

# MAINE STATE LEGISLATURE

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# LEGISLATIVE RECORD

OF THE

*1st Special Session*

OF THE

*One Hundred and Sixth  
Legislature*

OF THE

STATE OF MAINE

**Volume II**

MARCH 7, 1974 TO MARCH 29, 1974

**Index**

**Legislative Ethics Committee Report**

Kennebec Journal  
Augusta, Maine

**SENATE**

Tuesday, March 19, 1974

Senate called to order by the President.

Prayer by the Rt. Rev. Frederick B. Wolf of Portland:

Let us pray. Almighty God who has given us this good land for our heritage, we humbly beseech Thee that we may always prove ourselves as people mindful of Thy favor and glad to do Thy will. Bless our land with honorable industry, sound learning and pure manners. Save us from violence, discord and confusion, pride and arrogancy, and from every evil way. Defend our liberties and fashion into one united people the multitudes brought hither out of many kindreds and tongues. Imbue with the spirit of wisdom those to whom in Thy name we entrust the authority of government that there may be justice and peace at home, and that through obedience to Thy law we may show forth Thy praise among the nations of the earth. In time of prosperity fill our hearts with thankfulness, and in the day of trouble suffer not our trust in Thee to fail. All which we ask through Jesus Christ our Lord.

Reading of the Journal of yesterday.

The PRESIDENT: The Chair would like to inform the Senate that last Friday we made arrangements with the House Leadership to have things sent forthwith and to have supplemental calendars. The House, in their wisdom, decided not to do this and adjourned, as you know, about 3:30 yesterday afternoon. The Senate did have their supplemental calendars. We had also agreed that we would have double sessions each day this week, coming in at the last of the afternoon, giving committees a chance during the afternoon to report out any bills that remained in the committees. The House, in their wisdom, have decided not to do this either and they are adjourning at 12:00 o'clock for the day, so there will be no double session this afternoon.

The Chair would ask the Sergeant-at-Arms to escort the Senator from Cumberland, Senator Conley, to

the rostrum to assume the duties of President pro tem.

Thereupon, the Sergeant-at-Arms escorted Senator Conley of Cumberland to the rostrum where he assumed the duties of President pro tem, and President MacLeod retired from the Senate Chamber.

### **Papers From The House Joint Order**

WHEREAS, on Saturday the 16th day of March, the Rumford Panthers were victorious for the 22nd consecutive time and in so doing captured the State Class "A" Basketball Crown for 1974; and

WHEREAS, this notch in state tournament history was carved by a determined group of young men called "champions" with all the skill and knowledge that accompanies the term; and

WHEREAS, this triumphant march to victory reflects great credit upon the individual participants and their coach, and has brought long awaited honor to their school; now, therefore, be it

ORDERED, the Senate concurring, that we, the Members of the Senate and House of Representatives of the One Hundred and Sixth Legislature, now assembled and special legislative session, take this opportunity to recognize and honor this outstanding basketball team and their coach, John Shaw, for their admirable attainments in the field of sports, wishing them continued success in bringing honor to their community, school and state; and be it further

ORDERED, that suitable copies of this Order be transmitted forthwith to Principal William Curry and Coach John Shaw of Rumford High School in token of the sentiments expressed herein. (H. P. 2052)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

### **Communications STATE OF MAINE**

One Hundred and Sixth Legislature  
Committee on Natural Resources

March 18, 1974

The Honorable Kenneth P. MacLeod

President of the Senate

Maine State Senate

State House

Augusta, Maine 04330

Dear President MacLeod:

The Committee on Natural Resources is pleased to report that it has completed all business placed before it by the 106th Special Session of the Maine Legislature.

Bills received in Committee	14
Leave to Withdraw	3
Ought to Pass	2
Ought to Pass, Amended	2
Ought to Pass, New Draft	4
Referred to 107th Legislature	2
Divided Reports	1

Sincerely,

Signed:

T. TARPY SCHULTEN

Senate Chairman

Which was Read and Ordered Placed on File.

### Orders

On motion by Mr. Sewall of Penobscot, WHEREAS, the Augusta Mental Health Institute, Bangor Mental Health Institute and Pineland Center allow certain patients to work while institutionalized; and

WHEREAS, the United States Department of Labor has given official notice that the Fair Labor Standards Act will be enforced with respect to Maine's working patients; and

WHEREAS, legislation relating to payment of patients at certain state institutions as employees under the Fair Labor Standards Act has been referred to the 107th Legislature which includes funding thereof; and

WHEREAS, if such standards are applied to patient labor the rate of compensation is expected to be raised requiring the appropriation of funds; now, therefore, be it

ORDERED, the House concurring, that in expectation of the United States Department of Labor enforcement of the Fair Labor Standards Act with respect to Maine's working patients and possible violations thereof, all patient labor shall be terminated and compensation curtailed; and be it further

ORDERED, that copies of this Order be prepared and presented to the appropriate agencies involved as notice

of the Legislature's intent. (S. P. 943)

Which was Read.

On motion by Mr. Berry of Cumberland, tabled pending Passage.

Mr. Anderson of Hancock was granted unanimous consent to address the Senate.

MR. ANDERSON: Mr. President and Members of the Senate, you will find on your desks a little booklet put out by the Department of Fisheries and Wildlife, "You Alone in the Maine Woods", and you will find that if you ever do get lost in the woods and follow the instructions in this little pamphlet it will hold you in good stead.

Now, we have quite a few left over here. If you have any Boy Scout troops in your home town, you are welcome to pick some of them up. Thank you.

### Committee Reports

#### Senate

#### Ought to Pass

Mr. Danton for the Committee on Marine Resources on, Bill, "An Act to Provide for a Moratorium on the Issuance of Lobster and Crab Fishing Licenses." (S. P. 942) (L. D. 2587)

Reported pursuant to Joint Order (S. P. 930) that the same Ought to Pass.

Which report was Read and Accepted, the Bill Read Once and Tomorrow Assigned for Second Reading.

### Second Readers

The Committee on Bills in the Second Reading reported the following:

#### House

Bill, "An Act to Increase the Borrowing Capacity of School Administrative District No. 70." (H. P. 2045) (L. D. 2577)

Which was Read a Second Time and Passed to be Engrossed, in concurrence.

