

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 2 to April 3, 1980

THIRD SPECIAL SESSION

May 22, 1980

THIRD CONFIRMATION SESSION

July 17, 1980

FOURTH CONFIRMATION SESSION

July 24, 1980

FIFTH CONFIRMATION SESSION

September 12, 1980

**REPORT, HEARING TRANSCRIPT AND
RELATED MEMORANDA OF THE JOINT
SELECT COMMITTEE ON INDIAN LAND
CLAIMS**

HOUSE

Thursday, April 3, 1980
The House met according to adjournment and was called to order by the Speaker.
Prayer by Representative Richard McKean of Limestone.

Rep. McKEAN: Let us pray! Our heavenly father, we thank thee for this glorious day and for the opportunity for us to gather and continue our democratic form of government. May our decisions be forthright, honorable and truly reflect the needs and desires of the people of this great state, and may they reflect righteousness and goodness, which is our heritage from you. We ask in Christ's name. Amen.

The journal of yesterday was read and approved.

Petitions, Bills and Resolves Requiring Reference

RESOLVE, Authorizing an Appropriation of \$285,315 to Provide for Administrative and Other Necessary Operating Expenses Related to Certain Transitional Indian Services for the Period from July 1, 1980 to January 31, 1981" (Emergency) (H. P. 2052) (L. D. 2038) (Presented by Mr. Pearson of Old Town) (Governor's Bill)

Committee on Appropriations and Financial Affairs was suggested.

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

By unanimous consent, ordered sent forthwith to the Senate.

Orders

On motion of Mrs. Post of Owl's Head, the following Joint Order (H. P. 2055) (Cosponsor: Senator Collins of Knox)

WHEREAS, this Legislature has before it Senate Paper No. 827, Legislative Document No. 2037, "AN ACT to Provide for Implementation of the Settlement Claims by Indians in the State of Maine and to Create the Passamaquoddy Indian Territory and Penobscot Indian Territory," and is presently considering its passage; and

WHEREAS, this bill is the foundation for the future relationship of the State and its citizens and Maine's Indians; and

WHEREAS, this bill is of unusual significance and importance because of the basic principles it establishes and its future ratification by the United States Congress; and

WHEREAS, the significance of this bill warrants preservation of certain documents in an accessible manner to aid in explaining the Legislature's understanding and intent in considering this legislation; now, therefore, be it

ORDERED, the House concurring, that the following documents relating to Senate Paper No. 827, Legislative Document No. 2037, "AN ACT to Provide for Implementation of the Settlement of Claims by Indians in the State of Maine and to Create the Passamaquoddy Indian Territory and Penobscot Indian Territory" be placed in the Legislative Files:

1. The report of the Joint Select Committee on Indian Land Claims; and

2. The transcript of the hearing of the Joint Select Committee on Indian Land Claims, including the statement of the Honorable James B. Longley and the memorandum to the committee from Maine Attorney General Richard S. Cohen, dated March 28, 1980; and be it further

ORDERED, that each of the documents specified in this Order be prepared and printed in the Legislative Record under the direction of the Director of Legislative Research.

The Order was read and passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Mr. Cox of Brewer, it was ORDERED, that Representative Robert MacEachern of Lincoln be excused April 2 and 3 for Personal Reasons.

AND BE IT FURTHER ORDERED that Representative Eugene Churchill of Orland be excused April 2 and 3 for Personal Reasons.

Passed to be Enacted

An Act to Provide for Implementation of the Settlement of Claims by Indians in the State of Maine and to Create the Passamaquoddy Indian Territory and Penobscot Indian Territory (S. P. 827) (L. D. 2037) (C. "A" S-536)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. Mr. Kelleher of Bangor requested a roll call vote.

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

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

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

Mrs. POST: Mr. Speaker and Members of the House: As we vote on this bill, I would like to call your attention to the Report of the Joint Select Committee on Indian Land Claims and the accompanying memo from the Attorney General dated April 2, 1980. This report of the committee was made in clarifying our intentions in passage of this bill, and as we vote on this particular piece of legislation, we accept the understanding that is reflected in the report and the memo.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: In my opinion, I think this House is making a mistake this morning, and I would urge you to vote against the passage of this document.

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

Mr. SILSBY: Mr. Speaker, Ladies and Gentlemen of the House: One item that I don't believe was covered yesterday, although it was brought up at the public hearing, was, what happens to existing leases for camp owners in these territories? I understood at the public hearing that some paper companies indicated that they would be offering to the camp lots for sale to the camp owners. I feel that before we pass this legislation, this matter should be clarified so that we would know that the bill saying that the lands would be transferred to the Indian tribes, there is nothing in the legislation saying what happens to existing leases, what happens to existing lots within the territories. I think this should be a matter of record and clarified at this time.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: The committee has received copies of letters that have been sent by the major land holders in that area, who have the leased land, to the lease holders, letting them know that they can, if they wish, purchase the lots which they are presently leasing.

As far as the actual transfer of land, what we are talking about is the transfer of land from one land holder to another, and the actual situation of those lease holders will be the same, just as though it was transferred between Georgia Pacific and ITT; the situation does not change.

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

Mr. SILSBY: Mr. Speaker and Members of the House: One more point I would like to make is, the paper companies are receiving

monetary consideration from the federal government for these territories. Are they being paid twice when they sell the land back to the camp owners?

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

The Chair recognizes the gentlewoman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker and Members of the House: The money that the land holders will receive from the purchase of the land will be the money that is received when it is sold. And if, in fact, the land holders sell a particular township minus the camp lots, which is already sold to the camp owners, obviously they are not going to receive any money for that. The land owners are only going to receive money from the government for the actual land which they sell to the Indian tribes and nations.

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

Mr. SIMON: Mr. Speaker and Members of the House: I am sorry if I have missed any material, part of the debate on this bill this morning. The debate was scheduled in the middle of two Judiciary Committee judicial nomination confirmation hearings, so I was obliged to miss part of it.

I should preface the question that I am going to ask by saying that I believe that on the whole the bill before us is a good bill, it is a good settlement, it is a fair settlement, and if the Congress of the United States fulfills its part of the settlement, it will be in the best interests of the people of Maine, all the people of Maine.

I asked a question yesterday to the effect that if Congress does not adopt the legislation that it would be required to adopt to complete the settlement, and the case comes back to us, would this legislature's passage of this legislation in any way prejudice the state's position in subsequent litigation or negotiation?

The gentleman from Ellsworth, Mr. Silsby, has brought up the possibility that in any future negotiation \$81 million would be the bottom line; \$81 million would be the floor for a settlement, only it would not be \$81 million out of the deep pocket in Washington, where money can be printed, but \$81 million out of a state budget, in which I understand there is \$113 left for this year.

On the other hand, if negotiation is not the course that the case should take, on the assumption that Congress fails to enact any part of Section 31 of the bill before us, then would the legislature's adoption of this proposal create any prejudice, any presumption, any admission of guilt on the part of the state? Is there some provision in the L. D. before us, is there some rule of the federal courts, is there some statute or case law, of which I am ignorant, that would preclude such an inference? If there is no strict legal doctrine that would preclude such an inference, is it the opinion of members of the Bar who have worked on this case, whether in this House or for the state in some other capacity, that a jury, drawn from the State of Maine, might be influenced by the fact that the Legislature adopted this settlement?

I would like to have these questions answered in a convincing way that will satisfy me that I can vote for this bill, which I favor in concept, but I believe that merely to state that one official, however knowledgeable and prestigious, believes the answer to be no is not an adequate answer. I hope that we in this House or, for that matter, the people in the other body will create a Legislative Record that will negate any assumption of guilt on the part of the people of Maine in the year 1980 for what was done by a tiny minority of people, whether they are British Crown or the Commonwealth of Massachusetts in the 1790's, I believe this not only because I think it is in the state's legal interest to do so, but I believe we need to do it in order

to reject any slight assumption of racial guilt or historical guilt on the part of the current citizens of the United States or the current citizens of Maine for what was done 200 years ago.

Some of my ancestors were here at the time these alleged wrongdoings occurred, some of them were not. Some of them came here, whether they came from France in the 1600's or England in the 1700's or Germany in the 1800's, seeking a land where they would be treated not as Frenchmen or Yankees or Germans or Jews or Catholics but as human beings, to be judged on their own merits and not on account of the racial or ethnic group to which they belonged.

I hope that someone can answer this question, and the reason I hope that they can is because I want to vote for this settlement.

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

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

MR. TIERNEY: Mr. Speaker and Members of the House: In what I hope will be a brief answer to the gentleman from Lewiston, Mr. Simon's question, the answers as to racial, historical guilt are perhaps left to theologians and historians. The question as to whether or not anything this body or the other body does in course of discussion of this compromise offer in the realm of litigation would have no probative value and would have no prejudicial effect to either future negotiations or future litigation.

