peterson, Shute, Sprowl, Stubbs, Torrey, Wilfong.

ABSENT — Gauthier, Goodwin, H.; Hobbins, Kerry, Norris, Tyndale.

Yes, 118; No, 27; Absent, 6.

The SPEAKER: One hundred eighteen having voted in the affirmative and twenty-seven in the negative, with six being absent, the veto is not sustained.

Sent up for concurrence.

The following Communication: (H.P. 1844)
STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE

July 18, 1977

TO: The Honorable Members of the House of Representatives and the Senate of the 108th Maine Legislature.

I am this date returning without my signature and approval H.P. 1144, L.D. 1391, AN ACT to Provide A Uniform Basis for Recognizing the Right of the University of Maine Employees, Maine Maritime Academy Employees, Vocational-Technical Institute Employees and State Schools for Practical Nursing Employees to Join Labor Organizations.

I disapprove of this bill for several reasons:

1. I am advised that this is an attempt by one particular union, which has already failed to persuade the Maine Labor Relations Board of the merits of its unit proposals in hearings and appeals held under the State Employee Labor Relations Act, to subvert the purposes of that Act and to impose, by statute, bargaining units which competent professionals have found to be inappropriate.

2. It would set an adverse precedent for other special interest groups elsewhere in State Government to go to the Legislature to establish small fragmentary units for their own selfish purposes contrary to the provisions in the State Employees Labor Relations Act which state: "The State shall be considered as a single employer and employee relations, policies and practices throughout State service shall be as consistent as practicable."

3. I am advised that it would conflict with the Personnel Laws and organization of State government by requiring that certain employees in the Department of Educational and Cultural Services are not State employees for collective bargaining purposes but would be covered by the collective bargaining law enacted for the University of Maine.

4. It would place employees in the same State classifications in different bargaining units, thereby creating a situation which could result in different terms and conditions of employment for employees doing the same work in different State agencies.

5. Because Maine Labor Relations Board proceedings would be required to determine which groups of employees belonged in the three bargaining units created by this Act, I am told that collective bargaining privileges would

be delayed for the approximately 400 employees which have already been placed in the seven State bargaining units.

6. I feel that it would increase the cost of contract negotiations and administration without resulting in a commensurate benefit to the employees affected, State administration or the citizens of Maine.

7. Finally, I believe this legislation is not necessary to ensure that the interest of the VTI faculty will be adequately represented in collective bargaining under the existing determinations made by the Maine Labor Relations Board.

For these reasons I hope that the Legislature will resist this first attempt to subvert the collective bargaining process by involving itself in the administration of the State's collective bargaining law which is the responsibility of the professional staff of the Maine Labor Relations Board. This is unnecessary and counterproductive legislation, and, if it becomes law, will only encourage other groups to resort to similar acts to achieve their means through legislative channels rather than through the orderly process under the State Employees Labor Relations Act.

Very truly yours,

Signed:

JAMES B. LONGLEY

The Communication was read and ordered placed on file.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Bustin.

Mr. BUSTIN: Mr. Speaker, Men and Women of the House: I will be very brief in asking the House to maintain its record in favor of this particular piece of legislation. The last vote we had in here on the bill was at least 99 members in favor of it and the enactor went under the hammer. The essence of the bill, to refresh your memories, is to allow the faculties of the vocational-technical institutes to bargain on their own with their employer, the State Board of Education.

You will remember that we cited as the reason for the basic, philosophical reason for this bill was the deterioration of morale at these institutions and the loss of employees because of the horrendous bad news that they received under the original Hay Report. They lost their salary structure, they lost many of their benefits, 60 percent of the faculty received no raises, they were given no recognition for their degrees or their experience and the institutions are having extreme difficulty in attracting competent personnel to run the programs. What is at stake, regardless of the labor issues involved in this specific measure, which the Governor addresses only, and in most of those, in error, the central issue is the program in the vocational-technical institutes.

For example, three Department chairpersons in the Eastern Maine Vocational-Technical Institute in Bangor have resigned to go into private employment. Further, electronic instructors from Central Maine Vocational Institute have gone to work for the Digital Corporation and there has been comparative loss of key personnel at the Southern Maine Vocational-Technical Institute.

I would hope that the House would maintain its record behind this bill, push it across the goal line, override this veto.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I won't take issue with anything that my friend, the gentleman from Augusta, has said, because in essence, it is all true. There has been a lack of specific concern directed toward this small group of employees but I think there is something larger at stake here than even the hardship that may have been worked to this date on these people, and what is

at stake is the overall management of state government.

When this bill, this collective bargaining bill that was designed to cure all the ills of all employees was introduced, we did place a strict requirement that we avoid excessive fragmentation. These people have had their day in court in proposing the structure of the unit that they wish to have. They were denied. They had access to an appeal. The appeal was denied, and I submit that it was denied, basically, on the basis that it is represented in the Governor's message, the overall interest to the State of Maine.

I hope we won't start taking the first step down the road that, could lead us into the New York type situation where the City of New York, to my understanding, deals with something over a hundred separate units. These people are in a unit along with other people performing the same type of work, and I just can't believe that they don't have an avenue to correct their problems through collective bargaining without going to the extent of creating three bargaining units for 400 people in light of the present situation which has eight bargaining units for 12,000 to 14,000 people, so I hope you can today sustain the Governor.

The SPEAKER: The Chair recognizes the gentleman from Lisbon Falls, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: Very briefly, this House rejected the various arguments made by my good friend from Cumberland by an overwhelming majority when he made those arguments prior to today. Since that time, two things have happened which make this bill even more necessary. The first thing was the total failure of the temporary compensation review board, by their own admission, to deal with the very real problems which exist with our VTI instructors.

I spent a great amount of time with Roger Snow who is the Chairman of that committee, and with Pat Ryan who is one of the employer representatives, and we found that the appeal procedure we established for the Hay Commission just could not take care of the very unique problems which exist in our VTI structure, so if you care about the quality of VTI education, you will vote to override this morning.

The second thing which has changed, ladies and gentlemen and Speaker of the House, is that there is an appropriation on this bill which was added with the unanimous vote of leadership, with the notable exception of the good gentleman from Cumberland who did oppose it in order to give Lanny Mosher's office additional personnel to help with this bargaining process, so the bill is responsibly funded and it will give the Office of State Employee Relations the needed manpower they need to do this and to adequately represent the state in this matter.

The SPEAKER: The pending question is, shall Bill, "An Act to Provide a Uniform Basis for Recognizing the Right of the University of Maine Employees, Maine Maritime Academy Employees, Vocational-Technical Institute Employees and State Schools for Practical Nursing Employees to Join Labor Organizations," H. P. 1144, L. D. 1391, become law notwithstanding the objections of the Governor? Pursuant to the Constitution, the vote will be taken by the yeas and nays. This requires a two-thirds vote of the members present and voting. All those in favor of this Bill becoming law notwithstanding the objections of the Governor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Austin Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K.C.; Bustin, Carey,

Carrier, Carroll, Chonko, Churchill, Clark, Connolly, Cote, Cox, Cunningham, Curran, Davies, Diamond, Dow, Durgin, Dutremble, Eilas, Flanagan, Fowlie, Gill, Gillis, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Howe, Huber, Hughes, Jacques, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kilcoyne, Laffin, LaPlante, LeBlanc, Lewis, Locke, Lunt, MacEachern, Mahany, Marshall, Martin, A.; Masterton, Maxwell, McBreairty, McHenry, McKean, Mills, Mitchell, Moody, Nadeau, Najarian, Nelson, M.; Nelson, N.; Peakes, Pearson, Peltier; Peterson, Plourde, Post, Prescott, Quinn, Raymond, Rideout, Shute, Spencer, Strout, Stubbs, Talbot, Tarbell, Tarr Teague, Theriault, Tierney, Tozier, Trafton, Truman, Twitchell, Valentine, Wilfong, Wood, Wyman, The Speaker.

NAY — Aloupis, Ault, Brown, K.L.; Bunker, Burns, Carter, D.; Carter, F.; Connors, Devoe, Dexter, Drinkwater, Dudley, Fenlason, Garsoe, Gould, Gray, Hunter, Hutchings, Immonen, Jackson, Littlefield, Lizotte, Lougee, Lynch, Mackel, Masterman, McPherson, Morton, Palmer, Perkins, Rollins, Sewall, Silsby, Smith, Sprowl, Stover, Torrey, Whittemore.

ABSENT — Gauthier, Hobbins, Kerry, McMahon, Norris, Tyndale.

Yes, 107; No, 38; Absent, 6.

The SPEAKER: One hundred seven having voted in the affirmative and thirty-eight in the negative, with six being absent, the veto is not sustained.

Sent up for concurrence.

The following Communication: (H. P. 1845)

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE
July 19, 1977

To: The Honorable Members of the Senate and House of Representatives of the Maine 108th Legislature:

I am returning without my signature and approval H. P. 1680, L. D. 1874, An Act to Revise the Maine Tort Claims Act.

I have carefully studied this bill and the decision to veto it has not been an easy one. I understand that certain sections of this bill are very important to municipalities because these sections better define the areas of municipal, as well as state, responsibility and liability. Unfortunately, another part of the same bill contains the controversial proposal which would virtually extend blanket immunity for everyone who works for the State.

I cannot allow this bill to become law because of the following concerns relative to serious policy questions and practical problems, which I feel warrant reconsideration by the Legislature.

1. It seems that this extension of sovereign immunity to State employees for virtually all negligence where the damages are property damage, injury or death is contrary to the purpose of the original undertaking to eliminate sovereign immunity. Previously we made a policy decision to eliminate the defense of sovereign immunity in certain instances and provide the usual legal remedies for an injured party; yet this bill would have the effect of again reimposing immunity for a wide range of negligent conduct.

2. The Tort Claims Act, which currently is in effect, already establishes a greater degree of protection for State employees than existed prior to this legislative session. Up until the beginning of this Session, the State was completely immune from suit and State employees were completely liable for their negligence just as their counterparts were and still are in the private sector. In response to this situation, the Tort Claims Act extended immunity to State

employees in specific areas, including those areas involving discretionary judgment.

3. By extending immunity to employees for their own negligence, we are creating a special class of citizens who would enjoy the unusual status of not even being responsible for their own negligence. I question the justification for creating such a privileged class at this time, and I also question this extension as a matter of policy.

4. Do we want to risk the possibility of lowering the standards of conduct in State Government to the potential detriment of all other citizens? This bill could have that effect, and in that regard could be very costly and unfair to Maine taxpayers. I feel it is incumbent that we not act precipitously and that we take no drastic action without compelling reasons or justification.

5. This bill extends this unusual status of immunity only to State employees and does not extend it to local and county employees. I am advised that there is no policy justification for drawing this arbitrary line. On the contrary, I am advised that the only reason State employees are included to the exclusion of local and county employees is on the basis of political influence and lobbying power.

6 This bill also requires that the State defend the employee in situations involving negligence or alleged negligence, and also requires the State either to insure or indemnify the employee up to \$10,000, after which blanket immunity is granted. Currently, when deciding whether or not to defend and/or indemnify an employee, the State decides whether or not the employee was acting within the scope of employment during the time of the alleged negligence. Under this bill, the State no longer has the discretion to decide if the employee was acting within the scope of his or her employment and it is conceivable that the first lawsuit brought under this act will be against the State by an employee or employee organization seeking to compel the State to defend and indemnify or insure. In other words, the first taxpayer dollars under this act could be consumed in defending the State against lawsuits by employees who in the State's opinion were not acting within the scope of their employment.

7. My staff has researched to determine if there are instances under the current law where the State has failed to represent or indemnify an employee who was being sued because of alleged wrongs arising from the scope of the employee's employment. We are not aware of any instance where the State did not properly defend and indemnify the employee. The State's record in this regard has been very fair: I know of no instances where there has been abuse or neglect on the State's part. In short, under the current system the State already can do exactly what this bill would mandate, and I am advised that the State has in the past performed equitably and fairly with respect to protecting the rights of State employees.

8. There are also considerable insurance problems arising out of this legislation, and it is questionable whether or not the State will be able to purchase insurance, or purchase insurance at a reasonable, affordable price.

In summary, I have not been made aware of any justification at this time for creating this extension of immunity. The Tort Claims Act has not even been in effect one full month. In fact, this bill seems to be directly contrary to the approach of proceeding deliberately and cautiously with respect to eliminating the rights of our citizens as this bill would establish a special class of protected employees and grant them a privileged status not being granted to their counterparts in the private sector and in local and county government.

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

Very truly yours,

Signed:

JAMES B. LONGLEY
Governor

The Communication was read and ordered placed on file.

The SPEAKER: The pending question is, shall Bill "An Act to Revise the Maine Tort Claims Act," House Paper 1680, L. D. 1874, become law notwithstanding the objections of the Governor? Pursuant to the Constitution, the vote will be taken by the yeas and nays. This requires a two-thirds vote of the members present and voting. All those in favor of this Bill becoming law notwithstanding the objections of the Governor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Ault, Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. L.; Bunker, Burns, Bustin, Carey, Carrier, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Clark, Connolly, Cote, Cox, Cunningham, Curran, Davies, Devoe, Dexter, Diamond, Dow, Drinkwater, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowle, Garsoe, Gill, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Howe, Huber, Hughes, Hutchings, Immonen, Jackson, Jacques, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kilcoyne, Laffin, LaPlante, LeBlanc, Lewis, Littlefield, Lizotte, Locke, Lougee, Lunt, Lynch, MacEachern, Mackel, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McBreaarty, McHenry, McKean, McMahon, McPherson, Mills, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Palmer, Peakes, Pearson, Peltier, Perkins, Peterson, Plourde, Post, Prescott, Quinn, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Spencer, Sprowl, Stover, Strout, Stubbs, Talbot, Tarbell, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Trafton, Truman, Twitchell, Valentine, Whittmore, Wilfong, Wood, Wyman, The Speaker.

NAY — Brown, K. C.; Connors, Dudley, Gillis, Hunter, Raymond.

ABSENT — Gauthier, Hobbins, Kerry, Norris, Tyndale.

Yes, 140; No, 6; Absent, 5.

The SPEAKER: One hundred forty having voted in the affirmative and six in the negative, with five being absent, the Governor's veto is not sustained.

Sent up for concurrence.

The following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
Augusta, Maine

July 19, 1977

TO: The Honorable Members of the Senate and House of Representatives of the 108th Maine Legislature

I am returning without my signature and approval H.P. 1476, L. D. 1709, RESOLVE, to Authorize the Maine Guarantee Authority to Issue a Payment In Lieu of Taxes to The Town of Pittsfield.

Several months ago, I received a request from legislators in the Pittsfield area who wanted me to intervene with the Maine Guarantee Authority regarding this very same matter. At that time, I agreed only to assist these legislators to the extent of requesting that the Maine Guarantee Authority provide a timely response to the questions raised regarding whether or not the Maine Guarantee Authority would or should pay taxes on the Carriage House Inn to the Town of Pittsfield. In the letter dated March 22nd I made it clear—I would not interject myself into the business of the MGA and felt that any communication between the Maine Guarantee Authority with respect to the

problem should be done by them (the involved legislators) directly if they desired to have it done at all."

With the passing of this bill, my staff has now had the opportunity to review the substance of it and I regret that I must return it to the Legislature for your reconsideration.

I am deeply concerned with the precedent that this bill would establish. As we can all appreciate, part of the activity in which the Maine Guarantee Authority engages may very well involve a high risk quotient since the involved businesses often are experiencing problems or difficulties which, although hopefully salvageable, require the extraordinary and special assistance of the Guarantee Authority. In fact, I am also advised that it is often the municipalities and local officials who seek, invite, and welcome participation by the Maine Guarantee Authority in some of these business ventures. Often, either directly or indirectly, it is clear that the towns are the beneficiaries of the State's effort and taxpayer dollars through the Maine Guarantee Authority.

With respect to this particular situation, I am advised by the Maine Guarantee Authority that they have never before paid property taxes in instances where the Maine Guarantee Authority actually has held title to the particular property, since the MGA itself is a tax-exempt entity. However, they have and do indirectly subsidize the property taxes of these projects when the projects are functioning and still ongoing. When the projects fail or otherwise cease, the Maine Guarantee Authority again takes title to the property until it can be disposed of. It is during this interval, that the Maine Guarantee Authority is not responsible for taxes. If the Legislature is going to make a judgment with respect to the Maine Guarantee Authority's liability in this regard, this I believe they should do on a policy basis, and not on a piece-meal basis. The legislation would force the latter.

In summary, while I can appreciate the concerns of the Pittsfield legislators in their desire to best represent their constituents, there are important State considerations with respect to this bill. It is not as if municipalities do not benefit from the Maine Guarantee Authority attempting to salvage businesses and industries and facilitate industrial development. The fact is, the municipalities benefit and often have property taxes subsidized on property that would otherwise go unsold and/or unproductive. To now require that the Maine Guarantee Authority assume taxes for the period during which they hold title, seems to be a drastic diversion from existing policy, and I believe that it is a step that should be measured and taken deliberately, if taken at all, with consideration for the precedent and advisability of requiring yet another expenditure of taxpayer dollars.

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

Very truly yours

Signed:

JAMES B. LONGLEY
James Bl Longley

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Wyman.

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: This bill is once more before us. I am sure you are probably familiar with it, at least generally that there is such a bill to reimburse or to make a payment to the town of Pittsfield for its tax loss.

I feel much as Winston Churchill did when he said "never have so many given so much" and I would paraphrase that by saying "never have so many given so much for such a small little bill" but I appreciate your great sacrifice and help that you have given me all along on the bill.

It did pass without any opposition.

I am going to be brief and just try to point out to you some of the discrepancies and misstatements that the Governor has made, with all due respect to his excellency, I am afraid that he is misinformed on this issue and I simply want to clarify it with the facts.

The Maine Guarantee Authority foreclosed on the Carriage Inn Incorporated just prior to April 1, which is the legal tax assessment date in two years, in 1975 and 1977. What this bill does is simply authorize the Maine Guarantee Authority to make a payment to the town of Pittsfield in lieu of taxes, that is an important distinction and I am going to mention that in just a minute.

The Governor's major objection to this bill appears to be his argument that this would be setting a precedent and I want to deal with that. In 1973 and 1974, the Maine Guarantee Authority, after they had foreclosed on the Carriage Inn Inc., made a payment to the town of Pittsfield for those two years of \$26,956. That would be precedent enough. Also, just this last year, the Maine Guarantee Authority made a payment to the town of Madison, prior to foreclosure, but nevertheless it was still a property tax payment to the town of \$298,000. This bill authorizes a payment in lieu of taxes. It does not authorize a property tax payment. I think the major concern that many of you have expressed to me concerns the idea of a precedent.

Well, it was very important when we drew this bill up that we make a legal distinction because the Maine Guarantee Authority is tax exempt, an important distinction between them being asked to pay taxes and simply making a payment in lieu of taxes. I want you, before you vote on this, to understand this very important distinction. Now practically, as far as the amount of money that the town is going to get, it doesn't have any effect, but it does have an effect as far as a precedent is concerned, because the Maine Guarantee Authority has made several payments to many different communities. They have even purchased fire trucks previously, in place of property tax payments.

In a conversation that I had with Mr. Philip Clifford, who is the director of the Maine Guarantee Authority, he told me that he had no problem with the bill as long as the distinction was made that this was a payment in lieu of taxes and not a property tax payment. So, if we pass this bill, will it set a precedent? I submit to you ladies and gentlemen, it will not. The tax exempt status of the Maine Guarantee Authority will continue as it has previously. It will not change one thing. It will mean that the town will get the money.

Also, the Governor implies in his message that the town officials of Pittsfield solicited the construction and the location of the Carriage Inn. This is simply not true. The Carriage Inn was built by a gentleman by the name of Peter Frati as a private business venture. At no time did town officials go out and ask him to build. Of course, the town officials thought it would be an asset to the town. Certainly esthetically it is an asset, although beyond that it has not been much of an asset at all. As far as employment is concerned, there are about 35 to 40 people employed by the Carriage Inn and three of them live in Pittsfield. So, you can see what an impact it is having on our employment situation. The town people thought that it would be good to have another business in the town that would be helping the town through its support of taxes. The only time that the Carriage Inn ever paid taxes was the first year it was built. After that, the Maine Guarantee Authority has paid the taxes. We are simply asking that they pay up for 1975 and for this year, so that the town will not suffer a loss.

You people remember not very long ago, we debated an excise tax bill dealing with Pitts-

field, and Pittsfield I think was the major town that would be affected. That excise tax would be paid by companies to towns where their vehicles were stored. As a result of the successful passage of that bill, the town of Pittsfield has lost \$82,000. I tried to prevent passage of that bill because it was going to hurt my constituents, I was unsuccessful. But this bill can stand on its own merits and I don't want you to vote for it or against it because of your opinion of me. I simply want you to vote on the merits of this legislation and if you will consider some of the things that I have said and consider the Governor's veto message, you will find that the Governor just doesn't understand this particular situation.

Finally, and an important point to make, and I want you to consider this — two last points and I will finish up. One is that this money is not coming out of the General Fund, it is not. I want you to realize that. This is coming out of the Maine Guarantee Authority's fund. Finally, and this point was just brought to me today, and it is a surprising development, the Governor has appointed a gentleman by the name of William B. Manheimer to be his new appointee on the Maine Guarantee Authority Board of Directors. At the confirmation hearing, which was held this morning, Mr. Manheimer was asked point blank if he felt that the Maine Guarantee Authority should be obligated to make payments to towns after they have foreclosed on a particular property. He answered in the affirmative, that he thought the Maine Guarantee Authority should make such a payment. He was confirmed by the State Government Committee 12 to 0. Now, if the Governor's own appointee makes such a statement, then it seems to me that we are in the right in this situation.