Bill, "An Act Eliminating Waiting Period under Employment Security Law." (H. P. 2046) (L. D. 2578)

The PRESIDENT pro tem: The Chair recognizes the Senator from Aroostook, Senator Haskell.

MR. HASKELL: Mr. President and Members of the Senate: I would move that L. D. 2578 be indefinitely postponed, and I would speak to my motion.

This L. D. proposes to make the State of Maine, as I understand it, the only state in the union that would be in a position of having no waiting period in respect to unemployment insurance. Currently 45 states do have a waiting period for which there is no compensation. Five states have provisions in their law to pay for the waiting period if the unemployment is prolonged for a certain length of time. In the State of Maine, as I understand it, after four weeks of unemployment the waiting period is also compensated. If we moved ahead with this piece of legislation, we would be the only state in the nation to have no waiting period.

A great many members have taken pride in the fact that we have not imposed any new taxation in this session. I think there should be a realization on the part of the members of the Senate that if we adopt this particular piece of legislation we are, in fact, imposing an additional tax on those employers subject to unemployment compensation, based on last year's experience figures, of approximately \$1 million. The figures, to be exact, would be \$1,032,416, based on last year's experience.

Now, in addition to the fact that we would be the only state in this particular situation, I think that this does present some very serious administrative problems. It is customary when an applicant applies for unemployment insurance for him to state the reason for his unemployment, and the reason is checked with the last employer. And the last employer does have a seven-day period in which to either confirm the applicant's statement or to differ, if the circumstances are different from the employer's point of view. So I think if we did proceed with this that we would have a situation where we would have very many instances of applicants applying for unemployment insurance who would indicate that they were laid off when in fact it might be a voluntary quit or discharge for cause, and this fact would not become known until after the compensation had been paid under the terms of this law. The experience of the Unemployment Commission in recovering these overpayments has been, to put it mildly, dismal.

So that I personally, and as an employer who is subject to unemployment insurance tax, I am not particularly eager to see my contribution increased for what to me is no real compelling reason. The experience, I think, in most cases is that unemployment usually is terminated within a week, the applicant finds another job and, in any case, if his unemployment is prolonged, he is compensated for this week. So I think we are really straining at a problem that is not serious, and I think the implementation of this would present severe administrative difficulties. It seems to me the better part of wisdom would be to indefinitely postpone it.

The PRESIDENT pro tem: The Senator from Aroostook, Senator Haskell, now moves that Bill, "An Act Eliminating Waiting Period under Employment Security Law" be indefinitely postponed. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. BRENNAN: Mr. President and Members of the Senate: I wonder if some member of the Labor Committee could tell us something about this bill. It is my recollection in looking at yesterday's calendar that this had a favorable report, so I would hope that some member of the Labor Committee would tell us a little bit about why we should support this.

The PRESIDENT pro tem: The Senator from Cumberland, Senator Brennan, poses a question through the Chair to any member of the Labor Committee who wishes to respond to the question.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS: Mr. President and Members of the Senate: I was looking around for somebody else on the Labor Committee here, but I guess I am the only member here so I will try to answer your question, Senator Brennan.

This bill did have a favorable committee report. The majority report was Ought to Pass on the bill. There was much discussion in the last several months that because of the energy crisis there would be much unemployment in

the state, and it was felt that for the individuals who would be unemployed as a result of the energy crisis that the waiting period under unemployment should be done away with.

Now, the original bill, as you will note on the calendar, was specifically designed to do this, to remove the waiting period for anyone who was unemployed as a result of the energy crisis. But we were given an opinion by the Attorney General that this would discriminate against other employees who would be unemployed and not necessarily related to the energy crisis. Therefore, the bill was redrafted in committee, and the redraft, of course, does remove the waiting period for every employee that is unemployed in the state.

We presently have a seven-day waiting period, and if anyone is unemployed he may not apply for unemployment benefits until he has been unemployed for a period greater than seven days. Also, under the present law, after that individual has been unemployed for a period of four weeks, he does pick up that first week, that first seven days, or he becomes eligible to collect for that first seven days. Really, for the vast majority of people that are unemployed in the state, usually it runs for a longer period than four weeks and they do get eventually to collect the unemployment on that first week. But there are some cases in which they don't get to collect that, and it was just the feeling of the committee that it was that one week that broke the back of many people when they weren't able to have some income to at least buy groceries for the family. Basically, that is all it does. It is a relatively small amount that an employee would collect, and it is designed, as I say, to at least keep the family going for a period of seven days so they can have groceries on the table.

I would urge the members of the Senate to oppose the motion to indefinitely postpone the bill and permit the bill to go along to be enacted. Thank you.

The PRESIDENT pro tem: The pending motion before the Senate is the motion of the Senator from Aroostook, Senator Haskell, that Bill, "An Act Eliminating Waiting Period under

Employment Security Law" be indefinitely postponed. The Chair will order a division. All those in favor of indefinitely postponing this bill will rise and remain standing until counted. All those opposed will rise and remain standing until counted.

The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. BRENNAN: Mr. President, I request a roll call.

The PRESIDENT: The Senator from Cumberland, Senator Brennan, has requested a roll call. In order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of the Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The question before the Senate is the motion of the Senator from Aroostook, Senator Haskell, that Bill, "An Act Eliminating Waiting Period under Employment Security Law" be indefinitely postponed. All those in favor of the indefinite postponement of this bill will vote "Yes"; those opposed will vote "No".

The Secretary will call the roll.

#### ROLL CALL

YEA: Senators Anderson, Berry, Cox, Cummings, Graffam, Greeley, Haskell, Henley, Katz, Morrell, Olfene, Roberts, Sewall, Wyman, MacLeod.

NAYS: Senators Brennan, Cianchette, Clifford, Conley, Cyr, Danton, Fortier, Marcotte, Minkowsky, Richardson, Speers, Tanous.

ABSENT: Senators Hichens, Huber, Joly, Kelley, Schulten, Shute.

A roll call was had. 15 Senators having voted in the affirmative, and 12 Senators having voted in the negative, with six Senators being absent, the Bill was Indefinitely Postponed in non-concurrence.

The PRESIDENT pro tem: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, having voted on the prevailing side, I move the Senate reconsider its action.