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

MRS. KANY: Mr. Speaker, I would like to pose a question through the Chair to Representative Simon. I would like to know, within the statute which we are enacting, if we do so today, where the implied guilt would be? I see no implied guilt whatsoever.

It appears to me, looking at the proposed statute, that basically we would just be dealing with the jurisdiction of the territories and that contingent upon federal law, which we expect to be passed, and I would like to ask Representative Simon where or on what basis you see any possible implied guilt by our doing such contingent upon congressional action?

THE SPEAKER: The gentleman from Waterville, Mrs. Kany, has posed a question through the Chair to the gentleman from Lewiston, Mr. Simon, who may answer if he so desires, and the Chair recognizes that gentleman.

MR. SIMON: Mr. Speaker, I see none. I stated before that I believe that the L. D. before us is a fair and equitable settlement of this dispute. I believe the resolution of the jurisdictional questions is excellent within the L.D. before us.

I would further state, for the Record, the answer of the gentleman from Lisbon Falls, Mr. Tierney, is satisfactory to me, and I can now comfortably vote for this settlement with the knowledge that should Congress fail to adopt any of the required legislation in Section 31, the state will not be prejudiced in any future negotiations or litigation.

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

MRS. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I still wish that we could take a little more time on this bill. This is such an important piece of legislation that questions keep coming up but we don't really know the answers. We haven't had a trial run of anything like this to know exactly what it would be like.

I think of bills that we have passed here, and I will give an example of the single-member district bill that we passed a few years ago. A legislative committee very carefully studied that bill, it was debated in the House, it was passed by this legislature; the people ratified it because it was a Constitutional Amendment and we thought it was very clear, but the ma-

jority of the members of this House didn't interpret it the way many of us did interpret it. So, there is one example. I will give you another example that is a little bit different from that one. We passed a bill that would say that just cause 'could' be negotiated. Instead, the Labor Relations Board said it was mandatory, it had to be negotiated. In my view, they were wrong, and in my view, in the other example we were wrong. Nevertheless, that is the way the law was interpreted.

When you take something as complex as this bill, you are talking about many areas that can be misinterpreted, and I wish that we could go through every sentence of it with a fine tooth-comb and be absolutely certain that we know exactly what we are voting for and exactly what the ramifications are to be fair to everybody. I am not sure that there is anybody who is really getting the edge as far as this bill goes, but I think that it is too hasty. We really ought to take more time, and I hope that we won't pass it today.

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

MR. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I won't speak to the merits of the bill, like some of the previous speakers this morning, I will speak to the haste we are making on a very important issue.

As you know, yesterday I tried to put a referendum clause on this bill to allow the people to speak. This body, in its wisdom, denied that.

I am still not sure that we are proceeding in the proper manner, proceeding in the right way. So I would say this morning that if any of you here are dissatisfied and would like to gather together to take a feeling of the people out across this board, great state and initiate a petition to go to referendum, I would invite you to join me after the session down in the well of the House and we will talk about it, and if this should get into the media, any citizens out there who feel that they ought to have more of a say on this, have them get in touch with me and we will get together with the people and find out just exactly how they feel.

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

MR. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I have no idea what the effect would be of the remarks of the gentleman from Brewer, Mr. Norris. We have heard of excitement before, and I am not sure just what implies here as we speak on the floor of the House. But I do know that a satisfactory solution to the Indian Land Claims Case is going to be a watershed in the history of the State of Maine. I don't think that any legislature has faced so all encompassing and so important a question as this legislature faces today. We are probably privileged to be involved, but we must not lose sight that there are certain limitations.

This legislation has nothing to do with the cost, this legislation has nothing to do with quieting of land claims. The federal government is supreme in regard to that. The Congress was granted the authority in the Constitution to regulate commerce with the Indian tribes. President Washington, in the early days of his presidency with regard to Indians said, "it is sincerely to be desired that all need of coercion in the future may cease and that an intimate intercourse may succeed calculated to advance the happiness of the Indians and to attach them firmly to the United States." Throughout his administration, Washington negotiated with the Indians as though they were composed of independent nations.

President Washington urged Congress to pass laws relating to commerce with the Indians that would, in his language, "secure equitable deportment toward them." And you all know that the Trade and Intercourse Act of 1790 was adopted. The application of this act is one of the basic questions in proposed litigation. Several cases have come up supporting

the Indian contentions and the Indians have won, many of these since the opinions expressed by a former Attorney General of this state.

When I hire a doctor, I listen to his advice. When I hire a lawyer, I listen to his advice. Maine has excellent lawyers on its payroll and, in addition, Maine has hired the best this country has to offer, the only lawyer who has actually tried and won a case against Indians in a similar situation. This attorney, James D. St. Clair—incidentally, I wonder how many of us realize that James D. St. Clair is a great, I don't know how many times, grandson of Arthur St. Clair, who was a revolutionary war veteran, who was Governor of the then Northwest Territory with his headquarters in Cincinnati, and was sent by President Washington to pacify warlike Indians in the fall of 1791—but Mr. St. Clair, with his extensive background, did say that he thought the state could win this case and he did outline eight points on which the state's defense would be based. But after all of that, he did advise that the settlement, and this is what we are talking about here, a settlement agreement, be accepted.

Why did he recommend that? He noted that the AG's estimate of a million dollars in five or six years was, in his opinion, very conservative, might go ten years. His words included such things as "no land sales, no mortgages, no school bonds, no tax collections, tax collections being in question, estates not administered," and despite the win in the case that he had and tried, economic and social dislocation existed for two or three years in that area. Now, Mr. St. Clair can have no ulterior motive; his fees would obviously be greater if he assisted Maine in going to court. I submit that his recommendation that this agreement be adopted is golden advice.

As a member of Appropriations and mindful of the state's dollars that we have annually been appropriating to the Indians are now significant, have been, and will increase in the future. Over the last four or five years, we have heard many solutions offered to this case, some of which involved a great deal of money for the State of Maine, many more acres of land, land coercively sold at \$5 an acre. This is a negotiated settlement at much lower limits. You know what they are? 300,000 acres from willing sellers at fair market value, no dollars from the state, and I don't apologize for that, Maine has no culpability in this matter. This is a claim that the federal government should pay for.

The act before us is a prudent settlement. It does not create a nation within a nation, rather it creates the most favorable jurisdictional setup, these are the Indians that exist in the United States. It is consistent with this state's essential interest in state sovereignty and equal treatment under Maine law.

I think it is interesting to note that there was a group of Penobscot Indians who very vociferously opposed this at the hearing on Friday last, and one of them said, and I quote, "you people would be crazier than we are if you fail to adopt this bill." It may have been a slip of the tongue but it was a real truth.

So, here today, ladies and gentlemen of the House, we have the opportunity to play our essential part in a three act drama involving the future, the tranquility of our children and grandchildren for many years to come. Act I is over; the Indians have negotiated to the best of their ability, have looked at the resulting agreement and have accepted it. Here we are in Act II and only by a successful completion can we get to Act III, which is the Federal Congress's role, the all powerful role in this whole process. Let's do our part today; let's accept this painfully worked out agreement and hope that Congress will do its part and bring down the curtain on the Indian land claims in Maine for all times.

THE SPEAKER: A roll call has been ordered. The pending question is passage to be enacted.

Those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentleman from Sanford, Mr. Paul.

Mr. PAUL: Mr. Speaker, I request permission to pair my vote with the gentleman from Kennebunk, Mr. McMahon. If he were present and voting, he would be voting yes; if I were voting, I would be voting no.

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

Mr. TIERNEY: Mr. Speaker, I request leave of the House to pair my vote with the gentleman from Lincoln, Mr. MacEachern. If he were here, he would be voting no and I would be voting yes.

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

Mrs. LEWIS: Mr. Speaker, I would like permission to pair my vote with the gentleman from Orland, Mr. Churchill. If he were here, he would be voting yes and I would be voting no.

ROLL CALL

YEA — Aloupis, Bachrach, Baker, Beaulieu, Benoit, Berry, Berube, Birt, Blodgett, Bowden, Brennerman, Brodeur, Brown, D.; Call, Carroll, Carter, F.; Cloutier, Connolly, Cox, Cunningham, Damren, Davies, Diamond, Dow, Dutremble, L.; Fenlason, Fillmore, Garsoe, Gillis, Gowen, Hanson, Hickey, Higgins, Hobbs, Howe, Huber, Hughes, Immonen, Jackson, Jacques, E.; Jalbert, Joyce, Kany, Kiesman, Laffin, Lancaster, LaPlante, Lund, Mahany, Marshall, Martin, A.; Masterton, Matthews, McHenry, McPherson, McSweeney, Mitchell, Morton, Nadeau, Nelson, M.; Nelson, N.; Paradis, E.; Paradis, P.; Payne, Pearson, Peltier, Peterson, Post, Rolde, Rollins, Sewall, Sherburne, Simon, Stover, Tarbell, Theriault, Torrey, Vincent, Violette, Vose, Wentworth, Wood, Wyman, The Speaker.

