

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

Volume II

May 21, 1975 to July 2, 1975

Index

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Wednesday, July 2, 1975

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

Prayer by Father Christian E. Roy of Augusta.

The members stood at attention during the playing of the National Anthem.

The journal of the previous session was read and approved.

Messages and Documents

The following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE
04330

July 1, 1975

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

I am returning to you L. D. 1787, An Act Relating to Public Compensation to the Victims of Crime without my signature or approval. I feel that while this bill is a noble effort on the part of the Legislature, it falls short of dealing with the problems encountered by victims of crimes.

I do not feel this is the time to extend State Government into this area. Several states are currently trying laws along this line but the type of liability the state will face can not yet accurately be predicted. We do not know how potentially expensive this program will become, and available research is not sufficient enough at this point to warrant state participation in this area.

There is an appropriation of \$31,600 to pay victims claims in this bill. The bill provides for compensation of up to \$15,000 for any one victim which could effectively mean termination of the program after the reimbursement of a very small percentage of the legitimate claimants have been satisfied.

I also believe that the mechanism established in this bill is unwieldy. To set up a separate administrative unit with employees and a Board is an unnecessary expenditure of taxpayer dollars.

I feel that restitution within the existing court system might more appropriately and more efficiently aid the victims of crime. Movement in this direction is already underway. The direct contact between the offender and his victim would relieve the State of its financial burden while reimbursing the victim. This would force the offender to face up to his action and society. It would place the responsibility for action squarely upon the offender rather than upon the State.

For these reasons, I respectfully request that my veto be sustained.

Very truly yours,

Signed:

JAMES B. LONGLEY
Governor

The Communication was read and ordered placed on file.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I won't take much of your time this morning but let me say at the beginning that I am somewhat saddened and puzzled by this veto. The Governor agrees with the bill's philosophy, he claims however, that it is underfunded on one hand and that on the other hand, it doesn't go far enough. He feels that restitution rather than reparations is the

answer. My bill deals only with reparations for out of pocket expenses for unreimbursable medical expenses or loss of wages not exceeding \$100 per week. The Governor feels that restitution is the answer. I agree, full restitution would be a much better deterrent to crime than reparation but this approach would require even more money and the only way this could work would be through state funding and the state must have the right to subrogate or recover from the defendant or felon. It would have to be in this fashion because some felons would have no assets or little, if any, earning capacity and I submit to you, that you can't get blood out of a rock. Full restitution without state participation would only mean that justice would apply only to the few who happen to be the victims of a well heeled felon and I don't believe you will find many of this type in Maine.

My bill applies to any citizen in Maine. It is designed to right part of a great injustice done to the innocent victims of crimes, innocent, hard working victims who sometimes end up as paupers, yes, paupers, through no fault of their own. This, ladies and gentlemen, is not justice. My bill is the only proper approach at this time, even though limited as it is, to cover only medical expenses and loss of wages, it will go a long way in providing the type of justice that we all want and all seek. I, too, am concerned about funding, that is why we amended this bill in the eleventh hour last week so that the state could accept federal monies and after talking with the state Director of L.E.E.A., Jack Leet and the Regional Director, Ray Boggs, I have been assured that getting federal funds is a distinct possibility. We have a year to work on this approach as my bill does not begin until the second year of the biennium. I would hope that the House would remain consistent and vote along with me today in overriding the Governor's veto.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I certainly support Mr. Carter's bill this morning and I certainly hope that we will, at this time, stick to our last vote and go along and show that we want this bill.

I'm going to read to you, a little thing about a victim that happened in the State of Washington, a woman that has lived and worked hard all her life, accepted nothing and she was a victim of these vicious criminals and she states why she was reluctant after all her funds were exhausted, she stated "I believe and I taught my children to believe that accepting anything that we do not earn, destroys our pride and if we destroy our pride, we, too, would then also destroy ourselves. Today, there is much given to people that they do not have any pride left."

There are many programs underway now in different states and through the federal government that are compensating several laws that are being made for victims of crime. To be sure, we lost a lot of money out of the original bill and it is \$31,000 I believe, but at least it is a start. It is a start to show that the victims of crime in this state deserve consideration by this legislature. Too often, they are left on the front pages and the murderers and the rapists and the cop killers are still there day in and day out with all their fame and publicity because they committed the

crime and the victim is soon forgotten. We have laws to protect people in this state, we have laws also that protect murderers and the vicious people who commit these crimes. Store owners, gas station attendants, as we know of one in this state just recently, hotel managers, motel managers and so forth and small business people all over this country are being attacked by the viciousness of criminals because they think they have a few coins and they don't want to go out and work for a living. They don't care about the victim, all they care about is their own selfishness. Well, I say to you, the victims of crime are the innocent people that we must stand and protect and I say to you that these murderers, 258 of them, their judgment day will come this fall and they will go right where they belong. In the meantime, the innocent victims must suffer at the hands of the criminals. If we made it perfectly clear that we meant business in enforcing our laws to prove for society that crime and vandalism do not pay rewards we would be going a long way to eliminate crime and vandalism and when we do that, we will have less victims of crime. We have been too soft, we have been too inconsistent and we have been too compassionate in our dealings with those people who misuse the license and the liberties of a free society. Let's not have any more bleeding hearts and shedding tears for the criminals, let's have compassion for the victims of crime and override this veto.

I show you today, ladies and gentlemen of this House, where vicious crimes from the Federal Bureau of Investigation's statistics, the total crime index is up 17 percent in our nation, crime is on the upgrade and when that happens, victims suffer and violent crimes such as murder, forceable rape, robbery and aggravated assault is up 11 percent. You tell me we don't need this law.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker and Members of the House: I would urge you to sustain the veto. This bill as I see it, transfers, in effect, the responsibility for the wrongdoing from the wrongdoer to the state, the all-giving state is the one that is going to make reparation. I think that a person should be accountable for his or her own acts and that the wrongdoer is the one that should make restitution and that the state shouldn't be asked to do that.

Now, I know, in theory, the state was supposed to go after the wrongdoer, after the state has paid for the wrongdoing, but that doesn't work out in AFDC Cases and I don't think it is going to work out in this case. I think if the gentleman from Westbrook wants to deter future crimes, he would have the wrongdoer be the one that makes restitution and not have the state make restitution.

I would like to point out that this bill originally called for \$300,000 when it was presented by the gentleman from Winslow but it was lessened by the committee to \$168,000 and, as I understand it, as it is passed now, it is \$50,000. I'm suggesting that they are just grabbing figures from the air and this would not provide the kind of money that the gentleman from Westbrook wishes that it would, and then this board is going to decide who is going to be compensated and maybe a lady who has been raped, for example, as the gentleman from Westbrook just said, perhaps she would receive the entire \$50,000 and others

whose property was damaged or injured would not receive anything.

I think the Governor is right in this case. I hope you vote to sustain his veto.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I am going to go along with the Governor on this veto. I don't believe in taxpayers paying for the misdeeds of others. In the first place, the bill is very much underfunded and I don't know how you are going to get the money and as far as the federal money is concerned that's in the air and there's just a question mark.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I supported this bill the other day and I still support it. I would suggest that the taxpayers are paying for the misdeeds of others because we support a very expensive correctional system. I think it sounds good, in theory, to say the criminal should be the one to make restitution to his victim but, in many cases, I don't believe that the criminal would be able to, would have the funds in order to do it and I think this is a very innovative piece of legislation which is now being tried in many states and is sort of a part of a general attempt to reform our prison and criminal system which we all know is indeed in trouble and I hope today you will go along with the bill.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker and Members of the House: Just briefly, I note that this requires appropriations of \$50,000 of which \$31,600 is for reparations but the other \$18,400 is for personal services, so we are setting up a board which will cost \$18,400, as I read the bill, only to pay out \$31,600. It doesn't make sense that that become a law.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I feel this is a true law and order measure and because of that, I will follow the lead of the gentleman from Cape Elizabeth and ask you to vote to sustain the Governor's veto. The amount of money set aside for this bill, a poor pittance. We could not hope to begin. I feel that most of the money that is left over will go to pay attorneys to try to get the money from the state, the poor little guy on the street will come up with the big zero. I think that the Governor has used excellent judgment because of the money factor that he cited and I urge you to sustain the veto this morning.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Gray.

Mr. GRAY: Mr. Speaker, Men and Women of the House: I cannot support this bill because I feel that it does not only address itself to the real problems, not only to the victims of crime but to the criminal element in our society as well. There has not been enough research to know what the eventual cost will be on this bill. What happens when we run out of money?

I agree with the gentleman from Cape Elizabeth, Mr. Hewes, that so long as we continue not to hold persons themselves economically and morally responsible for their own actions, that crime statistics will continue to rise and I support the veto.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I certainly have the greatest admiration for my good friend from Cape Elizabeth but I disagree with him 100 percent on this bill.

First of all, it is not before this legislature today to penalize the criminal. If it was, I'd be the first one to penalize him, I would be for you 100 percent but these punks do have a dime. All they care about is getting for themselves, that's not what is before us today. What is before us today is a start in the right direction to help the victims of crime and if these birds had any money and we could electrocute them for not paying the bill, I would be for it 100 percent.

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

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: Last year, I was on the Legal Affairs Committee and we held hearings around the state on the problems of rural crime in the state and it was the opinion of the people testifying before these committees that they felt that the criminals should make the retribution to the victims of these crimes, not the state. I don't think the state should have to make the contribution for the misdeeds of the criminals and I think if we're going in the right direction, we would ask the criminals that did these crimes to make the retribution for them, so I hope you would sustain the Governor's veto today.

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

Mr. CARROLL: Mr. Speaker and Members of the House: Seeing how the liberals have taken over my state and created an atmosphere where crime is growing instead of being deterred, where we no longer have the rock pile at the county jail, if we're legislating properly, we would be putting the rock pile back at the county jail and giving them all a sledge hammer. We would put them right back where they belong, where they would be wanted criminals. We have created a situation in our state where institutions in states around us are closing down their criminal barracks, as we would call them, sometimes, and they are sending them up here to be rehabilitated. We have about three or four of them in our state now. I have recently had one move into a neighboring town of mine and they say they rehabilitate these people. Well, I talked to a judge in the district court and he says they do all right and then they turn them loose in the State of Maine and they are winding up in Windham and in Thomaston, so I say there is something wrong with our laws, we are not going at it right. If this bill said to put the rock pile back at the county jail, I would be 100 percent for it, but it doesn't, but it does say that the victim of crime shall be repaid for damages sustained up to a certain amount of money and this, I believe, is the right track. When you tell me the state does not have the ability to collect from a criminal, then who does? You expect a private citizen out in the street that has been robbed and beat over the head to go out and hit this guy up on the street to get his money back? I believe this is a state responsibility and I certainly will vote to override his veto.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I would like to address myself to this question of responsibility. Now, it has been said by

several of the gentlemen that the state should not have the responsibility for reimbursing these people. I would submit to you, ladies and gentlemen, that the state has already accepted the responsibility for, at least, preventing crime when we set up police forces. If we were to follow this logic that the state has no responsibility for reimbursing the victims of crime, if we follow this logic to its conclusion, why should the state have responsibility for protecting people from criminals? Why should not each person be expected to protect himself from criminals? We could save the state untold millions of dollars in this manner, couldn't we, if we followed this logic to its conclusion? But I'm sure we would not want to do that, we would not want to leave each person in the state responsible for protecting himself from criminals so why should we leave each person in the state responsible for the expenses that are caused by criminals, who for one reason or another whatever they are, our society has been unable to protect him from?

I say that this bill is a step in the right direction, and as for there not being sufficient funds, this is certainly a good way to kill a bill. You cut the appropriations to the point where you can then say "well, this bill is no good anyway because we haven't appropriated enough money for it."

I would certainly agree with the gentleman, Mr. Laffin, on this, that it is a step in the right direction even if we do not have sufficient funds to very generously reimburse every victim of crime. The reason we don't have this is, because this legislature, in its wisdom, has cut the appropriations that was in the original bill by the gentleman, Mr. Carter. I still say with these gentlemen, that this is a step in the right direction and we should override this veto and take this step.

The SPEAKER: The pending question before the House is, shall this Bill become law notwithstanding the objections of the Governor? Pursuant to the provisions of Article IV of the Constitution, the yeas and nays are ordered. If you are in favor of this Bill becoming law notwithstanding the objections of the Governor, you will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Bagley, Bennett, Blodgett, Boudreau, Carey, Carpenter, Carroll, Carter, Chonko, Churchill, Connolly, Cox, Curran, P.; Curran, R.; Curtis, Davies, DeVane, Dow, Farley, Faucher, Flanagan, Fraser, Garsoe, Goodwin, H.; Goodwin, K.; Greenlaw, Henderson, Hennessey, Higgins, Hobbins, Hughes, Ingegneri, Jalbert, Jensen, Kany, Kelleher, Kennedy, Laffin, LaPointe, LeBlanc, MacEachern, Martin, R.; Maxwell, McKernan, Mills, Mulkern, Nadeau, Najarian, Pelosi, Perkins, S.; Post, Powell, Quinn, Rideout, Rolde, Silverman, Snow, Stubbs, Theriault, Tierney, Tozier, Usher, Wagner, Wilfong, Winship, The Speaker.

NAY — Albert, Ault, Berry, G. W.; Berry, P. P.; Berube, Birt, Bowie, Burns, Call, Conners, Cooney, Cote, Dam, Doak, Drigotas, Dudley, Durgin, Dyer, Farnham, Fenlason, Finemore, Gauthier, Gould, Gray, Hall, Hewes, Hinds, Hunter, Hutchings, Immonen, Jackson, Jacques, Joyce, Kelley, Laverty, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lynch, MacLeod, Mahany, Martin, A.; McBreairty, McMahon, Miskavage, Morin, Morton, Palmer, Pearson, Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Raymond, Rollins, Saunders, Shute.

Showe, Spencer, Sprowl, Strout, Susi, Tarr, Teague, Torrey, Twitchell, Tyndale, Webber.

ABSENT — Bustin, Byers, Clark, Kauffman, Lunt, Mackel, Mitchell, Norris, Peakes, Smith, Talbot, Truman, Walker.

Yes, 67; No, 71; Absent, 13.

The SPEAKER: Sixty-seven having voted in the affirmative and seventy-one in the negative with thirteen being absent, sixty-seven being less than two-thirds of the members present, the veto is sustained.

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

July 1, 1975

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

On the advice of my fiancé and budget office, I regret that I must oppose L. D. 640, An Act Relating to the Procedures for State Valuation. I feel the legislation is not suitable because:

1. It does not seem to me to be necessary to set up a second avenue of appeals on municipal valuation. The Municipal Valuation Appeals Board is independent of the Bureau of Property Taxation and, as such, can be expected to make proper decisions through the appeal route.

2. This legislation would add another avenue of appeals, could encourage more appeals by the municipalities and consequently, increase the cost of the Municipal Valuation Appeals Board.

3. As a result, the cost of the Municipal Valuation Appeals Board will increase.

4. The Legislature previously was advised that increased costs would be in the neighborhood of twenty to twenty-five thousand dollars. Apparently this figure has been disregarded, as there has been no additional appropriation forthcoming with this Bill. I question seriously the omission of a cost factor, which only adds tax dollars when legislation has inadequate funding.

For these reasons, I find I cannot sign L. D. 640 and I respectfully ask that you sustain my veto.

Very truly yours,

Signed:

JAMES B. LONGLEY
Governor

The Communication was read and ordered placed on file.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: L. D. 640, which the Governor has vetoed was sponsored by myself, the gentleman from York, Mr. Rolde, the gentleman from Nobleboro, Mr. Palmer and the gentleman from Yarmouth, Mr. Jackson. The bill had a unanimous "Ought to Pass" in new draft report from the Taxation Committee. To my memory, it did not receive any debate in this House. It makes two important changes in the law, number one, it shifts the burden of proof for justifying that the state valuation of a given city or town is a just and fair value from the municipality to the Director of the Bureau of Taxation. Two, the bill allows a municipality, or for that matter, the state, a second avenue of appeal to the Superior Court, under Rule 80 B of the Maine Rules of Civil Procedure, as I am sure you are all aware, the first avenue of appeal would be the Municipal Appeals Valuation Board. The rationale for the change in the law is very simple.

The Bureau of Taxation is a state government agency responsible for determining and setting the state valuation of each of the 496 cities and towns in Maine that we all represent. Inasmuch as the bureau possesses the personnel with the expertise and experience in this field, it seems only reasonable and logical that the responsibility for the burden of proof should remain with the bureau which is responsible for setting the state valuation.