The PRESIDENT pro tem: The Senator from Cumberland, Senator Berry, now moves that the Senate

reconsider its action whereby this bill was indefinitely postponed. All those in favor of reconsideration will say "Yes"; all those opposed will say "No".

A viva voce vote being taken, the motion did not prevail.

Sent down for concurrence.

### House — As Amended

Bill, "An Act to Enable the Temporary Extension of Unemployment Compensation Benefits as Provided by Recent Federal Legislation as a Result of the Energy Crisis." (H. P. 1942) (L. D. 2482)

Thereupon, on motion by Mr. Tanous of Penobscot, tabled until later in today's session, pending Passage to be Engrossed.

### Senate — As Amended

Bill, "An Act Extending Collective Bargaining Rights to State Employees." (S. P. 817) (L. D. 2314)

Which was Read a Second Time.

Mr. Haskell of Aroostook then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-406, was Read.

Thereupon, on motion by Mr. Tanous of Penobscot, tabled until later in today's session, pending Adoption of Senate Amendment "A".

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table the following:

An Act Establishing a Commission on Maine's Future. (H. P. 1984) (L. D. 2528)

On further motion by the same Senator, and under suspension of the rules, the Senate voted to reconsider its prior action whereby the Bill was Passed to be Engrossed.

The same Senator then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-408, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Berry of Cumberland, and under suspension of the rules, there being no objection

thereto, all matters previously acted upon in today's session requiring concurrence were sent down forthwith for concurrence.

### Orders of the Day

The President pro tem laid before the Senate the first tabled and specially assigned matter:

Bill, "An Act Providing for a Credit in Maine Income Tax Law for Investment in Pollution Control Facilities." (S. P. 737) (L. D. 2149)

Tabled—March 15, 1974 by Senator Shute of Franklin.

Pending—Consideration.

(In Senate—Passed to be Engrossed as Amended by House Amendment "A" (H-753)

(In House—Bill and accompanying papers Indefinitely Postponed)

On motion by Mr. Berry of Cumberland, retabled and Tomorrow Assigned, pending further Consideration.

The President pro tem laid before the Senate the second tabled and specially assigned matter:

Bill, "An Act Relating to Minimum Warranty Standard for Mobile Homes." (H. P. 2019) (L. D. 2562)

Tabled—March 15, 1974 by Senator Cox of Penobscot.

Pending—Passage to be Engrossed.

The PRESIDENT pro tem: The Chair recognizes the Senator from Penobscot, Senator Cox.

Mr. COX: Mr. President, I have been working with a representative of the mobile home industry to come up with an amendment to the bill which is much needed. It has not been prepared for distribution, and I would appreciate it if this could be retabled for one legislative day.

The PRESIDENT pro tem: The Chair recognizes the Senator from Cumberland, Senator Berry.

Thereupon, on motion by Mr. Berry of Cumberland, retabled and Tomorrow Assigned, pending Passage to be Engrossed.

The President pro tem laid before the Senate the third tabled and specially assigned matter:

Bill, "An Act Limiting the Amount of Money Spent on Promoting or Opposing Referendum Questions." (S. P. 749) (L. D. 2178)

Tabled—March 15, 1974 by Senator Shute of Franklin.

Pending—Adoption of Senate Amendment "A" (S-396)

On motion by Mr. Berry of Cumberland, retabled and Tomorrow Assigned, pending Adoption of Senate Amendment "A".

The President pro tem laid before the Senate the fourth tabled and specially assigned matter:

Bill, "An Act Establishing the Maine Public Transit Fund Act." (S. P. 938) (L. D. 2576)

Tabled — March 18, 1974 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

Senate Amendment "A" (S-405)

Mr. Minkowsky of Androscoggin presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B", Filing No. S-407, was Read.

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

Mr. SPEERS: Mr. President and Members of the Senate: I noted the amendment reads: "A municipality or group of municipalities may subsidize such private transit companies with any portion of the state funds expended from the fund." I wonder if the good Senator from Androscoggin, Senator Minkowsky, would explain what this amendment would do.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate: Very simply, what this does is that in the Lewiston-Auburn area we are serviced by a private transit company, and at one time this transit company did extend its routes into my senatorial district, the Towns of Lisbon and Sabattus, and also in District 12, the Town of Mechanic Falls. If this particular bill is enacted, then this would allow the municipalities to negotiate with this private transit company in providing service in these

particular areas under the contractual agreement as spelled out in the Senate Amendment.

The PRESIDENT pro tem: The Chair recognizes the Senator from Cumberland, Senator Richardson.

Mr. RICHARDSON: Mr. President and Members of the Senate: If I may, to provide some additional information in response to the Senator's question, it has always been the intent of the mass transit legislation to permit local municipalities and municipal transit districts to contract for mass transit services because it has been the experience here in Maine and elsewhere in the nation that the use of private carriers under a contract arrangement with the municipal transit district really does serve the public interest quite well. It is the intent of the present legislation, without the amendment, to permit that.

As I understand it, the amendment simply is making clear what I think has been originally intended all along, or at least it was my intent as the sponsor of this legislation, so I do support the amendment and I hope the Senate would see fit to adopt it and send this matter to the other body for concurrence.

The PRESIDENT pro tem: The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS: Mr. President and Members of the Senate: In reading the amendment, isn't this an area where we are sort of opening the door to permit any amount of funds to be expended in this area? I think we discussed this earlier on the bill we took up yesterday relative to catastrophic illnesses, and I wonder if this particular amendment, the way it reads, might open the door to fund these programs without limit. Because of perhaps some federal funding that the program obtains, it may end up in court as being discriminatory. If it is only going to fund the program up to a certain amount, then any other municipality or group of municipalities denied any funding could well receive funds, even though they are not appropriated. I wonder if someone might answer this particular question.

The PRESIDENT pro tem: The Chair recognizes the Senator from Androscoggin, Senator Clifford.



Mr. CLIFFORD: Mr. President, in answer to the question, it seems to me that all it says really is that it is enabling legislation allowing the municipalities, or making it clear that it is allowing municipalities to take whatever money they get from the state, which is going to be determined not by the municipalities but by the state government, to allow them to use that to subsidize a public transit system. I think that is all it does, fair and simply. I think that is a very common type of provision in our laws and I can see no danger in that. The municipalities are not the ones that raise this money. They may match it but they don't raise it, so I don't see any danger in this.

