

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

One Hundred and Seventh Legislature

(Second Special Session)

1976

HOUSE

Monday, June 14, 1976

This being the day designated in the proclamation of the Governor for the meeting of the One Hundred and Seventh Legislature in extra session, the members of the House of Representatives assembled in their hall at 9:30 o'clock in the morning and were called to order by the Speaker.

Prayer by Father Vincent Morgan of Portland.

Students from Hyde School, Bath, Maine, sang America the Beautiful.

A roll call was taken. 145 members answered to their names and accordingly a quorum was found to be present.

Communications

The following Proclamation:
STATE OF MAINE
PROCLAMATION
By the Governor

WHEREAS, I have determined that there exists in the State of Maine an extraordinary occasion requiring the Legislature of this State to meet in a Special Session to consider the following legislative document entitled, "An Act to Revise and Reallocate Appropriations from the General Fund for the Expenditures of State Government for the Fiscal Years Ending June 30, 1976 and June 30, 1977, and Changing Certain Provisions of the Law Necessary to the Proper Operation of State Government" for the purposes of making adjustments in the classification and compensation of State Employees; appropriations and adjustments in Education, Human Services, University of Maine, Maine Maritime Academy, and other operations of state government necessary to the welfare of the State; and

WHEREAS, leaders of the Senate and House of Representatives have agreed that a Special Session is necessary to consider this Act;

NOW, THEREFORE, I, James B. Longley, Governor of the State of Maine, by virtue of the constitutional power vested in me as Governor, convene the Legislature of this State, hereby requesting the Senators and Representatives to assemble in their respective chambers at the Capitol at Augusta on Monday, the Fourteenth day of June, 1976, at nine-thirty o'clock in the morning, in order to receive communications and consider and enact the aforementioned Act for the welfare of the people of the State of Maine.

Given at the Office of the Governor at Augusta, and sealed with the Great Seal of the State of Maine, this Fourth day of June, One Thousand Nine Hundred and Seventy-Six and of the Independence of the United States of America, the Two Hundredth.

Signed:

JAMES B. LONGLEY
Governor

(Seal)

By the Governor

Signed:

MARKHAM L. GARTLEY
Secretary of State

A true copy.

ATTEST:

Signed:

MARKHAM L. GARTLEY
Secretary of State

The Proclamation was read and ordered placed on file.

At this point, a message was received from the Senate, borne by the Majority Floor Leader, Senator Jerrold B. Speers of that body, informing the House that a quorum was present and that the Senate was ready to transact such business as might properly come before it.

On motion of Mr. Rolde of York, it was ORDERED, that a message be conveyed to the Senate that a quorum of the House of Representatives is present for the consideration of such business as may come before the House.

Thereupon, Mr. Rolde of York was appointed to convey the message and subsequently reported that he had performed the duty assigned him.

The following communication:
State of Maine
Office of The Governor
Augusta, Maine

June 14, 1976

To The Members of The
107th Maine Legislature:

In view of the extraordinary nature of this second special session, I have decided to forego the formality of opening the session with an address to the Joint Convention and substitute a brief letter to each legislator. I hope that you will understand that I am abandoning the normal protocol in the interest of minimizing the time which will be required to achieve the special purpose for which this session has been called.

The main reason for this extraordinary session is to allow the House and the Senate to take action on a supplemental appropriations bill for the coming fiscal year. This bill is of vital importance to many different groups in our State. It contains supplemental appropriations for Human Services, the University of Maine, the Maine Maritime Academy and various other State departments. It authorizes the distribution of funds needed by communities to meet their obligations in public education, and it contains a new classification and compensation plan for State employees which provides needed pay increases.

This bill is important to all citizens of Maine because the passage of this bill will be a triumph for the legislative process itself. Many of the provisions of this bill result from compromises on the part of concerned individual legislators. This bill has evolved through the course of considerable legislative debate and benefitted from input from leaders, individual legislators, representatives of various special interest groups and individual Maine citizens. It represents a compromise which balances the interests of all of our constituents. While few of us may say that this bill contains everything that we personally wanted, or excludes everything that we did not desire, all of us should be able to take pride in the fact that we have argued our cases well and made compromises where compromises could be made in the interest of good government for all parties.

Let me summarize the major provisions of this bill, highlighting in particular changes which have been made as a result of input from several legislators, including the President of the Senate and Speaker of the House, since the last adjournment.

1. Language has been added which assures that nothing in this bill affects or impairs the obligation of the State to negotiate wages, hours and working conditions with State employees.

2. The new merit appraisal system will be delayed from July 1 to November 1 when the new compensation plan is implemented.

3. Language has been added to ensure equitable distribution of increases among pay ranges and throughout the fiscal year.

4. While we had previously committed to setting aside \$500,000 to be used for any increased costs resulting from successful appeals, we are committing to that amount as well as more, should additional funds be necessary.

5. Enactment of this bill will enable us to distribute funds to local communities and avoid fiscal difficulties in school funding.

6. Enactment of this bill will assure that a million dollars of savings can be used to increase AFDC benefits.

7. Enactment of this bill will appropriate an additional \$800,000 to the University of Maine; \$500,000 to be used for salary increases, and \$300,000 to provide additional scholarships and student aid.

8. Passage of this bill will continue funding of the supplemental programs enacted last year.

To ensure that the Legislature has the opportunity to act on any bills which I have not approved, I have sent separate messages concerning each of these bills, which I ask you to consider carefully.

I would like to take this opportunity to thank the members of the 107th Legislature for responding to this call to help State employees and all the people of Maine.

Very truly yours,

(Signed) JAMES B. LONGLEY

The Communication was read and ordered placed on file.

Orders

Mr. Stubbs of Hallowell presented the following Joint Order and moved its passage: (H. P. 2385)

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

PITTSTON GRANGE
NUMBER 214

CELEBRATING ITS 100TH
ANNIVERSARY IN 1976

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.

Mr. Stubbs of Hallowell presented the following Joint Order and moved its passage: (H. P. 2386)

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

CHELSEA GRANGE
NUMBER 215

CELEBRATING ITS 100TH
ANNIVERSARY IN 1976

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.

Mr. Hewes of Cape Elizabeth presented the following Joint Order and moved its passage: (H. P. 2387)

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

VICTOR A. WOODBREY
AND LEROY W. RAND
COACHES OF THE 1976
CAPE ELIZABETH HIGH SCHOOL
BASEBALL TEAM
WHO HAVE INSTILLED INTO
THEIR TEAM MEMBERS
CHARACTER, CITIZENSHIP,
FAIR PLAY AND SPORTSMANSHIP

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.

Mr. Davies of Orono, presented the following Joint Order and moved its passage: (H. P. 2389) (Cosponsor: Mr. Wagner of Orono)

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

**ORONO HIGH SCHOOL
GIRLS TRACK TEAM
CLASS C STATE TRACK
CHAMPIONSHIP FOR 1976**

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.

Mr. Davies of Orono presented the following Joint Order and moved its passage: (H. P. 2390) (Cosponsor: Mr. Wagner of Orono)

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

**ORONO HIGH SCHOOL
TRACK TEAM
CLASS C STATE TRACK
CHAMPIONSHIP FOR 1976**

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.

Mrs. Clark of Freeport presented the following Joint Order and moved its passage: (H. P. 2391)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Samantha Reynolds of Girl Scout Troop 175 of Pownal, Maine who has achieved the honor of First Class rank the highest award in Cadette Girl Scouting

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.

Mrs. Clark of Freeport presented the following Joint Order and moved its passage: (H. P. 2392)

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

Accomplishment of Jeanet Weir of Girl Scout Troop 175 of Pownal, Maine who has achieved the honor of First Class rank the the highest award in Cadette Girl Scouting

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.

Mrs. Clark of Freeport presented the following Joint Order and moved its passage: (H. P. 2393)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Dolly Henton of Girl Scout Troop 801 of Freeport who has achieved the honor of First Class rank the highest award in Cadette Girl Scouting

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.

Mrs. Clark of Freeport presented the following Joint Order and moved its passage: (H. P. 2394)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Barbara Krause of Freeport High School recipient of the 1976 Scholar Athlete Award of the The Maine Sports Hall of Fame

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.

Mr. Snow of Falmouth presented the following Joint Order and moved its passage: (H. P. 2395)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of James O. Doane of Cheverus High School recipient of The 1976 Scholar Athlete Award of The Maine Sports Hall of Fame

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.

Mrs. Clark of Freeport presented the following Joint Order and moved its passage: (H. P. 2396)

WHEREAS, The Legislature has learned of

the Outstanding Achievement and Exceptional Accomplishment of Vicky Cray of Girl Scout Troop 801 of Freeport Who Has Achieved the Honor of First Class Rank the Highest Award in Cadette Girl Scouting

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.

Mrs. Clark of Freeport presented the following Joint Order and moved its passage: (H. P. 2397)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Sueellen LaPierre of Girl Scout Troop 801 of Freeport Who Has Achieved the Honor of First Class Rank the Highest Award in Cadette Girl Scouting

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.

Mrs. Clark of Freeport presented the following Joint Order and moved its passage: (H. P. 2398)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Kathleen Holbrook of Girl Scout Troop 801 of Freeport Who Has Achieved the Honor of First Class Rank the Highest Award in Cadette Girl Scouting

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.

By unanimous consent, the preceding Orders were ordered sent forthwith to the Senate.

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

RESOLVE: Designating the Madison-Anson Bridge as 'The Bicentennial Memorial Bridge' (Emergency) (H. P. 2399) (Presented by Mrs. Berry of Madison)

Under suspension of the rules, the Resolve was read twice, passed to be engrossed without reference to a Committee and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

After Recess
11:30 a.m.

The House was called to order by the Speaker.

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

Bill "An Act to Revise and Reallocate Appropriations from the General Fund for the Expenditures of State Government for the Fiscal Years Ending June 30, 1976 and June 30, 1977 and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government" (Emergency) (S. P. 821) (L. D. 2361)

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

In the House, under suspension of the rules, the Bill was read twice.

Mr. Davies of Orono offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-1332) was read by the Clerk.

The SPEAKER: The pending question is the adoption of House Amendment "A". The Chair will order a vote.

A vote of the House was taken.

Whereupon, Mr. Davies of Orono requested a roll call vote.

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

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

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

Mr. DAVIES: Mr. Speaker and Members of the House: Perhaps a little bit of information so that you know what is going on.

As you may remember, back during the special session there were two bills that were introduced, one here and one in the other body, that would have provided money for black fly programs.

If you live in the Penobscot River Valley, you are familiar with the problem of the black fly. There is a new species which has developed in the last ten years. Its origin is in the Penobscot Valley; it is much more savage than your average run-of-the-mill Maine black fly. Not only is it savage, it lasts five times as long. So instead of being free of them by the fourth of July, they are just beginning to get started then and they generally last until the first frost.

The bill that I had in at that time was rejected by the Appropriations Committee due to the lack of funds that we had at the time. It was projected that we could have a deficit of as great as \$7.5 million. Since that time, we have gotten new revenue figures which seem to indicate that we will end up the year with a surplus in the accounts.

The research is still as necessary, now that there is money available, and \$7,000 is a small amount of money but it will make it possible for the research which is currently being carried on and which will be carried on to deal with the black fly problems, to advance perhaps a year in its target date for having a spray or some other mechanism for control of black flies.

We have been collecting some evidence in the last couple years as to what the impact of the black fly is. Two doctors in the Lincoln hospital made a projection. The clients they saw last year in the emergency room alone required over \$6,000 of treatment from black fly bites. That is just for two doctors in one hospital, one small hospital in the State of Maine. Multiply this times all the doctors you have in the region that is covered by this new species of black fly, which is growing daily, it is a huge amount of money.

Look at it in other terms. Last week, a young

boy in the Old Town area was rushed to the Bangor hospital where drugs and oxygen were administered and the boy was kept alive only by these procedures. Otherwise, he would have died from black fly bites. This happens not too frequently, but it happens just often enough to be disconcerting.

For those of you who are concerned about the camp owners, the people running summer camps, camping areas in the State of Maine, one camping area in the Orono area reported last year that 50 percent of his patrons who came in and signed up to stay for a week or so left earlier than they had projected, and the reason that they gave was black flies.

It is virtually impossible for a person in the black fly area to stay outside more than 15 or 20 minutes, even with all kinds of insect repellents, Off, 6-12, Repel, whatever it might be, they don't seem to work. The black fly is spreading its range, whereas it used to be in the Orono area, it is now in the Milo area, the Lincoln area, the Millinocket area and the Jackman area. It is moving to the Belfast area. It is already biting people in the Bar Harbor area. It is spreading up to Calais. It hasn't got to Saco yet, but it will be there shortly. It may even get to Eagle Lake yet. It is seriously a problem: I don't mean to make light of it. It is most definitely a problem.

The appropriation I have on this bill is for \$7,000, a very small amount of money but, nonetheless, this \$7,000, when applied to the research project that is already being carried on at the University, that the Pesticides Control Board considers a very good, very stringently controlled research project, this \$7,000 may make it possible for us to have some kind of control, a way of dealing with this very serious problem, a year earlier than has been projected. One year means an awful lot of people, your constituents, who are not going to have to suffer from black fly bites. They are most uncomfortable and they do present serious medical and economic problems.

I hope you will give this serious consideration, consider doing something for the average voter in the State of Maine, the person who isn't a welfare recipient, who isn't on unemployment, who isn't getting money through the school funding mechanism, any of these other things that we are doing for people. Let's give something to the person who sits there, who pays taxes, who does his job and asks only a few things from this state. One of the things he is asking for now is to do something about the black fly problem.

Let me give you an example. The other evening, I was at a meeting in Milo, called by the Milo selectmen, to talk about the black fly problem and consider whether they will appropriate any money from the town funds to go into this research project. There were two legislators, myself and a member from the other body, and we told them what had happened, why we thought that the legislature had refused to go along with funding a black fly research during the special session. It was the opinion of the people in that meeting, and there were probably 85 or 90 of them there, that what they ought to do was go out and trap ten or twenty thousand black flies and bring them to the House chamber and let them loose today to see whether people would respond a little bit more rapidly to it. I am glad that they didn't do it; I think it would have been a little distressing to all of us, but I think this reflects their feelings, their very strong feeling that this is a problem that can be dealt with if the state is willing to take its responsibility, is willing to put a small amount of money into very necessary research, research that has to be completed before we can do anything about black flies.

I urge you, when we vote on the roll call, to

vote for funding \$7,000 for the people of the State of Maine.

The SPEAKER: A roll call has been ordered. The pending question is the adoption of House Amendment "A". All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bachrach, Birt, Bustin, Connolly, Curran, P.; Curtis, Dam, Davies, DeVane, Dow, Drigotas, Dudley, Faucher, Fenlason, Flanagan, Fraser, Goodwin, H.; Hall, Henderson, Hennessey, Hobbins, Hughes, Jensen, Kany, Kelleher, Laverty, Lovell, MacEachern, Mahany, Mills, Peakes, Peterson, T.; Quinn, Saunders, Stubbs, Tierney, Usher, Wagner, Winship.

NAY — Ault, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Blodgett, Boudreau, Bowie, Burns, Byers, Call, Carey, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Conners, Cooney, Cote, Curran, R.; Doak, Durgin, Dyer, Farley, Farnham, Finemore, Garsoe, Gauthier, Goodwin, K.; Gould, Gray, Greenlaw, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Joyce, Kauffman, Kelley, Kennedy, Laffin, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lunt, Lynch, Mackel, MacLeod, Martin, A.; Martin, R.; Maxwell, McBrairty, McKernan, McMahan, Miskavage, Morin, Morton, Mulken, Nadeau, Najarian, Norris, Palmer, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Post, Powell, Raymond, Rideout, Rolde, Rollins, Shute, Smith, Snow, Snowe, Spencer, Sprowl, Strout, Susi, Talbot, Tarr, Teague, Theriault, Torrey, Tozier, Twitchell, Walker, Webber, Wilfong.

ABSENT — Cox, Ingegneri, LaPointe, Lizotte, Mitchell, Pearson, Silverman, Truman, Tyndale.

Yes, 40; No, 101; Absent, 9.

The SPEAKER: Forty having voted in the affirmative and one hundred and one in the negative, with nine being absent, the motion does not prevail.

Mr. Connolly of Portland offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-1334) was read by the Clerk.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: Very briefly, I think most of you are familiar at least with the general intent of this amendment, but I would call your attention to this message that was distributed from the Governor's Office this morning dealing with his remarks on the pay raise bill. On the final page, the page on which his signature appears, there are listed eight items. Item number six I would read for you. It says: "Enactment of this bill will assure that a million dollars of savings can be used to increase AFDC benefits." I would just point out to you that enactment of the bill in its present form assures nothing of the kind as mentioned by the Governor in this statement.

The language that is in the bill now says that if there is an additional \$1 million saved in the AFDC account, then that \$1 million should be used for an increase in ADC recipient payments. But if there isn't a savings of a million dollars, then there will be no increase guaranteed at all.

I would just point out — we have rehashed this a number of times in the special session and also in the regular session — that the Governor and his Commissioner of Health and Welfare have already claimed to save at least \$4.1 million in the ADC account.