Yesterday afternoon, the Governor afforded me the opportunity of discussing this bill with both himself and his Commissioner of Finance and Administration. I don't think there was any question that it was a friendly discussion but it was just a point of disagreement on the need for the bill and what it would do. In discussing this bill with some members of this body this morning, I talked with the gentleman from Farmington, Mr. Morton and asked him whether or not he felt the Municipal Appeals Valuation Board was, in fact, as independent as the Governor tends to indicate in his veto message; and he seemed to think that it was. I would submit, however, that this particular appeals procedure is one out of the very few in the state that does not allow the municipality, or for that matter, the state, to appeal a decision to Superior or Supreme Court and I think in a matter as important as the termination of state valuation, I think it ought to have that particular remedy.

I think it is no secret that the Bureau of Property Taxation has been opposed to this bill since its inception and I think perhaps they have been opposed to the bill because it is going to make them spring up a lot harder than they have now for justifying why the state valuation of a given town is what they say it is, and I would hope, very sincerely, this morning, that we could override the Governor's veto because I think it is appropriate, the state agency that sets the state valuation also be the one for justifying that it is a fair and just valuation in appeal procedure. I urge you to vote yes on the pending motion.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief but there are three points that I want to make about the Governor's message back to us and the reasons that I feel we should override his veto.

Number one, I ask you in all sincerity "why shouldn't the burden of proof be on the Bureau of Taxation?" The decision is made, the assessors have the right to come before the board, they are questioning a decision of that board, I say it's only just and fair that they should have the burden of proof.

Two, I can see no increase in cost as outlined in the Governor's message. The reason I say that is because, if, after a hearing before the appeals board, a decision is made and then the towns or municipalities have the right to appeal, that is not an increased cost to the appeals board. We have downstairs now, I believe by last count, around 33 Assistant Attorney Generals in this state and that's their function, that is what their duty would be to carry on after an appeal had been made and when a decision had to go to the courts and thirdly I would remind you, that as far as I know, this is the only board in the state from whose decisions we or the towns do

not have the right to appeal. Why should it be this one? This is a very, very important area, it is an area which we have discussed and so far it has such a great, wide effect upon so many things we do in this state, I believe it should be a decision that we should make to give these people a chance to go and appeal to the courts. Remember this, just once again, as far as I know, it is the only board whose decisions we do not have the right to appeal. I think that, in itself, is one point that we should consider very, very carefully and ask yourself also, "why shouldn't the burden of proof be on those who make that decision." Do not be fooled by the increase in costs. I hope we will override this.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I am quite amazed this morning at reading His Excellency's veto message. In paragraph 4, the legislature previously was advised that increased costs would be in the neighborhood of \$20,000 to \$25,000. Apparently this figure has been disregarded as there has been no additional appropriation forthcoming with this bill. I question seriously the admission of a cost factor which only adds tax dollars when legislation has inadequate funding. I am wondering, Mr. Speaker, just how this jibes with this bill he has already signed into law, giving prescriptions and drugs to the elderly with an appropriations on the bill of \$1 apiece. I have already gotten two calls, one call and then I saw one person on that very bill. I got one call and I have answered them both with the same reason. Is there an agency that is going to set up these drug stores or is there going to be several drug stores that we the elderly can go to and I've told them as far as I'm concerned one agency that they could go to, and that is on the second floor of the state house, called Longley's Pharmacy. I shall vote to override.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I had not intended to speak on this this morning but the gentleman from downeast did bring my name into the debate and I would confirm what he said. I do feel that the Municipal Valuation Appeals Board has done a good job. Over the years, they have tended to support the towns and attempted to find any way possible to support an appeal of their assessment by the towns from the tax assessors assessment. In most cases, this has not been successful, although in some it has, and usually because there was just no way that the appeals board could act in the way that the town was presenting its case.

I do not necessarily agree that the costs will be increased, I go along with the gentleman from Nobleboro on that, because the appeals board is sitting and does act and will act and in conformity with the law in this case and towns are required, under the law presently, and there was a big conversation about this particular point as we discussed the bill in Taxation whether or not the town would be liable to pay as a result of the action of the appeals board pending a case in court and there was some fractions that wanted them not to pay and others who wanted them to pay and I insisted, as did many others on the committee, that they must pay as a result of the action of the appeals board so the cash flow that will come to the state in a normal manner. Only after an

appeal to the Superior Court from the decision of the appeals board which, if successful, will the town be able to get a refund from the state so that any funding of this is way down the road, as I see it, and possibly there may be none at all if the towns are not successful. I do agree that the state presently refutes the town's case before the appeals board and I'm sure there will be an added burden on the state to have the burden of proof on them because they are prepared to take on that burden at the present time. I think because this does provide the further step for the towns of an appeal to the Superior Court, because the towns do have to pay in any way in accordance with the normal schedule and because only will they have money coming back to them if they are successful in Superior Court, I think this morning that I will vote and I urge you all to vote to override the veto.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I'm going to vote to sustain the Governor's veto. With over 450 communities in this state and all of them reluctant to increase local taxes because they are tied in with many programs with state funding, I think we are opening up a Pandora's Box.

What you are doing with this legislation is allowing the communities who are ill prepared to go to an appeals board to shift the burden to the Bureau of Taxation. No longer will the municipalities have to prove that they are unfairly taxed, you shift it to require the Bureau of Taxation to prove that they are doing a fair taxing job and I can see trouble down the road.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I had the privilege of serving five years on the Maine Municipal Appeals Board. I was one of the first appointees to this board when it was first set up and when we were assigned our office space we insisted that our office space be a separate entity away from the Bureau of Taxation so we went over to the Vickery Hill Building and we set up our office. We made it known, in no uncertain terms, that we were no part or parcel of that body of taxation, that we were to be an appeals board for the sole purpose of the towns coming in, filing their appeal and hearing the evidence. We did everything in our power in the period in which I served and I served five years, to help any of the communities file an appeal. Many, many times communities came in not due to their fault but they actually had poor cases, poorly prepared, they came before us. They could not present any evidence that we could actually help them on so we felt we just couldn't help them but if they opened one little avenue of approach that we could actually help them, we bent right over backwards to help those towns. I think this appeals board has been doing a very good job not because I served on it but because I can cite instances and cases. Down to Freeport, we had advance information they were going to lose an industry, the Bureau of Taxation did not have this information and we wrote back that valuation on the basis of some good concrete evidence that the valuation was indeed and truly out of line.

We also had a meeting in North Berwick in which the state Bureau of Taxation went

back there and they changed the valuation on their own. They were offered this opportunity. We want you to know that, as far as I'm concerned, I feel I will have to help the Governor to sustain his veto because I'm sure that when you open the avenue of going to court, that this may be one more approach but I'm not entirely convinced that the approach of the appeals board has been exhausted. I just feel that the towns with their Freedom Fighters and the fact that they are going to be better prepared in the future, that you are going to see them coming in before this appeals board, really presenting a very good case on their side and they are going to give the state a good run for their money and I really feel that in the future, these towns are going to come in here and they are going to present a good case. Many times, they would be asked, it's kind of a loaded question, and I didn't approve of this question, but it always was asked by the state "if your neighbors taxes were raised, would you be satisfied with your taxes?" "Oh, yes, we certainly would". Well, in other words, it's your neighbor's evaluation that is wrong, it isn't yours. This is the problem, so if these towns came in very well prepared in their case, I am sure they will get some relief.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I signed the unanimous "Ought to Pass" Report on this bill. I had one reservation, at the time, that I want to share with you and that was that by signing "Ought to Pass" on the report, it was sort of an admission that a need existed for further legislation to give relief where there was a need and I honestly didn't feel that. As the gentleman from Limerick, Mr. Carroll, has indicated all the evidence given us was that the Municipal Valuation Appeals Board was tilted all in favor of the small towns and as the gentleman said, if they were given any opportunity for a place to hang their hat, they went with the small towns and to add another layer on the appeals procedure, namely, the courts and to expect from the courts which presumably would be impartial on these issues, better treatment, than they get from a board that is admittedly tilted all in their direction, it is an unreasonable hope, so that plus the fact, that our courts are loaded with criminal work, I believe that in my home county of Somerset and other members from Somerset here who can confirm or deny this, I believe it has been 2½ years since we have heard a civil case in our Superior Court in Somerset County so that if a town did go through the Municipal Valuations Appeal Board and wish to take it on the court, it would indicate several years to lay before they got an answer so there are some problems with it. I don't know that there is that much harm with it and I'm certainly not prejudiced against the towns. If there is any opportunity we want to give it to them but I just hope that no false hopes are built on this legislation because it just doesn't have anything to offer the towns.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I think we have touched on a very important point here and ask the question of balance.

I have no problems with the appeals board and I think the appeals board has met a need here in that they have leaned

over backwards for the towns and I think they have had to do this because it was out of balance. If you will look at the bill on Page 2, down at the bottom of the second paragraph, it shows the need of the thing the director shall have the burden of proving that the valuation established by him is a just value. If there had always been a just value and if there had been no question of this, the appeals board would not have had to lean over backwards to support the towns as it has obviously had to from what people have said here and I think this will swing things back to the middle so the appeals board can be truly, even in its judgment, and I see almost a David and Goliath situation and particularly with the small towns, the state is equipped with the Attorney General's Office, the state is equipped with the large well staffed taxation office and they are able to gain in and set the state valuation and then challenge the town to try and question this and then particularly in the small towns, they have to go out and hire experts, valuation people and they have to get lawyers and all of this makes a terrible burden. They are meeting the full brunt of the state when they try to do this. This would shift this back to the state, you say what the valuation is, you defend it and as far as the question of going to court which we are putting in here, that wasn't before. I have a feeling that this would be a very rare occurrence and it certainly should be something that is available to the towns if they wanted to go to court and I hope we will override the Governor's veto.

The SPEAKER: The pending question before the House is: shall this Bill become law notwithstanding the objections of the Governor? Pursuant to the provisions of Article IV of the Constitution, the yeas and nays are ordered. If you are in favor of this Bill becoming law notwithstanding the objections of the Governor, you will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Birt, Blodgett, Bondreau, Byers, Call, Carey, Carpenter, Chonko, Churchill, Connors, Connolly, Cooney, Côté, Cox, Curran, P.; Curran, R.; Curtis, Dam, Davies, DeVane, Dow, Dirgotas, Durgin, Dyer, Farley, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsøe, Gauthier, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Hennessey, Hewes, Higgins, Hinds, Hobbins, Hughes, Hunter, Hutchings, Jackson, Jalbert, Jensen, Joyce, Kany, Kelleher, Kelley, Kennedy, Laffin, LaPointe, Laverty, LeBlanc, Leonard, Lewin, Lewis, Lovell, MacEachern, Mackel, MacLeod, Martin, A.; Martin, R.; Maxwell, McBreairty, McMahon, Mills, Miskavage, Morin, Morton, Mulhern, Nadeau, Najarian, Palmer, Pearson, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Post, Powell, Quinn, Rideout, Rolde, Rollins, Saunders, Shute, Silverman, Snow, Snowe, Sprowl, Susi, Tarr, Theriault, Tierney, Torrey, Tozier, Twitshell, Tyndale, Usher, Wagner, Wilfong, Winship, The Speaker.

NAY — Berry, P. P.; Berube, Bowie, Burns, Carroll, Doak, Dudley, Farnham, Henderson, Immonen, Ingegneri, Jacques, Littlefield, Lizotte, Lynch, Mahany, Raymond, Spencer, Strout, Stubbs, Teague, Webber.

ABSENT — Bustin, Carter, Clark, Kauffman, Lunt, McKernan, Mitchell, Norris, Peakes, Smith, Talbot, Truman, Walker.

appeal to the Superior Court from the decision of the appeals board which, if successful, will the town be able to get a refund from the state so that any funding of this is way down the road, as I see it, and possibly there may be none at all if the towns are not successful. I do agree that the state presently refutes the town's case before the appeals board and I'm sure there will be an added burden on the state to have the burden of proof on them because they are prepared to take on that burden at the present time. I think because this does provide the further step for the towns of an appeal to the Superior Court, because the towns do have to pay in any way in accordance with the normal schedule and because only will they have money coming back to them if they are successful in Superior Court, I think this morning that I will vote and I urge you all to vote to override the veto.

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

MR. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I'm going to vote to sustain the Governor's veto. With over 450 communities in this state and all of them reluctant to increase local taxes because they are tied in with many programs with state funding, I think we are opening up a Pandora's Box.

What you are doing with this legislation is allowing the communities who are ill prepared to go to an appeals board to shift the burden to the Bureau of Taxation. No longer will the municipalities have to prove that they are unfairly taxed, you shift it to require the Bureau of Taxation to prove that they are doing a fair taxing job and I can see trouble down the road.

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

MR. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I had the privilege of serving five years on the Maine Municipal Appeals Board. I was one of the first appointees to this board when it was first set up and when we were assigned our office space we insisted that our office space be a separate entity away from the Bureau of Taxation so we went over to the Vickery Hill Building and we set up our office. We made it known, in no uncertain terms, that we were no part or parcel of that body of taxation, that we were to be an appeals board for the sole purpose of the towns coming in, filing their appeal and hearing the evidence. We did everything in our power in the period in which I served and I served five years, to help any of the communities file an appeal. Many, many times communities came in not due to their fault but they actually had poor cases, poorly prepared, they came before us. They could not present any evidence that we could actually help them on so we felt we just couldn't help them but if they opened one little avenue of approach that we could actually help them, we bent right over backwards to help those towns. I think this appeals board has been doing a very good job not because I served on it but because I can cite instances and cases. Down to Freeport, we had advance information they were going to lose an industry, the Bureau of Taxation did not have this information and we wrote back that valuation on the basis of some good concrete evidence that the valuation was indeed and truly out of line.

We also had a meeting in North Berwick in which the state Bureau of Taxation went

back there and they changed the valuation on their own. They were offered this opportunity. We want you to know that, as far as I'm concerned, I feel I will have to help the Governor to sustain his veto because I'm sure that when you open the avenue of going to court, that this may be one more approach but I'm not entirely convinced that the approach of the appeals board has been exhausted. I just feel that the towns with their Freedom Fighters and the fact that they are going to be better prepared in the future, that you are going to see them coming in before this appeals board, really presenting a very good case on their side and they are going to give the state a good run for their money and I really feel that in the future, these towns are going to come in here and they are going to present a good case. Many times, they would be asked, it's kind of a loaded question, and I didn't approve of this question, but it always was asked by the state "if your neighbors taxes were raised, would you be satisfied with your taxes?" "Oh, yes, we certainly would". Well, in other words, it's your neighbor's evaluation that is wrong, it isn't yours. This is the problem, so if these towns came in very well prepared in their case, I am sure they will get some relief.

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

MR. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I signed the unanimous "Ought to Pass" Report on this bill. I had one reservation, at the time, that I want to share with you and that was that by signing "Ought to Pass" on the report, it was sort of an admission that a need existed for further legislation to give relief where there was a need and I honestly didn't feel that. As the gentleman from Limerick, Mr. Carroll, has indicated all the evidence given us was that the Municipal Valuation Appeals Board was tilted all in favor of the small towns and as the gentleman said, if they were given any opportunity for a place to hang their hat, they went with the small towns and to add another layer on the appeals procedure, namely, the courts and to expect from the courts which presumably would be impartial on these issues, better treatment, than they get from a board that is admittedly tilted all in their direction, it is an unreasonable hope, so that plus the fact, that our courts are loaded with criminal work, I believe that in my home county of Somerset and other members from Somerset here who can confirm or deny this, I believe it has been 2½ years since we have heard a civil case in our Superior Court in Somerset County so that if a town did go through the Municipal Valuations Appeal Board and wish to take it on the court, it would indicate several years to lay before they got an answer so there are some problems with it. I don't know that there is that much harm with it and I'm certainly not prejudiced against the towns. If there is any opportunity we want to give it to them but I just hope that no false hopes are built on this legislation because it just doesn't have anything to offer the towns.

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THE SPEAKER: The pending question before the House is: shall this Bill become law notwithstanding the objections of the Governor? Pursuant to the provisions of Article IV of the Constitution, the yeas and nays are ordered. If you are in favor of this Bill becoming law notwithstanding the objections of the Governor, you will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W., Birt, Blodgett, Boudreau, Byers, Call, Carey, Carpenter, Chonko, Churchill, Connors, Connolly, Cooney, Cole, Cox, Curran, P., Curran, R., Curtis, Dam, Davies, DeVane, Dow, Dirgotas, Durgin, Dyer, Farley, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gauthier, Goodwin, H., Goodwin, K., Gould, Gray, Greenlaw, Hall, Hennessey, Hewes, Higgins, Hinds, Hobbins, Hughes, Hunter, Hutchings, Jackson, Jalbert, Jensen, Joyce, Kany, Kelleher, Kelley, Kennedy, Laffin, LaPointe, Laverty, LeBlanc, Leonard, Lewin, Lewis, Lovell, MacEachern, Mackel, MacLeod, Martin, A., Martin, R., Maxwell, McBreairey, McMahon, Mills, Miskavage, Morin, Morton, Mulkerá, Nadeau, Najarian, Palmer, Pearson, Pelosi, Perkins, S., Perkins, T., Peterson, P., Peterson, T., Pierce, Post, Powell, Quinn, Rideout, Rolde, Rollins, Saunders, Shute, Silverman, Snow, Snowe, Sprowl, Susi, Tarr, Theriault, Tierney, Torrey, Tozier, Twitchell, Tyndale, Usher, Wagner, Wilfong, Winship, The Speaker.