I think it is needed in our area and other areas. I think the way to public transit really is not for the municipalities to go directly into the business but to subsidize the private industry, and I hope you would support the amendment. Thank you.

The PRESIDENT pro tem: Is it now the pleasure of the Senate that Senate Amendment "B" be adopted?

Thereupon, Senate Amendment "B" was Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

The President pro tem laid before the Senate the matter tabled earlier in today's session by Mr. Tanous of Penobscot:

Bill, "An Act to Enable the Temporary Extension of Unemployment Compensation Benefits as Provided by Recent Federal Legislation as a Result of the Energy Crisis." (H. P. 1942) (L. D. 2482)

Pending — Passage to be Engrossed.

The PRESIDENT pro tem: The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS: Mr. President, I am having an amendment reproduced on this and it may well be ready before the conclusion of the next bill, so I wonder if somebody would retabbed this until later in today's session. If it isn't ready by then, I will ask for it to be retabbed until tomorrow.

The PRESIDENT pro tem: The Chair

recognizes the Senator from Penobscot, Senator Sewall.

Thereupon, on motion by Mr. Sewall of Penobscot, retabbed until later in today's session, pending Passage to be engrossed.

The President laid before the Senate the second matter tabled earlier in today's session by Mr. Tanous of Penobscot:

Bill, "An Act Extending Collective Bargaining Rights to State Employees." (S. P. 817) (L. D. 2314)

Pending — Passage to be Engrossed.

The PRESIDENT pro tem: The Chair recognizes the Senator from Aroostook, Senator Haskell.

Mr. HASKELL: Mr. President and Members of the Senate: Collective bargaining legislation has been an interest of mine since my first session here when I served on the Labor Committee with Senator Tanous and Senator Huber. At that particular session, we put out of the Labor Committee the municipal employees collective bargaining act, and my interest in this type of legislation has continued and I have had legislation in each session, I think, of the legislature for the last two sessions.

I think I am as interested in seeing a good bargaining bill for state employees as anybody in the legislature. I have not had the advantage of listening to the material that was presented to the Labor Committee on this particular bill, however, in reading it over, it differs in many respects from what I feel would be a good collective bargaining bill for state employees, and I know of no other way to try to examine the implications of this bill than by offering some amendments to it to reflect my own opinion of what a good bill should contain.

Now, the amendment I am offering today, it seems to me, is the key amendment that is necessary if we are going to have a good bill under this particular type of collective bargaining law. If we adopt this amendment and we do proceed with this type of law, I will want to offer other amendments for your consideration. So this morning I would like to address myself to this particular amendment.

The source of material that I am using and the source from which this amendment came is the volume that I have in my hand. It is a commission report of the Advisory Commission on Intergovernmental Relations on Labor Management Policies for State and Local Government, and I would like to establish the membership of the commission so that you will realize that all points of view were pumped into this commission report and that very capable and qualified people made the recommendations that are a part of the commission report. There were three private citizens, and men from the United States Senate: Sam Ervin, Karl Mundt, and Ed Muskie. From the House of Representatives there was Florence Dwyer, L.H. Fountain and Al Ullman of Oregon. There were three members from the Executive Branch of Federal Government, including the Secretary of Health, Education and Welfare, the Director of the Bureau of the Budget, and the Secretary of Housing and Urban Development. There were four governors on the commission, from New York, Pennsylvania, Missouri and Tennessee. There were four mayors, from Nashville, Tennessee, Indianapolis, San Leandro, California and Syracuse, New York. There were three members of the state legislative bodies: a senator from Illinois, one from Wisconsin, and an assemblyman from California. Then there were three representatives from county government. So the report, in my view, is very comprehensive, the recommendations are well documented and I think should be given serious consideration.

Now, obviously there are two basic routes that you can go when you consider legislation for collective bargaining: one is characterized as meet and consult, and the other is collective bargaining. The commission recommendation in this area I would like to read to you. "There are two general routes such legislation might take: One, requiring public employers to meet and confer with employees in their organizations, and permitting or requiring state and local employing agencies to negotiate collectively with employee representatives. The commission finds a

considerable number of variations of each of these approaches. On balance, the commission tends to view the meet and confer in good faith approach as being most appropriate in a majority of situations in the light of present and evolving conditions in state and local employment."

Now, the commission recommendation is for a meet and confer type of legislation. For some reason, the people who drafted the legislation that we have before us did not follow this route. Instead, the bill that you have before you is a collective bargaining, which was regarded by at least this commission as the less desirable of the two approaches. I personally favor the meet and confer route because it makes the process much less complicated and it makes the drafting of the legislation to implement it much less complicated. That route was not chosen. Instead, we are proceeding to try to implement a collective bargaining type of legislation. This immediately raises several questions.

We have in the state a merit system of civil service. The provisions of this system are created by the legislature. The first question that must be addressed is: are we going to allow collective bargaining in this area? The legislation that we have before us, in my view, does not attack this problem. I have an opinion from the Attorney General, and the conclusion of his letter says: "It may be entirely possible that some persons representing one side or the other will seek to put into collective bargaining contracts areas which are properly within the jurisdiction of the STATE Personnel Board. This is something which cannot be avoided and may eventually have to be decided in the courts. I am sorry that I cannot give you a more definite and direct answer."

This area of the conflict between the rights to collective bargaining and the legislative prerogative in establishing a state personnel system is, in my view, the key difficulty if we are going to try to implement a collective bargaining approach.

Now, there is another recommendation in here which is the

basis for the amendment which I have offered this morning. The indications are that if you are going the collective bargaining route, it is absolutely vital that the management prerogative area be adequately defined. There is no attempt in the law which you have before you now to make any definition of management prerogatives whatever. Let me read some of the material from the commission report in this area.

This is Recommendation No. 6: "To ensure proper executive and legislative responsibility for public activities and services, the commission recommends that state labor relations laws stipulate that agreements resulting from public employer-employee discussions be governed by the provisions of any pertinent existing or future laws and regulations, including such merit system rules and regulation as may be applicable. Within this framework, state labor relations laws should provide that public employers retain the unrestricted right: (a) to direct the work of their employees", and the balance of this recommendation is exactly the material that you have before you in the amendment.

