

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eighth  
Legislature***

OF THE

STATE OF MAINE

**1978**

**Second Regular Session**

January 4, 1978 — April 6, 1978

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**Senate Confirmation Session**

June 14, 1978

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September 6, 1978 — September 15, 1978

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APPENDIX

## HOUSE

Thursday, April 6, 1978

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

Prayer by the Reverend Douglas Robbins, Retired Pastor, Winthrop Street Universalist Church of Augusta.

Reverend ROBBINS: Almighty God, in whom we live and move with our being, we recognize Thee as the author of all that is good and pray that we may be worthy of all Thy gifts.

As we bring to a close the deliberations of the legislative body, we will be conscious of work which is well done, also of that which is still undone. We have striven to protect the rights of all and to understand opinions which are different from our own. We would not speak unkindly of others and would find a deeper comradeship through learning to know each other better.

May we remember that our state's true wealth consists not in the abundance of things which we possess but rather in the justice of her laws and a mutual respect of the citizens. At this time of parting, may Thy peace dwell in our hearts and understanding in our minds, and now only the Lord bless us and keep us, the Lord make His place to shine upon us and be gracious unto us, the Lord light up his countenance upon us and give us peace. Amen.

The members stood for the Pledge of Allegiance to the flag.

The journal of the previous session was read and approved.

## (Off Record Remarks)

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

After Recess  
11:40 A.M.

The House was called to order by the Speaker.

## Messages and Documents

The following Communication: (H. P. 2337)

## STATE OF MAINE

## OFFICE OF THE GOVERNOR

## AUGUSTA, MAINE

To The Honorable Members of the House of Representatives

and Senate of the 108th Maine Legislature:

I am returning without my signature and approval H.P. 2096, L.D. 2139, "An Act relating to Appropriating Funds for Certain Municipal Governments."

While I am sympathetic to those legislators and municipal residents who are upset with the level of property tax effort which they are required to pay in support of education, I cannot allow this bill to become law for the following reasons:

(1) I am concerned that this legislation may be viewed by some of the recipient towns as evidence of an on-going state commitment to appropriate similar monies in future years.

(2) I have been advised that there are some errors in the computation of payments to some of the towns identified in this bill and that corrections will need to be made subsequent to action upon local budgets.

(3) I feel it is inappropriate to promise these towns a payment of state aid when there is no assurance that there will be sufficient balances in the general purpose aid subsidy account to honor this promise.

(4) Lastly, the bill appears to incorporate a "pork-barrel" approach as it relates to making a marginal approach more palatable by including a little something for the right number of towns. Again, I do not question the honest intentions of those who are seeking aid, but I do not believe this approach is acceptable or wise.

In view of these concerns, I cannot justify al-

lowing this bill to become law. I am very sensitive to the situation that some municipalities are in and the problem which they face. However, I do not believe that this bill offers the right answer. Rather, this bill would utilize a fiscally irresponsible approach of appropriating a non-existent surplus, compounded by the fact that the appropriation could be misleading if municipalities believe there is an on-going State commitment and it could be misused to the extent that there is an actual attempt to appropriate this significant sum of money every year without addressing the problem which relates to the terms that govern the internal payment structure within the education units.

I have allowed to become L.D. 2204, "An Act Creating An Interim Education Finance Commission." The purpose of this Commission will be to review the new Education Finance Act and to report back to the 109th Legislature. I feel it would be desirable and appropriate for this Commission to study the SAD problem so we won't have to take this piecemeal approach.

For these reasons, 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 Sanford, Mr. Wood.

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: We have debated this bill on several occasions, so I will not go step-by-step through the bill and why it came about, but I would like to go through the different and various arguments that the Governor made in his veto message and point out where I disagree with the Governor.

The first point is that he feels that this is in some way causing us to make decisions that will have a permanent effect in future years. This is not the case. All along, this has been viewed as a one-shot deal. With the constitutional amendment in the works, this was viewed as a stop-gap measure until that constitutional amendment was put into place. This is why such groups as Maine Municipal, the Maine School Management and even the Committee on Education supported this bill, because they felt that in fairness and equity to these towns, we would be hanging them out on a limb by not providing this one stop-gap measure until the constitutional amendment was in place, so those towns and the sponsors are well aware that this is a one-shot deal and have no intention of bringing this issue back. Once the constitutional amendment is in place, then the problem will be solved.

The second point is in terms of errors in the bill and the possibility that these errors have to be rectified by the time local budgets are voted upon. The bill does not take effect, the payments are not made until April 1, 1979, so I do not see how that would have any effect on this year's school budget, and since it is into the next session when the payments, if they are made, are made, I am sure that those errors, if there are some, could be rectified at a later date.

The third point he makes is really the question of the non-existent surplus. I am quite amazed that the Governor chooses to criticize this bill for a possible non-existent surplus when we passed a tax package that was based on a potential non-existent surplus.

But I would argue that the way we are funding this bill is through the Education Department, their funds. As has been stated in the past, and one of the reasons we chose this approach, it was stated at the time we adopted that bill and was stated by the Governor that there was going to be a surplus in the Education Department. In the past, out of the leeway account, there has always been a surplus. They put in enough money so that if all the towns use everything they can use, they will have enough

money, but in the past the towns have not used it, so there should be a surplus. And all we are saying, if there is a surplus, and most people say there is going to be one, this is the way it should be spent, so I don't think you can really argue that it is a non-existent surplus when the Governor, when he finally signed the bill, said one of the reasons he didn't like the bill was that it was writing a surplus into the school funding law.

The fourth point is that it is pork-barrel legislation. I have never viewed myself as a pork-barrel connotation to it. If you look at the original school funding law which benefitted a majority of towns, except for around 60 or 70 towns, I am sure you can call that pork-barrel legislation. So I think it is all in terms of definition.

In fact, the towns that I originally set out to benefit are no longer going to benefit from this bill; yet, I am still supporting it. It is not pork-barrel legislation in the true sense. There was a problem, we saw the problem in terms of the pay-in and in terms of the pay-in and in terms of the school formulas. The only way we felt we could address it was a two-prong approach — one, the constitutional amendment to take care of the problem so it won't occur in the future and then, while that constitutional amendment is going through the works, this one-stop funding measure to help those towns so that we are giving them the message that we are concerned about tax equity, we are concerned about the property tax and we are concerned about the unconstitutional constitutionality of their formulas and we are willing to tide them over until they can rectify the solution with a long-run answer, so I don't look at it as strictly pork-barrel.

I think his final comment that this should be dealt with by the Education Finance Commission that has been set up, I think we have already dealt with it this session. We have allowed the constitutional amendment to go to the voters, and that is the ultimate solution. That is what I am in favor of and that is what I am going to work to see passed, but I think until that is passed, we run the risk, if we don't do anything, of seeing massive havoc in school districts, we run the risk of seeing school districts break up, and I don't think that is in the educational interest of this state, so I would hope that you would override the Governor's veto.

The SPEAKER: The pending question is, shall Bill "An Act Relating to Appropriating Funds for Certain Municipal Governments," House Paper 2096, L.D. 2139, become law notwithstanding the objections of the Governor? According to the Constitution, this requires a two-thirds vote of all the members present and voting. 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.

## ROLL CALL

YEA — Ault, Austin, Beaulieu, Bennett, Benoit, Berube, Biron, Blodgett, Boudreau, A.; Brenerman, Brown, K.C.; Bunker, Burns, Bustin, Carrier, Carroll, Chonko, Clark, Connolly, Cox, Cunningham, Curran, Davies, Dexter, Diamond, Drinkwater, Dudley, Elias, Flanagan, Fowlie, Garsoe, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hickey, Hobbins, Howe, Hutchings, Jackson, Jalbert, Jensen, Kany, Kelleher, Kerry, LaPlante, Lizotte, Locke, Lynch, MacEachern, Mackel, Martin, A.; Masterman, Maxwell, McHenry, McKean, McMahan, McPherson, Mills, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Palmer, Paul, Pearson, Perkins, Plourde, Post, Prescott, Quinn, Rideout, Sewall, Shute, Silsby, Spencer, Strout, Talbot, Tarbell, Tarr, Theriault, Tierney, Tozier, Trafton, Truman, Twitshell, Valentine, Violette, Whittmore, Wilfong, Wood, Wyman, the Speaker.

NEA — Aloupis, Bachrach, Bagley, Berry, Birt, Boudreau, P.; Brown, K.L.; Carter, D.;

Carter, F.; Churchill, Cote, Devoe, Dow, Du-tremble, Fenlason, Gill, Gillis, Gould, Gray, Green, Higgins, Huber, Hughes, Hunter, Im-monen, Jacques, Kane, Kilcoyne, Laffin, Lit-tlefield, Lougee, Lunt, Mahany, Marshall, McBreairty, Morton, Najarian, Norris, Pelt-ier, Peterson, Raymond, Rollins, Sprowl, Stover, Stubbs, Teague, Torrey.

ABSENT — Carey, Conners, Durgin, Joyce, Lewis, Masterton, Moody, Peakes, Smith, Tyn-dale.

Yes, 94; No, 47; Absent, 10.

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

Send up for concurrence.

The following Communication: (H. P. 2338)  
STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE

April 5, 1978

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

I am returning today without my signature and approval H. P. 1969, L. D. 2049, An Act to Provide for Refunding of Municipal Claims under the Maine Tree Growth Tax Law.

I cannot allow this bill to become law for the following reasons:

(1) It is my understanding that the bill may not even be necessary, or appropriate, if the stumpage value component of the Tree Growth Tax formula were to be accurately assessed. I am told that there is currently substantial doubt that the stumpage value which is utilized to determine how much municipalities will be reimbursed is reflective of the actual stumpage value of the property. Obviously, the state should not be in a position of subsidizing the tree growth tax formula to the extent that the formula is inaccurate and misleading.

(2) Anytime the state is subsidizing the tax responsibility of one particular group, the other groups and taxpayers are in effect paying for that subsidy, i. e. their tax burden is increased. I believe we have a very serious responsibility to ensure that the other taxpayers of Maine are not being asked to unfairly subsidize or assume the responsibility for paying are in fact paying their fair share.

(3) The method utilized to reimburse the communities under this bill is in our opinion questionable, both in terms of fiscal management and in terms of reflecting the true cost of reimbursement. First, those communities that choose the 11¢ per acre reimbursement will be reimbursed by December 15th of this calendar year. Yet, those who choose to be reimbursed under the existing formula will be paid at a later date depending upon the actions of the 109th Legislature, and the cost for this later reimbursement is an additional \$175,000 not reflected in the fiscal note on this bill. In other words, the total cost will be \$500,000. Secondly, it is my understanding that if the Tree Growth Tax formula were to be adjusted to reflect accurate stumpage value, it is possible that the municipalities would in fact receive at least a minimum 11¢ per acre. If that is the objective, I am advised it can be done by improving the formula and the integrity of our reimbursement system.

(4) Also included in this bill is a section unrelated to the Tree Growth Tax Law which would remove the Towns of Medway and Carrabassett Valley from the Maine Forestry District effective January 1, 1979. I have been advised that this aspect of the bill would result in a loss of General Fund revenues of some \$33,000. I must question the appropriateness of including this provision in the Tree Growth tax legislation as well as the justification and fairness of such selective treatment for these two Towns.

In summary, while I too am sympathetic

with the goal of ensuring that the Tree Growth Tax treats the municipalities fairly and equitably, I believe that the approach mandated by this bill does not address the problem, but only delays and perhaps makes it more difficult for the Legislature to address the problem. It would appear to me that the next session of the Legislature could devote more time to study the real issue and the entire payment method as well as the accuracy of the existing formula. The resolution of these questions is of importance to the integrity of our taxing system, and to all the taxpayers of Maine who are subsidizing the Tree Growth Tax.

For these reasons, 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 gentlewoman from Bethel, Miss Brown.

Miss BROWN: Mr. Speaker, Ladies and Gentlemen of the House: if you will take just a second to look over the Governor's veto message, I think it really reflects the fact that he didn't understand the piece of legislation that is before us.

Fortunately, in 1970 the taxpayers of the state voted in referendum to make a constitutional change to accept the tree growth reimbursement on the statutes and at that time, they accepted this. The stumpage value, which he cites as being a problem, has been readjusted, it is being readjusted this year and it was last year by the Bureau of Taxation. Data is collected from the wood industry to set this, and many, many people are involved in this figure.

If you will look at the third paragraph, he makes the statement that the communities that choose the 11 cents per acre reimbursement—in this particular piece of legislation, the communities do not choose the 11 cents reimbursement, this for the communities that since 1972 have been left out of the tree growth because of the reevaluation in the State of Maine. This involves over 200 communities and they do not choose the 11 cents; this merely sets an 11 cents per acre base for these 200 communities.

I hope that today you vote to override the veto.

The SPEAKER: The Chair recognizes the gentleman from Kingfield, Mr. Dexter.

Mr. DEXTER: Mr. Speaker, Men and Women of the House; I will just say a few brief words here. It looks to me like the first three reasons here didn't amount to anything, so we tacked in the red herring, number four. If you will recall, last year I took on the bull seal and his harem, and this is exactly what happened—I am referring to the towns of Medway and Carrabassett Valley. These two towns, it says here, why were they selected? They were selected because they have their own fire department and it is duplication of services. There is absolutely no justification for not removing them from same. Now, when I took on the bull seal one-to-one out in the corridor, he admitted I was right. Furthermore, they can't even take care of what they have got, they don't have enough help, so, frankly, I think the bull seal needs a little help and I hope you will all give it to him.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I am going to be very brief on this. Also, it is permissible in speaking on one of these to mention something which may be really pertinent to all of them simply a financial implication?

The SPEAKER: The Chair would answer in the affirmative, that that is always possible if it is wished in together with the entire subject.

Mr. PALMER: Mr. Speaker, well I think I will try and I will be very brief.