When we came into session in early January, it was the intention of myself and welfare advocates that that entire savings of \$4.1 million be used for an increase in grants, that the entire amount of money that had been saved up to this point be used. We backed off that position and

finally said that we would agree to \$1 million, as long as the Governor and his Commissioner and the leadership would guarantee that \$1 million would be used for an increase beginning in October.

We accepted language, the same language that now appears in the bill, and Representative McKernan and others refer to it as a compromise that seemed to be acceptable to all sides when we were trying to pass this bill a month or so ago. But then when the pay raise bill failed to be enacted and we went home, I read the papers every day, I read statements by the Governor, I read statements by Democratic and Republican leadership, I read editorials in the Portland papers about how failure to enact the pay raise bill meant, among other things, that we weren't going to be giving ADC recipients the million dollars that was guaranteed them in the budget bill. I resented that very much, because in no way was it ever said on this floor that we were guaranteeing ADC recipients a million dollars. What was said, and everybody understood it, and the language was written that way, was that if there was another million dollars saved above and beyond the \$4.1 million, then we would give an increase to ADC recipients, but then and only then.

Most of you, I think, have made up your minds about whether you feel ADC recipients are entitled to an increase to live with more money than they currently are receiving. I think you have made up your mind about that one way or the other and those of you who don't feel that they deserve money obviously aren't going to support this amendment. But if in coming to a decision you concluded that ADC recipients, and that includes the 50,000 children in the state who are on the ADC program, or receive benefits from the ADC program, need additional money in order to put food on the table, clothing, other medical expenses or whatever it is, then I think that you can only come to the decision of supporting this amendment because it guarantees that there will be an increase in October of a million dollars, which figures out on an average, I believe, of \$11 per caseload or per family per month. That would be the amount of the increase.

If you don't pass the amendment and you accept the bill as it is written now, then you are guaranteeing recipients of the program absolutely nothing. You are leaving it in the hands of the Governor and his Commissioner, and ADC recipients have been lied to by the Governor and by the Commissioner since he took office last year.

We passed legislation last year which most of us thought would guarantee an increase in the ADC program if there were savings. And as it turned out, there was a \$4.1 million savings and the Governor and his Commissioner, and eventually the legislature, said, well, there was a technicality and that money really didn't have to be spent for an increase if the Governor chose not to. He found the loophole and he escaped through it. Currently there is a case pending in the courts that would take the Governor to task on that loophole to see if in fact it really does exist.

The language in the amendment that I have offered provides for no loophole. It absolutely guarantees an increase of \$11 a month, approximately, for the 20,000 or so families that receive help from the ADC program. It doesn't allow the Governor or his Commissioner to escape. And if you think the people need an increase, then you vote for the amendment. If you want to leave it in the hands of the Governor and his magnanimous Commissioner of Health and Welfare, then you don't vote for the amendment and you allow them to do what they want to. It is up to you.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: Regretably, I am rising to oppose this amendment today. As you recall, during the long struggle over the appropriations bill during the first special session, a bill was enacted that had a million dollars in it for AFDC. I supported that at the time and I fought hard to get a million dollars in the bill for AFDC recipients and many of the other members of the House worked with me on that. But I think the time has really come now to realize that the amendment is an impossibility and that the language that has been adopted is the strongest language possible that would be acceptable to other forces that must support this bill if we are going to be successful here today.

I would urge you to turn down this amendment. The language in the appropriation act now is "shall be used." If savings are realized, they shall be used to increase grant payments. Many of us have looked at the possibility or the probability of savings being realized and are convinced that savings will be realized because of the numbers of people who are coming off the AFDC welfare rolls thus creating those savings and the \$300,000 level will soon be achieved which will allow the savings to be redistributed to those on the program.

I think rather than spend a lot of time with this amendment here today, it would be most expeditious and certainly is fore ordained, really, that this amendment, one way or another, should be done away with. So I would urge you at this time to vote against this amendment and would ask for a division.

The SPEAKER: A vote has been requested. All those in favor of House Amendment "C" being adopted will vote yes; those opposed will vote no.

a vote of the House was taken.

Whereupon, Mr. Connolly of Portland requested a roll call vote.

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

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

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

Mrs. BACHRACH: Mr. Speaker, Ladies and Gentlemen of the House: In regard to this particular case, having been on the subcommittee that studied AFDC, I have been assured repeatedly by Commissioner Smith that when he has some money it will be distributed, and he has been saying this for a year now and still no money has been redistributed. It is asking a lot of us to take it on faith that at this point the will of the legislature, as expressed in the bill passed last year, really will be carried out.

I am sorry not to have faith in the commissioners of this state, but in this instance, I have been disappointed far too many times. Therefore, I will vote in favor of this amendment.

I particularly am glad, however, that the intent of the legislature is being recorded again as to their desire to have something done with this money other than putting it into a kitty to be redistributed for other purposes, which is what is happening now.

I would hope that you would vote in favor of this amendment, or at least support the concept that it is time that the grants to the AFDC recipients be increased.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I had an opportunity to go to Governor Longley's office just prior to the close of the last legislative session. At that

meeting that I attended was Representative Connolly and Representative LaPointe, Representative Bachrach, the Governor, Mr. Smith and Roger Mallar, and at that time, Commissioner Smith had indicated assuredly that there would be somewhere in the area of \$350,000 to \$400,000, I believe, in monies available by October and felt quite sure that the million dollars that Representative Connolly is talking about would be there to be distributed among the AFDC recipients.

At that time, we had prevailed upon the Governor's good judgment to allow language written into the appropriations bill that in fact this money would be redistributed, and not on good faith, simply because of the fact of the \$4.1 million that was saved in the account and had failed to be redistributed to the recipients.

I think what Representative Bachrach has indicated is that we not only want the good public faith of the Governor and the Commissioner, but we want the language so that the money that is saved in this account will be redistributed to the people it was intended and not, as she said, put into a temporary kitty or reallocated elsewhere. The money is assuredly supposed to be there, based on the figures that Representative Connolly has been able to produce, as well as the Governor's office, and I think it would be good judgment of this House, because of the actions of this legislature in the past and reevaluating the programs down in the Human Services Department, that this money be applied where it should be. The savings coming from this account, it belongs to these people because of the efforts of the department as well as this legislature.

I would like to have you reconsider your vote, you people who voted against enacting this amendment, and put it on the bill. The language is clear, it is not dangerous, it is something that should be added to the appropriations package, and I would so hope that you would do so.

The SPEAKER: A roll call has been ordered. The pending question is on the adoption of House Amendment "C". All those in favor of House Amendment "C" being adopted will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bachrach, Berube, Boudreau, Carey, Connolly, Curran, P.; Davies, Dow, Flanagan, Fraser, Goodwin, K.; Gray, Hall, Henderson, Hennessey, Hobbins, Hughes, Jalbert, Kelleher, Laffin, MacEachern, Martin, A.; Mulkern, Najarian, Pelosi, Peterson, T.; Quinn, Talbot, Tierney, Wagner, Walker, Winship.

NAY — Ault, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Birt, Blodgett, Bowie, Burns, Bustin, Byers, Call, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Conners, Cooney, Cote, Curran, R.; Curtis, Dam, DeVane, Doak, Drigotas, Dudley, Durgin, Dyer, Farley, Farnham, Faucher, Fenlason, Finemore, Garsoe, Gauthier, Goodwin, H.; Gould, Greenlaw, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Jackson, Jacques, Jensen, Joyce, Kany, Kauffman, Kelley, Kennedy, Laverty, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lovell, Lunt, Lynch, Mackel, MacLeod, Mahany, Martin, R.; Maxwell, McBreairty, McKernan, McMahon, Mills, Miskavage, Mitchell, Morin, Morton, Nadeau, Norris, Palmer, Peakes, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Post, Powell, Raymond, Rideout, Rolde, Rollins, Saunders, Shute, Smith, Snow, Snowe, Spencer, Sprowl, Strout, Stubbs, Susi, Tarr, Teague, Theriault, Torrey, Tozier, Twitchell, Usher, Webber, Wilfong.

ABSENT — Cox, Ingegneri, LaPointe, Lizotte, Pearson, Silverman, Truman, Tyndale.

Yes, 33; No, 109; Absent, 8.

The SPEAKER: Thirty-three having voted in the affirmative and one hundred and nine in the negative, with eight being absent, the motion does not prevail.

Thereupon, the Bill was passed to be engrossed in concurrence.

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

June 11, 1976

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

I am returning H. P. 1805, L. D. 1964, "An Act Relating to Location of State Liquor Stores" without my signature and approval.

While I do not pretend to be an expert in either liquor sales or administration, I feel that my record on fiscal responsibility and cost conscious government, justifies my veto of this legislation because of the immediate loss of savings of up to \$225,000 and untold thousands of dollars of additional rental increases that could be incurred to the State as a result of this bill.

The legislation mandates poor business and management practices by tying the hands of the Maine State Liquor Commission regarding the closing of existing State liquor stores. This legislation states that "In no event shall the Bureau close an existing State store unless the net operating costs of existing State stores exceeded 15% of its gross revenue."

Agency stores, authorized by the Regular Session of this Legislature, carry an operating cost of 8%. It is simply good management practices to run a store at a cost of 8%, rather than a higher cost of up to 15%.

However, I am very much aware of the impact a State store closing can have on an individual community. Because of this, I have requested the Liquor Commission to impose a moratorium on any further closings of State stores until January 1, when the Legislature will be meeting in regular session. In addition, I have asked the Liquor Commission to review the 10 closings it has previously authorized and to receive public and legislative input from given areas prior to a final decision. The Commission has informed us that it will honor these requests.

Therefore, I feel, L.D. 1964, is unnecessary and would be unduly costly to Maine people. As Governor, I also assume the responsibility of working closely with the Liquor Commission, the public and members of the Legislature from this point to the next regular session when problems of agency stores can be more timely and properly evaluated without imposing additional and unnecessary costs on the people of Maine in the interim.

I respectfully ask that my veto of this bill be sustained.

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

The Communication was read and ordered placed on file.

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

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I will try to give you just a little background of this particular piece of legislation.

In the regular session, a bill was passed allowing An Act Relating to Special Agency Stores, and in this bill there was this clause. It said that agency stores could be instituted in towns where there is no state store. That is solely, without going through the whole bill, the pertinent part of this.

Back last October, there was an ad in the paper for applications for agency stores. Among the towns that were listed requesting applications to be submitted for an agency store, there were several that had state stores.

Among them was a town in my district, the Town of Patten. I talked with the people in Patten who at that time indicated they wanted to keep the store and preferred not to have an agency store, so I had legislation introduced because I felt that the Liquor Commissioner was operating outside of the intent of the law, in fact, that he was taking the position that he could close a store and then there was no store there. Then he could institute an agency store.

The legislation said that in no event shall the bureau close an existing store, unless it is for the purpose of changing its location within said town or unless an existing state store was located within three miles of another state store or unless a net operating revenue cost of the existing state store exceeds 15 per cent. Those guidelines of three miles and 15 per cent were introduced by an amendment. The Commissioner felt that he had to have some direction, that we were tying his hands if we said he couldn't close a store without having some guidelines.

We recommended at that time that they put language in requiring a public hearing to see what the thinking of the people was in the area. He objected to that language, so this language is the language that has come in.

Now, at the present time, the state stores are being established with an 8 per cent markup, and he has indicated to me in a conversation that it is his thinking that eventually all of the cost of operation would probably be changed over into agency stores. That means that about 40 stores, including the stores in practically every small town in the State of Maine, will be closed.

One of the first actions that the Commissioner took on this particular piece of legislation was closing the store in the City of Saco. Saco had a store in which the gross business was \$269,000, and they made a net income of \$140,000 after they paid all of their expenses. The store's cost of operation was 7.60 percent, and yet he went ahead and closed that store. And June 3 of this year, there was an ad that appeared in the paper requesting application for agency stores, and there were 12 towns listed and among them was the City of Saco.

It doesn't appear to me that the people in the State of Maine want to close a state store. Any conversations I have had with people in these towns indicates that they prefer to have a state store stay there.

In the Town of Patten, to go into that situation, there are two grocery stores up there. Both of the owners of those stores have called me and said that they prefer to keep the state store there, that neither one of them wants to have an agency store installed in their store. In one case, the Commissioner did go to the operator of one of the stores and asked him if he would put in an application. This was back last October. He put in an application and the Commissioner called him in December indicating that he could have the store, and he said that after thinking it over he was not convinced he wanted it and said he thought he would prefer to have his application withdrawn. Since then, I have talked with him. Saturday, I had a call from the store owner and the other one saying that he hoped they would not take the state store out, that they preferred to leave it this way.

I have heard that some of the stores, and there was a comment in the paper, that some of the stores that have already been set up as agency stores are not satisfied with the 8 per cent figure, they don't figure it is a satisfactory figure, that it costs them more than that to do business.

The Governor has indicated that he will put a moratorium on the closing of stores until some other language could be worked out or a program of public hearings set up. This is the direction that the Executive Department

prefers to take and I see no harm in overriding this veto and then next fall or next winter when we come back in, we can make a decision as to what direction we want to go in the handling of stores.

The agency store concept has never been reviewed by local people. Every other change in the liquor laws that has ever been made, instituting of taverns, all types of beer to take out, sale on the premises, these have all gone to a local referendum. This is the one case where it hasn't even been done by referendum.

I certainly hope today that you will override this veto.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker and Members of the House: It is unfortunate that this bill is before us this afternoon, and it is unfortunate that the bill had to be introduced in the first place. It is unfortunate that we are voting either to sustain the Governor's veto or to override the Governor's veto.

Representative Birt from East Millinocket and many others saw what happened, he saw what happens when state bureaucracy does not follow the wishes of the legislature. In this particular situation, the State Liquor Commission circumvented the intention of the state agency store concept. As you can see through the figures that Representative Birt of East Millinocket stated, the City of Saco store was closed. The City of Saco store had a cost of operation of only 7.6 percent. It also grossed over \$260,000. It had a net income of \$140,000. Now, it would be sound business sense to keep the store open, not to close the store. But, unfortunately, the state bureaucracy and the State Liquor Commission took it in their own hands and did not go along with the intention of the legislature and closed the store, which circumvented the whole intention of the state system which we have with state agency stores.

L.D. 1964 is not a panacea by any means, but I think it is needed to reinforce the legislative intent of the state agency store concept. It is my hope this afternoon that this legislature will override the Governor's veto in order to give a message to any state bureaucracy, whether it be the State Liquor Commission, Highway Department or whatever, that they have got to start going with the intention of the legislature.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: About a week ago, this was drawn to my attention in my own home town of Eastport. We have a declining population and the waves took away a lot of our property on the waterfront, so I got kind of interested in it and I found out that the state liquor store in Eastport made a profit of \$57,000 last year. Now the bureau wants to put this into a private agency. Well, just what is this? A place making \$57,000 profit over and above expenses is to be handed over to private industry. Is this strictly what we are here for, to give out hand-outs?

So further talk with people involved with the question. Stop and think of this. From where Eastport is located, it is 28 miles to Calais, it is 44 miles to Machias. If an agency takes this over in Eastport, the liquor will be shipped either to Machias or to Calais. The agency has to go there and pay for its trucking and everything else, plus the employment of a man to do all of this, and then try to make a profit on 8 percent. This just doesn't figure out in any of the figures I have ever seen, and I don't believe anybody else can show me figures where this is a feasible operation to close that state liquor store. I will vote to override.

The SPEAKER: The pending question is, shall this Bill become law notwithstanding the objections of the Governor. Pursuant to the provisions 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, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Boudreau, Carpenter, Carroll, Chonko, Connolly, Cooney, Curran, P.; Curran, R.; Davies, Doak, Dow, Drigotas, Dudley, Durgin, Farley, Farnham, Fenlason, Flanagan, Fraser, Goodwin, K.; Gould, Greenlaw, Henderson, Hennessey, Higgins, Hobbins, Hughes, Immonen, Jackson, Jensen, Joyce, Kany, Kaufman, Kennedy, Laverty, LeBlanc, Lovell, Lynch, MacEachern, Mahany, Martin, A.; Martin, R.; McKernan, McMahon, Mills, Mitchell, Morin, Morton, Mulkern, Nadeau, Najarian, Powell, Raymond, Rideout, Rolde, Saunders, Smith, Sprowl, Stubbs, Talbot, Teague, Theriault, Tierney, Torrey, Tozier, Twitchell, Usher, Walker, Webber, Wilfong, Winship, The Speaker.

NAY — Ault, Blodgett, Bowie, Burns, Bustin, Byers, Call, Carey, Carter, Churchill, Clark, Connors, Cote, Curtis, Dam, DeVane, Dyer, Faucher, Finemore, Garsoe, Gauthier, Gray, Hall, Hewes, Hinds, Hunter, Hutchings, Jacques, Jalbert, Kelleher, Kelley, Laffin, Leonard, Lewin, Lewis, Littlefield, Lunt, Mackel, MacLeod, Maxwell, McBairty, Miskavage, Norris, Palmer, Peakes, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Post, Quinn, Rollins, Shute, Snow, Snowe, Spencer, Strout, Susi, Tarr, Wagner.

ABSENT — Cox, Goodwin, H.; Ingegneri, LaPointe, Lizotte, Pearson, Silverman, Truman, Tyndale.