NAY — Austin, Barry, Bordeaux, Brown, A.; Brown, K.L.; Bunker, Carrier, Carter, D.; Chonko, Conary, Curtis, Davis, Dellert, Dexter, Doukas, Drinkwater, Dutremble, D.; Elias, Gavett, Gray, Gwadosky, Hunter, Hutchings, Jacques, P.; Kelleher, Leighton, Lizotte, Locke, Lougee, Lowe, MacBride, Masterman, McKean, Nelson, A.; Norris, Prescott, Reeves, J.; Roope, Silsby, Smith, Sprowl, Strout, Studley, Tozier, Tuttle, Twitchell, Whittemore.

ABSENT — Boudreau, Brannigan, Brown, K.C.; Dudley, Fowlie, Hall, Kane, Leonard, Maxwell, Michael, Reeves, P.; Small, Soulas, Stetson.

PAIRED — Churchill-Lewis; MacEachern-Tierney; McMahon-Paul.

Yes, 84; No, 47; Absent, 14; Paired, 6.

The SPEAKER: Eighty-four having voted in the affirmative and forty-seven in the negative, with fourteen being absent and six paired, the Bill was passed to be enacted.

Signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Mr. Davies of Orono,
Recessed until the sound of the gong.

After Recess
11:30 a.m.

The House was called to order by the Speaker.

Indefinitely Postponed

Bill "An Act to Reduce the Per Gallon Tax on Motor Fuels from 9¢ to 7¢ and to Assess a 5% Sales Tax on the Wholesale Price Subject to Public Approval at Referendum" (H. P. 2054) (Presented by Mr. Carroll of Limerick) (Co-sponsors: Mr. Brown of Mexico, Mrs. Hutchings of Lincolnville and Mr. McPherson of Eliot) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint

Rule 27).

The Committee on Taxation was suggested.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: There are lots of things that come to mind—too many cooks spoil the broth; fish and company get a little stinky after three days; this compromise finally got so bent out of shape that it has absolutely no support whatsoever. I am going to vote against it myself.

I think the sponsors should be singled out for praise and thanks. They were dragged into presenting this before you, those folks on the Transportation Committee who have been so maligned here all through the session, but it became obvious that the good sense of both caucuses would have nothing to do with this and we just stretched the fabric a little too thin, I guess.

Thereupon, on motion of Mr. Garsoe of Cumberland, the Bill and all its accompanying papers were indefinitely postponed.

By unanimous consent, ordered sent forthwith to the Senate.

Passed to be Enacted

An Act to Revise Allocations from the Highway Fund for the Fiscal Years from July 1, 1979 to June 30, 1981, and to Provide Increased Revenues to the Highway Fund (H. P. 2053) (L. D. 2039)

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

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: When we vote on enactment of this bill, I would ask for a roll call.

We have tried for several months now to reach some form of a compromise on the highway funding in the State of Maine without any coalition of success in support at both ends of the hall. I think it would be ill-advised for us today to enact this measure until such time as the state has a state policy on the highway funding problem in light of the inflationary impact on the department as well as the drop off in revenues because of conservation in the use of gasoline by our citizens throughout the state.

The public perception of the department is one of operational inefficiency. I think all of us have sent out questionnaires back home and talked to our people back home over the course of this session and I think all of you know what I am talking about. We have heard story after story from our people back home of complaints, whether they be petty or whether they be significant, that the department is not operating in as efficient manner as it could be or should be.

Last year, we were in the same position, the last of June, that we are in today. In fact, this is a deja-vu session and a deja-vu vote. The good gentleman, my counterpart in the other corner, who picks his guitar from time to time and probably has done a couple of Crosby, Sills, Nash and Young songs himself and knows what I am talking about when I mention deja-vu.

We were promised last year if we patched up the Department of Transportation to get it through for another year because of the problems that it was facing last year, which are compounded this year, if we went along with that and helped the Governor get through in his first year of office, we were promised that we would see a complete study done over the course of the summer and fall and we would have a recommendation before us to act upon and implement for a long-range state policy to adopt for addressing the future problems of this department.

We had a study and it was rejected by the Chief Executive. The compromise measure that was just indefinitely postponed by Mr. Garsoe, the minority leader, they incorpo-

rated, to a certain extent, that study in those recommendations because it has been rejected and eschewed repeatedly by the Chief Executive and the Legislative Branch.

So, once again, we are asked to patch up this department with band-aids for another year. The pledge and the promise that was made to all of us sitting on the floor of the House in both parties was not kept. Our own Committee on Transportation has labored long and hard with this albatross around our neck, all 13 of them, for the past three months during this session, to try to come up with a compromise measure that was responsible, that would adopt the various interests, the various problems, in a measure that could gain enough support to go through this House. It is shortsighted, it is ill-conceived, and it will place us, once again, in the same position next year except a worst position than we are in today.

We are going to be back here in a few weeks, probably on collective bargaining measures, as we are required to come in and vote on those, and I think perhaps it would be wise for us to go back to our districts with an opportunity to speak to our people, explain the problems. I think it would also be wise for the Chief Executive to conduct an outside managerial efficiency operational study of that department so that we can put to side once and for all the question of whether or not this department can operate at a lower level of funding, a reduced level of funding, than we are being asked to provide it with now.

I think we all realize that in the long term future, this department will need additional revenue. I don't think the people appreciate it and understand it, because they are not convinced that it operates as efficiently as it could and should be at this time. I think we are putting the cart before the horse to go with this measure, particularly robbing an \$8 million account that has been put aside to help our towns and communities with state aid road improvement, when they come up with the dollars on the local level, with no assurance that their money will never be reinvested and set aside once again into that account. I think it would be ill-conceived and unwise for us to go forward with a patchwork, kaleidoscopic quilt in the second session of this term as we did the first term.

For that reason I would urge you to vote against this measure today.

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I hear so much talk about studies, studies, studies. I have here a list of six studies of the Department of Transportation. There was also a cost management survey study done by Jim Longley, who became Governor. Many, many of these studies have never been carried out. Jim Longley's study called for one layer of top management to be removed. It was never removed, a savings of \$162,000. He became Governor and he didn't see fit to remove that either.

I received today, "Highway Needs" and "Finance in Maine", there is a study, there is a study, amounts to \$350,000. You could spend millions and millions on studies and accomplish zero balance. I am getting a little tired of hearing study, study, study.

I urge you to vote for this budget this morning, I urge you to pass it, and I am sick and tired of hearing people say I am robbing somebody. We are not robbing somebody, there is going to be money in that state aid account. We are not robbing anybody. I am just a little bit disturbed to hear that remark.

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I certainly appreciated the remarks of my good friend from Bangor. I would like to remind him of a few things. First of all, the bill that you have before you is a

compromise. It is a compromise that we worked on for around 50-some-odd days. It is not the best of both worlds and it does call for cuts in the department, and this is what the people were looking for, to increase the efficiency, and I believe this bill would do a great portion of that.

I think this is also time to send a message to the other end of the hall that I don't think it would be responsible to leave this session without a highway funding bill.

In the first place, if we don't have a highway funding bill, that means there will be no paving program this summer. Approximately 450 employees will have to leave that department, and that won't be through normal attrition; a great many of those would be forced out of jobs, on the unemployment rolls, a possible reduction in our town road improvement fund. In fact, I wouldn't say possible, I would say probable. State aid and state highways may be returned to the towns for their maintenance responsibility, and last but not least, the state is only required by statute to match one unit instead of six units in the state aid account and, believe me, that is exactly what they would have to do if we leave this House today without a highway funding budget. That would be irresponsible on our part and I don't think the people of this state deserve that sort of treatment.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: As a cosponsor of this bill that we have before us today, I feel that I have to disagree with my leader down in the left-hand corner. I think that the time has come for us to pass a bill that I can live with and I hope that members of my party can live with. I hope that if we can send to the other end of the hall, that those members of my party at the other end of the hall can see their way clear to pass a highway bill that will take care of the present biennium.

I would just like to make a couple of comments that the two previous speakers haven't made concerning what this bill has done and the bill we had before us last week didn't do. One thing is that it has given us an additional \$200,000 for the town road improvement account, which brings us now up to \$700,000. If we look back at the original bill that the Governor presented, he had recommended deleting the town road improvement account completely. We came from nothing to \$500,000 over a period of three months; today we have \$700,000. I think there has been movement.

In the state aid construction account, the original bill had a 20 percent reduction in the bonus and the committee came up to 30 percent; this bill is now up to 35 percent. In the state aid program outside of the bonus, we compromised with a reduction of 10 percent in the next year of this biennium.