First of all, I want to speak in favor of this bill, and I speak for it because I believe that years and year of very hard work has gone into the tree growth tax law and the concept behind it is valid, is good, to the extent that as we look down the road of the future of Maine, we must, of necessity, look to our forest products, being a state that is 90 percent forest, we have to look to that. It is certainly one of the major ways we have of growing economically. We know that as we look down the road when we look at our forests, we have to say that we want to preserve them as much as we can, and we want, therefore, to encourage people in good forest practices so that, indeed, in the year 2000, when we are predicting that there may be some shortages, that we will have practiced well and we will, indeed, be ready to face the problems we have energy-wise, as well as product-wise, as well as demand-wise. So I am afraid that if we, at this time, do not follow suit on this particular bill, we may very well kill something which down the road could be very disastrous to the future economy of Maine.

I realize that there is a price, I guess, of \$325,000, and I realize that this morning, at least as I understand it, we have about a \$2.2 million problem confronting us, at least that is what I have been told, and I know that we have to make, all of us, some very difficult decisions, and I am going to make mine, believe me, and it isn't going to be very easy. But I believe that this is just woven into the fabric of Maine and by doing it, we will, indeed, give the Forest Products Council and other people involved in this industry, through the small woodlot owners and the larger ones as well, a chance to have a time to work this bill over to make it better, to make it more equitable, so that we can continue utilizing it as one of our real methods to fund and to keep sources of natural resources for the future. To me, it is very, very important, and I hope we will go along with the bill.

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

Mr. MACKEL: Mr. Speaker and Members of the House: I would just like to add my support to this particular bill.

Those of us in Taxation spent a lot of time in considering this particular bill. It is designed to alleviate a particular problem wherein we have communities such as Brownville that have anywhere from 18,000 to 20,000 acres of land under the tree growth law, and they get absolutely no reimbursement. Those people are awful mad about that, and as such, that represents a threat to the tree growth law. I think it is an important bill and I think it is one where we should really override.

The SPEAKER: The pending question is, shall Bill "An Act to Provide for Refunding of Municipal Claims under the Maine Tree Growth Tax Law," House Paper 1969, L. D. 2049, become law notwithstanding the objections of the Governor? Pursuant to the Constitution, 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, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brennerman, Brown, K. L.; Brown, K. C.; Bunker, Burns, Bustin, Carrier, Carroll, Carter, F.; Chonko, Churchill, Clark, Conners, Connolly, Cox, Cunningham, Curran, Davies, Devoe, Dexter, Diamond, Dow, Drinkwater, Dudley, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, LaPlante, Littlefield, Locke, Lougee, Lunt, Lynch, MacEa-

chern, Mackel, Mahany, Marshall, Martin, A.; Masterman, Maxwell, McBreairty, McHenry, McKean, McMahon, McPherson, Mills, Mitchell, Morton, Nadeau, Nelson, M.; Nelson, N.; Norris, Palmer, Paul, Peakes, Pearson, Peltier, Perkins, Peterson, Plourde, Prescott, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Spencer, Sprowl, Stover, Strout, Talbot, Tarbell, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Trafton, Truman, Twitchell, Valentine, Violette, Whittmore, Wilfong, Wood, Wyman, The Speaker.

**NAY** — Carter, D.; Cote, Gray, Green, Hughes, Laffin, Lizotte, Quinn, Raymond, Stubbs.

**ABSENT** — Carey, Huber, Lewis, Masterton, Moody, Najarian, Post, Tyndale

Yes, 133; No, 10; Absent, 8.

The **SPEAKER**: One hundred thirty-three having voted in the affirmative and ten in the negative, with 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

April 5, 1978

To the Honorable Members of the House of Representatives

and

Members of the Senate

of the Maine 108th Legislature:

I am returning without my signature and approval H. P. 1975, L. D. 2061, AN ACT to Improve the Short Term Investment Capabilities and Debt Management of the State.

Although I am told certain aspects of this bill are positive and would improve the law by defining the parameters of the State's short-term investment portfolio, I cannot allow this bill to become law because of the provision which would transform the State Treasurer into an investment manager.

First, although today we have a very conscientious and dedicated treasurer, there is no statutory or constitutional requirement that the Treasurer have an investment manager's background or an investment manager's qualifications. In my opinion, it is absolutely essential to require expertise in finance and investment management before permitting the Treasurer to engage in those activities. In fact, by permitting an individual to have that kind of authority and responsibility without the concurrent qualifications, this bill could very well affect the credit rating and financial picture not only of the State but also of the municipalities.

Additionally, the same lack of requirements for expertise and qualifications cause me to question whether or not we should be putting the State Treasurer in direct competition with the private sector. I am not convinced that the State should be inviting municipalities to invest their money unless the State is also willing to make the commitment of requiring the professional background and qualifications necessary to best insure confidence and capable management.

Thirdly, while the provisions of Section 3 of this bill define the types and limits of investments available to the treasurer, there is no clear indication as to how the investments of any particular municipality, or group of municipalities, are to be distributed. For example, would it be possible for the Treasurer to invest the entire funds of any municipality in a single instrument such as commercial paper, thereby foregoing the protection which is inherent in the limitation provisions of Section 3? Also, will the State be liable in the event that returns to municipalities are not as great as anticipated? In addition, are we going to have to build additional bureaucracy in order to carry out this function, and if so, is it possible that the cost to State government could outweigh

the benefits to municipalities?

In summary, I am extremely concerned that this bill is premature in that it creates the authority for the State Treasurer to move into very sophisticated financial areas, utilizing the money of municipalities, before even requiring that the State Treasurer have certain professional qualifications and experience. Although the concept has a nice ring in a vacuum, I personally believe that when we get into the area of finance and credit ratings, the State should move cautiously and should provide all the safeguards possible to insure prudent investment and management. It is for the reasons that 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 gentlewoman from Waterville, Mrs. Kany.

Mrs. **KANY**: Mr. Speaker, Members of the House: This bill was unanimously approved by the State Government Committee after considerable addressing of the individual changes sought in the bill, and the changes in the law will help municipalities, particularly in their money management capabilities. It also makes some improvement in the overseeing and coordination of managing the state's money.

Specifically, the legislation increases the bonding of the State Treasurer from \$500,000 to \$1 million for general purposes and establishes a cash bond for the Treasurer of \$500,000.

Secondly, the bill permits pooling of local government's money, for local governments under the new law will themselves be able to form their own pool of their monies for improving their short term investment capabilities. The bill also permits the municipalities and other local governments, if they wish, to join a short term investment pool under the jurisdiction of the State Treasurer. So please remember that all of this is simply an opportunity to join a pool. It is strictly voluntary and it is not mandated. An example of a state that is doing this is California, and I would like to give you just one quote out of the Wall Street Journal, one example of a town that decided it really liked this pooling.

A typical user, this is according to this Wall Street Journal article, is June Stevens, Treasurer of Larkspur, just south of San Francisco, and it is quoting her. "We don't leave funds lying in idle checking accounts over the weekend," she says. "I wire \$25,000 to the state pool on Friday, withdraw it on Monday and get the same interest rate as the state gets on its billions of dollars. In some states, deposits may be as small as \$5,000 for periods ranging from one day to a year," and it is just this type of agreement that a municipality could enter into the state with if it so desired, or that could be part of an agreement under a pool of just the local governments.

The bill also specifies and limits the kinds of investments which the state can enter into. The investments would be prudent, conservative investments, with a maturity not to exceed 24 months. And if you are interested, since the veto message did mention at least one of those, I will tell you what is involved, just obligations of the United States, 20 percent of accrual or portfolio would have to be debt issuing agencies to the federal government; 30 percent at the most; commercial paper; 10 percent at the most bankers' acceptances; and then participation of state bonds and also certificates of deposit. Remember, none of these can be investments with a maturity of over 24 months.

So, basically that is it. There are a couple more aspects to it. The Treasurer would be serving and assisting the health facilities board and also the State Housing Authority, and I think this is positive for coordination of overlooking the state's money, to have the Treasur-

er be associated with this group.

There is a small appropriation of just \$14,500, not for personnel but strictly just for computer services. So that is it. I hope you override, and those of us who serve on the State Government Committee did not find this controversial, but we were very pleased to be able to be part of what we think is a real assistance and something very positive for both the municipalities and for the state. I hope you vote to override.

The **SPEAKER**: The pending question is, shall Bill "An Act to Improve the Short Term Investment Capabilities and Debt Management of the State," House Paper 1975, L. D. 2061, become law notwithstanding the objections of the Governor? Pursuant to the Constitution, 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** — Bachrach, Beaulieu, Benoit, Boudreau, A.; Brennerman, Brown, K. C.; Bunker, Burns, Bustin, Carroll, Chonko, Clark, Connolly, Cote, Cox, Curran, Davies, Diamond, Dow, Elias, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hickey, Hobbins, Howe, Hughes, Jalbert, Jensen, Kany, Kerry, Laffin, LaPlante, Locke, MacEachern, Martin, A.; Maxwell, McHenry, McKean, Mills, Mitchell, Nadeau, Najarian, Nelson, M.; Nelson, N.; Paul, Peakes, Plourde, Post, Prescott, Quinn, Silsby, Spencer, Talbot, Theriault, Tierney, Tozier, Trafton, Truman, Valentine, Violette, Wilfong, Wood, Wyman, The Speaker

**NAY** — Aloupis, Ault, Austin, Bagley, Bennett, Berry, Berube, Biron, Birt, Blodgett, Boudreau, P.; Brown, K. L.; Carrier, Carter, D.; Carter, F.; Churchill, Conners, Cunningham, Devoe, Dexter, Drinkwater, Dudley, Durgin, Dutremble, Fenalson, Flanagan, Fowlie, Garsoe, Gill, Gillis, Gould, Gray, Green, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Jacques, Joyce, Kane, Kelleher, Littlefield, Lizotte, Lougee, Lunt, Lynch, Mackel, Mahany, Marshall, Masterman, McBreairty, McMahon, McPherson, Morton, Norris, Palmer, Pearson, Peltier, Perkins, Peterson, Raymond, Rideout, Rollins, Sewall, Shute, Smith, Sprowl, Stover, Strout, Stubbs, Tarbell, Tarr, Teague, Torrey, Twitchell, Whittmore

**ABSENT** — Carey, Lewis, Masterton, Moody, Tyndale

Yes, 68; No, 78; Absent, 5.

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

The following Communication: (H. P. 2339)

STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE  
APRIL 5, 1978

To the Honorable Members of the House of Representatives

and

Senate of the Maine 108th Legislature:

I am returning without my signature and approval H. P. 1912, L. D. 1973, "An Act to Expand the Elderly Low Cost Drug Program."

As you know I have strongly supported the existing elderly low cost drug program. However, I cannot accept L. D. 1973 for the following reasons:

1. I am advised that the appropriation for this bill is entirely inadequate to meet the additional costs which the bill would create. Although the Department of Human Services informed the Committee on Health and Institutional Services that the estimated cost of increasing the existing program as mandated by this legislation would be approximately \$2 million a year, the bill only provides for \$700,000 of funding. There are approximately 40,000 elderly individuals covered under the existing low cost drug program and medicaid, and I am told that this legislation could lead to 53,000 elderly

individuals being eligible for coverage, and this figure does not include the population group between the ages of 62 and 64 who would also be eligible.

2. The existing low cost drug program has been one of my own priorities because I believe that we have an obligation to help those who do not have the resources to purchase such essential medication. Those who are currently eligible are individuals with the greatest need and the least ability to pay. L. D. 1973 proposes to expand coverage to individuals with greater ability to pay. Although I appreciate that there may be others in need of at least some assistance, it is unclear to me if this legislation goes beyond the original concept based on the ability to pay and, if so, how far?

3. It is my understanding that if we attempt to serve all those who would be made eligible by this legislation, we could run out of money and would have to suspend benefits or would have to stop paying for drugs which currently can be purchased under the existing program. I cannot accept the risk of possibly having to terminate or suspend all or part of our current effort, especially since it provides essential relief to those elderly who are least able to pay and who have the greatest need for help.

4. Personally, I believe it would be unfair and unjust for State government to offer hope in terms of an expanded program, if, in fact, we cannot deliver with the resources allocated by the bill. It would be a cruel irony to enact legislation which I am sure is supported by humanitarian concerns when the impact of that legislation could cause all or part of the program to be terminated, or existing benefits to be suspended, because of insufficient funding.

State government suffers from enough credibility problems without taking the risk of turning a necessary and responsible effort into a set of false promises because of unrealistic and unsatisfactory funding.

For these reasons, I respectfully ask you 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 gentlewoman from Bath, Ms. Goodwin.

Ms. GOODWIN: Mr. Speaker, Men and Women of the House: The purpose of this legislation was to extend to certain elderly individuals the benefits of the low cost drug program who were originally intended to benefit from it but because of the way it had been administered through the Department of Human Services had been discriminated against; namely, people in boarding homes, some people in subsidized housing and some people living with others.

As I look at the veto message, especially in paragraph one, it is so full of misinformation and wrong figures that I really don't know where to start. I guess I would like to begin with the \$2 million figure. The department originally estimated at the time of the hearing that the cost to do this would be \$2 million, and they were basing that on 20,000 eligible people. It seems rather strange that there are now 20,000 people on the program at a cost of \$500,000; yet, to add 20,000 people, they said they needed \$2 million.

A little while later, after I had yelled and screamed a while, as I am known to do on occasion, they came down to \$1 million, which would be totally adequate. The Appropriations Committee, in its deliberations, decided that the \$1 million was still too high. Based on some figures and background figures the Committee on Aging did in trying to determine the number of people who might be eligible, we figure there may be 300 to 400 people who would now be eligible because of the removal of the discount factor. There are 4,000 people in subsidized housing, many of whom already receive tax

and rent refunds and some who are already on the State Medicaid program, and about 600 boarding home patients and maybe a thousand to 2,000 people living with others who would qualify. I would say an estimate of maybe 6,000 would be high. The average cost a year is \$100. Adding about 6,000 people would cost about \$120 at the \$700,000 figure, which means that we are providing maybe even more money than necessary with the \$700,000.

I would also like to point out that the figure of \$1 million, which the department finally agreed to as the yearly cost, was for a 12-month period. This is not going to take effect until August 1, because it is going to be included on the property tax and rent refund applications, which means it will be at least September 1 before the earliest filers will get their cards, and it could be as late as December before many people are actually on the program. Therefore, the million dollars would not be needed.

I think perhaps of all the things said here, besides all the absolutely ridiculous figures, one thing he also mentions here about the inclusion of the population group between ages 62 and 64 who would be eligible. I assume he means those between 55 and 64 who are going to come on this year who are widowed and disabled both, and there are about 350 of those, which really would have a great impact on the program, I am sure.