NAY — Berry, P. P., Berube, Bowie, Burns, Carroll, Doak, Dudley, Farnham, Henderson, Immonen, Ingegneri, Jacques, Littlefield, Lizotte, Lynch, Mahany, Raymond, Spencer, Strout, Stubbs, Teague, Webber.

ABSENT — Bustin, Carter, Clark, Kauffman, Lunt, McKernan, Mitchell, Norris, Peakes, Smith, Talbot, Truman, Walker.

Yes, 116; No, 22; Absent, 13.

The SPEAKER: One hundred and sixteen having voted in the affirmative and twenty-two in the negative with thirteen being absent, one hundred and sixteen being more than two-thirds of the members present and voting, the Governor's veto is not sustained.

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

July 1, 1975

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

I am returning L. D. 1547 without my signature and approval. I have been strongly advised by my Commissioner of Finance and Administration, John P. O'Sullivan, that the "Act to Exempt Lobster Fishing Boat Operators from Withholding State Income Taxes from Sternman's Share of Proceeds" and to Provide that a Sternman will be Considered Self-employed for Purposes of Maine Income Tax" will constitute a strict departure by the State from the Internal Revenue Code.

I sympathize with the quasi independent contractor state of sternmen but unless the Internal Revenue Statutes are changed, I do not favor the State doing so unilaterally. My main objectives, based on the recommendations of my Finance Commissioner are:

1. The principal element that has made the Maine income tax so workable is its conformity with the Internal Revenue Code. We have not deviated from this policy until now, and I see no reason for this precedent.

2. It will also establish a precedent for other departures from the Internal Revenue Code by the State and a precedent for other employees whose employment arrangements are similar to the sternmen to request similar tax treatment. This kind of proliferation would make a shambles of our tax situation.

3. In addition, the sternmen still will be treated as employees by the Maine Employment Security Commission, as well as the Internal Revenue Service and so this proposal would be inconsistent with our own statutes as well.

4. It will cause significant administrative problems for the Bureau of Taxation.

5. My finance advisers also indicate that the bill is underfunded.

6. Finally, there currently are efforts underway to change the provisions of the Federal Tax statutes regarding such cases as the sternmen's status. Should such change succeed, this legislation would be unneeded anyway.

For these reasons, I respectfully ask that you sustain my objections that L. D. 1547 become law.

Very truly yours,

(S)

JAMES B. LONGLEY
Governor

The communication was read and ordered placed on file.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I deeply regret having to stand before you this morning to defend a veto on two bills that I have sponsored. I do appreciate the support that the previous bill received and hope this bill

might receive the similar support. This bill, as you all know was sponsored by myself, the gentlewoman from Owls Head, Mrs. Post, the gentleman from Blue Hill, Mr. Perkins and the gentleman from Yarmouth, Mr. Jackson. I do not intend to take very much of your time here to debate this bill because, if my memory serves me correctly, it did receive debate on two different occasions and you will recall that what we are asking the state to do is take a position of allowing the sternman of a lobster fishing boat to be considered a self employed person for the purposes of Maine income tax.

Very briefly, you also know that the lobster fishermen in this state have been subjected and, I think unfairly in most instances, to an investigation by the Internal Revenue Service of about three years late. The Maine Lobsterman Association presently is instituting legal action in federal court, challenging the ruling of the IRS. The Congressional delegation, Senator Muskie, Senator Hathaway, Congressman Cohen and Congressman Emery are very supportive in introducing legislation that would attempt to correct the situation on the federal level, but those of us who represent lobster fishing communities along the coast of Maine feel that we have a responsibility on the state level and that is why we have introduced this bill.

Now, the Governor, and I might indicate that the Governor was very gracious to me again yesterday, as well as the Commissioner of Finance and Administration, Mr. O'Sullivan, to discuss this bill with me. I attempted to defend it as best I could, but again, we had a differing of opinions on the merits of the bill and what it would do and I think what the Governor's veto message says to us, basically, is that he does not think this is an area that the state should involve itself in, and I guess on that matter I couldn't disagree any more because we are the ones that have passed the state income tax and if a situation occurs as we feel that it has now, I think there's no reason why we cannot amend the state income tax. I think it still can be a workable tax and I don't think this will destroy the integrity of it in any way.

One further point, the Governor has indicated that perhaps there are administrative costs in this bill which have not been properly funded. I would direct your attention to the wrap-up bill which the Appropriations Committee has provided us on Page 3 of 1945. I think you will see there that there is, in fact, an appropriation of \$14,300 in the second year of the biennium.

In conclusion, I ask you please to vote "yes" to override the Governor's veto. It is a very, very important matter to the lobster fishermen along the coast of Maine and I am certain that they will be most grateful if you will vote yes on this bill before us this morning.

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

Mr. SUSI: Mr. Speaker, Members of the House: I'm going to vote to sustain the Governor's veto. I'll try to be brief. We were put through an income tax here four or five years ago and in that income tax I believe we had the potential to finance Maine government for the foreseeable future. When this tax went in, one of the major considerations was that it would not involve the building of a bureaucracy for administration. The federal internal revenue service does the auditing for us.

We collect at the present level and can collect at a much higher level with a minimum staff, all of the auditing being done by the federal government.

Previous speakers have indicated there has been an audit done along the coast and these very people who are asking for special consideration under our income tax law and if we override the veto, this becomes our responsibility to do this audit. The popular concept is that the bureaucrats build their own bureaus and that it mushrooms, government mushrooms, and it becomes an unbearable burden on the people. Well, here's a direct example where we, as legislators, proposed legislation which would increase the size of a bureau over the objections of the people in the bureau itself. They don't want to get into auditing, I believe that it is a true fact that if we open the door on this that the woods contractors who, in my opinion, have a better case than the sternmen and they involve a great many more people and then could come and ask for this same treatment and could run into an audit staff of many, many people within a very few years and I think that the effect that this change could make on a million in the State of Maine overrides the consideration of the effect of this change on a few hundred people, not to disregard them but, frankly, I think it is a very questionable fact as to what benefit, if any, accrues to these people due to any proposed change. They are still going to, as far as federal internal revenue is concerned, be in the same condition in relation to other government agencies that it doesn't change their status at all and no matter how much sentimental support we feel for them, their independence and their integrity and all that we admire in our coastal people, I feel that we would be making a mistake to pass this legislation and I ask that you sustain the Governor's veto.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Farnham.

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen: I also will vote to sustain the Governor's veto and I will give you two or three reasons why. It seems to me that we are crying about the wrong fellow; the lobsterman is the man who has had the initiative and the ability to own a boat, he then becomes the great capitalist in our economy or scheme of things. He now has to keep all kinds of records because he does have to file an income tax return and apparently from the court decisions or internal revenue decisions I've seen, he makes out fairly well.

Now, we are putting the burden on the little fellow, the sternman who doesn't own a boat and is working for someone else. We are asking him to keep all the records on his self-employment. Now, if he was that competent, he would probably be able to own a boat and be a lobsterman himself. Furthermore, we have put a burden on him on payment of self-employment social security tax. It's much higher than if he just pays an employee's share. Well, you say the employer has to pay an equal share but the employer does have the opportunity to pass that cost that he bears on to someone else. I just think we have an awful lot of pity in our hearts here for the guy who is best able to foot the bill and very little pity for the sternmen who, in industrial life, would probably be classed as a common laborer, so I hope you vote to sustain the Governor's veto.

The SPEAKER: The Chair recognizes

the gentleman from Bangor, Mr. Ingegneri.

Mr. INGEGNERI: Mr. Speaker and Ladies and Gentlemen of the House: I am going to vote to sustain the Governor's veto and I urge you to do likewise. I don't think, in this House, we ought to have an automatic reaction to any veto. We have overridden his veto in a great majority of the cases but, I, for one, am the first one to admit that when there is a good veto, I gladly applaud the Governor and this is a prime example of a well thought out veto.

The gentleman from Stonington has referred to an unfair audit of the lobstermen by the IRS. I think those are pretty unkind words and I don't believe that there is much evidence behind that. There is a dispute between the IRS and the lobsterman but it is not a dispute as to the integrity of the individual taxpayers, it goes to the heart of a matter of an interpretation as to what is an employee and I think that the IRS has sufficient avenues to come to a reasonable and equitable solution. The steps are the local level, the appellation division and the regional office in Boston and beyond that, to the tax court. I don't believe that the State of Maine should interject itself and try to influence a decision of the United States Government. The gentleman from Stonington has referred to amending the entire income tax of the State of Maine. You might just as well, then, throw out the conformity that we have with the Internal Revenue, the Internal Revenue code returned as required and start out with an entirely different line I and go from there, through our own deductions, our own exemptions or whatever. There are some large states who are compelled to do this because of the difference in the way things are there from the national circumstances, but I don't believe that Maine is such a state. Maine has a very simplified income tax law and a very simplified income tax form and this is due to the fact that it has brought it into very good conformity with the federal return.

Now, as for the sternmen, I ask you, as was well pointed out by Mr. Farnham, they will keep another set of records just for the State of Maine. Let us take the typical sternman who would earn something like \$8000, and I think that is a pretty fair figure and he had two children. He would have \$4000, exempt from his taxation because of the dependents. He would have approximately another \$1,000 for itemized or standard deduction and his taxable income would be about \$3,000, and according to our rates, that would be a maximum tax of \$30.

He has to file a separate form, a Schedule C on his state income tax, because he has to show how he arrives at that \$30 whereas if he goes along, if the lobsterman withholds on his state income tax just as he does for the federal income tax, he has no such problem. He does not have the problem of figuring out what his social security is. I state that this bill, and I hate to say this because it is rather strong language, this bill is as phony as a three dollar bill. I think that the people who sponsored this bill were carried away by compassion and support for the sternmen, but in their love for the sternmen they have practically sunk them below the water. I think that they would do a much greater service to the sternman if they just let things go on the way they are and I urge you to sustain the Governor's veto.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I was against this bill when it came on the floor of the House. As a matter of fact, I think I spoke against the bill. In reading the Governor's budget message, I see Item 5. My finance advisors also indicate that the bill is underfunded. Where were his finance officers when he signed the bill that would give prescription drugs and medicine to the elderly with the \$1 per year item on it. That to me, when that signature is affixed to such a bill, I wouldn't be so cruel as to say that it was dishonest but I will say it wasn't too honest.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I rise today in support of the bill which I co-sponsored with the good gentleman from Stonington and the good lady from Owls Head. I, myself, am self-employed and I pay a tax that is due. At least we are asking that these gentlemen are declassified as self employed and they pay their own taxes, and be classified as independent contractors.

The main problem and the gentleman from Bangor addressed it as if we were doing a disfavor to the sternmen. A sternman is only a sternman when he is employed. He is not a sternman when he is unemployed because he is on the land. If we create so much paper work for the boat owners that they cannot afford to hire sternman, he becomes unemployed. I think if you will recall the statements we made prior in support of this bill, it was because many of the sternmen were without jobs because the boat owner could not afford the book work that was thrown upon him. I recognize that the federal had not yet come around to our way of thinking but, is our memory so short that we do not remember, as Maine goes, so goes the nation," let us go. We have an appeal into the federal just on this cause so let us vote yes and override this and give the lobstermen a break today.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. MacLeod.

Mr. MacLEOD: Mr. Speaker, Ladies and Gentlemen of the House: I would like to concur with the remarks from the gentleman from Stonington and the gentleman from Blue Hill, this morning. I would like to take exception to some of the remarks from the gentleman from Bangor, Mr. Ingegneri. Maybe the remarks were directed a little strong against the IRS but I say that any agency that comes in and singles out one segment of our coastal people call them into area meetings without at least giving them some chance to understand what they had done wrong, pick them up on things as picayune as their wives going to shopping centers and buying the coolant that you use during the wintertime, antifreeze for their boats and because they don't have the individual slip and a signed slip from the owner of the store, then I think you are getting down to quite a nit picking situation as far as they are concerned.

I was on the coast yesterday in the little town of Sorrento and the first and only thing that I was hit with was by the wife of a lobster fisherman was; what can you do to help the sternmen?

Ladies and gentlemen, this morning I think you have your opportunity here to at least start and help one small segment of the coastal fisherman who is down there

just about as darn bewildered right now as to what is happening in an industry that is having its problems from one end to the other and it is time that some of you folks get out of some of these city areas and came down on the beautiful coast and talked to a few of these fellows on the pier.

The SPEAKER: The Chair recognizes the gentlewoman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond to the comments of Representative Ingegneri in that Maine shouldn't inject itself and try to interfere with the federal government and the IRS code. I guess I would like to ask, if not us, then who?

I resent the fact that what is being done in terms of the Internal Revenue Service and their sudden classification of sternmen as employees. It is a departure from what they have been doing over the years.

I think that it is up to us as the legislature to go on record as supporting the concept in a tradition that has been in effect with the sternman when they take a share of the catch being considered as self-employed people.

I guess I would just like to try, if I could, and I don't know how to express the frustrations that the fishermen in my area feel on this, I mean we sort of expect the IRS not understanding and then telling us that we have to fit into some kind of efficient system and that lobstermen aren't the same as farmers and, therefore, don't get the same kinds of assistance that farmers do. We may be expected, when the federal government has a relatively deaf ear and when the president vetoes legislation having to do with fishermen, but it comes as a bit of a shock and a disappointment when that same thing happens on the state level. I would simply ask you here today that over the objections of the Taxation Department, it might cause them a little bit more administrative problems, but this whole issue is certainly causing a lot more administrative problems for the fishermen themselves.

I would just ask that here today that we stand by the decision that we made earlier and give the support to the fishermen that we need. I just can't explain in terms of what a moral problem this is for the fishermen. Perhaps the only way to explain it is when the President of the Maine Lobsterman's Association comes down on a flat calm day when the lobsters are just beginning to come back and spends his day here in the state house then you know perhaps how important it is to all of them.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Gray.

Mr. GRAY: Mr. Speaker, Ladies and Gentlemen of the House: You may have noticed in the next to the last paragraph of the Governor's message he indicates that this change is presently being considered. Which this law would bring about. In other words, it is already being considered on the federal level. We all know how long it takes the federal government to act. Our fishermen need relief now.

As far as this setting a precedent, you should keep in mind that this is seasonal work, it is not only seasonal but controlled by the weather as well so it tends to limit their income.

The Maine fisherman is trying to keep faith with the private enterprise system while competing with the large foreign factory ships that lay barely 12 miles off

our coast and sometimes drift in closer with their schools of trollers which scrape up everything from the bottom of the sea and cut in through our nets leaving small fishermen sometimes out of work and thousands of dollars in debt.

The State Department is totally insensitive to this problem, I know because last April, I attended the State Department briefings in Washington and I requested specifically to talk with someone on the law of the sea and I got absolutely no satisfaction whatsoever. I believe it was President Wilson that one time said "I know who my enemies are but God help me for my friends". So, between being harassed by the Russians at sea and the bureauerats on shore and sometimes I wonder why they don't just tie their boats up and go on welfare.

They are not asking for a hand out, merely a just tax structure for the difficult and dangerous occupation that is so important to the Maine economy and unlike the farmers who get paid for not producing, the fisherman does not get paid for not fishing.

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

Mr. MULKERN: Mr. Speaker, Ladies and Gentlemen of the House: I think I would be remiss if I didn't have a few words to say about this bill. I was one of the members of the Taxation Committee which signed "Ought to Pass" on this piece of legislation. I am one of the members of the Taxation Committee that had the opportunity to serve on the Marine Resources Committee in the 106th Legislature and I can assure you that the fishermen do have a lot of problems and that a lot of their concerns do fall on deaf ears at the federal level, there doesn't seem to be much response to any of the needs of the fishermen although our delegation is trying to do the best they can at the federal level.

Again, I would allude to what the previous speakers said, the last section of the veto message which said that there were efforts underway to change the provisions of the federal tax statutes. We have a motto, our state motto says "I lead", I think we could begin leading today by taking upon ourselves to take care of a situation which is sort of unique to our state and recognize that there is a problem for these sternmen and if it requires a little bit of change in administering the taxes, well so what? I mean, we are here to serve the people of the State of Maine and I think we would be doing these people a great service and I just hope that you go along with overriding this veto today.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: There are several things that were said here today in the debate that confused me a little bit. Some speakers have mentioned the plight of the sternmen and this bill would hurt the sternmen.

