

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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APPENDIX

SENATE

April 6, 1978

Senate called to Order by the President.

Prayer by Reverend Bruce W. Meyer, Prince of Peace Lutheran Church, Augusta.

Reverend Meyer: Lord God as we come to the end of this Legislative Session, keep in our spirit the simple words of one of Your saints when he prayed God grant me the serenity to accept the things that I cannot change, the courage to change the things that I can, and the wisdom to know the difference. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

On Motion of Mr. Huber of Cumberland, recessed until the sound of the bell.

Recess

After Recess

Senate called to order by the President.

Communications

Office of the Governor

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 S. P. 722, L. D. 2172, An Act to Create a State Capitol Commission.

In a response to a request from the Governor's office for an opinion, the Attorney General's office stated in a March 31 opinion that this bill "presents a constitutional problem involving at least the Separation of Powers Clause, Article 3, or the Executive Powers Clause, Article 5, of the Maine Constitution."

While I recognize that the goal of preserving and protecting the State House as a historical entity is a laudable one, according to the opinion the mechanism established by this Legislature which essentially places the legislature in control of the Executive is unconstitutional.

While I am certainly willing to offer the cooperation of the Executive branch regarding ways to improve the current system of controlling the Capitol complex, I question whether or not legislative control over the administration of the complex is either advisable or necessary. Adding the burden of managing the State House grounds to the Legislature's already burdensome and complex work load does not seem to me to be wise, especially in light of the many critical issues and time pressures that face the Legislature each session.

Again, because this structure created by L. D. 2172 is considered unconstitutional I feel I must veto this bill. I am also willing to offer whatever assistance I can in reconciling any problems or difficulties which the Legislature wishes to address regarding existing control and administration over the State House complex.

Very truly yours,

Signed:

JAMES B. LONGLEY

Which was Read and Ordered Placed on File.

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

Mr. SPEERS: Mr. President in as much as the sponsor or one of the sponsors of this piece of Legislation is unable to make comments on his own, I think that it is important for the Senate and the Record to reflect some of the concerns that have been expressed in the caucus earlier this morning. And that is that it does appear as though there is a very definite cloud on this particular piece of legislation cast upon it by the Constitution of the State of Maine and reflected in the opinion given by the Attorney General of this state, and it may very well, therefore, be the best course of action to sustain the veto with regard to this legislation at

this time, and come back with a Bill that could be clearly constitutional in the future.

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

Mr. CONLEY: Mr. President and Members of the senate: Out of pride of authorship I am going to vote to allow this Bill to become law. I think that if there is a question relative to this item, that it should go to the courts, because, after all, the opinion from the Attorney General is really only one mans opinion.

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

According to the Constitution, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of the Bill, A vote of No will be in favor of sustaining the veto of the Governor.

The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

ROLL CALL

YEA — Conley, Danton, Minkowsky, Usher. NAY — Carpenter, Chapman, Collins S.; Cummings, Curtis, Farley, Greeley, Hewes, Huber, Jackson, Katz, Levine, Mangan, Martin, McNally, Merrill, O'Leary, Pierce, Pray, Remond, Snowe, Speers, Trotzky, Wyman, Sewall.

ABSENT — Collins, D.; Hichens, Lovell, Morrill.

4 Senators having voted in the affirmative and 25 Senators in the negative, with 4 Senators being absent and 4 being less than two-thirds of the membership present, the veto of the Governor is sustained.

Office of the Governor

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 the "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 informaton 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 reverse the previous position I have taken in regard to a medical school. I respectfully request that my veto L. D. 2055 be sustained.

Very truly yours,

Signed:

JAMES B. LONGLEY

(S. P. 771)

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

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

Mr. SPEERS: Mr. President and Members of the Senate: I will be brief this morning because I feel that this is an issue which is very familiar to the Senate. But I do wish to reiterate some of the points that should be made in support of this piece of Legislation.

The need of the State of Maine for medical care within our borders is undiminished and it most certainly is a well recognized need. Not very long ago, a Bill had been presented to the legislature in an attempt to create a medical school within the State of Maine that would be supported, created and continued to be supported by State government. That bill was defeated, not because of the lack of any need, for medical facilities within the State but primarily because of the cost and the continuing cost to the State of Maine, running into the millions of dollars that all could foresee.

Now in the meantime, a group of very dedicated individuals, on a private basis, have gotten together and have taken it upon themselves to bring to the State of Maine, a medical school, to be known as the New England College of Osteopathic Medicine. These individuals have raised with a great deal of difficulty and a great deal of dedication many thousands of dollars in private grants toward the opening of this school.

The amount that is requested of the State of Maine at this point is an amount which would be spent on a one time basis and is an amount which is needed to insure that this school does indeed open its doors and admit its first class of medical students this coming September. The \$250,000. can be and should be regarded as an investment on behalf of the people of the State. An investment not only in terms of the medical care which will be provided in the future for the people of Maine, but an investment which can also be regarded clearly as an economic investment. Statistics have shown that those who will be graduated from the New England College of Osteopathic Medicine are more likely to be involved in rural health care, and in the family practice of medicine than are others who are graduated from other colleges of medicine. This is indeed the primary need for medical care in the State of Maine and this school can and will be providing that kind of medical care for the people. But the investment can also be regarded very clearly as an economic investment because by providing for a \$250,000 grant at this time, the State of Maine will be recovering many times fold, that particular investment.

And I would like to quote from a letter dated

March 21, of this year, from the President of the College, Jack Ketchum, to the Governor of the State of Maine regarding this grant as an investment. Mr. Ketchum states, "with a 5.2 million dollar budget projected by 1982 and the added employment of many higher paid professionals and educators a significant economic thrust will be created in this State and a direct cash return produced in the form of tax payments to the Treasurer of the State."

That investment in medical care and in the economy is well noted by all of us here who have worked very hard on this Bill but also very particularly by those individuals from York County who represent their constituents in this body, not only the Senators who are present here this morning, but I do wish to state specifically also, that the Senator from District One, Senator Hichens, who is unable to be here this morning, wants to be on record very strongly in favor of overriding this veto.

And finally, Mr. President there has been some concern expressed and this concern has been reiterated by the Governor in his veto message to us this morning, that this would not be a one time request on the part of this school but that it would open the way for additional requests to be made and for additional support to be asked. But here again, I would like to quote for the record and very clearly from the letter written by the President of the College, Mr. Ketchum, to the Governor. "With regard to capital support of this college and I quote the board of trustees of the College at their March 10th meeting unanimously resolved that the Board of Trustees of Saint Francis College confirms the statement of 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."

Mr. President this piece of legislation I regard as probably one of the three or four most significant pieces of Legislation that has been dealt with in this past Legislative Session. We have the opportunity at this hour to insure a medical school within the borders of this State of Maine, and I ask for a resounding affirmation on behalf of this Senate in support of this particular piece of Legislation.

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

Mr. USHER: Mr. President, and Members of the Senate: We have before us today Legislation that would give Maine students a more viable choice and also attract students from all over the country to our State.

Besides helping our health programs of the future this institution will provide a greater economy for the southern part of the State. It is estimated that those out of state students leave more than \$25,000,000. in the State, making post secondary education a valuable industry; one worth preserving. This is one short request and the request is a token to assist in establishing of the medical school.

I urge every member of this Senate to vote override on this issue today.

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

Mr. HEWES: Mr. President and members of the Senate: I concur with the statements of the previous two speakers there is a shortage of health care in Maine, particularly in rural areas, osteopathic physicians and surgeons have traditionally located in the rural areas, and they are a great asset to the State of Maine there are many human dedicated and industrious, competent, and faithful osteopaths in Maine and I feel that the profession is so respected that it would be ridiculous not to override the veto today.

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

Mr. CURTIS: Mr. President, the osteopathic school will be a New England School, not just a Maine School. We should note that other New

England States are right now considering proposals to assist in the financing of this School. It is very important that the host state of Maine set an example, I think, if we are to expect other New England states to assist also. So I shall vote to override the veto.

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

Mr. MINKOWSKY: Mr. President, I have listened very intently to the remarks by the Majority Floor Leader and it brings to mind that I read an article in the paper recently where the gentleman who sits in the semi-oval office downstairs says that he is going to keep his word to the people of the State of Maine. And the correlation I am going to draw with that is I am quite sure that President Ketchum and his board of directors will keep their word in making this a one time request.

The PRESIDENT: Is the Senate ready for the question?

The Pending question before the Senate is: Shall this Bill become a law notwithstanding the objections of the Governor?

According to the Constitution, the vote will be taken by the Yeas and Nays.

A Vote of Yes will be in favor of the Bill.

A Vote of No will be in favor of sustaining the veto of the Governor.

The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

ROLL CALL

YEA — Carpenter, Chapman, Collins, S; Conley, Cummings, Curtis, Danton, Farley, Greeley, Hewes, Huber, Jackson, Katz, Levine, Mangan, Martin, McNally, Merrill, Minkowsky, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Wyman, Sewall.

NAY — None.

ABSENT — Collins, D.; Hichens, Lovell, Morrell.

29 Senators having voted in the affirmative and No Senators in the negative, with 4 Senators being absent, and 29 being more than two-thirds of the membership present. It is the vote of the Senate that this Bill become a law notwithstanding the objections of the Governor and will be sent to the House for concurrence.

On Motion of Mr. Speers of Kennebec, and under suspension of the rules, sent forthwith for concurrence.

(Off Record Remarks)

On Motion of Mr. Huber of Cumberland, recessed until 1:00 in the afternoon.

Recess

After Recess

Senate called to order by the President.

(Off Record Remarks)

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

Recess

After Recess

Senate called to order by the President.

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

Papers from the House Communications Office of the Governor

To the Honorable members of the House of Representatives and Senate of the 108th Maine Legislature.

I am returning without my signature an 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 allowing 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 law 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
H. P. 2337

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

Which was Read and Ordered Placed on File in concurrence.