I guess the thing I would like to take the greatest issue with is in his second paragraph where he says, "Those who are currently eligible are individuals with the greatest need and the least ability to pay. L. D. 1973 proposes to expand coverage to individuals with greater ability to pay." The entire purpose of 1973 is to help those people who are least able to pay, because the way it is set up now, people receiving property tax and rent refund, who have had incomes of up to \$5,000, have been getting the one dollar drug card, while those with incomes of \$2,000 or \$2,500, because they lived in a boarding home or lived with someone else, they couldn't get the card. So it does entirely the opposite of what he says in the second paragraph.

Finally, before I sit down and perhaps let my Republican cosponsor take over, I saw something in the paper yesterday which made me rather angry, which is either an example of very poor reporting or the fact that someone had given some pretty rotten information to the reporter; I suspect the second.

It says here, "In his first year in office, Longley proposed a free drug program for the elderly, but without adequate funds, the idea died." That was the so-called famous one dollar drug program. In 1976, he pledged to continue programs for the elderly, despite legislative failures to approve funds, but long later that year, that all the answers to insuring a better quality life for Maine's elderly do not lie in government dollars. It was the Governor himself who said we needed no funds for this program. It was the Governor himself who said he could attract all kinds of money from those philanthropic drug wholesalers, and we found out that that was not true. We gave him that opportunity; he failed. The legislature then appropriated money. In fact, he asked for \$800,000; we gave him \$500,000. It was enough, and I suspect the \$700,000 is enough now, and I certainly hope you will resoundingly override this veto.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I rise and support the gentlewoman from Bath today as the cosponsor of this bill. I have found just this morning in talking with the department that there is an underutilization of the drugs for the elderly program to the tune of upwards of \$150,000 for this current year so, therefore, if there is an underfunding, this \$150,000, if the implementation does in fact take place in July, will cover that underfunding. The \$700,000 is perfectly ad-

equated, in that the elderly rent relief program does traditionally not take effect until either September or October.

I rise to urge you, and in the interest of brevity will not continue because I feel we have made our points very clear, but I would hope that you would support the bill.

The SPEAKER: The pending question is, shall this Bill, "An Act to Expand the Elderly Low Cost Drug Program," House Paper 1912, L. D. 1973, become law notwithstanding the objections of the Governor? Pursuant to the Constitution, this requires a two-thirds vote of all the members present and voting. All those in favor of this bill becoming law will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Alopous, 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, Conners, Connolly, Cote, Cox, Cunningham, Curran, Davies, Devoe, Dexter, Diamond, Dow, Drinkwater, Dudley, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, Littlefield, Lizotte, Locke, Lougee, Lunt, Lynch, MacEachern, Mackel, Mahany, Marshall, Martin, A.; Masterman, Maxwell, McBrearty, McHenry, McKean, McMahan, McPherson, Mills, Mitchell, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Palmer, Paul, Peakes, Pearson, Peltier, Perkins, Peterson, Plourde, Post, Prescott, Quinn, Raymond, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Spencer, Sprowl, Stover, Strout, Stubbs, Talbot, Tarbell, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Trafton, Truman, Twitchell, Valentine, Violette, Whitemore, Wilfong, Wood, Wyman, The Speaker.

NAY — Carter, D.; Carter, F.

ABSENT — Lewis, Masterton, Moody, Tynedale.

Yes, 145; No, 2; Absent, 4.

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

Sent up for concurrence.

The SPEAKER: Is there objection to the matters having been overridden being sent to the Senate?

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

Mr. MORTON, Mr. Speaker, in connection with your request, it seems to me that we have got to look at this whole package before the day is over and I wonder the wisdom of sending anything to the Senate until we have finished the whole package.

The SPEAKER: The Chair hears objection.

The following Communication: (H. P. 2340)

STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE  
April 5, 1978

To the Honorable Members of the House of Representatives

and

Senate of the Maine 108th Legislature:

I am returning without my signature and approval H. P. 1915, L. D. 1976, "An Act to Allow Intermediate Care Facilities to be reimbursed under the Medically Needy Program."

I cannot allow this bill to become law for the following reasons:

(1.) I am advised that this legislation is seriously underfunded. Simply stated, if this act were to become law, the program would create

a deficit. Once the program has been implemented, there is no way to stop it. The department would have no choice but to meet what would be a statutory obligation, even though there was no money to pay the bill. Obviously, this approach would be fiscally irresponsible and totally unacceptable.

It should be noted that the Department of Human Services provided the legislative committee and the Legislative Finance Office with the estimate that approximately \$95,000 is necessary to fund this program for every 100 people that would be eligible. The number of eligible individuals was estimated at 500. The appropriation for this bill is only \$250,000. These facts speak for themselves.

(2) In addition, I am also concerned if there is any chance that this program could lead to further abuse of Medicaid to the extent that relatives and families who are now voluntarily paying a portion of the costs for their mother or father would stop paying — even though they have adequate reasons to do so — because this bill would provide incentive for them to avoid that responsibility. I don't believe government should be in the business of trying to replace the family, or subsidize traditional family obligations. In the long run, I believe the negative impact of government inserting itself in these situations has a significant, damaging effect on the family unit. We should not be establishing incentives for individuals to abandon their obligations to their families.

(3) I am also advised that this bill is seriously inconsistent in its own terms. Although the bill has an emergency preamble which means that it is effective immediately, it provides no funding for the fiscal year 1977-78. In other words, it would be impossible to implement the legislation in accordance with its own terms.

In short, this bill is unacceptable because it is impossible to implement consistently with its own terms and the obvious legislative intent. The funding is not only insufficient, it is non-existent with respect to the obligation for the fiscal year 1977-78.

For these reasons, 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. Brenerman.

Mr. BRENERMAN: Mr. Speaker and Members of the House: I would like to first explain the bill and then answer some of the curious arguments that the Governor gave for vetoing it.

First of all, this bill will extend the medically needy program to nursing homes. Presently, an elderly person who earns \$533 a month in income qualifies for the Medicaid program. The average rate for nursing homes that the state pays is \$750. There are presently, according to figures that we have, approximately 200 people who cannot afford to pay the difference between \$750 and their income.

The Governor vetoed this bill based upon the Department of Human Services argument that the bill was improperly funded. In committee, we discussed this problem several times and questioned the department on how they came up with their figures. They could not, in any case, substantiate any figures that they gave us.

We asked the Maine Municipal Association and the Maine Committee on Aging to survey nursing homes and, through their own figures, determine what the cost of this bill would be and how many people would qualify. Through surveys of many nursing homes in Maine, they determined that there were approximately 200 people in the state that would qualify for this program. Those are people who earned somewhere in between \$533.40 and \$750. Many of the middle income people who do not qualify, they

go through the gaps in the system, they have worked hard their whole lives and because their income, either through Social Security or Veterans' Benefits, is too high, they cannot afford to stay in a nursing home, so either they stay home and do not get quality care or they are funded by General Assistance at the local level. It is a fact that many towns, the welfare directors are not willing to pay these benefits because they feel that it is the state's responsibility.

The Governor argues that this bill will deny the family the responsibility of paying for relatives in a nursing home. Through the same survey that I mentioned before, nursing homes related to us that there are no more than one and a half percent of their patients whose relatives pay any part of the costs of the nursing home. In fact, the person's income is no indication of that of their relatives. We must seek equity for both the patient and his family and look at the issue realistically.

For example, a son who earns \$20,000 per year may be able to afford his father's nursing home costs. If his father's income is less than \$533 a month, we do not expect that son to pay because his father qualifies for Medicaid. However, if his father earns a dollar more than the limit, we suddenly expect the son to pay the difference.

Another point is that the department used the highest figure possible for the costs per patient. In other words, they said, the state will be paying the difference between \$750 and \$534. Actually, the Committee on Aging and the Committee on Health and Institutional Services used the average figure, which is \$616 in income and determined if that would be the average difference between what a person's income is and what the state would pay.

The other point is that the federal government pays 70 percent of the medically needy program and the state would only pay 30 percent, so I think that the department's figures are incorrect in that point.

Finally, the Governor argues that because this is an emergency measure, there is no funding for this bill for the rest of the year, until July 1st. From what I understand, there is money or there will be money in the medical care account to fund the program when it starts, and it will take the department several months to gear up the program to start. So, I would ask the members of the House to override the Governor's veto.

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

Ms. GOODWIN: Mr. Speaker, Men and Women of the House: This veto looks like another "sock it to the middle income, sock it to the local property tax again."

I really don't want to spend too much of your time reiterating all the points that Representative Brenerman has made. I would just like to say that this bill is aimed at helping the people who never get any help, and that is the middle income, middle income elderly who don't qualify for anything. I think it is about time we started addressing some of the problems of the middle income, not just the elderly but the middle income of all ages.

Based on the survey which the Committee on Aging and the Maine Municipal Association did, the money appropriated in this bill would be able to take care of about 500 people and we don't believe there are anywhere near that many who would be applying under it. My first estimate from the Department of Human Services for the price tag for this bill was \$94,000, and then they kept changing their minds every other week about what they want to do.

I think it would be a shame to deny this help to people. They have to then go to the towns for assistance, if the town will, indeed, give them that assistance, or the family has to try to come up with the money. How many middle income families that you know can come up with an extra \$200 or \$250 a month to help keep

someone in a nursing home? I just don't think it is possible.

This is a high priority for the Committee on Aging. It came out of the Interim Conference on Aging, it is something that we have been neglecting for years and has been overlooked. I guess I feel very strongly about it, perhaps not as angry as I was on the previous one, but I feel as strongly as I did about the previous one. I hope that you will vote to override this veto.

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. Shute.

Mr. SHUTE: Mr. Speaker, Ladies and Gentleman of the House: I would urge you to override the veto this morning on this bill. I have had a couple of calls concerning this bill. One woman that called me, her income was \$613 a month.

Yet, the boarding home costs were \$800 a month, so she was over the \$533 that a person is allowed, so she has to make up the entire difference. She feels she can't make up the difference and must call on the town. This person, I think, through the years thought she was providing for her future, yet, she is not given the same dignity that someone, maybe through misfortune or maybe did not attempt to provide for the future, gets from the state.

I think this bill is, as Ms. Goodwin just said, something that would help middle income people. Why should we as a legislature or the Governor feel that the only people that we should help are the rich or the poor or some minority groups? This bill would actually be less expensive to the state than a person getting their full medical cost. If a medical bill in a boarding home is \$750 a month and the person's income is less than \$533, the state provides the full \$750 a month. Yet, if their income is \$550, the state would only have to provide \$200 a month; yet, the veto would prevent that, so I would urge the people of the House here to provide the middle income or people who have tried to look out for their future the same dignity as those less fortunate.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentleman of the House: I would like to pose a question through the Chair to someone on the Health and Institutional Services Committee.

Earlier this session, there was a bill which addressed the problem of those who are in nursing homes and had homes and when their funds ran out, apparently they were able to give their homes away and the state then took over the total cost without regard to what happened to the home. It came out of Health and Institutional Services Committee with a unanimous "Ought Not to Pass" Report and I think it ties into this problem. I wanted to know, because I have heard several conflicting stories, whether or not that unanimous "Ought Not to Pass" Report was on the basis of federal law or what did create that feeling within the committee that it was unanimous "Ought Not to Pass?"

The SPEAKER: The gentleman from Nobleboro, Mr. Palmer, has posed a question through the Chair to any member of the Health and Institutional Services Committee who may respond if they so desire.

The Chair recognizes the gentleman from So. Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, Men and Woman of the House: I am not sure if I really should address the question that Representative Palmer has raised because it doesn't have anything to do with this bill, but I would be glad to talk with him afterward.

I would like to say in terms of differences, this particular bill that we are dealing with right now deals only with the income that the individual has, and in most cases you are talking about pensions, retirement systems, and the problem with that is, a person cannot forgive X-number of dollars. If he is getting \$650 a month from a railroad pension, he can't say,

well, I want to cut it down \$200 so I would come under the limit, that is not allowed under most pension systems, state retirement and things of this nature. I know because I have tried to do it for constituents who have had this problem. All this is trying to do is to help that particular constituent, as Representative Shute has said, that has worked pretty hard most of their lives, built up a decent pension or retirement program and is caught in the middle between what the nursing home is charging for a private patient and what the state maximum rate is paying.

As far as turning over your assets and everything, that is a whole other ball game. It dealt with the problems relating to the inability we had to deal with it because that was a federal law, we would not have had any effect, no matter what we did, and had some real problems with the bill in general but I would be glad to talk with Representative Palmer about that at some other time.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentleman of the House: I didn't really ask for a conference with Representative Goodwin sometime after the session. I asked a question and I didn't ask it in any snide fashion. I would like to have the answer as to what the problem was with the federal government, if that was the case. I am just simply asking for an answer.

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: If the Chair will allow me, I will be glad to answer the gentleman's question.

The SPEAKER: The gentleman may proceed.

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: To the best of my remembrance, that other bill we kicked it out "Ought Not to Pass" because, first of all, that dealt with assets, not income. Under the federal Medicaid, Medicare requirements, we didn't have — this was a federal regulation, federal law and whatever we did would have had absolutely no bearing, no effect on what was happening. In other words, we could have passed that law and nothing would have happened. That is the essence of it.

There were some other philosophical problems with that, such as, we questioned what happens if the individual has worked all their lives and has a small home? Should that individual be able to give that small home to their son or daughter and not be penalized, versus the individual who has several homes and has a lot of property and everything like that and is worth several hundred thousands of dollars? We worked on it in committee to see what we could do, even if we had some effect, and we felt that the whole issue needed a lot of study, that there was probably some merit in the bill but, first of all, we needed time to look at it and, second of all, whatever we did would have had absolutely no effect and so it would have wasted our time in a very short and cramped special session to have worked on that bill.