I finally want to bring to your remembrance that in a meeting that I had with the Governor and with Senator Levine, who also represents Pittsfield, he told us that he was very sympathetic but he told us he was not going to get involved in this situation. He told us, in effect, "you go and do what you can and I am not going to interfere and take a stand." In a letter that he wrote to Mr. Lowe, he said he was not taking any position on this issue. I would almost have to say that there has been a breach of faith because it seems to me that a veto is becoming involved in the situation.

Daniel Webster once said about Dartmouth College, "this is just a little college but there are those of us who love it" and I would say to you, ladies and gentlemen, that Pittsfield is just a little town but there are those of us who love it and I hope that you will be able to vote to override the governor's veto this afternoon.

I know Representative Trafton mentioned that there are people who are anxiously waiting. I can assure you that there are people in Pittsfield who are anxiously awaiting the resolve of this particular issue, so I hope that you will vote to override.

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

Mr. GARSOE: Mr. Speaker, Members of the House: I almost think the gentleman from Pittsfield is taking unfair advantage of us because if this were a matter of personal favor to him, who could deny it? But, of course, this is not the case.

When I saw the Governor's veto message I guess like many others, the thing that struck me was that the Maine Guarantee Authority has never done this before, they have never paid taxes on property they had foreclosed on. So, I had an inquiry made from the same gentleman that Mr. Wyman spoke to and he confirmed the fact that, although they have paid taxes to secure their title, back taxes to take a lien off, that the Governor's statement does stand, that they haven't had a practice of paying taxes on property once they have foreclosed on it. I suggest the testimony of the gentleman before

state government for confirmation to that group today indicated that it would take a change in policy for this to happen. So, I think the Governor, in all fairness, should be defended on the basis that that statement of his is accurate and I hope we keep that in mind when we vote on this matter.

The SPEAKER: The Chair recognizes the gentleman from Anson, Mr. Burns.

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: A while back, we in Somerset County had some dealings with the Maine Guarantee Authority and this has continued through the process of this legislature. At one point in time, there was an order floating around here that we would study the Maine Guarantee Authority. I was very much in favor of that and I still would like to see this study made and I would like to see Mr. Wyman's bill be advanced considerably so that it would include all Maine Guarantee Authority loans.

When I vote to override today, I am doing this with the hope that we may come forward with a bill in the special session that will exempt the Maine Guarantee Authority from the provisions of being sovereign as far as property taxes are concerned.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Curran.

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: Just a couple of quick comments on this particular piece of legislation. Indeed, it is true that this morning we held a confirmation hearing on one of the Governor's appointees to the Maine Guarantee Authority and he did express that he thought that the Maine Guarantee Authority, just as a bank would be or any lender of money would be, should be required to pay that tax. But the gentleman is correct, it is a payment in lieu of taxes. I think it is interesting to note that after the Maine Guarantee Authority took title to this property, the doors didn't close. No, the same gentleman who had previously owned it stayed on as the manager and operated the business beyond that April 1st tax date while he sought funding from sources other than the MGA and only after that fell through did they finally take the key away and close down. I think that it would be a reasonable and just position for this House to take and support the L.D. and make the payment to the people of Pittsfield and not place the burden on them.

The SPEAKER: The Chair recognizes the gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I am a little bit confused in regards to this bill. I have probably owed as much money as all of you put together at one time or another. When the bank had a mortgage on my place and I couldn't pay the taxes, they got after me and they were pretty hot, either I paid them or they had to pay them. So, I really can't see what this fuss is all about. If they have a mortgage on the place, they have to pay the tax.

The SPEAKER: The pending question is, shall Resolve to Authorize the Maine Guarantee Authority to Issue a Payment in Lieu of Taxes to the Town of Pittsfield, House Paper 1476, L.D. 1709, become law notwithstanding the objections of the Governor? Pursuant to the Constitution, the vote will be taken by the yeas and nays. This requires a two-thirds vote of the members present and voting. All those in favor of this Resolve becoming law notwithstanding the objections of the Governor will note yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Beaulieu, Benoit, Birt, Blodgett, Boudreau, A.; Brenerman, Brown, K.C.; Burns, Bustin, Carey, Carroll, Carter, D.; Chonko, Clark, Connolly, Cote, Cox, Curran, Davies, Diamond, Dow, Drinkwater, Durgin, Dutremble, Elias, Flanagan, Fowlie, Gill, Goodwin, H.; Goodwin, K.; Green, Greenlaw,

Hall, Henderson, Hickey, Higgins, Howe, Hughes, Hunter, Jacques, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kilcoyne, Laffin, LaPlante, LeBlanc, Locke, Lougee, Lynch, MacEachern, Mahany, Masterton, Maxwell, McKean, McMahan, Mills, Mitchell, Nadeau, Najarian, Nelson, M.; Palmer, Peaks, Plourde, Post, Prescott, Quinn, Shute, Spencer, Stubbs, Talbot, Theriault, Tierney, Tozier, Trafton, Truman, Valentine, Wilfong, Wood, Wyman, The Speaker.

NAY — Aloupis Ault, Austin, Bagley, Bennett, Berry, Berube, Biron, Boudreau, P.; Brown, K.L.; Bunker, Carrier, Carter, F.; Churchill, Conners, Cunningham, Devoe, Dexter, Dudley, Fenlason, Garsoe, Gillis, Gould, Gray, Huber, Hutchings, Immonen, Jackson, Lewis, Littlefield, Lizotte, Lunt, Mackel, Marshall, Martin, A.; Masterman, McBreairty, McHenry, McPherson, Moody, Morton, Pearson, Peltier, Perkins, Peterson, Raymond, Rideout, Rollins, Sewall, Silsby, Smith, Sprowl, Stover, Strout, Tarbell, Tarr, Teague, Torrey, Twitchell, Whittemore.

ABSENT — Gauthier, Hobbins, Kerry, Norris, Tyndale.

Yes, 86; No, 60; Absent, 5.

The SPEAKER: Eighty-six having voted in the affirmative and sixty in the negative, with five being absent, the Governor's veto is sustained.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Pearson.

Mr. PEARSON: Mr. Speaker, having voted on the prevailing side, I now move reconsideration and hope you all vote against me.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Wyman.

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: It appears evident what is going to take place here I guess but I am going to make one last try and hope that we can switch around enough votes to pass this. I know it doesn't mean a lot to a lot of people here but it means a lot to me, it means a lot to the people that I represent. It is the most important bill that I have put in. I have been working on this since last December.

I would like to just answer one important point that my good friend Mr. Garsoe has made in regards to this L. D. and the Governor's veto of it. He quoted from the Governor's message with respect to this particular situation and I am advised by the Maine Guarantee Authority that they have never before paid property taxes in instances where the Maine Guarantee Authority actually has held title to that particular property since the Maine Guarantee Authority, itself, is a tax exempt entity. That is true. If we reconsider and if we pass this bill and we override the Governor's veto, the particular statement that the Governor made will still be true, it will still be true. We aren't asking the Maine Guarantee Authority to pay taxes. We are asking them to make a payment in lieu of taxes. Mr. Philip Clifford has told me and told our town manager that the MGA has made many similar payments in lieu of taxes.

The Governor also states in his veto message, and I quote: "However, they have and do indirectly subsidize property taxes and that is exactly what this is, of these projects, when the projects are functioning and still on going". I want to discuss that just for a minute. While the project is ongoing and still functioning. After the Maine Guarantee Authority foreclosed in the middle of March, the Carriage Inn doors didn't close. Mr. Art Phillips, the proprietor of the Carriage Inn, continued to operate at a profit as he had all along. The only difference was that he didn't have to make any payment to the town for property taxes because he had the state to bail him out. He continued to operate his business just as he had before. As a matter of fact, after the foreclosure took place, Mr.

Phillips seemed to have enough money to go out and buy television advertisements and to say on television, he had two people speaking and one of them said to the other one "Boy, it is too bad about the Carriage Inn, the problems they are going through" and the fellow responds and says, "Oh no, you have it all wrong, the Carriage Inn is doing better than ever. Come, they have Jud Strunk there", all of this after the Maine Guarantee Authority had foreclosed. Well, it seems to me that this would be my definition of a "functioning and ongoing" project.

I wish that you reconsider. The people of Pittsfield are going to have to pay higher property taxes to make up for this difference. There are small business men in my town who have come to me and said, "Jack, I want to know why it is that one business in town can operate tax free, while we have to pay our property taxes to the town." This was done under the legal sanction of the state and it is nothing more, ladies and gentlemen, and I want to say this on the record, whatever happens to this bill, this is legal tax evasion, that is just what it is and it is done under the sanction of the state, under a state agency. It is reprehensible and if you are really concerned about doing what is right for Pittsfield, you will vote to reconsider. I also want to say this, then I am going to sit down and let you decide, you probably won't change your minds anyway. But, if any of you had a similar bill, if this had happened to your town, you would have a bill in.

The town of Milbridge had some food stamps stolen in the amount of \$8,000 and there was a bill put in and there was no public hearing on the bill, there was no committee report on the bill. I voted for it, I supported it because I could put myself in their place and understand their problem and I would hope that you can empathize with me and help the town of Pittsfield.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentleman from Old Town, Mr. Pearson, that the House reconsider its action whereby the veto was sustained. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.
89 having voted in the affirmative and 55 in the negative, the motion did prevail.

The SPEAKER: The pending question is, shall this Resolve to Authorize the Maine Guarantee Authority to Issue a Payment in Lieu of Taxes to the Town of Pittsfield, House Paper 1476, L. D. 1709, become law notwithstanding the objections of the Governor? Pursuant to the Constitution, the vote will be taken by the yeas and nays. This requires a two-thirds vote of the members present and voting. All those in favor of this Bill becoming law notwithstanding the objection of the Governor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Beaulieu, Bennett, Benoit, Birt, Blodgett, Boudreau, A.; Brennerman, Brown, K.C.; Burns, Bustin, Carey, Carroll, Chonko, Clark, Connolly, Cote, Cox, Curran, Davies, Diamond, Dow, Drinkwater, Durgin, Dutremble, Elias, Flanagan, Fowle, Gill, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Howe, Hughes, Hunter, Jacques, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kilcoyne, Laffin, LaPlante, LeBlanc, Lizotte, Locke, Lougee, Lynch, MacEachern, Mahany, Martin, A.; Masterton, Maxwell, McBreairty, McKean, Mills, Mitchell, Nadeau, Najarian, Nelson, M.; Nelson, N.; Palmer, Peakes, Pearson, Plourde, Post, Prescott, Quinn, Rideout, Shute, Spencer, Stubbs, Talbot, Theriault, Tierney, Tozier, Trafton, Truman, Twitchell, Valentine, Wilfong, Wood, Wyman, The Speaker.

NAY — Aloupis, Ault, Austin, Bagley, Berry,

Berube, Biron, Boudreau, P.; Brown, K.L.; Bunker, Carey, Carrier, Carter, F.; Churchill, Conners, Cunningham, Devoe, Dexter, Dudley, Fenlason, Garsoe, Gillis, Gould, Gray, Huber, Hutchings, Immonen, Jackson, Lewis, Littlefield, Lunt, Mackel, Marshall, Masterman, McHenry, McPherson, Moody, Morton, Peltier, Perkins, Peterson, Raymond, Rollins, Sewall, Silsby, Smith, Sprowl, Stover, Strout, Tarbell, Tarr, Teague, Torrey, Whittemore.

ABSENT — Carter, D.; Gauthier, Hobbins, Kerry, McMahan, Norris, Tyndale.

Yes, 91; No, 53; Absent, 7.

The SPEAKER: Ninety-one having voted in the affirmative and fifty-three in the negative with seven being absent, the Governor's veto is sustained.

The following Communication: (H. P. 1846)
STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE

July 20, 1977

To: The Honorable Members of the Senate and House of Representatives of the Maine 108th Legislature:

I am returning without my signature and approval H. P. 874, L. D. 1067, AN ACT Relating to Workmen's Compensation for State Law Enforcement and Institutional Personnel.

This bill will provide special benefits to wardens, some institutional personnel, and law enforcement officers in the Department of Public Safety by giving them favorable treatment relative to the accumulation of sick leave and increased pay periods for workmen's compensation claims.

Also, I am advised that although these same provisions were repealed by the 107th Legislature, they were again enacted this session.

Because I feel that this bill is discriminatory and not justifiable at this time, I cannot allow this bill to become law and respectfully request that the Legislature in its deliberations consider the following concerns and questions:

(1) How can special benefits of this type be justified unless we are willing to do the same for other employees, both in the public and private sector?

(2) I feel that this bill would involve a dangerous and discriminatory precedent. I am advised that there are other groups of employees, with equally compelling cases, that could demand of future Governors and Legislators benefits similar to those contained in this bill.

(3) I do not believe that substantive changes of this nature should be made on a piecemeal basis. It seems that there are serious policy questions involved and that any changes should be the product of a conscious, well-thought out decision which we can accept and apply on a uniform, equal treatment basis.

(4) I am also advised that this legislation will entail considerable expense to the State. I question whether the spending of additional taxpayer dollars can be justified on the basis of this bill, not only in terms of fiscal responsibility but also in terms of what is right and fair.

(5) Last, but very significantly, it is my understanding that the very same benefits which are proposed in this bill are subjects appropriate for collective bargaining and in fact have been addressed in that manner by other states and even by municipal employees within Maine. I am extremely concerned with any legislation which subverts or emasculates the collective bargaining process, and I feel such continued efforts raise serious questions regarding the appropriateness of collective bargaining at the state level in a political setting.

Again, I feel this bill is discriminatory and in-

appropriate, and I respectfully request that you sustain my veto of this measure.

Very truly yours,

(Signed)

JAMES B. LONGLEY

The Communication was read and ordered placed on file.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Flanagan.

Mr. FLANAGAN: Mr. Speaker, Ladies and Gentlemen of the House: Just a word on this particular bill. It is a bill concerning the disability of individual workers. The present law specifically states that no compensation for incapacity to work shall be payable for the first three days of incapacity "except" firemen. This bill would add to this exception law enforcement officers in the Department of Public Safety, wardens in the Department of Inland Fisheries and Wildlife and the Department of Marine Resources, institutional personnel with direct care or charge of residents or inmates in the Department of Mental Health and Corrections. It deals with these particular people and not the entire 12,000 state workers because these people hold hazardous positions. At this time, we felt that this was a move in the right direction to cover these particular people.

It also deals with present actions and regulations as that sick leave taken during waiting periods is charged to the disabled individuals accumulated sick leave, despite the fact that the incapacity to work is a direct result of their performance in their duties. Not only do these people lose three days of compensation after being hurt in the performance of their duty, but in waiting periods, this time is charged off their accumulated sick leave. It was also passed by both Houses here that this bill should be passed.

I hope this body here will vote to override today.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mrs. Bustin.

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I hope that the House will vote to override, continue with your support of this unanimous "Ought to Pass" Report from the Committee on Labor. I think I can summarize this very briefly. I would ask you to vote the way you would want the House to vote if you were an employee. If you were working at night on the wards in the Augusta Mental Health Institute or the Bangor Mental Health Institute, would you want day one coverage for on-the-job injury? I think you would and I hope you will override.

The SPEAKER: The pending question is shall Bill "An Act Relating to Workmen's Compensation for State Law Enforcement and Institutional Personnel," House Paper 874, L. D. 1067, become law notwithstanding the objections of the Governor?

Pursuant to the Constitution, the vote will be taken by the yeas and nays. This requires a two-thirds vote of the members present and voting. All those in favor of this Bill becoming law notwithstanding the objections of the Governor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. C.; Bunker, Burns, Bustin, Carey, Carrier, Carroll, Carter, D.; Chonko, Churchill, Clark, Connolly, Cote, Cox Cunningham, Curran, Davies, Diamond, Dow, Drinkwater, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Howe, Huber, Hughes, Hutchings, Jackson, Jacques, Jalbert, Jensen, Joyce, Kane Kany, Kelleher, Kilcoyne, Laffin, LaPlante, LeBlanc, Lewis, Littlefield, Locke, Lunt, Lynch, MacEachern, Mackel, Mahany, Marshall, Martin, A.; Masterman, Masterton,

Maxwell, McBreairty, McHenry, McKean, McMahon, McPherson, Mills, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Palmer, Peakes, Pearson, Peltier, Perkins, Peterson, Plourde, Post, Prescott, Quinn, Raymond, Rideout, Sewall, Shute, Silsby, Spencer, Strout, Stubbs, Talbot, Tarbell, Tarr, Theriault, Tierney, Torrey, Tozier, Trafton, Truman, Twitchell, Valentine, Whittmore, Wilfong, Wood, Wyman, The Speaker.

NAY — Aloupis, Biron, Brown, K. L.; Carter, F.; Conners, Devoe, Dexter, Dudley, Hunter, Immonen, Lizotte, Lougee, Rollins, Smith, Sprawl, Stover, Teague.

ABSENT — Gauthier, Hobbins, Kerry, Norris, Tyndale.

Yes, 129; No, 17; Absent, 5.

The SPEAKER: One hundred and twenty-nine having voted in the affirmative and seventeen in the negative, with five being absent, the veto is not sustained.

Sent up for concurrence.

The following Communication: (H. P. 1847)

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE

July 20, 1977

To: The Honorable Members of the Senate and House of Representatives of the Maine 108th Legislature:

I am returning without my signature and approval H. P. 1310, L. D. 1634, which is entitled "An Act to Prohibit the Practice of a Mandatory Retirement Age. Very candidly, I feel the bill is misleading to the extent this act eliminates a voluntary system of retirement entered into by mutual agreement by employer and employees with or with a fixed retirement date and/or a fixed retirement benefit. This act eliminates the voluntary, free enterprise nature for one party and mandates for that same party another statute and regulatory requirement that says the government will also set the rules and regulations on how and why you may or may not retire a person at any given age. For instance, state government presently retires State employees with a very favorable retirement plan beginning at age 60 if the employee desires, or at age 70 and in some instances I am advised even longer based on the mutual agreement between State government and the employee. This law will eliminate that voluntary arrangement which employee accepts and to which each employer commits to the employee. In other words, this law mandates a potentially greater harm to all parties, employees and employers, than the present voluntary system we now enjoy.

My decision to veto this bill was based on a very simple and basic premise. I have yet to be shown convincing evidence that enactment of this legislation would not hurt the elderly more than it would help.

I fully realize the emotional nature of this issue and I am appreciative of the good faith motives of the sponsors of this legislation and the Maine Committee on Aging and other groups which supported this bill.

The philosophy of keeping our older Americans as productive members of society is one which cannot be argued and one supported by virtually every American. It is certainly one supported by this Governor.

As a matter-of-fact, most of the arguments in support of this legislation are philosophical in nature and do not deal with the problems that enactment might cause older workers and those nearing retirement age. For example:

(1) I was never given sufficient evidence to show that workers between the ages of 50 and 65 who are seeking employment would not be severely hampered by the reluctance of employers to hire.

(2) I was never convinced that employers

would not use this law as a "copout" to avoid developing meaningful pension plans for its employee or plans to supplement Social Security.

(3) I was never shown convincing evidence that we would not be taking away more rights and opportunities than we would be granting.

(4) I am concerned with the possible inhumanity that results from the system that singles out individuals because they can no longer perform because of age, and I question the ability of government to apply a uniform standard in each individual case.

(5) I have been advised and have heard it stated at the federal level that a real concern with eliminating mandatory retirement is that a bottleneck is created in the entire employment system and younger people are discouraged or prevented from advancing at a fairly normal and healthy rate. Right now Maine suffers from the exodus of young people from the State because of the lack of job opportunities here in Maine. I fear that this legislation would worsen that situation.

(6) I'm advised that a national economist and lawyers have expressed concerns regarding potential liability attributable to individuals retired under a prior fixed-date retirement plan. I've been further advised by one of the leaders of Maine's elderly and an activist with the Committee on Aging and an opponent of this legislation that this legislation could be defeated on the national level because once emotionalism is removed the liabilities offset the advantages.

I simply do not feel we have a right to pass legislation of this magnitude with unknown implications in the final hours of a hectic session. I don't feel it is fair to the elderly and I don't feel the emotional lobbying that led to its enactment is fair to individual members of this Legislature who were faced with many major issues in the final days and hours.

We should not ride our emotions into an area of unknowns when we can take a few months and carefully study the full and exact impact of this legislation on the lives of our elderly. It is not too late to pause and approach this problem on a sound, reasonable basis. It may forever be too late to right the wrongs we have done to the elderly.

The bill in question is filled with unanswered questions. For example, has the teachers union leadership (MTA paid staff) seized upon this legislation to write restrictions that would benefit themselves and make it impossible for school boards to administer. We have to ask whether paid union leadership seized upon last-minute legislation in this and other areas to advance their own interests at the expense of legislators and the taxpayers of Maine.

I will admit that my concerns in this area might be greater than those of others because this was my field in private business. I have witnessed what can and does happen to persons nearing retirement and persons who have retired from firms which did not provide adequate pension benefits or supplemental programs to Social Security. I cannot, in good faith, support this legislation without some assurances that it will not lead to firms in the private sector having an easy out.

I would be supportive of any legislation that would protect elderly employees but I cannot be supportive of a bill based primarily on emotionalism, particularly in view of the fact that we have time to study this issue and act on it in a calm and reasonable fashion in the early days of a future legislative session.

If the facts show that the elderly will be helped rather than hurt by such legislation then it would have my full support. However, at this point in time I have not been shown such facts and I cannot, in good faith, sign this law despite the emotionalism surrounding it.