The only real serious problem that I have with the L. D. we are voting on today is in the reduction in the summer maintenance account from July 1, 1980, to June 30, 1981. I think it is too bad to eliminate 400 miles of resurfacing that I would like to have seen done this year. However, I would rather see 400 miles eliminated than to have it cut out completely.

I think you people must realize that the summer maintenance monies that we have in there, there is not going to be any problems with the potholes you have out there, because it is my understanding that the money will take care of the potholes. I think the real large program that we all see and that the public sees is the so-called skinny mix program that, in my opinion, over the last few years has really done a remarkable job.

In the winter maintenance account, the department this year is going to show, in my opinion, enough savings to take care of the \$725,000, and I think looking into next year, the stockpiles that we have, that there will be no problem with the reduction of \$500,000.

I think when we look at this bill, compared to other proposals we have had, and maybe some of us would like to have had an increase in the gas tax, it comes down to a situation where with a little revenue increase and with some cuts, I really feel that since January 1st we have come a long way. I hope when the vote up there today is taken, it is a substantial vote so that maybe the message can be taken from this body to the other end of the hall.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: Obviously, this bill doesn't meet all the things we would like but it meets all the things we can afford, so I do hope that it passes this morning.

While I am on my feet, I do hope that we don't go along with anymore studies, because since I have been here we have made several studies, they are still available to us, and I think there is enough talent in this House that we could appoint a committee within this House who would study the studies that have already been made. From there, I think we could see what direction we have got to go. I don't believe that we have to hire any outside firms to spend \$300,000 out of a till that is already broken.

In my area, we suffer the greatest, so if I can support it, you people from the cities should be able to.

Town road improvement, for instance, is one of our main sources of our highways, and I was in this body when we started this town road improvement. At that time, we called it the mailman's fund so the mailman could deliver mail in the spring of the year. We have come a long ways, and most of these roads the mailmen can get to and I think we will get by. There are lots of other things left to be desired. I would like to have them and my people would, but my people and I realize there comes a time when there just isn't money in the till and we have to make some sacrifices. At this point, I am ready to vote for this bill that is before you and I hope you will too.

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

Mr. HIGGINS: Mr. Speaker, I would like to pose a question through the Chair.

It is my understanding that this bill does not have an emergency preamble on it and if we pass this bill today, it would not become effective until 90 days after the Legislature adjourns, which, according to my calculations, would be sometime after the 1st of July, which is in the next fiscal year.

I guess my question would be, how can we make changes in this year's budget without having an emergency preamble on this act? It has been my understanding from other appropriation acts that in order to effectuate change immediately or before the end of this year, that we would need an emergency on this bill?

The SPEAKER: The gentleman from Scarborough, Mr. Higgins, has posed a question through the Chair to anyone who may care to respond.

The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I have been assured by the Department of Transportation that they can live with this budget without an emergency clause on it.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

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

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

Mr. TARBELL: Mr. Speaker, Ladies and

Gentlemen of the House: By way of brief rebuttal, I would just like to say a few additional words. First of all, I don't believe that this is the last word on the highway problem for this year, next year or years to come by this bill that is before us today.

Secondly, we were not sent here by our people back home to patch over and tape over and paper over the major problems of state government. We did it last year because we were in a bind. We were asked to do it with a pledge and a promise that after this matter was studied once again, Mr. Carroll, on top of six others that have been done over the last decade, once again another study, that we come back here and adopt a responsible state policy as the legislative branch of this government. The legislative branch has not done it, the executive branch has not done it, and we are placed in a *deja-vu* situation, we are going to paper over, patch over once again the long-term problems and the very severe problems of this department.

I don't think that is a responsible course to be adopting. It is certainly not responsible for us, of the 109th Legislature, to push this back and defer it back onto the next Legislature that is elected in November for the 110th. I think we ought to address these problems this year with the cooperation of the Governor and I don't see that we have had that.

This isn't a budget that is before us. This has got fee increases in it, which are hidden taxes—a tax is a tax. If we are going to have taxes, let's call it a tax, and let's adopt the best kinds of taxes to address the revenue problems of this department.

We adopted fee increases last year to get them through for a year and here we are, once again, with some cuts. We are making some cuts here that are one-term cuts that we will never be able to put back into those accounts. That is not a budget. Those are not accounts in the operational services or the operational management administration of that department, it is all temporary paper.

We do over-study matters in this legislature and in state government, there is no question about it, but what we need is an operational efficiency management study of the department. We need for it to be conducted by an outside management firm, divorced of any political considerations, divorced of any personal interests on what kinds of effects it might have on us or our local communities back home if we were to adopt certain managerial practices to revise and overhaul this department.

I submit to you that the kind of study that ought to be done ought to be of the stature and the scope of that which was done last summer by the retirement system. It was an outside firm, not even within the State of Maine, that did it; that is the kind of professional managerial study that needs to be done, not the continuation of in-house nepotism that we have had over the last several years.

If you believe that we have the studies and we have the proposals, then why don't we start to adopt and implement some of them rather than this patchwork quilt and this bandaid approach that we have been doing? I haven't seen us adopt any of the studies, particularly the last one that came in from the Governor's Select Task Force, which was in the measure of the sales tax—gas tax issue that we just defeated and indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: I am absolutely appalled that the gentleman from Bangor would suggest that we do what he calls responsible and go home without a highway budget. If that is responsible, it is a new definition of the term as far as I am concerned.

I am also surprised that he didn't read all of the highway task report on funding. I happened to be a member of that task report; the only

thing we studied was the revenue side of the picture. It was how to keep enough money to continue to do things as we have always done in the past. We did not look at the other side of the question, and I think this is the kind of a proposal that our Governor has offered at this point.

Mr. Tarbell seems to know that we will be coming back very soon to do something; I suggest to you that you are here on the 52nd day of our legislative career and the time has come to stop playing games and to enact a responsible highway budget.

The SPEAKER: The Chair recognizes the gentlewoman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker and Members of the House: I would simply like to remind this House that you were all very pleased with the results of our sunset report of two departments that we reviewed last year, and this year we are presently reviewing the Department of Transportation and I think you will be delighted next January.

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

Mr. DOUKAS: Mr. Speaker, Ladies and Gentlemen of the House: They say this is the 39th proposal on the Department of Transportation budget that we have seen this year. If you ask me, we haven't seen anything new in any of those proposals. They just shuffled the figures around a little bit and wait and wait, 52 days, 53 days, until we are so worn out and worn down that we can't do anything else but pass it.

This is the House of Representatives that voted against a 2 cent gas increase, 2 cents on \$1.25, and now we are going to turn around and go into our constituents' pockets for \$5 increases, \$1.50 increases and \$2 increases. That is quite a bit more than 2 cents on a gallon. I think before we pass this budget, we should really look around and say, is that what we really want to do or is this just what we are doing out of desperation? I am not going to do it out of desperation.

The SPEAKER: A roll call has been ordered. The pending question before the House is passage to be enacted. Those in favor will vote yes; those opposed will vote no.

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

Mr. LEWIS: Mr. Speaker, I would like to pair my vote with the gentleman from Fort Kent, Mr. Barry. If Mr. Barry were here, he would be voting yes; and I would be voting no.

The SPEAKER: The Chair recognizes the gentlewoman from Bethel, Miss Brown.

Miss BROWN: Mr. Speaker, I would like to pair my vote with the gentleman from Orland, Mr. Churchill. If Mr. Churchill were here, he would be voting yes; and I would be voting no.

The SPEAKER: The pending question before the House is passage to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Bachrach, Baker, Beaulieu, Benoit, Berube, Birt, Blodgett, Bordeaux, Brennerman, Brown, A.; Brown, D.; Brown, K.C.; Call, Carroll, Carter, F.; Cloutier, Connolly, Cox, Damren, Davies, Davis, Diamond, Dow, Drinkwater, Dudley, Dutremble, D.; Elias, Fenlason, Gillis, Gowen, Gwadosky, Hanson, Hickey, Hobbins, Howe, Huber, Hughes, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kany, Kelleher, Kiesman, Lancaster, LaPlante, Locke, Lund, Mahany, Marshall, Martin, A.; Masterton, Matthews, McHenry, McKean, McPherson, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, M.; Norris, Paradis, P.; Paul, Pearson, Peltier, Post, Prescott, Reeves, P.; Rolde, Simon, Soulas, Stover, Strout, Theriault, Tierney, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wood, Wyman, The Speaker.

NAY — Austin, Berry, Bowden, Brodeur, Bunker, Carrier, Carter, D.; Chonko, Conary, Cunningham, Curtis, Dellert, Dexter, Doukas, Dutremble, L.; Fillmore, Garsoe, Gavett, Gray, Higgins, Hunter, Hutchings, Immonen,

Jackson, Leighton, Lizotte, Lougee, Lowe, MacBride, Masterman, Nelson, A.; Paradis, E.; Payne, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Small, Smith, Sprowl, Studley, Tarbell, Torrey, Wentworth, Whittemore.