The accompanying Bill, "An Act Relating to Appropriating Funds for Certain Municipal Governments." (H. P. 2096) (L. D. 2139)

Comes from the House with the following endorsement:

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

94 voted in favor and 47 against, and accordingly it was the vote of the House that the Bill become a law, notwithstanding the objection of the Governor, since two-thirds of the members of the House so voted.

Signed:

EDWIN H. PERT
Clerk of the House

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

Mr. CONLEY: Mr. President, I pose a question through the chair to what item it is?

The PRESIDENT: The Chair would advise

the Senator that the matter before the Senate is House Paper 2096, L. D. 2139, Act Relating to Appropriating Funds for Certain Municipal Governments.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I would urge the Senate to vote override the Governor's veto. This deals with the pay in communities, SAD's, and it is my understanding that the only way that the communities could be refunded on this Bill is if there is a surplus of a million dollars within the Department of Education. I think that there are going to be a lot of these small communities hurt because of the passage of the Education Financing Law, and I think that this amendment that we have before us during the special session, was a way of trying to soften the blow to some of these small communities. I would urge the Senate to vote to override.

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

Mr. MERRILL: Mr. President, I note that in the Chamber there is still the absence of some Senators here. I hope that they will be present by the time that the vote is taken.

Mr. President and Members of the Senate, I think that this is an important piece of Legislation. It is admittedly a bandaid to take care of a serious problem until it can be dealt with in a more complete and thorough manner. And I would note as pointed out in the veto message that the Bill creating another special commission on educational finance has become Law, with the signature of the Governor, and I would like to say just one thing specifically in regards to the message of the Governor on this Bill. I watched the Governor during the week in which he had to consider the tax relief measure and I noted that he complained rather bitterly that some of the tax relief was made contingent on funds being available and pointed out that that had not been done with regards to most of the appropriations measures. That seemed to me to be a criticism with some legitimacy, however it is totally inconsistent with the position that he has taken within his veto message with regard to this Bill today. Because it will be noted by all members of the Senate and public present that none of this money, none of this million dollars is spent unless it is available in surplus in the Educational Account. This seems to me to be an approach completely consistent with the Governor's statements with regards to the tax bill about spending measures. This is obviously not an on going expenditure. It is obvious from the debate that has taken place here. It is obvious from the type of measure that it is. And I feel that funding it if and when a surplus is available in the Education Account is a very prudent way to proceed, and it is a way that is consistent with the Governor's desires.

So I would hope that the Senate would be consistent with its previous positions. I would hope that all Senators present in the State House would vote. Certainly their absence should be noted if it turns out that way, and I would sincerely hope that the Senate would override this veto today, it means a lot to a lot of people, and if what we do here today out of some sense of vindictiveness because the vote on repeal of the Uniform Property Tax did not go the way that many of us would like to have seen it gone, has the effect of tearing apart some of the School Administrative Districts, I think that we will be undoing some of the really important things that have happened in regards to education around this State in the last 20 to 25 years. And I think that it is incumbent upon us, the State, who has nurtured and brought about these School Administrative Districts and then change the rules of the game several times in regards to how we fund education to help do what we can this year to hold them together until the Educational Finance Commission which is authorized by the Legislation, intro-

duced by the Senator from Kennebec. Senator Katz, is able to deal with this in a more thorough manner.

The PRESIDENT: Is the Senate ready for the question?

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

According to the Constitution, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of the Bill.

A vote of No will be in favor of sustaining the veto of the Governor.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Carpenter, Collins, S.; Conley, Danton, Farley, Greeley, Levine, Mangan, Martin, McNally, Merrill, Minkowsky, O'Leary, Pray, Redmond, Snowe, Speers, Usher, Wyman.

NAY — Chapman, Cummings, Curtis, Hewes, Huber, Jackson, Katz, Pierce, Trotzky, Sewall.

ABSENT — Collins, D.; Hichens, Lovell, Morrell.

19 Senators having voted in the affirmative and 10 Senators in the negative, with 4 Senators being absent and 19 being less than two-thirds of the membership present, the veto of the Governor is sustained.

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

Mr. MERRILL: Mr. President, inquiry to the Chair. Am I correct in assuming that I voted on the prevailing side?

The PRESIDENT: That is affirmative.

Mr. MERRILL: Mr. President, I would move reconsideration whereby the override on this Bill failed.

The PRESIDENT: The Senator from Cumberland, Senator Merrill, now moves that the Senate reconsider its action whereby the veto of the Governor was sustained.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: I request that when the vote is taken it be taken by the yeas and nays.

The PRESIDENT: A Roll Call has been requested. In order for the Chair to order a Roll Call it must be the expressed desire of one-fifth of those Senators present and voting.

On Motion of Mr. Merrill of Cumberland, Tabled until later in Today's Session.

Office Of The Governor

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 that belongs to those treated specially under the law. Again, the Tree Growth Tax formula should be exam-

ined very closely to make sure that those responsible for paying are in fact paying their fair share.

(3) The method utilized to reimburse the communities under this bill in 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 issues 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. (H. P. 2338)

Very truly yours,

Signed:

JAMES B. LONGLEY

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

Which was Read and Ordered Placed on File in concurrence.

The Accompanying Bill, "An Act to Provide for Refunding of Municipal Claims under the Maine Tree Growth Tax Law." (H. P. 1969) (L. D. 2049)

Comes from the House, with the following endorsement."

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

133 voted in favor and 10 against, and accordingly it was the vote of the House that the Bill become a law, notwithstanding the objection of the Governor, since two-thirds of the members of the House so voted.

Signed:

EDWIN H. PERT
Clerk of the House

The PRESIDENT: The pending question before the Senate is:

Shall this Bill become a law notwithstanding the objections of the Governor?

According to the Constitution, the vote will

be taken by the Yeas and Nays.

The Chair would ask leave of the Senate to be allowed to refrain from voting on this issue because of the appearance of an apparent conflict of interest. Is it the pleasure of the Senate to grant this leave? It is a vote.

A vote of yes will be in favor of the Bill.

A vote of no will be in favor of sustaining the veto of the Governor.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Carpenter, Chapman, Collins, S.; Conley, Cummings, Curtis, Danton, Farley, Greeley, Hewes, Jackson, Katz, Levine, Mangan, Martin, McNally, Merrill, Minkowsky, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Wyman.

NAY — None.

ABSENT — Collins, D.; Hichens, Huber, Lovell, Morrell.

27 Senators having voted in the affirmative and no Senators in the negative, with 5 Senators being absent, and 1 Senator being excused, and 27 being more than two-thirds of the membership present, it is the vote of the Senate that this Bill become a law notwithstanding the objections of the Governor, and the Secretary will present the Bill to the Secretary of State.

Office of the Governor

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 an 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 humani-

tarian 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 that you sustain my veto of this measure.

Very truly yours,

Signed:

JAMES B. LONGLEY

H. P. 2339

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

Which was Read and Ordered Placed on File in concurrence.

The accompanying Bill, "An Act to Expand the Elderly Low Cost Drug Program." (H. P. 1912) (L. D. 1973)

Comes from the House with the following endorsement:

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

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

Signed:

EDWIN H. PERT

Clerk of the House

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

Mrs. SNOWE: Mr. President and Members of the Senate: The Governor has vetoed this Bill stating that the funding is insufficient to cover the increased number of persons eligible and that it would be unfair for the State to expand a program which might have to be curtailed or suspended injuring those persons who currently receive assistance under the program.

The original Legislative intent of L. D. 1973, was to provide low cost drugs to those who fell within the income guide lines of property tax and rent refund program. No administrative funds were appropriated so the Department of Human Services chose to give low cost drugs charges only to older people actually receiving refunds. Older people in boarding homes, those who cannot afford their own homes, and so live with others, and those whose refunds would be less than \$5,00 do not receive refunds and therefore cannot get low cost drugs even though they are income eligible. These are the poorer of the eligibles.

L. D. 1973 clarifies original Legislative intent by making all older people with incomes of less than \$5,000, and \$6,000, eligible for the low cost drugs. As the program exists it discriminates against income eligibles simply because they do not get refunds. While the Department may need to cut back on numbers of drugs now offered in the program, L. D. 1973 will meet the Legislative promise that all Maines low income can receive low cost drugs and will end the discrimination currently existing in those programs. I urge you to vote to override the Governor's veto.

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

Mr. CONLEY: Mr. President and Members of the Senate: Again I believe this is one of the most worthy projects that we have within the operations of State Government. It is my understanding that even up to today, that there was someone checking the budget out and found that there is an additional \$150,000 yet to be spent in the current service budget, and I

would urge again that the Senate override this veto.

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

Mr. SPEERS: Mr. President, this Bill presents a question of the criteria that is suppose to be used with regard to those who would be eligible for the benefits under this particular program. As it currently exists the criteria is whether or not the individuals are receiving some benefit under the rent relief, home owners and rent relief act, and not as to what the income level of the individual happens to be. This Bill would change that criteria to make it evident that it is the intention of this Legislature that the criteria for eligibility to participate in this program is the income or the level of income of the individual rather than whether or not that individual happens to own a home or to pay rent.

I would urge this body to override the veto.

The PRESIDENT: Is the Senate ready for the question?

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

According to the Constitution, the vote will be taken by the Yeas and Nays.

A vote of yes will be in favor of the Bill.

A vote of no will be in favor of sustaining the veto of the Governor.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Carpenter, Chapman, Collins, S.; Conley, Cummings, Curtis, Danton, Farley, Greeley, Hewes, Huber, Jackson, Katz, Levine, Mangan, Martin, McNally, Merrill, Minkowsky, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Wyman Sewall.

ABSENT — Collins, D.; Hichens, Lovell, Morrell.

29 Senators having voted in the affirmative and no Senators in the negative, with 4 Senators being absent and 29 being more than two-thirds of the membership present. It is the vote of the Senate that this Bill become a law notwithstanding the objections of the Governor, and the Secretary will present the Bill to the Secretary of State.