The necessity for defining management rights comes about because we have chosen in the type of legislation that was drafted to go the route of collective bargaining rather than meet and consult. So if you are going this route, the commission's recommendation is crystal clear: if you are going the collective bargaining route, you must include the definition of management prerogatives. So, going on the assumption that we are going to attempt to work constructively with the legislation that you have before you, it seems to me that the absolute essential first amendment to go on this is the management right section. The section was listed verbatim from this report. This report, in my view, is a very comprehensive and a very detailed study of the whole problem of state collective bargaining, and I think we would be making a serious error indeed to proceed this route without this amendment.

The PRESIDENT pro tem: The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS: Mr. President and Members of the Senate: I rise to oppose the amendment proposed by my good friend, Senator Haskell from Aroostook. I thought that when he joined our body here earlier in the session that he might have been better enlightened as to this particular phase in the law, but I see his thinking is similar to what it has been in the past.

I am sure all of you that have been here in the last two sessions are familiar with L. D. 1157 and L. D. 1974. If those two L. D. 's don't refresh your memory, perhaps I can delve into the subject matter of those two bills. The amendments presented on 1157 and 1974 in the last two or three years were presented by Senator Haskell, and the subject matter of the amendments was relatively the same as proposed in the amendment which he has offered here this morning, except that it was to amend the municipal labor relations law.

Now this collective bargaining bill, as we refer to it, the one involving state employees, is fashioned almost word for word after the municipal labor relations law that the Maine Legislature enacted in 1969. I was Chairman of the Labor Committee during that particular session, the 104th, and Senator Haskell was a member of that committee. That bill was enacted without this amendment. I do recall at that time Senator Haskell had attempted to amend the bill but was unsuccessful in doing so, and in the following session he introduced 1974, which again was defeated, and again last year he introduced 1157, which was again defeated.

I would love to review the entire bill with you folks this morning here in the Senate. Basically, L. D. 2314 in its present form is only enabling legislation. It enables collective bargaining by state employees. Now, a state employee doesn't have to join a unit, nor does he have to agree to belong to a unit to be state employee. He may do so willingly if he so desires. He doesn't have to. It is merely enabling legislation, and it is only designed to grant the state employees those same rights that this legislature granted to municipal employees some five years ago.

The law on the municipal level has been working relatively well. We have had some problems with the law like any other brand new law that you work with. You are bound to run into problems. They have been resolved as time has gone on, and we are learning to understand the law, to interpret and to live with it.

The proposed amendment as has been submitted by Senator Haskell of Aroostook this morning would relatively gut the entire negotiation aspect of collective bargaining. If the amendment is adopted, you might just as well kill the bill because there is no law if you adopt the amendment. Under certain paragraphs of the amendment, and I refer to sub (e) on (2) "To maintain the efficiency of their operations," well, how would one interpret this language in the light of collective bargaining? This could include every phase of collective bargaining.

I know that in the last two sessions 1157 and 1974, which was substantially the same language as this, was opposed by virtually every employee organization in the state. The Maine State Employees opposed it. The Fire Fighters oppose it. Your Maine Teachers opposed it. The American Federation and State, County and Municipal Employees opposed that other amendment, and I am sure they oppose this one equally.

As I have mentioned, we did take up L. D. 1157 at the last session and it was defeated. As a result of the defeat of 1157, this legislature created a commission, of which Senator Haskell is a member, and I as well, to study the merits and ramifications of 1157, and, in effect, the ramifications of this particular amendment here proposed today. We are still studying this subject matter. We haven't completed the study. In fact, we are perhaps only half way through this study. Certainly I would feel that we ought to wait until this particular committee which has been asked to study the subject matter that is before us this morning, and we have funded that committee to do so and to report either to the special session or the next regular session of the legislature. I would certainly feel, if there is any faith in the committee system in asking for studies

to be conducted, that we ought to wait until the committee renders its study, or at least its report, to the legislature.

I believe in the concept of collective bargaining. I believe in the concept in the public sector as well as in the private sector, and if we are going to have realistic collective bargaining for state employees, we certainly can't have it by the adoption of the proposed amendment by Senator Haskell. This, as I have mentioned, for all intents and purposes would gut the entire aspect of collective bargaining. I would hope that you would vote to defeat this amendment.

Mr. President, I would make a motion for the indefinite postponement of Senate Amendment "A" as proposed by Senator Haskell, and I would ask for a roll call vote on the defeat of this amendment as well.

There is so much to be said relative to collective bargaining for the state employees, and to adopt the amendment would be to deny them this right. Basically, all we are doing, ladies and gentlemen, is to grant them first class citizenship rights, in effect. This is all we are doing. We granted this same right to municipal employees and it is working out wonderfully at that level, as I mentioned, with problems we have had. We have been able to resolve them, and I would hope that you would defeat this amendment and permit the bill to go on to enactment without this most inapplicable amendment that I feel would just gut the bill. Thank you.

The PRESIDENT pro tem: The Senator Penobscot, Senator Tanous, now moves that Senate Amendment "A" be indefinitely postponed. A roll call has been requested.

The Chair recognizes the Senator from Aroostook, Senator Haskell.

Mr. HASKELL: Mr. President and Members of the Senate: I would like to respond to some of the points the good Senator from Penobscot, Senator Tanous, has made. First of all, it is true that we are engaged in studying the management section of the municipal bargaining law. A study order was passed in the regular session. We spent three full days, as I recall it, during the summer trying to arrive at a consensus of opinion, and we have not yet reached

the point where we feel able to make a recommendation back to the legislature. It seems to me that until this question is resolved at the municipal level we are ill-advised to repeat the error that we made in implementing the municipal bargaining act until we have a resolution, until the study report is back at the regular session.

I know my own views have changed substantially. For example, under a meet and consult type law, I think it would be far more realistic at this juncture for us to give a limited right to strike to state employees than to go through the very cumbersome arbitration procedure that is proposed in this bill. This arbitration procedure, in my view, very seriously encroaches upon our legislative prerogatives. When you are in a situation of trying by a single arbiter to choose between the last best offer of two antagonists in collective bargaining, and you are referring cost items to an arbiter, and he is supposed to take into consideration the ability of the state to pay, I wonder if the prerogatives that we have as legislators are not being seriously infringed.