It is my understanding that the sternmen are solidly in favor of this bill and I would wonder if any of those speakers could cite me instances where sternmen have told them of their opposition to it.

Second of all, is the attitude of the department which needs additional funds which they have received in the wrap up budget to deal with these cases that would come before them. It is my understanding there are approximately 1,000 sternmen and I can't see that the addition of 1,000 tax

forms to the Department of Taxation would cause such a tremendous problem. I would ask anyone on the Taxation Committee if they know how many new taxpayers come under our income tax every single year.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: In reading the Governor's message here, I am somewhat disturbed, he says we have not deviated from this policy until now, I see no reason for this precedent.

In the second paragraph, it says, it will also establish a precedent for other departures from the Internal Revenue Code by the state and a precedent for other employees whose employment arrangements are similar to the sternman to request similar tax treatment. Well now, that to me is a confession that we have had the Bureau of Taxation and the Internal Revenue down on the coast to handle hearings and everything else. Now, when the committee here comes up with this form of decision and analyzes out what the position of a sternman will be, I think we are setting a very strong point for the people of the State of Maine, because if we enact this one here over the Governor's veto today, by his own statement, he is saying that there is other labor situations in the State of Maine that require the same kind of treatment. To me this is quite a statement for the Governor to be making. He denies on one hand admitting these conditions exist in other forms of labor. I think this legislature would be taking a step in the right direction by overriding this veto today and let's find out where these other inequities are in our labor situation throughout the State of Maine.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: The question here is, who are the sternmen? The sternmen are often children of the lobstermen getting into the business, they are lower income people who need a way to make a living and this allows them a way to get into it and they are also the men who want to be a full-time lobstermen but can't afford to but want to learn the trade and have to build up some money to get into it.

If you make it too hard to be a sternman both to the full-time lobsterman so he won't hire them to take them out, you lose this source of jobs, this entry into the industry by trained people. You also lose a safety factor to the lobsterman. The lobstermen fishing in the winter and inclement weather needs the sternman, two men in the boat is far safer than one, if he should fall overboard or get hooked into a line of traps or something, a second man may be able to save his life where if he is alone, he is dead.

I also would point out that we have talked here about the IRS and that if you have trouble with the IRS, you can go to court. Well, you can go to court and you can fight it through a series of courts but this is expensive and it takes a lot of time. The audits that have been carried on along the coast, I don't mean to use the IRS as a whipping boy but the audits in parts have been very strange and what one auditor has accepted and another auditor in the same area has not accepted, these people have had to spend often thousands of dollars to defend themselves. This will, at least, set it right as far as the state level

goes. I hope very much you will vote to override this veto.

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

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: I am convinced at least, the sternman, he is, in fact, an independent self-employed worker, and we should not change the status merely for the convenience of the IRS. I think we should override this veto today.

The SPEAKER: The pending question before the House is, shall this Bill "An Act to Exempt Lobster Fishing Boat Operators from Withholding State Income Taxes from Sternman's Share of Proceeds and to Provide that a Sternman will be Considered Self-employed for Purposes of Maine Income Tax" House Paper 1246, L. D. 1547, become law notwithstanding the objections of the Governor? Pursuant to the provisions of Article IV of the Constitution, the yeas and nays are ordered. If you are in favor of this Bill becoming law notwithstanding the objections of the Governor, you will vote yes; if you are opposed, you will vote no.

ROLL CALL

YEA — Albert, Ault, Bachrach, Bennett, Berry, G. W.; Blodgett, Boudreau, Bowie, Byers, Call, Carey, Carpenter, Carroll, Chonko, Churchill, Connors, Connolly, Cooney, Cote, Curran, P.; Curtis, Dam, Davies, DeVane, Doak, Durgin, Dyer, Farley, Faucher, Fenlason, Finemore, Flanagan, Garsoe, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, Hewes, Higgins, Hobbins, Hutchings, Jackson, Jalbert, Jensen, Joyce, Kany, Kelleher, Kelley, Laffin, LaPointe, Laverty, LeBlanc, Leonard, Lewin, Lewis, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBreairey, McKernan, McMahon, Mills, Miskavage, Morin, Mulkern, Nadeau, Najarian, Palmer, Pearson, Pelosi, Perkins, T.; Peterson, P.; Post, Quinn, Rideout, Rolde, Rollins, Saunders, Shute, Silverman, Snowe, Sprowl, Strout, Stubbs, Tarr, Theriault, Torrey, Tozier, Tyndale, Usher, Webber, Winship, The Speaker.

NAY — Bagley, Berry, P. P.; Berube, Birt, Burns, Carter, Cox, Curran, R.; Dow, Drigotas, Farnham, Fraser, Gauthier, Hinds, Hughes, Hunter, Immonen, Ingegneri, Jacques, Lizotte, Lynch, Morton, Perkins, S.; Peterson, T.; Pierce, Powell, Raymond, Snow, Spencer, Susi, Teague, Tierney, Twitchell, Wilfong.

ABSENT — Bustin, Clark, Dudley, Kauffman, Littlefield, Lunt, Mitchell, Norris, Peakes, Smith, Talbot, Truman, Wagner, Walker.

Yes, 102; No, 35; Absent, 14.

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

Mr. Winship of Milo presented the following Joint Order and moved its passage: (H. P. 1786)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Robert H. Ellis Highway Maintenance Engineer Who Has Retired After 40 Years at State Service

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine.

The Order was read and passed and ordered sent forthwith to the Senate.

Mr. McMahon of Kennebunk presented the following Joint Order and moved its passage: (H. P. 1787)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Edward C. Winston of Kennebunk Who, After 40 Years With the Postal Service and Active Involvement in Community Affairs Entered Retirement on June 30, 1975

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine.

The Order was read.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: As long as I have lived in Kennebunk, I have admired the gentleman who is the subject of this order. For that reason it gives me a great deal of personal pleasure to introduce this order today.

Mr. Winston has devoted much of his life to helping the community in which we both live. He has served as a selectman and a town meeting moderator and is a member on many boards and commissions.

Mr. Winston retired Monday after 40 years of service for the Post Office Department.

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

Mr. ROLDE of York presented the following Joint Order and moved its passage: (H. P. 1788)

ORDERED, the Senate concurring, that the Clerk of the House and the Secretary of the Senate be authorized to furnish 100 10c postage stamps for each member of the House and Senate for the purpose of distributing various reports of the Departments of State and other public documents such as they may desire to mail to the citizens of the State.

The Order was read and passed and ordered sent forthwith to the Senate.

Mr. Cooney of Sabattus presented the following Joint Order and moved its passage: (H. P. 1789)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of

Denise Giguere

Miss Maine Teenager 1975

Daughter of

Mr. and Mrs. Robert Giguere

of Sabattus

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled

in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine.

The Order was read.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. Cooney.

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: We can turn our attention now from some of the heavier burdens of law making to a more pleasant purpose. I would like to, in a minute, introduce you to Miss Denise Giguere of Sabattus, who won the Miss Maine Teenager Award last Saturday, June 28, at the State Miss Maine Teenager Pageant. She was judged on the basis of her poise, scholastic achievement, personality, leadership qualities and was selected from a wide field of qualified candidates.

Denise replaces Lisa Frateschi, who was Miss Maine Teenager of 1974 and was from Lewiston. Lisa, you may recall, was one of my U.S. Government students and served us as an Honorary Page earlier in this session.

Androscoggin County is proud of both of these young ladies and Sabattus is especially proud to have Denise Giguere represent us and the entire State of Maine at the National Miss Teenage America Pageant to be held in Atlanta, Georgia, this August.

Denise, we wish you the very best.

The SPEAKER: The Chair would ask the Sergeant-at-Arms to escort Miss Giguere to the rostrum so that the Members of the House may see her, and she may make such remarks as she might desire.

Thereupon, Miss Denise Giguere was escorted to the rostrum by the Sergeant-at-Arms, amid the applause of the House, the members rising.

Miss DENISE GIGUERE: Thank you Mr. Cooney. Mr. Speaker; I would like to thank everybody for having me here. I am very proud to be here, this is my first appearance since I have been crowned. I am very proud to have my first appearance be here in the State House and I thank you very much. I promise you to do the best I can, your state will be well represented not only here, but in Atlanta. Thank you.

Thereupon, Miss Denise Giguere was escorted from the Hall by the Sergeant-at-Arms. (Applause)

Thereupon, the order received passage and by unanimous consent ordered sent forthwith to the Senate.

Mr. Martin of St. Agatha presented the following Joint Order and moved its passage: (H. P. 1790)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Patricia Cyr of Madawaska Miss Maine for 1975

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine.

The order was read and passed and by unanimous consent was ordered sent forthwith.

Mr. Rolde of York presented the following Joint Order and moved its passage: (H. P. 1791)

ORDERED, the Senate concurring, that the following be recalled from the Governor's Office to the House: Bill, "An Act Appropriating Funds to Move an Indian Dwelling on the Penobscot Indian Reservation" (H. P. 1377, L. D. 1708)

The order was read and passed and ordered sent forthwith.

Mr. Jalbert of Lewiston presented the following Joint Order and moved its passage: (H. P. 1793)

WHEREAS, the Governor has often stated, through his support of the Maine Management and Cost Survey and by numerous other actions and statements, his desire and intent to streamline State Government in order to better serve Maine's citizens; and

WHEREAS, it is necessary that the Legislature be aware of the progress which is being made by the Governor in so streamlining State Government as recommended in the Cost Survey and in other ways; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council is ordered, through the Joint Standing Committee on Appropriations and Financial Affairs, to study the funding of state agencies in an effort to ascertain what savings are being accomplished; and be it further

ORDERED, that the Department of Finance and Administration, including the Bureau of the Budget, and other executive departments are respectfully requested to cooperate with the committee in its study and provide such assistance as the committee deems necessary; and be it further

ORDERED, that the Legislative Council report its findings to the next special or regular session of the Legislature; and be it further

ORDERED, upon passage in concurrence, that suitable copies of this Order be transmitted forthwith to said agencies as notice of this directive.

The order was read and passed and ordered sent forthwith.

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

The following Communication:

STATE OF MAINE

OFFICE OF THE GOVERNOR

AUGUSTA

July 2, 1975

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

I cannot sign L. D. 1775, An Act to Insure Citizen Participation in the Promulgation, Amendmnt and Repeal of Agency Rules. While I cannot dispute the merits of citizen input, this particular bill will be costly and administratively incompatible with efficient government implementation.

Such public hearings as envisioned in this legislation are almost certain to be contained in an Administrative Procedures Act now being prepared by the Attorney General's Office.

While the Administrative Procedures Act will be incorporating an overall look at public safeguards, L. D. 1775 deals solely with the one isolated aspect of the public hearing process. Where rule changes occur frequently because of the logistical considerations, such as in the area of Health and Welfare, this bill would incur penalties of inefficiency and loss of time in

implementation, when such promptness is essential.

I also ask for time for our newer Commissioners, particularly in the Department of Health and Welfare and the Department of Mental Health and Corrections, to realign operational procedures before they are cemented in by statutory law, which could inhibit the efficiencies and cost-savings we know we can attain in our departmental operations.

I feel this legislation is premature. I would like to see more study made of the impact before we go ahead and put more laws on the books, based on incomplete facts.

Very truly yours,

Signed:

JAMES B. LONGLEY
Governor

The Communication was read and ordered placed on file.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: This is a bill that I co-sponsored, L. D. 1775, with Mrs. Berry of Madison, Mr. Palmer of Nobleboro, and Mr. Teague of Fairfield. Looking at the Governor's communication here this morning, if you have looked at it carefully, I picked out one or two items in there of interest, he says, "While I can not dispute the merits of the citizen input this particular bill will be costly and administratively incompatible with the efficiencies of government implementation." I think the Governor, if he would read the bill and read it with a little more interest, I believe he wouldn't have put this in.

There is absolutely no cost to this bill because this question was raised once before on the floor of this House and I checked with the finance office and in the all other account now, with the various departments that they have to appropriate money to see that under a certain provision of the law that they would have to advertise any rule changes. I might simply say that because this bill was put in, it was to insure the fact that there would be citizen input in the changes in rules and regulations.

In the third paragraph he says "Where rule changes occur frequently because of the logistical considerations, such as in the area of Health and Welfare, this bill would incur penalties of inefficiency and loss of time and implementation, when such promptness is essential." I would also suggest that if the Governor or members of his staff had looked on page 3 of L. D. 1775 under Section 2358 that the sponsors of the bill gave the departments 120 emergency days to implement any situation that may come up before a review would have to be made. So, there was an additional 120 days for an emergency purpose which he claims is not in the bill, and it is on Page 3 as I just told you. He also says, "I would like to see more study made of the impact before we go ahead and put more laws on the books."

I might suggest I have been here four terms and even you freshmen members that have been here one term realize how we pass bills or we give the powers to various departments in implementing rules and regulations much to our dissatisfaction but more importantly to the dissatisfaction of the people of the State of Maine. If there is one thing that we do need in State Government is an input, not only from this legislature or any incoming legislature as to rules and regulations it is the opportunity for the citizens of Maine to

have their say. This is a document that was given some considerable consideration on the floor of this House and it was passed by a substantial margin. I would suggest and hope that this House would override the Governor's veto because, in my opinion, he certainly wasted his veto power on a document such as this.

The SPEAKER: The Chair recognizes the gentlewoman from Madison, Mrs. Berry.

Mrs. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to echo what the gentleman from Bangor has just said. Also, in reading the Governor's message to us, you would think that probably all rules and regulations would be considered this way, but if you read the bill, these rules and regulations that affect people would be the only ones and then it would have to be by petition, by five persons of whom it affects, by municipalities or any association, farm, labor or business. I think if we have something like this on the books perhaps the departments wouldn't be as overly anxious or as eager to put out some of the regulations that they do. However, they have the same way of introducing things as we do and all they would have to do if they want to put in a bill to carry out their thoughts and rules and regulations all they would have to do is have a sponsor of the bill and it would go through the regular procedure at that time. I would urge you to override the Governor's veto on this bill.

The SPEAKER: The Chair recognizes the gentleman from Rangeley, Mr. Doak.

Mr. DOAK: Mr. Speaker, Ladies and Gentlemen of the House: We have heard a great deal this session about the right to know. I would suggest to you today that this is one way that we will be more knowledgeable about what is happening in rules and regulations in your different departments in this state. I have had occasions to run afoul of the law regulations, several times, along with many citizens in this state because they didn't know that the rule or regulation had been changed. One instance I can give you is with the Land Use Regulation Commission, they have accepted the appendix B in the plumbing code to minimum lot size required sometime they accepted it, I don't know when, but they did it and in the process several citizens are in trouble because they don't have enough land to put a septic system in.

Now, I think that it is time that the citizens of this state do know what these rules and regulations are going to be before they are put into force and not six months to eight years or ten years after, when they finally run afoul of the law. I am seriously concerned about that because I think that most of the citizens in this state are law abiding citizens and they do want to adhere to the law and their environmental laws. I don't think that they want to circumvent them in any way, but if they don't know what they are because they haven't heard and because the departments haven't put out the literature on it enough so that the public is well informed, then I don't know how you expect them to adhere to a law.

I would suggest that we override the veto on this because I think this is very important. We passed some pieces of legislation here this year that will give us a little bit of a handle on the rules and regulations that are being promulgated by your different commissions. But I am going to tell you, there are a lot of people in

the state who are very sick and tired of being ruled by dictatorship from these bureaucracies in the City of Augusta, and this is exactly what it amounts to. They make rules and edicts and pass them out and we don't know what is going on, so I hope that we would override the veto on this.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: Certainly one of the burning issues of the 107th Legislature has been and will continue to be the loss of local control. I say to you, there are many ways of addressing that problem and certainly one way to overcome is to have more citizen input. I don't think it is unusual that we in the State House should have this bill before us because this has been recognized also at the national level. I remember a few days ago, we had passed out to us this little citizen handbook on Social Services in 1975, and if you will note on Page 3, one paragraph which bears upon the same thing we are talking about here this morning when it says in the second paragraph, "until now every state social services plan has had to be approved by the federal government. Under Title 20, the content of the state's services plan will be subjected to review by the state citizens rather than to approval by the federal government," so we are not the only ones being asked to move in this direction of giving our citizens a greater input into the laws and rules and regulations which we make.

I would only make two other brief comments. In the first paragraph of the Governor's message, where he cannot dispute the merits of the citizen input, this particular bill will be costly to administering compatible, efficient government implementation. I submit to you that things will be much more costly until we do have greater citizen input.