The SPEAKER: The pending question before the House is, shall this Bill become a law notwithstanding the objections of the Governor. According to the Constitution, 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, Berube, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K.L.; Brown, K.C.; Bunker, Burns, Bustin, Carey, Carrier, Carroll, Chonko, Churchill, Clark, Conners, Connolly, Cote, Cox, Cunningham, Curran, Davies, Devoe, Dexter, Diamond,

Dow, Drinkwater, Dudley, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, Littlefield, Locke, Lougee, Lunt, Lynch, MacEachern, Mackel, Mahany, Marshall, Martin, A.; Masterman, Maxwell, McBrearty, McHenry, McKean, McMahon, McPherson, Mills, Mitchell, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Palmer, Paul, Peakes, Pearson, Peltier, Perkins, Peterson, Plourde, Post, Prescott, Quinn, Raymond, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Spencer, Sprowl, Stover, Strout, Stubbs, Talbot, Tarbell, Tarr, Theriault, Tierney, Torrey, Tozier, Trafton, Truman, Twitchell, Valentine, Violette, Whittemore, Wilfong, Wood, Wyman, The Speaker.

NAY — Carter, D.; Carter, F.; Lizotte.

ABSENT — Lewis, Masterton, Moody, Teague, Tyndale.

Yes, 143; No, 3; Absent, 5.

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

Sent up for concurrence.

The following Communication: (H. P. 2341)

#### STATE OF MAINE OFFICE OF THE GOVERNOR AUGUSTA, MAINE

April 5, 1978

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

I am returning without my signature and approval L.D. 1922, "An Act to Increase State Reimbursement for the Net Costs of Local General Assistance."

It is my understanding that this bill, would increase the state's reimbursement for the net costs of local general assistance by decreasing the local share factor in the present formula from .006 x the municipalities' state valuation to .003 x the municipalities' state valuation. The intended result of this shift is to decrease the local tax burden in those municipalities whose valuations have increased since the law was enacted four years ago.

I am advised that this legislation will not affect all municipalities equally. In actuality, the benefits from this law will primarily accrue to the larger communities with little benefit, if any at all, to the smaller towns.

It is my further understanding that the Joint Executive/Legislative Low Priority Program had previously analyzed this program and found the major value of the program to be a catastrophic insurance for smaller communities. However, it is my understanding that this feature still remains the .006 reimbursement formula.

As I have previously stated, I feel that the municipalities in Maine have done very well by the actions of the 108th Maine Legislature. Clearly, through the repeal of the Uniform Property Tax, in effect, the municipalities have been given greater local control over the size of their education budget. Furthermore, the education finance law which calls for an additional \$4 million for local leeway funds does provide the municipalities with an additional \$4 million of local property tax relief if they desire to utilize the leeway funds available. In addition, statistics would show that during the period 1971 to 1975, revenues to all municipalities in the State of Maine from state sources increased from \$70.4 million to \$236.4 million, or 235.8%. The actual percentage increase in certain of the larger municipalities approaches the area of 350% to 400% over the period 1971 to 1975.

Lastly, I feel that shifting the burden of local

general assistance from the larger municipalities to the state level would possibly diminish the incentive to carefully monitor and scrutinize general assistance costs, and consequently, result in an ever-increasing welfare burden costing all of the citizens more in the future.

In summary, I feel that the state has treated the municipalities more than fairly, and again, I feel that it is now time for the municipalities to exercise the same fiscal responsibility restraints as we have in state government in order to provide their citizens with needed tax relief.

It is for these reasons that I respectfully request you sustain my veto.

Very truly yours,

Signed:

JAMES B. LONGLEY

The Communication was read and order placed on file.

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

Mr. BRENERMAN: Mr. Speakers, Members of the House: I am sorry that so many of my bills in a row have been vetoed.

Once again, when you are looking at a veto message that says, in my estimation, absolutely nothing, it seems to me that a veto, being the serious enactor that it is supposed to be, would be based upon some facts. In the first paragraph, even the formula is incorrect, but let's look at what the Governor had to say in vetoing this bill.

The Governor claims that benefits from this change in formula will primarily accrue to only large communities. This is not true. As many of you remember from the list that was handed out two weeks ago, on the last day of the session, many, many small towns, including a number of towns in Aroostook County and Penobscot County, to name two counties, will benefit next year from this change in formula. Any small town that has a sudden increase in General Assistance costs would also be relieved of part of their burden should we change the formula. In other words, all towns have an opportunity to benefit from this bill should General Assistance costs become too high.

If the formula remains the same, many towns would wipe out a huge portion of their budgets before ever reaching .0006. I would remind members of the House, first of all, that when this formula was set up in 1974, the commitment was to help minimize the cost of welfare on the local property tax. Two hundred and thirty-seven communities were reimbursed in that year. When the state required all municipalities to revalue for state valuation at 100 percent rather than 50 percent in 1976, the local share obviously doubled before the state would participate and that would all be borne by the local property tax.

The change to three tenths of a mill seeks to only get us part way back to where we were before valuations began to more than double. Last year, less than 90 towns were reimbursed. If we sustain the Governor's veto, in the coming year less than 30 communities would qualify for reimbursement in property tax relief. I would say that this is false economy. State money is saved at the expense of the local property tax.

I would also remind members that in a small town two burials of deceased indigent residents could wipe out a total General Assistance account. A closing of a major mill in a town would also cause the same problem.

The Governor's other argument is that, well, we have given the municipalities enough money over the years, we don't have to do anything else to help relieve the property tax burden and we don't have to keep our commitment of 1974.

I would say that most of the money that the state is reimbursing to municipalities is due to payments from state and federally mandated programs and that actually this has nothing to do with this particular bill.



The Governor's final argument is his most absurd. To suggest that communities would be encouraged to spend money for General Assistance through this equitable change in formula is absolutely ridiculous. One, towns have never gone out of their way to overspend on welfare and, two, towns have to spend 100 percent of their own funds before ever reaching the limit imposed by the state, and then the towns would have to contribute 10 percent of the costs thereafter.

I think that the present formula certainly serves as a disincentive to overspending for welfare. Besides all those reasons, many towns have managed to cut welfare costs either through stricter regulations or through work for welfare programs. I ask that the House override this veto.

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

Ms. GOODWIN: Mr. Speaker, Men and Women of the House: Obviously, it is "sock it to the property tax time again!"

I would like to call your attention to paragraph 3, where the Governor says, "I am advised that this legislation will not affect all municipalities equally." In actuality, the benefits from this law were primarily accrued to the larger communities with little benefit, if any at all, to the smaller towns.

I would like to read to you some of the larger cities that are going to benefit from this bill. Grand Isle, Haynesville, Merrill, Sherman, Wade, Washburn, Woodland, Allagash Plantation, Caswell Plantation, Hammond Plantation, Macwahoc Plantation, Oxbow Plantation, Reed Plantation, St. John Plantation, Chelsea, Somerville, Burlington, Dexter, Enfield, Etna, Exeter, Hampden, Springfield, Winn, Carroll Plantation, Prentiss Plantation, Brownville, Wellington, Anson, Athens, Brighton Plantation and Cornish — those are the big cities, ladies and gentlemen.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: Four years ago, when the state went from 50 percent valuation to 100 percent valuation, that had the effect of doubling the amount that had to be raised at the local level before they would be reimbursed, and that was done without full discussion and without public hearing and it shifted the tax burden back to the property tax, and I think it would be a very fitting thing for us to do today, the end of four years of shifting the property tax back to the localities, to vote today to override this veto and allow that burden, a larger share of that burden, to be picked up by the state.

The SPEAKER: The Chair recognizes the gentleman from Ferham, Mr. McBreairey.

Mr. McBREAIRTY: Mr. Speaker, Members of the House: Most of what I was going to say, I guess, was said by Representative Goodwin. As hard as I worked to turn this bill around and get it where it is, I think it would be remiss if I didn't get up and say that I am strongly in favor of this bill and that it will help everybody.

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

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: I strongly support overriding the Governor's veto on this bill. Failure to pass this would only mean that we would have to go back to the regressive property tax. It is not a question of saving money here; either the money is going to come out of the property tax or out of the state via the income tax or some other state tax. This bill does, as said before, protect small communities from some catastrophic situations. It only takes one or two families to put a community in a most desperate situation. I strongly urge your support.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, Members of the

House: I learned in our caucus this morning that there is \$2.2 million, that we are falling short in here somewhere. We have been moving along at a very rapid rate and I am just wondering where it is all going to come from. I know some of the other people in my party are concerned about what we do leave in the till with collective bargaining, and this particular piece of legislation has a price tag of \$846,000. I am not unalterably opposed to this legislation, but I am afraid that I am going to have to start pushing my button the other way on these major issues because we are, I am afraid, painting ourselves in a corner.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mrs. Martin.

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Norris just got up and he kind of got my goat a little bit. If a two million dollar mistake was made it was not the taxpayers fault, it wasn't our fault and it wasn't the people that pay the bills fault; it is the people that we have in the department.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I rise, and I hesitate to do this, but I do rise in support of the statements made by Representative Norris of Brewer.

I supported this bill and I can very easily say I think I would love to keep pressing my switches 'yes' all morning long, but I do say to you, as he did, we are getting to a point where some decision has to be made regarding \$2.2 million.

I do say, opposing a little bit what Mr. Brenerman said, that if you read the 5th or 6th paragraph, there is one fact there which is true, and even though we would like to make it even better by passage of this, the Governor did say: "In addition, statistics would show that during the period of 1971 to 1975, revenues to municipalities in the State of Maine from state sources increased from \$70.4 million to \$236 million or a 285 percent increase."

I am sure that we all want to do this. I have supported it right along, but I am in agreement that pretty soon now, as we go down this list, we have to make some very, very hard decisions and this may be one of the most difficult ones.

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

Mrs. NAJARIAN: Mr. Speaker, Members of the House: I know a lot of you are concerned about the possible \$2 million revenues that we won't have, but I hope you won't just start suddenly getting concerned on this bill.

Nobody thought about this when we were passing that big \$20 million, \$25 million tax package which could have very well been in effect right now and we could have been a lot worse off.

I think this general assistance is really a state responsibility, far more than this bill allows for, because the reasons why most towns have general assistance forms is not anything that the town itself can control, it is due to unemployment, which is beyond a small municipality's ability to do much about. It is a state problem or it is caused by the national economy. The local towns have to provide general assistance, they are required to, they have no choice. I see this as a state responsibility and I hope that we will vote to override this because it is very important to an awful lot of communities.

The SPEAKER: The pending question is, shall this Bill, "An Act to Increase State Reimbursement for the Net Costs of Local General Assistance," House Paper 1859, L. D. 1922, become law notwithstanding the objections of the Governor? Pursuant to the Constitution, 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 — Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Biron, Blodgett, Bourdreau, A.; Bourdreau, P.; Brenerman, Brown, K. L.; Borwn, K. C.; Burns, Bustin, Carey, Carrier, Carroll, Carter, F.; Chonko, Churchill, Clark, Connolly, Cote, Cox, Cunningham, Curran, Davies, Dexter, Diamond, Dow, Dudley, Dutremble, Elias, Fenlason, Flanagan, Fowlie, 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, LaPlante, Littlefield, Lizotte, Locke, Lougee, Lunt, MacEachern, Mahany, Marshall, Martin, A.; Maxwell, McBreairey, McHenry, McKean, McMahon, McPherson, Mills, Mitchell, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Paul, Peakes, Peltier, Perkins, Peterson, Plourde, Post, Prescott, Quinn, Raymond, Rideout, Sewall, Smith, Spencer, Stover, Strout, Stubbs, Talbot, Tarbell, Tarr, Theriault, Tierney, Torrey, Trafton, Truman, Twitchell, Valentine, Violette, Whittemore, Wilfong, Wood, Wyman, The Speaker.

NAY — Alopis, Ault, Birt, Bunker, Carter, D.; Connors, Devoe, Drinkwater, Durgin, Garsoe, Laffin, Lynch, Mackel, Masterman, Norris, Palmer, Pearson, Rollins, Shute, Silsby, Sprowl, Tozier.

ABSENT — Hobbins, Lewis, Masterton, Moody, Teague, Tyndale.

Yes, 123; No, 22; Absent, 6.

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

Sent up for concurrence.

The following Communication: (H. P. 2342)

STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE

April 5, 1978

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

I am returning today without my signature and approval H. P. 1976, L. D. 2059, "An Act to Correct the Inequitable Taxation on Mobile and Modular Homes."

It is my understanding that the purpose of this bill is to treat mobile and modular home purchases consistently with the purchase of homes constructed on-site as it relates to the sales tax. It is my further understanding that under this law, costs of materials included in the sales price of the mobile home would not be subject to sales tax. In any event, the amount exempt from tax shall not be in excess of 50% of the sales price of the new mobile or modular home.

First of all, it is unclear how the 50% limitation was arrived at. It does not seem consistent with the intent of this legislation to impose such a limitation. In effect, the law says that we shall only exempt 50% of the sales price regardless of whether or not, in fact, the labor portion exceeds 50% of the sales price.

Secondly, I must ask if this tax relief legislation is consistent with that passed in the \$20 million package which I recently signed. It was the will of the Legislature to make \$5.7 million worth of income tax relief contingent upon the revenue experience of the first half of fiscal 1979. However, this particular sales tax legislation does not contain the same contingency requirements. Is it fair to treat income taxpayers in one way and these individuals who would benefit from this bill in another?

Lastly, I must ask if this isolated product is the only such product which should be exempt, in whole or in part, from the sales tax? Clearly, a great number of manufactured products are sold in the State of Maine of which labor com-

prises a substantial portion of the total sales price. Consequently, to single out mobile and/or modular homes for exemption under the sales tax could possibly be considered inconsistent with respect to the myriad of other manufactured products which are taxable.

It is for the reasons stated above, that 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 Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker, Men and Women of the House: In my 12 years in the legislature, I have had some controversial bills and at times the road has been kind of rocky, but this is a heck of a Swan Song for me.

After reading the Governor's veto message, it is quite clear that he doesn't understand this bill. All this bill is trying to do is treat the consumer who buys a mobile or a modular home in the same manner as we treat a consumer who has a home built on site, that is, by paying sales tax on the material in that home only. At the present time, mobile home purchasers pay sales tax on labor, transportation costs, permits, you name it. They pay taxes on everything.

This legislation will help the consumer. It is not an industry bill. A dealer is only the agent that collects the sales tax and passes it on, so he will get no direct benefit from this legislation.