Yes, 80; No, 62; Absent, 9.

The SPEAKER: Eighty having voted in the affirmative and sixty-two in the negative, with nine being absent, the veto is sustained.

The following Communication:

STATE OF MAINE OFFICE OF THE GOVERNOR AUGUSTA, MAINE

June 11, 1976

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

I am returning H. P. 2351, L. D. 2354, "An Act Appropriating Funds To the Schoodic Community School District" without my approval.

I object to this bill because it provides supplementary funding to a community school district in addition to that provided under the School Finance Act of 1976 and is contrary to the intent of a comprehensive school finance law.

In addition, legislation was never referred to a committee for review; received no public hearing; and was rushed through the Legislature at the last possible minute. If further consideration of this matter is in order, I would hope it would only take place after both committee study and public hearing on the matter sometime in the future.

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

Very truly yours

Signed:

JAMES B. LONGLEY, Governor

The SPEAKER: The pending question is, shall this bill become law notwithstanding the objections of the Governor.

The Chair recognizes the gentleman from Franklin, Mr. Connors.

Mr. CONNORS: Mr. Speaker and Members of the House: I will be very brief in what I have to say. It is due to the increase in the costs over the last two years in administration and salaries, and in order to utilize all of the room within the new school — this is a brand new school that we will go into this fall, and special ed, home ec and industrial arts are included in

this, and in order to utilize the entire school, this \$25,000 would help tremendously.

I hope that you will vote with me to override the Governor's veto.

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

Mr. LYNCH: Mr. Speaker and Members of the House: I would like to say a few words on item 3, and they apply equally as well to item 4, the two vetoes.

In the Governor's message, he said he objects because it provides supplementary funding to a community school district in addition to that provided under the School Finance Act of 1976 and is contrary to the intent of a comprehensive school finance law.

In addition to the regular allocations to school units across the state, we do have supplemental funding. We have it for geographical isolation, we have it for increasing enrollments and we have it for private school transportation, so supplemental funding is not new. It is contrary to the intent of a comprehensive school finance act of 1976 and there, I think, is the heart of the problem.

When these two school units voted to build new schools, they were operating under a law which based its subsidy program on two-year-old costs and we have changed the rules of the ballgame now and they are operating on one-year-old costs.

We have in the past grandfathered when we have enacted legislation. If we do not override these vetoes, what we are doing is unilaterally altering a contract between the state and the school districts; because these units voted for a school building under existing law and that law has now been changed.

There may be arguments that this will open up other areas from other districts requiring supplemental funding. This is not true, because the 108th, when it meets, will be operating under one-year-old costs, so this is a one-time situation and involves only these two districts.

Furthermore, the present law now includes a provision that requires that the voters be put on clear notice that the local unit must bear the initial operating cost associated with a new facility. This was not under the law under which the voters voted for these two school buildings. Both of these areas have relatively limited local tax bases and are experiencing increasing student population trends. Both schools were educating their students under extremely different conditions during 1974-75, and that is the year which serves as the base year for operating cost determinations for next year's subsidy.

So what we are doing to these two districts if we don't override the Governor's veto and appropriate this money, we are changing the rules of the ballgame, we are making them operate under different conditions from that under which they voted to build a new building.

I think we are morally and ethically bound to live up to the commitments that were made under the school law prior to the changes of 1975, and I hope you will support the overriding of both bills.

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

Mrs. BERRY: Mr. Speaker, I would like to pose a question. I understand that there is no money in the school funding, in the department, and if there isn't, where will this money come from and will it mean taxes or just what?

The SPEAKER: The gentleman from Madison, Mrs. Berry, has posed a question through the Chair to anyone who may care to answer.

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

Mr. LYNCH: Mr. Speaker and Members of the House: This is a private special law. There are two bills here — one for Schoodic, one for Litchfield, Sabattus and Wales.

Let me briefly go back and say that the Schoodic District, the average state reimbursement rate is \$754,000, and for the district it is \$588.37. There is an increase in the budget of \$82,327 over the previous year. They have raised the 2 mills but they are still short \$25,000.

Under this bill and the following bill, they have to raise matching funds. In other words, Schoodic would have to come up with half of the increase and Litchfield, Sabattus and Wales would have to come up with half of their increase, which is a little under \$50,000 to match \$50,000 from the state. This is not unique. We have done this in the past. In fact, this year we are giving \$30,000, as we did last year, because of MCI's desire to increase their tuition, and we have provided \$60,000 for the biennium to help the towns raise that money.

Richmond has received assistance under a special bill similar to this. In the Lincoln area they have received funding under a bill similar to this. This is not unique. I think we have to recognize that although we can put in black and white a school funding law, there are going to be exceptions that have to be addressed in order to be fair and equitable to all.

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

Mr. DeVANE: Mr. Speaker and Members of the House: I would thank Mr. Lynch for his very careful and precise portrayal of a special situation. I intend to join Representative Connors in trying to remedy the situation and I ask that you do so.

The SPEAKER: The Chair recognizes the gentleman from Island Falls, Mr. Walker.

Mr. WALKER: Mr. Speaker and Members of the House: I had in a bill similar to these two bills. My bill passed both houses, went onto the table and was thrown out. Why was my bill thrown out and not those two?

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry about these school bills, but in the City of Brewer under the new school act, because of the increased local expense, we have had to close two schools. Under the present funding law, Brewer has had to close two schools in the system. We have had to come up with a great deal of extra money to keep our schools open, including the high school, so today I am going to have to vote to sustain the Governor's veto and I hope everyone joins me. Let's give this law a chance to work without every time that our own personal ox starts to be gored, then we go in for a special piece of legislation to take care of our special situation. Let's try and let the law work and let these communities come back next year to the Department of Education and Cultural Services and seek the relief that is available already in the present law.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker and Members of the House: I agree with Mr. Walker from Island Falls. There is not a district in the State of Maine, community school district, that has worked as hard to keep the expenses down as the Island Falls District. I believe when they were turned down, we should turn down everything else that comes in like it, because I don't think there is a school along the coast or anywhere else that deserves it any more or has any greater tax burden than the Town of Island Falls, Dyer Brook, Smyrna Mills, Oakfield and several other small communities in there.

I will vote to sustain the Governor's veto.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I rise today in favor of this bill, I think this may be one chance for this House to do something for the coastal communities, in that Schoodic is a coastal com-

munity and perhaps we could get some of the funds back.

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

Mr. MORTON: Mr. Speaker, I would like to address a question to the gentleman from Livermore Falls, Mr. Lynch. The question is this, SAD 9, and I am sure many other SAD's have raised monies in addition to the 2 percent. The gentleman from Livermore Falls pointed out that Schoodic had raised all they could under the 2 percent level. My question to him is, how does this differ from the action taken in many other towns that raised money completely on their own to fill out their program for school funding?

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Gauthier.

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: The Town of Sanford School Committee has been coming here for years. We have got a middle class in Sanford that has been overcrowded for several years. Every time we come here, they always tell us that somebody else needs it a little more than you do. I think it is about six or seven years that we have been coming here, and we really are overcrowded. We came here two months ago, we were still refused, we were told there was no money, so I am going to vote to go along with the Governor's veto.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I think the difference, in response to Representative Morton, lies in that we have changed the ground rules for these two districts. They are operating under the same public school finance law as all school districts in the state, and because they are operating under that finance law, they are short \$100,000 in state subsidy simply because they were sending their students to eight different communities. They voted to erect their own school under another public school finance law. They knew what they were getting into but they didn't know that the legislature was going to change the ground rules and cut their financing from underneath them.

Litchfield, Sabattus and Wales, bringing their students back from eight different communities, has no material to transfer into this school building, no supplies. How can you operate a school without supplies? You have to have books, you have to have other material, as well as teachers. It would cost \$99,508 to furnish the supplies and books, including a library.

I think these two districts do differ from other school districts in the state. They have been affected by the Public School Finance Act of 1976, but they have an additional problem in that they undertook construction under a school law that this legislature changed.

The SPEAKER: The pending question is, shall this Bill become law notwithstanding the objections of the Governor? Pursuant to the provisions 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, Berube, Birt, Boudreau, Bowie, Bustin, Carey, Carpenter, Carroll, Chonko, Churchill, Connors, Connolly, Cooney, Curran, P.; Curran, R.; Curtis, Davies, DeVane, Dow, Drigotas, Dudley, Farley, Fenlason, Flanagan, Fraser, Garsoe, Goodwin, H.; Gould, Gray, Greenlaw, Henderson, Hennessey, Hobbins, Hughes, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kelleher, Kelley, Kennedy, Laffin, Laverty, Leonard Lewin, Lynch, MacEachern, MacLeod, Mahany, Martin, A.; Maxwell, McBreairty, McKernan, Mills, Miskavage, Mitchell, Morin, Morton, Mulkern, Nadeau, Na-

jarian, Palmer, Peakes, Pelosi, Perkins, T.; Peterson, T.; Post, Powell, Quinn, Rideout, Rolde, Rollins, Saunders, Shute, Smith, Snow, Spencer, Stubbs, Susi, Talbot, Theriault, Tierney, Torrey, Twitchell, Usher, Wagner, Webber, Winship, The Speaker.

NAY — Berry, G. W.; Berry, P. P.; Blodgett, Burns, Byers, Call, Carter, Clark, Cote, Dam, Doak, Durgin, Dyer, Farnham, Faucher, Finemore, Gauthier, Goodwin, K.; Hall, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Kauffman, Lewis, Littlefield, Lovell, Lunt, Mackel, Martin, R.; McMahon, Norris, Peterson, P.; Pierce, Raymond, Snowe, Sprowl, Strout, Tarr, Teague, Tozier, Walker, Wilfong.

ABSENT — Cox, Ingegneri, LaPointe, LeBlanc, Lizotte, Pearson, Perkins, S.; Silverman, Truman, Tyndale.

Yes, 96; No, 45; Absent, 10.

The SPEAKER: Ninety-six having voted in the affirmative and forty-five in the negative, with ten being absent, ninety-six being more than two-thirds, the Governor's veto is not sustained. Sent up for concurrence.

The following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE

June 11, 1976

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

I am returning H. P. 2346, L. D. 2352, "An Act Appropriating Funds to the Litchfield, Sabattus and Wales Community School District".

I disapprove of this bill because it provides supplementary funding to a community school district in addition to that funding provided under the School Finance Act of 1976 and is contrary to the intent of a comprehensive school finance law.

This bill, passed in the final minutes of the Special Session, was never referred to a committee for study and a public hearing. In addition, there are unanswered questions concerning this loss:

- (1) Is the lack of insurance the fault of a school district or a town versus all other cities and towns which have proper coverage or which have assumed the responsibility in the past?
- (2) Is it the fault of a contractor?
- (3) Is it fair to require all the people of Maine to pay for such a loss?

In any event these questions and others should be addressed at a public hearing and subjected to committee review before this supplemental appropriation is granted.

For these reasons, I am asking you to sustain my veto.

(Note: Subsequent to the preparation of this veto message members of the board of this school district advised members of my staff that, despite the fact a fire at the school is referred to in the statement of fact, it has nothing to do with this appropriations request. This confusion is all the more reason a public hearing is needed.)

Very truly yours,

Signed:

JAMES B. LONGLEY
Governor

The Communication was read and ordered placed on file.

The SPEAKER: The pending question is, shall this Bill become law notwithstanding the objections of the Governor?

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

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: I want to thank the gentleman from Livermore Falls, Mr. Lynch, for explaining both of these bills in such good detail.

I would like to say to Mr. Walker from Island Falls and Mr. Gauthier from Sanford and

anyone else who has an unusual situation and what they consider to be an injustice, that I have a strong feeling for them. I ask you not to compound that kind of injustice in the case of the district that I speak for today, just as you did not in the Schoodic situation.

I would simply emphasize in our own situation the two specific things that account for the need for this additional appropriation. Before I do, I would like to say that I take particular pride in the citizens of my own community who have made at this point, they have already met in a district meeting, have already made an additional \$49,000 appropriation, based on their tax base, to keep the faith with the legislature who also in good faith passed a like appropriation just a minute or two ago.

The two points which I think are most important about this particular school district are that we are moving from a private academy to a new facility, and our per pupil cost is based on that very reasonable cost at the academy. The new school facility per pupil cost is considerably higher, and that is calculated in this appropriation.

The other thing is the transferable assets. We are not allowed to take any of the books, any of the material from the Monmouth Academy school we are now in to the Oakhill school we are going to. So we will have some very serious startup costs. I will say that the appropriation we are talking about now will probably not cover those costs, but it will go a significant distance toward covering those costs.

I ask you to keep faith with the people in the local district who have raised their share based on the fact that we have raised a share in the previous special session. Keep the faith and vote for the override.

The SPEAKER: The Chair recognizes the gentleman from West Gardiner, Mr. Dow.

Mr. DOW: Mr. Speaker and Members of the House: I agree wholeheartedly with Mr. Lynch and the gentleman from Sabattus, Mr. Cooney. I want to add just one thing. As he said, we are working on a 1974 budget of the academy with 1976 expenses. I do respectfully request, on behalf of the 407 pupils, that we override this shortsighted veto.

The SPEAKER: The pending question is, shall this Bill become law notwithstanding the objections of the Governor. Pursuant to the provisions 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, Bachrach, Bagley, Bennett, Berube, Birt, Blodgett, Boudreau, Bowie, Bustin, Call, Carey, Carpenter, Carroll, Chonko, Clark, Connors, Connolly, Cooney, Curran, P.; Curran, R.; Curtis, Davies, Dow, Drigotas, Farley, Fenlason, Flanagan, Fraser, Garsoe, Goodwin, H.; Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, Hobbins, Hughes, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kelleher, Kelley, Kennedy, Laffin, Laverty, LeBlanc, Leonard, Lewin, Lewis, Lynch, MacEachern, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBreairty, Mills, Miskavage, Mitchell, Morin, Morton, Mulkern, Nadeau, Najarian, Palmer, Peakes, Pelosi, Peterson, T.; Post, Powell, Quinn, Rideout, Rolde, Rollins, Saunders, Shute, Smith, Snow, Snowe, Spencer, Stubbs, Susi, Talbot, Theriault, Tierney, Torrey, Twitchell, Usher, Wagner, Walker, Webber, Wilfong, Winship, The Speaker.

NAY — Berry, G. W.; Berry, P. P.; Burns, Byers, Carter, Cote, Dam, Doak, Dudley, Durgin, Dyer, Farnham, Faucher, Finemore, Gauthier, Goodwin, K.; Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Kauffman, Littlefield, Lovell, Lunt, Mackel, McMahon,

Norris, Peterson, P.; Pierce, Raymond, Sprowl, Tarr, Teague, Tozier.

ABSENT — Aull, Cox, DeVane, Ingegneri, LaPointe, Lizotte, McKernan, Pearson, Perkins, S.; Perkins, T.; Silverman, Strout, Truman, Tyndale.

Yes, 101; No, 36; Absent, 14.

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

Sent up for concurrence.

The following Communication:

State of Maine
Office of the Governor
Augusta, Maine

June 11, 1976

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

I am returning without my signature and approval H. P. 2269 — L. D. 2336, "RESOLVE, To Require the Department of Human Services to Reopen the Itinerant Office in Belfast".

I am vetoing this bill because it is patently inconsistent with the joint legislative order relative to low priority programs, which was presented to me by this Legislature and which was endorsed by me, as Governor. Indirectly, this joint effort is also endorsing elimination of unnecessary administrative costs such as this decision pertaining to one office. Otherwise, any person could argue for an office in any city, town or community in Maine.

The decision to close the Belfast Office was reached after extensive study and evaluation on the part of the Department of Human Services. I have been assured by the Department of Human Services that, services to clients in the Belfast area have not been cut back or reduced and constant monitoring has shown that these residents are being served better by a more manageable and effective program.

I respectfully request that you sustain this veto and continue to support the efforts for cost-effective and more responsive government to the people of Maine.

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

The Communication was read and ordered placed on file.

The SPEAKER: The pending question is, shall this Resolve become law notwithstanding the objections of the Governor?

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: The House supported this bill overwhelmingly when it was brought in at our first special session. Closing the Belfast office by the Department of Human Services, in my opinion and in the opinion of this House by its vote, put an unnecessary hardship on the people in Waldo County. I might say that in this particular office that the Human Services Department closed, the public health nurses in Waldo County, and I believe there was four of them, were servicing somewhere around 700 to 800 youngsters in the Waldo County area for public health service.

The alcohol drug abuse program was operated out of this office; the food stamp program was operated out of this office. In looking at the Governor's message, he said in one portion of it that the reason he vetoed this bill was pursuant to a legislative order to judge low priority programs. I might state to this House that this has never in fact happened. He said that the unnecessary administrative costs in operating the office, there is a general savings, and I question this.

I know the Health and Institutions Committee took an order that I had presented, reviewed the operations of the Belfast office, came up un-

animously in their committee, offered a bill out of it that the Governor has now since vetoed. I think we would be doing a discredit to the people in Waldo County, it is a small county, in closing this particular office because of the public service that it offers to the people in the county itself.

I would urge that you would vote to override the Governor's veto. We had a very substantial vote in the House in the special session and I think it is an absolute necessity that we override.