ABSENT — Boudreau, Brannigan, Fowlie, Hall, Laffin, Leonard, MacEachern, Maxwell, McMahon, Nelson, N.; Stetson.

PAIRED — Barry-Lewis; Brown, K.L.-Churchill.

Yes, 88; No, 48; Absent, 11, Paired, 4.

The SPEAKER: Eighty-eight having voted in the affirmative and forty-eight in the negative, with eleven being absent and four paired, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

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

Non-Concurrent Matter

RESOLVE, Authorizing an Appropriation of \$285,315 to Provide for Administrative and Other Necessary Operating Expenses Related to Certain Transitional Indian Services for the Period from July 1, 1980 to January 31, 1981 (Emergency) (H. P. 2052) (L. D. 2038) which was passed to be engrossed in the House on April 3, 1980.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-539) in non-concurrence.

In the House: The House voted to recede and concur.

By unanimous consent, ordered sent forthwith to Engrossing.

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

Special Sentiment Calendar

In accordance with House Rule 56, the following item (Expression of Legislative Sentiment)

In Memory of:

Honorable John L. Thomas of Waterville, a member of the 95th and 107th Maine Legislatures (H. P. 2056) by Mrs. Kany of Waterville. (Cosponsors: Mr. Jacques of Waterville, Mr. Boudreau of Waterville and Senator Pierce of Kennebec)

The Resolution was read.

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

Mrs. KANY: Mr. Speaker, Men and Women of the House: Educator, historian, attorney, legislator on the state and local levels, we, who knew John Thomas, will remember his infinite humor, wisdom and love of his fellow citizens with whom he took the time to become friends.

Thereupon, the Resolution was adopted and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

Special Sentiment Calendar

In accordance with House Rule 56, the following item (Expression of Legislative Sentiment)

Recognizing,

Hermion High School, of Hermion, first-place and second-place winner in the 1979-80 State Debating Championship, which will compete in the national finals in Atlanta, Georgia (H. P. 2057) by Mr. Reeves of Newport. (Cosponsors: Mrs. Prescott of Hampden and Senator Emerson of Penobscot)

There being no objection, this Expression of Legislative Sentiment was considered passed and sent up for concurrence.

The following Order was taken out of order

by unanimous consent.

Later Today Assigned

On Motion of Mr. Tierney of Lisbon, the following Joint Order: (H. P. 2058) (Cosponsor: Mr. Garsoe of Cumberland)

ORDERED, the Senate concurring, that when the House of Representatives and Senate adjourn, they both adjourn to nine-thirty in the morning on Friday, May 9th; at which time the House of Representatives and Senate shall meet for one legislative day for the purpose of considering possible objections of the Governor to any Bill or Resolve presented to him by the Legislature under the Constitution, Article IV, Part Third, Section 2.

The Order was read.

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

Mr. TARBELL: Mr. Speaker, this is the first I have heard of this measure. Has joint leadership discussed this measure?

The SPEAKER: Is the gentleman posing the question to the Chair?

Mr. TARBELL: To the Chair and to the gentleman in the other corner?

I see the joint sponsorship but I am just wondering if this is a measure that has been discussed among members of the leadership at both ends of the hall?

The SPEAKER: Does the gentleman wish to pose the question to me?

Mr. TARBELL: I will pose the question to either one of you.

The SPEAKER: The Chair would advise the gentleman from Bangor, Mr. Tarbell, that it has been discussed. The Chair would also advise the gentleman from Bangor, and without being facetious, joint leadership met only once during this entire session, so it would be unfair to say that all 10 members were there.

Mr. TARBELL: On this particular measure, has anyone other than the three of you in the House discussed this? Because I haven't had any discussions with you.

The SPEAKER: The Chair would answer in the affirmative.

Mr. TARBELL: How many have discussed it? Garsoe, Tierney, and Martin and that is it?

I would just like to clear the air before we go forward with this.

The SPEAKER: If the gentleman wishes to sit down, I will pose the question.

The gentleman from Bangor, Mr. Tarbell, has posed a question through the Chair to the gentleman from Lisbon Falls, Mr. Tierney, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: I am not sure how relevant it is which members of leadership discussed it, but it was discussed with all members of leadership of my party and met with their approval. It was discussed with the Governor and met with his approval. It was discussed with Mr. Garsoe and met with his approval and although I have not personally discussed it with the President of the Senate, I understand the Speaker has and the President indicated to the Speaker it met with his approval. I am really not sure how relevant that is but I hope that answers the gentleman's question and I am sorry that he was not kept fully informed.

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

Mr. BIRT: Mr. Speaker, I have one question relative to this that concerns me and this is, if there are any bills that are subject to veto, and I wanted to check but I haven't had a chance, but as I understand it and remember the Constitution, we have 10 calendar days provided, and if we go beyond that, could we act on vetoes? Just where are we on that? I am not clear without going back and checking, but I am concerned because I think we ran into that same situation last time and we had to adjourn and then the Governor called us back into session. Is there any possibility of that happening?

Thereupon, on motion of Mr. Birt of East Millinocket, tabled pending passage and later today assigned.

(Off Record Remarks)

The following Enactor was taken up out of order by unanimous consent:

**Passed to be Enacted
Emergency Measure**

RESOLVE, Authorizing an Appropriation of \$285,315 to Provide for Administrative and Other Necessary Operating Expenses Related to Certain Transitional Indian Services for the Period from July 1, 1980 to January 31, 1981 (H. P. 2052) (L. D. 2038) (S. "A" S-539)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken.

Whereupon, Mr. Pearson of Old Town requested a roll call vote.

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

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

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry, when this first came up, I was in a telephone booth outside. I would like to answer some questions and make some points on this bill.

I think this bill is one of those things that I can't imagine anybody voting against it. What it is is to provide money in the interim for the services that we have always provided for Indians, except there are a lot of cuts, of course.

This is the story as it has unfolded over the last couple of years. The Governor of the State of Maine and the Governors of the various tribes have met on several occasions, and I have been in most of those meetings, to try to find out how much it was that the federal government was going to spend for Indian affairs and how much the state government was going to. They came to a mutual consensus, that is the Governors of the tribes and the Governor of the state, that the state would fund as little as possible for as long as possible to try to get the federal government to pick up the fill, and the state, this year, didn't put any money at all in the budget for the second year of the biennium, hoping that the federal government would pick up the bills, as many as possible.

The federal government told the Indian tribes, told the Department of Indian Affairs, told the Governor's Office on a number of occasions that they weren't going to pick up this and they weren't going to pick up that, and we said we weren't either. But finally the federal government began picking up these programs. They have picked up education, they have picked up a number of other ones, so we have come down to the very last days, the final day, really, when we have got to make the money available to fund the Indian services that we have not been able to get the federal government to pick up.

This funding normally would be a great deal more on an average year than what we are asking for now because we have been able to get the federal government to take over most of them. There are some essential services that they have not picked up yet and which we are going to continue in order to keep the health and welfare of the citizens of the state, the Indian citizens of the state, until this whole business, Congress's appropriation and passage of the Indian Land Claims and everything takes place.

It is simply a thing that was left out of the

budget intentionally to try to save the state money. We have accomplished that. We now need this amount of money in order to carry it over until January.

I would hope that those of you who voted against this would reconsider your position.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask two questions if I might. First of all, why was not the money appropriated in the expenditure budget that we passed last week? Secondly, where is the money coming from? As I understand it, last week there was hardly anything left.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I think I answered the first question, why we didn't appropriate it in the budget that we passed last week, because we were and have been in the process of trying to push the hand of the federal government to fund as much as they possibly could for Indian services.

The second question deals with 'where is the money coming from.' I want to start out by telling Mrs. Berube that it isn't by any savings in Agriculture in the Performance Audit Committee, so she can relax there. What happened was, there was a building built in Eastport, a marine science building, for the Washington County Vocational Technical Institute with federal funds. Those federal funds were supposed to come in over a period of time, and between the time when it was built and when the last federal funds came in, the state advanced the Washington County Vocational-Technical Institute the money to pay for the building. Now the federal money is coming in, we have already received \$320,000 of it, to pay back for what the state advanced, which should provide enough money to fund this particular item.

It is a good thing that we had that kind of flexibility, and if you are asking yourselves if there is any other item in the budget that might be like that, we have asked ourselves that too and we don't think there is. As a matter of fact, we didn't think there was this one at first, but it was discovered just this last week.

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

Mr. MORTON: Mr. Speaker, I merely want to assure everyone here in the House that I concur a hundred percent with the remarks of the gentleman from Old Town. He told you the story accurately and I trust that you all will vote for this measure.