The 50 percent figure was arrived at after discussing the bill with the State Taxation Department. They felt that this was a fair and equitable amount, that the materials normally run to about 50 percent of the total cost.

Mobile and modular homes are housing and they should be treated as other forms of housing. They provide housing for senior citizens and for young couples just starting out who can't afford the high cost of having a home built. Mobile and modular home purchasers pay property tax, just like you and I.

Some of you who have been here for a while will remember in one of my earlier terms that mobile home dealers and I had some very great disagreements. I worded with the gentleman who was then head of the Maine Housing Authority. We got some rules and regulations passed, we upgraded the standards of mobile homes so that today a mobile home being used in Maine is built for Maine and it makes good housing.

The loss of revenue from this bill will not exceed the amount of the original tax package recommended by the Governor, even including what we already have passed. They talk about a \$2 million shortfall. Well, I can't salvage my conscience by continuing to collect unfair taxes; that isn't the answer.

Passage of this legislation will implement the Governor's promise to return unfair taxes to our overtaxed citizens. It will complement the Governor's promise to provide adequate housing for all.

The fifth paragraph, next to the last of the Governor's veto message raises the red herring of other manufactured products. We are talking about housing, we are not talking about refrigerators, we are not talking about automobiles, we are talking about housing. There is only two forms of housing — the mobile and modular or the housing that is built on site. We pay property tax on mobile homes; people live in them. You don't live in a refrigerator. And the present method of taxing mobile homes is discrimination, clear and simple, it is discrimination against the person who can't afford the fifty or forty thousand dollar home, and I hope that you will join me in overriding this veto.

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

Mr. MORTON: Mr. Speaker, Ladies and

Gentlemen of the House: I regret that I must take issue with the gentledady from Portland this morning. When I came to these hallowed halls some five or six years ago, I was assigned to the Taxation Committee. Of course, one of the first things you heard in those days was the facetious remark that the Taxation Committee was the exemption committee.

I don't know as you have looked at the statutes lately, but the exemptions and different ways you can create exemptions run almost all the way through the alphabet. In fact, they may reach the end of the alphabet by now. And even when there is an existing exemption, it is not difficult at all for many organizations, individuals, to find ways to structure themselves in their financial workings so they will come under these existing exemptions. Now, here today with this bill, we are setting up a completely new area, we are opening up a Pandora's box of mammoth implications for possible exemptions.

The gentledady deprecated the last paragraph which says that this is an isolated product. Well, she can't deny the fact that it is an individually named, single product; it is the only thing that is in the bill. It is discriminatory legislation in that respect because it applies only to that kind of a product, and she is correct, there are many, many products which have a tremendous value added in the State of Maine. Some aren't manufactured here, others are. She mentioned automobiles — very true, probably a good deal more than half the cost of an automobile is labor. How much do you suppose the cost of a toothpick is as far as materials versus labor? There is a tremendous amount of value added to products that are manufactured here in Maine, and you are, by the passage of this bill, creating a precedent for every one of those to come in for a similar type of exemption.

The 50 percent bears no relationship to actuality. By the admission of the gentledady, they went over to the Taxation Department and they pulled a figure out of the air. I have all the respect in the world for the Taxation Department, but they are not in the building business and I doubt very much if they have got any idea what portion of a building is labor and what portion of it is materials. They don't have any data to support this.

I do think we do have a problem with the amount of money that is going to be left. I think we have to consider the collective bargaining bills that are going to be ahead of us. I think this is one place where you can save about half a million dollars or a little bit better, and I urge you to vote no to sustain the Governor's veto.

The SPEAKER: The Chair recognizes the gentleman from Limestone, Mr. McKean.

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I support this bill, and in the caucus this morning I explained why I support it. I live in a mobile home, I have for years and years. I have a lot of people in my district that live in mobile homes because they can't afford anything else. The mobile home is a little cheaper. It is not cheaper in taxes, I can tell you that. I have got a house up the street from me that the guy paid \$35,000 for and I paid more in taxes on a \$17,000 mobile home than he paid on his house. You tell me that that is equitable taxation; you tell me that that is fair taxation.

The surplus that we have in our treasury means nothing to me when it comes to fair and equitable taxation of our citizens. I would like to quote to you from the Governor. This was contained in the Portland Press Herald and the Kennebec Journal. "I will make every possible effort to insure that every Maine person has adequate housing. I have said on several occasions that Maine can never achieve true greatness until all its citizens have equality of life." Do you call inequitable taxation a quality of life? I am sorry, I don't.

In his veto message, "It was the will of the

legislature to make \$5.7 million worth of income tax relief contingent upon the revenue experience of the first half of fiscal year 1979. However, this particular sales tax legislation does not contain the same contingency requirements." Do you place a contingency requirement on inequitable taxation of our citizens? I don't see how you can do it.

I would hope that you would show that we do have a feeling for all our citizens, whether they can afford a hundred thousand dollar home or a fifteen or seventeen thousand dollar mobile home, because they have to go to work for the money that they get. Let's vote to override this veto.

The SPEAKER: The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I have to speak today in opposition to this bill; I am going to explain to you why. It is not the issue of a mobile home against a house or anything of that sort. My objection to this is that we have other commodities that are sold or delivered in the State of Maine and I am going to use for example one in particular because that is the kind of business I am in, the dry goods business. This affects everybody in the State of Maine when you talk about clothing and footwear: I would like to see an exemption of sales tax on labor and transportation that is added into those costs. These are the kinds of things that you are looking at when you start talking about giving an exemption here on 50 percent of labor and transportation.

As I understand the tax laws, when you have goods shipped into the State of Maine and it is delivered to a place of business, the transportation is added in, the sales tax is charged on the transportation. I disagree with this philosophy and I think there should be some changes made in the tax laws, but I don't think we can do it for one specific item, and that is the reason I oppose this.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker, Men and Women of the House: As I said previously, a red herring has been drawn in here and it is getting bigger and bigger. When they start paying property tax on clothing, when they start paying property tax on toothpicks, then I think they will have the same situation as mobile homes.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Whittemore.

Mr. WHITTEMORE: Mr. Speaker and Members of the House: As far as I am concerned, a mobile home is a home that is built in one place and transferred to another location. If you were to build a stick house, you would buy your materials, they would be delivered there and you would pay for the sales tax. Then you do not pay tax on labor and permits.

The only difference as I see it is the location where it is built, and I think one home should be treated like another home. I agree with the previous speaker, that this has no comparison to toothpicks or dry goods or anything else. I think it pertains to a home. I am not speaking in favor of mobile homes, but I speak in favor of everyone being treated equally in regards to a home, and I think this is a good bill and I hope you will all support it.

The SPEAKER: The pending question is, shall this Bill, "An Act to Correct the Inequitable Taxation on Mobile and Modular Homes," House Paper 1976, L. D. 2059, become law notwithstanding the objections of the Governor? Pursuant to the Constitution, 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, Bachrach, Beaulieu, Bennett, Benoit, Berry, Berube, Biron, Birt, Blodgett, Boudreau, A.; Brennerman, Brown,

K. L.; Brown, K. C.; Bunker, Burns, Bustin, Carey, Carrier, Carroll, Chonko, Clark, Connors, Connolly, Cote, Cox, Cunningham, Curran, Davies, Diamond, Dow, Drinkwater, Durgin, Dutremble, Elias, Flanagan, Fowlie, Gill, Gillis, Goowdwin, H.; Goodwin, K.; Gould, Gray, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbins, Howc, Hughes, Immonen, Jalbert, Jensen, Joyce, Kane, Kany, Kerry, Kilcoyne, Laffin, LaPlante, Littlefield, Lizotte, Locke, Lunt, MacEachern, Mahany, Martin, A.; Masterman, Maxwell, McBreairty, McHenry, McKean, McMahan, McPherson, Mills, Mitchell, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Paul, Peakes, Pearson, Peltier, Peterson, Plourde, Post, Prescott, Quinn, Rideout, Rollins, Sewall, Silsby, Spencer, Stubbs, Talbot, Tarbell, Tarr, Theriault, Tierney, Torrey, Trafton, Truman, Twitchell, Valentine, Violette, Whittemore, Wilfong, Wood, Wyman, The Speaker.

NAY — Austin, Bagley, Boudreau, P.; Carter, D.; Carter, F.; Churchill, Devoe, Dudley, Fenlason, Garsoe, Huber, Hunter, Hutchings, Jackson, Jacques, Kelleher, Lougee, Lynch, Marshall, Palmer, Perkins, Raymond, Shute, Smith, Sprowl, Stover, Strout, Tozier.

ABSENT — Dexter, Lewis, Mackel, Master-ton, Moody, Teague, Tyndale.

Yes, 116; No, 28; Absent, 7.

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

Sent up for concurrence.

(Off Record Remarks)

On motion of Mr. Valentine of York,  
Recessed until one-forty in the afternoon.

After Recess

1:40 P. M.

The House was called to order by the Speaker.

The following Communication: (H. P. 2343)  
STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE

April 5, 1978

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

I am returning without my signature and approval H. P. 1979, L. D. 2074, "An Act Appropriating Funds to Establish Emergency Shelters for Family Members who are Victims of Family Violence."

I am fully supportive of any logical step government can take to protect the safety and well-being of all members of society but I am deeply concerned that we would be taking a premature and uncertain step if we enacted L. D. 2074.

(1) The bill itself acknowledges that we need more data by stating that the Bureau of Resource Development shall study the progress of the establishment of shelters and report to the 109th Legislature statistics on shelter costs, usage and services and the integration of shelter services into existing protective services. I think it would be far more prudent for the Bureau of Resource Development to establish the need for such services before we establish a precedent and embark upon a totally new program within state government. Sadly, history will tell us that very few, if any, government programs are halted after they are started.

(2) Admittedly, this is an emotional issue and that is all the more reason for it to be approached in a calm, reasonable fashion. I, therefore, think it is essential that this new service in such a delicate area as family relationships be included in priority determinations for the Title XX Program. It simply would not be

wise to establish such a program completely outside that framework where it does not have to compete with other family-oriented services and where it cannot be determined whether it is duplicative or overlapping. If the facts show that the program is necessary and desirable, I submit that it should be listed as a priority under current services and I further submit that the time to do this is when budgets are prepared and submitted to the 109th Legislature.

(3) I am very troubled by the wording of L. D. 2074 because it raises more questions than it answers. The fact that the bill does not specify which family member shall be afforded services raises the question of whether we will eventually have to provide separate shelter facilities for men, women and children. The bill speaks, not only to family violence, but alludes to "other serious family crisis" as justification for emergency state-supported shelters. It appears to me that, under this wording, state-supported shelters could possibly become a refuge for either a mother or a father each time there is a family quarrel, and I have to question whether this would strengthen or weaken the family unit.

(4) This is a new and delicate area in which government proposes to read and I do not believe we have answered some very serious questions. For example:

(a) What will the relationship of persons operating the shelters be with law enforcement officials in a community?

(b) Will these shelters, in effect, be harboring a victim of a crime — a crime that should be reported to the appropriate authorities?

(c) Will the State of Maine have a liability if it is charged that it aided in breaking up a home and a marriage?

(d) Will the State of Maine and its taxpayers eventually be required to provide trained medical personnel to determine if an individual seeking shelter is in need of medical attention.

(e) What responsibility will shelter employees and State officials have to testify at divorce proceedings?

(f) Will the State of Maine eventually find it necessary to provide security at the shelters to protect individuals who have sought refuge but who might still face danger from an enraged spouse?

(5) We also have to ask ourselves and make a determination at some point to what extent government is going to become involved in family lives. If crimes of violence are committed against individuals there are already laws to protect those persons. I hope that as a society we will never attempt to substitute a government service for our clergy or for other private institutions which have historically been a source of strength for the family unit. We can only have to look to the successful track record of such private groups as Alcoholics Anonymous to see that they do a far superior job than does government when it comes to serving and caring for fellow human beings.

I am not saying that the State of Maine should not be prepared to take any of these steps if it becomes necessary to protect human lives and health. However, these are questions we could well be confronted with as we move into this area and they are questions which are certainly not answered in L. D. 2074.

I respectfully ask that the State of Maine not commit itself to this new concept until it has some of these answers or until legislation can be written clearly outlining the services the state will provide and the liability of those who provide the services. I, therefore, ask that my veto of this bill be sustained.

Very truly yours,

Signed:

JAMES B. LONGLEY

The Communication was read and ordered placed on file.

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

Mr. DAVIES: Mr. Speaker, Ladies and Gen-

tlemen of the House: Since this is a rather important matter to a number of people, I wonder if it is appropriate for us to be debating it with so few people in the House, and I would move that we put off debate on this until we have a full quorum here.

The SPEAKER: The Chair would advise the gentleman from Orono that a quorum is present.

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

Mrs. TRAFTON: Mr. Speaker, Men and Women of the House: Today is a sad day for the families of Maine, because before us lies L. D. 2074, "An Act Appropriating Funds to Establish Emergency Shelters for Family Members who are Victims of Family Violence," without the Governor's signature. I would like to respond to several of the points he raised in his veto message.

First, the Governor indicates his support for any logical steps which government can take to protect the safety and well-being of all members of society. L. D. 2074 is the next very important step to show our commitment to the families of this state. For too long, we have taken the family for granted as a healthy and impregnable fundamental institution in our country, but I think in recent years we have seen extreme social and economic pressures that have created a serious strain on families. It has also been recognized that public policy, however well intended, has not always been supportive of family stability, and the family had suffered other institutions, such as schools and correctional facilities, had been asked to take on responsibilities for which they were not intended and are poorly prepared.

This legislature, in its actions during the first session, has made a commitment to families. First of all, they directed two departments, the Department of Mental Health and Corrections and the Department of Human Services to develop a coordinated policy with regard to families in crisis.

Secondly, last year on the floor of the House and on the floor of the other body, we passed a resolution which indicated that our first priority was to maintain families in their natural setting and to increase their stability.

Thirdly, we appropriated \$1.2 million to aid families in crisis, and particularly children in crisis. I think today we have before us a bill that takes the next important step in dealing with family problems.