I serve as your member on the Human Services Council. It is a council made up of 17 individuals with different philosophies and persuasions, and I might add that the Senate member is the Honorable Senator from Waldo, Senator Greeley. The Council unanimously endorsed the reopening of this office. I think they testified before the committee and backed up their statements with concrete facts.

I would urge this House, in fairness to the people of Waldo County and the youngsters in Waldo County, that we override the Governor's veto.

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Webber.

Mr. WEBBER: Mr. Speaker, Ladies and Gentlemen of the House: I strongly support the gentleman from Bangor, Mr. Kelleher, on that. It has put the people in Waldo County at an awful disadvantage. Belfast is 28 miles from Rockland; this is where they have to go now. But that isn't the half of it. The towns in the northern part of the county, like Unity, Burnham and Troy are 50 miles or more from Rockland, so it makes a hundred mile round trip for these people. One or two of the public health nurses are in temporary offices in Belfast now, and as I understand it, they are very temporary, they could be moved out any day. So I would strongly urge the override of this veto.

The SPEAKER: The Chair recognizes the gentleman from Unity, Mr. Tozier.

Mr. TOZIER: Mr. Speaker, Ladies and Gentlemen of the House: I represent 12 towns in the Waldo County area, and they were traveling about 20 miles to this office before it was closed, and like Mr. Webber says, they have to travel a hundred miles round trip now, and I would urge you to override.

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I would just like to point out that in the Governor's veto message he said he had been assured by the Department of Human Services that services to clients in the Belfast area have not been cut back or reduced. Well, I would like to assure the House that the subcommittee from the Health and Institutional Services Committee spent many hours working on this. They held hearings in the Belfast area. The staff spent many hours calling recipients and staff from the Belfast office; and we compiled a tremendous amount of data on this. Everything pointed to the fact that the services and the people in that area just were not getting the services that they had been getting, and many people were completely cut off from any type of help or any type of services we were providing.

But I do want to say that the subcommittee spent a tremendous amount of time on this and got a tremendous amount of information.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: Because of some personal reasons, I probably couldn't sleep very well tonight unless I spoke on this particular issue, although I was involved on it from a legislative standpoint too.

I would like to refer to two points in the Governor's message. One has to do with that this bill is inconsistent with a joint legislative

order relative to low priority programs. The process that is supposed to take place in identifying those low priority programs, the legislature is supposed to be involved in that decision-making process or is supposed to be times for public input before those decisions are made. In closing the Belfast office, this was not true. This was an administrative decision and there weren't any public hearings. So I think that the Belfast office, just like anything else, if the department can prove that it is low priority and that it is worth saving the amount of money to close it, then they should go through the process that has been established.

It has been my understanding from talking with people who work in the Health and Welfare Office and from clients at the same time, that people are indeed getting a decrease in the services available. I want to let you know that those people from Health and Welfare who talked with us did so even under threat of having their jobs affected or losing their jobs if they did go.

Some things that are taking place now is that people in their own homes are having to use their own phones, and they are expected to take calls for such things as child abuse, reports on somebody who may be cheating on welfare, over their own private phones. There are problems with where the nurses are going to store their drugs, since they obviously don't want their drugs kept in their houses. People are having meetings with other clients in parking lots, and many people who have been employed, worked in the Belfast office, are now finding themselves having to drive to Rockland a couple times a week at their own expense.

The subcommittee did look into this matter very carefully, and I would hope that you would override the veto.

The SPEAKER: The pending question is, shall H.P. 2269, L.D. 2336, become law notwithstanding the objections of the Governor? Pursuant to the provisions of the Constitution, the yeas and nays are ordered. If you are in favor of this Resolve becoming law notwithstanding the objections of the Governor, you will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bachrach, Bagley, Bennett, Berry, G. W.; Berube, Blodgett, Boudreau, Bustin, Carey, Carroll, Carter, Chonko, Churchill, Connolly, Cooney, Curran, P.; Curran, R.; Curtis, Davies, DeVane, Dow, Drigotas, Farley, Faucher, Fenlason, Flanagan, Fraser, Garsoe, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, Hobbins, Hughes, Jalbert, Jensen, Kany, Kauffman, Kelleher, Kennedy, Laffin, Laverty, LeBlanc, Lewin, Lynch, MacEachern, Mackel, Mahany, Martin, A.; Martin, R.; Maxwell, McBreaity, Mills, Miskavage, Mitchell, Morin, Mulkern, Nadeau, Najarian, Norris, Peakes, Pelosi, Peterson, P.; Peterson, T.; Post, Powell, Raymond, Rolde, Rollins, Saunders, Shute, Smith, Snow, Spencer, Sprowl, Susi, Talbot, Theriault, Tierney, Torrey, Tozier, Twitchell, Usher, Wagner, Walker, Webber, Wilfong, Winship, The Speaker.

NAY — Ault, Berry, P. P.; Birt, Bowie, Burns, Byers, Call, Carpenter, Clark, Cote, Dam, Doak, Dudley, Durgin, Dyer, Farnham, Finemore, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Jackson, Jacques, Joyce, Kelley, Leonard, Lewis, Littlefield, Lovell, Lunt, MacLeod, McKernan, McMahon, Morton, Palmer, Perkins, S.; Perkins, T.; Pierce, Quinn, Rideout, Snowe, Stubbs, Tarr, Teague.

ABSENT — Conners, Cox, Gauthier, Ingegneri, LaPointe, Lizotte, Pearson, Silverman, Strout, Truman, Tyndale.

Yes, 94; No, 46; Absent, 11.

The SPEAKER: Ninety-four having voted in the affirmative and forty-six in the negative, with eleven being absent, and ninety-four being

more than two thirds, the Governor's veto is not sustained.

Sent up for concurrence.

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

June 11, 1976

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

I am returning H. P. 2278 — L. D. 2339, "An Act to Reorganize the Standardization Committee" without my signature and approval.

This legislation sets a bad precedent by making Executive Branch decisions subject to approval by other than a Legislative committee and adds unnecessary difficulties to good and cost effective government.

This bill was originally generated from an extensive study of the purchasing and procurement procedures of the Bureau, by the Appropriations Committee and was to re-establish the standardization committee as an advisory committee to the Bureau of Purchases. This original bill would have been an improvement to such procedures and we supported it. However, amendments adopted on the floor would give this committee power to both approve and disapprove of rules and regulations governing the operations of this Bureau. This legislation would require the postponement of purchase order placements, under certain conditions, for no useful purpose; and would cause unnecessary delays in procurement scheduling; and adversely affect the placement of emergency orders.

Because this legislation sets a bad precedent and unduly complicates the processing of purchase orders and contracts, which, in turn, could cause fewer bidders and/or higher bidding prices, I respectfully request that you sustain this veto.

Very truly yours,

JAMES B. LONGLEY
Governor

Signed:

The Communication was read and ordered placed on file.

The SPEAKER: The question now before the House is, shall this Bill become law notwithstanding the objections of the Governor?

The Chair recognizes the gentleman from Portland, Mr. Jensen.

Mr. JENSEN: Mr. Speaker, Ladies and Gentlemen of the House: This is a piece of legislation which I had originally sponsored early in the legislative session in response to a variety of problems that I ran into with the Bureau of Purchases. It went to committee, came out of committee finally in new draft with another piece of legislation which was basically what was in the law prior to this.

This deals with the Purchasing Department, more specifically with the standardization committee. The standardization committee is an advisory board within state government, within the Bureau of Finance and Administration, which was designed to act in an advisory capacity in regards to state purchasing.

My legislation accomplished, in fact, four separate things. It required that whenever the low bid is not accepted on a competitive bid, it must be put in writing, it must be made available to the public and it must be left there seven days before a contract is actually awarded. My bill requires that all rules and regulations relating to purchasing and bidding be approved by the standardization committee. The standardization committee, under my proposed legislation, is reorganized.

Presently, you have a system whereby the state purchasing agent is on a board reviewing his own decisions — clearly a conflict of interest. I changed that, I took him off as a voting

member of the board, I went one step further and required that the membership be composed of a majority of members who are appointed by the Governor who are not directly state employees and subject to pressure from the Governor. I required the state purchasing agent remain as an advisory ex officio member and to provide staff services.

Basically what my legislation is intended to do is to clean up and, more importantly, open up the bidding process of the State of Maine. I think if you remember, earlier last year we had one Senator make accusations in regard to the priority of a bid which was made in regard to air conditioning for this very chamber. There were problems which came up, accusations were made dealing with the contract for underpads last year, which I found myself involved in due to the fact that a constituent of mine was also involved as the salesman.

Last year you had a problem where the ad agency that ran Governor Longley's advertising campaign two years ago was awarded a bid for some \$30,000 under extremely questionable circumstances. These kinds of things, on a number of occasions, when they have been brought out and shown the light of day, had been overturned because the public demanded it.

What I am attempting to do with my piece of legislation is make this type of thing public all the way along. The kind of thing that occurs when this is not open to the public, is not available to the public, is innuendoes and whispering campaigns occur on a continuing basis, and this is exactly the kind of thing that produces a cancer to state government, and it is the kind of cancer that we have got to remove.

I would ask that you vote with me to override this piece of legislation. The Governor has vetoed it for reasons which I consider to be very weak.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I would hope you would vote today to sustain the Governor's veto. There is no cancer in public bidding in this state.

This piece of legislation was in the posture of a bad bill when it came in and now it has been amended to a ridiculously bad bill. So I hope you will sustain it.

The Governor makes his points and they are made very well. The net result, if this legislation does come into effect, is that there is going to be an opportunity for any unsuccessful bidder to put a seven day hold on the state's business. Now, the state is buying produce and products every day of the week, and for this opportunity to be made available that an unsuccessful bidder, merely claiming that he is the low bidder on price alone, no consideration of service, delivery, quality or any other of the marks of performance that this bureau uses in determining the low responsible bidder, which is the language we use today, any one of these people can put a seven day hold. It is going to make the state an unlikely person to do business with. We are going to lose the credibility we need with the bonafide suppliers, and I would add that between now and the time the 108th comes in — the Appropriations Committee is in an on-going study of this particular problem. This was introduced as an interim piece of legislation but it has now been changed so much that we must oppose, but our study will be referred to the 108th and at that time I think measures along these lines, but much more carefully drawn, will be presented for your consideration.

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

Mr. JENSEN: Mr. Speaker and Members of the House: I apologize to the gentleman from Cumberland, because I had told him I would get up and speak my piece, sit down and be quiet. However, I would like to correct just one thing.

The piece of legislation originally introduced did in fact require that anybody that was low bidder could come in and stop the process.

The bill which is presently before us does not do that. What it says is that if the low bidder is not accepted, as a standard matter of policy, you will wait seven days between the time the award is determined and the time the award is actually made. In this way, I am in hopes that should there be something improper or illegal occurring, pressure would be able to come down from the Governor's Office where reason and logic would be able to change the state purchasing agent's mind. It has nothing to do with any outsider coming in and stopping the process who might have been bidding unsuccessfully.

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

Mr. HENDERSON: Mr. Speaker and Members of the House: I would like to speak in favor of this bill becoming law. I have had an opportunity to see several state contracts awarded in which in some cases there were tens of thousands of dollars difference from higher to next higher bidders and also where the quality of the work was questionably different. It seems to me that there will not be a great abuse of this because in fact there is already a restraint on bidders from not rocking the boat, because they feel that they would have to come back some other time to that department or some similar department, and they don't want to irritate them.

In this case, if this is going to be a public document, it will take the onus off them stopping the process and in fact open it up to public scrutiny where someone with a more objective point of view can raise the question of whether this was in fact a valid decision or not.

I also think that any money lost in the delays will be clearly made up with the savings to the state in any of these improper or sometimes just questionable decisions. In fact, very often the kinds of problems that occur are when you don't have the seven days, when there is a rush job, it is a rush, rush, and a very few people are informed and there is this so-called emergency sometimes more in the mind of people who are dealing with the issue rather than in fact. Those are the kinds of cases where I think we have to be more concerned about the public's use of its money.

I would urge you to vote favorably on this bill.

The SPEAKER: The pending question is, shall L.D. 2339 become law notwithstanding the objections of the Governor? Pursuant to the provisions 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, Bachrach, Bennett, Berry, P. P.; Berube, Boudreau, Bowie, Bustin, Carey, Chonko, Clark, Connolly, Cooney, Curran, P.; Curran, R.; Curtis, Davies, DeVane, Dow, Farley, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hennessey, Higgins, Hobbs, Hughes, Jacques, Jalbert, Jensen, Kany, Kelleher, Laffin, LeBlanc, MacEachern, Mahany, Martin, A.; Martin, R.; Maxwell, Mitchell, Morin, Mulhern, Nadeau, Najarian, Norris, Peakes, Peterson, T.; Powell, Quinn, Rolde, Saunders, Snow, Spencer, Stubbs, Talbot, Theriault, Tierney, Usher, Wagner, Webber, Wilfong, Winship, The Speaker.

NAY — Ault, Bagley, Berry, G. W.; Birt, Blodgett, Burns, Byers, Call, Carpenter, Carroll, Carter, Churchill, Connors, Cote, Dam, Doak, Drigotas, Dudley, Durgin, Dyer, Farnham, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gauthier, Gould, Gray, Hewes, Hinds, Hunter, Hutchings, Immonen, Jackson, Joyce, Kauffman, Kelley, Kennedy, Lavery, Leonard, Lewin, Lewis, Lit.

Hefield, Lovell, Lunt, Lynch, Mackel, MacLeod, McBrearty, McKernan, McMahon, Mills, Miskavage, Morton, Palmer, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Raymond, Rideout, Rollins, Shute, Smith, Snowe, Sprowl, Strout, Susi, Tarr, Teague, Torrey, Tozier, Twitchell, Walker.

ABSENT — Cox, Ingegneri, LaPointe, Lizotte, Pearson, Post, Silverman, Truman, Tynedale.

Yes, 65; No, 77; Absent, 9.

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

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

The following papers from the Senate appearing on Supplement No. 1 were taken up out of order by unanimous consent:

The following Joint Order: (S. P. 823)

ORDERED, the House concurring, that unless received by unanimous consent in both branches, no bill or resolve be considered at this Special Session except Legislative Document No. 2361 and such bills or resolves, if any, as may be returned by or recalled from the Governor. This order shall not apply to such bills or resolves as are intended only to facilitate the business of this Special Session.

Came from the Senate read and passed.

In the House, the Order was read.

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

Mr. CAREY: Mr. Speaker, I would move the indefinite postponement of this Order and would speak briefly to it.

The SPEAKER: The gentleman from Waterville, Mr. Carey, moves that this Order be indefinitely postponed in non-concurrence.

Mr. CAREY: Mr. Speaker and Members of the House: If you will notice, this needs unanimous consent, and I think we are all adults enough to be able to handle these matters ourselves with a majority vote without having to get so involved that a majority would suddenly make it unanimous for us to get anything done, and I would hope that you would sustain my particular position and vote to indefinitely postpone this matter.

Thereupon, the Order was indefinitely postponed in non-concurrence and sent up for concurrence.

The following Joint Order: (S. P. 824)

ORDERED, the House concurring, that three hundred twenty-five (325) copies of the Legislative Record for this Special Session be printed and bound, together with the Legislative Record of the First Special Session, one copy for each of the members of the Senate, House of Representatives, the Secretary of the Senate, Assistant Secretary of the Senate, Clerk of the House and Assistant Clerk of the House, and the remainder to be deposited with the State Law Librarian for exchange and library use; and be it further

ORDERED, that suitable index be prepared for such Legislative Record under the direction of the Director of Legislative Research.

Came from the Senate read and passed.

In the House, the Order was read.

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

Mr. HEWES: Mr. Speaker and Members of the House: I would inquire, this mentions that the Record will be printed and bound. I thought that the way we planned to do it would be more in a loose-leaf form. I am wondering if this is contrary to the original intent?

Thereupon, the Order received passage in concurrence.

The following Joint Order: (S. P. 825)

ORDERED, the House concurring, that there

is appropriated from the Legislative Appropriation a sum sufficient to pay each of the Indian Representatives mileage for one round trip and compensation for meals, lodging and attendance commensurate with other members of the Legislature for attendance at the Second Special Session of the 107th Legislature.

Came from the Senate read and passed.

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

The following papers from the Senate appearing on Supplement No. 2 were taken up out of order by unanimous consent:

The following Joint Order: (S. P. 826)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of The University of Maine Baseball Team Eastern Regional NCAA Champions for 1976

We the Members of the Senate and House of Representatives 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.

Came from the Senate read and passed.

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

The following Joint Order: (S. P. 827)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of The Orono High School Boys Track and Field Team State Class C Champions for 1976

We the Members of the Senate and House of Representatives 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.

Came from the Senate read and passed.

In the House, the Order was read.

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

Mr. DAVIES: Mr. Speaker, due to an oversight, a member of the other body also sponsored this joint order similar to the one that I sponsored today with the cosponsorship of the gentleman from Orono, Mr. Wagner. Is it appropriate to pass both of them or should I move that this be indefinitely postponed?

Thereupon, on motion of Mr. Davies of Orono, the Order was indefinitely postponed in non-concurrence and sent up for concurrence.