Office of the Governor

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 problem 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 true general fund costs would be approximately \$475,000. 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 resources 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 fiscal year 1977-1978.

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

Very truly yours,

Signed:

JAMES B. LONGLEY
H. P. 2340

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

Which was Read and Ordered Placed on File in concurrence.

The accompanying Bill, "An Act to Allow Intermediate Care Facilities to be Reimbursed under the Medically Needy Program." (H. P. 1915) (L. D. 1976)

Comes from the House with the following endorsement:

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

143 voted in favor and 3 against, and accordingly it was the vote of the House that the Bill become a law, notwithstanding the objection of the Governor, since two-thirds of the members of the House so voted.

Signed:

EDWIN H. PERT
Clerk of the House

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

Mrs. SNOWE: Mr. President and Members of the Senate: L. D. 1976, An Act to Allow Intermediate Care Facilities to be Reimbursed under the Medically Needy Program will pay for the care in an intermediate care facility for those older people whose income falls between the cut off in Medicaid categorically needy program which is \$533.40 per month and the actual state reimbursed cost of an intermediate care facility which is \$750. per month. That is under the proposed Bill if an individual has a monthly income of \$540. and is in a facility costing \$750. per month the medically needy program will pay the difference between income and the cost, or \$210. per month.

And also I would like to mention that 70 percent of the medically needy program is matched by Federal Funds which is 70 percent and the State puts in 30 percent. If such an individual had \$700 per month income, the medically needy program would pay only the difference between income and cost or \$50. per month.

The Governor's objections on this Bill are two fold. One is that the appropriation is not sufficient, and secondly, that this Bill would perhaps serve as a deterrent for families to pay for their own relatives who are in nursing

homes. Well first of all, the Department of Human Services developed their own estimates for 1976 without any kind of study or basis for developing their own estimate. However, the Maine Municipal Association and the Committee on the Aging did do a survey of the nursing homes, and concluded that throughout Maine, families cannot afford and are not now paying nursing home care for their own relatives. And they also determine that only 100 people in this state would be currently eligible under the medically needy program as it would be changed by L. D. 1976.

Finally, this Bill will help those middle income older people whose hard work and savings make them ineligible for Medicaid but who need some help to pay their nursing home bills. Through 1976 they can pay what they have and have sufficient State supplement to get the care that they need and deserve in the intermediate care facilities. Therefore, on that basis, I would urge you to vote to override the Governor's veto.

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

Mr. PRAY: Mr. President and Members of the Senate: Just to continue on on the arguments as presented by the Senator from Androscoggin, Senator Snowe. Also it is understood that with projection of increases in the amount of supplemental security income, this figure could very quickly change in the month of July to the cost of the State of Maine. And I would just like to share with the members of this Body one case in particular. As the Senator from Androscoggin, Senator Snowe points out, the cut off figure is \$533.40, about 4 weeks ago I became involved in a constituency problem of an individual who made \$533.47. Seven cents over the cut off figure and for that reason the individual did not qualify under the program. The individual is retired and collecting a pension and social security, and because of 7 cents, in the last social security increase was disqualified from the program, this program would take care of him until roughly July when there will be an increase in supplemental security income and the formula will increase from \$533. and upwards. So the cost of the State would also be defrayed after July 1st of this year.

The PRESIDENT: Is the Senate ready for the question:

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

According to the Constitution, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of the Bill.

A vote of No will be in favor of sustaining the veto of the Governor.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Carpenter, Chapman, Collins, S.; Conley, Cummings, Curtis, Danton, Farley, Greeley, Hewes, Huber, Jackson, Katz, Levine, Mangan, Martin, McNally, Merrill, Minkowsky, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Wyman, Sewall.

NAY — None.

ABSENT — Collins, D.; Hichens, Lovell, Morrell.

29 Senators having voted in the affirmative and No Senators in the negative, with 4 Senators being absent and 29 being more than two-thirds of the membership present, it is the vote of the Senate that this Bill become a law notwithstanding the objections of the Governor, and the Secretary will present the Bill to the Secretary of State.

Office Of The Governor

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 of 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 under 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 is 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
H. P. 2341

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

Which was Read and Ordered Placed on File in concurrence.

The accompanying Bill, "An Act to Increase State Reimbursement for the Net Costs of Local General Assistance." (H. P. 1859) (L. D. 1922)

Comes from the House with the following endorsement:

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

123 voted in favor and 22 against, and accordingly it was the vote of the House that the Bill

become a law, notwithstanding the objection of the Governor, since two-thirds of the members of the House so voted.

Signed:

EDWIN H. PERT
Clerk of the House

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

Mr. CONLEY: Mr. President, if the Senate votes to override this veto today, 101 communities will be reimbursed in 1978 and 1979 under a change in the formula from .0006 of the State valuation to .0003 of the evaluation. Other communities which are near this limit would be reimbursed should there be a sudden increase in local general assistance costs. As you know when a community spends up to its limits, the State reimbursement of 90 percent of the cost over that limit of course as evaluations increase in future years the local share of the cost should increase as well. This Bill would only give relief actually for this one year. It appears to me that with increase in evaluations set, again another Bill would have to be introduced in the next session of the Legislature to review the formula as it now stands if this Bill becomes Law. It seems to me that if we are going to be fair and grant what I consider property tax relief, this is one small Bill that will help at least 101 communities throughout the State.

The PRESIDENT: Is the Senate ready for the question?

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

According to the Constitution, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of the Bill.

A vote of No will be in favor of sustaining the veto of the Governor.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Carpenter, Chapman, Collins, S.; Conley, Cummings, Curtis, Danton, Farley, Greeley, Hewes, Huber, Jackson, Katz, Levine, Mangan, Martin, McNally, Merrill, Minkowsky, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Wyman, Sewall.

NAY — None.

ABSENT — Collins, D.; Hichens, Lovell, Morrell.

29 Senators having voted in the affirmative and no Senators in the negative, with 4 Senators being absent, and 29 being more than two-thirds of the membership present, it is the vote of the Senate that this Bill become a law notwithstanding the objections of the Governor, and the Secretary will present the Bill to the Secretary of State.

Office of the Governor

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 sale 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 comprises 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
H. P. 2342

Comes from the House, Read and Ordered Placed on File. Which was Read and Ordered Placed on File in concurrence.

The accompanying Bill, An Act to Correct the Inequitable Taxation on Mobile and Modular Homes.

Comes from the House with the following endorsement:

In the House, April 6, 1978, this Bill, having been returned by the Governor, together with his objection to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

116 voted in favor and 28 against, and accordingly it was the vote of the House that the Bill become a law, notwithstanding the objection of the Governor, since two-thirds of the members of the House so voted.

Signed:

EDWIN H. PERT
Clerk of the House

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

Mr. MERRILL: I move that this item lay on the table until later in today's session.

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

Mr. JACKSON: Mr. President, I request a Division.

The PRESIDENT: A Division has been requested. Will all those Senators in favor of Tabling this item until later in today's session, please rise in their places to be counted.

Will all those opposed please rise in their places to be counted.

12 Senators having voted in the affirmative and 16 in the negative, the motion to table does not prevail.

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

Mr. JACKSON: Mr. President and Members of the Senate: I would hope that the members of this Body this afternoon would take a step in a positive direction in regards to this piece of Legislation, L. D. 2059, and override the Governor's veto.

This Bill is not the first time this Bill has been debated in this body. It has made its way through the Legislative process to the Governor's desk, this time only to be sent back to us because it is not felt that it is within the realm of I guess you might say equity. That is a good question. We provide, the state provides presently for the sales tax exemption on labor,

transportation costs and etc. on site buildings or structures. With mobile homes or manufactured housing the State does not provide for the sales tax exemption on transportation, lead vehicles, permits, they even tax labor.

We suddenly have numerous mobile home manufacturing plants within the State and several dealerships which sell manufactured housing or mobile homes. I am sure and many other members of this body, that have supported this through this process that this will not create a loss of revenue to the general funds in the State of Maine. In fact, it will generate additional dollars to the general fund. It will generate additional dollars at the local level through the property taxes etc.

I would hope this afternoon that the majority plus members of this body would support and override this veto and put this Law on the books so that it will be something for Maine people, Maine business, and partially or hopefully partially satisfy a better and more suitable living for some people who can afford this type of housing, and it has been brought out in previous debate that the maintenance on this is relatively easy. The heating costs are relatively low. There are many good factors in this proposal and I feel that we are talking the average price of a manufactured home or mobile home that approximately \$17,000. with all the costs included, that we are subtracting 50 percent of the cost, 50 percent of the cost and define the sales tax to 50 percent of that cost. So in fact, we are reducing approximately \$425. That is something that might provide a little assistance to some of these people that can afford the rising cost of on site buildings which are relatively high I feel. Around \$32,000. for FHA, \$33,000 at the present time and on up. And I feel again I would hope that I would have enough people in this body today to override the Governor's veto, and put this on the books so that we can provide something for the Maine people.

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

Mr. MERRILL: Mr. President and Members of the Senate: You know some of us start strong and some of us finish strong, we all have different qualities. I have always been an admirer of the ability of the Senator from Cumberland, Senator Jackson in his strong finishes and how well he does in these machinations at the end of each session. I remember the Life Line Bill last time and the success that he had with that.

I note that despite the fact that this is a good piece of legislation, there seems to be some problems with regards to my own caucus, that is why I wanted to see the Bill tabled to see if we could not work them out. I would think that if the Senator from Cumberland Senator Jackson exhibited that fine tune and judgment that I have seen in evidence in the past in these closing days of the session, he might be tempted to move to table this until later in today's session.