Now, in the first instance it is absolutely unrealistic to imagine that what goes on in the public field in bargaining is really collective bargaining because, in the first place, the final weapon of the labor side of the table in the private sector is always the strike. The final weapon on the part of management always has been the lockout. Under the typical public law, neither is allowed in the public sector. To strike is not allowed and, by the nature of it, the state can't very well suspend services. So you rely do not have a collective bargaining situation. What you do have is either a meet and consult process and a decision is arrived at, the decision is then sent up through the executive to the legislature for their approval, which is the basis of meet and consult legislation; or if you don't go this route, then what you do is a negotiating process, and if they reach an impasse, then you go through fact-finding, mediation, and finally to arbitration. If you go this route, it becomes immensely more complicated and it becomes immensely more costly.

Now, Senator Tanous indicates that municipal bargaining is working well. I agree with him, it is working, but it is working currently because both sides have found that they have to resort to professional negotiators. The complexity of this type of bargaining and the very thorny questions involved with working conditions versus management prerogatives makes professional negotiation a must. This is what we have in the municipal field currently. It is very expensive. I haven't seen any real study of the cost figures, but I would not hesitate to make the statement that currently municipal bargaining in the State of Maine, with the costs on both sides, would be in excess of a million dollars a year.

I personally don't feel that this type of professional negotiation is necessary. I think that if we eliminate the arbitration feature and substitute a limited right to strike that a great deal of our problems would disappear and that negotiation could return to the area of wages and hours and terms and conditions of employment where, in my view, it should be.

The negotiation process has been used in the municipal field as a substitute for legislative action. There have been attempts and there currently are attempts under way to get into the policy area by teacher groups because they do feel a natural inclination to express their professional opinion, and this has complicated the negotiation process.

I personally would have been very happy to have seen the introduction of this particular piece of legislation delayed until a study committee was able to report back on the other bill. But to indicate that the municipal bill is so successful that we should copy it at the state level I think is not entirely accurate. The approach that is being recommended to us now is contrary to the recommendations of the best study that I have seen anywhere. It does need substantial amendment, if we are going to proceed this way, but the key amendment that should be offered is this management right section.

I think again Senator Tanous was in error when he said that the first attempt at an amendment which I sponsored was

defeated. It passed legislatively and was vetoed by the Governor. So that the end result, of course, was that it was defeated, but it had substantial support both in the House and in the Senate. The question has not been resolved. We have been engaged in a study of it. The study group that was appointed by this legislature is not now ready to report back, and if we are going to proceed with this type of legislation, it does need substantial amendment. But the crucial amendment that would have to go on this is certainly in line with the commission's recommendation that you have to carefully outline the management prerogatives.

The PRESIDENT pro tem: The pending motion before the Senate is the motion of the Senator from Penobscot, Senator Tanous, that Senate Amendment "A" be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. BRENNAN: Mr. President and Members of the Senate: I rise really in support of the remarks made by the good Senator from Penobscot, Senator Tanous. I agree that state employees have been treated as second class citizens as far as collective bargaining is concerned. To me it doesn't make any sense. It has worked well on the municipal level, and I see no reason why you shouldn't give it to the state employees. It would seem to me that if we adopt the amendment offered by the good Senator from Aroostook, Senator Haskell, it would be a mere sham. There won't be much to bargain about. So I would urge the Senate to support the motion to indefinitely postpone that amendment.

The PRESIDENT pro tem: The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS: Mr. President and Members of the Senate: I neglected to mention originally that this particular bill was the result of a federally funded commission that I am a member of. This bill came out of this commission that I am on, the Labor Relations Service Foundation, and it is funded by the U.S. Department of Labor. If you recall, at the last session these funds were made available by the federal government to

study the concept of collective bargaining on the state level for public employees.

I know that you folks here haven't perhaps had time to review the bill and to fully comprehend the collective bargaining aspect, especially in the public employees area, but I would call your attention to L. D. 2314 on Page 4, and this is the area that we are concerned with this morning. Now, Senator Haskell of Aroostook feels that the duties or the rights of the employers should be better spelled out over and above what the bill provides for. Now, in the bill as it stands now, as I say, the language is substantially the same as we had in the municipal public employees labor relations law, and I have that bill here, and the language was almost word for word taken from this particular law and used for the bill that is before us this morning.

Now that section we are dealing with, in the obligation to bargain, says: "To participate in good faith in the mediation, fact finding and arbitration procedures required by this section:", then it goes on to E, "To confer and negotiate in good faith with respect to wages, hours, working conditions and contract grievance arbitration, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession." Certainly the protections in that particular phrase are included in the law whereby it protects both the employer and the employee. "All matters relating to the relationship between the employer and employees shall be the subject of collective bargaining, except those matters which are prescribed or controlled by public law." Now, anything that is controlled by public law would not be a subject matter of negotiation, and we do have laws dealing with personnel and so forth.

Now, I haven't had that much time to review the proposed amendment, but it would seem to me that this particular amendment as proposed would destroy the personnel law that we presently have. It would take away from the present rights of state employees that they presently enjoy under the personnel law. Certainly the personnel law is necessary, it is part of this particular

bill, and George West from the Attorney General's office, who is a member of this commission as well, worked on this phase of the law and prepared it. He is the one who drafted that particular phase of the law so that the present personnel law would not be disturbed by the enactment of 2314.

We have, in my opinion, all of the protections necessary and all of the language needed to accomplish collective bargaining in a manner which is compatible to both the employer and employees. The inclusion of this proposed amendment would just seek to destroy the entire concept of the bill, and again, I would ask that you vote in favor of indefinite postponement of the amendment.

The bill also contains on page 3 the protections for the public and for the state: it prohibits work stoppages, it prohibits slowdowns, it prohibits striking, it prohibits the blacklisting of employees for the purpose of prevention of filling employee vacancies. So it has all of the protections that the commission felt was needed for the employer as well as the employee. It is an equity type of situation where you try to balance the equities. Now the inclusion of the proposed amendment by Senator Haskell would just tilt the whole bill out of kilter and would destroy the whole concept of the bill. I would ask again that you vote against the proposed amendment; vote for indefinite postponement. Thank you.