I respectfully ask that my veto of L. D. 1634

be sustained and that the Executive and Legislative branches embark on independent study effort and see if we can make a determination as how to best aid and assist those approaching retirement as well as those of retirement age who want to continue in productive work and employment.

Thank you very much.

Very truly yours,

Signed:

JAMES B. LONGLEY
James B. Longley
Governor

The Communication was read and ordered placed on file.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Ms. Goodwin.

Ms. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for taking a little time on this issue this morning but this is, to the senior citizens of Maine, probably the single most important piece of legislation to come before this legislature in several years. It has never been debated in the House and there has never been a vote on it. In his veto message of L. D. 1634, the Governor suggests that we have been emotional, not rational. He suggests that we have acted in haste and not in cautious judgment.

I would like to set that record straight. We were informed last fall that the abolition of mandatory retirement was a priority of Maine's elderly. Four different bills were introduced on this issue. Each went to different committees that had public hearings, numerous workshops and caucuses. Such extensive deliberation by various members of this legislature throughout the session, not only in the last moments, deserves consideration as more than just emotionalism.

There are many facts surrounding this issue which I will try to summarize. First, however, I feel that we should clarify the Governor's initial misunderstanding. Voluntary retirement means that the worker leaves employment by choice. A worker, who reaches the mandatory retirement age, has no choice and is forced out. A university professor, for example, who signs a contract is fully aware that the University of Maine has a forced retirement age of 65. To suggest that this is a voluntary system is ridiculous.

What I would like to discuss with you are the six points, which the Governor raises against the bill. Rather than read each of them, perhaps it would be easier for you to follow along on Page 14. (1) The governor has offered no evidence that passage of L. D. 1634 will make employers reluctant to hire older workers. In fact, there exists now considerable evidence that current manpower policies of forced retirement, not this bill's provisions, work to the detriment of workers age 50-65. According to the U.S. Department of Labor, older workers age 45-65 spend longer periods of time unemployed. Once unemployed, they tend to exhaust all unemployment benefits and take advantage of reduced retirement benefits. Moreover, the unemployed older worker receives less help in seeking new jobs such as counseling, retraining and interviews than the younger unemployed.

In 1975, a Harris poll shows that 87 percent of employers agree that age discrimination exists now. Why? Because we have institutionalized the idea that at 65 a worker is no good. As state and federal law now read, an employer may deny employment to a middle aged or older worker by complying with the terms of a bona fide retirement or pension plan. As L. D. 1634 reads, the arbitrary distinction of mandatory retirement which feeds the public attitude that the old are less capable employees will be abolished. Ability, not age, will be the test of continued work.

Secondly, L. D. 1634 will amend present law

so that retirement and pension plans, while available as usual, will no longer be used to terminate or deny employment to an older worker as they now can and do.

Third, this bill deals only with the public sector, which already has some of the best pension plans in the state. These pension plans are intact and their integrity is ensured in this bill by provisions of a normal retirement age. Benefits of public pension plan shall continue to be available to the employee at the normal or average age of retirement, while a public employees must now retire at age 70, he will, as of July, 1978, earn full rights to his pension at age 70 but be afforded full rights to continue employment should he be capable and so select. The public employer could freeze pension benefits and award them to the public employee and actuarially assess large monthly amounts when the worker actually retired.

The argument raised here is irrelevant to this bill which deals only with public employees. If such a "copout" would occur and again the Governor raises a scare tactic, not evidence, it would do so in the private sector where only 36 percent of all employers have pension plans. This bill does not affect the private sector except to commission a study of this very issue. If the veto of L. D. 1634 is overridden, the bill, through a study order, guarantees the Governor the evidence that he seeks for the private sector.

Again, I must ask the Governor for evidence and specifics. What rights will we be denying the employee? He has never expressed his concern. We will, in L. D. 1634, be granting the employee equal rights, equal access to jobs based on ability, not age.

We don't believe that it is inhumane to tell an incompetent worker that he can no longer do his job. On the contrary, by allowing incompetence to continue on the job, particularly in the public sector, we are creating an inferior work force. Given the public responsibility of state and local government and the teaching profession, it is inhumane to have an inferior work force serving the public, instead inhumanity well describes mandatory retirement policies in which a competent older worker is given a gold watch and a pat on the back.

I am overwhelmed to see the Governor admit that government can't maintain a competent work force by a standard procedure of employee valuation. Of course, we have difficulties in personnel in hiring and firing and grievance procedures now. These problems must be resolved regardless of the action on this bill. In fact, this bill might stimulate that long, overdue action. A vast amount of research exists concerning the evaluation of an employee. This bill states that employers may continue to establish standards and criteria of job performance so long as they are not age discriminatory.

From 1970 to 1975, a demonstration project was conducted in Portland, Maine by the United States Department of Labor in the National Council on Aging and from that was developed, functional criteria to measure job fitness. The study also concluded that (1) a majority of prospective employees, young and old, seek jobs they are capable of performing and (2) middle-aged and older workers have the ability to perform jobs for which they would otherwise have been rejected because of age.

Again the Governor shares his fears with us but not his facts. Young peoples migration out of Maine is based on a series of well documented reasons, which include the desire to see new places or get jobs that simply don't and probably won't exist in Maine. Our study shows that between 14 and 18 percent of all elderly, will wish to continue to work if L.D. 1634 becomes law and of those, only 5 to 10 percent will want full time jobs.

Again, I remind you that this bill deals only

with the public sector. According to the Maine State Retirement System, as of the fall of 1976, there were only 27 employees, 70 and over, and only 264, over age 65 covered under that program. These small numbers will not create a bottle neck in the public sector. Again, the impact of this issue in the private sector will be studied if this bill passes.

Many elderly people support this bill, not for their own benefit but for the young. When mandatory retirement was institutionalized in this country, there was 7 workers paying into pension and social security plans for every one retiree. Today, that ratio is 3 to 1. By the turn of the century, it will be 2 to 1. Given the end of the baby boom with the exception of one member of our House and the growing numbers of longevity of older people, the young will be increasingly hurt by the heavy costs of paying pensions and social security for retirees. In fact, last year, a full 50 percent of workers retired early and therefore will be spending longer periods of time drawing benefits. Such a dependency situation would have significant impact on youth. Through the passage of this bill, employers who retained workers beyond the normal retirement age, will incur savings in pension costs between 5 and 10 percent, according to Paul Brennan, an actuary with Peat, Marwick and Mitchell. Such saving could ultimately create jobs for the young.

I am unclear about the Governor's point and have no idea about the sources he states. If the Governor is suggesting that passage of L.D. 1634 will bring lawsuits from employees mandatorily retired before its effect, he need not worry. Unless otherwise stated, laws are prospective, not retroactive. I don't know what liabilities exist for the federal government but I do know that none exists for the State of Maine, should L. D. 1634 become law.

I am also confused by the Governor's illusion to the Maine Teachers Association. I know that this bill will abolish all age discriminatory standards and criteria. Presently, teachers over age 64 must have their contracts re-negotiated yearly and can't be awarded two year contracts. Section 16 of the bill would clarify this provision and bring teachers, age 64 and over, under the same contract rights and privileges of younger teachers.

The Governor's veto message confuses the contents of the bill. He states "cannot support this legislation without some assurances that it will not lead to firms in the private sector having an easy out." The bill, as written, will provide the Governor his assurances by acting only on the public sector and committing the questions he raises and others to a two year study by the State Planning Office and the Maine Committee on Aging.

This legislature knows that this issue is a real one, not just an emotional one. We have labored with it in four different bills throughout this session. With all deference, I suggest that it is the Governor who has not been to our public hearings, our work sessions, our caucuses and debates, who is reacting without facts. Our intimate involvement on this issue, our daily contact with our constituents, whom this bill affects, should assure us that our previous commitment was correct and should compel us to resoundingly override this veto.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I am reminded this morning of that old adage that "fools rush in where angels fear to tread" and after the very excellent address by the gentlelady from Bath, I probably shouldn't rush in but here I am anyway. As one whose hair is what little he has left turned to silver, although I am not yet quite tottering and yet, I think I am beyond the dewy eyed idealism of youth, I think we should perhaps sit back now at this point in the debate

and it is the first time we have debated this bill, and just take a rather dispassionate look at the whole thing and see what we are creating. One thing we need to remember is, in my opinion, we are opening a Pandora's box with this type of legislation. An example was the very last days of the session when we had to address the problem of apprentices and the union contracts and the apprentice agreements that had been enforced, we suddenly found out it would be adversely affected so we didn't take special action.

As the gentleman from Livermore said one day in a debate about that particular section, this is nothing but the tip of the iceberg, you know not what you are doing. We have many different retirement ages in our present retirement system and I am told that they will not be affected by this bill but they are just illustrations of what is in the public sector and of course, thank goodness, this no longer represents the private sector.

The gentlelady mentioned that ability, not age, should be the criteria and I feel that I must agree with her but I would point out that a bill like this is a two edged sword, it cuts both ways. I am sure that she is aware, just as I am, that there are just as many approaching retirees who are kept on in anticipation of prospective retirement as there are those who wish to continue working after retirement age.

I would have no objection to an extension from positive administrative action such as we used to use in connection with my service on the Executive Council, ten years ago, when we did extend individuals, depending upon their ability and that sort of thing, I think that that is a proper function of government, to make those administrative corrections. But a standard retirement age for any given group of employees in any job segment provides a dignified alternative to telling an employee who has slowed down a bit, that he no longer is up to job standards. Remember, this can happen at any age but it is more likely to happen to those who are getting into their sixties.

I don't agree that this is the most important legislation for senior citizens. I had the privilege of addressing the retired teachers the day after we finished and the spokeswoman, who was a very able spokeswoman for the retired teachers, who comes to all the sessions of committees, pointed out that this was a bill that their committee had supported strongly and then it was incumbent upon me to get up and tell that I had been opposed to this legislation right along. They didn't run me out of the hall and several came up afterwards and said to me that they did feel that this has perhaps been rushed into too much and that we ought to know a lot more about it before we pass it. If polled, I am sure that the elderly people in this state would feel that perhaps the tax and rent refund, which we provided funds for this time or drugs for the elderly, which we provided funds for this time in our Part II budget, both of these might well have higher priority on the list that the elderly are concerned about.

This bill has great but unstudied potential. I think it is full of mischief and I urge you to vote no.

The SPEAKER: The Chair recognizes the gentleman from Blue Hill, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to wholeheartedly support the position of the gentlelady from Bath. Having worked in the health care field for these some 20 plus years, I have observed many of the health care advancements through the years and the enabling areas that this improved health care has given to the elderly people. They now are able to lend themselves more readily and more willingly and with much better agility to the problems that maybe some of the young think only they

are capable of doing. Therefore, I would ask you to support this bill and not to turn out a lifetime of experience and make retirement a personal choice rather than a mandated plan.

The SPEAKER: The Chair recognizes the gentleman from Winthrop, Mr. Bagley.

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: There are several points in regard to this particular thing; one mentioned constantly is pensions. Of course, anybody pays into this pension system until he starts collecting. The longer a person works, the more he pays in, the less he receives, therefore, it will definitely benefit the pension system, whether it is a private system or a public system.

The second thing is the matter of administration. I was at a meeting Thursday of senior citizens, quite a lot of them. One man who is a retired businessman said, if I couldn't get rid of the people who need to be gotten rid of at any given time, I would consider myself a poor administrator. What we are trying to do is ask the state to tell people when they have got to retire, regardless of their ability, passing the buck from the administrator of the business to the law itself.

The third thing that I think we all ought to understand is that this is strictly voluntary, it doesn't say that a person has to continue until he dodgers; it doesn't say that he has to continue. In my case, I retired at 65 because I wanted to retire. There are many people at 65 who have no other interests, who do not want to retire, and if they have the ability, they should be kept on.

The final point that I would make is one that was already made, and that is the number of people over retirement age is constantly increasing so that the younger people are having to pay more and more to support the older people as well as their own families. I hope you will vote to override.

The SPEAKER: The pending question is, shall this Bill become a law notwithstanding objections of the Governor. Pursuant to the Constitution, the vote will be taken by the yeas and nays. This requires a two-thirds vote of all the members present and voting to override the Governor's veto. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Boudreau, A.; Boudreau, P.; Brenerman, Burns, Bustin, Carey, Carrier, Carroll, Chonko, Churchill, Clark, Conners, Connolly, Cote, Cox, Cunningham, Curran, Davies, Dexter, Diamond, Drinkwater, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gill, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Howe, Hughes, Hunter, Hutchings, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Laffin, LaPlante, LeBlanc, Lewis, Littlefield, Lizotte, Locke, Lougee, Lunt, MacEachern, Mackel, Mahany, Marshall, Martin, A.; Masterman, Maxwell, McBreairey, McMahon, McPherson, Mills, Mitchell, Moody, Nadeau, Najarian, Nelson, N.; Palmer, Pearson, Peltier, Perkins, Plourde, Post, Raymond, Shute, Silsby, Smith, Spencer, Sprowl, Stover, Strout, Talbot, Tarbell, Tarr, Theriault, Tierney, Tozier, Trafton, Truman, Twitchell, Valentine, Whittemore, Wilfong, Wood, Wyman, The Speaker.

NAY — Aloupis, Biron, Birt, Blodgett, Brown, K.L.; Brown, K.C.; Bunker, Carter, D.; Carter, F.; Devoe, Dow, Dudley, Gillis, Huber, Immonen, Jackson, Jacques, Kilcoyne, Lynch, Masterton, McHenry, Morton, Nelson, M.; Peterson, Prescott, Quinn, Rideout, Rollins, Sewall, Stubbs, Teague, Torrey.

ABSENT — Gauthier, Hobbins, Kerry, McKean, Norris, Peakes, Tyndale.

Yes. 112; No. 32; Absent, 7.

The SPEAKER: One hundred twelve having voted in the affirmative and thirty-two in the negative, with seven being absent, the Governor's veto is not sustained.
Sent up for concurrence.

The following Communication: (H. P. 1848)
State of Maine
Office of the Governor
Augusta, Maine

July 20, 1977

To: The Honorable Members of the Senate and House of Representatives of the 108th Maine Legislature:

I am as of this date returning without my signature and approval H. P. 1482, L. D. 1698, Resolve, Directing the Bureau of Taxation to Provide Credits for the Commuter's Income Tax Imposed by New Hampshire for the period January 1, 1975 to March 19, 1975.

While I fully understand and am sympathetic to the motivation behind this particular bill, which will relieve Maine taxpayers who have paid an illegal commuter tax to the State of New Hampshire, I cannot in good conscience support this measure for the following reasons:

1. The State of New Hampshire has created this problem by imposing upon some of our citizens an illegal commuter tax and I feel that it is unfair to ask that all taxpayers of Maine be asked to carry a financial burden that rightfully should be borne by the State of New Hampshire;

2. We have been advised by the Attorney General's Office that should this bill become law the State of Maine may be unable to recover from New Hampshire the \$120,000 in question since Maine taxpayers, reimbursed through our tax credit, will no longer be "aggrieved" by the State of New Hampshire. I could not in good conscience explain to all taxpayers of Maine that I have allowed \$120,000 of Maine's money to be spent to correct a problem created by New Hampshire, while New Hampshire might never be forced to pay one cent towards reimbursing Maine citizens or the State of Maine;

3. We must also be careful to avoid the unfortunate precedent that this bill would create. The State of New Hampshire has aggrieved certain citizens of our state, and those citizens have a legal remedy against the State of New Hampshire which our Attorney General is pursuing. For the Legislature to inject itself into this legal process by attempting to rectify the situation and compensate those citizens, thereby undercutting the legal process, would be unfortunate. While I am told that the legal remedy may be time consuming, I am advised that it is the appropriate course to pursue in order to rectify the situation so that Maine citizens may be compensated but not at the expense of the entire citizenry of the State.

While I understand the efforts of the sponsors of this bill to represent to the best of their abilities the frustrated and burdened taxpayers of their area, I must point out that the Legislature and this Governor have a responsibility to the taxpayers of this entire state, and I question the advisability of taking any action which I am advised may undermine the legal arm of the State.

While I am sympathetic to the plight of these taxpayers and while I can understand their frustration, I must urge the Legislature to retain their perspective in addressing this question by keeping in mind that the party responsible for this entire affair, the State of New Hampshire, should be the party burdened with financially solving this problem. I do not believe that it is a question of should the State help or assist. The question is when, and I am advised that the best answer is after the State has had the opportunity to pursue the legal remedies which are available to it on behalf of the aggrieved parties. For these reasons I

respectfully request that you sustain my veto.

Sincerely,
(Signed) JAMES B. LONGLEY
Governor

The Communication was read and ordered placed on file.

The SPEAKER: The pending question is, shall Resolve Directing the Bureau of Taxation to Provide Credits for the Commuter's Income Tax Imposed by New Hampshire for the period January 1, 1975 to March 19, 1975," House Paper 1482, L. D. 1698, become law notwithstanding the objections of the Governor? Pursuant to the Constitution, the vote will be taken by the yeas and nays. This requires a two-thirds vote of all the members present and voting. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Ault, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K.L.; Brown, K.C.; Bunker, Bustin, Carey, Carrier, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Connors, Connolly, Cote, Cox, Cunningham, Curran, Davies, Devoe, Dexter, Diamond, Dow, Drinkwater, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Howe, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Jensen, Joyce, Kane, Kelleher, Kilcoyne, Laffin, LaPlante, LeBlanc, Lewis, Littlefield, Lizotte, Locke, Lougee, Lunt, Lynch, MacEachern, Mackel, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McBreairty, McHenry, McKean, McMahon, McPherson, Mills, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Palmer, Peakes, Pearson, Peltier, Peterson, Plourde, Post, Prescott, Quinn, Raymond, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Spencer, Sprowl, Strout, Stubbs, Talbot, Tarbell, Tarr, Teague, Theriault, Torrey, Trafton, Truman, Twitchell, Valentine, Whittemore, Wilfong, Wood, Wyman, The Speaker.

NAY — Austin, Burns, Clark, Dudley, Kany, Stover, Tierney.

ABSENT — Gauthier, Hobbins, Kerry, Norris, Perkins, Tozier, Tyndale.

Yes, 137; No, 7; Absent, 7.

The SPEAKER: One hundred thirty-seven having voted in the affirmative and seven in the negative, with seven being absent, the Governor's veto is not sustained.

Sent up for concurrence.

The following Communication:
State of Maine
Office Of The Governor
Augusta, Maine
July 20, 1977

To: The Honorable Members of the Senate and House of Representatives of the Maine 108th Legislature:

I am returning without my signature and approval H. P. 1273, L. D. 1501, RESOLVE, to Authorize a Study of the Judicial Pension System for the State of Maine.

Legislation was submitted this session to reform the existing judicial retirement system. Currently, a judge who serves one term qualifies for 75% of his salary upon retiring. I am advised that this system is one of the most liberal in the nation. In addition, I felt that it was inequitable and discriminatory to the extent that the system absolutely failed to reward an individual for length of service on the bench. In short, the current system provides a disincentive as it fails to reward those who serve longest on the courts.

The bill which was included in the Governor's Call would have established a system that would have rewarded judges for their length of

service. I considered this an integral part of reforming the judicial pay raise without also reforming the retirement system. I believe it was the impression of many legislators as well as myself that the judicial retirement bill was going to be passed along with the pay raise bill. Apparently, in the closing and hectic hours of the Legislature, the retirement bill was killed.

I am vetoing this bill because I believe that there is existing expertise within State government to conduct the study which this bill appropriates \$5,000 to do. I believe that the expenditure is unnecessary and that the same purposes can be achieved by using the actuarial and other expertise that already can be found in State government.

Again, I urge the Legislature to reform the current retirement system so as to provide a more equitable and economical compensation structure in line with that available to all other public servants. However, I feel it is not necessary to spend \$5,000 for talent and expertise that is already available.

Very truly yours,

(Signed) JAMES B. LONGLEY
Governor

The Communication was read and ordered placed on file.

The SPEAKER: The pending question is, shall RESOLVE, to Authorize a Study of the Judicial Pension System for the State of Maine House Paper 1273, L.D. 1501 become law notwithstanding the objections of the Governor? Pursuant to the Constitution, the vote will be taken by the yeas and nays. This requires a two-thirds vote of all the members present and voting. All those in favor of this Resolve becoming law notwithstanding the objections of the Governor will vote yes; Those opposed will vote no.

ROLL CALL

YEA — Benoit, Brenerman, Brown, K.C.; Burns, Bustin, Carey, Connolly, Curran, Davies, Diamond, Dow, Durgin, Elias, Flanagan, Garsoe, Goodwin, H.; Greenlaw, Henderson, Hickey, Hughes, Jensen, Kane, Kany, Kelleher, Laffin, LaPlante, LeBlanc, Locke, Lunt, MacEachern, Mahany, Masterton, Maxwell, McHenry, Mills, Mitchell, Morton, Nadeau, Najarian, Peakes, Plourde, Rideout, Smith, Spencer, Talbot, Tierney, Trafton, Truman, Valentine, Wilfong, Wyman, The Speaker.

NAY — Aloupis, Ault, Austin, Bachrach, Bagley, Beaulieu, Bennett, Berry, Berube, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brown, K.L.; Bunker, Carrier, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Clark, Connors, Cote, Cox, Cunningham, Devoe, Dexter, Drinkwater, Dudley, Dutremble, Fenlason, Fowlie, Gill, Gillis, Goodwin, K.; Gould, Gray, Green, Hall, Higgins, Howe, Huber, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Joyce, Kilcoyne, Lewis, Littlefield, Lizotte, Lougee, Lynch, Mackel, Marshall, Martin, A.; Masterman, McBreairty, McKean, McMahon, McPherson, Moody, Nelson, M.; Nelson, N.; Palmer, Pearson, Peltier, Perkins, Peterson, Post, Prescott, Quinn, Raymond, Rollins, Sewall, Shute, Silsby, Sprowl, Stover, Strout, Stubbs, Tarbell, Tarr, Teague, Theriault, Torrey, Tozier, Twitchell, Whittemore, Wood.