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

ROLL CALL

YEA — Bachrach, Baker, Beaulieu, Benoit, Berube, Birt, Blodgett, Boudreau, Bowden, Brenerman, Brown, A.; Brown, D.; Brown, K.C.; Call, Carroll, Carter, D.; Carter, F.; Chonko, Cloutier, Conary, Connolly, Cox, Cunningham, Curtis, Damren, Davies, Davis, Diamond, Doukas, Drinkwater, Dutremble, D.; Elias, Fenlason, Fillmore, Garsoe, Gillis, Gowen, Gwadnosky, Hanson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hutchings, Immonen, Jackson, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kany, Kiesman, Lancaster, LaPlante, Leonard, Lewis, Locke, Lowe, Lund, Mahany, Marshall, Martin, A.; Masterman, Masterton, Matthews, McHenry, McKean, McPherson, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, E.; Paradis, P.; Paul, Payne, Pearson, Peltier, Peterson, Post, Prescott, Reeves, P.; Rolde, Rollins, Sewall, Sherburne, Simon, Small, Smith, Soulas, Stover, Studley, Theriault, Tierney, Torrey, Tuttle,

Violette, Vose, Wentworth, Wood, Wyman, The Speaker.

NAY — Aloupis, Austin, Bordeaux, Brown, K.L.; Bunker, Carrier, Dellert, Dexter, Gavett, Gray, Hunter, Leighton, MacBride, Nelson, A.; Reeves, J.; Roope, Silsby, Sprowl, Strout, Tarbell.

ABSENT — Barry, Berry, Brannigan, Brodeur, Churchill, Dow, Dudley, Dutremble, L.; Fowlie, Hall, Kelleher, Laffin, Lizotte, Lougee, MacEachern, Maxwell, McMahon, Stetson, Tozier, Twitchell, Vincent, Whittemore.

Yes, 109; No, 20; Absent, 22.

The SPEAKER: One hundred nine having voted in the affirmative and twenty in the negative, with twenty-two being absent, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

On Motion of Mr. Cox of Brewer, it was ORDERED, that Representative Joseph Brannigan of Portland be excused April 2 and 3 for Health Reasons.

AND BE IT FURTHER ORDERED that Representative Donald Hall of Sangerville be excused April 2 and 3 for Personal Reasons.

AND BE IT FURTHER ORDERED that Representative Gary Fowlie of Rockland be excused April 2 and 3 for Personal Reasons.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: In a temporary absence of mind, and also in a phone booth, I understand some discussion arose concerning the Administrative Supplement adjourning until May 9. I want to announce that my signature on that document was premature. Leadership will be taking it up, and I just appreciate the opportunity to set the record straight.

(Off Record Remarks)

The SPEAKER: If the Speaker should not be here when you return, it will be because he will have left for Frenchville. If, in fact, that has occurred and that is still up in the air at this point depending on what happens in the Senate, the gentleman from Madison, Mr. Elias, will act as Speaker pro tem.

On Motion of Mrs. Bachrach of Brunswick, Recessed until three-thirty in the afternoon.

**After Recess
3:30 P.M.**

The House was called to order by the Speaker.

The following paper was taken up out of order by unanimous consent:

Non-Concurrent Matter

An Act to Revise Allocations from the Highway Fund for the Fiscal Years from July 1, 1979 to June 30, 1981, and to Provide Increased Revenues to the Highway Fund (H. P. 2053) (L. D. 2039) which was passed to be Enacted in the House on April 3, 1980.

Came from the Senate Failing of Passage to be Enacted in non-concurrence.

On motion of Mr. Tierney of Lisbon Falls, the House voted to adhere.

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

Joint Order (H. P. 2058) ORDERED, the Senate concurring, that when the House of Representatives and Senate adjourn, they both adjourn to nine-thirty in the morning on Friday, May 9th; at which time the House of Representatives and Senate shall meet for one legislative day for the purpose of considering

possible objections of the Governor to any Bill or Resolve presented to him by the Legislature under the Constitution, Article IV, Part Third, Section 2—which was tabled earlier in the day and later today assigned pending passage.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: The sins of the morning are often visited upon the afternoon, and I have to vote against this measure.

Mr. Speaker, I would request a division.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: I think, although it has not been said on the record, perhaps it should be, there are two fundamental reasons for passing this order which I feel is a very rational, forthright way to proceed in regards to winding down this legislative session.

By adjourning to May 9th, we, in the Legislature, will have accomplished several important factors. The first would be to allow the Governor to continue his collective bargaining and, as Mr. Tarbell said earlier this morning when he said we probably would be back in for collective bargaining purposes, would allow us to wrap up without the need for a Special Session on several of the major cost items which are still outstanding. This would give the Governor and the negotiating team more time to negotiate.

The second reason for coming in on May 9th is that it would allow the currently scheduled referendum on nuclear power to be scheduled in November. This would save, statewide, between \$200,000 and \$300,000 for the taxpayers of this state and many of those dollars would be property tax dollars. We know that in our recent slot machine referendum, in some towns it cost \$7.00 a voter. It is an absolute absurd procedure and we can save all of our people a great deal of money and I think earn ourselves the respect and gratitude of a lot of people back home by saving those dollars.

Lastly, I feel that we would also get a more accurate reading of the views of the people of this state in regards to nuclear power if we did it at a time when we know that 70 to 80 percent of our qualified voters would be at the polls and registering their opinions. To do it at a special, narrow time, I feel would be not the best way to get a referendum on this very important and very emotional subject which affects all of us and generations to come. I think we can do all of these three good things by voting for my Order, and, personally, I am completely mystified why the good gentleman from Cumberland or any members of his party would oppose this Order unless it was for some unforeseen partisan reasons.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: As a relative newcomer and neophyte to this body, I am full of questions, I guess. Why is a Special Session, all of a sudden, being treated with such reverence? If we are down here spending the money of the taxpayers of Maine, does it matter whether it is Special Session, whether it is an extension of the session that we are already in or what have you?

On the point that my good friend in the right-hand corner mentioned as far as the nuclear power referendum is concerned, I think those people who supported the nuclear power referendum who circulated the petitions, did so in an effort to attack the problem with which they were dealing—nuclear power. They want it done as quickly and as rapidly as possible.

I see no point at all in extending this session to May 9th. I think it is perfectly logical that we return in Special Session to deal with the MSEA contract, if that is what we are coming back for, and to deal with whatever matters the Governor may have vetoed between now

and then. I am going to be voting against this Order.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: My good friend, the gentleman in the other corner, has made the case for expediency and made it very well, it would be an expedient measure to adopt the course of action that the Order calls for, but we have a constitutional question that is strictly going to be contrived in order to meet a specific expediency, and I would just remind this body that in the message sent by the people who initiated this action, they request a special election to be called for the purpose of determining the outcome of this question.

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

Mrs. KANY: Mr. Speaker, Members of the House: I do think if there is a question of law, perhaps we should ask it of the law court if people would not be satisfied with an Attorney General's opinion. I do believe that we are talking about \$250,000 here and we have had a lot of debate, all of us have had a lot of problems and all of a sudden, in a lighthearted manner, we are talking about spending an extra \$250,000 for a separate election to vote in a very short period at a time, not too far from the General Election, on a separate issue. I don't know if the rest of you have received a lot of comments on the separate election, but I guess I did particularly and why I am standing now is because of all the mail that I received and the comments, editorial comments and so on, on that special election day that we held in March for the slots.

I was the sponsor of a Constitutional Amendment to consolidate those referendum dates; that we will be voting on in November, and as a result have heard from so many people and so many municipalities particularly complaining about the excessive costs per vote. I really want to know if Representative Garsoe would be willing to go with an Attorney General's opinion on that question, if not, perhaps an opinion from the law courts. I wonder if you would respond to that, please.

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

Mr. TARBELL: Mr. Speaker, Members of the House: I would love to respond on behalf of the gentleman from Cumberland, Mr. Garsoe.

The gentlelady from Waterville has come in this session with a Constitutional Amendment, which we did pass in the House and in the other body, which will go out to the people on a referendum vote on General Election day this next November to change the State Constitution so we are not put in the predicament, in fact the people of Maine are not put in the predicament whereby they have special elections on odd times throughout the year, which may not fall on a primary day or on a general election day in November and may cost the towns and communities, as well as the state, the Secretary of State's Office, additional funds to do. However, for us to preempt that with a contrivance and changing of the time of adjournment for a veto day on May 9th would really be preempting that question of whether or not people want that Constitution changed to do that.