The following Joint Order: (S. P. 828)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of the Orono High School Girls Track and Field Team State Class C Champions for 1976

We the Members of the Senate and House of Representatives 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.

Came from the Senate read and passed.

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

The following Joint Order: (S. P. 829)

WHEREAS, The Legislature has learned of

the Outstanding Achievement and Exceptional Accomplishment of D. Raymond Flynn Named as The Outstanding Citizen of South Berwick for his Contributions as a Businessman, Civic Leader, Selectman and Legislator

We the Members of the Senate and House of Representatives 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.

Came from the Senate read and passed.

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

The following papers appearing on Supplement No. 2-A were taken up out of order by unanimous consent:

Mr. Farley of Biddeford presented the following Joint Order and moved its passage: (H. P. 2400) (Cosponsors: Messrs. Lizotte of Biddeford, Truman of Biddeford and Hobbins of Saco)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Dr. William B. O'Sullivan of Biddeford retiring from the practice of family medicine after many years of devoted service to the people of York County.

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.

Mr. Flanagan of Portland presented the following Joint Order and moved its passage: (H. P. 2401) (Cosponsors: Messrs. Joyce of Portland, Pelosi of Portland)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of the Portland High School boys track and field team State Class A champions for 1976

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.

Mr. Flanagan of Portland presented the following Joint Order and moved its passage: (H. P. 2402) (Cosponsors: Messrs. Joyce of Portland, Pelosi of Portland)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of the Portland High School baseball team State Class A champions for 1976

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.

Mr. Strout of East Corinth presented the following Joint Order and moved its passage: (H. P. 2403)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Cecil A. Dority Tax Collector and Treasurer Town of Charleston for 25 years.

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.

Mr. Strout of E. Corinth presented the following Joint Order and moved its passage: (H. P. 2404)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Myra E. Trask Town Clerk of Bradford, Maine for over 50 years

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.

Mr. Hewes of Cape Elizabeth presented the following Joint Order and moved its passage (H. P. 2405) (Cosponsor: Mr. Dyer of South Portland)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of the Cape Elizabeth High School Baseball Team State Class B Champions in 1974, Western Maine Class B Champions in 1975 and Cumberland County Conference Champions Western Maine Class B Champions, and State Class B Champions in 1976

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 assembly 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.

Mrs. Post of Owls Head presented the following Joint Resolution and moved its adoption: (H. P. 2406)

IN MEMORIAM

Having Learned of the Death of Beryl Borgerson, Owls Head, Public Health Nurse and Community Leader

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.

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

Mr. Blodgett of Waldoboro presented the following Joint Resolution and moved its adoption: (H. P. 2407) (Cosponsor: Mr. Dam of Skowhegan)

IN MEMORIAM

Having Learned of the Death of Hilda M. Prior of Bristol, Maine, Respected Legislative Committee Clerk

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.

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

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

The following papers appearing on Supplement No. 5 were taken up out of order by unanimous consent: The following Communication: (S. P. 822)

State of Maine
DEPARTMENT OF AUDIT
Augusta, Maine 04330

June 10, 1976
To Governor James B. Longley and Members of the One Hundred and Seventh Legislature

In compliance with statutory requirements, I submit herewith the 56th Annual Report of the State Auditor for the fiscal year ended June 30, 1975. The financial data presented are based on the accounting records maintained in the Bureau of Accounts and Control.

We have made extensive examination of major pertinent transactions. We do not make a detailed examination of all recorded transactions on the general books of the State for the year. We did, however, make a detailed examination of accounting records, procedures and internal controls, and verified financial transactions on a selective basis in our post audits of the activities of the various State Departments, Agencies, Boards, etc., during the year. The results of these audits, together with comments, observations and audit findings and recommendations are contained in our individual audit reports submitted to the respective State Departments, Agencies, Boards, etc.

This report has been reduced to commentary and statistical information in order to implement recommendations from the Maine Management Cost Survey Commission. Statements and schedules pertaining to the financial position of the various operating funds of the State of Maine at June 30, 1975 may be found in the Annual Report of the State Controller.

I would like to express my special appreciation to the Staff of the Department of Audit for their continued loyalty and devotion to duty and to the State officials for their cooperation with this department.

Respectfully submitted,

LESTER J. HANN
Deputy State Auditor

Came from the Senate, read and with accompanying Report Ordered placed on file.

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

On Motion of Mr. Albert of Limestone, it was ORDERED, that Elmont Tyndale of Kennebunkport be excused for the duration of the session due to health reasons

AND BE IT FURTHER ORDERED, that Thomas LaPointe of Portland be excused for the duration of the session due to personal reasons.

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

An Act to Revise and Reallocate Appropriations from the General Fund for the Expenditures of State Government for the Fiscal Years Ending June 30, 1976 and June 30, 1977 and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government (S. P. 821) (L. D. 2361)

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

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I rise this afternoon very briefly for the purpose of placing in the Record a statement of legislative intent with reference to the budget for the second year of the biennium.

Included in the budget, which was requested by the Executive Department and approved by the Legislature, was an appropriation of \$170,000 to the Department of Marine Resources to be used by the Bigelow Laboratories, which many of you know is cold water marine research laboratory located at Boothbay Harbor. These funds are used for the operational expenses and for matching funds to grants that the laboratory receives on their own initiative.

There has been some discussion by the Department of Marine Resources and by the Executive Branch that these funds might be targeted for reduction to meet cost savings or the funds might be transferred to the University of Maine at Orono.

The committee met with the Commissioner of Marine Resources early in the year to discuss the situation. As the result of that meeting, Senator Berry and myself sent a letter to the Commissioner indicating that we felt that for the second year of the biennium the commitment that had been made by the legislature to Bigelow should be maintained.

I have talked personally with the Governor about this situation and I completely agree that a complete and I hope joint executive-legislative review of Bigelow Laboratories is in order. I have suggested to him in writing that a very small study group be placed together, made up of some legislators and people in the Executive Branch and people from the public, to examine what Bigelow has done and where it might properly be placed in state government. I hope that the Governor would act upon that request and that we could have a joint review and that there will be some recommendations which he can choose to adopt or reject at the 108th Legislature. But I think for the second year of the biennium, it is the feeling of the members of the committee that the commitments that were made to Bigelow be kept by the Department of Marine Resources.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I realize that this bill has certainly been kicked around, just like the working people of this state have been kicked

around. But I realize that today this bill will probably pass. This bill will pass because we have so many other things in it that have nothing to do whatsoever with the pay raise of the state employees. Labor will lose today, and it will be a sad day for the working people.

I cannot conceive how this bill can be put together with everything under the sun in front of us except the real issue that is so important to the working people of this state, but so be it, it has been done, so we live with that.

I further realize that this legislature has treated the working people of this state without the pride and the respect and the dignity that they so rightly deserve. We asked for \$15, and it did not get anywhere.

There are people in this state turning down \$33-a-week raises because it is not enough to live on. We have positions in this state where people are striking because that \$5.80 an hour is not enough to live on, and I think that we as individuals realize their problems.

When we can be up here for over a year and put away all our sides, our arguments and our fears about bills that do not amount to a darn thing, we can argue, we can fight on those and yet we cannot come up here and give a respectable raise to the people that are working. We realize that the working people who can never compete against social welfare programs and we realize that the working people could never compete against these university and we realize that down through the ages it has always been the working people that have to be the losers. They have been pushed around since working people days have begun and they are being done the same today.

I do not believe that any of us truthfully and honestly believe in our hearts that an \$11-a-week raise over 2½ years is a real big gift. But we must also realize that there are other giveaway programs that take priority to working people. These giveaway programs are a total shamble, and if I have to defend a giveaway program, over working people, I will not do it.

We in the legislature, the strongest link that we have in chain is not the greatest. The weakest link in the chain is only as strong as the chain will go, and the weakest link for labor is the strongest weakness of the plank.

I know that there are many of us who feel and truthfully and honestly believe that by giving them an \$11-a-week raise, we are doing the very best that we can. Well, I disagree, I disagree because it is an injustice, I disagree because the lower paid workers of this state deserve more.

I went along with the \$11 a week, I compromised. I did not believe in it, but I compromised. The Governor of this state vetoed the passage of that bill so then we came back, we have been back twice since. We have been back for a state pay raise of a miserable \$11 a week.

It was brought to my attention that our state guards are the lowest paid in the nation, and this is a disgrace for this legislature. If I believe in one thing, I certainly believe in giving working people a decent living wage.

We have those who say, give more to the elderly, give more to the schools, give more to the retirees, and I sympathize on those, but when you compete in a program to divide and to conquer, then you have failed the people of this state, you have failed the working people.

I am practical enough to realize that we would not be back here today if passage of this bill was not inevitable. This is a sad day in the State of Maine, because I know in my heart that they deserve more. I know in my heart that we have people who are working and taking home much less than \$100 a week, and I know families in my community who are spending more than that on food to feed their families a week. If you feel that this is justifiable, if you feel you are doing the very best that you can, then vote for it. If you have searched your souls to believe

that this is the very best thing that the State of Maine can offer to our employees, then you vote for it and you live with it, because I cannot support something that I do not believe is the very best that we can do.

I feel many times that I have failed my people and I have failed myself because I know that I have not done the best that I am capable of doing. I know that when I get notes from very good friends of mine saying what a wonderful job you are doing and I look on the board and they voted against me. I know that between the time that I got that note and the time they voted, someone else has changed their minds, so I feel that I have failed. I know that no matter what I say today and no matter how long I stay up here, I am sure that that tote board up there will tell the true story of our ignorance of this legislature for the people desires and wishes of this state, and if you can live with that, then you live with it.

I am not going to urge anyone to vote against this bill because you would not listen to me in the first place but I, for one, cannot support a bill that at least does not have the poverty level invoked where people can take home a decent week's pay, and if they divide us and they conquer, then so be it.

No one in this room will have to answer for what I do or for what I say; I will answer for what I say and do. And on behalf of the state employees, I forgive this legislature, because you know not what you do.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I was one who had the same position as Mr. Laffin of Westbrook did, and I have been asked by some people, because I have changed my position, what made me change my position?

I would like to point out, first of all, that I was one of those who was tremendously worried about the Governor of this state fairly and equitably distributing the money under the appeals procedure. We have seen to it that language has been introduced that would properly protect those people who are in Range 1 as well as those in Range 41. We have seen to it that language is included in here which says that the state will negotiate wages, hours and working conditions. We have also tried to put off, and the Governor has seen fit to agree with us, that the effective date would be put off until the first of November, thereby trying to insure a much more adequate period for appeals to be carried out and also that those people whose appeals are settled after the first of November are paid retroactive to the first of November. We have tried to insure those particular positions.

The one thing that we have done particularly, us who have somewhat conservative thinking when it comes to money, is insured the fact that the Governor has been made well aware and made this legislature well aware that if we are short of funds, he will try, first of all, to come up with those funds under the appeals procedure in the cost savings that he will try to institute and if he does not succeed in that, then we are being put on notice that a supplemental appropriations bill will come up early in the first session of the 108th to come up with that necessary money. So we are made aware that if funds over and above what has been budgeted are necessary, he will find those or the legislature coming in will have to come up with that money. That has satisfied the objections of many of us, and this is one of the reasons that I personally am changing over from a no to a yes.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I voted against this bill in its earlier form and I still am not happy with it, but there have been some modifica-

tions. There is only one modification that I think is of any real significance.

When I spoke before, I expressed a concern that by writing the wage and salary schedule into the statutes, that we were, in effect, precluding the collective bargaining process and that the very apparent inequities and unfairnesses that exist in the Hay Report would not be subject to negotiation once the appeals process was completed. That, to me, was a very serious problem because the Hay Report was obviously put together very quickly and a lot of the people that I have talked to in state employment and especially in my district, seemed to be really treated very unfairly.

The reason that I was concerned that the wage and salary schedules and the other matters covered by this bill would not be negotiable is because of Section 979E in Title 26, which says that the following matters are negotiable except prescribed or established by public laws — prescribed or controlled by public law, and I was concerned that this appropriations measure, which is a private and special law, would be treated as a public law and, as a result, the wage and salary schedules would not be negotiable, the system for merit increases would not be negotiable and so on.

In the course of the last few weeks, there have been continuing discussions over this whole problem and one of the sections which was included in the bill which is before you today is on Page 25, Section 12, and it is entitled "Obligation to Negotiate." What that says is, that notwithstanding any other provisions of law, the provisions of this act shall not in any way be deemed to affect or impair the obligation of the state to negotiate with state employees or their representatives with respect to wages, hours, and working conditions. What the intent of this language is, even though the states collective bargaining law says the list of subjects are only negotiable except as prescribed or controlled by law, even though that says that there, this Section 12 on Page 25 says that in spite of that section in the state collective bargaining law, the provisions of this law will be subject to negotiations. I think that that is an important change for two reasons. One is, it allows the state employees to sit down and negotiate some of the inequities that still will be left in the Hay Report once it is adopted and also because it will, in the long run, greatly shorten the legislative sessions and it is only because this language was included in this bill and because it does have the effect of making all of the matters that are covered in this appropriations bill subject to negotiations that I have been willing to change my vote.

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

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: I am going to vote for this bill. I just want to state for the record that I am very much opposed to limitation to 60 percent of those who can get the merit pay at one time. I will explain that to anyone who wants me to later, I do not want to take the time of this body.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I voted against this bill a few weeks ago and I intend to vote against it again this afternoon. I do not think that there have been any real great general improvements to this document that we have before us and I would urge the members of this House that opposed it before on philosophical reasons to do so again.

I am as much concerned about the additional programs that are in this bill as any of the rest of you, because I worked and sponsored some of them. It behooves me to no end to listen to our esteemed Governor downstairs when he is having his press conferences or talking to civic

groups indicate that the legislators who voted against this package did it without concern for other people who are involved, and that is absolutely ridiculous because most of the people who voted against this package before sponsored items that either he systematically cut out or was some expansions or additions to new programs in the supplemental. I do it reluctantly, simply because of the programs that are involved, but I would just like to go on record here stating that when the Governor of this state indicates that this 52 or 53 of us are denying other people in this state the programs that are involved, I would like to tell the press to take a good long hard look at the programs that are in there and those who opposed them, see who sponsored them and who removed them from state service when the Governor came into power.

The SPEAKER: The pending question before the House is final enactment. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mrs. Clark of Freeport requested a roll call.

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

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

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

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: I guess I too would like to simply go on record for my reasons for voting against this bill at this time. Although it has the support of the unions and though I realize the problems with the other legislation that is in this, my stand has not changed from when I voted against the bill three weeks ago and those things have not changed, even though there have been some "compromises" in the new bill. I am concerned from a fiscal standpoint of trying to give the power to decide exactly how much money that this proposal is eventually going to cost to an appeals board which will eventually mean one or two people. I think that we are taking a dangerous step when we fund a program from potential savings which have not yet been identified. A process which should happen, if we are going to ask for savings which this legislature identifies and after those programs be cut because money is needed in other areas, that the legislature should take an active part in that. I, for instance, would want to decide whether tying up with the Department of Marine Resources all year long is worth giving the state historian a raise.

I think that we are abdicating our responsibilities. I am perfectly willing to separate the Hay Report from the other proposals that are in the supplemental budget and I support those other proposals in the supplemental budget. I, as Mr. Laffin, can only be responsible for my vote.

When I came here two years ago, I was faced with a budget deficit which had been caused by another legislature acting either in haste or irresponsibly or not really understanding the proposal in the school funding act. I am not willing to pass that burden on to another legislature.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry to arise, but since it is the roll call vote, I think I would like to be recorded on how I feel and why I am voting this way.

First of all, I can say ditto to everything that the gentlewoman from Owls Head said, but I also would like to say that I feel that the state

employees in this state should have a raise. I feel very strongly on that, I feel that they have been working very long, for very many years without adequate pay and the Hay Report does somewhat alleviate this.

But I do not feel in good conscience that I can stand here and vote for something that I do not know the full cost of and it could possibly be an added tax burden to the people in my district. If I knew what the cost was and I knew how we were going to fund it, fine, I would make a decision on that, but we don't. We have put in \$500,000 to cover that, that is fine, but I have heard estimates of \$1.3 million and I personally feel that it is going to be more in terms of the appeals process. That is a lot of money to find in savings.

We have heard a lot about the savings in this last year. I would like to have some of you people talk to some of the departments about the savings that they have made. A lot of this bill is being funded out of savings. The problem with that is, a lot of the savings are one-time savings, they are not going to be around next year. A lot of this so-called savings are something that has come about through a term that has been coined during this session as "front-end loading." Many of your departments have put off expenditures in the hopes that they will have the money in the second year of the biennium. I am not too familiar with all the departments of this state, but I feel now, in the almost four years that I have been up here, I have a pretty good working knowledge of what is going on in Mental Health and Corrections and some of the institutions and I can tell you right now that they are going to be in trouble come next year. I can talk of specifics in various institutions where they have made so-called savings. I know in Pineland, for a good example, they closed two buildings down and that was their 7 percent savings. The whole problem is that they had planned to close those buildings down anyway. They were deficient, they did not meet the standards. It did not save them any in their projected budget. They were able to put it down on papers that they saved that money, but they did not push any people out of the community. They still have got the same number of people and they need the same number of services. They have saved a few thousand dollars in heating costs and that is going to come back next year.