ABSENT — Gauthier, Hobbins, Kerry, Norris, Tyndale.

Yes, 52; No, 94; Absent, 5.

The SPEAKER: Fifty-two having voted in the affirmative and ninety-four in the negative, with five being absent, the Governor's veto is sustained.

The following Communication: (H.P. 1849)
STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE

July 22, 1977

To: The Honorable Members of the Senate and House of Representatives of the Maine 108th Legislature:

I am on this date returning without my signature and approval H.P. 910, L.D. 1158. AN ACT to Coordinate, Effectively Utilize and Comprehensively Plan the Service Needs of Maine's Children and Families by Establishing a Maine Council of Families and Children, County Councils on Families and Children and a State Office for Children and Families.

The stated purpose of this legislation is to improve the effectiveness and coordination of publicly supported services to Maine's children and families. However, this particular bill attempts to accomplish that purpose by providing another bureaucratic mechanism for oversight of social programs rather than accomplishing the purpose by directly appropriating funds for assistance to needy children and families within our state.

I am advised by and support the conclusions of Commissioners David Smith, George Zitnay, and Sawin Millett that this particular legislation duplicates the task of existing programs and agencies within State government and is inconsistent with the major commitment of both this Governor and this Legislature to enhance the quality of life for Maine's children and families by direct assistance rather than by the creation of a new or expanding bureaucracy.

Specifically I would like you to consider the following points:

1. The Maine Human Services Council, as created by a past legislature, has the same mandate as this legislation with respect to all human services except services to older people. I have been advised that adoption of this legislation could possibly lead to more separate, categorical and narrowly defined programs and would set a precedent for other single interest groups to seek an office within the Executive Department.

2. I am advised that progress is already being made in this all-important area within the existing agencies charged with responsibility for matters relating to children. For example, the Department of Human Services, utilizing funds appropriated by this Legislature through the Title II Public Works Program, has established a 24-hour emergency referral service to serve children in need of assistance. The Department of Mental Health and Corrections has also shown initiative in the area of children's services by planning for the creation of a separate Children's Services Bureau within the Central Office, a separate juvenile services division within Probation and Parole and, through our contract agreements with mental health centers, a requirement that they be responsive to the needs of children both for evaluation and treatment.

3. Programs such as those listed above are to be accomplished with the guidance of and with input from the Inter-Departmental Coordinating Committee made up of staff from the Departments of Human Services, Mental Health and Corrections, and Education. This Legislature has asked that these three departments work together to further the interest of children in this state, and the departments plan to do so by utilizing the ICC.

4. In addition to the duplication created by this legislation as evidenced above, there are serious questions regarding both the structure of the State Office of Children and Families and the Maine Council of Families and Children which are mandated by this legislation.

The State Office for Children and Families is to be located in the Governor's Office and yet the appointment of a director who shall be directly responsible to the Governor can only be made after approval by the Legislature. This is inconsistent both with the location of the director in the Governor's Office as well as incon-

sistent with the practice of not including staff positions within the Executive Department among appointments needing legislative approval. Closer study of the laws indicate such important positions as the Directors of the State Planning Office and the State Development Office were not included in those positions requiring legislative confirmation and even the Director of the Office of Energy Resources, an analogous position to that now being considered, is not subject to legislative confirmation. I am aware of no reasons or justifications for departing from established policy.

In addition there is even some confusion as to the appointment of the Maine Council on Families and Children since two current members of the Governor's Committee on Children and Youth are to be designated by the Governor as members of the new council. However, the Governor's Committee on Children and Youth was not reactivated this legislative session and the bill introduced to establish a permanent Committee on Children and Youth was not enacted. As of June 30 of this year any credited appropriation to the Governor's Committee on Children and Youth lapsed into the general fund and all members serving on the Committee have had their terms expire. Therefore there appears to be a legal question as to how the Governor could be mandated to appoint from a council that is no longer even in existence.

I would have to state that a variety of questions have been raised concerning the mechanics of this particular legislation. Even if those questions were legally answered, I feel that the major issue that must be faced is the duplication of existing services and as well as the creation of an additional bureaucracy in an area where the primary emphasis should be on direct service to our citizens rather than on a growth of programs, offices and councils.

I have been very pleased with the deserved attention that has been focused on the needs and problems of children and families by various groups both inside and outside of State government. From their recommendations much worthwhile legislation has emerged and I wish to see this emphasis continued both in the Legislative and Executive Branches. However I cannot in good conscience support a measure that duplicates the effort of many public and private agencies and workers without significantly providing direct assistance to our needy citizens, and I therefore respectfully request that you sustain my veto.

Sincerely,

Signed:

JAMES B. LONGLEY
Governor

The Communication was read and ordered placed on file.

The SPEAKER: The pending question is, shall Bill "An Act to Coordinate, Effectively Utilize and Comprehensively Plan the Service Needs of Maine's Children and Families by Establishing a Maine Council of Families and Children, County Councils on Families and Children and a State Office for Children and Families," House Paper 910, L.D. 1158, become law notwithstanding the objections of the Governor? Pursuant to the Constitution, the vote will be taken by the yeas and nays. This requires a two-thirds vote of all the members present and voting. All those in favor of this Bill becoming law notwithstanding the objections of the Governor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Ault, Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. C.; Bustin, Carey, Carroll, Chonko, Churchill, Clark, Connolly, Cote, Cox, Cunningham, Curran, Davies, Dex-

ter, Diamond, Dow, Drinkwater, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowle, Garsoe, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Howe, Hughes, Hutchings, Jackson, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Laffin, LaPlante, LeBlanc, Lewis, Littlefield, Lizotte, Locke, Lunt, Lynch, MacEachern, Mahany, Marshall, Martin, A.; Masterton, Maxwell, McBreairty, McHenry, McKean, McPherson, Mills, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, M.; Palmer, Peakes, Pearson, Peltier, Perkins, Peterson, Plourde, Post, Prescott, Quinn, Raymond, Rideout, Sewall, Shute Silsby, Smith, Spencer, Sprowl, Strout, Stubbs, Talbot, Tarbell, Tarr, Teague, Theriault, Tierney, Torrey, Trafton, Truman, Twitchell, Valentine, Whittemore, Wilfong, Wyman, The Speaker.

NAY — Berube, Brown, K. L.; Bunker, Burns, Carrier, Carter, D.; Carter, F.; Connors, Devoe, Dudley, Gray, Huber, Hunter, Immonen, Jacques, Kilcoyne, Lougee, Mackel, Masterman, McMahon, Nelson, N.; Rollins, Stover, Tozier, Wood.

ABSENT — Gauthier, Hobbins, Kerry, Norris, Tyndale.

Yes, 121; No, 25; Absent, 5.

The SPEAKER: One hundred twenty-one having voted in the affirmative and twenty-five in the negative, with five being absent, the Governor's veto is not sustained.

Sent up for concurrence.

The following Communication: (H. P. 1850)
STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE

July 22, 1977

TO: The Honorable Members of the Senate and House of Representatives of the 108th Maine Legislature

I am on this date returning without my signature and approval H. P. 1230, L. D. 1475, "An Act to Expand the Availability of Certain Social Services by Increasing Income Eligibility."

I support the following points made by Commissioner David Smith in advising me on this legislation, and I present them for your consideration:

1. Title XX has no funds to implement this bill unless funds are diverted from the low income individuals now being served by the program and given to people who have substantially higher incomes. The Department of Human Services has denied many requests for additional monies for poor families because funds are not available and have even supplemented the Title XX Program with the Priority Social Services Program because of the lack of Title XX funds. To provide welfare benefits to a family of four with an income of \$14,872.00 a year is inappropriate when we cannot meet the service demands of the poor.

2. Although services are limited to 20% of the total services delivered for these additional eligibles, the number of people eligible for these services is huge. If we are going to 115 % of median income over 50% of the people in the State are eligible. Many people, although eligible, will be denied services.

3. The Department put a fiscal note on this bill but it was ignored. It is impossible for them to administer the bill without additional resources. The only other alternative will be to not audit or manage this legislation and assume an honor system will not result in audit exceptions by the Federal government.

4. The Department has the administrative authority to do everything proposed by the legislation. If funds do become available they can implement the intent.

For the above reasons, I respectfully request that you sustain my veto of this measure.

Very truly yours,

Signed:

JAMES B. LONGLEY
James B. Longley
Governor

The Communication was read and ordered placed on file.

The SPEAKER: The pending question is, shall Bill "An Act to Expand the Availability of Certain Social Services by Increasing Income Eligibility," House Paper 1230, L. D. 1475, become law notwithstanding the objections of the Governor? Pursuant to the Constitution, the vote will be taken by the yeas and nays. This requires a two-thirds vote of those present and voting. All those in favor of this Bill becoming law notwithstanding the objections of the Governor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Ault, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berube, Biron, Blodgett, Boudreau, A.; Brenerman, Burns, Bustin, Carey, Chonko, Churchill, Clark, Connolly, Cox, Curran, Davies, Diamond, Dow, Drinkwater, Durgin, Elias, Fenlason, Flanagan, Fowle, Garsoe, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Henderson, Hickey, Howe, Huber, Hughes, Hutchings, Jalbert, Jensen, Joyce, Kane, Kany, Laffin, LaPlante, LeBlanc, Lewis, Littlefield, Locke, MacEachern, Mahany, Martin, A.; Masterman, Masterton, Maxwell, McHenry, McPherson, Mills, Mitchell, Nadeau, Najarian, Nelson, M.; Peakes, Plourde, Post, Prescott, Rideout, Sewall, Spencer, Talbot, Theriault, Tierney, Trafton, Truman, Twitchell, Valentine, Wilfong, Wood, Wyman, The Speaker.

NAY — Austin, Berry, Birt, Boudreau, P.; Brown, K.L.; Brown, K.C.; Bunker, Carrier, Carroll, Carter, D.; Carter, F.; Connors, Cote, Cunningham, Devoe, Dexter, Dudley, Dutremble, Gray, Green, Hall, Higgins, Hunter, Immonen, Jackson, Jacques, Kelleher, Kilcoyne, Lizotte, Lougee, Lunt, Lynch, Mackel, Marshall, McBreairty, McKean, McMahon, Moody, Morton, Nelson, N.; Palmer, Pearson, Peltier, Perkins, Peterson, Quinn, Raymond, Rollins, Shute, Silsby, Smith, Sprowl, Strout, Stubbs, Tarbell, Tarr, Teague, Torrey, Tozier, Whittemore.

ABSENT — Gauthier, Hobbins, Kerry, Norris, Tyndale.

Yes, 85; No, 61; Absent, 5.

The SPEAKER: Eighty-five having voted in the affirmative and sixty-one in the negative, with five being absent, the Governor's veto is sustained.

Whereupon, on motion of Mr. Kelleher, of Bangor, the House reconsidered its action whereby the Governor's veto was sustained.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin. Mr. GOODWIN: Mr. Speaker, I move this lie on the table until later in today's session.

Whereupon, Mr. Palmer of Nobleboro requested a vote on the tabling motion.

The SPEAKER: All those in favor of this matter being tabled until later in today's session will vote yes; those opposed will vote no.

A vote of the House was taken.

49 having voted in the affirmative and 83 having voted in the negative, the motion did not prevail.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: This bill came out of our committee, and if I am not mistaken, it was a unanimous report. The bill authorizes a sliding fee scale for eight social service programs provided under Title XX monies for the Social Security Act and requires a sliding fee scale for a ninth service, child day care services.

If any of you people in this House today have ever been approached by a constituent who said, there is a day care program just down the

street but someone tells me I am a few dollars over in income and I can't get my kid in there. How can I go to work if I can't get day care services? Well, this bill is intended to solve that problem. How many of you have heard complaints about AFDC women not wanting to go to work? Then you talk to some people and they say, well, who is going to take care of my kid? If I work, I make too much money and my kid can't go to day care because I haven't got enough money to pay for it.

What we are saying with this bill is, we are setting up a sliding fee scale so that those individuals who may be trying to get off the welfare rolls or maybe just don't have a job that pays them quite enough and the wife has to go to work but they can't because they are a little bit over income for day care and they can't afford the thirty or forty dollars a week for day care services if they have got two kids, and I know because I have paid them and a lot of you here have paid for day care services and it is getting expensive. All this provides is that those day care centers can set up a sliding fee scale.

A couple of points that the Governor has made in his veto message, he argues that in the absence of additional money, offering services to Title XX non-eligible people on a fee for service basis, we are requiring decreasing services to low income people. In fiscal year 1976, the state failed to use nearly \$3 million of the \$16.2 million allocated under Title XX. The latest estimates for this fiscal year will fail to use \$4.5 million under the \$16.6 million allocated to us. The pattern is clear. The state had consistently had substantial money available which we could have used to supplement fees and provide services. Yet, what have we done? We have turned that money back to the federal government.

Governor Longley argues that the department has denied funds of Title XX eligible persons and has used PSSP money to supplement Title XX funds. In addition, he suggests that welfare payments to a family of four with a \$14,000 income is inappropriate. First of all, a family of four with a \$14,000 income would not be eligible for a low cost service, but there are many services out there, and I would give you one example — a certain type of mental retardation services to a preschooler, one that isn't taken care of through the Department of Education. Those costs could run forty-five, fifty or sixty dollars a day — that is a day, and you figure five days a week, that is a lot of money every week. A person making \$14,000 can't even afford that. This is what this type of thing is supposed to help. If you don't have any money at all, you can get services, but if you are out there earning a living and those services are too expensive so that even you can't afford it, you can't even pay half or 20 percent or 70 percent for those services, you just don't get them, period, because they are not offered anywhere else.

The Governor argues that the fee scale approach would create a large number of newly eligible persons and that many of these persons would be denied service because of the lack of funds and the 20 percent limitation. By analogy, the free drugs for the elderly, the elderly property tax relief program and a lot of our other programs shouldn't be passed because of this because there are more people out there than what we are really funding for.

The Governor argues that the department cannot administer the program without additional money. First, Title XX provides a 5 percent charge by the department to take right off the top for the administrative costs. There is \$500,000 available and the department is only using about \$300,000. Second, when we were dealing with this bill, the department never showed us what their additional costs were going to be. Third, the only additional costs are going to be with the agencies providing the ser-

vice, not with the department. It is going to be the agencies that are going to have to increase their bookkeeping and filing and everything else. He argues that it can be carried out administratively. The department has been telling us this for several years now. When I first came here in the 106th, I went over to the department asking about this because of a problem in my area, not in my district but in my area. Camp Woban has served people in my area because they could only serve certain low-income people and other people with incomes couldn't get this type of service because they were over the income and they couldn't even pay a certain percentage. The department says, we are working on it, we want to develop some fee scales. That, ladies and gentlemen, was almost five years ago.

The department tried to set up a model project and that was rejected by the federal government, and the federal government criticized it because it was too little and didn't apply to the entire state. The federal government wanted one to cover the entire state.

The last point is, roughly one half of the states in the country that are receiving Title XX monies are already using this type of fee scale for service, and I would urge you to override the veto.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker and Members of the House: This is a very important bill and the only opposition this bill has had through this entire process has been Commissioner Smith. Representative Goodwin has just gone through all the reasons why his arguments against this bill are just not valid.

The purpose of this bill has been to make social services available to as broad a population as possible in the lower and middle income levels, and these are the very people who work so hard to remain independent from any form of public assistance but who can't afford to pay the full freight themselves. Of the total population, they have the least access of any economic group to social services. At the same time, they shoulder a proportionately heavy tax burden, for which they resent, being given very little in return. With out this expanded eligibility, lower income people will become increasingly self-sufficient and upward mobile, and they work themselves out of eligibility at a time when they can least afford it. The result is a disincentive to work or disincentive to advance in their jobs. While there will always be some arbitrary cutoff, the higher it is the more likely that families will then be able to afford services in the private market or on their own. Opening up the eligibility to its free allowable range, 115 percent of median income, would insure that the final hand of assistance to parents who begin to make sufficient headway in their jobs would eliminate the present penalty by striving, by gradually allowing these parents to assume their full share of the cost rather than abruptly breaking off and they have to bear the entire cost themselves.

Really, there is no work for the department to do this. We have set up the fee scale for them for day care which is in this bill. They can use that as a model for the other six social services and all they would have to do is revise it once a year if the median income changed. They get 5 percent off the top from Title XX for administration of these programs and presently they are only using \$300,000 of that money. So his argument that they need more money to do this is just sheer nonsense. It is a good bill. It enables people to continue but to pay part of the cost for the services, and that will give these agencies a chance to expand the services to others. For example, in day care, in the last three years they haven't had one dime extra for expansion, even though there are many low income people who are not being served and even

though the federal government has given the State of Maine \$200,000 more just for the expansion of day care, but Commissioner Smith has used that in other programs and not for the purpose which Congress intended it.

The agencies collect the fees. They have outside audits, so that argument about auditing is no problem at all because the state audits them and, in addition, they have an outside audit, Ernst and Ernst, where it all goes to the state, so all of his arguments are simply invalid and I hope that those of you who voted no will please reconsider and vote to override on this bill.

The SPEAKER: The Chair recognizes the gentleman from Winthrop, Mr. Bagley.

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: This is a good bill. We have heard nationally, we have heard statewide, we have heard locally that one of the problems with our whole welfare system is that there is a definite cutoff amount, that there is no way for people to pay part. I heard a man just recently, a national figure, say that the only way we are going to do something about this welfare thing is to have a gradation so that people may pay some, more and more as they get more and more, not have a positive cutoff just because they have reached a certain figure. It seems to me we would save money; it seems to me we would have a lot more people on this thing and altogether it seems to me that we ought to vote to override.

The SPEAKER: The pending question is, shall this Bill, L. D. 1475, become law notwithstanding the objections of the Governor? Pursuant to the Constitution, the vote will be taken by the yeas and nays. This requires a two-thirds vote of the members present and voting. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Ault, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berube, Biron, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K.L.; Brown, K.C.; Burns, Bustin, Carey, Carroll, Chonko, Churchill, Clark, Cox, Cunningham, Curran, Davies, Devoe, Diamond, Dow, Dudley, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowle, Garsoe, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Howe, Huber, Hughes, Hutchings, Immonen, Jackson, Jacques, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kilcoyne, Laffin, LaPlante, LeBlanc, Lewis, Littlefield, Locke, Lougee, Lunt, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McBrearty, McHenry, McKean, McPherson, Mills, Mitchell, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Palmer, Peakes, Pearson, Perkins, Peterson, Plourde, Post, Prescott, Quinn, Rideout, Sewall, Spencer, Talbot, Tarbell, Theriault, Tierney, Trafton, Truman, Twitchell, Valentine, Wilfong, Wood, Wyman, The Speaker.

NAY — Austin, Birt, Bunker, Carrier, Carter, D.; Carter, F.; Conners, Cote, Dexter, Drinkwater, Gray, Hunter, Lizotte, Lynch, Mackel, Moody, Peltier, Raymond, Rollins, Shute, Silby, Smith, Sprowl, Stover, Strout, Stubbs, Tarr, Teague, Torrey, Tozier, Whittemore.

ABSENT — Berry, Connolly, Gauthier, Hobbins, Kerry, McMahon, Norris, Tyndale.

Yes, 112; No, 31; Absent, 8.

The SPEAKER: One hundred twelve having voted in the affirmative and thirty-one in the negative, with eight being absent, the Governor's veto is not sustained.

Sent up for concurrence.

The following Communication: (H. P. 1851)
State of Maine
Office of The Governor
Augusta, Maine

July 22, 1977

To: The Honorable Members of the Senate and House of Representatives of the 108th Maine Legislature

I am returning on this date without my signature and approval H. P. 1387, L. D. 1676, An Act to Provide for Budgeting of State Expenditures of Federal Funds.

This bill would require the submission of a federal expenditures budget document to the Legislature by the Governor for the purpose of describing, identifying and funding State programs involving Federal funds. While I have been advised this would be a progressive step in the State budgeting procedure, I cannot endorse this particular legislative method of accomplishing that goal for the following reasons:

(1) The procedures outlined in this bill would place an administrative burden on the agencies who would be covered by the procedures, especially the Budget Office. Even though the Budget office is provided with two additional staff persons this increase for this particular purpose is especially inappropriate in light of our consistent and repeated requests to the Legislature for additional positions in the Budget Office for duties other than that specified in this bill which would have been a greater service to State government than these positions.

(2) I have also been advised that federal programs that would be subject to the process are large in number, but as some are small in dollar value the burden might lessen agency interest in applying for available federal dollars. This process would be exceedingly detrimental in those areas where federal and state objectives are consistent and the burden is just an added administrative cost and federal dollars replace the need for state dollars.

(3) I have also been advised that there is a question as to the appropriateness of designating the Treasurer of State as the recipient of federal funds rather than the Governor. Questions have been raised concerning whether or not the Treasurer of the State would have the executive authority necessary to carry out the purposes of the Federal law.

(4) Detailed legislative control of executive program objectives may not be in keeping with the Separation of Powers. This Constitutional responsibility to assure fiscal control but in doing so should not restrain executive initiative and managability by reducing the ability to act quickly in those instances where it would benefit the State.