In the next to the last paragraph, mention is made to the fact that we have two new commissioners in Health and Welfare and the Department of Mental Health and Corrections to realign operational procedures before they are cemented in by statutory law, and the Governor infers that we could be inhibiting them in some way in their new duties. I suggest to you that the exact opposite is true and I certainly do applaud the Governor for these two new appointments, I think they are two fine people, I think they will do two very fine commendable jobs for the citizens of the State of Maine, but I do believe that their jobs would be made much easier if at the inception of that job, while they are looking over the problems they have, they were given greater input by the citizens of this state, they would know initially what the people are thinking rather than waiting until after the rules and regulations have been reviewed, find out now and not later.

Finally, I would say that this is not a premature action. I think it is an action which is long overdue and how could we say anything different this morning in this House that represents the people of the State of Maine than to say, we are for you, we want you to have a greater input, not only into what we do in voting but also in what the departments do in issuing rules and regulations.

I hope that we will override the veto.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House; I hope that we will override the veto this morning, this is another bill that we have had that was part of the Republican platform and as the Chairman of the Republican Platform Committee, I am very interested in it and would like to see this overridden.

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

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: It is a most rare and unusual circumstance when a bill comes before this House that has not had a public hearing. This is an excellent bill. Now is the time to require that all departments have public hearings when they promulgate new rules and regulations.

Frankly, I believe that this bill strikes a blow against secrecy in government. Right now you have a vast bureaucratic maze over there, nobody seems to really know what is going on, many of these bureaucrats don't even begin to know what is going on in the rest of the state and here they are promulgating new rules and regulations which govern the people of this state.

I believe it is not only desirable that citizens have input but it should be mandatory. I think it is a God-given right that we should have. How many citizens do you know who have unwillingly violated the law because of some rule, some obscure rule or regulation that has been made by the bureaucrats?

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Members of the House: Even if this bill is in the Republican platform, I also urge you to override the Governor's veto. I feel it is an excellent piece of legislation, it goes in the direction that I think the public, not only in Maine but throughout the country are moving. They feel there is too much government interference in their lives, this bill will enable people to have an input into the laws that sometimes seems to descend upon them out of the blue. It happens to us as well as the general public. We suddenly find that we are confronted with a regulation issued, we don't know anything about it, there has never been a public hearing, nobody has any input into it except some bureaucrats and, therefore, I hope that we will override the Governor's veto this morning. This is an excellent piece of legislation.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I am going to override the Governor's veto for just one reason. I am looking forward to what is going to happen and I think it will turn the state's attention away from the legislature entirely.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: A question, was the bill returned without the Governor's signature?

The SPEAKER: The Chair would answer in the affirmative.

Mr. BURNS: I was wondering, the letter does not so state, it says that he cannot sign the bill, it did not say without his approval. I am going to vote to override it.

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

Mrs. BACHRACH: Mr. Speaker, Ladies and Gentlemen of the House: I just wanted to say that I am very puzzled with the Governor's action in vetoing this bill because he barely, over a week ago, vetoed a bill which would prevent citizens from participating in BEP hearings and it seems to me entirely inconsistent that he now wants to prevent them from participating in the making of agency rules.

I hope that this legislature will be consistent and allow citizens to participate wherever they can make a valuable contribution.

The SPEAKER: The pending question before the House is, shall this Bill become law notwithstanding the objections of the Governor? Pursuant to the provisions of Article IV of the Constitution, the yeas and nays are ordered. If you are in favor of this Bill becoming law notwithstanding the objections of the Governor, you will vote yes; if you are opposed, you will vote no.

ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Blodgett, Boudreau, Bowie, Burns, Byers, Call, Carey, Carpenter, Carroll, Carter, Chonko, Churchill, Conner's, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Curtis, Dam, Davies, DeVane, Doak, Dow, Drigotas, Durgin, Farnham, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, Hewes, Higgins, Hinds, Hobbins, Hughes, Hunter, Hutchings, Immonen, Ingegneri, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kelleher, Kelley, Kennedy, Laffin, LaPointe, Laverty, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBreairty, McKernan, McMahon, Mills, Miskavage, Morin, Morton, Mulkern, Nadeau, Najarian, Palmer, Pearson, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Post, Powell, Raymond, Rideout, Rolde, Rollins, Saunders, Shute, Snow, Snowe, Spencer, Sprowl, Strout, Stubbs, Susi, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Twitchell, Tyndale, Usher, Wagner, Webber, Wilfong, Winship, The Speaker.

ABSENT — Bustin, Clark, Dudley, Dyer, Farley, Kauffman, LeBlanc, Lunt, Mitchell, Norris, Peakes, Quinn, Silverman, Smith, Talbot, Truman, Walker.

Yes, 134; No, 0; Absent, 17.

The SPEAKER: One hundred and thirty-four having voted in the affirmative and none in the negative, with seventeen being absent, one hundred and thirty-four being more than two thirds of the members present and voting, the Governor's veto is not sustained.

Orders

Mr. McKernan of Bangor presented the following Joint Order and moved its passage: (H. P. 1796)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of John Arthur Cunningham from Bangor Selected as a Presidential Scholar

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled

in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine.

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

Finally Passed

Constitutional Amendment

Resolution, Proposing an Amendment to the Constitution to Provide for Annual Sessions of the Legislature with Limits on the Matters which may be Considered in the Second Regular Session of Each Biennium and to Change the Date of Convening of the Legislature (H. P. 1510) (L. D. 1827)

Was reported by the Committee of Engrossed Bills as truly and strictly engrossed. This being a Constitutional Amendment and a two-thirds vote of the House being necessary, a total was taken. 124 voted in favor of same and one against, and accordingly the Resolution was finally passed, signed by the Speaker and sent to the Senate.

Orders of the Day (Off Record Remarks)

On motion of Mrs. Martin of Brunswick. Recessed until one-thirty in the afternoon.

After Recess 1:30 P.M.

The House was called to order by the Speaker.

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

Recalled from Governor — Pursuant to Joint Order (H. P. 1791)

An Act Appropriating Funds to Move an Indian Dwelling on the Penobscot Indian Reservation (H. P. 1377) (L. 1708)

—In the Senate Passed to be Enacted on June 3.

—In House Passed to be Enacted on June 27.

On motion of Mr. Rolde of York, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be enacted. On motion of the same gentleman under suspension of the rules, the House reconsider its action whereby the Bill was passed to be engrossed.

On further motion of the same gentleman under suspension of the rules the House reconsidered its action whereby Committee Amendment "A" was adopted.

The same gentleman offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-854) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. MacLeod.

Mr. MacLEOD: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to hold this bill up at this particular time, and I understand the amendment has come from the second floor. However, I would, just for the sake of a little bit of background for some of the folks here today as to what is happening here, this bill came before the Appropriations

Committee during the week when we were hearing most of the bills that were Indian bills for Appropriations. Most all of those, for various reasons, were killed. This one particular bill, at the time, when it came through had substantial evidence, in my mind, there were pictures of a small dwelling on a reservation in Old Town which had been hindered and hampered due to the fact that a government building had been built there or an office building which created a problem for this small building. Why it is necessary now to put into verbiage, if needed, I don't fully understand because I felt and the committee felt and approved a \$7,000 appropriation and I also further understand that, at one particular time, there had been some bids let out and they were less than \$7,000 yet here we are nit picking at the end of the session on a \$7,000 appropriation for the Indians who come out of this legislature with very little.

I won't hold it up or impede its passage any further.

Thereupon, the Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto in non-concurrence and sent up for concurrence.

Under suspension of the rules, was ordered sent forthwith to the Senate.

The following paper from the Senate appearing on Supplement No. 6 was taken up out of order by unanimous consent:

The following Joint Resolution: (S. P. 614)

IN MEMORIAM

Having Learned Of The Death Of
Barbara Kay Swengel of Lewiston

The Senate and House, of Representatives of the State of Maine do hereby extend their sincere heartfelt condolences and sympathy to the bereaved family and friends of the deceased; and further

While duly assembled in session at the State Capitol in Augusta under the Constitution and Laws of the State of Maine, do herein direct that this official expression of sorrow be forthwith sent to the family of the deceased on behalf of the Legislature and the people of the State of Maine.

Came from the Senate read and adopted.

The SPEAKER: The Chair recognizes the gentleman from Wayne, Mr. Ault.

Mr. AULT: Mr. Speaker, Ladies and Gentlemen of the House: Kay Swengel spent yesterday afternoon with her two children at my home enjoying the day with my wife and family. Unfortunately, on the way home to Lewiston, she was killed in an automobile accident. Her husband, Dick, besides being a very accomplished neurosurgeon in the City of Lewiston is an exceptional guy. He was on the Legislative Committee and is on the Legislative Committee at the Maine Medical Association and I have known him for a number of years. A good friend of mine, Senator Bob Clifford, did sponsor this resolution in the other Body.

Kay was very active in the High Street Congregational Church in Lewiston, she was a Sunday School teacher. She did very much for the charitable groups in Lewiston and will be very much missed.

Thereupon, the Joint Resolution was adopted in concurrence.

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

The following Joint Order: (S. P. 615)

WHEREAS, recent bidding procedures and the awarding of certain bids by the State have received adverse publicity; and

WHEREAS, the publicity given to the bidding procedures and awarding of bids related to promotional materials for the Maine State Lottery, the computer contract with the Honeywell Company and the promotional brochures for the State of Maine seem to indicate that inequities may result from the State's bidding procedures; now, therefore, be it

ORDERED, the House concurring, that the Legislative Council, through the Joint Standing Committee on Appropriations, is directed to study bidding procedures of the State in order to establish whether such bidding procedures result in the occurrence of inequities and in order to establish procedures which are more equitable; and be it further

ORDERED, that the Council consider the feasibility of the State publishing a periodic bulletin containing lists of projects upon which bids are to be received, as a means of correcting possible inequities; and the feasibility of selling subscriptions to such a bulletin in order to cover costs of publication; and be it further

ORDERED, that the Bureau of Purchases is requested to cooperate with the committee in its study and to provide such assistance as the committee deems necessary; and be it further

ORDERED, that the Council report its findings; together with any proposed recommendations and necessary implementing legislation to the next special or regular session of the Legislature; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this order be transmitted forthwith to said agency as notice of this directive.

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

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

The following Communication:
STATE OF MAINE
EXECUTIVE DEPARTMENT
AUGUSTA

July 2, 1975

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

I am returning to you today without my signature and approval L. D. 1740, An Act Relating to Amount of Annual Excise Tax on Railroads.

I am vetoing this because of the following reasons:

1. I feel this is discriminatory, precedent-setting legislation which again would put the Governor and this Legislature on record as giving preferential treatment to one company.

2. This legislation would give another tax preference to the Maine Central Railroad which already has the ability to withhold taxes due without the imposition of penalties and/or interest under current law. This is not a privilege granted other taxpayers in the state.

3. While L. D. 1740 would exempt the restricted income of Maine Central Railroad from the state excise tax, it would not exempt the resulting expenses which the restricted income will generate. For example, a portion of the restricted revenues to be used for rehabilitating

rolling stock (boxcars) of the railroad will be deducted from the operating income which is subject to the excise tax. I feel, therefore, if the railroad is to be granted an exemption for the restricted income there should be a corresponding exemption for the deductions generated by this restricted income.

Another factor to be considered is the excise tax paid to the State of Maine that is deductible for federal income tax purposes. As for the Year 1974, the Maine Central Railroad is in the 48% tax bracket for federal income tax purposes. The financial impact of the excise tax is one-half of the amount paid to the state. If my veto of L. D. 1740 is sustained, the financial impact to the railroad will not be \$700,000 but one-half of that or approximately \$350,000.

It is my understanding that only one railroad would benefit from the enactment of L. D. 1740. I object to this on the basis that it discriminates against all other state taxpayers.

For the above reasons, and for what I feel is in the best interests of the citizens of Maine, I respectfully request the 107th Legislature to sustain my veto.

Very truly yours,

(S)

JAMES B. LONGLEY

The Communication was read and ordered placed on file.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: Because of possible conflict of interest, may I be excused from participating in this?

The SPEAKER: M. Jalbert of Lewiston is excused pursuant to House Rule 19.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to say a few words on this before we do vote. I would like to call the members attention to the Governor's message. There are some factors in here that won't stand up against the facts. In item two, in his message, he refers to the fact that the Maine Central Railroad has the ability to withhold taxes due without imposition of penalties or interest. This is not correct, it is right in the statutes that they are subject to a 10 percent penalty for late payment and in the first paragraph, after the third numbered paragraph, he refers to the fact that this would be deductible from over-all income and, therefore, have the effect of being 52 cent dollars. I want the House to know that my information on this subject comes from the officials of the railroad and their lobbyists. I have been talking with them in the corridors, my first interest in this measure came when this bill went through the House and the gentleman from Dover-Foxcroft and I, along with two railroad people and two lobbyists and the gentleman from Pittsfield, and the gentleman from Farmington, had quite an extensive session on this.

The facts from the railroad officials are that in 1975, they have already suffered \$181,000 loss in the first quarter and it is their projection that there won't be any profits from which to deduct this tax. I just cite those two instances as being inaccurate in the Governor's message.

We are faced with a situation in this case of the Maine Central Railroad primarily by virtue of income received from the Vanceboro line and the combination of this

special incentive per diem payments, finding themselves subjected to the operation of our excise tax.

I take you back to the time when we originally passed this and an amendment was placed on it to make this effective with a cut off date and also ordering a study of this very complicated and unusual situation. We happen to be unique, this is the only state in the union that taxes railroads in this manner, feeling that the imposition of this tax at this time would create an undue hardship on one of the few reasonably solvent railroads in the country.

The difficulty in explaining it is the unique situation that this special incentive per diem, it is money that the federal government has decreed will be paid to railroads as a device to expand and enlarge a critical shortage of box cars. They specify that this money, which is earned by the railroad box cars being out on the lines of other railroads, is to be solely for the purpose of purchasing and rebuilding plain box cars. One of the stipulations in this income is that it cannot be used to pay an excise tax and I would read to you an excerpt from a letter from the Interstate Commerce Commission, signed by John A. Grady, Director of Bureau of Accounts, referring to the funds: "As you are aware, the funds generated by incentive per diem income net of applicable income taxes, they can use this money to pay their corporate income tax. It shall be used solely for acquisition of plain unequipped box cars. This is consistent with the commissions aim to alleviate the national fleet shortage of these cars. The funds are, in effect, held in trust and thus do not become a part of the general assets to the carrier. They cannot be used for payment of the State of Maine excise tax." He goes on further to commiserate with the Maine Central Railroad but there is nothing they can do about it.

I would urge this Body against perhaps the popular trend to override this veto because of the potential harm it does to the Maine Central Railroad which is the only one at stake. It happens that their special per diem earnings and the sale of the Vanceboro line has thrown them into this situation of where money that is sent to them by Uncle Sam and is earmarked for one specific purpose is carried through to the bottom income line and then through this complicated procedure we have to determine the real estate tax is computed to change their real estate tax, I believe, from something like \$70,000 to \$700,000. On the other hand, the giver of these fees says, that you can't use these moneys to pay the tax.

I am afraid perhaps I have confused the issue more than I have helped it but I am going to vote to override this measure today even though it is being called Aid to Dependent Railroads, I feel that it is the proper thing to do and I hope that you can give this serious consideration as you come to vote on this.

The SPEAKER: The Chair recognizes the gentleman from Buxton, Mr. Berry.

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Cumberland, Mr. Garsoe, mentioned that this bill was referred to as Aid to Dependent Railroads and I don't really know of any better title you could give it than that. He also mentioned that it was a little bit difficult to explain. I can assure you that it is very difficult to explain. I have had a tremendous amount of

difficulty explaining why, when the State of Maine is stone broke, not a nickel for aid to the elderly or all of the other programs that you have heard killed under the hammer over in the other Body in the last week or two, but yet, maybe, we can find \$630,000 for a poor railroad that only made \$8 million. That is difficult to explain. As a matter of fact, I haven't found a way yet to explain it. That is probably why I have stood here ever since the thing came in here trying and hoping it wouldn't make it. I am hopeful that it won't today. I am not speaking merely to get put on the record of being in that position. I wasn't sent here to give aid to railroads, I was sent here to represent people and that is what I am going to attempt to do.

Of all the veto messages I have read thus far, I think probably this is one bill that the Governor does understand. I have had some questions about some of the others, I think he does understand what this bill would do and I certainly am going to vote to sustain the veto. I would feel that if we didn't sustain the veto, every newspaper in the State of Maine should criticize the legislature and I expect they will. They have got good reason to.