I have not even been able to get the savings that are going to be funding the wage increases in the Department of Transportation. I suspect that it is very similar to the savings coming out of the general fund, and that is that many of a one time. They are probably going to hold off buying some trucks or maybe hold off tarring a certain area, but sooner or later, we are going to have to pay that bill and I think it is going to be next session.

I hope to be back here, I may not, but either way, somehow, if we pass this bill and it does amount to increased costs, then we are going to have to pay for it in the next session of the legislature. I have already gone through one of those. I voted for the school funding program and I still support the concept, but I am telling you. I think we have to start learning from some of our past mistakes.

I would also like to state that I am in full support of separating the pay plan from the budget. I would also like to state that if we do not pass this budget, and I guess in a sense, looking at it very personally, I would like to see it pass, because I am in the middle of a Master's program at the University of Maine at Portland-Gorham and if this budget does not pass for the University of Maine, that program is going to be stopped and I am going to be out. But I still feel that I cannot, unless I know the true costs of this total package and how it is going to be funded, vote for this.

Finally, I would like to state that nowhere has this Hay Report been reviewed by legislative

committees. I do not know about some of the other committees in this legislature, but there have been very few bills that have been worked on by professionals or by anybody that has come before the committee I served on and had it go through without any changes, and I have a feeling that there are going to be a lot of mistakes in the next few months showing up in this bill and the Hay Report that probably could have been worked out in a legislative committee; I am sorry that they have not been.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, all I have to say is that I was one of the members who helped out on this and it certainly is not a panacea. I am going to vote for it today but I do feel that even though this skirmish is over, the war will continue on and some of us will be back here in the next session and I am sure if the appeals process cannot take care of any of the glaring inequities that have been mentioned here today that the next session of the legislature in their wisdom will be able to do it.

I am going to go with the package today and just have my friends who feel so poorly remember that the battle still continues.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I, too, plan to vote for this bill and, fortunately, the main reason I intend to vote for it is such that the good gentleman from Brewer, Mr. Norris, is in technical error, because future sessions of the legislature will not have to take care of future inequities in the classification system, because due to the draftsmanship and the legal analysis of my good friend from Standish, Mr. Spencer, that Section 3 is clearly available to the collective bargaining process and the matters contained therein are negotiable.

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

ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Blodgett, Boudreau, Bowie, Burns, Bustin, Byers, Call, Carey, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Conners, Cooney, Cote, Cox, Curran, P.; Curtis, Dam, Davies, DeVane, Doak, Dow, Drigotas, Durgin, Dyer, Farley, Farnham, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, Hewes, Higgins, Hinds, Hobbins, Hughes, Hunter, Hutchings, Immonen, Jackson, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelley, Kennedy, Laverty, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lovell, Lunt, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBreaarty, McKernan, McMahon, Mills, Miskavage, Mitchell, Morin, Morton, Mulkern, Nadeau, Najarian, Norris, Palmer, Peakes, Pearson, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Powell, Quinn, Raymond, Rideout, Rolde, Rollins, Saunders, Shute, Smith, Snow, Snowe, Spencer, Sprowl, Strout, Stubbs, Susi, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Twitchell, Usher, Wagner, Walker, Webber, Wilfong, Winship, The Speaker.

NAY — Connolly, Curran, R.; Goodwin, H.; Kelleher, Laffin, Peterson, T.; Post.

ABSENT — Dudley, Gauthier, Ingegneri, Jacques, LaPointe, Lizotte, Silverman, Truman, Tyndale.

Yes, 135; No, 7; Absent, 9.

The SPEAKER: One hundred and seventy-five having voted in the affirmative and seven in the negative, with nine being absent, the motion does prevail.

Signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

Communications

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

The following Communication: (S. P. 834)
STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE

June 11, 1976

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

I am this date returning without my signature and approval S. P. 618, L. D. 1950, "An Act Relating to a Cost-of-Living Adjustment for State Retirees."

I did not sign this bill after the previous Special Session was adjourned for two basic reasons:

(1) It was our best information that as a general practice, increases to retirees have coincided with general salary increases to active State employees.

(2) We also were informed that a cost-of-living increase would have cost the Retirement System some \$210,000 monthly (\$840,000 for four months) and that without a corresponding general pay increase this would not be actuarially or fiscally sound.

Specifically, in a June 3 memorandum to William G. Blodgett, Executive Director of the Maine State Retirement System, Mr. Robert J. Towne, actuary for the System, said: "Sections 1124 and 1128 of the Maine State Retirement System Laws provide for increases in the benefits paid to, respectively, beneficiaries receiving survivor benefits and retired employees, determined by the same percentages of increase that apply when general salary increases are granted State employees." Furthermore, the language of the compromise appropriations bill clearly stipulates that the date of the general salary increase for State employees shall be November 1. Since it is the obvious intent under present law for retiree and employee increases to coincide, I believe we would run the risk of establishing a precedent by making a retiree increase effective at an earlier date than one for active employees.

It is our firm belief that retirees are deserving and in need of a cost-of-living adjustment and we have made certain that a provision for a 6.4 percent increase is retained in the appropriations act you were called into session to consider. Making the increase for retirees effective the same date as a general salary increase for active State employees, we feel, is fairer to everyone concerned and is more actuarially sound. A one time bonus is not considered a general salary increase. The contention has been made that the money would come from the Retirement System, but at the same time there have been contentions that the System is underfunded. In any event, it is a fact that we would be taking almost \$1 million from the Fund and might be called on at a later date to replace it. Furthermore, the invasion of a retirement fund in this manner is the very thing I believe Maine should avoid because of the trouble being experienced by pension funds throughout the nation.

We all would certainly like to do more for everyone and, as Governor, I would love to be able to say to everyone in need in this State that they would receive more benefits. However, we do not have the resources to do this and therefore, I feel we should treat everyone as fairly and equally as possible.

While we would specifically like to do more for retired State employees and retired teachers, I believe that we must keep in mind that there are other retired persons and other persons in need who do not even have the luxury of receiving automatic increases in retirement

benefits when increases are granted to active employees. Our research indicates that most private businesses and many states do not have an automatic increase provision which gives retirees an increase each time a raise is given to active employees. While, as we said, we would like to do more for everyone, our research further indicates that retirement benefits for teachers and State employees are generous when compared to that received by other retired persons in Maine. Our research shows that the average annual benefit to a retired teacher in Maine is presently \$5,659 and \$4,128 for State employees. At the same time, the average annual benefit for other retired persons in Maine is \$2,844.

Because I believe the basic intent of L. D. 1950 will be carried out by the inclusion of its provisions in the appropriations act, I respectfully ask that my veto of L. D. 1950 be sustained.

Very truly yours,

Signed:

JAMES B. LONGLEY
Governor

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

The accompanying Bill, "An Act Relating to a Cost-of-Living Adjustment for State Retirees" (S. P. 618) (L. D. 1950)

In Senate June 14, 1976, 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?"

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

Signed:

HARRY N. STARBRANCH
Secretary of the Senate.

In the House, the Communication and accompanying message from the Senate was read and ordered placed on file.

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

Mrs. GOODWIN: Mr. Speaker, Men and Women of the House: I will try very briefly to point out what I believe to be four fallacies in the Governor's veto message. One, he says that he believes that the retirees' increase should coincide with the general pay increase, yet he neglects to point out that current employees are going to be receiving \$40 a month in July, August, September and October and if the retirees were to receive that amount of money, that 6 percent, that retiree would have to be getting \$670 a month, or over \$8,000 a year, which is way above the average of retired teachers or retired state employees. I realize that this \$40, of course, is not going to affect the retirement system itself but, needless to say, the active employees will be getting \$40 a month for the next four months, but the retirees would not be.

The second argument is that it is not actuarially or fiscally sound. I would like to point out now that the active teachers alone, and I am not talking about state employees who have had merit increases or have been reclassified, but the active teachers alone are going to be contributing, in September of 1976, \$3.5 million more than in April in 1974, and the cost of L. D. 1950 is only \$840,000.

He says later in his message that the retirement system may be underfunded. The cash flow of the retirement system, excluding interest on investments, indicates that increased contributions are already increasing the cash balance. In 1973, on July 1, there was a cash balance in the retirement system of \$988,000; then in July of 1974, there was a cash balance of

\$4,407,000; in July of 1975, there was a cash balance of \$8,829,000; in July 1976, there will be a cash balance of \$11,958,000.

Also, in the very end of the veto message, I would like to take exception to some figures he uses regarding average incomes of state retirees and teachers versus other retirees in the State of Maine. The \$2,844 figure he uses for others includes teachers and state retirees. It should be pointed out here that many teachers and retirees receive the minimum of \$100 a month and are therefore probably on SSI as well. It also should be pointed out that those people who receive less than \$3,000 are 52 percent of the population; yet, there is 48 percent of the population who receive well in excess of the \$3,000 a year. So I believe for these four reasons, and I am sure maybe some others may be pointed out, that we should override and that this bill should become law.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. Theriault.

Mr. THERIAULT: Mr. Speaker, Ladies and Gentlemen of the House: I concur wholeheartedly with what Mrs. Goodwin has told you. I also would like to add something to it.

In reference to the second part of the Governor's veto, he implies that it would cost the system \$210,000 a month or \$840,000 for the four months and that without a corresponding general pay increase this would not be actuarially sound or fiscally sound. This part, the Retirement Committee was told during the special session, when we were trying to arrive at the amount to raise the retirees without endangering the funds of the Retirement System, that the fund could give raises of 7 percent over a two-year period. We decided that a 6 percent raise, starting in July, could be given without endangering the system, so that is what we had inserted in the bill. The original bill was asking for 10 percent.

In the second paragraph, the Governor says that the fiscal impact of L. D. 1950, if it is assumed that the amortization period of the unfunded liabilities that approximately 28 years, and this is what is being assumed at the present, this is the actual assumption at the present, this clause would require approximately \$34,000 a year in additional state contributions so that it would not increase the additional unfunded liabilities. Mr. Towne, the actuary, noticed that this increase in the annual contribution would not begin until 1978-1979 or 1980-1981 biennium. If there were no increase in the states contributions, this would extend the unfunded liability period by roughly two months.

In either event, the cost of this L.D., in either increased state contributions or increase in the period of unfunded liabilities is known and limited. The state will have to increase its annual contribution rate by less than 1/50th of one percent of the payroll to meet the costs of this L.D., so I hope that you will vote to override this.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I concur with the previous two speakers, but I would like to point out a glaring inequity in the Governor's letter. He says that he wants his bill to give the pension increase to coincide with state workers. The bill does not permit this. According to the bill, it could never coincide, and I draw your attention to the bill, and on Page 24, Section 9, it spells out that the increases would be given under Title 5, Sections 1124 and 1128. I like to go and look at these figures when people quote them and this is the way the law has always been. If there is a general pay adjustment effective on November 1st, retirees cannot get an increase until 30 days after that, and that you will find in the Maine Retirement Laws, Section 1128, and

that is the one that is quoted in the bill. It says future general adjustments shall be on the 1st day of the month following the effective date of the active employees adjustment. That is the way the law is; you cannot coincide. And it would be, under the first bill, it would really be a December effective date rather than a November date.

The SPEAKER: The pending question is, shall this Bill become law notwithstanding the objections of the Governor? Pursuant to the provisions 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, Bustin, Byers, Call, Carey, Carpenter, Carroll, Chonko, Churchill, Clark; Connors, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Curtis; Davies, DeVane, Doak, Dow, Drigotas, Durgin, Dyer, Farley, Farnham, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, Hewes, Higgins, Hinds, Hobbins, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelleher, Kelley, Kennedy, Laffin, Laverty, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lovell, Lunt, Lynch, MacEachern, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBreairty, McKernan, McMahon, Mills, Miskavage, Mitchell, Morin, Morton, Mulkern, Nadeau, Najarian, Norris, Palmer, Peakes, Pearson, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Post, Powell, Quinn, Raymond, Rideout, Rolde, Rollins, Saunders, Shute, Smith, Snow, Snowe, Spencer, Sprowl, Strout, Stubbs, Susi, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Twitchell, Usher, Wagner, Walker, Webber, Wilfong, Winship, The Speaker.

NAY — Carter, Dam, Mackel.

ABSENT — Dudley, Gauthier, Ingegneri, LaPointe, Lizotte, Silverman, Truman, Tynedale.

Yes, 140; No, 3; Absent 8.

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

On motion of Mr. Rideout of Mapleton, Recessed until three o'clock in the afternoon.

After Recess 3:00 p.m.

The House was called to order by the Speaker.

On motion of Mr. Hughes of Auburn, the rules were suspended so the members could remove their jackets.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I wish to go on record as being in favor of L. D. 2361. I wasn't present in my seat when the vote was taken.

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

RESOLVE, Designating the Madison-Anson Bridge as 'The Bicentennial Memorial Bridge' (H. P. 2399) (L. D. 2362)

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

necessary, a total was taken. 108 voted in favor of same and one against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

(Off Record Remarks)

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

The following Joint Order: (S. P. 831)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Ed Legg, Headmaster, Sumner Hawley, Dean of Faculty and the Students and Faculty of the Hyde School Whose Performance of "America's Spirit", an Original Bicentennial Production has Won the Acclaim of this State and of our Nation

We the Members of the Senate and House of Representatives 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.

Came from the Senate, read and passed.

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

The following Joint Resolution: (S. P. 830)

IN MEMORIAM

Having Learned of the Death of Maurice F. Williams of Augusta, Former State Commissioner of the Department of Finance and Administration and an Administrative Assistant to Five Maine Governors

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.

In the House, the Resolution was read and adopted in concurrence.

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

The following Communication: (S. P. 832)

STATE OF MAINE OFFICE OF THE GOVERNOR AUGUSTA, MAINE 04330

June 11, 1976

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

I am returning without my signature and approval, S. P. 783, L. D. 2338, "An Act to Provide for the Position of Associate Administrative Court Judge and to Revise the Administrative Court Law."

I am opposed to provisions in this Act creating a new position within the Administrative Court of an Associate Administrative Court Judge and delaying until the next biennium funding for this position. This bill mandates an increased cost for the next biennium and circumvents established procedures in preparing and recommending a balanced budget for the coming biennium. This position should be subject to review by the Governor and Legislature as a part of the total budget recommended for the next biennium and not man-

dated in a piecemeal fashion without knowing what the revenue constraints on this Governor and the next Legislature will be at this time.

I respectfully request that you sustain my veto and in doing so continue to support the policy of fiscal responsibility put forth by this Governor and this Legislature.

Very truly yours,

Signed:

JAMES B. LONGLEY

Governor

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

The accompanying Bill, "An Act to Provide for the Position of Associate Administrative Court Judge and to Revise the Administrative Court Law" (S. P. 783) (L. D. 2338)

In Senate June 14, 1976, this Bill, having been returned by the Governor, together with his objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

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

Signed:

HARRY N. STARBRANCH

Secretary of the Senate

In the House, the Communication and accompanying paper from the Senate were read and ordered placed on file.

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

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to urge you to support this piece of legislation. Judge Robinson, who is now the Administrative Court Judge, has not been able to take a vacation for four years. He covers the whole state on all of the administration court hearings on liquor violations and violations of professional licenses and so on. He is terribly overworked.

The bill, as it was written, in addition to creating another position so that there would be two Administrative Court Judges, it also allowed the Administrative Court Judge to impose fines on liquor license violators, which should, in the long run, increase the revenue to the state sufficiently so that it would offset the added cost of hiring the additional judge.

Judge Robinson has not been sick, as I understand it, for four years either, and if he continued to operate at this load, at some point the system has to break down and at that point it would be necessary to hire two new people.

I think it is a very badly needed bill and I think that the revenues from the fines should largely offset any additional costs.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: I, too, would like to ask the members of this House to override this veto because it is indeed a good bill.

Judge Robinson and his secretary have tried to serve the entire state and handle over 400 cases a year, and the load is just becoming intolerable. I have had the privilege of appearing before this court, and I realize how overworked the Judge and his staff are, how they have to travel from place to place and are under a tremendous burden.

This bill does not go anywhere near far enough but it is a step in the right direction. It is a step to help the small businesses in this state who rely on the administrative process to oversee the licensing of their particular profes-

sion and I think it is very important that we override this veto.

The SPEAKER: The pending question is, shall this Bill become law notwithstanding the objections of the Governor? Pursuant to the provisions 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, Bachrach, Bagley, Bennett, Berry, P. P.; Berube, Birt, Boudreau, Bowie, Byers, Call, Carey, Carpenter, Carroll, Chonko, Connolly, Cooney, Cox, Curran, P.; Curran, R.; Davies, DeVane, Drigotas, Farley, Penlason, Flanagan, Fraser, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, Hewes, Higgins, Hobbins, Hughes, Hutchings, Immonen, Jackson, Jacques, Jalbert, Jensen, Kany, Kelleher, Kelley, Kennedy, Laffin, Laverly, LeBlanc, Leonard, Lewin, Lovell, Lynch, MacEachern, Mackel, Mahany, Martin, R.; Maxwell, McKernan, McMahon, Mills, Miskavage, Mitchell, Mulkern, Nadeau, Najarian, Norris, Peakes, Pelosi, Perkins, S.; Peterson, T.; Post, Powell, Quinn, Raymond, Rideout, Rolde, Saunders, Smith, Snow, Snowe, Spencer, Strout, Stubbs, Susi, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Usher, Wagner, Walker, Wilfong, Winship, The Speaker.