(5) I have also been advised that this particular legislation has been based on model legislation which is being seriously considered nationwide. However, the best examples of this model legislation being incorporated into a state budget structure has been in states where there is a full-time legislature. Given the fact that the Maine Legislature sits for a very limited period of time and also has considerable amounts of budgetary matters to consider during that time period, I cannot endorse adoption of legislation that, even though its purpose may be laudable, is one more step toward a full-time legislature and also adds one more extremely time consuming task which may work to the detriment of the legislature's work in other vital areas.

(6) I have also been advised that requirements of this legislation include creating a large volume of information that is really not that useful and is duplicative of information that is easily available by reference to the Federal Catalog and to other available sources.

The fact that Maine taxpayer dollars will be spent in accumulating information that is available elsewhere, as well as developing a budgetary process that could be accomplished in a much more economical fashion, would alone justify my veto of this particular bill. However, as the result of the additional ques-

tions which were outlined above, I cannot in good conscience support this legislation.

On May 27th, I forwarded to many legislators my views on this particular bill as well as recommendations for either a cooperative study of this area or a modified budget document that would more closely reflect the federal funds spent within the State or Maine. I still feel that either of those proposals would be preferable to this attempt to make model legislation fit what I consider to be the unique Maine experience, and I am prepared to implement, with the assistance of Commissioner John O'Sullivan and the Budget Officer O. W. Siebert, alternative methods within the Executive Branch to more closely identify and monitor the use of federal funds. I feel that the adoption of these alternatives would be appropriate especially since they can be much more economical than this present legislation.

Therefore, for the reasons outlined above, as well as my pledge to explore alternatives in this area, I respectfully request that you sustain my veto of this measure.

Very truly yours,

(Signed)

JAMES B. LONGLEY
Governor

The Communication was read and ordered placed on file.

The SPEAKER: The pending question is, shall Bill, "An Act to Provide for Budgeting of State Expenditures of Federal Funds" (H. P. 1387) (L. D. 1676) become law notwithstanding the objections of the Governor?

The Chair recognizes the gentlewoman from Portland, Mrs. Jajarian.

Mrs. NAJARIAN: Mr. Speaker, Members of the House: I believe that this is one of the most important bills that we have had before us this session. It was only debated in this House once, but I have gone through the Governor's veto message and had six objections and though I am not sure whether or not there is any opposition in the House or not, I hope that you will bear with me while I go through it because I think it is important.

He said he was returning this bill without his signature and approval and this bill would require the submission of a federal expenditure budget document to the Legislature by the Governor for the purpose of describing, identifying and funding state programs involving federal funds. Apparently the Governor did receive some good advice concerning this document, as mentioned in the next statement. "I have been advised that this would be a progressive step in the State budgeting procedure." He goes on the say that he is vetoing this anyway for the following reasons. I would like to go through those reasons and point out why none of his objections pose any problems and why, therefore, this bill should be overridden.

He says, "The procedures outlined in this bill would place an administrative burden on the agencies who would be covered by the procedures, especially the Budget Office."

Before taking up the Budget office, let's look at what this bill requires the agencies to do that will cause in his words "an administrative burden." One, we are asking for a description of the objective of the program, and how the program seeks to obtain that objective. That shouldn't be difficult. In order to receive the money in the first place, the agency has to describe in minute detail the objective and how they plan to achieve it. Here is just one example of a grant application. You can see it is almost an inch thick, and this is rather typical of the ones that I have seen. Here is another one, a grant application for federal funds. The total amount is about \$300,000, and this is what they have to go through. All we are asking for is the summary of their objectives.

Two, the source of present and projected

federal money together with citation of the federal statute authorizing the expenditure, including the name and address of the office which the agency contacts with respect to these funds, an example would be in the Department of Marine Resources. They would write down Public Law 88-309, Commercial Fisheries and Development Act, the Commerce Department, 1200 Connecticut Avenue, N. W. Washington, D. C. and then the Zip Code. That is not asking for much.

Three, the number of positions and monthly average number employed and projected to be employed. That shouldn't be very difficult or time consuming. How many employees are you funding on your program with federal money? The amount of funds they receive, just the total amount, that is all, and what they are being used for, personnel, all other, capital expenditure, we just ask them to break it down in those three categories the same as they do the General Fund money.

Four, the amount of state funds needed to match the federal money. This should be readily available. Our state budget is already riddled with requests for funds to match federal dollars. Our problem is that these are often buried in with other accounts and we can't separate them out.

Five, the number of years the agency has received federal funds, the number of years they can expect to receive such assistance and whether or not they would ask for it if the federal funds begin to dry up or they became unavailable. Now, all they have to answer is one year, two years, three years, don't know, etc., just simple one-word answers.

Six, whether or not the agency would seek these federal funds, and if the federal funds dried up if they would come to the state, and all they have to do is answer, yes, no or maybe.

A description of the formula. All that means is, is this money based on population, distributed on population, does it go to low income people, does it go to rural areas only, does it go to urban areas, or whether or not it has to be distributed that was because of the federal statute or federal regulation or whether the state administrator is deciding how it should be distributed. That would tell us whether or not the legislature would have any discretion over the use of the funds. That is the sum total of what we are asking administrators to report and they require very simple, and in most cases one-word answers, and they probably have this information, if not off the top of their heads, it should be a very simple procedure to consult their files. That is the administrative burden.

The Governor states that it would be especially hard on the Budget Office. Even though the Budget Office, he says, is provided with two additional staff persons, the increase for this particular purpose is especially inappropriate in light of our consistent and repeated requests to the legislature for additional positions in the Budget Office for duties other than that specified in this bill which would have a greater service to state government than these positions. This is really a separate issue altogether, because even if we hadn't given the Budget Office two positions to handle the other matters. The Appropriation Committee considered the Budget Office's request very carefully on more than one occasion and came to the conclusion that the additional personnel were not necessary, and I can give you the reasons why if anybody wants to know.

His second objection is that where the federal programs were small in dollar value, the burden of meeting the requirements of this bill might lessen agency interest in applying for federal dollars. Well, I have just gone over what the Governor determines to be an administrative burden, and if those few simple items stop the agencies from applying for the

money, it could not have been too important in the first place or too valuable a program.

His third objection is the appropriateness of designating the Treasurer of State to receive federal money rather than the Governor and whether or not the State Treasurer would have the executive authority necessary to carry out the purpose of the federal law. It is entirely appropriate to have the State Treasurer receive federal funds, and he would thereby have the authority to disburse these funds through an appropriation or allocation act. Article 5, Part 4, Section 4 of our Constitution under the title "Treasurer of the State" says: "No money shall be drawn from the Treasury except in consequence of appropriations and allocations authorized by law." Section 1686 of this bill gives the governor the authority to expend those funds which could not have been budgeted and when we are not in session, so there is no problem there either. This bill would not reduce the Governor's ability to act quickly in those instances where it would benefit the state, but I would say, parenthetically, that often the legislature and the Governor disagree over what would benefit the state. The legislature has defeated a large number of his proposals this session because we did not agree on the benefits.

Four, he objects that this is based on model legislation and not suitable at this time for Maine. This legislation is not based on model legislation. Our constitutional proposal was, but this was not. This bill was developed to meet Maine's needs and that is why we have provisions to cover the period when we are out of session. This bill was drafted by the Attorney General's Office, reviewed by the State Auditor, the Legislative Finance Office, Legislative Aides, the sponsors and a staff member of the Advisory Commission on the States.

The Governor goes on to state that he cannot endorse legislation that adds one more extremely time-consuming task which may work to the detriment of the Legislature's work and other vital areas. It is nice of the Governor to try to lighten our workload, but it is already apparent that not dealing with federal dollars is and has been greatly detrimental to our work in other areas.

His sixth and last objection is similar to the first, with the exception that he has determined that this information will not be useful and that this information is easily available by reference to the federal catalog and to other available sources. In response to that I would like to read to you some excerpts from a report on federal funds prepared and distributed by his very own Budget Office and endorsed by a cover letter signed by the Governor which directly contradicts most of his statements in this veto message.

"Federal Funds in Maine" (we just received this about a month ago). In the Governor's cover letter he said: "It is important in the future to closely scrutinize (1) Available federal seed money dollars as they relate to potential future liability resulting in start-up programs dumped on the state in the future." This is precisely what we are trying to find out. (2) "Situations in which federal priorities or bureaucratic approaches are not in accordance with state priorities felt to be in the best interest of the State of Maine." That is our job, to set those priorities.

The authors of this from his Budget Office say: "Over \$260 million of our state budget is federal money." The cost of acquiring these federal funds is not well defined. There is no centrally organized system that records and reports exactly how much state money is used to match federal dollars.

He goes on to say, "The financial report of the State of Maine (this is put out by our Office of Comptroller once a year) he says of this and of

our State Budget Document, the discrepancies and the lack of uniformity of this data points to Maine's need of a more centrally organized tracking system to keep abreast of how, when and where is the federal money in this state. Maine's matching process: Given the fact that increasing numbers of federal programs are in the form of block grants, the state will have increasing ability to control these dollars within her jurisdiction. For this reason, it becomes even more important for Maine to know how much federal money she receives and where it is going. Increase and improved knowledge is essential with the additional responsibilities that the states are being given by the federal government. If Maine is going to continue using state generated money to match federal programs, there are indirect and future costs to the states which often go unheeded. We must have a capability for improved decision making in this area based upon statewide priorities and criteria.

The methods of data gathering, despite their inadequacy, he is talking about what this person had to go through to get this data, were necessary because there exists no formal mechanism within state government for keeping track of all federal grant awards on a comprehensive basis. If the budget is to be the proper vehicle for appropriating money to state agencies on the basis of state priorities, such a comprehensive view is essential for better decision making. Also, state money is used in various ways to acquire this 30.4 percent of our budget and decision makers should better know how and where these monies are being expended.

Funds may be provided only for startup from the federal government. Again, one must ask whether the state should be performing these services in the first place or whether the federal government is imposing an unreasonable burden. Again, the state may be justified in non-compliance or she may not. Agencies lump state monies into one or more accounts for various uses, the amounts used for federal programs are not always segregated into matching fund accounts.

There is lots more. I hate to take your time. I will just read the closing summary statement which says: "Increased interest in improved resource utilization has already become evident in both the legislative and executive branches in Maine. There is growing realization that currently available data is frequently unable to satisfactorily provide the answers needed to successfully resolve increasingly complex problems. Maine should begin an organized effort to identify and define statewide goals and objectives or programs designed to accomplish them and all resources being applied to these ends."

I hope you will vote to override.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I had not intended to speak on this issue today, and I would hope that you would bear with me for just a second because I do feel it is an important issue.

I would like to at least commend the gentlelady from Portland for her bill here and I think it is a good one. I think that she and I and a lot of the members on the Appropriations Committee have shared some frustrations looking over people's budgets and they come in and they say, "You know, we need a 40 percent increase this year." You ask them why and they say, "Well, federal money has run out." I think this bill will help to alleviate some of that situation and will allow the legislature to view the issue of whether or not a program is started prospectively rather than retrospectively. After it has been started, it has a clientele and it is serving the people or some people of the State of Maine. Perhaps some of you recall the Division of Special Investigation that was started through

LEAA funds and then, through a lack of those funds, was asked and eventually was funded with state money. That is a perfect example and I don't care to take issue or make judgment on whether the DSI is good or bad, but that was a half a million dollars, as I recall, of state money that had to be expended because federal funds were lost.

A lot of people in this session have been talking about priorities and policy decisions that the Appropriations Committee has to make, and I guess what we are saying is, we would like to make those decisions and set those priorities prospectively rather than after the fact and after they have already been determined by the federal government and the bureaucracy here in Augusta, so I hope you would go along and override the veto.

The SPEAKER: The pending question is, shall this Bill become law notwithstanding the objections of the Governor. Pursuant to the Constitution, the vote will be taken by the yeas and nays. This requires a two-thirds vote of all the members present and voting. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Alopis, Ault, Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K.C.; Bunker, Burns, Bustin, Carey, Carrier, Carroll, Carter, D.; Chonko, Churchill, Clark, Connolly, Cox, Cunningham, Curran, Davies, Diamond, Dow, Dudley, Durgin, Dutremble, Elias, Flanagan, Fowlie, Gill, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Howe, Hughes, Hutchings, Jacques, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kilcoyne, Laffin, LaPlante, LeBlanc, Lewis, Locke, Lougee, MacEachern, Mahany, Marshall, Martin, A.; Masterton, Maxwell, McHenry, McKean, McMahon, McPherson, Mills, Mitchell, Moody, Nadeau, Najarian, Nelson, M.; Nelson, N.; Peakes, Pearson, Peltier, Perkins, Plourde, Post, Prescott, Quinn, Raymond, Rideout, Sewall, Shute, Silsby, Smith, Spencer, Sprowl, Stubbs, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Trafton, Truman, Twitchell, Valentine, Whittemore, Wilfong, Wood, Wyman, The Speaker.

NAY — Biron, Brown, K.L.; Carter, F.; Connors, Cote, Devoe, Dexter, Drinkwater, Fenlason, Garsoe, Gillis, Huber, Hunter, Immonen, Jackson, Lizotte, Lunt, Lynch, Mackel, Masterman, McBreairty, Morton, Palmer, Peterson, Rollins, Stover, Strout, Tarbell.

ABSENT — Gauthier, Hobbins, Kerry, Littlefield, Norris, Tyndale.

Yes, 117; No, 28; Absent, 6.

The SPEAKER: One hundred seventeen having voted in the affirmative and twenty-eight in the negative, with six being absent, the Governor's veto is not sustained.

Sent up for concurrence.

By unanimous consent, all matters were ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Mr. Carter of Winslow, Recessed until 2:15 in the afternoon.

After Recess 2:15 P.M.

The House was called to order by the Speaker.

The following Communication: (H. P. 1852)
State of Maine
Office of the Governor
Augusta, Maine

July 22, 1977

To: The Honorable Members of the Senate and

House of Representatives of the 108th Maine Legislature.

From: Gov. James B. Longley

I am this date returning without my signature and approval H. P. 369, L. D. 460, An Act Relating To The Payment of Registration Fees for Motor Trucks and Truck Tractors.

Although I recognize and appreciate the cash flow problems experienced by the trucking industry, I cannot support what I am advised is special interest legislation for a particular industry.

I am also advised that this bill, if it became law, could also place the Secretary of State in an awkward position by forcing him to devise regulations which I am told could be discriminatory or arbitrary to the extent that certain size trucks or number of trucks may have to be excluded from special treatment.

Furthermore, and more importantly, who has the ability and/or the authority to determine that the cash flow problem is greater for a firm operating 1,000 trucks, 500 trucks, 50 trucks or even 5 trucks? This law seemingly forces the Secretary of State either to make this determination or include all trucks and thereby create an additional burden on his agency.

In addition to making a decision with respect to size of fleets that might qualify, the Secretary of State must then make a decision as to the necessity and amount of any surcharge. The question I must ask is "Are we in effect making a banker out of the Secretary of State for one special interest?"

Clearly, cash flow is a problem for all types of businesses. It is not the specifics of this bill which I find most unacceptable; rather, it is the notion of providing one specific industry or business with a special break which we do not provide for other businesses and industries as well as private citizens.

For the reasons stated above, I respectfully request that this Legislature sustain my veto.

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

The Communication was read and ordered placed on file.

The SPEAKER: The pending question is, shall Bill "An Act Relating to the Payment of Registration Fees for Motor Truck and Truck Tractors" (H. P. 369) (L. D. 460) become law notwithstanding the objections of the Governor?

The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: Just a quick explanation of this bill. I am sure you have read the Governor's veto message and I will go into that in just a second, but to tell you what the bill does, it does provide what amounts to a staggered registration for trucks much as we have for automobiles except that this one is under the complete direction of the Secretary of State with the approval of the Commissioner of Transportation, and they can set up any kind of a system they would like to. One of the things I wish you would notice is that the Committee Amendment, which is the bill, they did a very fine job and they make absolutely sure that our intention is carried, and that intention was that there be no financial impact on the state. So you note at the amendment it says that they may require payment of such fees for administration, filing of a security bond or any other such requirements as would be necessary to cover administrative costs and to protect the state.

This is a favor that the trucking industry asked for. It is a segment of our economy, it is staggered registration, has no financial impact. This is done in many states, sometimes on a six-months basis, sometimes even on a quarterly basis, and I am sure you would all be interested to know that when we doubled the fee on trailers, which as you perhaps don't know,

the State of Maine is a great trailer registration state, when we doubled the fee on trailers a couple of years ago, the State of Maine truckers paid their fees right in but the long haul, out-of-state truckers who register their trailers in Maine because it is a good place to register them, they got a special three-year, phase-in deal and now they are on a stagger system for out-of-state trailers. So I see no reason why this should be any problem to anybody. It is a favor to the trucking industry but at absolutely no cost to the state, and the Secretary of State has not communicated to me in any way, and I am sure if you were to ask him, he would find very little objection.

The SPEAKER: The pending question is, shall this Bill become law notwithstanding the objections of the Governor? Pursuant to the Constitution, the vote will be taken by the yeas and nays. This requires a two-thirds vote of the members present and voting. All those in favor of this Bill becoming law notwithstanding the objections of the Governor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Ault, Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berube, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brown, K.L.; Brown, K.C.; Bustin, Carey, Churchill, Connolly, Cox, Cunningham, Curran, Devoe, Dexter, Diamond, Drinkwater, Durgin, Dutremble, Fenlason, Flanagan, Garsoe, Gill, Gillis, Gould, Gray, Greenlaw, Hall, Henderson, Hickey, Higgins, Howe, Huber, Hunter, Hutchings, Immonen, Jackson, Jacques, Jensen, Kane, Kany, Kerry, Kilcoyne, Laffin, LaPlante, LeBlanc, Lewis, Lougee, Lunt, Lynch, Mackel, Martin, A.; Masterman, Masterton, McBreairty, McHenry, McMahon, McPherson, Mills, Mitchell, Morton, Nadeau, Najarian, Peakes, Pearson, Peltier, Perkins, Peterson, Plourde, Prescott, Quinn, Raymond, Rollins, Sewall, Silsby, Smith, Spencer, Sprowl, Strout, Stubbs, Talbot, Tarr, Theriault, Torrey, Truman, Valentine, Whittemore, Wood, Wyman, The Speaker.

NAY — Biron, Brenerman, Burns, Carrier, Carter, D.; Carter, F.; Chonko, Clark, Conners, Cote, Davies, Elias, Goodwin, H.; Goodwin, K.; Hughes, Joyce, Kelleher, Moody, Nelson, M.; Post, Stover, Teague, Tierney, Traffon.

ABSENT — Berry, Bunker, Carroll, Dow, Dudley, Fowlie, Gauthier, Green, Hobbins, Jalbert, Littlefield, Lizotte, Locke, MacEachern, Mahany, Marshall, Maxwell, McKean, Nelson, N.; Norris, Palmer, Rideout, Shute, Tarbell, Tozier, Twitchell, Tyndale, Wilfong.

Yes, 99; No, 24; Absent, 28.

The SPEAKER: Ninety-nine having voted in the affirmative and twenty-four in the negative, with twenty-eight being absent, the Governor's veto is not sustained.

Sent up for concurrence.

The following Communication:
State of Maine
Office of the Governor
Augusta, Maine

July 22, 1977

To: The Honorable Members of the Senate and House of Representatives of the 108th Maine Legislature

I am returning without my signature and approval H. P. 1268, L. D. 1496, An Act Authorizing Expenditures for Health Care Alternatives. I have been advised by Commissioner Smith of the following points, and I support them and ask that the Legislature reconsider its previous action.

(1) The appropriation of \$50,000 for each year of the biennium is inconsistent with Section 2 of the bill which reads in part as follows: "To meet the expenses of emphasizing preventive health care and home health care, the department is authorized to expend for each type of

care not less than 1.5% of the total sum of all funds available to administer medical or remedial care and services eligible for participation under the United States Social Security Act, Title XIX and amendments and successors to it."

"The total sum of all funds available to administer medical or remedial care" and 1.5% thereof, are as follows:

FY	Expenditures	1.5%
75 Actual	\$66,998,742.57	\$1,004,981.14
76 Actual	76,923,973.29	1,153,859.60
77 Appropriated	81,687,501.00	1,225,312.52
78 Requested	105,450,722.00	1,581,760.83
79 Requested	119,299,486.00	1,789,492.29

(2) In view of the fact that for home health care, the total State and Federal Medicaid Funds expended were:

FY 75	\$515,144.44
FY 76	607,499.61
FY 77 (11 months)	585,114.64

I note that the program appears to have a healthy growth within existing budgetary requests and does not need an additional appropriation at this time.

(3) I am in agreement with the intent described in the title of this Act and the statement of fact, namely that there is need to provide greater emphasis in a comprehensive range of preventive health and home health services rather than the present method of institutionalization of patients in need of health services. I am also in favor of Section 3 of the bill which requests that the Department of Human Services shall submit a report to the Joint Standing Committee on Health and Institutional Services prior to February 1, 1978.

(4) As an alternative to approving the funds appropriated by this Act, I am directing the Department of Human Service to make every effort to use existing resources within the Department to expand preventive health and home health care services. In addition, I am requiring that a report be submitted to me which I will transmit to the Health and Institutional Services Committee by February 1, 1978, defining all preventive health services now being conducted by the Department, the cost of same, source of funds, accomplishments resulting from such an investment and recommendations for future directions in preventive medicine that should be undertaken throughout the State.

For the above reasons, I respectfully request that you sustain my veto of this measure.

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

The Communication was read and ordered placed on file.

The SPEAKER: The pending question is, shall Bill "An Act Authorizing Expenditures for Health Care Alternatives" (H. P. 1268) (L. D. 1496) become law notwithstanding the objections of the Governor? Pursuant to the Constitution, the vote will be taken by the yeas and nays.