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

Mr. KATZ: Mr. President, if there is any trouble within the democratic caucus, it will show in this vote, and I think that is probably where it should show. So far today I voted for support of Medical Education, I voted for some property tax relief for the tree growth, I voted for Elderly Low Cost Drug Program, I voted for a program for the medically needy, and here is a Bill, the only Bill, which shows a promise of increasing the number of job opportunities. And our ability to fund social programs is completely dependent upon our ability to generate jobs in the State of Maine. I think that those who are supporting the social welfare programs might assign just as much importance to putting Maine in a more competitive position in the construction of mobile homes. I have no mobile home, manufactures in my district and the matter of fact the only ones that I have met are the ones in the lobby who have come up here today to express

their point of view. But I am convinced by the complete logic of the debate of the Senator from Cumberland, Senator Jackson and I am absolutely confident that if we put our most mobile home manufacturers in a more competitive position so that the tax on a constructed home that is mobile will be just as equitable as the tax of a home that is built on a local site that more jobs can result and our ability to fund more social welfare programs in the future can be more greatly enhanced.

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

Mr. CONLEY: Mr. President, I move that this item be tabled until later in today's session.

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

Mr. JACKSON: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of tabling this item until later in today's session please rise in their places to be counted.

Will all those opposed please rise in their places to be counted.

11 Senators having voted in the affirmative and 14 Senators in the negative, the Motion to Table does not prevail.

Is the Senate ready for the question?

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

According to the Constitution, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of the Bill.

A vote of No will be in favor of sustaining the veto of the Governor.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Chapman, Cummings, Curtix, Greeley, Jackson, Katz, Pierce, Redmond, Snowe, Trotzky, Wyman, Sewall

NAY — Carpenter, Collins, S.; Conley, Danton, Farley, Hewes, Huber, Levine, Mangan, Martin, McNally, Merrill, Minkowsky, O'Leary, Pray, Speers, Usher

ABSENT — Collins, D.; Hichens, Lovell, Morrell

12 Senators having voted in the affirmative and 17 Senators in the negative with 4 Senators being absent, and 12 being less than two-thirds of the membership present, the veto of the Governor is sustained.

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

Mr. MERRILL: Mr. President, having voted on the prevailing side I now move that we reconsider our action whereby this veto was sustained.

The PRESIDENT: The Senator from Cumberland, Senator Merrill now moves that the Senate reconsider its action whereby this Veto was sustained.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I would welcome a reconsideration to clearly indicate that on the only bill before us that offered some hope of improving industrial climate, possibly increasing jobs, every single Democrat in this Chamber has voted in the negative and I presume that that will be the case of reconsideration.

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

Mr. CONLEY: Mr. President, I move that this item lay on the table until later in today's session.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that this item be tabled until later in today's session pending the motion to reconsider.

The Chair recognizes the Senator from Cumberland, Senator Jackson.

Mr. JACKSON: I request a Division.

The PRESIDENT: A Division has been requested. Will all those Senators in favor of ta-

bling this item pending further consideration please rise in their places to be counted.

Will all those opposed please rise in their places to be counted.

14 Senators having voted in the affirmative and 14 Senators in the negative, the motion to table does not prevail.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, I request leave at this time to withdraw my motion to reconsider.

The PRESIDENT: The Senator from Cumberland, Senator Merrill, now requests leave of the Senate to withdraw his motion to reconsider. Is it the pleasure of the Senate to withdraw his motion to reconsider. Is it the pleasure of the Senate to grant this leave? It is a vote.

Office of The Governor

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 the 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 members 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 tread 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 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 that 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
(H. P. 2343)

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

Which was Read and Ordered Placed on File in concurrence. The accompanying Bill, "An Act Appropriating Funds to Establish Emergency Shelters for Family Members who are Victims of Family Violence." (H. P. 1979) (L. D. 2074)

In the House, 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 House proceeded to vote on the question: 'Shall this bill become a law notwithstanding the objections of the Governor?'

99 voted in favor and 40 against, and accordingly it was the vote of the House that the Bill become a law notwithstanding the objection of the Governor, since two-thirds of the members of the House so voted.

Signed:

EDWIN H. PERT
Clerk of the House

The PRESIDENT: The chair recognizes the Senator from Penobscot Senator Trotzky.

Mr. TROTZKY: Mr. President and Members of the Senate: I would urge the Senate very strongly to override the Veto of the Governor.

When I first came into politics I heard one of the leaders of my party say, that the government should do only for the people only what the people cannot do for themselves. I think this Bill goes a long way in protecting many

people who are unfortunate and those people are women who are victims of physical abuse and violence in their homes, domestic abuse. Many of these in the low income groups if violence occurs in the home have no place to go and no money to get there with and, therefore, have to be continuously subject to the abuse of the stronger sex, the male.

The crime of assault on women has never been specifically documented by any one agency but records are within divorce files, police records, emergency room records, and many, many are probably never reported because of embarrassment. I also, if a woman were to leave the home of the provider what takes place is she has no independence, she has no income, she has to immediately try to get some assistance. It takes a while to go through the red tape of bureaucratic agencies in trying to get food stamps or AFDC, housing to get some independence so as to make some decision as to the future of her life.

Now in my city, the City of Bangor, during this period when the Legislature passed this Bill. I have done a little research on this. First I went to an organization called Spruce Run. Spruce Run is a group of women who are providing shelters for abused women, and they have a very difficult time of funding the operation, they fund it with bake and rummage sales and any way that they can get money. Since they have been in operation, they have been in operation for two-thirds of the year, they have had approximately 250 adults and their children come for help. Now during the period these women and their children come for help the Human Services Department of the State can take over but the shelter is important for immediate crisis.

I also received this communication from the Welfare Director of the City of Bangor, and he gives the following figures. "Our records show that we have provided shelter services to 63 women and 112 children. Of these 63 women, 18 women or 28 percent were from Bangor and 71 or 45 women from outside of the City. Coming from areas in Aroostook County and Washington County and Hancock County." Now one of the arguments that may pop up against this Bill is that the shelter might tend to break up the family and what has happened in the Bangor shelter is, out of 63 women 34 of them have returned to their homes. The price tag for the shelter, the price of the shelter cost falls on the Welfare Department and the people of the City of Bangor, I feel that in a State such as Maine which has high unemployment rates and also a great deal of poverty, that this Bill is strongly needed and would urge the Senate to vote to override the Governor's veto.

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

Mrs. CUMMINGS: Mr. President and Members of the Senate: I am a great believer in establishing good habits, and it seems to me that the Senate today has established the very good habit of overriding the Governor's vetoes and I hope that we will continue for one more Bill.

This Bill, I think is grossly understood. It is not opening the door to tremendous expenditures in the years to come. It is a one year funding of these well needed homes. The Governor says in his veto message that the Bureau of Resource Development is going to study the progress of the establishment of shelters. It is going to be very difficult to find out exactly how much good these shelters can do if these dedicated women who are running the shelters spend a great deal of their time on the Cake Sales and Rummage Sales in trying to make money to keep these things going with dental floss and chewing gum.

This small amount of funding will do more good for more people for a greater length of time than I think any of us here realize. We have now spent this afternoon almost a million dollars to help the elderly. For \$250,000, we are now going to try to help the young families and

there is a preponderance that the majority of the women who use these shelters are under 40 years old. Eighty-five percent of them come with children and if a study is going to be made of the benefits that can be derived from these shelters, it seems to me that the Bureau of Resource Development will have an easier time making a more valid study if this Bill is passed.

One other thing that the Governor says, if the facts show that the program is necessary and desirable I submit that it should be listed as a priority under current services. Indeed I think that the facts already show that it is necessary and desirable. These shelters are not meant as revolving door places where women and children and I have been told eventually a brave battered male could go for counseling, can go for temporary shelter to get away from the person who is doing them bad physical abuse. They have no other place to go. These shelters are not going to keep them, it is not a coddling situation. It is a place where they will be given help. They come to these shelters more often than not after other abuses. This is not the first time. They have made a decision to move. They have made a decision to take their children out of this bad situation. Perhaps they are aware of the fact that this is a self-perpetuating situation. Those who do have abusive treatment to their partners, are more often than not children or products of an abusive home in which violence is a common every day occurrence. These women are not going to have their children raised in a situation such as this. I think that after the amounts of money that we have spent on other things, that this is something that will create more good, better citizens, and a better situation in the years to come than anything that we have noted on in the entire session.

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

Mr. CONLEY: Mr. President and Members of the Senate: I would urge the Senate to override the Veto of the Governor on this particular Bill. I think that it is extremely difficult.

During the closing days, of the session, this Bill was debated and it was well debated. I can tell you that 22 members of this Body voted for it to become Law. It is my understanding that the Maine Human Services Council had a study recently, and through that study they found that this was the number one problem within homes of individuals. Wives were being abused, children were being abused, in an area at home which is extremely difficult.

During the closing days, of the session this Bill was debated and it was well debated. I can tell you that 22 members of this Body, voted for it to become Law. It is my understanding that the Maine Human Service Council had a study recently and through that study they found that this was the number one problem within homes of individuals wives were being abused, the children were being abused, and there was no way or no substitute for the wife or the mother of these children and the children to find escape.

Aside from that I think that it is even more important. Recently I received from the Criminal Division of the Attorney General's Office in the year of 1975 between January and December that there were 32 murders in this State of which 31 percent of them initiated through family arguments. In 1976 between January and December 29 murders, were taken in this State, 24 percent of them were initiated between a domestic quarrel. These are murders. Now I ask the Senate those of you who have such a lovely kingdom and have no problems at home, but know only too well the many problems that are suffered within your neighbors homes. How many wives and how many children have to be abused because of the fact that they have no place to go. I agree with the good Senator from Kennebec, Senator Katz once said this could be a very serious problem. It could be a serious problem in the sense that it

can be like a bottomless pit, that it could be a program that could be expanded upon and expanded upon and expanded upon, and drying some of our resources as far as capital is concerned to fund them, but I think that it is so much more important to know that families that have problems such as these, will have the opportunity to of at least being able to be guaranteed some safeguards, some opportunity to get away from the home, away from this environment for a period of two or three days, whatever the case may be, to see if the problem cannot be resolved. I really think that an extremely important measure. I concur with the good Senators from Penobscot, both Senator Cummings and Senator Trotzky, and I would urge the Senate to vote to override this item.