Second, the Governor questions the need for emergency shelters for victims of domestic violence. I would say sadly, the need is almost too well demonstrated, and I would like to quote from testimony presented on the U. S. Senate floor on March 16, which states that spousal violence occurs in epidemic proportions. Testimony also showed that in a recent study of couples randomly selected during a single year, one out of six couples have engaged in violent acts, such as beatings, throwing objects at one another or threatening one another with knives or guns. Further testimony indicates that one quarter of all murders in the United States occur within the family. Also, testimony indicated that one fifth of all deaths of police officers in the line of duty occurs in domestic violence in preventions.

The need for emergency shelters was also overwhelmingly demonstrated at the public hearing; instead, we heard testimony and heard letters of support from physician, sheriffs, police chiefs, social workers, alcoholism counselors, family counselors, clergy, attorneys, hot line volunteers, battered women and interested citizens. Many of these people have taken their time to be with you here today to continue the discussion of why this bill is important to Maine families.

Additionally, in ten hearings across the state held by the Maine Human Services Counsel, this, again, was identified as one of the number one problems.

Also, policymakers in the Department of Mental Health and Corrections and the Department of Human Services have indicated their support for this bill and, in fact, are responsible for the drafting of the language of this bill.

One of the other points that the Governor raises is whether or not these services could be funded through Title XX funds. I would say to you that already Title XX funds are strained to the breaking point and are already inadequate to fund existing social service programs.

Additionally, in reading the federal guidelines relating to Title XX projects, it is clear that shelters are not within the provisions of those guidelines, and you will have to remember that shelters are really the major provision of this bill, L. D. 2074.

Shelter care is not new to the State of Maine. We have had a great deal of experience in providing shelter care. The state already contracts through the same means that this bill would provide for contracting for emergency care in shelters in the following area — for abused children and young adults, for group homes for retarded adults, group homes for the mentally disturbed adults, halfway houses, prerelease centers and residential treatment centers or emotionally disturbed children.

I would like to turn now to the section of the Governor's message in which he asks several questions and give you some brief answers.

First of all, what will the relationship of persons operating the shelters be with law enforcement officials? I think it is important to note that law enforcement officials, in fact, have been in the very forefront of organizing the move for the demand for these shelters. They definitely support the bill and they have been working in great cooperation with the community groups that are working on these shelters. They feel that these shelters can diffuse the violence and prevent situations where children and adults are physically harmed.

Secondly, will these shelters be harboring victims of a crime? Again, I would say that these shelters will be providing a safe haven for the victims of these crimes and will encourage the reporting of crimes and not discourage it. These assaults can only be reported when the victim feels that she is in a safe haven and not in a situation where further violence or retaliation might occur.

Thirdly, will the State of Maine have a liability if it is charged that it aided in breaking up a home and marriage? I would refer you to the 1975 supplement of the revised Maine Statutes, Title XIX, Chapter 3, Section 167, where we removed civil actions for a cause of alienation of affection.

Fourthly, will the State of Maine and its taxpayers eventually be required to provide trained medical personnel to determine if an individual seeking shelter is in need of medical attention? Again, this bill addresses only emergency shelter and emergency counseling. We tried very hard not to have any duplication of services that can currently be provided through the Department of Human Services. If medical attention is necessary, the individuals coming to the shelter will be referred to the nearest and most appropriate medical facility.

The next question is, what responsibility will shelter employees and state officials have to testify at divorce proceedings? In checking with a lawyer that works a great deal with divorces, he informed me that 80 percent of our divorces now, approximately, are uncontested divorces. And by statute, again, no witness need appear at these divorces. We feel that these shelters will encourage families to stay together, however, and we feel that this is a positive step, perhaps, in preventing divorce. But if divorce is in the offing, the people operating the shelter will be under no greater responsibility to be present as a witness than any other member of the community who might have knowledge of the situation.

Finally, I would just like to go over briefly

what the situation currently is in this state. There is a statewide, non-profit organization that has been incorporated called the Maine Coalition for Family Crisis Services. They have activities started in five areas which correspond to the human services areas. Region I, which is the Portland area, there is a shelter which has been operating for approximately three months now. Their funding ends on July 1. Also, in Saco there is a group that has started and a shelter is in the very near offing for them.

In Region II, the Lewiston-Auburn area, the Abused Women's Advocacy Project has just opened its doors on a small shelter. In Augusta, Region III, there is a Task Force that has been working with community people. In Region IV, Bangor has a shelter, the Spruce Run Association. And in Region V, an Aroostook Task Force has been formed in Caribou. I think this, again, evidences the strong support that services for victims of family violence has throughout the state.

Finally, I would ask you again to go on record today in support of breaking into the cycle of violence that we have seen in our state which is undermining families of Maine. Aiding victims of family violence is the next step which we should take in our continued efforts to support families in crisis. I hope you will 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: When this bill came before this body earlier in the session, I did not support the legislation, and I would like to talk about it a little bit now, the reasons why I didn't support the legislation.

The pending legislation, in my opinion, adds to the state's bureaucracy. When I campaigned for office, and I think we all did, when we talked to our constituents we talked about helping solve the tax problem that the face in the State of Maine, and I said personally that I would not support the implementation of new programs while I served in the Maine Legislature. I think my voting record has shown that I haven't supported new programs. I think many of you, in talking to your constituents, said the same thing, that it is time we stopped because, ladies and gentlemen, it is obvious that government is not the answer to every problem we have in society — government is not the answer.

Yet, I had the opportunity today, and an opportunity in the past, to talk to some of the people who are involved with this program and this bill that is being proposed here today and that the Governor has vetoed, and today I will vote to override the Governor's veto and I will vote for one simple reason. The reason I will vote to override the Governor's veto is that this program involves, currently involves, many, many volunteers throughout the State of Maine. I feel a program is effective when volunteers are involved, and if it ever comes to the point where government is responsible through its tax dollars for the handling of this problem, and it is a serious problem, then I don't believe that I would support it at that point in time, and I hope that the legislation we pass today doesn't head us in that direction.

Once the communities fail to involve themselves in this problem, government cannot help. I think today is a step to show that government has a willingness to help but not to solve the problem. The problem can only be solved by people such as yourselves and people in the communities who are willing to give of themselves through volunteer efforts, and that is happening in this program now. That is the only reason why I am supporting the legislation today, but believe me and I say this sincerely, if it ever comes to the point where government is responsible for handling this problem, I, as a legislator, would never vote to pay for this, only because every major program I have ever

seen that the government has gotten involved with and the people have no concern for, those programs have failed. And if the people in the communities of Maine continue showing their concern for this problem through their volunteer efforts, I will support it.

The SPEAKER: The Chair recognizes the gentlewoman from Brunswick, Mrs. Martin.

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: You look at paragraph two, he says, admittedly, this is an emotional issue and that is all the more reason for us to approach it in a calm reasonable fashion. Well, he told me once, while having a conference on the Hay Report, that I was emotional in my thoughts and words about the low paid state employees. It seems to me that he is using the same issue for trying to kill this bill.

If one has feeling for others, you have to have some kind of emotional reaction. I hope you will override the veto.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: While we are up here in session, we don't always get a chance to browse in book stores, but I did last week and I came across this book called "Curious Punishments of Bygone Days," and I thought that it might be a good book for Mr. Laffin to read at night when his little dog wakes him up. While I was reading, I was leafing through it and I noticed one that speaks specifically to the Governor's objections on Page 11, Number 4, when he said this is a new and delicate area in which government proposes to tread. Actually, it is not, because in England, and the Puritans brought it over to New England, the pillory used to be used for wife beating. While our punishment today for wife beaters is not nearly so severe and I can imagine that that must have been very effective, all we have is a jail sentence and the husband is eventually released from jail and the wife is probably in more danger than she was before.

All we are proposing to do is remove the woman from the potentially harmful and dangerous home situation so that she can be by herself with her children for a few days to assess her life and where she wants to go and what she wants to do and perhaps get counseling for her husband or for herself so that they might, in some cases, be eventually reunited. It is a good bill, it is a necessary bill, and I hope you will all vote to override it.

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

Ms. GOODWIN: Mr. Speaker, Men and Women of the House: I have served in this body now for ten years and I have seen some screwy veto messages, but this has got to be about the most asinine veto message I have ever read in my entire life.

In number one, where the Governor says we need more data, I would suggest that the battered woman, or man for that matter, with two black eyes and a broken jaw has all the data he or she needs.

In terms of the Title XX program, here again we go making this a welfare program and cutting out the middle income people. This is a problem that cuts across all classes of people.

The Governor is concerned about weakening the family unit. I would suggest that by this time, the family unit is already pretty weak and maybe he hasn't seen the studies about children who are raised in this kind of a situation, that they turn out to be the same kind of abusive adults as their parents.

In 4b, he talks about harboring a victim of a crime as if there is something wrong with harboring the victim of a crime. The only alternative to doing that is to throw the husband, or the abusive wife, in some cases, in jail. Then the husband comes out angrier than he was before and comes back and beats the you know what out of the wife again. He talks about, does

the state have a liability in breaking up the marriage, or if the abusive spouse was breaking up the marriage and not the state. He asks if the state should be providing refuge and security for those who face danger from an enraged spouse. Well, I hope so, because who else is going to do it?

I have been pretty upset about this bill. The people involved in this bill have been victimized for most of their lives. Not too long ago, they were victims of a political battle and now, again, they are a victim of a total lack of understanding of a very serious problem. I hope you will vote to override.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: All the arguments have been spoken this morning; I just like to lend a little bit more of big partisan, male, chauvinist support of this bill. I believe it is a good bill, I believe the state does have a proper place in providing a vehicle for harboring a victim of something or other, be it a crime or not. I think harboring victims is always a very laudible undertaking and I hope that you will strongly support this bill and vote yes.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: Just so there won't be some dissenting voice, I would rise to support the Governor on this bill. Even though I could say, as I said earlier, and I think I have stood here about three or four times now and said that we had a \$2.2 million problem and we are still going to have it after we go through all of these vetoes, except I think we have saved \$14,500 at the present moment. Of course, these are very easy things to say yes on, they are all good, and I am sure they are. I am sure that if I could check my voting record, I might have voted for this bill on passage, but we get down to the point now where we are talking about the amount of money left as being \$4.2 million and we are now looking at something that can be saved and I think we should look at it very, very carefully.

I do want to just take one more issue with the good lady, my good friend from Bath, Ms. Goodwin, I don't really call this an asinine message because there are some points that she did not touch upon and also the good lady from Auburn did not touch upon, and I refer to Item 5 on Page 11, in which the Governor, I think, made some very good points when he said we have to ask ourselves and make a determination at some point to what extent government is going to become involved in family lives. If crimes of violence are committed against individuals, there are already laws to protect those persons. I hope that as a society we will never attempt to substitute a government service for our clergy or for other private institutions which have historically been a source of strength for the family unit. I think that more and more we are depending upon government to take over the problems which justifiably belong in the family and in the church. There is difficulty there, and for that reason I shall vote to 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: The 20th Century has brought many changes to our society, many of them not good, and perhaps one of the most tragic of those changes is the fact that there are women and children in this state who do not feel physically safe and physically secure in their own homes.

I would like to ask a question to my good friend from Nobleboro, Mr. Palmer. I would like to ask him a very simple question, where would he have those people live?

The SPEAKER: The pending question before the House, is shall this Bill become a law notwithstanding the objections of the Governor.

According to the Constitution, the vote will be taken by the yeas and nays. A two-thirds vote of the members present and voting is required. 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, Benoit, Berube, Biron, Blodgett, Boudreau, A.; Brenerman, Brown, K. C.; Burns, Bustin, Carey, Carrier, Carroll, Chonko, Churchill, Clark, Connolly, Cote, Cox, Cunningham, Curran, Davies, Dexter, Diamond, Dow, Drinkwater, Dutremble, Elias, Flanagan, Fowle, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Jacques, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, Locke, Lynch, MacEachern, Mahany, Martin, A.; Maxwell, McBrearty, McHenry, McKean, McMahan, Mills, Mitchell, Morton, Nadeau, Najarian, Nelson, M.; Norris, Paul, Pearson, Perkins, Peterson, Plourde, Post, Prescott, Quinn, Raymond, Rideout, Spencer, Strout, Talbot, Theriault, Tierney, Traffon, Truman, Valentine, Violette, Wilfong, Wood, Wyman, The Speaker.

NAY — Aloupis, Austin, Berry, Birt, Boudreau, P.; Brown, K. L.; Bunker, Carter, D.; Carter, F.; Conners, Devoe, Durgin, Fenlason, Garsoe, Gray, Hunter, Immonen, Jackson, Lizotte, Lougee, Lunt, Mackel, Marshall, Masterman, McPherson, Nelson, N.; Palmer, Peltier, Rollins, Shute, Silsby, Smith, Sprowl, Stover, Stubbs, Tarbell, Tarr, Torrey, Tozier, Whittemore.

ABSENT — Ault, Dudley, Hutchings, Lewis, Littlefield, Masterton, Moody, Peakes, Sewall, Teague, Twitchell, Tyndale.

Yes, 99; No, 40; Absent, 12.

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

Sent up for concurrence.

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

The following Communication:

#### THE SENATE OF MAINE

AUGUSTA

April 6, 1978

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 Create a State Capitol Commission" (S. P. 722) (L. D. 2172), 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 yea and nay vote was taken. Four Senators voted in the affirmative and twenty five 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: (S. P. 771)

#### STATE OF MAINE

#### OFFICE OF THE GOVERNOR

AUGUSTA, MAINE

April 5, 1978

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

I am this date returning without my signature and approval S. P. 667, L. D. 2055, "An Act

to Provide a \$250,000 Grant to the New England College of Osteopathic Medicine."

Although I have great admiration and respect for the method and manner with which the officials of St. Francis College have attempted to raise private funds to start operating this school, I cannot in good faith sign this grant into law.

The need for a medical school in Maine has been debated over and over again and based on the best professional advice I can obtain, the need simply does not justify the costs of such a commitment. I previously vetoed legislation that would have established a medical school in conjunction with the University of Maine and the Legislature saw fit to sustain that veto. I do not believe the situation has changed since the time to justify any commitment on the part of the taxpayers of Maine to a medical school, either private or state-supported. I certainly respect the right of St. Francis College to pursue this goal but I cannot recommend that the State become involved in any fashion except to give this school the same fair consideration that is given other medical schools in "compact" agreements to insure slots for Maine students.