It has been mentioned that railroads are coming upon hard times. Well, I guess with the price of gasoline going where it is the trucking industry is coming upon hard times and probably all of us are. Probably with the advent of gasoline going to 70 cents or 80 cents or 90 cents a gallon, maybe a little more freight will go to railroads, and maybe railroads won't need the aid from the State of Maine. I think it would be just unwise to override the Governor's veto.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I, too, was sent down here to, I feel, represent the people. I feel that by asking this House to override this veto today that I am representing the people. The railroad in my area is needed, it is needed in the small towns that surround my community, and we are very fortunate in Maine that our railroads are in fairly good shape.

I think the good gentleman from Cumberland, Mr. Garsoe, made it very plain when he explained what the difficulties were of getting this money into the proper account and the way the system was set up by the federal government.

As I understand it, Maine is the only state that has a set up of this nature in their tax laws. So, this is nothing new, there is no new approach as far as the other states are concerned. It is also my understanding that when the ICC wrote their laws and this money came down for the per diem box car incentive fund, that they could not consider just one state or the difference in that one state's law but they have to make it uniform for the whole United States. It is also my understanding, and my feeling, that this is not aid to dependent railroads, it is not something that the State of Maine is giving to railroads, it is something that a railroad is being asked to be exempt from the payment of to allow them their fair treatment to compete with the other railroads in the other parts of the nation.

Also, this money creates jobs. In the City of Waterville, 18 miles south of my community it has kept a good healthy working force going, building box cars in the yard shops. It has put Maine in a very

good position of having an ample supply of box cars. I can remember back before I came down to this body in the 104th there was problems in the State of Maine of supplying box cars to ship our products but today we have a fairly good supply. I think by having a fairly good supply, it has helped the economy of the State of Maine and it has helped the people of the State of Maine. I think to deny this railroad fair treatment and say that this is a gift or to say that this is aid to dependent railroads or this is a handout, this is not facing up to the issue. The issue is that the federal government created this problem, they created the problem by not allowing per diem or incentive funds to be used as operating expenses. They have boxed the railroads in. All the railroad is asking is to allow them to come out of that box and where they cannot use this federal money not for the State of Maine to put a tax on that money.

I can understand the feeling of some members, I can also most probably understand the feeling of the gentleman on the second floor saying this is a windfall and let's wind it to them because this is \$600,000 that we can pick up to make the state budget look good. I have no interest in the railroad, I have no stock in the railroad. I have been able to make a fairly good living by working and I have never been on relief, I have always tried to look at things in the practical or realistic nature. I think today that if we were to deny the railroads this exemption they are asking for that maybe in the next session or the session after that, we would have bills in here to give aid to dependent railroads. I think all of us here in this Body and in the other Body and the people in the State of Maine should be proud that our railroads have the good management and they are operating in the condition they are in. Today they are asking for one thing, fair treatment, and I would hope that we would all vote to override this veto today.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: If the members of this House want to kill our railroads, they are going at it in the right way. When my good friend from Buxton, Mr. Berry, gets up and says that the newspapers will run us down for our stand, let them run us down. They have run me down before and it doesn't mean a thing to me. What does mean a lot to me is the working people in this state and as long as those railroads are pulling into the paper mills and shipping paper all over this world, not only here in the country, but they ship all over the world. I say, keep the people working and keep those railroads going at any cost.

I cannot explain a lot of the give away programs but this is not one of them. When we have a welfare program, who pays for it? It is the working people that pay for it. Every time we give a welfare program away, the working people have got to dig deeper in their pockets. This is no give away program, this is sound business, the tax is unfair to begin with and shouldn't have been on there. I urge the members of this House to support the railroad. We need those railroads and we need them bad. We need the people working in the state and if we don't keep those railroads going, it is going to hurt these paper mills. There is a lot of people employed in these paper mills and from them their jobs go to every kind of walk of life, it goes to the stores, it goes

to pay taxes, it pays salaries, it does everything, because they are working. You close down the railroads, you put people out of work and we are going to have a state that is beautiful and nobody working. The members of this House have an obligation, we have to offset one thing that we put into effect by giving up something else. I can say to you, this is no give away program. When we give away something, we have to account for it but this isn't a give away program, this is sound business, keep the people working, keep those railroads going, I have heard in this House about you help the railroads and so forth. The railroads are not solvent, you will never make me believe that, they are closing down all over this country. Congress is trying to raise billions of dollars to keep them going now. If they had helped them 20 years ago, they wouldn't be in the state that they are now. If we can help them now, I say that something that the members of the House can go home and be proud of. Keep our people working, keep those railroads going, keep paper being shipped all over this country and keep the people on the payroll.

The SPEAKER: The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Smith.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to attempt to go over the nature of this tax again except in very general terms. Mr. Garsoe has done an extremely reputable job of explaining the technicalities.

I would like to just give you my very brief analysis of this problem. It is a fairly simple one. I think we are confronted with two problems here, two basic issues. The first instance, is this a fair system of taxation for the railroads of the State of Maine? I think that question has already been answered by the order that this House passed some time ago setting up a study committee to restructure this entire matter of taxation of railroads. To me, that is a moot issue, we have already crossed the threshold on it.

The second issue then, that logically follows, is whether or not under the present unfair system of taxation, we are going to allow windfall income at the expense of the railroad to accrue to the State of Maine. I don't think that it logically follows that we can say yes to that, after having crossed the earlier issue and admitting that this is an unfair system of taxation. This is a unique tax to the State of Maine, the federal rules and regulations of the ICC have imposed unique burdens on the railroads of the State of Maine and will also, in the future, cause the State of Maine to encourage unique harms, if this system is to continue. I think the question of windfalls, at this time, if we are to answer in the affirmative is extremely unfortunate. I think it is unfair, and this comes from a person who has consistently voted for AFDC and for aid to the elderly, for aid to the retarded and mentally ill. I think what is fair for one, is fair for another. My honest judgment is now, that if we allow this tax to be imposed, it is going to be unfair to the railroads. I hope that you will vote to override this veto today, simply because it is fair.

The SPEAKER: The Chair recognizes the gentleman from Stowe, Mr. Wilfong.

Mr. WILFONG: Mr. Speaker, Ladies and Gentlemen of the House: I am going to vote to sustain the Governor's veto today. I think that as long as the working people of this state have to pay their taxes, they

don't have the loopholes available that industry has to circumvent some taxes. I don't think that we have necessarily got a fair tax system for the working people and perhaps we don't have a fair tax system for all of industry either. I cannot vote for, in good conscience, vote for giving a tax break to an industry that made \$6 million profit last year, when the working people of this state haven't had an increase in the minimum wage, they haven't had the breaks and the opportunities that industry has to circumvent taxes, if you want to call it that, and I think that we have killed many good programs in this past week. We couldn't find \$500 worth of money to look for revolutionary war veterans graves in a bicentennial year, we couldn't find money to build a veterans home for Mr. Dam up in Skowhegan, the veterans in that area. If we can't do that, I don't think we should be able to find \$630,000 tax break for the railroads.

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

Mr. INGEGNERI: Mr. Speaker, Ladies and Gentlemen of the House: I am going to vote to sustain the Governor's veto. Originally, I voted for this bill. I did it because, as against another large give away corporation, I thought this was a little bit less and then it had a kind of a tax incentive characteristic to it, but I thought that there would be plentiful money to take care of some things which were more important. In other words, this is not a bill that I would want to see funded at the expense of some of the very worthwhile peoples bills which have been flushed down the drain. Those two little sums that Mr. Wilfong mentioned, they are very significant. Imagine the Appropriations Committee flushing down \$500 to honor the Revolutionary War victims or not to give something to an historical society.

I must vote to sustain the Governor's veto because I have got to put this bill against the merits of a bill which I presented and which has filled me with much remorse and much frustration. I would have hoped that somebody else had sponsored that bill because they might have been more adept in getting the votes lined up. I thought it had so much virtue that there would be no question of its being passed and its being funded. I would like to remind you that I put in a bill to lift the income limitations on the property tax refund to the elderly. How many of you know that comes August, there will be some elderly people who will be cut off from their property tax refund because of a pittance of an increase in their social security of something like \$8 to \$10 a month. Some of them may lose \$200 or \$250 a year property tax refund because of this increase. Now, what does this have to do with this railroad bill? I will tell you what it has to do with the railroad bill, those men sitting around the Appropriations Table, in their wisdom, they cut the pie up so that this bill had nothing but the railroads are going to get a \$650,000 relief. I don't care whether you call it a foregiveness of a tax or a refund of a tax, it still represents \$650,000 that would have been available to fund a needed bill for the elderly and because if I didn't think that much for my bill, I might just swallow this, but if I do that I am saying that that bill I presented, didn't have much merit and I can't say that. Between the two alternatives, I must say that it is the people's bill that should have been funded

and a bill such as this should have been delayed and I urge you to vote to sustain the Governor's veto.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I simply would like to make a remark in response to what the gentleman from Bangor, Mr. Ingegneri said. I think there is a misconception that this was money that was before us on the Appropriations Table, it was not. This was money that will be paid if the bill does not pass, this will be paid into the state in addition to what we had to deal with on the Appropriations table so it was not a question of choosing between Mr. Ingegneri's bill, which I was very strongly in favor of, and this particular bill. This money was not before us on the Appropriations Table.

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

Mr. MULKERN: Mr. Speaker, Ladies and Gentlemen of the House: I was one of the members of the Taxation Committee that gave a great deal of thought and consideration to this very complex and complicated bill and my decision on this bill was to go for the "Ought Not to Pass" Report. It is my feeling that to a certain extent, what we are doing here, is putting the cart before the horse. The gentleman from Dover-Foxcroft, Mr. Smith, has said that we have a study order which is going to look into this whole problem and I think by passing this study order, we were not necessarily saying that the railroads were receiving a just or an unjust burden from this particular piece of legislation or the lack of that piece of legislation. What we were saying is that this is a problem that should be studied. It is controversial, and I think we are being a little bit premature. I would like to see something like this wait.

Personally, I get the feeling from even serving for my one term on the Taxation Committee that there's a lot of problems in the tax structure in the State of Maine, that there are a lot of things that we could be doing that we are not doing and these things are going to be studied over the summer months and in between the sessions. I think that probably there are a lot of problems that we discriminate against other types of business coming into Maine, this is something that has bothered me.

My record certainly is one that is pro-labor right down the line. I voted in favor of labor legislation, social service legislation. I share the concerns of the unemployed but I still think that this measure should be measured against other types of businesses. I don't think we should be singling out this one business and giving them this exemption. I think we should look at it against the total picture and then perhaps come back in the special session with a bill to correct the situation or some such thing as that. I think this is a bit premature, and for once, I am going to go along and sustain the Governor's veto.

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

Mr. DAM: Mr. Speaker and Ladies and Gentlemen of the House: I would like to correct one statement that was made by the gentleman from Stow, Mr. Wilfong in regard to a bill which he said was Mr. Dam's bill for a veteran's home. There was no money on that bill at all, the money that was on that bill \$90,000 was for the maintenance of the facilities as they exist

today and that money will come out of the existing B.P.I. budget so that was not legislation that was defeated there because of lack of money because there was no money on the bill at all.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I think this bill has a lot of merit. I voted for it all along and I am going to vote to override the veto today. Mr. Berry says that we have done nothing for the elderly this session, which isn't true. We passed in our supplemental budget, over \$2 million in funds for the programs for the elderly and I'm sorry we couldn't have done more but we did do that much. Mr. Wilfong says that we need first to reform our tax system for the working men and women of this state and that we could have, and failed to do more in the areas of the minimum wage and I don't disagree with him, but two wrongs or four wrongs or five wrongs don't make a right and there must be a very good reason why Maine, out of all the fifty states, is the only one which has this excise tax and the Maine Central Railroad is one of the few railroads in this country that is not in receivership or bankruptcy and this tax relief is going to help maintain that situation and I certainly am going to support it because railroads mean more than box cars or locomotives. They mean jobs and they pay taxes to this state, to the City of Portland, to the corporate income tax or the property tax and I'm going to override this veto and I hope you will too.

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

Mr. HALL: Mr. Speaker and Members of the House: I'm going to go along with the Governor on this bill because how am I, as a representative, going to explain to the people in Shirley and in Monson and in Blanchard and all these towns that don't have a railroad to begin with, but they do have roads? Here, last week, we couldn't even raise enough money to plow the roads and I see by this letter we have from the Department of Transportation that the law has been passed for this but they lack \$850,000. Well, how are you going to explain to those people when all that we are talking in regard to \$600,000 relief to the railroads?

The SPEAKER: The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Smith.

Mr. SMITH: Mr. Speaker and Members of the House: I would just like to respond very quickly to the gentleman from Sangerville, Mr. Hall. He could probably depend upon his truckers in Shirley who haul their wood to Dover-Foxcroft and put it on the Maine Central Railroad to be hauled to market to do that for him, if he doesn't think he could. In the second instance, he could probably depend on me to make a special trip to Shirley to explain it to the people.

The SPEAKER: The Chair recognizes the gentleman from Wallagrass, Mr. Powell.

Mr. POWELL: Mr. Speaker and Members of the House: I don't have much to say about this bill except I want to comment on the railroads in the State of Maine. They left us a good many years ago. My Dad was a railroad man and he ended up with a pension, of course, which the government supervised and that happened to be the Maine Central, but I have watched in my time, in this life, the railroads leaving us, ignoring the passenger traffic, going to freight and

getting freight raises and here they are, asking us for a gift. I will vote to sustain the Governor's veto.

The SPEAKER: The Chair recognizes the gentleman from Jay, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: I think this, over the last few months, has had an awful lot of controversy. It has been talked about a lot on this House floor and I think, I might remind you of what the first roll call vote was. In my favor, it was 95-31. I think this was a pretty good vote and I would hope that we would get the same thing again today and as the gentleman from the other side here, Mr. Smith has said, we did pass an order to have this studied. This is a one term situation only at the moment and I might bring out to you and I think it has already been mentioned and I do want to mention it again that Maine Central Railroad lost in the first quarter of this year \$180,000.

Now, a few other quarters like this and they certainly wouldn't be able to make any payments to the state. Somebody mentioned that there was a lot of bills flushed down the drain because this was laying on the table and nobody knew whether we were going to get the money or not. I might remind these people that these bills have been flushed down the table and whether we get this or not isn't going to make a bit of difference to them.

I would like to go on and perhaps take a minute of your time. This is a redraft of L. D. 158 and it is a committee redraft, it is something that we came up with, we worked hard to come up with and as a result of accounting procedure required by the Interstate Commerce Commission and I want to emphasize that, the railroads of Maine are subject to an unfair tax resulting from income which is restricted for very specific purposes. This tax, if it is not changed, could be extremely harmful to Maine railroads. They are very important to the economy of Maine and are especially vital to the larger industries of the state. It so happens that one of my largest constituents is International Paper and they depend a good deal on the railroad to bring them and to take away from them, their products. We are fortunate in Maine to be served by a railroad or several railroads that are solvent. As we look over the country in the Northeast, we find that many of our railroads are being subsidized by the states and the federal government and I certainly hope that doesn't happen here and I would hope that we, this afternoon, could override the Governor's veto.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to address myself to a few of the remarks that have been made here by some of the other members this afternoon. I have been scribbling frantically to take down the names and home towns so I say them correctly.

First, I would like to address the remarks of my very good friend, Mr. Garsoe, from Cumberland. I think you all know that he and I looked at a great many of the problems that confront this legislature. In this particular area, I do have to disagree with him, he addressed himself to the Governor's veto message so I would like to go back and refer to that. He pointed out in paragraph two that this would give another preference to the Maine Central Railroad. I don't know

exactly what the Governor was referring to there but it is a fact, of course, that the railroads by the very nature of their being federally controlled do avoid sales taxes to the tune of millions of dollars that have to be paid by other businesses in the State of Maine, so they do legally escape paying sales taxes. He also addressed himself to the third paragraph in which he pointed out that this would not be an income tax benefit. I can't see how he can reason this way, because, obviously, the income tax that we are talking about has to be paid on 1974 income and the 1974 income was rather large for the Maine Central Railroad and it is quite obvious that they would be in the bracket that the Governor's veto message points out so that the cost of this, if paid, would be a deduction against income, and hence, would be chargeable directly to that federal income tax.

Now, I would like to go on a little bit more, a great deal has been said today about the railroads being killed, going out of business, being knocked out, ladies and gentlemen, I want to make it absolutely clear today that there was no testimony directly from the railroads to this effect in any hearing that I attended and I attended all of them and I also asked that question. I asked it very directly of the representative of the railroads and not of the lobbyists and I was told very, very succinctly that there was no line going to be discontinued as a result of what might happen to this bill. Now, that came right directly from the railroads so it is not correct to state that this bill will kill the railroads, will knock out any particular line and that testimony came right direct from the railroads themselves.