There is a distinction—the measure that we put through this Legislature on slot machines was a legislative bill; this measure on the nuclear referendum is a direct initiated petition by the people of Maine. It is not a bill that we have dealt with here in the House at all or in the other body, it came directly from the people, and for us to contrive and manipulate in changing the days on which that vote will occur, whether it be a special election, their own day for a nuclear referendum or whether it will be on election day with bond issues and other referendums, such as the good gentlelady's constitutional referendum, as well as general election, would deprive and deny them of

their special election day. I have got to feel in my own mind that we will simply add to greater cynicism, disenchantment of the people, if we start to arbitrarily and capriciously start to manipulate and contrive when the adjournment would fall so as to push for in six months on into the future so you can set it up for a general election day.

They have asked for their own day. They went out and got enough petitions among the people of Maine to get their own day. They submitted it, got their petitions in a certain time period so that they would fall the four months and the six months would fall in a given time based on a 50 day legislative session, and I think they have probably banked on that and counted on that. For us to deprive and neglect them of that is a serious matter.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: The first issue we have to put to rest is this question of contrivance. Now, when the Legislature, two sessions ago, enacted legislation which talked about the process by which we could extend our legislative process, in that statute we expressly include a section regarding a day for vetoes. Now, at that time, the Legislature could have said the veto day has to be 10 days after adjournment or 15 days after adjournment, but the Legislature left that blank, knowing that the Legislature, in its own wisdom, could make that decision as it sees fit. We are talking here about the question of 10 days, two weeks or six weeks; in other words, the difference of a month. If we delay a month my friends, not only would we have a better chance to deal with collective bargaining but will save the taxpayers over \$300,000.

The only possible legitimate point raised by the Republican leadership during the course of this debate is that we would be denying those who circulated the petition of a very neat constitutional right, and I can assure the members of this House that if I thought that was what we were doing, then I would not be proposing and supporting this amendment.

Unlike Mr. Garsoe and Mr. Tarbell, together with my good friend from Orono, Mr. Davies, I met and spent several hours with Mr. Ray Chavis and the other members who circulated these petitions, and after meeting with them for several hours and explaining the process, they said that they would bring back to their collective membership, at a large meeting which was held on a Sunday evening in the town of Brunswick, the question as to whether their group had any preference as to whether it would be held at a single election or at the general election. The consensus of that meeting on that Sunday evening and reported back to us was that there was no consensus, that that group took no position, although as individuals they may have one preference one way or the other, but as a collective group, they had no preference one way or the other whether it was in November or October.

So I say to you, that this is a chance to save those property taxpayers some \$300,000, money that we have not appropriated as far as the General Fund is concerned, the cost of the Secretary of State to run those elections. There is absolutely no reason to put on the floor of this House why we shouldn't save that money.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I didn't intend to get into this. I thought I had made some comments this morning but afterwards I decided I wouldn't say anything. If this is being interpreted as being a veto day, then I have some real questions whether it is constitutionally proper. If it is interpreted to put off to a day so we could move the referendum forward to the same time as the general election in fall, I have no problems with that, that is a decision that can be made by the members.

I do have some serious questions if this is considered a veto day or using that one day as interpreted in the statutes, because if there are any vetoes to be considered, they should, in my understanding of the Constitution, be considered within 10 calendar days of the day when we recess, because a recess is not an adjournment and, as a result, the Legislature is still considered to be in effect, in a meeting stage. And as a result, if we go through to that May date and there are any vetoes, they, at that time, would automatically become law, if I understand the Constitution right.

The SPEAKER: The Chair would answer in the affirmative, if the Governor has not signed.

Mr. Leonard of Woolwich requested a roll call.

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

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

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: A point that was just brought up, and I don't understand it exactly, I thought that Mr. Birt, said that if the Governor hasn't signed a bill within 10 days, then it automatically becomes law and I understood that you, Mr. Speaker, said—right, in the affirmative.

The SPEAKER: The Chair would answer the gentlewoman in the negative.

Mrs. LEWIS: Well, would you explain to us, please, exactly what the situation is, because I was thinking if the Governor had to sign all those bills, then there would be no need to come back and veto anything anyway, so would you be willing, Mr. Speaker, to explain what it is that Mr. Birt asked and what your answer was?

The SPEAKER: I would be more than happy to.

Under the Constitution of the State of Maine, any bill which is presented to the Governor, he has 10 legislative days in which to sign it or let it become law notwithstanding his signature. If he vetoes the bill and returns it to this body, if we are in recess, we are, in effect, in session, that particular item would have been returned to the Clerk or to the Secretary of the Senate. That would, of course, be considered a veto.

The SPEAKER: A roll call has been ordered. The pending question before the House is on passage. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Baker, Beaulieu, Benoit, Berry, Blodgett, Brennerman Brodeur, Brown, A.; Brown, K.C.; Call, Carroll, Carter, D.; Chonko, Cloutier, Connolly, Cox, Curtis, Davies, Diamond, Doukas, Dow, Dutremble, D.; Elias, Gwadosky, Hickey, Howe, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kany, Kelleher, LaPlante, Lizotte, Locke, Mahany, McHenry, McKean, McSweeney, Mitchell, Nadeau, Nelson, M., Nelson, N.; Norris, Paradis, P.; Paul, Pearson, Post, Prescott, Reeves, P.; Rolde, Simon, Theriault, Tierney, Tozier, Tuttle, Twitchell, Violette, Vose, Wood, Wyman, The Speaker.

NAY — Aloupis, Berube, Birt, Bordeaux, Bowden, Brown, D.; Brown, K.L.; Bunker, Carter, F.; Conary, Cunningham, Damren, Davis, Dellert, Dexter, Drinkwater, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gowen, Gray, Higgins, Huber, Hunter, Hutchings, Jackson, Kiesman, Lancaster, Leighton, Leonard, Lewis, Lowe, Lund, MacBride, Marshall, Masterman, Masterton, Matthews, McPherson, Michael, Nelson, A.; Paradis, E.; Payne, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Small, Smith, Soulas, Sprowl, Stover, Strout, Studley, Tarbell, Torrey, Went-

worth.

ABSENT — Austin, Bachrach, Boudreau, Brannigan, Carrier, Churchill, Dudley, Dutremble, L.; Fowlie, Hall, Hanson, Hobbins, Hughes, Immonen, Laffin, Lougee, MacEachern, Martin, A.; Maxwell, McMahon, Morton, Peltier, Silsby, Stetson, Vincent, Whittemore.

Yes, 63; No, 61; Absent, 27.

The SPEAKER: Sixty-three having voted in the affirmative and sixty-one in the negative, with twenty-seven being absent, the Order is passed.

Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

Special Sentiment Calendar

Recognizing,

The Presque Isle High School Stage Band, winner of the first-place trophy in the Division One classification at the Maine State Jazz Festival in Newport; (H. P. 2059) by Mrs. MacBride of Presque Isle)

There being no objections, the above Expression of Legislative Sentiment was considered passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith.

(Off Record Remarks)

House at Ease

The House was called to order by the Speaker.

The following paper was taken up out of order by unanimous consent:

Non-Concurrent Matter

RESOLVE, Authorizing an Appropriation of \$285,315 to Provide for Administrative and Other Necessary Operating Expenses Related to Certain Transitional Indian Services for the Period from July 1, 1980 to January 31, 1981 (Emergency) (H. P. 2052) (L. D. 2038) (S. "A" S-539) which was passed to be Enacted in the House on April 3, 1980.

Came from the Senate failing of Passage to be Enacted in non-concurrence.

In the House:

On motion of Mr. Diamond of Windham, the House voted to recede. The same gentleman offered House Amendment "A" and moved its adoption. House Amendment "A" (H-983) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Senate Amendment "A" and House Amendment "A" in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The following paper from the Senate was taken up out of order by unanimous consent:

Special Sentiment Calendar

Recognizing,

William L. Clarke, who is celebrating his 25th anniversary as Westbrook City Clerk (S. P. 830)

There being no objections, the above Expression of Legislative Sentiment was considered passed in concurrence.

The following Communication from the Senate was taken up out of order by unanimous consent:

The following Communication:

April 3, 1980

Honorable Edwin H. Pert
Clerk of the House

109th Legislature
Augusta, Maine 04333

Dear Clerk Pert:

The Senate today voted to Adhere to its former action whereby Bill, "An Act to Revise Allocations from the Highway Fund for the

Fiscal Years from July 1, 1979 to June 30, 1981, and to Provide Increased Revenues to the Highway Fund." Failed of Enactment, (H. P. 2053) (L. D. 2039)

Respectfully,

MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

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

Passed to be Enacted

RESOLVE, Authorizing an Appropriation of \$285,315 to Provide for Administrative and Other Necessary Operating Expenses Related to Certain Transitional Indian Services for the Period from July 1, 1980 to January 31, 1981 (H. P. 2052) (L. D. 2038) (S. "A" S-539 and H. "A" H-983)

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

By unanimous consent, ordered sent forthwith.

Non-Concurrent Matter

Joint Order relative to Adjournment (H. P. 2058) which was Read and Passed in the House on April 3, 1980.