NAY — Berry, G. W.; Blodgett, Burns, Carter, Churchill, Clark, Connors, Cote, Curtis, Dam, Doak, Durgin, Dyer, Farnham, Faucher, Finemore, Garsoe, Gauthier, Hinds, Hunter, Joyce, Kauffman, Lewis, Littlefield, Lunt, MacLeod, McBrearty, Morin, Morton, Palmer, Pearson, Perkins, T.; Peterson, P.; Pierce, Rollins, Shute, Sprowl, Tozier, Webber.

ABSENT — Ault, Bustin, Dow, Dudley, Ingegneri, LaPointe, Lizotte, Martin, A.; Silverman, Truman, Twitchell, Tyndale.

Yes, 100; No, 39; Absent, 12.

The SPEAKER: One hundred having voted in the affirmative and thirty-nine in the negative, with twelve being absent, and one hundred being more than two-thirds, the veto is not sustained.

The following papers appearing on Supplement No. 3-A were taken up out of order by unanimous consent:

The following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE

June 14, 1976

Honorable John L. Martin
Speaker of the House
State House
Augusta, Maine

Dear Speaker Martin:

I would like to inform you, at this time, that I have resigned as Representative of District 102 to the Maine House of Representatives, effective May 24, 1976.

Because an opportunity to offer my services to even more Maine citizens became available, it has been necessary to step down effective as above.

It has been a pleasure and a privilege to serve the Maine House of Representatives, the people of the Calais area and the residents of Washington County.

I hope the results of my work in the Maine Legislature has met with my constituents' approval and any future constituents' needs or problems may be handled by the Senator from Washington County, Hollis Wyman of Milbridge until my successor is elected.

Thank you.

Sincerely,

Signed:

HAROLD L. SILVERMAN

The Communication was read and ordered placed on file.

Mr. Lewin of Augusta presented the following Joint Order and moved its passage (H. P. 2411)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Mrs. Ralph Herrick an Outstanding Citizen of Augusta who Celebrated her 99th Birthday in May of this Year

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.

Mr. Palmer of Nobleboro presented the following Joint Resolution and moved its adoption: (H. P. 2413)

IN MEMORIAM

Having Learned of the Death of Hon. Harold G. Clark of Jefferson who Faithfully Served the State of Maine as a Legislator and Member of the Executive Council

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.

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

On Motion of Mr. Albert of Limestone, it was ORDERED, that Philip Ingegneri of Bangor be excused for the duration of the Legislative Session due to personal reasons.

AND BE IT FURTHER ORDERED, that Peter Truman of Biddeford be excused for the duration of the Legislative Session due to personal reasons.

Mr. Carpenter of Houlton presented the following Joint Order and moved its passage: (H. P. 2412) (Cosponsors: Messrs. Finemore of Bridgewater, Walker of Island Falls)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of The Houlton High School Shiretowners Eastern Maine Class A Baseball Champions for 1976

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.

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

Mrs. Lewis of Auburn was granted unanimous consent to address the House.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: You have had distributed today this bicentennial pledge, and you probably noticed there wasn't anybody's name

connected with it. Actually, it was distributed by me through the generosity of a woman from Auburn, a Miss Elizabeth Brooks. I hope that you will look at it and read it, and I would like to make a few comments, if I may.

The pledge is the product of the thinking, writing and rewriting, over a period of months, of more than a score of people, concerned citizens, who feel deeply the need to draw the nation again to the source of its strength.

The Maryland State Bicentennial Commission has officially endorsed the pledge and sent it to 58 patriotic organizations across the country. The State of Ohio Legislature, inspired by a musical youth group, Sing Out Salem, unanimously passed a resolution making the bicentennial pledge the official state pledge. Senator Mark Hatfield of Oregon and Congressman Goodlow Byron of Maryland have written the pledge into the Congressional Record. Replies have been received from 30 states in response to letters and pledges sent by Mrs. George Romney to the State Governors. A delegation of 12 Congressmen going to London to receive a copy of the Magna Carta from the Queen took copies of the pledge with them. Congressman John Rhodes, heading the delegation, hoped to present a copy to her Royal Majesty.

The Commissioner of Education, Mr. T. H. Bell, has urged that the pledge be sent to all state superintendents of education. This was done with the note about the study guides who accompany it.

If any of you are particularly interested and would like additional copies, I do have some and I hope you will see me afterwards.

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

The following Communication: (S. P. 833)
STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE

June 11, 1976

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

I am returning S. P. 669, L. D. 2128, "An Act Relating to Definition of Retail Sale Under Sales and Use Tax Laws" without my approval and signature.

I am opposed to this bill because this is a glaring example of a special tax break to one industry in Maine which is unfair, not only to the people of Maine, but to other businesses as well. This bill would transfer a tax break of approximately \$225,000 from one national company to the backs and pocketbooks of the remainder of Maine's businesses and its people.

I feel State government has done and is continuing to do everything possible to help this company, because it is a valuable one. Our Commissioner of Transportation and this Governor have done everything possible to assist this firm, but on a basis that is fair and equitable to the remainder of Maine.

In addition, a business as large and as successful as the parent company involved, should recognize good business practices for government, as well as business and our approach to save and help all of Maine businesses equally, rather than favor one at the expense of all others.

Therefore, I respectfully request that you sustain this veto.

Very truly yours,

SIGNED:

JAMES B. LONGLEY
Governor

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

The accompanying Bill, "An Act Relating to Definition of Retail Sale Under Sales and Use Tax Laws" (S. P. 2128)

In Senate June 14, 1976, 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?'

28 voted in favor and 4 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

In the House, the Communication and accompanying message from the Senate were read and ordered placed on file.

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

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

Mr. GRAY: Mr. Speaker, Men and Women of the House: Because of the economic importance of the only cement in Maine, or New England for that matter, I felt compelled to respond to Governor Longley's veto message in writing, which you should have on your desks.

For those who have not had an opportunity to read it, I would like to briefly review it. Governor Longley states that the bill would result in an estimated loss of revenue of \$225,000 annually to the state. This amount would be true only if it was an exceptionally good year. The fact is, it would create much more favorable position to compete with Canadian cement, increased production would mean more jobs and more employed people paying taxes. The Governor says that the bill would be grossly unfair to firms in the state because it would create an exemption for a single firm. The fact is, state law provides tax exemptions on all raw materials, including electricity, that become part of the finished product, all raw materials except fuel oil.

The unique process required in the manufacturing of cement requires the introduction of sulphur into the product. The sulphur that is used at the Thomaston Plant comes in Bunker C oil. This is accomplished by burning the oil at a high temperature. If the manufacturing process allowed raw sulphur to be introduced directly, without the necessity of burning Bunker C oil, then the raw sulphur could be purchased tax exempt.

It may be true that the Thomaston Cement Plant would be the only beneficiary from this exemption, but this is the only product requiring this manufacturing process and because of this unique process, the Thomaston Plant is being penalized.

There are 9 states with cement manufacturing firms; only Maine, and Maine alone, continues to tax Bunker C oil. Also, the Governor points out that the parent company is large and successful and, of course, we do not deny that. The Thomaston Plant is only one of 11 such plants. However, the Thomaston Plant is the only one losing money. It lost \$4 million in 1974 and \$2 million in 1975, and it was because of these losses and high inventory that the plant shut down for eight weeks last summer and serious consideration was being given to not starting up again. It was at this time that the state, through the Executive Department, met with company officials and encouraged the industry to renew its efforts. Members of the county delegation also met with company officials and made a commitment to do what we could do to create a more favorable industrial climate.

Cement is a basic product in the entire construction industry. Every new home, store, fac-

tory, bridge, building, requires some concrete. If we had lost or should lose the only cement plant in New England, there would be little incentive for the Canadians to keep their price down. Untimely increases in construction costs would have a ripple effect throughout the building trade, an effect that Maine economy could well do without. So, you see much more is at stake than just the 200 Maine jobs at the Thomaston Cement Plant. It is not as if the money was being shipped out of state; it would be piled right back into the Maine economy many times over, and the state would continue to get its fair share in the form of payroll taxes, sales taxes, etc. Seven other states have figured this out, and I am sure that we can too.

I know that you are going to hear a few emotional appeals and arguments, such as, why don't we make a court case out of it? Suing the state is not very popular and it is highly conducive to good public relations in an avenue that most businesses would prefer not to pursue. So for these reasons, they have opted to go the legislative route, and I respectfully request that we override the veto.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I am not too much against this bill but I would like to straighten a few things out. I do not like the idea of Canadian cement being in the State of Maine. There is no one to blame but the cement plant down to Thomaston alone. Back a few years ago, we could not buy cement from them. It hurt the railroads, it hurt the trucks, it hurt everyone. We were tied up solid, especially Aroostook County. We could not build, we had potato houses being built, we had homes being built, we had business blocks being built, we were tied up. The only place we could get it was New Brunswick. We went to New Brunswick and brought it in. They brought it in at a fair price and today a lot of our cement comes from there.

I wonder if you realize that less than 50 percent of the cement that this plant produces is sold to the State of Maine, some 40 percent is sold in Massachusetts, 10 or 11 percent to New Hampshire. It is good, but this cement company — you can make a financial statement look as though they are losing money anywhere you want to. If they do not want to pay an income tax in the State of Maine, they make the profit show up in some other store. It is so easy to do these things and make it look like they are losing money.

I do not care which way it goes today but I do want you to know that I hate very much to hear of that plant, the lobbyists, and the speeches that are written by lobbyists, saying that there is a \$225,000 loss and it was lost on account of Canadian trade because that is not true and I can prove it is not true beyond a shadow of a doubt and I do not think it is fair to do it. I do not care which way you vote. It is up to everyone the way they wish to vote.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I want to speak briefly on this measure. We agreed in caucus this morning not to take party positions on these veto messages and so I am speaking as an individual. I am speaking as an individual because I feel very very strongly about this particular bill.

I want to say, too, to my good friend Mr. Finemore that what I am going to say has not been written by a lobbyist, it comes from my own particular philosophy about this type of legislation. I want to make it clear that this is my own speech and not one of those out in the corridor.

I am going to quote very briefly from the Governor's message, which is in the Senate

calendar today, in which he says "that I am opposed to this bill because this is a glaring example of a special tax break to one industry in Maine which is unfair not only to the people of Maine but to other businesses as well."

I want to say, in the first instance, this is not a tax break to any industry. It is giving to this particular business what is rightly deserved under existing law but it has not had, and that is, in using up material in making of a product, the finished product is taxed and this material should not be taxed.

What I would like to say is that a \$225,000 cost, the real savings, the real clincher here is, how much is it going to cost us if we lost this particular industry, if we lose this particular plant? I want to tell you that sometime ago, not too long ago, I was invited to go to Aroostook County, to Limestone, to give testimony before a committee, a Congressional Committee, concerning the closing of Loring Air Force Base and the big crux of the problem there was that by closing the base there would be a savings, the Defense Department said, of \$24 million.

The truth of the matter is, after we had heard the testimony in Limestone that day, I think we came to the realization that perhaps there might be a cost in closing it, because if you figure the cost of mortgages unpaid, of businesses as spinoffs and ripple out from that business up there, if you figured on unemployment compensation as a result of so many being unemployed at the closing of this plant, truly it could cost the government in excess of the \$24 million that they were going to save by closing this facility. I liken this somewhat to that situation, because here we are today in Maine. I know that the Governor has worked very diligently to bring new industry to Maine, but here we have an industry already which has 200 jobs, and if we foolishly do not give them the break they deserve under existing law, we may very well be in the position of not having the plant and having 200 more people unemployed in our area in Maine. It seems to me if you start adding up the costs of additional unemployment, of property taxes lost, of the ripple effect that this may have on other businesses, that indeed it could be a very costly experience for the State of Maine.

I feel that this is a very good bill. I think it is something that should pass. I hope we will vote to override the veto of the Governor.

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

Mr. GRAY: Mr. Speaker, Ladies and Gentlemen of the House: I did not expect to speak twice on this, but the gentleman from Bridgewater, Mr. Finemore, made a couple statements that I cannot let go unanswered. He said that they went through a period in Aroostook where they were unable to obtain Maine cement. In 1970, this company tore down its old plant and built a new plant costing at least \$20 million, and it was during this period that the Canadians gained a foothold in the United States market. And the other thing is, no lobbyist wrote my speech. I read from my own notes and prepare my own notes and I do not need anyone to write anything for me nor read anything to me.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: We heard this bill in the Taxation Committee, and I would like to say in behalf of the committee that the committee was very demanding of the witnesses and we made an extreme effort to determine the technical basis for this change in our tax laws. I believe the big majority of us were satisfied that this oil that we have been taxing is, in fact, an ingredient of raw material that is used in this product, cement. So we had a technical basis for the change. You might very

legitimately say that there are many other for instances where there is a technical basis for a change in the tax laws and we have disregarded this evidence and continue to collect the tax anyway and this is certainly true. We have done it because we needed the money and we felt that there was not sufficient hardship involved.

In this particular instance, I believe that it is a basic industry to the state, as other speakers have said, and I do believe that we are imposing a burden on this industry that is extremely damaging to the industry, and I would hope you would vote to override today. I believe it is best for the State of Maine, I sincerely believe that.

Also, I think you folks know how I feel about lobbying. I wish it did not exist to the extent that it does and usually, when there is an extreme lobbying effort made in behalf of a bill, this turns me off on it and I am apt to go against based on this evidence, and there certainly has been a strong lobbying effort made on this bill. I have told myself that I should not wipe out my common sense due to this fact, and my common sense tells me that this bill should pass. I am sorry that lobbying does exist at the level that it does, but I do hope that that does not prejudice you as it sometimes does me.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to inform the young gentleman from Rockland, Mr. Gray, that he had better get his study straightened up. It was 1953 and 1954 that they stopped shipping cement into Aroostook County when we needed it. It was not 1970 and 1971. They had no reason whatsoever for stopping shipping in Aroostook County and there is a man in this House if he would like to get up and tell you, who bought a lot of them out of a jam by going into New Brunswick and buying cement and bringing it in. It is the only thing that kept us going.

I furthermore would like to state here — my good friend and he is a good friend, he is a wonderful taxation man, the gentleman who just spoke, Mr. Susi, he is very eager to give this out, he was very eager to pass out the one over to Orrington but he was not in favor of helping the Maine Central Railroad.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: Today, I rise to ask you to vote to override the Governor's veto of this bill. I do not see where this is any \$225,000 tax loss to the State of Maine. I think what we are seeing here is maybe a potential tax loss or we could say, just one on paper for the time being, because without the jobs, we would be a lot worse off than the \$225,000 that could possibly be what the Governor calls a tax break.

I think it is more fitting for us, here in this legislature, and for the people in this state, to aid the existing industries that we have in the state that are providing well paying jobs, and in this case approximately 200 jobs, than it is to turn our backs on our existing industry and go off out of the state looking for something new while we jeopardize what we already have. For this small price tag of \$225,000, when we are talking of and upward and over of 200 jobs and what effect it would have on the community if this plant were to be closed and liquidated, how many businesses rely on that one plant for operations, such as gas stations, cleaning establishments, restaurants, hotel owners, apartment owners and the effect it would have on the community itself that relies on this industry for their taxes, what it would do to the existing tax rate in that community were this industry to go out, I do not think that \$225,000 even enters into the picture. Even if we were to lose this money or give it a tax break, as the Governor wants to call it, I can see many, many more hundreds of thousands of dollars coming back in benefits to

the people of this state than the \$225,000 which we would be granting as an exemption.

While I am not an intelligent person, never have been and probably never will be because I am too old to get that way, my philosophy has always been that if I can spend a dollar and get four, I think it is pretty good business and I think that is what we are doing with this bill today. If we grant this \$225,000 tax break, or whatever you want to call it, I don't call it that because this company is entitled to it under the existing law, the law, when it was written, did not take this company into consideration, and that if it were spelled out directly in the tax law and being very explicit in the tax law if it had been put in at that time, we would not be here today talking about exemptions or tax breaks. Other industries have this, but because of a quirk in an interpretation or a quirk in the writing of the law, we are here today asking for an exemption or a tax break, but if we give this, I am sure that we will get back at least fourfold of added benefits to this state under the area of Thomaston where the plant is located.

I think Mr. Gray bought home a good point when he said that without the plant in Maine, what would happen to the cost of cement in the next few years? I strongly believe that the Martin Marietta Plant in Thomaston acts as a valve, the restraining valve, on the cost of the price of cement in state. Were we to lose this facility in the State of Maine, the Canadian government is not going to say, we are sorry for you Mainers because you lost your cement plant so we are not going to go up on our price. The cement manufacturers in the other states are not going to say the same thing. They are going to say, glory be, the Maine plant has gone out of business, now is our chance to go up this year to 20 cents a bag, next year we will go 30, the next year 35 cents. Cement is high enough now, but if we did not have this plant in Maine, I am just as positive as I stand here on this floor today, that we would see cement at 90 cents or a dollar more than what we are paying in this state today. I think it is only because we have the plant in the state that we are keeping our cost of our cement down to where we can still afford to continue to build and compete with the other manufacturers in the other states.