All those in favor of this Bill becoming law notwithstanding the objections of the Governor will vote yes; those opposed will vote no. This requires a two-thirds vote of the members present and voting.

ROLL CALL

YEA — Aloupis, Ault, Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berube, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K.L.; Brown, K.C.; Burns, Bustin, Byers, Carey, Carrier, Chonko, Churchill, Clark, Connolly, Cote, Cox, Cunningham, Curran, Davies, Devoe, Dexter, Diamond, Drinkwater, Durgin, Dutremble, Elias, Fenlason, Flanagan, Garsoe, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hickey, Higgins, Howe, Huber, Hughes, Hutchings, Immonen, Jackson, Jacques, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin,

LaPlante, LeBlanc, Lewis, Littlefield, Lougee, Lunt, Lynch, Mackel, Marshall, Martin, A.; Masterman, Masterton, McBrearty, McHenry, McMahan, McPherson, Mills, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Palmer, Peakes, Pearson, Peltier, Perkins, Peterson, Plourde, Post, Prescott, Quinn, Raymond, Rollins, Silsby, Smith, Spencer, Stover, Strout, Talbot, Tarbell, Tarr, Teague, Theriault, Tierney, Torrey, Trafton, Truman, Valentine, Whittemore, Wilfong, Wood, Wyman, The Speaker.

NAY — Biron, Carter, D.; Carter, F.; Conners, Hunter, Sprowl, Stubbs.

ABSENT — Berry, Bunker, Carroll, Dow, Dudley, Fowlie, Gauthier, Green, Hobbins, Lizotte, Locke, MacEachern, Mahany, Maxwell, McKean, Norris, Rideout, Shute, Tozier, Twitchell, Tyndale.

Yes, 123; No, 7; Absent, 21.

The SPEAKER: One hundred twenty-three having voted in the affirmative and seven in the negative, with twenty-one being absent, the Governor's veto is not sustained.

Sent up for concurrence.

By unanimous consent, all matters acted upon were ordered sent forthwith to the Senate.

The following paper appearing on Supplement No. 2 was taken up out of order by unanimous consent:

The following Communication: (S. P. 607)

State of Maine
Office of the Governor
Augusta, Maine

July 19, 1977

To: The Members of the Senate and House of Representatives of the 108th Maine Legislature From: Governor James B. Longley.

I am returning without my signature or approval S. P. 588, L. D. 1895, An Act Making Additional Appropriations for the Expenditures of State Government, to Make Allocations from the Highway Fund, Title II of the Public Works Act, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1978, and June 30, 1979.

I had fully intended to allow the Part II budget to become law. However, as a result of extensive study, feedback, input and concern, I was asked and I am now asking you to consider the adverse impact the elimination of incentive in government will have on recruiting and retaining dedicated career employees. We spent countless hours examining this measure after the legislative recess and have been informed by supervisors that the language contained in the pay plan in the part II budget approved by the Legislature would make it virtually impossible to retain a reasonable merit system because the language is contradictory in that it requires merit ratings but makes it practically impossible to accomplish them. I would ask this Legislature not to be responsible for taking away from dedicated, hardworking employees the opportunity to grow and progress and to be awarded for dedication, hard work and loyalty.

I also plead with this legislature to avoid at all costs a system that even smacks of a welfare approach to employee pay. State employees deserve better. We ask the Legislature not make a charade of the collective bargaining rights requested by and given to State employees.

I am fully supportive of the majority of the programs contained within L. D. 1895 and it is not our intent to rearrange legislative priorities in this regard. We only request that the Legislature consider the Alternate Pay Plan.

It would be irresponsible on the part of this Governor and this Legislature not to appropriate funds for Pineland Center in face of the class action suit, an it is for that reason that

I would only ask the Legislature to consider the pay question and not the overall makeup of the Part II budget.

I am also anxious to see passed into law increased benefits for the elderly in the areas of tax and rent relief and free drugs; additional funding for the more orderly administration of the Department of Personnel and the Public Utilities Commission; funds for tourism promotion and other needed and worthwhile programs sought by this administration as well as individual legislators.

The business of government is serving people and we have attempted, with the help of the Legislature, to develop a better system that would serve people and make government operate more efficiently. While few things in life are perfect, we feel the system which has been developed with the previous Legislature has helped, at least in part, produce a balanced budget without a tax increase and a surplus. We feel one of the most important accomplishments of this Legislature and this administration is the holding the line on taxes. One of the reasons for that success has been the management of State employee programs. Growth in the numbers of State employees has been curtailed and the development of employee incentives, supervisory responsibilities and a resultant increase in productivity would assure a continuation of fewer numbers of State employees and could negate the need for a future tax increase.

Unfortunately, L. D. 1895 contains provisions which would thwart our objective to hold the line. That legislation retroactively eliminates incentive provisions back to last November and includes language that would require derogatory statements to be placed in employee files if merit steps are not to be awarded. This is not humanitarian let alone decent government of free people in a free enterprise society. This, in all practicality, will destroy the incentive concept and return the State to an annual increment or welfare-type system. This will result in a loss of incentive and could lead to decreased productivity, an eventual need for more State employees and possibly higher taxes.

I recognize the concerns expressed by many relative to the 60/40 concept which has been in effect. The alternate plan which we have previously suggested and which we seek to present if my veto is sustained would merely correct the impossible language in the present bill and provide \$525,000 in the General Fund for increased merit steps effective November 1, 1977, with no specific limits on merit written into the statutes. In addition, the alternative would provide all State employees with a pay increase of \$10 across-the-board or five per cent, whichever is greater. While guaranteeing everyone an increase, this would treat approximately 3,500 additional employees more fairly.

With all due respect to the budgetary process and the very difficult task faced by the Appropriations Committee, the last-minute release of the Part II budget left little time to develop alternative approaches to any aspect of the budget. However, we responded within 48 hours and were able to make the alternate plan available before the budget was finalized. In any event, we should not let one minute, one hour or one day prevent us from doing what is right and to tear down an incentive system that could save the State millions of dollars and avoid unnecessary additional tax dollars in the future.

The 108th Legislature is to be commended for the fiscal responsibility it displayed by enacting Part I and Part II budgets without a tax increase and without spending the cupboard bare. It also is to be commended for the positive programs it has funded in Part II. However, our ability to have a Part II budget was brought on in part by good management incentive and ex-

tra work on the part of career State employees. I believe we will be shortchanging these people, as well as the taxpayers of Maine if we do not take another look at the employee compensation plan which we offered as an alternative.

In the final analysis, I feel that L. D. 1895 is a good bill that can be made better, and I would encourage the Legislature to do that by sustaining my veto and coming together at the appropriate time to preserve good management in State Government.

Thank you very much.

Very truly yours,

(Signed) JAMES B. LONGLEY

Governor

Came from the Senate, read and ordered placed on file.

In the House, the Communication was read and ordered placed on file in concurrence.

The accompanying Bill, "An Act Making Additional Appropriations for the Expenditures of State Government, to Make Allocations from the Highway Fund, Title II of the Public Works Act, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1978, and June 30, 1979" (S. P. 588) (L. D. 1895)

In the Senate July 25, 1977, 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 Senate proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

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

(Signed) MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Ms. Goodwin.

Ms. GOODWIN: Mr. Speaker, Men and Women of the House: The veto message before us today would appear to be an attempt by the Governor to exercise a power he does not have, and that is item veto. While the Governor points out over and over again in his messages how this legislature acted in haste for the last minute rush to adjournment perhaps without due deliberation. He does not say that his compromise version was offered only a few hours away from final enactment. I can assure you that at least this document, L. D. 1895, was given full and lengthy consideration.

Under ordinary circumstances, I might agree with the Governor that a percentage increase would be more equitable, but these are not ordinary circumstances. Employee morale, especially for those in the lower paying jobs, is at an all-time low. The across-the-board concept will allow all employees to start \$10 ahead of the game prior to implementation of collective bargaining. It is not a welfare program, as the Governor has suggested, it is simply equal treatment and an attempt to say to the lower paid employees, you, too, are important to state government and to its efficient operation. I also oppose any attempt to eliminate the retroactivity of the abolition of the 60-40 merit plan. This legislature by its action was saying the 60-40 plan was a mistake. We were trying to correct an injustice which resulted in, if I might borrow a phrase from the Governor, many dedicated and hard-working state employees being denied what they had earned simply because of an arbitrary feeling. If this is unfair as of this July, then it was equally unfair last November. An attempt to separate state employees out of this budget at this late hour

will only result in delayed adjournment or a special session and could jeopardize other worthwhile programs in Part II.

This is one of the best supplemental budgets I have ever seen. It funds many needed programs and yet leaves us with a comfortable surplus. It is the result of hours of hard work and a lot of compromise, and I would respectfully request that you vote to override the Governor's veto.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Biron.

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you support the Governor's veto this afternoon for several reasons. First of all, in his message before you, he talks about the \$10 increase across the board given to all state employees and I, for one, agree with him that that is a very very poor, ill-conceived plan. There is no employer in the State of Maine who would give each and every one of his employees \$10 across the board; why should the State of Maine do it?

I voted against the 60-40 plan, I thought it was a bad plan, but I will not support \$10 across the board. We here in government have got to start taking the responsibility of fiscal responsibility. Ten years ago, the state budget was \$240 million; now it is \$800 some-odd million, and because we have a surplus, we have to spend it. The Appropriations Committee should be told when they sit down that they should consider not spending money one year instead of saying, let's look at what the excess is going to be and let's spend it so next year the budget will be \$900 million. Actually, the total budget of the state is over a billion dollars right now, ladies and gentlemen, a billion dollars. We have less than a million people. When is it going to stop? Someone has to pay the bills for these things. There are other things in this budget that are good; no one is going to argue that help for the elderly is bad, but someone has to pay for it, it has to stop.

I hope that you will take the responsibility today, support the Governor and vote with him on his veto of Part II. If you want to support other parts of this, fine, but that \$10 across the board is bad, it is bad for private business, why should it be good for government? You say the morale of the employees is bad, I will give you an example of bad morale. There are two state employees doing the same job; one is doing nothing and the other one is working. They both get \$10 across the board under this plan, both of them, no matter what kind of job they did all year. You tell me that is going to help morale? I don't think so. I hope you support the Governor.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker and Members of the House: I won't address the pay question because that has already been addressed very adequately by the gentlelady from Bath. I want to make sure you understand that there is bipartisan support for this bill and there is one area I would address in a little bit of detail, and that is where the Governor refers to the merit pay plan, because there seems to be some feeling on his part and the part of his advisors that merit pay is not going to be possible under the bill, and I just call your attention to Page 3, Section 8, and it is entitled "Merit rating is required." All it says is, and it is very clear and it is in plain English and I think everyone can understand it, it is to be the policy of the state that in those instances where annual merit increases are earned and warranted as evidenced by the performance appraisal, they shall be awarded. In those instances where such increases are not earned and warranted, they shall be denied. I think that is very clear designation for merit, and I think the rest of that paragraph which says, in further reference to this policy, there will be annual merit ratings required, that the Department of Personnel will be directed to develop and install training programs for super-

visory personnel who will be responsible for doing merit ratings and they shall do so fairly and equitably. They shall review merit ratings of all eligible employees who have been denied merit increases since November 1, 1976, and so forth.

One thing the Governor says in his message that I really do take some umbrage at, and that is where he says that the message includes language that would require derogatory statements to be placed in employees' files if merit steps are not to be awarded. And it goes on to say this is not humanitarian. I would just like to read what it says in the book. "In every instance where an employee is not awarded a merit increase, the record of the reasons therefore and the actions recommended by the employee's supervisor to correct deficiencies, if any, shall be recorded in the performance appraisal." I can't believe but what that would be the question, that any employee would ask, legitimately ask, if he were turned down for a merit increase, and I think it is the responsibility of management to know those reasons and to be in a position to tell the employee, and it should be on the record so the employee cannot question in the future what was said.

I certainly hope you will override the veto very resoundingly here in the House.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: I might comment that there seems to be some dissention in the message concerning "in every instance where an employee is not awarded a merit increase, a record of the reasons therefor and the actions recommended by the employee's supervisor to correct deficiencies, if any, shall be recorded in the performance appraisal." That is the same as is being done now.

Further in the bill it discusses the Commissioner of Personnel shall supply to the State Personnel Board all data necessary to evaluate the performance appraisal system, including data, the percentage and distribution of merit increases. There is another paragraph that calls for the Commissioner of Personnel shall forward to the Joint Standing Committee on State Government of the Legislature the finding and the recommendations of the State Personnel Board prior to the start of the legislature. These, as I understand it, are the amendments as presented by the gentleman from Nobleboro, Mr. Palmer, and these provide for legislative review, which is good.

When I read in the budget message, with all due respect to the budgetary process and the very difficult task faced by the Appropriations Committee, the last minute release of the Part II Budget left little time to develop alternative approaches to the aspect of the budget. However, we responded within 48 hours. Now, I would point to the press, particularly the two people who were sitting there five weeks ago. I made a motion in the Appropriations room which passed unanimously giving the \$10 straight across the board and also wiping out the 60-40 monstrosity. That appeared in both the Associated Press and United Press wires. It appeared on TV, in all of the media the very next day, five weeks ago — Alternative Plan, Last Minute Release. It is a known fact that one hour, exactly one hour before this measure was enacted, and I found out about the alternate plan, which was 80-20 and which was the pay increase as purported now. I found out from the Chairman of the Appropriations Committee, Chairman of the full committee, Senator Huber, and I talked to the members of my part about it, but I called Senator Huber outside the door, and I will ask any member of the Appropriations Committee of the opposition party, I called them to come out there with me. I discussed the situation with them and with the chairman and they stood firm that they were going to hold to their position. The 80-20

program might have been something that we could have studied a year ago, but the 60-40 was totally unacceptable — even at the time the 60-40 was not acceptable to His Excellency. Fifty-fifty was acceptable.

Not to make a big issue of it, but in answer to my very good friend from Lewiston, Mr. Biron, as far as nobody gets an across-the-board increase, if he will check out the last contract of the largest outfit in manufacturing in Lewiston, he will find that Bates Manufacturing gives straight across-the-board increases in their contracts, and that has been going on since time immemorial, and I could tell him of several other industries that do the same thing, but that is just a cursory plan.

The fact of the matter is this, when we first came here, how many of us read that we were not to give the state employees anything, let alone leave the 60-40 where it is? Then, at the last moment, just one hour before we were to enact the bill, an alternate plan surfaced, yet it was a relatively new idea — relatively new, in my opinion, is a little wrong, because it had been a known fact that we had gone with the \$10 across the board and corrected the 60-40 program five weeks previously and every media in the state had printed it. We could go on on this forever. I don't want to delay the situation and I certainly hope, like Mr. Morton and Ms. Goodwin, that you vote to override.

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I do want to say just a word or two before I vote to override the Governor's veto on this budget document. I want to do this primarily because I was involved, as many of you know, in the language being inserted into this bill on Page 3, the last two paragraphs. I am grateful to the gentleman from Farmington, Mr. Morton, and to the gentleman from Lewiston, Mr. Jalbert, for the remarks they made concerning the merit system, because I want to make it clear here on the record today that I believe, as many do, that we are not today scuttling a merit system and the language of the last two paragraphs, indeed, proves to me that we are not. I think that we should make this message clear to those who are commissioners and those who are in a position of a supervisory capacity that this legislature does, indeed, believe in a merit system.

I would just reiterate once more that the first sentence in the next to last paragraph on Page 3 in which we say that the Commissioner of Personnel shall supply to the Personnel Board all data necessary to monitor and evaluate the performance appraisal system, including the data regarding the percentage and distribution of merit increases. I don't think any of us here want to see necessarily a 60-40 situation nor do we want to see one in which everything is automatic and no one is reviewed at all. I think this legislation takes care of both of those items; I applaud it. I thank those for making the other explanation for me and I hope that we will vote to override this today.

The SPEAKER: The pending question before the House is, shall this Bill, "An Act Making Additional Appropriations for the Expenditures of State Government, to Make Allocations from the Highway Fund, Title II of the Public Works Act, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1978, and June 30, 1979," Senate Paper 588, L. D. 1895 become law notwithstanding the objections of the Governor? Pursuant to the Constitution, the vote will be taken by the yeas and nays. This requires a two-thirds vote of the members present and voting. All those in favor of this Bill becoming law notwithstanding the objections of the Governor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Ault, Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K.L.; Brown, K. C.; Bunker, Burns, Bustin, Carey, Carrier, Carroll, Carter, D.; Chonko, Churchill, Clark, Conners, Connolly, Cote, Cox, Cunningham, Curran, Davies, Devoe, Dexter, Diamond, Dow, Drinkwater, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Howe, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, LeBlanc, Lewis, Littlefield, Lizotte, Locke, Lougee, Lunt, Lynch, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Masterton, McBreairty, McHenry, McKean, McMahan, McPherson, Mills, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Palmer, Peakes, Pearson, Peltier, Perkins, Peterson, Plourde, Post, Prescott, Quinn, Raymond, Rollins, Sewall, Shute, Silsby, Smith, Spencer, Sprowl, Stover, Strout, Stubbs, Talbot, Tarbell, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Trafton, Truman, Twitchell, Valentine, Whittemore, Wilfong, Wood, Wyman, The Speaker.

NAY — Biron, Carter, F.; Dudley, Mackel.
ABSENT — Gauthier, Hobbins, Maxwell, Norrdale, Rideout, Tyndale.

Yes, 141; No, 4; Absent, 6.

The SPEAKER: One hundred forty-one having voted in the affirmative and four in the negative, with six being absent, the veto is not sustained.

The following Communication appearing on Supplement No. 3 was taken up out of order by unanimous consent:

The following Communication: (S. P. 608)

State of Maine
Office Of The Governor
Augusta, Maine 04333

July 20, 1977

To: The Honorable Members of the Senate and House of Representatives of the Maine 108th Legislature:

I am returning without my signature or approval S. P. 317, L. D. 1075, An Act to Base Adjustments of Teacher and State Employee Retirement Allowances on the Consumer Price Index.

First, I am informed that the most serious flaw in this legislation is that it would provide an increase in retirement allowances this November based on the changes in the consumer price index, in addition to the increase in retiree benefits which will occur in July under the current law. Under existing law, retiree allowances will be increased in the same percentage amount as the general salary increase which State employees will receive if the Legislature passes L. D. 1895 with the modifications that we have recommended or, for that matter, if they override my veto and pass it in its current form.

I am advised that this legislation, in conjunction with the salary increase in L. D. 1895 or the recommended alternative, would create an additional \$25 million unfunded liability in the Retirement Fund which would have to be amortized starting in 1979 by adding about one-half percent to contribution ranges. Thus, this legislation is fiscally irresponsible in that no provision is made for the costs.

I reject the assumption on which this bill was passed, that it will be impossible to determine what employees are granted through the collective bargaining process and express this in an equivalent percentage of a general salary increase for all employees. Even if different bargaining units receive different salary in-

creases in the future as a result of collective bargaining, I believe it will still be possible to determine the equivalent general salary increase granted to all State employees and base adjustments in retiree benefits on those calculations. If legislation is necessary in order for this to occur, then such legislation could be drafted and considered in the next session of the 108th Legislature without having any adverse impact on State retirees.

In the final analysis, I believe that this legislation is unnecessary at this time and that an unjustified duplication of benefits to retirees would result if it becomes law. I, therefore, urge the Legislature to sustain my veto and consider this matter, if necessary, in the Special Session to be held in 1978.

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

Came from the Senate, read and ordered placed on file.

In the House, the Communication was read and ordered placed on file in concurrence.

The accompanying Bill, "An Act to Base Adjustments of Teacher and State Employee Retirement Allowances on the Consumer Price Index" (S. P. 317) (L. D. 1075)

In Senate July 25, 1977, 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 Senate proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

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

(Signed) MAY M. ROSS
Secretary of the Senate

The Communications was read and ordered placed on file.

The SPEAKER: The pending question before the House is, shall this Bill "An Act to Base Adjustments of Teacher and State Employee Retirement Allowances on the Consumer Price Index, Senate Paper 317, L. D. 1075 become law notwithstanding the objections of the Governor? Pursuant to the Constitution, the vote will be taken by the yeas and nays. This requires a two-thirds vote of the members present and voting. All those in favor of this Bill becoming law notwithstanding the objections of the Governor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Ault, Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K.L.; Brown, K.C.; Bunker, Burns, Bustin, Carey, Carrier, Carroll, Chonko, Churchill, Clark, Cote, Cox, Cunningham, Curran, Davies, Dexter, Diamond, Dow, Drinkwater, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Howe, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Jensen, Joyce, Kane, Kany, Kerry, Kilcoyne, Laffin, LaPlante, LeBlanc, Lewis, Littlefield, Lizotte, Locke, Lougee, Lunt, Lynch, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Masterton, McBreairty, McHenry, McKean, McMahan, McPherson, Mills, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Palmer, Peakes, Pearson, Peltier, Perkins, Peterson, Plourde, Post, Prescott, Raymond, Rollins, Sewall, Shute, Silsby, Smith, Spencer, Sprowl, Stover, Strout, Stubbs, Talbot, Tarbell, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Trafton, Truman, Twitchell,

Valentine, Whittemore, Wilfong, Wood, Wyman, The Speaker.

NAY — Carter, D.; Carter, F.; Conners, Devoe, Dudley, Mackel.

ABSENT — Connolly, Gauthier, Hobbins, Kelleher, Maxwell, Norris, Quinn, Rideout, Tyndale.

Yes, 136; No, 6; Absent, 9.

The SPEAKER: One hundred thirty-six having voted in the affirmative and six in the negative, with nine being absent, the veto is not sustained.