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

Mr. TROTZKY: Mr. President and Members of the Senate: There are 11 states, 11 large states, in the United States that have emergency shelter programs.

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

Mr. KATZ: Mr. President and Members of the Senate: Not all of us are going to be voting for the enactment of this piece of legislation today. And because the force of argument has been so heavily on the side of enactment, perhaps it would be well for at least one of us who are not going to vote for enactment to express our views.

I have come to the conclusion that there is not enough money in the United States to meet all the human needs that can be identified, proven needs, and I think that the case for need for battered women and children has been made very graphically here today.

For something like 40 years, our response to the identification of human needs to create a program to meet the human needs. To buy the bandages, to wrap up the wounds of the wounded, and to deal with those who are in need of help. We are in a position in this country with a serious doubt if we can afford to pay for the kind of medical care that our people need, and President after President makes great speeches about dealing with this problem in his time. The problem has been identified but the solution has been elusive. I guess in my Legislative career I have come to a conclusion. That we have been pursuing false goals. That it is about time that we started asking ourselves what are the causes for some of these tragedies which we are constantly addressing. What is the basic cause for a battered human being battered by another person? Sometimes in hatred and sometimes in love. I do not know the answer but I do know that alcohol abuse is probably involved in a good many cases. I know that psychiatric problems and frustrations of not having a job are probably involved in others. I have come to the conclusion that at such a time as the Maine Legislature and the Congress starts showing their willingness to deal with the causes instead of constantly limping ourselves by buying bandages, the tragedies will occur and reoccur and reoccur. And the bureaucracy dealing with the problem will grow and grow and grow.

I know those who are voting to support the program today consider themselves the good guys and look upon those of us who are going to vote against enactment as the bad guys, but I feel that it is about time that the good guys take a look at the long range implications of starting program, after program, after program to buy bandages to deal with the wounded, and absolutely refuse to dedicate the money and the intelligence to get down to the root causes, to try through education or other methods to stop the battering of human beings, to stop the causes of the battering of human beings. We find it so easy to fund a detoxication center to take care of the unfortunate human being who is unquestionably an alcoholic, but this country has been

singularly unwilling to attempt a program of prevention, to prevent the abuse of alcohol which is inherent to so many of our programs. I mention that as only one particular case. So today I suspect that those of us who are voting against enactment have no less compassion for the problems of people who are involved, but we feel that a \$200,000. program which will become a larger program down the road, and I have great respect for the perspicacity of our Governor when he says, "history will tell us that very few of any government programs are halted after they are started." We share the concern of those who saw a drug program started for a dollar and it is now up to a million and a half dollars. And on its way up, and I am supportive of it. But there simply is not the way to meet the health needs of battered needs the compassion needs of people, by constantly buying bandages. On that basis, I certainly cannot vote for the enactment of this Bill.

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

Mrs. CUMMINGS: I think that the Senator from Kennebec, Senator Katz, made a very good point on one of the strongest reasons why this Bill should be passed. It is to break a cycle of battering. As I thought I mentioned before these people are the product of homes in which violence was an everyday occurrence. This is to stop that cycle. Perhaps this program will grow, but if it is a long run that we are looking at, I think that we will find that the total cost will be less, you will have fewer children with distorted up bringing because their parents will be counceled.

Now Senator Trotzky mentioned that many of these women go back to their husbands. It is not because they are going back because they want to have further abuse, they do not go back because they are unaware of what could happen again, but they go back with the strength that something, someone, some people are behind them to give them counseling and to help, and they know that their counseling available for their husband, that they too can go for counseling, and that then perhaps in a more sober moment or perhaps in a less emotional moment the wives can direct their husbands for help. So that this to my mind is a method of stopping the dreadful cycle of abuse that we have seen.

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

Mr. CURTIS: Mr. President, I think that it is probably a very fortunate thing that this is a citizen Legislature. We have an opportunity from time to time to leave the halls of Augusta and return to our own practices and business and find out what the real problems are that are facing the people that we represent.

In my profession as an Attorney, I sometimes come in contact with people who are in difficulties. This past week in one day I had two women who approached me, had conferences with me, to discuss the question of divorce. In each instance they had an alcoholic husband, or so they told me, and in each case they had tried to save their marriages. They had children, to whom they had great responsibility and in each case I think that they were scared, petrified of what they were going to do now, what the future held for them.

Now Mr. President, it is the proposed Legislation that the State of Maine establish a new program with many new State employees in an ongoing expenditure of State Government, I would as I did earlier this year when I was addressing the question before the Senate as to whether or not it was wise to start hiring \$500,000. a year worth of Juvenile Intake Workers, I would address that question of the wisdom of starting a new program. But this is not the Bill that faces us. The Bill that faces us is very similar to a piece of Legislation that we handled a few years ago in which we appropriated some money for Pine Tree Legal to tide it over for a period of time so that it could contin-

ue to provide services to the people that we represent. We no longer fund Pine Tree Legal. We frequently stop funding programs, after one or two year period in which individuals, small organizations, corporations as in the case of Spruce Run, are able to take up the full slack to find other sources of funding, other sources of support. So the very reasons that have been given by some of the opponents to this Legislation for voting against it are some of the same reasons that I support it.

I think that the problems of providing an alternative for some of the victims of alcohol abuse, both the drinkers and the people in their families are indeed serious ones. We are turning our backs on the problems and saying that controlling alcohol abuse is the solution, is not the solution. There are people in this State who are facing crisis. There are people in this State who are petrified and they need help. And there are other people in this State, Mr. President, such as those dedicated volunteers who work at Spruce Run, who are prepared to continue devoting their hours and their time to assisting their fellow people, but they would like and need a little help from the State.

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

Mr. MERRILL: Mr. President and Members of the Senate: This has certainly been a much discussed Bill, both in these chambers and outside. So often we hear so much about it to meet its end only to find some of the rumored opponents being strongly in favor of it. But watching the debate that is taking place in this body, and the debate that has taken place here today some things are obvious about this Bill. I believe the first of which is that this is not a partisan Bill by any means. That it is widely supported by members of both parties. Widely supported by the people that have spoken, and if we harken back to the evening of March 24th when we last assembled here, the Senator from Kennebec, Senator Pierce spoke as he pointed out widely supported by others who have not spoken. You will recall that Senator Pierce on that occasion pointed out that he was on the Human Services Council, the Kennebec Valley Community Action Program, and pointed out the great interest that he had taken in this program, and pointed out that without the help of himself and others like Senator Snowe, the Senator from Androscoggin, that this Bill would not have passed, and that because of it he was going to vote for it and he was sure it would pass then. So this Bill has received wide support by members of both political parties, and I hope that it will be passed into Law today notwithstanding the veto of the Governor.

You know I do not think that there is any more any word in the human language that connotes as much to most of us as the word home. I do not know what any of you think of when you think of home, I know what I think of. I think of the home that I am happy to be able to share with my family today. The warm relationships, the secure in the knowledge that when I go there whatever is going on in the rest of the world that I will be received with love, that there are people who care about me, and I think of the home that was provided by my parents, which was modest in any economic sense but which was a warm place. And a place in which what values I managed to develop were developed. And I think of the time that I spent at that home and I think of my best friend when I was going through school who spent all too many evenings at my home because in his own home he had a father who from time to time abused the family including himself. It became necessary for the mother, his mother, to find other places for the children and to stay and stay home and take the punishment herself. These are the kind of homes that many of our people, all too many of our people, face. We began this 108th Legislature with an order that was passed talking about the importance of the family. And it is, I will admit to anyone, includ-

ing the Senator from Kennebec, Senator Katz, very difficult, if not impossible, to totally replace with government function the important role a healthy family provides.

And so what we are talking about here today is in fact a substitute and not a perfect one. But it is an attempt to break the chain of violence. If we are talking about the causes of this sort of violence certainly all studies that have been done suggest that one of the primary causes is the repetitive chain that those who are abused themselves later abuse. If we are concerned with treating causes, I can think of no Bill which would more directly go to one of the primary causes of this sort of violence as we understand it today, than a bill that gives us some chance of breaking that chain.

I think that this Bill is a humane Bill. I think that it will satisfy a great purpose. I think that it will provide a respite from terror for a lot of people. Terror is very real, not something that is imagined and I understand full well why the Human Services Council has made this their top priority and those of us like myself and the Senator from Penobscot, Senator Curtis who have practiced Law, who have had other occasions through social worker or whatever, to deal with the problems that go on out there is the real world away from the rarified atmosphere of this Capital know that these are real problems, human problems that yes, often do lead to murder, as the Senator from Cumberland, Senator Conley pointed out. And when they do not they often lead to crippling emotional and sometimes crippling physical situations. We have a chance to do something about that. Something to treat the cause and something to provide temporary medication for the injured. I think it is important that we take that opportunity here today.

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

Mr. MANGAN: Mr. President and Members of the Senate: Just briefly not to belabor the point. I have had several of the same experiences that my brother, the good Senator from Penobscot, Senator Curtis had with the divorce situations. The only problem that I have is that every time that I get a battered wife that comes in for a divorce within two days or so she withdraws the complaint. And a very simple reason for that is that she has no place to go. Now the analogy here, and it is an interesting one, that comes to mind is the murders in New York City where people went from door to door and there was no place to go, there was no one to really care and no one to really intervene. And I see this Bill as providing a place for the battered woman and I think that it will protect society. The Governor brings up a couple of issues as to the State's liability in breaking up a marriage. I think that it would be a lot safer, I think that the State's liability would be somewhat less if it were not responsible for aiding and abetting in a murder by not providing a place for these people to go.

And I feel that this Bill is extremely important. I think that it is necessary and I feel that the veto of the Governor should be overridden. Thank you.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is:

Shall this Bill become a law notwithstanding the objections of the Governor?

According to the constitution, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of the Bill.