Then I would like to address the point that this is the only state that charges such a tax, that may well be but I'm sure that we do not know what the other states do charge for taxes on the railroads and I would point out to you that this tax is one, which the railroads themselves, initiated many, many years ago, so there is no question but what the railroads agreed to it at one time. Now, we do need the railroads, there is no one who denies this but it is incorrect to say that railroads must have this advantage to compete with other railroads because they do not compete with other railroads in other parts of the country.

Railroads are a monopoly and you know it as well as I do. They have to compete with the truckers but not with other railroads. This problem has been said here today, that it was created by the federal government and I completely disagree with that. This problem was not created by the federal government, it was created because the successful operating year that was had by the Maine Central Railroad in 1974 and here at this point, I want to dispel another thing about what's called "windfall". Many people are mixing up the operating revenues of the railroad with the very successful sale of a branch line which they have and these two areas are not to be confused because they do not contribute to it and it is the operating revenues of the railroad which create this tax, it has nothing to do with their very successful sale of other railroad so the paper mill expansion in this state is going forward, we know it is going forward and this will increase the railroad revenues and their operating revenues. It certainly will not hurt the railroads so, sure, the Maine railroads are healthy and we want to keep them that way but I can tell you

this afternoon, ladies and gentlemen that the railroads will not go down the drain because of this tax and if they were having a bad quarter in the first quarter of 1975, I'm sorry about that. It is not necessarily going to be true of the rest of the year, we don't know that, but if that is the case, then the circuit breaker which is in the present law will take over and they will be exactly as they have been since 1961 when the record will show that they have not paid anything on this railroad excise tax above the very minimums because they have qualified for the circuit breaker in all those years until 1974.

Now the present status of this bill is, as you well know, has been enacted by both the House and Senate, has come back to us for a veto. I want to make sure that everybody understands my position, it's going to be to vote no today because I'm going to vote to sustain the Governor. It is not a windfall income.

Now, the other day, ladies and gentlemen, we failed to pass a circuit breaker for the property owning taxpayers of this state but the railroads have had a circuit breaker in their property tax law since 1961, now I submit, is that the kind of justice that you think we should have in this state? They've got it, we are not trying to take it away from them but at least when it does come into play and they have a year where they have a successful operating year, how come that's the only year they come in and ask to have the law changed? I think the answer to that, ladies and gentlemen, is very clear. They will not be out of pocket the whole amount because they will have an income tax deduction. That is just as clear as can be.

I wonder if you are aware of the complacent attitudes that the railroad has taken on this bill up to the present time and I would like to illustrate with just a few figures ladies and gentlemen. Early in the week, I inquired of the Department of the Attorney General as to whether or not the railroads would be liable to pay this tax this year with the present status of the bill and the answer is this and I would like to quote "one-third of the total annual excise tax so ascertained was payable on June 15, 1975, one-third is payable on September 15 and one-third is payable on December 15. 36 M.R.S.A. Section 2626. Now, what did the railroads do, ladies and gentlemen? On this 15th of June, when they had one-third of the total amount due they paid in to the State of Maine, the paltry sum of \$23,541.40 they paid that on the 16th which the department considers to be on time. The total obligation that the department had for them at that time was \$228,794.33. Did the railroads know something that you and I didn't know that day? Is that why they didn't pay their tax on time as they were required to do by law? On the 17th, the excise tax department sent them a certified letter and billed them for the other \$205,252.93, and as of right now, they gave them until July 2nd so that if that is received by tonight at midnight, it will be on time. The letter was acknowledged so there's no question but what the Maine Central Railroad received it and are well aware that this obligation is still outstanding.

I think ladies and gentlemen of the House that you are being taken for granted. This is the ancient method that has been prevalent with lobby and the big corporations with respect to this legislature for many years. Now this is the Body that the decisive action on this bill

must come from. We cannot expect anyone to bail us out. Here is where the people must speak. This is the House that must bring into the state coffers the dollars that are due under the law that has existed for many years and which still exists, exists I might say, in spite of the very successful efforts of the railroads over those many years to eat away at what is their rightful contribution to the welfare of the state and they have been successful and their obligations today are very well reduced and they do have a circuit breaker.

Last week we enacted a supplemental budget that had programs which the majority of us fully endorsed. There was nothing dishonest in our action because we freely admitted that funding of that second year was lacking. Now here is an opportunity to fund about ten percent of that shortage to bring in some of the \$615,000 in money that is due to help pay for SSI, catastrophic illness, homemaker services and all the other priority social services that we are talking about. Ladies and gentlemen, the issue seems very simple to me, this is a tax that is on the books. The railroad has failed to pay it because they didn't think they'd have to. I hope you will take affirmative action today and by that, I mean vote no to sustain the Governor's veto.

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

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House, I hope you don't fall out of your chairs when I tell you that I am going to vote to sustain the veto. Just a couple of things there that I've noticed as this debate has gone on, I think perhaps we ought to comment on a little bit. The railroads have built their whole case on the limitation on the use of the funds that are derived from this per diem and I would like to point out something that has been said here before, that consistently the railroads expend for the purpose for which these funds are committed to, way in excess of what the funds derived from the per diem amount to, so that, in effect, there's no limit on these uses. They are consistently going to use far more for the purpose of renovating box cars than is generated from these per diem funds so let's not be misled by that.

Several speakers have said only this state had this tax law in relation to the railroads. If it is true, it is along this direction that it is only our railroads that enjoy the benefits under this law. Now, I know that other states have other provisions for taxing and I also know in connection with the work that we were doing on this bill that many states charge much more to the railroads than we do and it has been mentioned too, that a trade was made with the railroads several years past on taxing where the railroads in effect said to the Maine legislature "don't charge us property tax years that we don't make any money, when we do make the money, we will be glad to pay". That was the trade that was made and for many years they never got through this circuit breaker level of \$2 or \$3 million profit and they got by with an absolute minimum. This year, they made the money, some \$6 million and under the law they are required to pay and this year they are saying "we don't want to pay this year either". It would be nice if we all had this circuit breaker, I would love to see a circuit breaker for all Maine people and all Maine businesses so that no matter how nice a year you have in your business, you wouldn't have to pay a tax.

None of us like taxes but, unfortunately,

someone is going to have to pay and I just can't generate that much sympathy for an outfit that has just made \$6 million, have made a good profit every year for a number of years and let's not kid ourselves either as to who this accrues to. When a company is consistently making profits and you make it possible for them to make more profits such as we would if we were to allow this bill to live, then that profit passes through to the stockholders and the stockholders of this railroad are some of the wealthiest people in New England and it just doesn't make any sort of sense to me to be appropriating this kind of money for these purposes when we are in a situation where we have scuttled good worthy legislation for a lack of a few bucks.

Now there has been some argument made about whether or not we have to appropriate \$700,000 to give 350 benefits through to the company. Now there are two viewpoints on this but I'll put it this way, that it's a real possibility that we would have to give this company \$750,000 or \$660,000 or whatever it is in order to develop a real benefit of half that through the company to its stockholders inasmuch as they are paying the 48 percent tax. Now, do we have state dollars that we want to put out to benefit anyone at the rate of just one half of what we appropriate? Somehow there is just no sense of proportion to this bill given the situation that the State of Maine finds itself in right now.

I hope that you go along with sustaining the Governor's veto. I know that we've all been on a kick of overriding the Governor's veto and I'm just as guilty as the rest of you on this but in this particular instance, I think we had better take a second look and sustain the veto on this bill.

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

Mr. GARSOE: Mr. Speaker, Members of the House: Very, very briefly, but I can't let my good friend Rosie get away with that, the gentleman from Pittsfield.

This has been a constant threat of Representative Susi's arguments in this situation, is that this money flows through the stockholders in some fashion and it's my understanding that it does not. I wouldn't have the nerve to stand on this floor today and urge you to make a present to the stockholders of the Maine Central Railroad.

I've got a letter here from, a statement issued by Stanley Watson, Treasurer of the Maine Central Railroad to Representative William Garsoe to be used on the floor of the House and to be read into the record, this was taken over the telephone and taken down by his stenographer, because this very point that Rep. Susi has brought up, bothers me, quote "had incentive per diem not been available since 1970, Maine Central Railroad would not have rebuilt 173 boxcars in its Waterville shop," so this isn't money coming in to replace funds that they would otherwise be spending anyway, it goes on to say "the expenditure of these funds has not freed up funds for other corporate purposes." It's my understanding from the conversations we have had, where Representative Susi was there for most of them, that this does not flow through to the stockholders, it's limited in that aspect as well as not being available for the excise tax and to regard this as a windfall to the State of Maine, as compared to us not having done anything for the elderly or for our human services, is also inaccurate. I argue that this legislature, given the restrictions we've

been operating under, has done, I think, everything we could be logically expected to do and I think this, if you give it serious consideration, has enough merits to stand on its own and I hope you will vote to override.

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

Mr. CAREY: Mr. Speaker, and Ladies and Gentlemen of the House, I am in possession of some correspondence on this matter and I would like to take this up with the House, I have a letter from the Interstate Commerce Commission, Bureau of Accounts, a letter that was signed by John A. Grady, the Director of the Bureau of Accounts. It is in response to a letter that was written to him by a Mr. Horace Foster who is Corporate Vice President of Maine Central Railroad. It says "Dear Mr. Foster, this refers to your letter of December 16th with regard to the State of Maine excise tax requirements applicable to incentive per diem income. As you are aware, the fund generated by incentive per diem income shall be used solely for acquisition of plain, unequipped boxcars. This is consistent with the commission's aim to alleviate the national fleet shortage of these cars. The funds are, in effect, held in trust and thus do not become a part of the general assets of the carrier. They cannot be used for payment of the State of Maine excise tax applicable to the related earnings. The funds needed for this payment would have to be obtained from sources generated by other corporate earnings. This situation could result in an undue financial burden for the affected carrier. I believe it would be inequitable were carriers forced to pay State of Maine excise taxes based on the consideration of incentive per diem earnings. In view of the mitigating circumstances, in my opinion (and this is the writer, John Grady, the Director) it would be appropriately inequitable to adjust net railroad income by excluding incentive per diem for calculating state excise tax as was proposed by the writer originally who asked a question of Mr. Foster."

There have been 173 cars rebuilt as of last year, there are 35 people who are employed in the shops in the Waterville area. It is my understanding from only this morning that there may even be some people employed in the Portland area working down on the per diem thing, but interestingly enough, when I was talking with the railroad people this morning from my town, I was made aware that there had been a letter that had transpired that had gone from Spencer Miller to the Governor on the 5th of June. Mr. Morton said there was some inaccuracies in the veto message itself and it pretty much ties in then with the fact that this letter was never answered. There was a letter sent out on the 5th of June by Spencer Miller to the Honorable James B. Longley. "He said he would greatly appreciate an opportunity to discuss the complex issue with him and be pleased if he would notify me at a time convenient to you." We are now some 26 or 27 days later and the Governor did not even give Mr. Miller the courtesy of an answer so it was a foregone conclusion as to what the Governor was going to do when we first started with this mess.

I would certainly hope that you would vote to override this. I am particularly concerned that there are some jobs at stake in the Waterville area.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Cumberland, Mr. Garsoe, spoke to my colleague, Mr. Susi, from Pittsfield who chooses not to answer, but I think we should make it very clear here, there is no allegation that this flows through to the corporation on the bottom line of the yearly statement. That has been pretty well refuted. There is no question but what if a corporation does not have to pay \$615,000 in dollars out of the corporation that this particular \$615,000 accrues to the net worth of the corporation. The net worth of the corporation is where these very wealthy people that the gentleman from Pittsfield spoke about come in; they have held onto their Maine Central Railroad stock and it has increased in value and it has increased in value remarkably over the years, this is where their accruals have come.

I would further point out, Mr. Speaker — while I am on my feet — in regard to the remarks to the gentleman from Waterville and the letter that he wrote that the gentleman in the letter quoted accurately when he said, "In effect, this money is held in trust." That is correct but, in effect, means that is the effect that it has but it does not mean that the money is not spent in dollars to do exactly what the ICC says it should be used for and that is to build box cars. That enhanced the position of the Maine Central Railroad because of their position in the northeast corner of the country, the difficulty in getting box cars back, this has enabled them to do very well in their operating revenues by the use of these per diem funds.

The SPEAKER: The pending question before the House is, Shall this Bill become law notwithstanding the objections of the Governor on Bill "An Act Relating to Amount of Annual Excise Tax on Railroads" House Paper 1494, L. D. 1740? Pursuant to the provisions of Article IV of the Constitution, the yeas and nays are ordered. If you are in favor of this Bill becoming law notwithstanding the objections of the Governor, you will vote yes; if you are opposed, you will vote no.

ROLL CALL

YEA — Albert, Ault, Bachrach, Berry, G. W.; Birt, Boudreau, Bowie, Burns, Byers, Call, Carey, Carroll, Carter, Chonko, Churchill, Conners, Cote, Curran, P.; Curran, R.; Curtis, Dam, DeVane, Dyer, Farley, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gould, Gray, Hennessey, Hewes, Higgins, Hinds, Hunter, Hutchings, Jackson, Jensen, Kany, Laffin, Laverty, Lewin, Lewis, Littlefield, Lizotte, Lovell, MacLeod, Mahany, Martin, A.; Maxwell, McBreairty, McKernan, Mills, Miskavage, Najarian, Palmer, Peakes, Perkins, T.; Peterson, P.; Pierce, Raymond, Rolde, Shute, Smith, Snow, Strout, Stubbs, Teague, Torrey, Twitchell, Usher, Webber.

NAY — Bagley, Bennett, Berry, P. P.; Berube, Blodgett, Carpenter, Connolly, Cooney, Cox, Davies, Doak, Dow, Drigotas, Durgin, Farnham, Gauthier, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hughes, Immonen, Ingegneri, Jacques, Joyce, Kelleher, Kennedy, LaPointe, LeBlanc, Leonard, Lynch, MacEachern, Mackel, Martin, R.; McMahon, Morin, Morton, Mulkern, Nadeau, Pearson, Pelosi, Perkins, S.; Peterson, T.; Post, Powell, Rideout, Rollins, Saunders, Silverman, Snowe, Sprowl, Susi, Tarr, Theriault, Tierney, Tozier, Tyndale, Wagner, Wilfong, The Speaker.

ABSENT — Bustin, Clark, Dudley, Hobbins, Kauffman, Kelley, Lunt, Mitchell, Norris, Quinn, Spencer, Talbot, Truman, Walker, Winship.

EXCUSED — Jalbert.

Yes, 74; No, 61; Absent, 15; Excused, 1.

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

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

The following Communication: (S. P. 616)

STATE OF MAINE OFFICE OF THE GOVERNOR AUGUSTA, MAINE 04330

July 2, 1975

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

I am vetoing L. D. 669, An Act to Provide an Agricultural Education Consultant within the Department of Educational and Cultural Services.

I question the need of such a consultant position at this time. My Commissioner of this Department, Sawin Millett, sees no full-time need of such expertise within his operation.

Facing stringent budgetary considerations as a State, to pay between fifteen and twenty thousand dollars for a part-time consultant is needless expense for the taxpayers of Maine.

By the same token, I pledge to work with the sponsor of this legislation, the Commissioner of the Department of Agriculture and the Commissioner of the Department of Educational and Cultural Services to insure that the objectives intended by this bill are produced without such additional expense.

I ask you not to add such a layer of expense on the shoulders of the taxpayers. We are all engaged in trying to hold the line to avoid a tax rise. With extra burdens in rising fuel prices in the fall and uncertain economic conditions, I feel we should avoid all questionable expenses.

I respectfully ask that you sustain my veto.

Very truly yours,

Signed:

JAMES B. LONGLEY
Governor

Came from the Senate read and ordered placed on file.

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

The accompanying Bill, "An Act to Provide an Agricultural Education Consultant within the Department of Educational and Cultural Services" (S. P. 202) (L. D. 669)

In the Senate July 2, 1975, this Bill, having been returned by the Governor, together with his objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

23 voted in favor and 6 against, and accordingly it was the vote of the Senate that the Bill become a law, notwithstanding the objections of the Governor, since two-thirds of the members of the Senate so voted.

Signed:

HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read and ordered placed on file.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: This bill came before the Legislative Education Committee, we gave it long deliberation and then we ran into a series of discussions with the Department of Education in order to reach a point of how this bill should be funded. This is an excellent bill, it is needed by the young farmers of America, and it is needed by the young farmers of Maine and has passed in several states. I sincerely hope that you will override the objections of the Governor and pass this bill.

The SPEAKER: The Chair recognizes the gentleman from Poland, Mr. Torrey.