The following Communication appearing on Supplement No. 4 was taken up out of order by unanimous consent:

The following Communication: (S. P. 609)

State of Maine
Office Of The Governor
Augusta, Maine 04333

July 19, 1977

To: The Honorable Members of the Senate and House of Representatives of the 108th Maine Legislature

I am returning without my signature and approval S. P. 579, L. D. 1893, An Act To Authorize Family Workers and Short-term Emergency Services for Children to Require the Designation of Return to Family Workers and to Enact Objectives and Priorities for Services to Children.

I am advised by Commissioner David Smith that while there is a need to improve state services and programs for children and families, he feels L. D. 1893 does not adequately address this need, and, because it is incomplete and not integrated with other related laws, it would create serious impediments to serving children.

I am also advised that the bill is not necessary in that the essential provisions already exist in law, are included in other legislation enacted in this legislature (particularly the Maine Juvenile Code), or are included in departmental policy.

Specifically, the bill would negate the ability of the Department of Human Services to place children who have been committed to its custody for adoption until the law is amended to clarify the court of jurisdiction and to satisfy basic constitutional requirements in regard to due process and equal protection.

To give the parents of children committed under 22 MRSA Section 3792 the rights described in Section 3803, 2, B and Section 3803, 2, D would result in the need for two levels of hearings in regard to children; parental rights prior to placement for adoption. While such a requirement has merit, this bill creates confusion about whether the probate court or the district court would have jurisdiction for the second hearing, and it fails to set forth the procedures to be followed by the court and the provision of the basic constitutional right of due process. The bill provides that when the department places a child for adoption it indicates to an unspecified court the specific efforts it has made to maintain contact with the parents. It fails to give the parents an opportunity to be heard.

Such basic deficiencies would make the Department of Human Services unable to place children in its custody for adoption until the law is amended.

Additionally, this bill as it affects Title 22, Chapter 1059, while intending to enhance the ability to serve children at risk, actually would as it is written limit our ability to provide essential services to children.

The children for whom short term emergency services would be provided (lost, abandoned, seriously endangered, and runaway) are the very same which the Juvenile Code addresses in its provision for interim care.

The bill defines short-term emergency services as including "protective, substitute shelter care and other services which are essential to the care, maintenance and protection of the child" and then requires that if consent is

given the services "shall be limited to no more than 3 consecutive days per incident" and when consent is not given, the services shall be terminated. Such language is inconsistent with the basic responsibility of the department to provide services and protection to the children of the State of Maine. The bill is further complicated in that it requires that the child's consent is required before any short term emergency services could be provided him. While such consent is desirable for children of appropriate age and understanding, the language of the bill would not allow the provision of such essential services to the child who is too young or not mentally competent to sign.

I fully support the concepts and goals of this bill and strongly encourage the reworking of this legislation to ensure that the State provides adequate services to families and children in need, that the Department of Human Services actively attempt to rehabilitate and reunite families, and that this is all done with due regard for the personal interests and legal rights of the people involved.

For these reasons I respectfully request that you sustain my veto on this measure.

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

Came from the Senate, read and ordered placed on file.

In the House, the Communication was read and ordered placed on file, in concurrence.

The accompanying Bill, An Act to Authorize Family Crisis Workers and Short-term Emergency Services for Children to Require the Designation of Return to Family Workers and to Enact Objectives and Priorities for Services to children" (S. P. 579) (L. D. 1893)

In Senate July 25, 1977, 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 Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

31 voted in favor and 2 against, and accordingly it was the vote of the Senate that the Bill become a law, notwithstanding the objections of the Governor, since two-thirds of the members of the Senate so voted.

(Signed) MAY M. ROSS
Secretary of the Senate

In the House, the Communication was read and ordered placed on file.

The SPEAKER: The pending question before the House is, shall this Bill, "An Act to Authorize Family Crisis Workers and Short-term Emergency Services for Children to Require the Designation of Return to Family Workers and to Enact Objectives and Priorities for Services to Children," Senate Paper, 579, L. D. 1893 because law notwithstanding the objections of the Governor? Pursuant to the Constitution, the vote will be taken by the yeas and nays. This requires a two-thirds vote of the members present and voting. All those in favor of this bill becoming law notwithstanding the objections of the Governor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Alopis, Ault, Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K.C.; Bunker, Burns, Bustin, Carey, Carrier, Carroll, Chonko, Churchill, Clark, Connolly, Cote, Cox, Cunningham, Curran, Davies, Diamond, Dow, Drinkwater, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Howe, Hunter, Immonen, Jackson, Jacques, Jalbert, Jensen, Joyce, Kane, Kany, Kerry, Kilcoyne, Laffin, LeBlanc, Lewis, Lit-

tlefield, Lizotte, Locke, Lougee, Lunt, Lynch, MacEachern, Mahany, Martin, A.; Masterman, Masterton, Maxwell, McBreairty, McHenry, McMahon, McPherson, Mills, Mitchell, Moody, Nadeau, Najarian, Nelson, M.; Nelson, N.; Palmer, Peakes, Peltier, Perkins, Plourde, Post, Prescott, Raymond, Sewall, Shute, Silsby, Smith, Spencer, Sprowl, Stover, Strout, Talbot, Tarbell, Tarr, Teague, Theriault, Torrey, Traflet, Truman, Twitchell, Valentine, Whittemore, Wyman, The Speaker.

NAY — Biron, Brown, K.L.; Carter, D.; Carter, F.; Conners, Devoe, Dexter, Dudley, Gray, Huber, Hughes, Hutchings, LaPlante, Mackel, Marshall, McKean, Morton, Pearson, Peterson, Rollins, Stubbs, Tierney, Tozier, Wilfong, Wood.

ABSENT — Gauthier, Hobbins, Kelleher, Norris, Quinn, Rideout, Tyndale.

Yes, 119; No, 25; Absent, 7.

The SPEAKER: One hundred nineteen having voted in the affirmative and twenty-five in the negative, with seven being absent, the veto is not sustained.

The following Communication appearing on Supplement No. 5 was taken up out of order by unanimous consent:

The following Communication: (S. P. 610)

State of Maine
Office of The Governor
Augusta, Maine

July 22, 1977

To: Members of the Senate and House of Representatives of the 108th Maine Legislature

I am returning without my signature and approval Senate Paper 306, L. D. 976, An Act To Provide for the Prevention of Alcohol Abuse.

I felt compelled to veto this bill because I am not convinced that the Office of Alcoholism and Drug Abuse Prevention does not presently have sufficient funds to carry out such a program. I am informed that the state is already spending \$4 million in alcoholism services and I find it difficult to believe that the approximately \$350,000 sought through this bill could not be found within existing funds.

I also feel that we need a clearer indication of the effectiveness of programs already underway before we embark into a new area.

We recently appointed a special task force to examine this problem within state government and we met with representatives of the Education Commission of the states which has recently completed a three-year study and recommended several courses of action which could be taken by states in the area of prevention. We have asked this task force to examine the Commission Report and to recommend to us steps which should be taken by Maine in this regard. In view of that, I feel this legislation is premature and could better be addressed in context with a complete comprehensive program.

Perhaps the most convincing proof of the need for a veto of this measure are the complaints I have received from legislators concerning the intense lobbying carried on by the bureaucracy in support of the legislation. It was another sad example of taxpayer dollars being used for the lobbying to spend still more dollars.

With all due respect to other programs, from my observations Alcoholics Anonymous still puts state and federal programs to shame when one carefully examines bottom-line results.

For so long as I remain convinced that we could reduce the bureaucracy in this area and still improve services, I cannot, in good faith, advocate more spending of taxpayer dollars.

I am directing our Commissioner of Education and Cultural Services to provide information as to what additional steps we need to take within our public school systems.

I also have to say that the fact that we had to turn to volunteers and a task force headed by

our Commissioner of Education to develop a program for state government does not speak well for programs already in existence.

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

Came from the Senate, read and ordered placed on file.

In the House, the Communication was read and ordered placed on file in concurrence.

The accompanying Bill "An Act to Provide for the Prevention of Alcohol Abuse" (S. P. 306) (L. D. 976)

In Senate, July 25, 1977, 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 Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

30 voted in favor and 2 against, and accordingly it was the vote of the Senate that the Bill become a law, notwithstanding the objections of the Governor, since two-thirds of the members of the Senate so voted.

(Signed) MAY M. ROSS
Secretary of the Senate

In the House, the Communication read and ordered placed on file.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I will try to give you the same pitch that I gave two previous times, that being that this bill provides for \$250,000 additional money for alcohol prevention and abuse. If you recall in the Part I Budget, we had approximately a 7 or 8 percent increase in this category with an amendment that was put on in the other body. We are now up to about 20 percent more than was spent last year for alcohol abuse. I just feel that the \$250,000 that this bill calls for is not needed at this time and that we should address the extra dollars that we have spent in the Part I and Part II budgets for alcohol abuse in the next session of the legislature. If they are working effectively, then let's put this extra money in the next session of the legislature but let's not try to fill the system up now with extra dollars that could be better spent on other programs.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Joyce.

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: This is a good bill. I have very few words to say today. This has already been debated. I must remind you, great thoughts and noble feelings are thus clothed in simple language, a man does not hope for things he does not believe in. I, working in this field, working with alcoholics, believe this is a good bill and I urge you to support it.

The SPEAKER: The Chair recognizes the gentleman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: I don't think there has been anybody any more involved in the whole question of treatment of alcoholism in this last session than I was. I would ask you at this point to sustain the Governor's veto and I do so because I do agree with the comment that the Governor made that this whole issue should be addressed in a context of a complete, comprehensive program, and what this particular bill as it now is, it provides no new money for programs. There will be no new treatment programs in the state.

The program that we talked about for counseling when people are arrested under the influence of alcohol will not be funded. What it is, it is only money for six new positions which are supposed to be for prevention and if you want to take a look at what the legislation says in terms of how the money is supposed to be spent, it talks about money for community

programs and you turn it over and it adds six positions to the ODAP. I would agree in this particular case, while I am and was fully supportive of more money for treatment of alcoholism, I think this particular bill doesn't begin to meet the needs and what actually happened with this particular bill was, instead of funding a truly comprehensive program, some people were willing to have their particular pet projects funded, and for that particular reason, the state of Maine is not taking a major step in the treatment of alcoholism. It only adds new positions, new state positions and I would hope that you would sustain the Governor's veto.

The SPEAKER: The Chair recognizes the gentlewoman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I hope that we can override this veto. This is one of the very few times that we are addressing the prevention of alcohol abuse—not the treatment, but the prevention, and really, if we don't start trying to prevent the abuse, the treatment is just going to be like a bandaid approach and I hope that we can override and make this attempt to prevent the abuse of alcohol.

The SPEAKER: The pending question before the House is, shall this Bill "An Act to Provide for the Prevention of Alcohol Abuse," Senate Paper 306, L. D. 976 become law notwithstanding the objections of the Governor? Pursuant to the Constitution, the vote will be taken by the yeas and nays. This requires a two-thirds vote of the members present and voting. All those in favor of this Bill becoming law notwithstanding the objections of the Governor will vote yes; Those opposed will vote no.

ROLL CALL

YEA — Ault, Bagley, Bennett, Benoit, Birt, Brennerman, Brown, K.C.; Burns, Bustin, Carey, Carroll, Chonko, Clark, Cox, Cunningham, Curran, Davies, Dexter, Diamond, Dow, Durgin, Dutremble, Fenlason, Flanagan, Fowlie, Goodwin, H.; Goodwin, K.; Hickey, Hughes, Jensen, Joyce, Kane, Kany, Kerry, Laffin, LeBlanc, Lewis, Locke, MacEachern, Mahany, Marshall, Martin, A.; McPherson, Moody, Nelson, M.; Nelson, N.; Peakes, Pearson, Plourde, Prescott, Quinn, Rollins, Smith, Spencer, Talbot, Tarr, Theriault, Tierney, Torrey, Tozier, Trafton, Truman, Wood, Wyman, The Speaker.

NAY — Aloupis, Austin, Bachrach, Beaulieu, Berry, Berube, Biron, Blodgett, Boudreau, A.; Boudreau, P.; Brown, K.L.; Bunker, Carrier, Carter, D.; Carter, F.; Conners, Connelly, Cote, Devoe, Drinkwater, Dudley, Elias, Garsoe, Gill, Gillis, Gould, Gray, Green, Greenlaw, Hall, Henderson, Higgins, Howe, Huber, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Kelleher, Kilcoyne, LaPlante, Littlefield, Lizotte, Lougee, Lunt, Lynch, Mackel, Masterman, Masterton, Maxwell, McBrearty, McHenry, McKean, McMahon, Mills, Mitchell, Morton, Nadeau, Najarian, Palmer, Peltier, Perkins, Peterson, Post, Raymond, Sewall, Shute, Silsby, Sprowl, Stover, Strout, Stubbs, Tarbell, Teague, Twitchell, Whittemore, Wilfong.

ABSENT — Churchill, Gauthier, Hobbins, Norris, Rideout, Tyndale, Valentine.

Yes, 65; No, 79; Absent, 7.

The SPEAKER: Sixty-five having voted in the affirmative and seventy-nine in the negative, with seven being absent, the veto is sustained.

The following Communication appearing on Supplement No. 6 was taken up out of order by unanimous consent:

The following Communication:
The Senate of Maine
Augusta

July 25, 1977

The Honorable Edwin H. Pert

Clerk of the House
108th Legislature
Augusta, Maine 04333
Dear Clerk Pert:

The Governor having returned: Bill, An Act Concerning Minimum Wage Law" (S. P. 250) (L. D. 777), together with his objections to the same, the Senate proceeded to vote on the question: 'Shall the Bill become a law notwithstanding the objections of the Governor?'

According to the provisions of the Constitution, a ye and nay vote was taken. Thirteen Senators voted in the affirmative and twenty in the negative, and the Bill accordingly failed to become law, and the veto was sustained.

Respectfully,
(Signed) MAY M. ROSS
Secretary of the Senate

The communication was read and ordered placed on file.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, I move that the House reconsider its action on L. D. 976 where it failed to override the Governor's veto.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, moves that the House reconsider its action whereby this body failed to override the Governor's veto on Bill "An Act to Provide for the Prevention of Alcohol Abuse," Senate Paper 306, L. D. 976. The Chair will order a vote. All those in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mrs. Kany of Waterville requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker, Members of the House: I ask you to reconsider your previous action, and the reason is that I personally know of no other dollars which are being committed towards prevention. This bill deals strictly with prevention, not treatment, and this is the way that the National Council on Alcoholism is suggesting that we move to get community involvement in prevention. We are expending all our dollars on treatment and it is not getting us anywhere if we wait until that point, after the fact, to start working on this very very difficult problem which we all acknowledge that we have.

I think a lot of us feel a lot of responsibility regarding how we voted, regarding the drinking age, and a lot of people thought that will help, but I certainly think that we can fund this small program at \$250,000 over the two-year period, not \$350,000 as indicated in the Governor's message.

I know that President Carter has received a copy of a report which was based on three years of study by professionals and nonprofessionals on the tragic misuse of alcohol, and he has said that this is the foundation on which his administration would move in this area of community-wide involvement in prevention.

We have had a number of projects in the state. In Waterville, we were fortunate enough to have a small project in which parents and students and others interested in the community did get together and work on a small basis towards this sort of plan. But this will call first for community-wide involvement and then get into the schools on prevention.

I truly hope that you will reconsider your ac-

tion. I know that some people were disappointed because we did not pass an alcohol tax, and I voted for that, but I feel so strongly about education as being the only way, I would hope we get into educational television or whatever it takes, but we have to start with our young people to get into this terrible problem that we have which is culturally wide. I really hope that you reconsider, it is very important.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that the House reconsider its action whereby the Governor's veto was sustained. All those in favor of reconsideration will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Austin, Bagley, Benoit, Birt, Blodgett, Boudreau, P.; Brennerman, Brown, K.C.; Burns, Bustin, Carey, Chonko, Churchill, Clark, Connelly, Cox, Cunningham, Curran, Davies, Dow, Durgin, Dutremble, Flanagan, Fowlie, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hickey, Howe, Hughes, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, LaPlante, LeBlanc, Lewis, Locke, MacEachern, Mahany, Marshall, Martin, A.; Masterton, Mills, Mitchell, Moody, Nadeau, Najarian, Nelson, M.; Nelson, N.; Palmer, Peakes, Pearson, Prescott, Rollins, Shute, Smith, Spencer, Strout, Tarbell, Tarr, Theriault, Tierney, Torrey, Trafton, Wood, Wyman, The Speaker.

NAY — Aloupis, Bachrach, Beaulieu, Berry, Berube, Biron, Boudreau, A.; Brown, K.L.; Bunker, Carrier, Carter, D.; Carter, F.; Conners, Cote, Devoe, Dexter, Diamond, Drinkwater, Elias, Fenlason, Garsoe, Gill, Gillis, Gould, Gray, Green, Higgins, Huber, Hunter, Hutchings, Jacques, Jalbert, Kilcoyne, Littlefield, Lougee, Lunt, Lynch, Mackel, Masterman, Maxwell, McBrearty, McHenry, McKean, McMahon, McPherson, Morton, Peltier, Perkins, Peterson, Plourde, Post, Raymond, Sewall, Silsby, Sprowl, Stover, Stubbs, Talbot, Teague, Tozier, Whittemore, Wilfong.

ABSENT — Bennett, Carroll, Dudley, Gauthier, Hobbins, Immonen, Jackson, Laffin, Lizotte, Norris, Quinn, Rideout, Truman, Twitchell, Tyndale, Valentine.

Yes, 73; No, 62; Absent, 16.

The SPEAKER: Seventy-three having voted in the affirmative and sixty-two in the negative, with sixteen being absent, the motion does prevail.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker, Members of the House: I did not object to this bill before because I kind of held back all day. I was not very pleased with some of the action that we took on some other bills, and one of them was the budget whereby, through some compromise somewhere, we ended up by giving much money to the judges of this state. When the vote on this bill came up, I figured probably the \$250,000 which was allowed for the other purpose. However, I feel very strongly that we should not spend a quarter of a million dollars on this bill, first, because of the fact that the same people that talk about spending this kind of money for prevention through education, many of them are the same ones who voted and are still voting and are still believing and are still signing the same petitions to lower the drinking age. If they want to prevent through education, it would seem to me that they would not make it that much easier to obtain liquor, they would take liquor away if possible or limit it.

I do hope that you will vote to sustain the Governor's veto. I think that there already is allotted, according to the bill, \$4 million and I just don't see where an extra quarter of a million will do anything more. If they haven't done it with \$4 million, I don't know what they will do with that \$250,000.

I have always said and I still feel that alcoholism and those that are involved in it is a matter of self discipline. I don't believe it is a disease and it doesn't make any difference anyway, but the fact is that I don't think that this particular bill will do anyone any good, and I think that we have within the framework now the \$4 million which should be enough to give them an education.

I sincerely hope that we stick by our action of this morning. I understand that this bill is back here because of a compromise. Somewhere along the line I have heard different versions of it. I am not a man to compromise with, I don't believe in compromises and I respect the others' beliefs as long as they stick with them. Actually, I would like to know, I do know, and I would like the people of this House to know what the compromises were according to this bill, and what will happen on a threat from the other body, if this bill does not pass here they are going to kill three or four over there. We probably should have killed them here this morning in the first place.

I submit to you, ladies and gentlemen, that there has been something going on in this House that a lot of people don't know about. I will be writing something about it and some of you will get letters, all of you will get letters by next fall if I don't cool off on this. I just don't like the way things have been done. I don't like the way the compromises are going and I just don't like where they are coming from either.

I submit to you ladies and gentlemen, whatever you do in your best judgment, if you want to spend the money, you go ahead and spend it, but I am not going to spend it because I don't think that \$250,000 is going to do anything. It might create some new jobs for some people to goof off on, and I just don't think that we should get involved in this matter. We took good action, this morning, I believe we did. Some of the bills I didn't like and we still passed them, I didn't like it, but I didn't get up here and come back and cry this afternoon about it. I submit to you, I don't believe this is good legislation and I won't vote for it.

The SPEAKER: The Chair recognizes the gentlewoman from Auburn, Mrs. Trafton.

Mrs. TRAFTON: Mr. Speaker, Ladies and Gentlemen of the House: I am glad that this bill is back here because it gives me an opportunity to speak on it and it is a bill that I feel firmly committed to.

We often talk about prevention. We talk about prevention in terms of crime, we talk about prevention in terms of health and we talk about prevention in terms of alcohol. Yet, in this state we have not put any money into prevention except for the funding of one person's salary in ODAP. I think today we have the opportunity to put some money where our mouths have been.

Earlier this morning it was mentioned that the engrossed copy of the bill now would allow for six positions to be funded in ODAP. I think it is important to think for a minute what these positions would do for us in the state in terms of prevention. If you will refer to Section 2 of the bill, you will see that a plan must be submitted to the Committee on Health and Institutional Services for what these people would be doing.

We have been in touch with ODAP and I would like to give you an idea of what they are thinking of for their program statewide. It would be broken down into three categories. First of all, there would be a community-wide approach. This would involve five communities, two under 10,000 people, one between 10,000 and 20,000 people and one over 20,000 people. In addition, there would be five control communities. The attempt here would be to implement some of the findings of the final report of the task force on responsible decisions about alcohol, a three-year project which has been done nationwide. The attempt is to define

responsible use of alcohol by using base line data, then going into kinds and intervention strategies and then evaluating which ones have been effective so that they can be used in the future.