I believe the Trustees of St. Francis College have stated in good faith that they expect this grant to be a one-time request of the State. However, given the knowledge that the cost of operating medical schools are soaring yearly, it is certainly conceivable that in future years, the State of Maine might be asked to come forward again with funds to protect a previous investment. It is our information that several medical schools built recently in the United States have ranged in costs from \$10 million to \$100 million. It goes without saying that operating costs are also expensive and will increase yearly.

In rejecting a state-supported medical school; the State of Maine has actively pursued alternatives to a medical school and this is the path upon which I feel we should continue. The State has a continuing commitment to reserve 40 spaces per year for students at the medical schools at Tufts and the University of Vermont. This means that in the future, Maine could have a total of 160 students at these schools during any given year. Based on the advice and counsel of qualified professionals in this field, I am of the belief that this "compact" approach is the best way for Maine to continue to obtain certified, quality medical education at the lowest cost for Maine students and Maine taxpayers.

I feel it would be unfair for the State of Maine to approve a start-up grant for this school and then be faced with the difficult prospect of saying no in future years after the school is in operation.

I again applaud St. Francis for its efforts, but I can find no justification to reserve the previous position I have taken in regard to a medical school. I respectfully request that my veto of L. D. 2055 be sustained.

Very truly yours,

Signed:

JAMES B. LONGLEY

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 a \$250,000 Grant to the New England College of Osteopathic Medicine" (S. P. 667) (L. D. 2055).

In the Senate, April 6, 1978, 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?'

29 voted in the affirmative and none in the negative, and accordingly it was the vote of the Senate that the Bill become a law, notwith-

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will vote to override the Governor's veto on this one today.

This bill would provide a \$250,000 one-time appropriation to a proposed medical school, Osteopathic Medical School at St. Francis College in Biddeford. The governor's veto message indicates to some degree as though he were talking about a public school. He indicates the high startup costs, the high costs of operation and the fact that some of these schools are having financial problems. Actually, the school is seemingly on good, sound financial grounds and it will be the only Osteopathic Medical School in the eastern part of the United States.

At the present time, the students who are attending osteopathic medical colleges have to travel to either Kansas City or Kirksville, which are the two nearest schools, to my knowledge. It is the desire to establish an osteopathic school in the eastern part of the country. The osteopathic doctors in the New England states are very much behind this, they have put a good deal of their own personal money in this, and from a purely business standpoint as far as the State of Maine is concerned, it would appear to be very good business. It is hoped that in the future that they will have a projected budget of about \$52 million, somewhere about the year 1982.

The first classes in this school will start in September, and with the income from \$5.2 million, the revenues will be generated internally in the State of Maine and within a couple of years' time, probably sooner, the \$250,000 investment would be actually earned back through various forms of taxes.

There are several factors about this \$250,000 investment or appropriation. One of them is the intent of the osteopathic school to go to the other five New England states and ask them for similar appropriations. It is my understanding at the present time that Rhode Island has asked for and is presently considering a \$100,000 appropriation but, basically, they are waiting to see if the people of Maine are willing to put up some of their own money before Rhode Island puts in some of theirs. In the discussion we had at the public hearing, it was indicated that they intended to go to the other states.

I think this is a good investment, it is an opportunity to have a medical school in the state. At the present time, there are about 40 students, and that may not be exactly correct but it is very close to that, presently receiving subsidy to the osteopathic colleges. It is handled a little bit different that the way medical education is presently handled, in that they are subsidized and most of them are going to the Kansas College of Osteopathy.

If this school starts up this year, there will be 10 students from Maine in that starting class and as the students attending other colleges or medical colleges gradually graduating, within the next four years Maine will be funding 40 students at 10 students a year to this school. The enrollment will be somewhere in the neighborhood of about 160 students, so there will be about 120 coming from other parts. It appears from all of the information that we have been able to gather, they have a full enrollment to start up this year and it looks as though they have got a good going program and this \$250,000 one-time appropriation will certainly be some encouragement to them.

One question that might come up as to whether they might come back again, there is a

statement in the material that are on your desks, this is a one-time request for support. The board of trustees at the college, at the March 10th meeting, unanimously resolved, the Board of Trustees at St. Francis College, an affirmed statement from the President of the college to the legislature of the State of Maine that the proposed grant of \$250,000 is a one-time request. This act constitutes a moral obligation not to return to the legislature for additional support in the future.

I hope that you will vote to override the veto.

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

Mrs. NAJARIAN: Mr. Speaker, Members of the House: Although I voted against this bill previously, I am going to vote to override today, and my reasons for voting to override are probably different from a lot of yours.

I have always been opposed to a medical school for Maine supported by state taxes. I feel that since this is a one-time request for \$250,000, and I have no reason to doubt them, that this will only be a one-time request, it will take the pressure off the future legislatures to start a medical school.

We are not doing a very good job in the post secondary areas which we now support, such as the university and our vocational-technical schools, and I don't think the state ought to be taking on yet another new venture in post secondary education.

Another reason that I am supporting this bill is because osteopathic graduates do have a proven record of their willingness to practice in rural areas of Maine and Maine does need general practitioners more than any other types of specialists or physicians. For those two reasons, I think for \$250,000, if we can get 20 Maine students year after year graduating from our osteopathic school, that we will indeed be getting a bargain, and that is why I am supporting this.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I, too, rise and joint the two former speakers in asking you to override. As far as I am concerned, what this veto message is saying is that people, laymen as well as professionals, who have raised hundreds of thousands of dollars to get this school started and on the verge of opening their doors are not deserving of attention from this state. He is also saying that we should continue to send our tax dollars and our medically oriented and talented young people out of state for their education. I find that unforgivable and rather unrealistic.

If you would look at the third or fourth paragraph in his veto message, he indicates that he believes that the "compact" approach is the best way for Maine to continue to obtain certified, quality medical education for our Maine students. Yet, ladies and gentlemen, L. D. 2177, "An Act Relating to Post Graduate Education in the Field of Medicine, Dentistry, Optometry and Veterinary Medicine" was not signed by him. He let it go without his signature. I find that a little contradictory.

Last year, some of the members of the Education Committee went to Rhode Island for a post secondary conference. One of the first things the Governor of Rhode Island bragged to us about was the fine medical school they have there and how wonderful it is that they are able to serve all the students in the New England states. I want the citizens and the professionals, the business people, town, state and city officials and our next Governor, be he Democrat or Republican, to be able to brag about an equally fine medical school within our own state lines. I ask you to override this veto.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I realize that many times we have to come up here and make decisions

that reflect on our personal viewpoints as well as our good conscience to do what we feel is in the best interest of the greatest number of people of this state.

I know that in 1961, when I was in the State of Tennessee, they did not allow an osteopath to practice in that state. I know that there are other states that did not allow this, and I am not getting into the debate on whether the M. D.s of the osteopaths or any part of that profession is good or not good for any particular part of this state.

I think the question before us today is whether we, as individuals, should allot \$250,000 of the taxpayers' money, and I will admit a one term, one-time, one gift, whether we should be involved in that, when three short years ago the members of this House defeated a proposal for a medical school; of course, naturally, that was almost \$3 million, there is certainly is a lot of difference, but isn't the principle the same? Isn't it the same thing that we are talking about today? If this is such a good deal, why don't the rest of the states east of the Mississippi get engaged in it? There is only one, and that is out in Kansas. Why is that? Why all of a sudden is it the people of Maine have got the greatest thing that they have ever had before them? Massachusetts doesn't think it is so great, and I can assure you, the State of Massachusetts spends a lot more on their colleges and their university and their education than we here in the State of Maine do. Yet, I don't see these big, New England states, in fact these big eastern states coming forward, and that bothers me a little. That bothers me a little because here we are going to set up something for a small group of people with the taxpayers' money and do we know, do the members of this House know that we may not even have enough money to pay minimum wage workers of this state a decent take-home pay. I don't know that.

I heard some news this morning that certainly wasn't to my liking; yet, I am as guilty as the rest of you. I voted for battered wives. I voted for drugs for the elderly, but if I had a choice, one on one, I would overlook all of those for state employees to take home a decent living wage. I hope that there is enough to go around.

The package that we passed before we left bothered me greatly for days. In fact, I was even in a turmoil. Today, I am even concerned more. Today, we must be right.

State employees cannot take anymore cuts and they have been pushed around long enough. Probably when the final vote is given here today, I will probably be along with the majority of you to give \$250,000 more away that I don't even know if we have. When all these L. D.'s are figured out, we are going to be running \$2.2 million short, which is \$4.1 million left for pay raises which we need \$5.7 million for their needs. Now, how you can put that in a package and how you can put that up to the workers of this state and say we feel we are doing the best thing possible for you today, I can't answer that. I asked Mr. Palmer that and Mr. Palmer couldn't answer that. I am only asking you as individuals to answer that question yourselves.

The SPEAKER: The pending question is, shall this Bill become law notwithstanding the objections of the Governor? Pursuant to the Constitution, 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 — Alouppis, Ault, Austin, Bagley, Beaulieu, Bennett, Benoit, Berube, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. C.; Bunker, Burns, Bustin, Carey, Carrier, Carroll, Carter, F.; Chonko, Churchill, Clark, Connors, Connolly, Cote, Cox, Cunningham, Curran, Davies, Devoe, Dexter, Dow, Drinkwater, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gill,

Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalberty, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, LaPlante, Lizotte, Locke, Lunt, MacEachern, Mackel, Mahany, Martin, A.; Masterman, Maxwell, McBreairty, McKean, McMahon, McPherson, Mills, Mitchell, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Palmer, Paul, Pearson, Peltier, Perkins, Peterson, Plourde, Prescott, Quinn, Raymond, Rideout, Rollins, Sewall, Spencer, Sprowl, Stover, Strout, Talbot, Tarbell, Theriault, Tierney, Tozier, Truman, Valentine, Violette, Whittemore, Wilfong, Wood, The Speaker.

NAY — Bachrach, Biron, Brown, K. L.; Carter, D.; Diamond; Green, Hughes, Laffin, Littlefield, Lougee, Lynch, Marshall, McHenry, Morton, Post, Shute, Silsby, Smith, Stubbs, Tarr, Torrey, Trafton, Wyman.

ABSENT — Brery, Dudley, Lewis, Master-ton, Moody, Peakes, Teague, Twitchell, Tyn-dale.

Yes, 119; No, 23; Absent, 9.

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

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: We have, as far as I know, acted on all the vetoes today. Is that correct, Mr. Speaker?

The SPEAKER: The Chair would answer in the affirmative.

Mr. MORTON: I just thought I should tell the House where we stood.

The SPEAKER: Before the gentleman proceeds, may I get rid of some bills so that the other body will have matters to dispose of? Could I do that?

Is there objections to sending the vetoes that we have overridden over to the other body so they can have legislation upon which they can act? Hearing no objection, the vetoes that have been overridden will be sent up for their action.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: When we came in here this morning, we were in a position with the bills that have presently been sustained today, we were in a position where we had \$4.1 million in surplus. We added \$14,500 to that total today, so it is still 4.1— actually, it is about 4.15 today and I think we are in a very serious position with respect to being able to take care of the obligations that may be forthcoming with respect to the collective bargaining business that will be before us. I have no knowledge as to whether \$4.1 million is going to be enough or not, but I suspect that it is a little too close for comfort.

I think probably we all have priorities on these bills that we have sustained today. I have agreed with some, disagreed with others, and I have not always been on the winning side, but one in which I made sure I was on the winning side that I think is a very important bill and one which takes a tremendously new step in the taxation field in the State of Maine deserves to be very carefully considered; therefore, Mr. Speaker, having voted on the prevailing side, I now move that we reconsider our action whereby we overrode the Governor's veto. Is it gone? Thank you, Mr. Speaker.

The SPEAKER: The Chair apologizes but the Chair looked at the gentleman from Farmington, Mr. Morton, and specifically asked members of the House if there were any matters which they wanted to be held. The Chair understands that he did vote on the prevailing side.

On motion of Mr. Kelleher of Bangor, the

House reconsidered its action of earlier in the day whereby the Governor's veto on "An Act to Improve the Short Term Investment Capabilities and Debt Management of the State" L. D. 2061, H. P. 1975, was sustained.

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I do hope that we will reconsider our action where we voted to sustain the veto of the Governor this morning.

I think, perhaps, that maybe in the heat of all the veto messages, this was perhaps not understood as clearly as it might have been.

A number of people, as we debated the vetoes of the Governor today, have talked about the cost of certain bills. This bill, in fact, does have a cost of \$14,500 on it, but I think the fact that no one talked this morning or no one considered the fact it has potential of generating \$150,000 of increased revenues. Very clearly, that is not going to deal with a great deal of financial problems that we may be faced with in the result of actions that we took with other bills this morning, but I think it is, in fact, a good bill that will provide better investment capability for the state and for towns.

Yesterday afternoon I had an opportunity to talk with John Salisbury of Maine Municipal Association and he expressed a great deal of interest in this bill. I think you will find that this provides a number of communities with the opportunity to invest some funds that they had so they could have some return on investments.

The Governor talked in his veto message about the fact that there was no qualification in the Constitution for the State Treasurer. That may well be, but I would like to suggest to you that in opposition to that particular argument, if the State Treasurer, whoever he or she might be, doesn't have particular qualifications of an investment counselor, certainly there are people in the Department of Treasury that do have the capability and I think the Governor has made that argument as he has appointed to department heads of this state that have not had particular expertise in that field.

So, I do hope that we will vote to override this veto today. I think it will be in the long run, to the benefit of the State of Maine and to the benefit of the various municipalities and towns in the state.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, I would like to pose a question through the Chair. If the revenue to be generated is to be generated, from what?

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

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: It is my understanding that the revenues that would be generated would be revenue that would accrue to the state in regards to being able to more wisely invest the resources that we have. What the \$14,500 does is buy some additional computer time that would give the Department of Treasury the opportunity to have the latest available information on investment possibilities. What it would do is increase the returns to the state on money that the state invests.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. Silsby.