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

Mr. KATZ: Mr. President and Members of the Senate: I have consistently opposed the point of view expressed by the Senator from Aroostook, Senator Haskell, with respect to the teachers' bargaining bill because I felt the situation with one bargaining unit was quite different. I am confused in my attempt to identify how many bargaining units there might be under this particular legislation. If there is a substantial proliferation, of course, it is a completely different ballgame as far as I am concerned. So may I ask a question through the Chair to either the Senator from Penobscot, Senator Tanous, or the Senator from Aroostook,

Senator Haskell: Under the provisions of this bill, what number of bargaining units can we reasonably expect to see?

The PRESIDENT pro tem: The Senator from Kennebec, Senator Katz, has posed a question through the Chair to either Senator Haskell from Aroostook or Senator Tanous from Penobscot, who may answer if they desire.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS: Mr. President and Members of the Senate: The original municipal public employees labor relations law permitted the unit determination to be made by the then Commissioner of Labor, Marion Martin. She was the one that was granted the authority under that particular law to make the unit determination. By "unit determination", we mean the various units within the municipal law that would be united together for purposes of collective bargaining. You may well have your secretaries, your firemen, policemen, your clerical staff, or your teachers in various designated areas, and she was permitted under that law to make the unit determination.

Now, since the original enactment of that particular law, we amended the law and we now have an Executive Secretary for the Public Employees Labor Relations Board. And the Executive Secretary, under this particular law, would be the individual who would make the unit determination. It would be his prerogative. Now, I sat down with some of the people involved and we came up with approximately 20 units within state government. This is, as I say, not written into the law, but we went through the entire aspect of state employment and we came out with approximately 20 units that would be involved. Now, again, it is discretionary upon the Executive Secretary for the Public Employees Labor Relations Board, and the ultimate decision would be left up to him, but in discussing this with him and others, we sat down and came up with approximately 20 units.

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

Mr. KATZ: Mr. President and Members of the Senate: Therein is the subject of my confusion. On television a

couple of weeks ago on a panel I distinctly recall hearing the figure of something over 200 bargaining unit, and I think perhaps it was the Senator from Penobscot, Senator Tanous. Am I to presume now that the figure of units that may be expected under this will not be over the 200 unit range, and something closer to 20?

The PRESIDENT pro tem: The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS: Mr. President and Members of the Senate: I would feel confident that the units would probably be limited to somewhere between 20 and 30 units. Now, we have here, as I say, broken down approximately 17 or 18 units, but again, the Executive Director could well come out with more than that or less than that. After reviewing the entire realm of state employees, I would be tempted to believe in my semi-professional opinion that probably you might come up with between 18 and 30, or in that vicinity.

The PRESIDENT pro tem: The Chair recognizes the Senator from Aroostook, Senator Haskell.

Mr. HASKELL: Mr. President and Members of the Senate: I would like to make it very clear that the reason for the necessity of the series of amendments here is because a choice was made between two methods of writing negotiation law. If the choice had been for meet and consult legislation, the type of amendment that I am offering this morning would not be necessary. And I want to make it very clear that the commission recommendation is for meet and consult legislation. It is much simpler and it avoids several of the very real difficulties that collective bargaining legislation has. We haven't touched this morning at all on the real difficulties that collective bargaining posed to the merit system structure, which is a very real problem and one that has not been solved up to this point. But let's confine ourselves to a choice on the type of legislation, and I would like to read just a little bit from the commission report here.

"To a greater degree than collective negotiations, the meet and confer approach is protective of public management's discretion. To a greater

extent, it seeks a reconciliation with the merit system since agreements reached through the discussional process and actions taken as an implementary follow-up cannot contravene any existing civil service statute. To a far greater degree than collective negotiations, it is candid and squarely confronts the reality that a governmental representative cannot commit his jurisdiction to a binding agreement or contract, and that only through ratifying and implementing legislation and executive orders can such an agreement be effected. To a greater extent, it avoids detailed, statutorily prescribed procedures applicable to all situations", which is what we are concerned with this morning, "and this lack of specificity in some degree and in some areas permits greater flexibility and adaptability in actual implementation. To a much greater degree it recognizes — indeed, is rooted in — the vital differences existing between private and public employment, and does not make the mistake of relying heavily on the NLRB as a blueprint for action in the public sector."

The point I want to make very clear is that I recognize the need for collective bargaining, and I feel that we can write a good collective bargaining law on the meet and confer model. If we do take the meet and confer model, we avoid the necessity for the series of complicated amendments that we are going to have to have on this type of legislation. The recommendation of this commission, which I am sure the good Senator from Penobscot will not dismiss lightly, is that if you go the collective bargaining approach, you must delineate the management section. This is a very clear recommendation, there is no equivocation about it, it is part of the commission's findings, and if we are going to go the collective bargaining approach, first of all you have got to define the management section, and additionally, the next problem that you are going to have to face is the adverse effect that negotiation is going to have on your merit system, because in the merit system the pay ranges are established by legislative action, and if you are going to allow negotiation in this area



you are immediately going to be in conflict. Which is going to be primary; the legislative action or the collective bargaining agreement?

The PRESIDENT pro tem: The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS: Mr. President and Members of the Senate: I assume this was a question propounded by Senator Haskell of Aroostook. I repeat again, on page 4 it clearly spells out the law that will take precedence. It says the public law existing on the books will take precedence. I repeat, in sub (e) on Page 4, in the middle of the page: "All matters relating to the relationship between the employer and employees shall be the subject of collective bargaining, except those matters which are prescribed or controlled by public law." So that any public law on the books that is existing at this time would take precedence over the enactment of this particular law here.

Insofar as the ultimate agreement that the state may reach with employees, I mention this because the legislature still has the veto power. It has to be voted on by the legislature. So that in any agreement involving funds, the Legislature still has the handle on this particular aspect of it. So that the Legislature, through the Appropriations Committee, could well reduce any amount involving funds that the employees would be asking for. So it is not as though the bargaining was concluded with an agreement made by the employer and employee. This legislature and future legislatures would have the final say on any issue involving funds. So that it is subject to certification or the final word would be in the legislature. Thank you.