Mr. TORREY: Mr. Speaker, Ladies and Gentlemen of the House: This bill is important because of its potential for placing greater future emphasis upon the importance of agricultural teachings to interested high school students. I will vote to override this veto.

Agriculture is a very important part of our state economy. Food production, not only satisfies one of our basic needs but in our state and nation has been monumental in giving us a favorable position in world trade and balance of payments.

This legislation should provide a stimulus to interest and inform our young people and start some of them into an agricultural vocation. Statistics show the average age of operating farmers to be in the 50's and we should be concerned that younger replacements are being trained encouraged and assisted to carry on this essential occupation.

In all sincerity, I support this bill and I trust most of you honorable people will make similar judgment.

The SPEAKER: The Chair recognizes the gentleman from Van Buren, Mr. LeBlanc.

Mr. LeBLANC: Mr. Speaker, Ladies and Gentlemen of the House: I would like to point out the second paragraph in the Governor's veto message, "I question the need of such a consultant position at this time. Commissioner of this Department, Sawin Millett, sees no full-time need of such expertise within this operation". In direct contrast to this statement I would like to read a letter from Sawin Millett, dated May 30th, in regards to L. D. 669 "An Act to Provide Agricultural Education Consultants within the Department of Educational and Cultural Services" this legislation is similar to legislation which has been sponsored and has reached the stages of final enactment in each of the two previous legislative sessions. In both previous occasions this legislation has failed final funding. The support of this legislation has in general sense come from the agricultural community with particular support coming from the Maine Farm Bureau and other agricultural organizations. This department's position has constantly been that agriculture has subject areas now being offered in secondary schools of the State of Maine has declined in terms of frequent programs offering to the point where we are unable to justify full-time consultant to commit to the area of agriculture alone. We do, however, feel that this bill, as drafted would provide for sufficient flexibility in using such an educational

consultant time to apply for agricultural education as well as duties in the area of science, which are currently not being met by the consultants within our department.

Also, the potential for placing greater future emphasis on the importance of agricultural teachings in our high school students make this piece of legislation of great importance to us at this particular time and it has in the recent past. I am referring to the recent trend to return to farming as a means of self sufficiency and the need for more and more people to have access to general agricultural understanding in order to better provide themselves with food and sustenance. With this thought in mind, I believe, that we could make very good use of such a consultant and if such funds are available would make a commitment to a science effort to apply a person who could promote the expansion of meaningful agricultural programs in our secondary and post secondary schools. I support the intent of this legislation in the event funding can be accomplished." This letter was signed by Sawin Millett.

So, that is the contrast between the statement of the Governor and his commissioner. I hope you will support to override the veto.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I would like to have the members of the House identify what school units in the State of Maine have agricultural courses, teachers of agricultural studies and how many will this consultant serve.

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

Mr. MAHANY: Mr. Speaker, Ladies and Gentlemen of the House: I am not trying to identify all of the schools that have an agricultural vocational course throughout the state, but I will say this, practically every high school in Aroostook County, and I would guess some in Penobscot County have a vocational agriculture course.

I would also call to your attention, especially the freshmen of this legislature that back either in the 105th or the 106th, this same bill was presented and it was passed by the House and the other Body and died on the Appropriations Table. I believe, principally from the workings of one of the prominent senators in the field of education. At that time, I believe, he thought there was somebody in the Department of Education that could fulfill this position. That proved to be wrong. The person who was appointed to do this job knew nothing of the needs to coordinate the agricultural courses throughout the state. This is a very important bill for rural areas. Many, many of the larger high schools in the cities perhaps they do not have an agriculture course but we do in Aroostook County and some of Penobscot County and I am guessing some of the other high schools throughout the state possibly. It is one of the best ways that we have to keep the young boys when they get 16 or 17 years old from becoming dropouts. We have talked a lot about dropouts here as we went along this year and this is one of the best ways, our agriculture course, that we have, to keep the young man when they get 16 or 17 years old in high schools to complete their course and continue, many of them do, on to higher education. It is very important, I feel, for the majority of

high schools in the rural areas throughout the state to have this position filled by a qualified person and I hope you will vote to override the veto.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I did not throw my support to this legislation lightly, nor did I throw my support to this legislation without first endeavoring to find out if there actually was a need. I think I am as dollar conscious as the second floor gentleman is, I think I am more so, but I would like to point out to you that the Education Department had a man over there and he was doing three jobs. He had three hats that he put on his head, three different positions. One of those was supposedly agricultural specialist. Now this agricultural specialist, we asked him just what days of the week or what hours in each day do you devote to this position? You know it was a shock, he never put the hat on. He was not performing the services, it was just a joke to even think that he was going to perform them because they had so many other duties for him to perform.

I feel the agricultural field is very, very important when you consider the total area of the State of Maine in the agricultural products that we produce in the State of Maine. When you consider our high schools and the young people that are going into these high schools, many of them have an inclination in the field of agriculture. This inclination should be cultivated, they should know what they are going into, they should be filled in on the background of agriculture, but when there is no effort made whatsoever to teach any of this program, no effort whatsoever to encourage the future farmers of America to continue in their programs, then naturally agriculture has gone to the far corners.

Let's really look at the situation, now. We have vocational programs, we are training machinists to run machines in machine shops, we have no orders, they are unemployed. We have got all kinds of specialists in industry but industry is not turning its wheels. I really feel that if you had traveled throughout New York as I have in the past couple of years on visits, I found out that their agricultural schools enrollment was way over enrolled now. I asked them what was happening, I was informed that many, many people are coming back to the field of agriculture. They know that they can provide a living and a means for their family in the field of agriculture. Agriculture is a field of endeavor where when people become employed, business gets rough, you still make a living. When you go to industry and you walk up to a lathe and the boss says we don't need you today, what are you going to do when you go home? You don't have any machinery to run, you don't have anything to make a living with. I think this is an investment in the future. I think it is a very important investment. I am absolutely certain this is the way we should be going, we should have this specialist and it isn't an expensive proposition, it isn't costing tremendous amounts of money.

The SPEAKER: The pending question before the House is, shall this Bill become law notwithstanding the objections of the Governor on Bill, "An Act to Provide an Agricultural Education Consultant within the Department of Educational and Cultural Services." Senate Paper 202, L.D.

669. Pursuant to the provisions of Article IV of the Constitution, the yeas and nays are ordered. If you are in favor of this Bill becoming law notwithstanding the objections of the Governor, you will vote yes; if you are opposed, you will vote no.

ROLL CALL

YEA Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Birt, Blodgett, Bowie, Burns, Byers, Carpenter, Carroll, Carter, Chonko, Churchill, Connors, Connolly, Cooney, Cox, Curran, P.; Curran, R.; Curtis, Dam, Davies, DeVane, Doak, Dow, Drigotas, Dyer, Farley, Faucher, Fenelon, Finemore, Flanagan, Fraser, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, Hinds, Hobbins, Hunter, Hutchings, Ingegneri, Jackson, Jacques, Jalbert, Jensen, Kany, Kelleher, Kelley, Kennedy, Laffin, Laverty, LeBlanc, Lewin, Lewis, Lovell, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBreairty, McKernan, Mills, Miskavage, Morin, Morton, Mulkern, Nadeau, Najarian, Peakes, Pearson, Pelosi, Perkins, T.; Peterson, P.; Peterson, T.; Post, Powell, Rideout, Rolde, Rollins, Saunders, Silverman, Smith, Snowe, Spencer, Strout, Stubbs, Susi, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Tyndale, Usher, Wagner, Webber, Wilfong, Winship, The Speaker.

NAY Berube, Boudreau, Call, Carey, Cote, Durgin, Farnham, Hewes, Higgins, Hughes, Immonen, Joyce, Lizotte, Lynch, McMahon, Palmer, Perkins, S.; Pierce, Raymond, Shute, Snow, Sprowl, Twitchell.

ABSENT Bustin, Clark, Dudley, Kauffman, LaPointe, Leonard, Littlefield, Lunt, Mitchell, Norris, Quinn, Talbot, Truman, Walker.

Yes, 114; No, 23; Absent, 14.

The SPEAKER: One hundred and fourteen having voted in the affirmative, twenty-three in the negative, with fourteen being absent, the Governor's veto is not sustained, and the Bill becomes law notwithstanding the objections of the Governor.

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

An Act Appropriating Funds to Move an Indian Dwelling on the Penobscot Indian Reservation (H. P. 1377) (L. D. 1708) (H. "A" H-854 to C. "A" H-489)

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.

(Off Record Remarks)

On motion of Mr. Rolde of York
Recessed until the sound of the gong.

After Recess

The House was called to order by the Speaker.

The following Communication:
THE SENATE OF MAINE
AUGUSTA, MAINE 04330

July 2, 1975

Honorable Edwin H. Pert
Clerk of the House
107th Legislature
Augusta, Maine

Dear Mr. Pert:

The Governor having returned:

Bill, An Act to Insure Citizen Participation in the Promulgation, Amendment and Repeal of Agency Rules. (H. P. 1379) (L. D. 1775)

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

According to the provisions of the Constitution, a yeas and nays vote was taken. 9 Senators having voted in the affirmative and 19 in the negative, the Bill accordingly failed to become law, and the veto was sustained.

Respectfully,

Signed:

HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read and ordered placed on file.

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

On motion of Mr. Rolde of York, that gentleman was charged with and conveyed a message to the Senate informing that body that the House had transacted all business before it and was ready to adjourn without day.

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

From the Senate: The following Joint Order: (S. P. 611)

ORDERED, the House concurring, that a Committee of three on the part of the Senate, with such as the House may join, be appointed to wait upon the Governor and his Executive Council and inform them that both branches of the Legislature have acted on all matters before them and are now ready to receive any communication that he may be pleased to make.

Came from the Senate read and passed and the following appointed as members of the Committee on the part of the Senate:

GREELEY of Waldo
SPEERS of Kennebec
CONLEY of Cumberland

In the House, the Order was read and passed in concurrence and the Speaker appointed the following members on the part of the House:

ROLDE of York
NAJARIAN of Portland
PALMER of Nobleboro
MCKERNAN of Bangor

Subsequently, Mr. Rolde of York reported that the Committee had performed the duties with which it was charged and the Governor would be present in the House forthwith.

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

GOVERNOR LONGLEY: Mr. Speaker, Members of this Honorable Body: It has been six months since I stood before you and said that we collectively were embarking on a new experiment in government. I said at that time that I believed this experiment of a Democratic House, a Republican Senate and an Independent Governor working together for the good of the people of Maine could work. I am now more convinced than ever that it is working and I think history will record it as so.

We have given the people of Maine a balanced current services budget without a tax increase during a very difficult and

trying economic period, and this, I submit, will be honored and recorded as a major accomplishment of the 107th Legislature, along with single-member districts and, of course, abolition of the Executive Council.

We have disagreed on occasions during this session, and I am sure there will be moments of disagreement when we come together again. We are fortunate this can happen in America. But I respect the right of this Legislature to disagree with the Governor, and if the Legislature respects the rights of the Governor to disagree in return, then I am convinced the process of government will be approved as a result. So long as the executive and legislative branches of government recognize each other as co-equals, then the checks and balances provided in our Constitution will help make certain that the best interest of our citizens of Maine and this country are protected.

I have been told that in the past there have been problems caused by departments and agencies of state government ignoring legislative intent once the lawmakers go home. I have told my department heads that will not be the case in this administration, and as Governor, I want you members of the Legislature to know that while the Legislature is away, as Governor I will do everything in my power to insure that the laws you have passed are implemented and carried out as you intended them to be.

I wish each of you Godspeed on your travels home, and I wish for each of you a happy and a healthy summer. Thank you very much. (Prolonged applause, the Members rising)

Thereupon, Governor Longley and members of the Executive Council retired from the Hall of the House.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I address you this afternoon to more praise you, Mr. Speaker, and the leaders of both parties. I have in between a small, short message to give you.

In my 30 years — and this ends my 15th term at a regular session of the legislature — I have never before witnessed no bickering between the two corners. I am sure that there have been times when these people have been together that they have disagreed, but I did not hear at any time our majority floor leader, Neil Rolde, our assistant majority floor leader, Mary Najarian, nor the minority leader, Linwood Palmer, or the assistant minority leader, Jock McKernan, get up and point their fingers at one another and raise their voices at one another. And it is a shame, in some ways, with all that we have read in the papers and all we have heard on the radio and all we have seen on television, that the people of Maine could not have seen our Speaker and our leaders in action.

Many of you who know me certainly have noticed the 360 degree change that came about in the person of Louie Jalbert in this session. I would like to inform you that this came about a little after the last election, and your work ends here now, but it starts in your homes. If you look at the dictionary, the word bureaucrat is not a bad word, a career employee for the state or a community or a country is not a bad position to hold, so that makes, in my opinion, the word bureaucrat a good word. Surely some bureaucrats might go off base just like anybody else or any other profession may go off base. The word politician or professional politician, look

up the word 'politician' and see what it says. It denotes some fair language, in my estimation, and certainly the word 'pimp' is something that I have not digested as yet.

I have held myself in check on more than one occasion, and I don't have to say it to all of you who know me, at times that has been a very difficult thing to do. But what worries me, and that is why I am bringing this up, if this situation should continue, what really worries me, and I speak now as one who has been elected to office for two scores and one who served — actually the first big job I had was working with the Governor at \$30 a week, the present man who has got the job I think is getting \$25,000 a year. But in any event, what lies in the future for the young woman and young man in this state, if the feeling and if there is wordage, and these are facts, would persist.

As far as I am concerned, I am going home not conceitedly proud but somewhat with a warm feeling in my heart that I probably have made a few friends, and when you get to the stage where the hair is gray, this is what you want to do.

I will tell you another reason that I am happy to go home, and this speaks for the Republicans and it speaks for the Democrats and it speaks for my Independent friend in front. The decorum of this House has been fantastic. The sincerity and dedication of this House, I never have seen and know will never be seen, the hard work that has been put into this House during the session, at luncheons and even evenings, because even though I didn't stay here, I kept in contact with what was going on and I know the Speaker will attest to that. I think all of you, from one who has served here and proudly holds the title of being of this House, to all of you, you should be commended. You can go home with your heads held way up high for a job very, very well done. (Applause)

The SPEAKER: It is customary at times for the Chair to make a few comments, and if you will allow me the opportunity, I would do so.

I want to thank all of you for a job very well done. I think you have served the people of Maine very well.

To Senator Sewall, who has served as President, as my counterpart in the other body, who has provided me wisdom and leadership and good judgment, I thank him for the cooperation that has existed between the two bodies.

For the majority floor leaders and minority floor leaders of both parties in both branches, there has been nothing but hard work and constructive criticism and cooperation throughout this session.

For the committee chairmen, both of this body and of the other body, with the unprecedented workload that you have had, you have done it with tremendous ease and I think with tremendous pride upon yourselves and the people you represent.

Finally, to the membership, whose attendance I think has been tremendous, whose willingness to listen to others has been outstanding and whose willingness to cooperate and to compromise at times to reach a working consensus has been at times amazing.

I think also it is necessary for us to look on what we have done. It is my opinion that this legislature has been the hardest working of any in recent history, more work days in a shorter period of time and longer work time during the days that we

have been here. We have held the line on state spending within six-tenths of one percent of the Governor's budget. There were no new increased taxes, except for one set of fees increased, that was requested by the Governor.

There have been no major cuts in social service programs. PSSP, SSI and other social service programs have been maintained. L.D. 1994 continues with the loopholes closed. We are the first state in the nation to adopt rules for legislative investigation. We have adopted consumer legislation such as prescription drug advertising, the Maine Milk Commission and utility cost prevention. We have created open government laws, lobbyist disclosure, open meetings and access to records, and constitutional reform, in my opinion, will go down as one of the outstanding victories of this legislature — abolishment of the Executive Council, single member districts and annual sessions.

We have, in my opinion, made major contributions to Maine politics of responsibility and demonstrated that we can work together during a highly emotional period in Maine's history. We have avoided the seeking of headlines, at most opportunities we have shunned the temptation and even the challenge to join in donnybrooks.

In a classic sense, I think this legislature has turned the other cheek an unusual number of times prior to this session. It is easier to be popular, but it is most difficult to be responsible which, at times, requires unpopular decisions.

I think as we go home during this session, after we adjourn, we should all keep in mind that we are here to represent the people and as we do so, we must keep in mind the problems that we will face when we return, that of decreased revenues, maybe increased expenses and greater demand for services. So with your help, we will all work together.

Mr. Mills of Eastport was granted unanimous consent to address the House.

Mr. MILLS: I now move the House stand adjourned without day.

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

The motion prevailed and at 4:35 P.M., Eastern Daylight Saving Time, Wednesday, July 2, 1975, the Speaker declared the House adjourned without day.