A vote of No will be in favor of sustaining the veto of the Governor.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Chapman, Conley, Cummings, Curtis, Danton, Farley, Huber, Levine, Mangan, Martin, Merrill, Minkowsky, O'Leary, Snowe, Speers, Trotzky, Usher.

NAY — Carpenter, Collins, S.; Greeley.

Hewes, Jackson, Katz, McNally, Pierce, Pray, Redmond, Wyman, Sewall.

ABSENT — Collins, D.; Hichens, Lovell, Morrell.

17 Senators having voted in the affirmative and 12 Senators in the negative, with 4 being absent, and 17 being less than two-thirds of the membership present, the veto of the Governor is sustained.

April 6, 1978

The Honorable May M. Ross
Secretary of the Senate
108th Legislature
Augusta, Maine 04333
Dear Madam Secretary:

House Paper 1975, Legislative Document 2061, An Act to Improve the Short-term Investment Capabilities and Debt Management of the State, having been returned by the Governor together with his objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the House proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

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

Respectfully,

Signed:

EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

Orders of the Day

The President laid before the Senate: An Act Relating to Appropriating Funds for Certain Municipal Governments. (H. P. 2096) (L. D. 2139)

Tabled — earlier in the day by Senator Merrill of Cumberland.

Pending — the motion to reconsider.

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

Mr. MERRILL: Mr. President, I believe that a Roll Call has been requested on the Motion to Reconsider.

The PRESIDENT: The Chair would answer in the affirmative.

Mr. MERRILL: I would like to speak briefly to this Bill. I did not hear any great debate against it, and am somewhat surprised if not totally taken unawares by the vote but I would urge all of you to start out by taking a look at this Bill, L. D. 2139, in your enactors book.

I think that this is a very important piece of Legislation. It has had some good support here in the Senate. I am sorry that the Senator from Cumberland, Senator Morrell is not here today, because I have worked very closely with him on the Appropriations Committee in trying to put this Bill through and I am sure that if he were here today he would echo many of the things that I am saying about this Bill. His vote is certainly missed on this occasion.

But this Bill, I think, tries in a temporary fashion at least, to correct some major inequities that have come about as a result of the repeal of the Uniform Property Tax. Some people look at these towns that are on this list and note that a lot of these towns voted to repeal the Uniform Property Tax and say well let them stew in their own juice. A lot of work went into forming school administrative districts in this State. A lot of work by a lot of good people, and I think that although they have been much discussed and debated they are providing a lot of important help in our efforts to improve the education that young people have. I know that when I grew up, the community in which I lived went through a long and bitter battle I think ultimately voting three times on the question of School Administrative Districts. It was not an easy thing to put these together and to get people to overlook the divisions between the towns and the past and

often the towns that had been basketball rivals and there had been problems, it was difficult to put these together. And what this Bill is really aimed at as much as anything is an attempt to provide some sort of bandaid to hold them together until the problem can be dealt with more thoroughly.

I think that it is a very important Bill. I think that equity demands that we do something about this problem at this time. We have communities which are going to be taxed at 15, 16, 17 mills to provide the basic costs of education if we do not provide some help with this Bill. We have communities that are going to continue to be pay in communities in spite of what happened in the election. I think that this bill is the component part of a piece of Legislation that we already passed earlier in the session to keep good faith with the voters of Maine, and I would hope that the Senate would reconsider its position: I would hope that you would look at these towns, these are not rich towns these towns as I go down through the list the Town of Sebago is not a rich town, the Town of Lovell Senator Jackson would know better than myself, maybe that is a rich town that could sustain these costs I am not sure, but there are other towns here the Town of Berwick, the Town of Chester, the Town of Brownfield, the Town of New Portland, the Town of Bowdoin, Franklin, Steuben, Sullivan, New Castle, Beals, Town of Merrill, Oakfield, Smyrna Mills, Mount Vernon and Readfield and Stonington, these are not rich towns. There is no justification for people in these towns paying 18, 16, mills for everything that the other people are receiving 10. There is no doubt that they are going to feel sufficiently injured by this so that the pressure to blow these School Administrative Districts apart is going to be tremendous and the responsibility is going to lie right here in this Chamber. Make no doubt about that.

So I hope that the Senate would reconsider its position, and you would look at these towns, and know the problem that these towns face as a result of this. And try to do something to provide something to bind this over until the next Legislative Finance Commission can deal with this in a more thorough fashion.

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

Mr. JACKSON: Mr. President and Members of the Senate: I do know the economic position of the Town of Lovell and I do know the economic condition of five other communities which are listed in that Amendment that was put on to this piece of Legislation. But it under my impression that these communities must raise this money this year anyway, and, therefore, they will be reimbursed if this piece of Legislation is passed. And the funds are there so that next year they would be reimbursed, for this amount. I understand that it was, they were to be given 60 percent as I remember. I may be mistaken on that but I would like to be corrected if I am wrong but I understand that they have to raise the funds this year, and the possibility that they might be reimbursed possibly after next year.

The PRESIDENT: The Senator from Cumberland, Senator Jackson, has posed a question through the Chair.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate: The Senator from Cumberland, Senator Jackson is absolutely right. That this bill only funds 60 percent because we wanted to fund only the surplus in the Education Account. Those funds would have to be raised this year.

But I think as I look down through the lists of these towns and see the problems that they face, that they would be much happier with this 60 percent than with nothing. That certainly was pointed out to me by the good Senator from Kennebec, Senator Katz when we dealt with this issue earlier on, and I think that they would

be happier with the promise of this money when and if a surplus shows up and it almost certainly will, than with nothing.

I cannot speak for all the members of these towns. I did have the good fortune of being able to talk to the selectmen from many of these good towns, some of which happen to fall in the Senator from Cumberland, Senator Jackson's Senatorial District, both before this was passed and since and they indicated to me that they thought that this was a good piece of Legislation and they would like to see it and they understood full well the contingency funding basis. I think that these towns need help and I might say again that what this Bill is, is a statement to these towns. A statement saying that we recognize your problem. Here we are going to do as much as we can within the constraints that we have right now. Hold on, do not break up the School Administrative Districts we are going to deal with it. I think that is an important statement, I think good faith demands that we make it.

The PRESIDENT: A Roll Call has been requested. In order for the Chair to order a Roll Call it must be the expressed desire of one-fifth of those Senators present and voting.

Will all those Senators in favor of a Roll Call please rise in their places to be counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The PRESIDENT: The pending question before the Senate is the Motion by the Senator from Cumberland, Senator Merrill, that the Senate reconsider its action whereby it voted to sustain the veto of the Governor.

A yes vote will be in favor of reconsideration.

A nay vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Carpenter, Collins, S.; Conley, Cummings, Danton, Farley, Greeley, Levine, Mangan, Martin, Merrill, Minkowsky, O'Leary, Pray, Speers, Usher.

NAY — Chapman, Curtis, Hewes, Huber, Jackson, Katz, McNally, Pierce, Redmond, Snowe, Trotsky, Wyman.

ABSENT — Collins, D.; Hichens, Lovell, Morrell.

16 Senators having voted in the affirmative and 12 Senators in the negative, with 4 Senators being absent, the Motion to Reconsider does prevail.

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

According to the Constitution, the vote will be taken by the yeas and nays.

A vote of yes will be in favor of the Bill.

A vote of no will be in favor of sustaining the veto of the Governor.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Carpenter, Collins, S.; Conley, Danton, Farley, Levine, Mangan, Martin, McNally, Merrill, Minkowsky, O'Leary, Pray, Redmond, Snowe, Speers, Usher

NAY — Chapman, Cummings, Curtis, Greeley, Hewes, Huber, Jackson, Katz, Pierce, Trotsky, Wyman, Sewall

ABSENT — Collins, D.; Hichens, Lovell, Morrell

17 Senators having voted in the affirmative and 12 Senators in the negative, with 4 Senators being absent, and 17 being less than two-thirds of the membership present, the veto of the Governor is sustained.

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

Mr. COLLINS: Mr. President, with respect to L. D. 2059, having voted on the prevailing side I now move reconsideration.

The PRESIDENT: The Senator from Knox, Senator Collins, having voted on the prevailing

side now moves that the Senate reconsider its action whereby it sustained the veto of the Governor in respect to L. D. 2059.

Will all those in favor of reconsideration please say yes.

Will all those opposed please say no.

The Chair is in doubt and will order a Division.

Will all those Senators in favor of reconsideration please rise in their places to be counted.

Will all those opposed please rise in their places to be counted.

16 Senators having voted in the affirmative and 11 Senators in the negative, the Motion to reconsider does prevail.

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

A vote of yes will be in favor of the Bill.

A vote of no will be in favor of sustaining the veto of the Governor.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President and Members of the Senate: It is difficult for me to understand why we should not pass this Bill. We had it before Taxation and the labor that goes into a man's home ordinarily is not taxed and the labor that goes into a mobile home is taxed and people who have the mobile homes are probably less able to pay the taxes and all that goes with it and I certainly hope that we will override the Governor's veto on this Bill. What we are doing is taxing labor and this eliminates the labor but not all the taxes.

The PRESIDENT: Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Chapman, Collins, S.; Conley, Cummings, Curtis, Danton, Farley, Greeley, Jackson, Katz, Levine, Mangan, Merrill, Minkowsky, O'Leary, Pierce, Redmond, Snowe, Trozky, Usher, Wyman, Sewall

NAY — Carpenter, Hewes, Huber, Martin, McNally, Pray, Speers

ABSENT — Collins, D.; Hichens, Lovell, Morrell

22 Senator having voted in the affirmative and 7 Senators in the negative, with 4 Senators being absent, and 22 being more than two-thirds of the membership present, it is the vote of the Senate that this Bill become a law notwithstanding the objections of the Governor and the Secretary will present the Bill to the Secretary of State.

At Ease

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

Mr. CONLEY: Mr. President, with reference to L. D. 2074, having voted on the prevailing side, I move that the Senate reconsider its action whereby the veto of the Governor was sustained and I would like to speak to my motion.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that the Senate reconsider its action whereby the veto of the Governor was sustained in reference to L. D. 2074.