I would hope today that this House will not turn its back on the existing industry that we have in this state and search for industry outside of this state which we do not have, because, again, a bird in the hand is worth two in the bush and we have the bird in the hand, we have it in Martin Marietta and this \$225,000 exemption, tax break, whatever you want to call it, will return at least, conservatively speaking, four times that amount of money back to the taxpayers of this state and the economy.

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

Mr. WAGNER: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Pittsfield or any other member — a technical question. I find many of these arguments very persuasive and I agree with the philosophy of a consistent tax exemption policy.

My question relates to the process itself, the cement making process. I have heard somewhat different explanations in the halls and in the chamber today on this, and my concern is that the exemption granted for fuel oil that is incorporated in the final product should be tax exempt, I agree with that, but I am not entirely persuaded that there is not also a fuel oil component that is being used to fire these rotary kilns to create the temperature of reaction that is also being tax exempt. I do not think that that is proper. I think the exemptions should be limited to that portion that is incorporated in the final product, and I have been told that some of the heating of these kilns is being done by electric heating and some is done by

fuel oil. I ask you, would it not be equitable to limit the exemption solely to that portion of the fuel oil which is incorporated in the product? Does the bill provide for that: is there any mechanism for providing that limitation?

The SPEAKER: The gentleman from Orono, Mr. Wagner, has posed a question through the Chair to anyone who cares to answer.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the gentleman's question, there is no provision in the bill to attempt to differentiate between that portion of the fuel oil that is used to heat the kilns and that portion which ends up in the final product. The same thing is true of every other product that is used in the manufacture of a finished product here in the State of Maine, be it the Sobin Chemical product, be it the pulp and paper industry or anything else, because many of the ingredients of these products become waste in the process, and there is no provision that I know of in any of these laws to differentiate.

So I think that while that may be something that could be taken up at some time in the future, consistency of the law insists that we give the full exemption to the oil used here, just as we do the full exemption to the parts that go into the manufactured products in every other industry.

The SPEAKER: The pending question is, shall this Bill become law notwithstanding the objections of the Governor. Pursuant to the provisions 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, Bachrach, Bagley, Bennett, Berry, G. W.; Berube, Birt, Blodgett, Boudreau, Bowie, Bustin, Byers, Carey, Carroll, Carter, Chonko, Churchill, Conners, Cote, Cox, Curran, P.; Curran, R.; Curtis, Dam, DeVane, Doak, Dow, Durgin, Farley, Fenlason, Flanagan, Fraser, Goodwin, H.; Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, Higgins, Hinds, Hunter, Immonen, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelleher, Kelley, Kennedy, Laffin, Laverty, LeBlanc, Lewin, Littlefield, Lovell, Lunt, Lynch, MacEachern, MacLeod, Mahany, Martin, R.; Maxwell, McBreairey, McKernan, McMahon, Mills, Miskavage, Mitchell, Morin, Morton, Mulkern, Norris, Palmer, Peakes, Pearson, Perkins, T.; Peterson, P.; Pierce, Post, Powell, Rideout, Rolde, Rollins, Saunders, Shute, Smith, Snow, Snowe, Sprowl, Strout, Stubbs, Susi, Talbot, Teague, Theriault, Torrey, Tozier, Twitchell, Usher, Walker, Webber, Winship, The Speaker.

NAY — Berry, P. P.; Burns, Call, Carpenter, Clark, Connolly, Cooney, Davies, Drigotas, Dyer, Farnham, Faucher, Finemore, Garsoe, Gauthier, Goodwin, K.; Hewes, Hobbins, Hughes, Hutchings, Leonard, Lewis, Lizotte, Mackel, Nadeau, Najarian, Pelosi, Perkins, S.; Peterson, T.; Quinn, Raymond, Tarr, Tierney, Wagner, Wilfong.

ABSENT — Ault, Dudley, Ingegneri, LaPointe, Martin, A.; Silverman, Spencer, Truman, Tyndale.

Yes, 107; No, 35; Absent, 9.

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

(Off Record Remarks)

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

Bill "An Act Pertaining to Private School Tuition" (S. P. 835)

Came from the Senate, under suspension of the rules, read twice and passed to be engrossed.

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

(Off Record Remarks)

Mr. Carey of Waterville was granted unanimous consent to address the House.

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: At the close of the first special session, we bade farewell to our colleagues who had decided to either call it quits or to move up. Now, theirs was a move that was made by choice. Today, I speak to those who chose to run again for this House but because of some circumstance or other met defeat at the polls last Tuesday. I speak of Representative Vaughan Walker of Island Falls, of Representative Doug Curtis of Rockland, of Representative Leatrice Morin of Old Orchard, of Representative Frank Drigotas of Auburn, of Representative Tom Pelosi of Portland: Regardless of your political affiliation or your philosophy, the people of the State of Maine owe the five of you a debt of gratitude for having taken time out from your lives to spend on their problems and for spending time trying to make a better way of life for all.

I ask that the members of the House join me in extending this thank you from the people of the State of Maine to you five. (Applause, the members rising.)

Mr. Drigotas of Auburn was granted unanimous consent to address the House.

Mr. DRIGOTAS: Mr. Speaker and Members of the House: I have wanted to be a lot of things in life, but one of those I didn't expect to be was to be a lame duck. And now, attending the special session and knowing that perhaps it might be my last one, I have achieved that goal too.

I want to tell you that the most wonderful thing that happened to me in my fairly long life has been my association with all you wonderful people, friends, in the House, in the Senate, the people who work here in the various offices, the memories that I will go back home with and treasure forever. But, there also is this, there is a recount coming — so who knows, I may be back again. (Applause)

The SPEAKER: Is there objection to taking Supplement No. 14, Bill "An Act to Permit the Renovation of the York County Jail Building," House Paper 2415, out of order?

Mr. Farley of Biddeford objected

The SPEAKER: The pending question is on suspending the rules to take up Supplement No. 14. This requires a two-thirds vote. All those in favor of the rules being suspended will vote yes; those opposed will vote no.

A vote of the House was taken.

44 having voted in the affirmative and 65 having voted in the negative, the rules were not suspended.

Mr. McMahon of Kennebunk was granted unanimous consent to address the House.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to offer an explanation for this rather bizarre bill which was not allowed in and which I really didn't think would be; hence, you don't see remorse streaming down my cheeks. When I heard all the hisses, I understood the outcome that was going to befall this bill. But I want to insert in the Record and tell you why this appeared the way it did at the last minute.

The Chairman of the York County Board of Commissioners, who is in the gallery, met with the York County delegation during the noon recess and requested us to amend the Private and Special Act that we passed here about six weeks ago, which will go to referendum in November. They requested us to amend that to provide them an alternative of renovating the old, existing jail building as opposed to building a new building, which they feel would have saved the taxpayers of York County approximately \$800,000. All of the members of the delegation present, with the exception of the delegation chairman, indicated they thought I should go ahead and have the bill drafted, and that is why I did and that is why it was before you. I feel quite comfortable introducing it because I believe in it and I feel the taxpayers of York County unfortunately are going to have a lot more money spent than they should have had spent.

But the way this system works, and I understand it was the eleventh hour, and the commission chairman understands that, and there are no hard feelings.

Mr. Berry of Buxton was granted unanimous consent to address the House.

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I was one of the people who went along with the gentleman from Kennebunk, Mr. McMahon, on sponsoring this piece of legislation. I knew that many of you wouldn't appreciate it and you probably don't appreciate some after-the-fact comments either, because they can't accomplish a thing except maybe let you know that all is not well in York County and all has not been well in York County for some time now.

I have heard the question raised, how many times is the York County jail going to come through here? I would like to know the answer to that also. I am just as fed up with it as you are, and it is due primarily because of a little power struggle that goes on in York County, unfortunately, and it is unfortunate because had we passed this bill that is before you today, there is a good possibility, a very great possibility, that the taxpayers of York County could have saved \$700,000, and that is quite a slice of money for a county like York County.

I most certainly would have supported this bill had we had any way to get it in here, regardless of whether or not it took three hours to pre-engage it, even if it took six hours, because I think it is well worth that to save the taxpayers \$700,000.

Mr. Farley of Biddeford was granted unanimous consent to address the House.

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: As long as everyone is trying to get on the record, I shall do likewise.

What this bill before you would have done is counter to what the people of York County have already said they wanted to do. Two years ago, there was a referendum question to the people of York County saying "Do you favor the construction of a new county jail?" By better than a two to one margin, they voted for the construction of that new jail.

What this bill here would have done was say "or permit renovation of the present jail." It would have been back in the hands of the commissioners who two years ago could not make that decision and asked the people of York County to do it. In all fairness, it is a rather late hour for those two commissioners to come crying to the legislature to do this here, to ask us to do this. They have had 18 months to come before us. It is the first time the gentleman upstairs has been in Augusta.

I am not about to spend \$700,000 of the money of the people of York County anymore than

anybody else, but it is the opinion of one architect who consulted with two county commissioners. Those same two commissioners have refused to meet with the York County delegation on every occasion here in Augusta. So I thought I ought to explain to you exactly what my position was.

Mr. Goodwin of South Berwick was granted unanimous consent to address the House.

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I was a member of the York County delegation that met with the commissioners and I did support them, it sounded like a good idea. Since that time, I have been on the phone trying to call some people in the state here, people who do renovations, building, people in the Department of Corrections on square footage costs, and just very briefly, I would have gotten up to oppose — to change my mind and oppose and to support Mr. Farley on killing this bill, because I think from the brief information that I have gotten, first of all, the existing building would never — even if we could have done it for \$500,000, there wasn't enough square footage there to meet all the federal regulations.

Second of all, they figure that because of the cost of jail facilities, the locks and the special stuff that you need and everything, it would have cost nearly the same amount to renovate that as to build a new building. I am even sorry we brought it up and I am sorry for my initial decision, because it just goes to show you how things can really get screwed up in the last minute if we try to do things like that. I am glad that the legislature failed to let us suspend the rules.

The following enactor appearing on Supplement No. 13 was taken up out of order by unanimous consent:

An Act Pertaining to Private School Tuition (S. P. 835) (L. D. 2363)

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

By unanimous consent, ordered sent forthwith.

The following papers appearing on Supplement No. 5-A were taken up out of order by unanimous consent:

Mrs. Clark of Freeport presented the following Joint Order and moved its passage: (H. P. 2414)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of the Pine Tree Academy Bell Ringers Under the Direction of Mrs. Doris Krueger Who Gave an Outstanding Performance for the 107th Legislature on June 14, 1976

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.

Mr. Farnham of Hampden presented the following Joint Resolution and moved its adoption: (H. P. 2416)

IN MEMORIAM

Having Learned of the Death of the Hon. Randolph A. Weatherbee Associate Justice of the Supreme Judicial Court of Maine

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.

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

By unanimous consent, the foregoing papers were ordered sent forthwith to the Senate.

The following papers appearing on the Supplement No. 6-A was taken up out of order by unanimous consent:

Joint Order Relative to the Orono High School Girls Track Team Class C State Track Championship (H. P. 2389) which was Read and Passed in the House on June 14, 1976.

Came from the Senate, having been Read and Passed with that Body having then Reconsidered their action and subsequently Indefinitely Postponed.

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

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

From the Senate: The following Joint Resolution: (S. P. 836)

Joint Resolution in Commemoration of the Visit of the British Submarine H. M. S. Onyx

WHEREAS, Her Majesty's Ship Onyx will visit the Port of Portland in July of 1976; and WHEREAS, the officers and crew of the submarine Onyx will participate in activities commemorating the bicentennial of American independence; and

WHEREAS, the visit of the British submarine Onyx is an occasion of great significance to Maine and its citizens; now, therefore, be it

RESOLVED: That we the members of the 107th Legislature while duly assembled in Special Session at the Capitol at Augusta do extend our welcome to the officers and crew of H. M. S. Onyx upon the occasion of their visit to the State of Maine in commemoration of the nation's bicentennial; and be it further

RESOLVED: That a duly authenticated copy of this resolution of welcome be sent forthwith on behalf of the Legislature and the people of Maine to the City of Portland for appropriate transmittal to Captain Richard Jones, Commander Officer of H. M. S. Onyx, upon the occasion of that vessel's arrival at Portland harbor.

Came from the Senate, read and adopted.

In the House, the Resolution was read and adopted in concurrence.

On motion of Mrs. Najarian of Portland, Mr. Rolde of York was charged with and conveyed a message to the Senate informing that body that the House had acted on all matters before it and was ready to adjourn without day.

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

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

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 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. (S. P. 837)

Came from the Senate, read and passed, with the following members appointed on its part:

Senators:

BERRY of Cumberland
THOMAS of Kennebec
CARBONNEAU of Androscoggin

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

The Speaker appointed the following members on the part of the House:

Messrs: COONEY of Sabattus
CARPENTER of Houlton

Mrs. KANY of Waterville
Messrs: PELOSI of Portland

QUINN of Gorham
WAGNER of Orono

Mrs. SNOWE of Auburn
Messrs: LEWIN of Augusta
STUBBS of Hallowell

FARNHAM of Hampden

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

Whereupon, Governor James B. Longley, attended by the Executive Council, entered the Hall of the House amid prolonged applause, the members rising.

The Governor then addressed the House as follows:

GOVERNOR LONGLEY: Speaker Martin, Members of the Executive Council and Members of the House of Representatives of the 107th Maine Legislature: Thank you is most often a very inadequate phrase and yet one which I feel is used far too seldom in our society. We are quick to take; not so quick to stop and say thank you.

Although the words do not express the full measure of my gratitude, I would like to take a few brief moments to say a heartfelt thanks to you members of this 107th Legislature. First of all, I would like to thank you on behalf of the people of the State of Maine, on behalf of the State employees, the elderly, the needy in towns and cities of this State for showing that you care, for demonstrating that in the final analysis you placed their interest first in almost every instance.

Secondly, I wish to thank you on behalf of the citizens of Maine for the manner in which you served, not only in this brief special session but in the two previous sessions of the 107th. As you well know, it was not an easy time in government. We have all learned. You have served in difficult economic times and a new era of critical reality. You were called on to give an accounting for years of virtually uncontrolled government spending. You are members of a legislature that heard the public say "enough is enough." Obviously, you were listening.

You were faced with the hard decisions of government growth and spending. Some might say that these were the worst of times. I think history will also show that they were the best of times for a body such as this to face up to challenges, to turn government around and try harder to get government back to the people. I hope we have made it easier for future legislatures and governors to make the decisions that will clearly define what government can and cannot be.

While we have all experienced disappointments and have not accomplished everything we would have liked, I believe history will record that the government of Maine, during this period, made giant strides to improve the personnel system and the manner in which State employees are hired and promoted on the basis of performance and merit, equal work for equal pay and opportunity equally for women as well as men. I believe we have rendered a great service to State employees and, indeed, all the people of Maine.

Finally, I would like to say a very personal thank you to the members of the 107th Legislature. I will forever remember and cherish the help, encouragement and advice I received as a new Governor from individual members of the Legislature. I think great pressure was placed on all of us 18 months ago to make a new experiment in government work. And while we have had our differences, not unlike any governor and legislature, I believe the experiment did work for the good of the people of Maine, and it was healthy for Maine for us to challenge each other, and challenge each other we have.

As I said when the first special session of the 107th Legislature adjourned, to those of you who will not return, I would like to say thank you on behalf of the people of Maine for your willingness to step forward and serve. To those of you who will return, I look forward to working with you in the 108th Legislature.

And since this will probably be the last time the 107th Legislature will convene, I would be remiss if I did not take this opportunity to pay a special tribute and say a special thank you to Chairman Carl Cianchette and the other members of the Executive Council. I have issued a proclamation attempting to express my gratitude on behalf of the people of Maine for the method and manner in which this final Executive Council has carried out its duties and obligations.

In addition, I would like to say again a public thank you to your Speaker and to this body that made it possible for us to return and address the very important element of state's business. So, again, thank you and thank you to the Executive Council, and I am sure you join with me in commending these seven individuals for ending an era in Maine government with dignity and dedication. It speaks well for their service to Maine and hopefully for a brighter and better tomorrow. I wish for them, as well as each of you, a happy and productive summer.

Thank you very much, Godspeed and good health.

At the conclusion of the Governor's address, the Governor and his suite withdrew amid applause, the audience rising.

SPEAKER MARTIN: On behalf of myself and the other members of the House, I would just like to take a few minutes and express my thanks to all of you for the way that you conducted yourselves during this session, especially a very brief one, today. I think it speaks well for the members of this legislature and I think once the dust has settled we will go down in history as having been one of the most productive legislatures that this state has ever seen.

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

Mr. CURRAN: Mr. Speaker and Members of the House: The House having discharged its responsibility in keeping with the call of the second special session, I now move that the House adjourn without day.

The SPEAKER: The gentleman from Bangor, Mr. Curran, moves that the House adjourn without day. Is this the pleasure of the House?

The motion prevailed and at 6:37 p.m., Eastern Daylight Saving Time, Monday, June 14, 1976, the Speaker declared the House adjourned without day.