The second approach would be in the schools. Up until this time, the only approach that we have used in the schools has been a very stopgap approach on temperance day when perhaps a teacher might mention something having to do with the responsible use of alcohol. This would provide for a much broader range of programs in the schools, the development of drug and alcohol abuse clubs, the expansion of film libraries, the development of new programs perhaps to be used on Educational Television and the implementation of a program which requires four workshop days for participating communities called Drugs, Alcohol, Tobacco, Human Behaviour Curriculum, which is the K through 12 curriculum.

Thirdly, there would be a section devoted to pilot projects and, again, this would be an attempt to try some different approaches in terms of media spots, newspaper spots, implementation of a speaker's bureau, and under this pilot project area, I think again we see one of the most important components of this prevention program, which is the evaluation unit. A large part of the money will be used for evaluation, as I said before, to go in and get base line data and then afterwards to evaluate which techniques have been successful. They intend to have statisticians working on this and to use this social systems research for evaluation.

I would urge you to reconsider your vote of earlier this morning and to support this program so that we can begin to get a handle on what is necessary for a prevention program in this state.

The SPEAKER: The Chair recognizes the gentleman from Danforth, Mr. Fenlason.

Mr. FENLASON: Mr. Speaker, Ladies and Gentlemen of the House: It seems to me that this is another attempt to enlarge and pack the curriculum in our public schools. At the present time and for some time in the past, we have been berated because our schools are overburdened, because our kids can't read, because they can't spell, because they can't do mathematics, and now we want to take some of that out and put in another program. I have two or three questions. I would like to know what somebody would recommend that we take out of the schools in order to put this program in? Shall we take out a little reading? Shall we take out a little mathematics, a little spelling, a little social studies or what?

We are also constantly berated for our excessive spending in the field of education, and here is an attempt to put another quarter of a million dollars into education when the public is screaming that we are spending too much already. Of course, there is another solution. If you don't want to take out any of these essential things, how much time do you want to add to either the school day or the school year? Shall we add two or three hours a day, every school day? Shall we add 30 or 40 days per year? Who is going to pay for that? I think that we can get along without this program.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, Members of the House: Two years ago, because the sponsor of the famous L.D. 76 was from the other body, I was the unofficial cosponsor of the measure. I have had reservations on this bill. I have not voted for it at all.

As far as the \$250,000 is concerned, I feel no differently now than I did when it first came up. I agreed wholeheartedly with the gentleman from Westbrook, Mr. Carrier, the gentleman from Danforth, Mr. Fenlason, it will be about one dollar per thousand of the \$250,000 that will

go into the hands of the person that this is meant to help, and that is the alcoholic. I don't think I would necessarily set any records here for total agreement with my very dear friend on the second floor, or he for me for that matter, because he hasn't got a right to be inside here and defend himself, I am sure he can when I go home. But if ever in my life I agreed with him is when I read his veto message.

With all due respect to other programs, from my observations, Alcoholics Anonymous still puts state and federal programs to shame when one carefully examines the bottom-line results. All at once, by passing this bill, we are going to get these anti-alcoholic experts at anywhere from \$15,000 to \$25,000 a year. Let me inform you that the only expert on alcohol is the alcoholic himself. Only an alcoholic can advise another alcoholic.

I have never sat in on Alcoholics Anonymous meetings or Al-Anon meetings, but I am very close to people who belong and who have, close enough that I discuss it with them every week. I can assure you that these are the people who help one another at all hours of the day or night.

My most important reason for this is when I have somebody in the other branch tell me that this goes or else other stuff will go. Well as far as I am concerned let it go because I don't like to have a gun put to my temple, and that is exactly what this is all about. It is purely and simply a holdup and I want no part of it. I am urging the members of this body not to have any part of it. If ever I was going to be for this thing, it stopped when I left the outskirts of the other branch where I was told what I was told, and I am not going to repeat the language that I used because I don't think it would be very nice. I don't like that stuff. I have compromised and will again, but I don't like that approach and I don't like that way of compromising, and that is why I wanted you to reconsider this morning in the first place. As every member of the Appropriations Committee will know the words that were used to me, if we are not out of here by noontime, you can blame the House. We haven't done anything to hold things up, and I can see some of the members smiling because they know that it is so. If ever I was going to go for this thing, it isn't since I have walked from the other body to here. This is purely and simply and absolutely a holdup, coupled with the fact that one dollar will really go to help the alcoholic and the rest of it will go to give some gentleman a pay raise. Let them provide somewhere else for a job.

I think we have put a great many people to work, and when the gentleman from Westbrook, Mr. Carrier, says he doesn't compromise, I can feel free to say this because I have been friendly not only with him but his family all of my life. I started in a two seater with his brother many many moons ago. They are tough they are stubborn, but they will compromise, and they are honest, and I had a great deal to do with his changing his mind on Part II and I respect and admire him for it because he is honest in his beliefs. What he told you might have been a little less diplomatic than what I would tell you, but he told you the truth, and I beg of you to hold your stand of this morning and vote to abstain.

The SPEAKER: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker, Members of the House: Please forget that holdup business. Let's look at the merits of the bill on its face. I know I voted for this bill earlier today and have in the past tried to fight for a smaller pilot project which was before us in the last session of the legislature when it was turned down from the Appropriations Table, and I spent a good deal of time last summer looking into this subject and hoped to present such a measure as this to the legislature. But regardless of all that, this bill has nothing to do with the alcoholic, that is the whole concept. We are

talking about prevention dealing with the pre-alcoholic, the child. Let's not forget that. Who would deny that Alcoholics Anonymous does a superb job. I think it does a grand job, but that deals with the alcoholic. Let's put some time and money and effort into prevention and not always deal with the alcoholic.

The SPEAKER: The pending question is, shall this Bill become law notwithstanding the objections of the Governor? Pursuant to the Constitution, the vote will be taken by the yeas and nays. This requires a two-thirds vote of all the members present and voting. All those in favor of this Bill becoming law notwithstanding the objections of the Governor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bagley, Benoit, Boudreau, P.; Brenerman, Brown, K.C.; Burns, Bustin, Carey, Carroll, Chonko, Churchill, Clark, Connolly, Cox, Cunningham, Curran, Davies, Diamond, Dow, Durgin, Dutremble, Flanagan, Goodwin, H.; Goodwin, K.; Greenlaw, Hickey, Howe, Hughes, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, LeBlanc, Lewis, Locke, MacEachern, Mahany, Marshall, Martin, A.; Mitchell, Nelson, M.; Peakes, Pearson, Plourde, Prescott, Smith, Spencer, Talbot, Tarbell, Tarr, Tierney, Trafton, Wood, Wyman, The Speaker.

NAY — Aloupis, Austin, Bachrach, Beaulieu, Berry, Berube, Biron, Birt, Blodgett, Boudreau, A.; Brown, K.L.; Bunker, Carrier, Carter, D.; Carter, F.; Connors, Cote, Devoe, Dexter, Drinkwater, Elias, Fenlason, Fowlie, Garsoe, Gill, Gillis, Gould, Gray, Green, Hall, Henderson, Higgins, Huber, Hunter, Hutchings, Immonen, Jacques, Jalbert, Kilcoyne, LaPlante, Littlefield, Lougee, Lunt, Lynch, Mackel, Masterman, Masterton, Maxwell, McBrearty, McHenry, McKean, McMahon, McPherson, Mills, Moody, Morton, Nadeau, Najarian, Nelson, N.; Palmer, Peltier, Perkins, Peterson, Post, Raymond, Rollins, Sewall, Shute, Silsby, Sprowl, Stover, Strout, Stubbs, Teague, Theriault, Torrey, Tozier, Whittemore, Wilfong.

ABSENT — Bennett, Dudley, Gauthier, Hobbins, Jackson, Laffin, Lizotte, Norris, Quinn, Rideout, Truman, Twitchell, Tyndale, Valentine.

Yes, 58; No, 79; Absent, 14.

The SPEAKER: Fifty-eight having voted in the affirmative and seventy-nine in the negative, with fourteen being absent, the Governor's veto is sustained.

The following paper appearing on Supplement No. 7 was taken up out of order by unanimous consent:

The following Joint Order: (S. P. 612)

Ordered, the House concurring, that in accordance with emergency authority granted under Title 3, Section 2 of the Maine Revised Statutes, the First Regular Session of the 108th Legislature shall be extended by one additional Legislative day, to be July 25, 1977.

Came from the Senate read and passed.

In the House, the Order was read.

The SPEAKER: The Chair recognizes the gentleman from Wells, Mr. Mackel.

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen: I am going to be quite frank about this. I understand this order is being passed for the purpose of bringing the various referenda together and I see no advantage to it. From my own viewpoint, I see certain disadvantages, so I am going to vote in opposition to this order.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Pearson.

Mr. PEARSON: Mr. Speaker, I would like to pose a question through the Chair to anyone who may care to answer. How much does a referendum election cost?

The SPEAKER: The gentleman from Old

Town, Mr. Pearson has posed a question to the Chair. The record will show that it was \$50,000.

The SPEAKER: The pending question is on passage of the Joint Order in concurrence. This requires a two-thirds vote of all the members elected to the House. All those in favor of this order receiving passage will vote yes; those opposed will vote no.

A vote of the House was taken.

109 having voted in the affirmative and 19 having voted in the negative, the Joint Order received passage in concurrence.

The following Communications appearing on Supplement No. 1 were taken up out of order by unanimous consent:

The following Communication:

State of Maine One Hundred and Eighth Legislature Committee on Judiciary

July 27, 1977

The Honorable John Martin
Speaker of the House of Representatives
Office of the Speaker
State House
Augusta, Maine
Dear Sir:

This is to advise you that I have decided to resign from the Maine Legislature for personal reasons to take effect as of July 5, 1977.

(Signed) ROLAND A. GAUTHIER
Representative

The Communication was read and ordered placed on file.

The following Communication:

State of Maine House of Representatives Augusta, Maine

July 25, 1977

The Hon. John L. Martin
Speaker of the House
Maine House of Representatives
State House
Augusta, Maine 04333
Dear John:

This letter is to officially notify you of my intent to resign my seat as a member of the 108th Maine Legislature, effective July 31, 1977.

Having accepted a position as Director of Van Buren Housing Authority I do not feel that time and health will allow me to meet my responsibilities in both areas. I would like to extend my sincerest appreciation to the members of the 108th Legislature for all their help and fellowship.

Sincerely yours,
(Signed) ARMAND A. LeBLANC
State Representative
District 13

The Communication was read.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: It is with both happiness and sorrow that I rise this afternoon. I am happy because the gentleman from Van Buren, Mr. LeBlanc, has been able to accept a position that will bring him nearer to home; I am unhappy because he won't be sitting in front of me. If ever I have met a gentleman, it is my friend "Armand" as I love so much to call him. I have served with him on the Appropriations Committee. I have been a member with him going on five years and I never ever have heard — this gentleman is to be envied, one person that I have served with say anything but a very kind word about this gentleman. I know, Armand, the House will miss you. I know that whoever is sent here from Van Buren will have to fill some big, big shoes.

I suggest that before we accept his resignation, that we recognize the gentleman's 40 years with a little bit of applause. (Applause, the members rising).

Thereupon, the Communication was ordered placed on file.

The following items appearing on Supplement No. 8 were taken up out of order by unanimous consent.

Orders

An Expression of Legislative Sentiment (H. P. 1855) recognizing that:

The Honorable Armand LeBlanc of Van Buren who has served his constituents faithfully and well during the 106th, 107th, and 108th Legislatures, is retiring from service with the Maine House of Representatives.

Presented by Mr. Greenlaw of Stonington. (Cosponsors: Mr. Martin of Eagle Lake, Mr. Plourde of Fort Kent, Mr. McHenry of Madawaska)

The Order was read.

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: After the comments by the gentleman from Lewiston, Mr. Jalbert, Perhaps my remarks will be somewhat anticlimactic. The gentleman from Van Buren and I have been, I guess he has been one of the closest friends I have had in the legislature for the past five years.

If my memory serves me correctly, Armand filled a vacancy shortly after the November 1972 election when the elected Representative had to resign. Armand came here in late January. He served in three legislatures. He has been a member of both the Education and Appropriations Committees and I think that the comments of the gentleman from Lewiston are shared by everyone in this House as to the esteem that we all hold you in, Armand. We are very, very sorry to see you have to leave. I think perhaps Armand is one of the most thoughtful and deliberate legislators that sits in this hall. I certainly enjoyed my six months sitting on the Appropriations Committee with him. Armand, we wish you well. We thank you for your service to your state, your constituents and hope that next year and in the years to come that you will be back to visit us often.

Thereupon, the Order received passage and was sent up for concurrence.

A Joint Resolution (H. P. 1854) in memory of:

Normand J. Vermette of Auburn, Director of the Androscoggin County Bureau of Civil Emergency Preparedness, and a loyal and devoted public servant

Presented by Mr. Hughes of Auburn (Cosponsors: Mr. Tierney of Lisbon Falls, Mrs. Trafton of Auburn, Mrs. Berube of Lewiston)

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

(Off Record Remarks)

On motion of Mr. Peterson of Caribou, Recessed until the sound of he gong.

After Recess

The House was called to order by the Speaker.

The following paper appearing on Supplement No. 9 was taken up out of order by unanimous consent:

Bill "An Act to Consolidate the Time for Voting on Certain Initiated and Referred Legislation" (Emergency) (S. P. 611) (L. D. 1899)

Came from the Senate, under suspension of the rules read twice, passed to be engrossed without reference to a Committee.

In the House, under suspension of the rules, the Bill was read twice, passed to be engrossed in concurrence without reference to any committee.

By unanimous consent, ordered sent forthwith to Engrossing.

The following paper appearing on Supplement No. 10 was taken up out of order by unanimous consent:

Emergency Measure

An Act to Consolidate the Time for Voting on Certain Initiated and Referred Legislation (S. P. 611) (L. D. 1899)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentleman from Wells, Mr. Mackel.

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: This, of course, is a new bill and I personally have not had an opportunity to read it, I don't know as anyone else has. If someone is familiar with the bill, I wish they would explain it to us.

The SPEAKER: The gentleman from Wells, Mr. Mackel, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Hallowell, Mr. Stubbs.

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: I, too, am not that familiar with the bill; however, I am familiar enough with it to know that it does not solve my problem. I would just like to point this out for the record.

One, on our municipal level, our city charter is pegged in so that the city elections are held on the first Tuesday of November when the state normally holds its election. All this does is move the state election so that we now, on the local municipal level, will have to hold two elections. We only budgeted for one election this year. However, we will obviously have to come up with the money for two elections. I would suggest that this is really probably a bandaid approach. I realize that there is nothing we can do about it except that it is very obvious to me that what really needs to be done is that the Constitution needs to be amended so that when there is a direct initiative it can be held on the regular election date and not create a situation whereby not only my municipality, but I am certain many municipalities in the state also have their local elections set up so that they coincide with the state elections. This is generally a very good approach, you get an excellent turnout not only for the municipal elections but for the bond issues which often only appeal to a very small minority.

In view of this and in view of the fact that some people have expressed reservations about this inasmuch as it might endanger many of the other bond issues, I understand that probably there will be quite an active campaign to repeal the uniform property tax and quite a number of people have indicated that they think this may create sort of a negative appeal across the state and everything might just go down the drain which, of course, we don't want. We wouldn't save thirty or fifty thousand dollars by having one election instead of two, we might endanger millions of dollars here.

I think the people who wrote this bill did the best they could under the circumstances. They were boxed in by our Constitution; however, as I say, for me it doesn't help at all. I have problems!

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker and Members of the House: You heard from the gentleman from Hallowell, Mr. Stubbs, as a municipal official, and I would like to have you hear from yet another municipal official. His problems are very minor if he is facing two elections because he would be facing two elections anyway. He would have his election on the 8th of November and then he would be forced to have that other election for this particular referendum which has to be held over four but less than six months

from the day we adjourn. I would point out that unless this bill passes, my city and several other cities that hold elections on the first Monday in December will be forced to have three elections this year.

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: The gentleman from Wells, Mr. Mackel, has asked for an explanation of the bill. I think it is very simple. I think Sections 1 through 8 refer to the eight bond issues which this legislature has enacted. I think the words "at the next general or statewide election" have been struck from each bond issue and I think in its place the following words have been added: "On the same day a special election is to be held in accordance with the Constitution of Maine, Article IV, Part 3, Section 18, when the 108th Legislature initiated bill number one, An Act to Repeal the State Property Tax."

The ninth section of the bill also directs that any other referenda questions that are to be held will be held at the same time in which the initiated referendum bill is scheduled to be held. I think that is a very concise explanation of what the bill does.

The SPEAKER: The pending question is on passage to be enacted. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor of this Bill being passed to be enacted as an emergency measure will vote yes; those opposed will vote no.

A vote of the House was taken.

114 having voted in the affirmative and 16 having voted in the negative, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

The following paper appearing on Supplement No. 11 was taken up out of order by unanimous consent:

**Petitions, Bills and Resolves
Requiring Reference**

Bill "An Act Concerning the Referendum Date for AN ACT to Annex the Town of Otisfield to Oxford County" (H. P. 1856) (Presented by Mr. Martin of Eagle Lake) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 25)

Under suspension of the rules, the Bill was read twice, passed to be engrossed without reference to any committee and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Ms. Goodwin of Bath was granted unanimous consent to address the House.

Ms. GOODWIN: Mr. Speaker, Men and Women of the House: I would very briefly like to note what I feel is a significant and historic step taken by the Maine State Legislature today, and that is passage of the bill to abolish mandatory retirement. This landmark legislation is the most comprehensive to ever be passed by any state in this nation. We have said to the rest of the country that here in Maine we judge people by their abilities and not by arbitrary distinctions such as race, creed, sex and now age.

As Chairman of the Maine Committee on Aging, I offer on behalf of the statewide elderly coalition, who spent countless hours working towards this final victory, our deepest gratitude for your recognition that Maine's older people are no longer second-class citizens.

(Off Record Remarks)

House at Ease

Called to order by the Speaker.

The following papers from the Senate were taken up out of order by unanimous consent:

The following Communication:

The Senate of Maine
Augusta

July 25, 1977

The Honorable Edwin H. Pert
Clerk of the House
108th Legislature
Augusta, Maine 04333

Dear Clerk Pert:

The Governor having returned:

Bill, An Act Relating to the Payment of Registration Fees for Motor Trucks and Truck Tractors, (H. P. 369) (L. D. 460), together with his objections to the same, the Senate proceeded to vote on the question: "Shall the Bill become a law notwithstanding the objections of the Governor?"

According to the provisions of the Constitution, a ye and nay vote was taken. Eighteen Senators voted in the affirmative and twelve in the negative, and the Bill accordingly failed to become law, and the veto was sustained.

Respectfully,

(Signed) May M. Ross
Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:

The Senate of Maine
Augusta

July 25, 1977

The Honorable Edwin H. Pert
Clerk of the House
108th Legislature
Augusta, Maine 04333

Dear Clerk Pert:

The Governor having returned:

Bill, An Act Relating to Workmen's Compensation for State Law Enforcement and Institutional Personnel, (H. P. 874) (L. D. 1067), together with his objections to the same, the Senate proceeded to vote on the question: "Shall the Bill become a law notwithstanding the objections of the Governor?"

According to the provisions of the Constitution, a ye and nay vote was taken. Seventeen Senators voted in the affirmative and 16 in the negative, and the Bill accordingly failed to become law, and the veto was sustained.

Respectively,

(Signed) May M. Ross
Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:

The Senate of Maine
Augusta

July 25, 1977

The Honorable Edwin H. Pert
Clerk of the House
108th Legislature
Augusta, Maine 04333

Dear Clerk Pert:

The Governor having returned: Bill, An Act to Coordinate, Effectively Utilize and Comprehensively Plan the Service Needs of Maine's Children and Families by Establishing a Maine Council of Families and Children, County Councils on Families and Children, County Office for Children and Families, (H. P. 910) (L. D. 1158)

together with his objections to the same, the Senate proceeded to vote on the question: "Shall the Bill become a law notwithstanding the objections of the Governor?"

According to the provisions of the Constitution, a ye and nay vote was taken. Nineteen Senators voted in the affirmative and 11 in the negative, and the Bill accordingly failed to become law, and the veto was sustained.

Signed: _____
Respectfully,
MAY M. ROSS
Secretary of the Senate

The Communication was read and ordered placed on file.

The following paper appearing on Supplement No. 12 was taken up out of order by unanimous consent:

An Act Concerning the Referendum Date for An Act to Annex the Town of Otisfield to Oxford County (H. P. 1856) (L. D. 1900)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted; signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

The following Joint Order, an expression of Legislative Sentiment recognizing that:

Rudolph Marcoux of Castine has retired as a member of the Board of Trustees of the Maine Maritime Academy after 17 years of dedicated service. (S. P. 606)

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

At this point, a message came from the Senate borne by Senator Speers of Kennebec informing the House that the Senate had transacted all the business before it and is ready to adjourn without day.

The Speaker appointed Mr. Tierney of Lisbon Falls on the part of the House to inform the Senate that the House had transacted all the business before it and is ready to adjourn without day.

Subsequently, Mr. Tierney of Lisbon Falls reported that he had delivered the message with which he was charged.

(Off Record Remarks)

The SPEAKER: The Chair would like to thank all members of the House on behalf of leadership and myself for the work that you have done, and in the end I think a very productive session.

The Chair recognizes the gentleman from Eastport, Mr. Mills.

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: This is one time I am having a lot of pleasure speaking on the floor of the House. I move that we adjourn sine die.

The SPEAKER: The gentleman from Eastport, Mr. Mills, moves that the House adjourn sine die. Is this the pleasure of the House?

The motion prevailed and at 8:28 p.m., Eastern Daylight Saving Time, Monday, July 25, 1977, the Speaker declared the House adjourned without day.