The Senator has the floor.

Mr. CONLEY: Mr. President and Members of the Senate: I guess it seems to be the new thing of the Senate is that when a veto is sustained that we get the opportunity of a second bite at the apple at least in trying to move reconsideration.

Mr. President and Members of the Senate, as I stated earlier, I feel that the Bill as enacted by this Body on March 24 was indeed a very important piece of legislation and I do not believe that the amount of moeny in this bill is truly going to meet the need of the state but I do feel that it is going to give at least some shelter for

some families who undergo the severe problem that occurs too often in many of our homes throughout this State. For that purpose I would ask that the Senate reconsider its action where it sustained the veto of the Governor.

The PRESIDENT: The Chair will order a Division. Will all those Senators in favor of reconsideration please rise in their places to be counted.

Will all those opposed please rise in their places to be counted.

15 Senators having voted in the affirmative and 8 Senators in the negative, the motion to reconsider does prevail.

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

Mr. CONLEY: Mr. President and Members of the Senate: The vote that was taken on this veto a short time ago, was a very narrow one to sustain the objections of the Governor. And I do not think that things have changed much in this Chamber since the evening of March 24th and today. And I would like to quote accurately from the record, I would like to quote the words of the good Senator from Kennebec, Senator Pierce. "Mr. President and Members of the Senate, this has been a most interesting piece of Legislation and one which has undergone a great deal of discussion obviously today and many days past, and as a member of the Human Services Council and also as President of the Kennebec Valley Community Action program, I have taken, I think a special interest in this piece of Legislation. I think that it is a good piece of Legislation and one which is very positive, a very positive step in the right direction. Certainly an awful lot of people had a great deal to do with the passing of this Bill, and by taking nothing away from the sponsor and the people I have talked to about this, I would especially like to say certainly that in our discussion tonight that the Senator from Androscoggin, Senator Snowe, I think made the final decision on this Bill whether or not this piece of Legislation would pass with her support. It is going to pass, I believe, and I would ask for the yeas and nays on this Bill."

Mr President, I earlier stated that one of the top priorities of the Human Service Council that came before them was the problem of family violence, and I am sure that whatever I say here in addition to what has been said already may not convert the votes needed to override the veto of the Governor. But I can say this that we will all be returning to our homes very shortly, it would make me especially proud and I know that the vast majority of this Senate feel proud that they have looked at a very, very serious problem and have tried to do something about it.

When the good Senator from Kennebec, Senator Katz spoke earlier about the problems of alcohol he has been one of the greatest supporters within the Maine Senate to sponsor legislation and work for legislation to try to achieve some type of rehabilitation for these individuals afflicted. But how about the individuals who never get to the training program? How about the guy who comes home at night half sauced up and gets into a situation with a pregnant wife and starts battering her, and beating her, and then we have the problem many times where retardation is the result of what has happened in one of these family problems. I think that there are so many areas that we could address and I know and I am honest when I say that this Legislation is not going to solve the entire problem but it is going to give some relief some help, some assistance, to those who are in such dire need. Now that the Senate has at least voted to reconsider, I would once again, make a final plea, to vote to override the veto of the Governor.

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

Mrs. CUMMINGS: Mr. President and Members of the Senate: I think that a very good point has been brought out that the majority of

these cases of violence are very definitely connected with alcohol. It was brought out to me just a minute ago that we are putting the cart before the horse and had we passed the Bill that would put a tax on each bottle of liquor to fund the cure for alcoholics then this Bill should go through. I would like to submit to that Senator the possibility that if this Bill passes now and when the survey comes forth, that it is proven as I think that it would be that these cases are tied in very closely with over indulgence then I think that it would be no problem at all to put an extra tax on liquor so that the places could be funded, and then the alcohol prevention or rather the cure of the alcoholic could be funded in a better way. But take this step first and then when that becomes absolutely abundantly clear then we can take steps to be sure that the alcoholics are given a treatment that they need in order to effect their cure.

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

Mr. FARLEY: Mr. President and Members of the Senate: I would like to briefly recount to the members of this Senate, an incident that happened in my Senatorial District over the past weekend, where a stepfather shot and killed, as the result of a family quarrel, a young girl of 14 years old. Shot point and blank to two young twin boys age 12. Luckily in their cases, the gun misfired. We are facing now probably something a trial which would cost something near \$40,000 to \$50,000 and if the gentleman accused is found guilty, numerous years in the State Penitentiary or State Prison costing again thousands and thousands of dollars. I do not believe that it would be too difficult to believe that this one case alone if it would have been prevented would have saved us the entire cost of this piece of Legislation. And I would urge you today to reconsider and support this piece of Legislation. Thank you.

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

Mr. MERRILL: Mr. President and Members of the Senate: Sometimes it is very difficult for me to understand the reasons behind the machinations of this body. To think I have become over my tenure here astute enough to take up most of the plays. Sometimes the reasons elude me. This is such an occasion. This thing has been a political football for some time and we all know it. Caused great difficulties in the final hours of the session, causing great difficulties again here today and I have not heard really one valid reason put forth why this Bill should be killed, I heard the Senator from Kennebec, Senator Katz, stated that it is a bandaid that it did not treat the cause. I think that the evidence is to the contrary. I think one of the major causes of physical abuse is that people were abused themselves beyond that. I think the argument taken to its logical conclusion is abused. Do we not treat cancer victims so that we can have more money to spend in research for solving cancer. I do not think the answer to that question is in the affirmative and I think that the analogy here is a fair one that is the only argument that I have heard put forth. The Senator from Cumberland Senator Hewes, you will recall on that final night moved to kill the Bill, after a lengthy recess, that same Senator, Senator from Cumberland Senator Hewes, pointed out to the Senate that it was and I quote, "never too late to learn," and withdrew his motion. And that was followed by the speech by the good Senator from Kennebec, Senator Pierce which has been read here.

I have a hard time understanding exactly why this Bill has so touched the ire of some of the people here that it has become the object of literally, probably a 100 man hours of work on the part of some members of this Senate to kill it. I have a hard time understanding the reasons for the machinations that we have seen here today which find most of the members of the majority party, who are either unopposed

or not running for reelection voting to kill this Bill. I wish that all members of the body could be here today so that we could have at least a complete vote on this issue. I know that there are a lot of demands on our times, as the Senator from Kennebec, Senator Speers and I know full well, what the demands on time mean, and yet we found some people who were instrumental in helping us pass this bill previously are not here today.

I would just wish that for the sake of the people of the State some better explanation being given for the game of switch, flip, flop, turn around, and down right attempts I think to mislead the public as to people's positions taken place here. This one sets a record even for the Maine Senate. In terms of the turn arounds that we have seen on it and I think if there is new evidence that has been brought to light the rest of us deserve to know. Members of the public I think deserve to know. What is it that so upsets these members, particularly those who are not running again, with this particular piece of legislation. I honestly would like to know.

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

Mr. HEWES: Mr. President and Members of the Senate: I would like to respond to the question from the good Senator from Cumberland, Senator Merrill. As I said last week and he must have the record in front of him where he is reading. I do not think that the state should be intervening in a family quarrel every time that the family quarrels. I think that the family unit will be stronger if the state keeps its nose out of the families business. I think further the State can become a crutch to which one member of the family can run every time that there is a problem. And I do not think that that is healthy for the family. I think that the American family is one of the back bones of our American way of life. And I feel that a Bill such as this does not increase the strength of the family unit, I think that it goes the other way, it breaks down that strength. Actually the State cannot solve all the ills or problems in the world and this is an effort to solve one but I do not think that it is a good effort. My first reaction thinking back to when I was out in the rotunda several months ago and the good Representative from Portland, Representative Nelson, was explaining the Bill my first reaction then was not in favor of the idea of the State intervening and I mulled it over in the next few weeks and my reaction early last week was to vote, against the bill, and then during the recess, when my good colleague from Saco, from York County Senator Danton pointed out that perhaps I am not living in a real world that I am not seeing that things have changed since I was in my courtship days and youth a few years ago. I talked to one member of the other body who said that she had been personally battered. I changed my mind that evening but I have had ten days or more to think it over and I think that my first reaction was right. I think it is not a good Bill and I am going to sustain the Governor's veto.

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

Mr. CURTIS: Mr. President, I do not plan to flip flop or change my vote, I certainly am a very strong supporter of this piece of Legislation. I get very disturbed Mr. President when a colleague here, the Senator from Cumberland, Senator Merrill, brings partisan politics into this issue. I think that it is much too important a matter to start debating the question of majority and minority parties and I think that if a person changes his vote that it is done with a great deal of soul searching and I am sure that Senator Merrill when he changed his vote on the Mobile Home Tax Bill just a few minutes ago did not so do on any kind of quirk. He did it for a reason, and he must be prepared to respond to the people that he represents as to what that reason might have been. But when it

is suggested that the members of the majority party of which I happen to be a member of are voting one way perhaps because they are retiring or are not going to run again, I would like to point out that two of the most outspoken members of the majority party in favor of this Legislation, Senator Cummings, the Senator from Penobscot and myself are not running for reelection and I think that it is too bad when issues deteriorate to a debate on partisan matters, when we really should be addressing the substance of the Bill.

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

Mr. TROTZKY: Mr. President and Members of the Senate: I think that if all of us look around the Senate most of us come from middle income, like your middle income group. If there is a problem in a family, the wife, the husband can separate and both have some money to find a shelter whether it is a motel or to go with their family.

The issue here, I believe, is women from probably low income groups, having low incomes and from a page here from Spruce Run in Bangor which is one of those shelters says that too often this woman finds she has no place to go, no money to get there, and no way to take care of herself, if she desires to leave her man, and her dreams of escape quickly turns into nightmares of reality.