Mr. SILSBY: Mr. Speaker, Members of the House: I didn't speak on this bill. It went through our committee as a unanimous report "Ought to Pass" and it seemed to be harmless bill. We have been talking about costs all morning and into this afternoon, and this bill only costs us \$14,500. It appears to me to be a reasonable mechanism to enlarge the investment power of the small municipalities that have funds to invest but don't have the capabilities

to do so. I think it creates a balance with the banking community so that banks have their fair share and will have a fair shot at getting these investments. To me, it seems to be a reasonable bill, a bill that should not create all that controversy and I would support the bill and I hope you will support the override of the veto.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, I didn't get an answer to my question. I asked, where is the \$150,000 increase in revenue coming from? It is not coming from increased revenues on the state resources, that is the answer I got. What I want to know is, is there a fee being charged in a municipality and what is that fee?

The SPEAKER: The gentleman from Livermore Falls, Mr. Lynch, has posed a question through the Chair to anyone who may care to answer if they so desire.

The Chair recognizes the gentlewoman from Waterville, Mr. Kany.

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: I would be glad to try to answer that question. A municipality or another form of local government. They could also find an agreement or agree with the state to join in an investment pool for the short term investment and perhaps in the agreement something could be signed if there was an agreement that there would be a charge. As far as money, basically, any money which would be received in revenue would come from these prudent conservative investments about which we are speaking and for those of you who might be concerned that the banks might be out of the way, if that was anyone's concern, I would just like to point out that one of those prudent investments, short term which would be allowed would be the C. D., Certificate of Deposit and only those that would mature nationally at 24 months, so I would be happy to list these types of investments which would be allowed.

Remember, it is all voluntary, and as the Maine Municipal Association booklet points out, they favor this, and since it is positive as far as the municipalities are concerned, they end up by saying, if you look at your little booklet which you may have received today, in short, this bill provides for a means of potential increasing the rate of returns in municipal monies that are invested and improved municipal financial management. So, I hope you will go along with the MMA and support this measure.

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

Mr. JALBERT: Mr. Speaker, Members of the House: I flicked my key three times on this bill this morning. I am not going to interest myself in the fact that we would save \$150,000. I have heard figures go anywhere from \$50,000 to \$150,000, so I am not going to interest myself in the fact that this bill here, for one sure thing, will not cost us money, it has to save us some money, it will make us some money. It is not an earthshaking matter and it won't save the State of Maine financially. I am sure that you people are aware of that fact.

However, it is one of those bills that we could always say, well, on this measure, we should never have passed this bill because by passing it, we lost a million or a million and a half or two million. By passage, we failed the possibility of making money. It is something that can make us some money. How much, I don't know. No one can tell if it is \$150,000 or \$200,000 or \$50,000 or \$75,000—no one in this body can say so. Mr. Cooney can't say so, nobody in the Governor's Office can say so and no one in our Finance Office can say so, and last but certainly least, me. I didn't say "not least." Mr. Speaker, I said "least," me. This is not an earthshaking affair. I think we ought to give it a whirl. I think we ought to go along with the bill.

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

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: I have two doubts about this bill. The first one is that it is awfully easy for some future legislatures to change that 'may' to 'shall.' In other words, it may be that the treasurer and some of the other people involved may decide that it would be a good idea to have all the town brought in so that they could be reinvested.

The other thing that worries me is that the local banks in a lot of the small towns like to have that money. They give deposits, certification of deposit, just the same as anyone else. The local town manager or the local selectmen have some judgment as to how this money should be expended, should be invested. We are always talking about local control and now we are trying to go the other way.

I hope you will sustain the veto.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I certainly have respect for the gentleman from Winthrop, Mr. Bagley, I went to him and found out he wasn't going to run again, even though he is a member of the friendly opposition and told him I was sorry he wasn't going to be among us at the next session. However, I will also concur with him that it is very easy for the next session of the legislature to come here and change that word from "may" to "shall." It is also very easy for the next legislature, which will probably be either before or right after the election anyway, to come over here and say, no, just strike out the bill completely. That is why I think we ought to give the bill a whirl.

The SPEAKER: The pending question before the House is, shall this bill become a law notwithstanding the objections of the Governor. According to the Constitution, the vote will be taken by the yeas and nays. A two-thirds vote of the members present and voting is necessary. Those in favor of this bill becoming a law notwithstanding the objections of the Governor, you will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bachrach, Beaulieu, Bennett, Benoit, Berry, Boudreau, A.; Brenerman, Brown, K. C., Burns, Bustin, Carey, Carroll, Chonko, Clark, Connolly, Cote, Cox, Curran, Davies, Diamond, Dow, Elias, Flanagan, Fowlie, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hickey, Hobbins, Howe, Hughes, Jacques, Jalbert, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, Locke, MacEachern, Martin, A.; Maxwell, McHenry, Mills, Nadeau, Najarian, Nelson, M.; Nelson, N.; Paul, Pearson, Plourde, Post, Prescott, Quinn, Silsby, Spencer, Theriault, Tierney, Tozier, Trafton, Truman, Valentine, Violette, Wilfong, Wood, Wyman, The Speaker.

NAY — Aloupis, Ault, Austin, Bagley, Berube, Biron, Birt, Blodgett, Brown, K. L.; Bunker, Carrier, Carter, D.; Carter, F.; Churchill, Connors, Cunningham, Devoe, Dexter, Drinkwater, Durgin, Dutremble, Fenlason, Garsoe, Gill, Gillis, Gould, Gray, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Joyce, Kane, Littlefield, Lizotte, Lougee, Lunt, Lynch, Mackel, Mahany, Marshall, Masterman, McBreairty, McMahon, McPherson, Morton, Norris, Palmer, Peltier, Perkins, Peterson, Raymond, Rideout, Rollins, Sewall, Shute, Smith, Sprowl, Stover, Strout, Stubbs, Tarbell, Tarr, Torrey, Whittemore.

ABSENT — Boudreau, P.; Dudley, Green, Jensen, Lewis, Masterton, McKean, Mitchell, Moody, Peakes, Talbot, Teague, Twitchell, Tyndale.

Yes, 70; No, 67; Absent, 14.

The SPEAKER: Seventy having voted in the affirmative and sixty-seven in the negative, with fourteen being absent, the Governor's veto is sustained.

(Off Record Remarks)

On Motion of Mr. Tierney of Lisbon Falls, Adjourned until the sound of the gong.

#### After Recess

6:00 P. M.

The House was called to order by the Speaker.

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

From the Senate: The following Communication:

#### THE SENATE OF MAINE AUGUSTA

April 6, 1978

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 Appropriating Funds for Certain Municipal Governments", H. P. 2096, L. D. 2139, 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 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.

From the Senate: The following Communication:

#### THE SENATE OF MAINE AUGUSTA

April 6, 1978

The Honorable Edwin H. Pert  
Clerk of the House

108th Legislature  
Augusta, Maine 04333

Dear Clerk Pert:

The Governor having returned:

Bill, "An Act Appropriating Funds to Establish Emergency Shelters for Family members who are Victims of Family Violence," H. P. 1979, L. D. 2074,

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. 19 (nineteen) Senators voted in the affirmative and 10 (ten) 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 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 was ready to adjourn without day.

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

On motion of Mr. Tierney of Lisbon Falls, Mr. Carey of Waterville, Mr. Palmer of Noble-

boro, Ms. Goodwin, of Bath, Mrs. Durgin of Kittery, Mr. Lynch of Livermore Falls, Mrs. Tarr of Bridgton, Mr. Connors of Franklin, Mr. Nadeau of Sanford, Mr. Goodwin of South Berwick, Mr. Rideout of Mapleton, Mr. Bagley of Winthrop, Mr. Bennett of Caribou, Mr. Lizotte of Biddeford, Mr. Kilcoyne of Gardiner, Mrs. Boudreau of Portland, and Mr. Flanagan of Portland were appointed a Committee to wait upon the Governor and inform him that the House of Representatives has acted upon all matters before it and invite him to join with them to make such communication as he wishes to make.

Subsequently, Mr. Carey of Waterville reported for the Committee that it had delivered the message with which it was charged and his Excellency, Governor James B. Longley, would address the House forthwith.

His Excellency, Governor James B. Longley, entered the Hall of the House amid applause of the House, the members rising, and delivered the following communication:

GOVERNOR LONGLEY: Mr. Speaker and Honorable Members of the Maine House of Representatives: First of all, I want to thank you for the unselfish hours, days and weeks that the selfless legislators in this chamber have contributed to the people of Maine as a member of the 108th Maine Legislature. Very candidly, I feel that the test of selflessness which distinguishes those who serve the best is also perhaps the best common denominator of the important line between good politicians and other politicians to the extent that my definition, at least of a good politician, is one who places his or her constituents and the State of Maine first and themselves or a political party or a special interest second.

Therefore, let me once again commend each and every member here today for serving Maine, because I want to believe that each and every person in this 108th Legislature has had at least one moment or one day, as well as some who have had many days, in which the best interests of Maine were uppermost in your minds and the objective and the bottom line was best serving the people of Maine at that particular moment of that particular day, rather than placing yourselves or political parties first and Maine second.

I am also reminded of a great line from Charles Dickens when he said that "it was the best of times, it was the worst of times." I am told by many Governors and other public officials around the country that the past four years have been the worst of times from the standpoint of a major recession, coupled with still unamanged inflation and a questioning and scrutiny and skepticism directed toward those of us in public life.

By the same token, a bit of philosophy from Voltaire to the effect that "In our faults are our weaknesses and in our weaknesses are our strengths" applies here to the extent that members of this body, and hopefully the Executive Branch as well the past two to four years, have more than met the test of the skepticism and challenge and loss of confidence in government and public officials.

Therefore, to the extent we have turned Dickens around and we will leave office together this year, hopefully, we have made it the best of times based on the time as well as the circumstances.

On that note, I could only wish the very best in the future to each and every one of you and hopefully your best will also prove to be Maine's best for the future. I would also take a personal liberty to say to each and every one of you, let's move on together in the future to try to best serve our neighbors and our communities and our state and our country with the best and most selfless that there is in each of us.

On that final note, I would wish each and



every one of you good health. God speed and all the health and success you desire, which hopefully would be as much or even more than any of us might deserve. The very best to each and every one of you, and good health. (Prolonged applause, the Members rising)

Thereupon, Governor Longley retired from the Hall of the House.

The SPEAKER: If I might, before we adjourn, as I usually do on the record, make a couple points since I often find it helpful, I guess, to perhaps have the last word, a typical trait of a teacher.

The Governor indicated and quoted from Charles Dickens that it was the best of times and it was the worst of times. To some degree, the legislative process goes through that type of a cycle; for some of us, we also go through that type of cycle. We, from time to time, make things and perhaps say things that we wish we had not done or wish that we had said things that we had said differently.

One of the things, I guess, which comes to my mind over and over again is what in fact took place on Friday of the last week we were in session. All of us are human beings with certain traits and certain emotions, certain principles and philosophies, and all of us believe very strongly in the things that we believe in and obviously stand for that type of a position.

All of us should learn from our previous experience, and I hope that I and other members of this House, the other body and members of the general public are no different. One of the things which I learned from that last session was perhaps, if nothing else, that we should never attempt night sessions again.

On the other hand, I think that we all learned that when all of us get tired, we tend, perhaps, to say things not necessarily that we do not mean, but the way that we say it comes out much different from what we would have intended to say if it had not been after 18 hours of people being on their feet.

For my part and for members of this legislature, speaking not only for members of this body but members of the other body, and for that matter, members of the general public, I know that I speak for everyone who was here in both this House and the other House, if anyone was offended by any of the words and the way they were said, then I think all of us apologize not only to ourselves, to members of both Houses and to members of the general public.

I know personally that if I had had an opportunity to reflect, and perhaps not having been 18 hours on the rostrum, that they might have been different words in a different way, still being concerned about the problem as we saw it that night, because all of us have a responsibility to represent the people as best as we see fit and to some degree feel that we do that.

Second, if nothing else, I make these words on the record to understand that a legislative body to me is very much like a town meeting where all of us react to emotions but, on the other hand, what so often happens, when we leave the town meeting, when we leave this body, so often what is remembered is not the fine things that we have accomplished but the things that were maybe not done the way we would have wanted them. And this legislature accomplished a great deal for the people of Maine and, of course, being a Democrat, I would say the House is entirely responsible, but that is not really the way it is. We have done tax reform and begun in that direction, we have managed to survive repeal of the uniform property tax, contrary to what some people indicated, and we have enacted a tremendous number of laws which are now on the books. Interestingly enough, to some people, those laws are emergencies and there are some, to some people, none of those laws are emergencies. Yet, all of us did what we thought was right and we have enacted those laws with or without the Governor's approval and they are now part of

the laws of this state.

I personally want to thank the members of this House who are not returning not only for the two years but for many of you for the number of years you have served and will not be candidates again. Going through the list, I am amazed at the vast turnover, but regardless of what the elections do to this body, this body is going to endure, and that to me is a sad day because it means that the experience all of you had will be lost. For all of you that are not returning, and you know how hard I have tried to convince some of you ought to run again and maybe some of you not to run again, whatever the case might be, I understand the decisions that you have taken and I certainly wish you the best of luck. For those of you who will face the voters this year, I also have to wish you and myself the best of luck.

I also want to take this opportunity to thank the leadership of this body, the leadership of the other body, and in particular another group that from time to time I have picked on at various points of this session, and those are the chairpersons of the various committees who I think have done an outstanding job during this session.

Finally, I want to thank you for giving me the opportunity to serve a second session as your Speaker, and for that, I appreciate your thoughts and your support during this two years and the previous two as well. Thank you very much. (Prolonged applause, the Members rising)

Mr. Garsoe of Cumberland was granted unanimous consent to address the House.

Mr. GARSOE: Mr. Speaker and Members of the House: I would like to, in a qualified manner, tell you that it has been a pleasure to serve under you for these past four years and to say that I commend you and thank you for the remarks that I hope will have a healing effect as a fallout of our Friday, the 24th, and just thank you again.

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

(Off Record Remarks)

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: We all know that this is my only day here and I want to thank this House, both parties, individual members, and everybody that sent me their remembrances.

If I may continue, the House has discharged its responsibilities in keeping with the call of the Second Regular Session and I now move that the House be adjourned without day.

The motion prevailed and at 6:36 P.M., Eastern Standard Time, Thursday, April 6, 1978, the House adjourned without day.