Came from the Senate Indefinitely Postponed in non-concurrence.

In the House:

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

Mr. TIERNEY: Mr. Speaker, I move the House recede and concur and request to speak to my motion.

The SPEAKER: The gentleman from Lisbon Falls, Mr. Tierney, moves that the House recede and concur.

The gentleman may proceed.

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: It is clear that the members of the other body have remained intransigent and have rejected the very wise position that this House took by an overwhelming margin a short period of time ago. It is not the first of my orders which has been indefinitely postponed in the other body, and I do hope that we can expedite the matter by simply going forward and receding and concurring, which, of course, does kill the bill. Obviously, I am extremely disappointed.

Whereupon, Mrs. Reeves of Pittston requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Lisbon Falls, Mr. Tierney, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Austin, Baker, Beaulieu, Benoit, Birt, Blodgett, Bordeaux, Bowden, Brennerman, Brown, A.; Brown, D.; Brown, K.L.; Bunker, Call, Carroll, Carter, F.; Chonko, Conary, Connolly, Damren, Davies, Davis, Dellert, Dexter, Doukas, Drinkwater, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gowen, Gray, Hanson, Hickey, Higgins, Hobbins, Howe, Huber, Hunter, Hutchings, Jackson, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kelleher, Kiesman, Lancaster, LaPlante, Leighton, Lewis, Locke, Lougee, Lowe, Lund, MacBride, Mahany, Marshall, Masterman, Matthews, McKean, McSweeney, Michael, Mitchell, Morton, Nelson, A.; Nelson, M.;

Nelson, N.; Norris, Paradis, E.; Paradis, P.; Payne, Peterson, Post, Prescott, Reeves, J.; Reeves, P.; Rollins, Roope, Sewall, Sherburne, Small, Smith, Soulas, Sprowl, Stover, Studley, Tarbell, Tierney, Torrey, Tozier, Tuttle, Vose, Wentworth.

NAY — Berry, Brodeur, Brown, K.C.; Carter, D.; Cloutier, Cox, Curtis, Diamond, Dow, Dutremble, D.; Elias, Gwadosky, Kany, Lizotte, McHenry, McPherson, Nadeau, Paul, Pearson, Simon, Strout, Theriault, Twitchell, Violette, Wyman.

ABSENT — Bachrach, Barry, Berube, Boudreau, Brannigan, Carrier, Churchill, Cunningham, Dudley, Dutremble, L.; Fowlie, Hall, Hughes, Immonen, Laffin, Leonard, MacEachern, Martin, A.; Masterton, Maxwell, McMahon, Peltier, Rolde, Silsby, Stetson, Vincent, Whittemore, Wood.

Yes, 97; No, 25; Absent, 28.

The SPEAKER: Ninety-seven having voted in the affirmative and twenty-five in the negative, with twenty-eight being absent the motion does prevail.

At this point, the Speaker appointed Mr. Tierney of Lisbon Falls on the part of the House to inform the Senate that the House had transacted all business before it and was ready to adjourn without day.

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

(Off Record Remarks)

The Chair appointed the following members on the part of the House to wait upon His Excellency, Governor Joseph E. Brennan, and inform him that the House had transacted all business before it and was ready to receive any communication that he may be pleased to make:

Messrs. THERIAULT of Rumford
SIMON of Lewiston
Mrs. BACHRACH of Brunswick
Messrs. CLOUTIER of South Portland
LIZOTTE of Biddeford
BERRY of Buxton
BIRT of East Millinocket
TORREY of Poland
ROOPE of Presque Isle

Subsequently, Mr. Theriault, for the Committee reported that they had delivered the message with which they were charged.

(Off Record Remarks)

Mr. Jalbert of Lewiston was granted unanimous consent to address the House.

Mr. JALBERT: Mr. Speaker and Members of the House: I have been in touch with Washington for the last two weeks about the Indians and one thing and another, have spoken to many members of the House and Senate, the Speaker and members of our own delegation, Republicans and Democrats.

I come from an area where we don't know a potato from a pumpkin, outside of the fact that we love Maine potatoes, and I don't think we ought to leave here without talking about what has been going on in the last few days. Mr. Speaker, if you keep on speaking to somebody, I will walk down the aisle and shoot you.

I don't think too many realize, and I know it is not finished, what is going on and what has been done in Washington concerning our potato industry. As I say, I live inland, I eat potatoes, I don't grow them.

I can recall when we had the roasting of the Speaker a couple of weeks ago. I got a note from my friend Bill, who said to me, we are having a little roasting of John—join us. I did and I think I did a pretty good job of roasting him. But just for a few seconds, I would like to speak very, very seriously about the Speaker. It is not over, he knows it, I know it and you people up north know it in the county, which, of

course, is God's country, but I think this House should not adjourn or recess, or whatever we are going to do, without really and truly applauding strongly and vociferously the work that the Speaker of the House has done wherein it concerns the potato industry in Aroostook County in the last couple of weeks. I know because I have spoken to people in Washington, and I want to congratulate him and I know that you people will with applause, a standing ovation for what he has done for us.

Mr. Speaker, you have done one heck of a job.

(Applause, the members rising)

The SPEAKER: The Chair would like to thank the members of the House. I would just like to indicate to you that as soon as we adjourn, I am flying back up there to meet with the people from Washington and the Aroostook County farmers. I really intended to leave at one thirty this afternoon.

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

Mr. Carroll of Limerick was granted unanimous consent to address the House.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: As House Chairman, I can't laugh and smile, because I know the State of Maine is liable for all kinds of law suits if our highways are not properly maintained this summer. I also know that 450 people probably will lose their jobs.

We have a very serious problem, and I say the Senate has not completed their job, hasn't performed their duty—we don't have a high-way budget.

(Off Record Remarks)

At this point, His Excellency, Governor Joseph E. Brennan, entered the Hall of the House amid applause of the House, the members rising, and delivered the following communication:

Governor BRENNAN: Mr. Speaker and Members of the House: I want to thank you for that very warm reception.

I am pleased to be able to appear before you tonight to congratulate you on a job I truly believe has been well done in this House. Some of my remarks to the Senate will be different because of their failure to meet their responsibilities.

Once again this House has met its obligations and you leave behind some truly historic accomplishments.

You have taken the first important step toward resolving the most difficult legal issue ever to confront the State of Maine, a case that may be among the most complicated in the entire history of American litigation.

But this case has also afforded us the opportunity to lay a foundation with our Indian neighbors, a relationship based on full-fledged citizenship, on dignity and self-respect for the Indian citizens of Maine.

Many of you had to set aside grave personal doubts about the wisdom of pursuing this course of action. But in so doing, I believe that you followed the path of statemanship on this difficult issue and I commend you for it.

And there have been other important issues.

Last weekend, a Maine newspaper published an editorial which listed what it considered to be all the accomplishments of this session—the space was left blank. I invite you to read the newspaper this Sunday, for I have offered them some suggestions about how they could have filled the blank space.

They could have started out with your act of sensitivity and compassion in supporting the dignity, self-sufficiency and hope for thousands of our citizens who depend on the federally-assisted human service programs collectively

known as Title XX, programs that help elderly people receive nutritious meals and maintain their households, programs that provide protective services for the abused child, job training for many of our handicapped and for our retarded citizens, and services for so many others who look to us here in government for help.

And any list of accomplishments in this session would have to include the Agriculture Development Act, which I believe history will find to be a turning point in the recovery of Maine's farm industry.

You voted to continue and to improve education for pre-school handicapped children.

There have been accomplishments in economic development, energy, corrections, education and environmental health.

Each of you could add your own suggestions in regard to the list of accomplishments, but the true meaning and worth of this session will never appear in the pages of a newspaper. It will emerge in the months and years ahead as the legislation that you passed becomes law and has its effect on our state and how we conduct our affairs and on our lives.

Sometime soon, more small hydro-electric projects may be in service because you were here at this session.

Somewhere in Maine, downtown redevelopment will be boosted because of things that you did in this session.

Someday, a manufacturing plant will move to an industrial park because you were here to provide the tools to help promote our advantages to business. And every day, the lives of Maine people will be enriched because of actions you took during this session, actions that showed you cared about the immediate, felt human needs of our people.

So I thank you for acting in good conscience and good faith, for compromising when that had to be done, and for putting the best interests of our state and our people above everything else.

I thank you personally for the sacrifices you made to serve in this legislature, and I wish you well until we meet again.

Thereupon, Governor Brennan retired from the Hall of the House amid prolonged applause, the members rising.

The SPEAKER: The Chair recognizes the gentleman from Easton, Mr. Mahany.

Mr. MAHANY: Mr. Speaker and Members of the House: I move the House stand adjourned without day.

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

The motion prevailed and at 7:34 P.M., Eastern Standard Time, Thursday, April 3, 1980, the Speaker declared the House adjourned without day.