Where do you want these women to go? Into the streets? That is the issue that I see here. Secondly, the other issues that the husband also has to face reality. If the woman has the option to leave not matter what income group she comes from that if that woman leaves that husband is without a family and he is without his kids and maybe it will force him to go into some kind of counseling if it is an alcoholic problem.

Secondly, from my own city's point of view, the City of Bangor, which I am extremely proud of their action, they have a Welfare Department has a shelter and they pay out of the 1978 budget is \$10,000. Now I ask you if the citizens of Bangor do they have to pick up the costs for all the rural areas? This is a regional problem and a State of Maine problem as well as many other States. Eleven other states in our country have decided to fund these shelters, this is not a pioneering effort on the behalf of the State of Maine so I would urge the Senate, especially members of my party, to have a heart and vote for this Bill.

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

Mr. MERRILL: Mr. President and Members of the Senate: It is not the first time that I have been amused in a melancholly way as I watched this Bill go through but I really have to say that the Senator from Penobscot, Senator Curtis as skillful as he is does me all too much credit when he suggests that I am the one who has brought partisan politics to this Bill. I am afraid that no ones memory is so short, no ones understanding is so flawed that they cannot well understand and well remember the fact that this Bill was turned into a political football on the last night of the session. And it is being repeated here today. I would feel truly guilty and upset if I had introduced partisan politics into this issue, but I am afraid that the record in this case is clear for the eloquence for the Senator from Penobscot, Senator Curtis to blur.

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

Mr. WYMAN: Mr. President and Members of the Senate: As you know I am opposed to this Bill. I have a letter here and I am not going to read the whole of it, because it is too long, but it says, "I have personally been involved in an abusive situation. I was luckier than most in that I was not financially dependent nor did I have children on my hands. I was emotionally dependent on the person to the point that I stayed in the situation for 2 years after the

abuse began. I could tell you of the black eyes, the fat lips, cuts, bruises, mounds, ripped out hair, and all the instances involved." And there is a lot more to this letter, but this woman was an abused woman, and yet she stayed there and took the abuse, and I do not think that this Bill is going to solve anything, and I certainly hope that the Senate will vote to sustain the veto.

The PRESIDENT: Is the Senate ready for the Question? The pending question before the Senate is: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

According to the Constitution, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of the Bill.
A vote of No will be in favor of sustaining the veto of the Governor.

The Doorkeepers will secure the Chamber.
The Secretary will call the Roll.

ROLL CALL

YEA — Carpenter, Chapman, Conley, Cummings, Curtis, Danton, Farley, Huber, Levine, Mangan, Martin, Merrill, Minkowsky, O'Leary, Pray, Snowe, Speers, Trotzky, Usher
NAY — Collins, S.; Greeley, Hewes, Jackson, Katz, McNally, Pierce, Redmond, Wyman, Sewall

ABSENT — Collins, D.; Hichens, Lovell, Morrell

19 Senators having voted in the affirmative and 10 Senators in the negative, with 4 Senators being absent, and 19 being less than two-thirds of the membership present, the veto of the Governor is sustained.

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

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

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

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

Senator Minkowsky of Androscoggin was granted unanimous consent to address the Senate on the Record.

Mr. MINKOWSKY: Thank you very much Mr. President. I will be as brief as possible about this entire matter.

I would like to indicate to the Senate before we adjourn this evening that my City, the City of Lewiston, has been awarded the third largest grant from the UDA Department which is the Urban Development Action Committee of the Federal Government and everybody is very, very pleased and I certainly would like to be sure that the Senate would be aware of an order that I introduced with is very important in May of 1977 where the order pertains to an organization called Lewiston Tomorrow.

This organization has done a great deal to enhance the economic development of the City of Lewiston and in cooperation with UDA and the Lewiston Tomorrow, the Controller of the City of Lewiston, the committee set up to address the urban development grant, our economic growth council, have all worked diligently together to get this particular grant through. It is imperative at this particular time to indicate very clearly it took the help of our congressional delegation, Senator Muskie, Senator Hathaway, and Congressman Cohen too, and I must add Governor Longley, to address this particular need. We were commended because our report was excellent and met the full Federal Guidelines and I would say that this was a historical occasion for our community as well as the State of Maine.

Now 3.2 million dollars is nothing to be

sneezed at, it really means a great deal to the revitalization of my community and I think basically to the candidates who are running for Governor. You may look at Lewiston as it stands now but I think that when you come back during your administration whoever might make it you will see a big change and I think basically also we must be very aware that the Federal Delegation in Washington significantly added to our opportunity of getting this particular grant.

It was also interesting to note Mr. President, if I may since time is not of any importance as is very obvious, that there were 83 communities in the United States that made application for this grant. And there were 148 projects. And I guess that it is very obvious why I feel the way that I do this evening Mr. President and Members of the Senate, because it is something that we have been hoping for for a long time. And something finally that did come to fruition and I want to share my ecstasy with members of this body before we adjourn.

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

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

On motion of Mr. Huber of Cumberland;
ORDERED, that a Committee of three be appointed to wait upon the Governor to inform him that the Senate is ready to receive any communication that he may be pleased to make.

Which was Read and Passed.

The President appointed:
Senators:

GREELEY of Waldo
McNALLY of Hancock
MERRILL of Cumberland

Subsequently, Senator Greeley of Waldo reported that the Committee had discharged the duties with which it was charged and His Excellency would attend the Session forthwith.

At this time His Excellency, Governor James B. Longley, entered the Senate Chamber and addressed the Senate as follows:

GOVERNOR JAMES B. LONGLEY: Thank you Mr. President and Honorable Members of the Maine Senate.

First of all I want to thank each of you for the unselfish hours and 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 selfishness 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 special interest second. And, therefore, let me once again commend each and every one 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 in the bottom line was best serving the people of Maine at that particular moment, of that particular day, rather than oneself, or ones party, first.

I am reminded of a great line from Charles Dickens when he said "It was the Best of Times, the Worst of Times," and in the latter context I am told by many Governors and other public officials around the country, the four years have been the worst of times from the standpoint of a major recession, coupled with a still unmanaged inflation, and a questioning and scrutiny and skepticism directed to those

of us in public office. By the same token, a bit of philosophy from Voltaire to the effect that in our strengths are our weaknesses and our weaknesses are our strengths. I feel at peace 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 skeptics and those who challenge and the loss of confidence in government and public officials. I believe that Maine has set a high standard. Therefore, to the extent that we have turned Dickens around and we will leave office together this year, hopefully we have made the best of times, based on the time as well as the circumstances of the moment.

And on that note I could only wish the very best in the future for each and every member here 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 the most selfless that there is in each one of us. And on that final note, I would wish each and every one of you good health, godspeed, and all the health and success and happiness you desire which hopefully would be as much or more than anyone of us might deserve. My very, very best to each and every one of you. Thank you.

Applause

The PRESIDENT: Before we adjourn sine die, I would like to take this opportunity to thank on behalf not only of myself but of every Senator in the Chamber the tremendously efficient and helpful and willing work of our Senate Staff. I think frankly in this Staff that we have here is probably as good and unique and as hard working and as dedicated as any in the Country and I wish that you all would rise and joint me in a vote of thanks to these people.

Applause

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

Mr. GREELEY: Mr. President and Members of the Senate: I want to thank the Senate for my present that they gave me and I appreciate it very much and I will keep it where I can look at it often. Evidently this is the end of me, as far as coming up here, but I will make the same statement that I made back along and that is when you come up here into this State House and around these State House Buildings there are amongst the best people that walk on this earth. And I think that you new members that have come in here in the 108th will agree to that statement.

We have a member of this Senate who is former Secretary of this Senate, and I think that he agrees and I am sure that I agree that the present Secretary of the Senate and the Staff have done the most outstanding job that I have ever seen done in this Senate, and I have been a member of this Senate in the 40's, the 50's, the 60's and the 70's.

It really is not a grand and glorious feeling you know to know that you are not coming back among such wonderful people. I have enjoyed it very much. I think that I have made quite a few friends and I would like to say a little praise for our staff assistant Ted Potter who did an outstanding job, and my advice would be to the people who have anything to do with hiring these Legislative Assistants to hang on to him a while. I have had a letter written up to him and signed by all the members of the Committee. I would like to mention something about my Senate Chairman on Health and Institutions, who I think has done the most outstanding job that I have ever seen done on the Committee on Health and Institutions. She really has amazed me and it certainly has been a pleasure to work with somebody like the Senator from Andros-

coggin, Senator Snow.

I am going to give some credit to the presiding officer Senator Sewall for keeping peace in the family around here because I have seen some times when things were a little sticky and I think that we have got to give Senator Sewall credit for keeping the thing in line, and doing the way that we have. It makes me think of, I'll tell you a little story, it makes me think of the two fellows rooming together and each one had a large bed, double bed, well they went out one night, on the town and they got you know feeling pretty good, but one of them came back and got into bed and went to sleep. Well, the second roommate whose name was Frank, he had been out on the town to and he was feeling pretty good but he knew enough not to turn the light on and wake the other fellow up, but floundering around in the dark he happened to get into bed with the first guy. Well the first guy says hey Frank he says, I think that there is somebody in my bed. Well Frank says you know, I think that there is somebody in my bed. Well the first guy says lets get him out of here. So he got out on the furthest side of his bed and Frank got out on the other side of the bed and it was dark and they met down at the foot of the bed, and they bumped into each other, and they started in swinging, well it wasn't long before Frank got hit in the jaw, and down he went. Well things quieted right down so the first guy says where are you Frank and Frank says I am down here on the floor. Well the first guy says well he says I guess that they have gone. But he says well you know, they may be back. So why don't you get in bed with me.

So some of you people I do not see for quite some time I wish you all a Merry Christmas and the best of luck in your elections and hope to see you again soon. So right now, I move that this Senate adjourn sine die.

Thereupon, at 6:26 p.m. on Thursday, April 6, 1978, the Honorable Joseph Sewall, President of the Senate, declared the Senate of the 108th Legislature Adjourned Without Day.