The PRESIDENT pro tem: The pending motion before the Senate is the motion of the Senator from Penobscot, Senator Tanous, that Senate Amendment "A" to L. D. 2314, be indefinitely postponed. A roll call has been requested. In order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending motion before the Senate is the motion of the Senator from Penobscot, Senator Tanous, that Senate Amendment "A" be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

### ROLL CALL

YEAS: Senators Anderson, Brennan, Cianchette, Clifford, Conley, Cyr, Danton, Fortier, Graffam, Katz, Marcotte, Minkowsky, Morrell, Richardson, Sewall, Speers, Tanous, MacLeod.

NAYS: Senators Berry, Cox, Cummings, Greeley, Haskell, Henley, Olfene, Roberts, Wyman.

ABSENT: Senators Hichens, Huber, Joly, Kelley, Schulten, Shute.

Mr. Graffam of Cumberland was granted leave to change his vote from "Yea" to "Nay".

A roll call was had. 17 Senators having voted in the affirmative, and 10 Senators having voted in the negative, with six Senators being absent, Senate Amendment "A" was Indefinitely Postponed.

Mr. Haskell of Aroostook then moved that the Bill be tabled and Tomorrow Assigned, pending Passage to be Engrossed.

On motion by Mr. Brennan of Cumberland, a division was had. 16 Senators having voted in the affirmative, and 9 Senators having voted in the negative, the motion prevailed.

Mr. Richardson of Cumberland was granted unanimous consent to address the Senate:

Mr. RICHARDSON: Mr. President and Members of the Senate: Because I feel that there is an issue of significant importance about to be decided by this Legislature, I am going to ask you as members of the Senate to relive with me that point in the history of the Maine Legislature when we adopted Maine's Oil Conveyance Law. At that time, as Majority Leader in the House, I asked the members of the Maine Legislature to defer any judgment on that item of legislation until they had heard all the

facts. In a few days we are going to be deciding an issue of at least equal importance and, regardless of how you vote on the merits of that legislation, I ask you today to decide the issue on its merits. I ask you to keep an open mind, not to be lobbied by any special interest group either for or against, that you wait until you have heard the discussion and the debate, and that you as members in the Maine Senate make every conscientious effort to listen very carefully and very attentively to the legislation that we are about to consider.

I am not one of those who likes to see the Maine Legislature kicked around by people who don't understand it, by people who don't care about it, but who simply find it a convenient scapegoat against which to work out their frustrations. We have a good legislative process. We are capable, when we will it, to consider legislation on its merits and not to be lobbied into taking a position before we have had an opportunity to really very carefully consider it.

The issue of which I speak is the issue of what is going to happen to almost 400,000 acres of public lands which are owned by all of the people of the State of Maine, which are not the special province of any individual, any group of individuals, or any corporation, which are our responsibility as the trust and heritage of this state.

Today we are going to have another public hearing of the Public Lands Committee, which numbers here in the Senate the President of the Senate as a member of the Committee, the Senator from Androscoggin, Senator Clifford, and myself. The hearing is going to be in room 228 at 1:30. Now, whether you find it possible to attend or not, I hope that you will make every effort to put aside, to rebuff any effort, to get you to make a commitment on this bill prior to the time that you have had a full and complete opportunity to review the bill, the so-called "Grand Plantations Bill", in its entirety.

The issue is too important for petty partisan politics. The issue is too important for people to attempt to take advantage of the coming year's election activity. Whether this bill wins or loses, whether this bill survives this process, is

not going to decide whether any one of the members of the Senate who are candidates for Governor become Governor of Maine. Regardless of what the decision is, whether this bill passes or doesn't pass, it isn't going to affect the campaign of Harry Richardson, or Joe Brennan, or Wakine Tanous, or Peter Kelley, or any of the candidates. The legislative process is what is involved. I hope that everyone of you will decide this bill on its merits, and not be coaxed into taking a position before you know what those merits are. If the bill is a bad bill, then it should be defeated. Your vote against it should not be in any way clouded by any feelings of painful remorse. But if it is a good bill, it should receive your support.

I hope as many of you as possible will attend the hearing this afternoon. There is no session this afternoon in either the House or the Senate. I would hope that the recommendation of the Public Lands committee will be made and be before the Legislature tomorrow or Thursday at the latest.

I do not ordinarily request unanimous consent to address the Senate because I don't feel that your time is worth my meandering observations, at least very frequently, but in this case, gentlemen of the Senate and lady, I think the issue is a tremendously important one that everyone of us ought to look at awfully carefully. Thank you.

The President pro tem laid before the Senate the matter tabled earlier in today's session by Mr. Sewall of Penobscot:

Bill, "An Act to Enable the Temporary Extension of Unemployment Compensation Benefits as Provided by Recent Federal Legislation as a Result of the Energy Crisis." (H. P. 1942) (L. D. 2482)

Pending — Passage to be Engrossed.

Mr. Tanous of Penobscot then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-410, was Read.

The PRESIDENT pro tem: The Senator has the floor.

MR. TANOUS: Mr. President and Members of the Senate: In 1971 a federal

program was made available to the states whereby, where there was a lot of extended unemployment in the states, there was a federal program made available to extend the 26 weeks for a period of 39 weeks, an additional 13 weeks. And now the federal government has again renewed its offer and has made this available for the state, and the subject matter of this bill deals with extended unemployment benefits. So in the event we do run into any extended unemployment, we would receive the benefits of the federal government in the extension granted to the state, and this particular amendment clarifies the section of the law so that it would be made available to us.

The PRESIDENT pro tem: Is the Senate ready for the question?

Thereupon, Senate Amendment "A" was Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

#### **Papers from the House**

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

#### **Joint Order**

ORDERED, the Senate concurring, that the Joint Standing Committee on Veterans and Retirement is directed to report out a bill permitting enlisted personnel of the National Guard to form an association. (H. P. 2055)

Comes from the House, Read and Passed.

Which was Read.

The PRESIDENT pro tem: The Chair recognizes the Senator from Cumberland, Senator Richardson:

Mr. RICHARDSON: Mr. President, I would inquire of any member of the Senate who is familiar with this order whether or not the legislation has been drafted that would be necessary to accomplish the purposes of this order, because as chairman of the Committee, I am not interested in delaying the session unnecessarily.

The PRESIDENT pro tem: The Senator from Cumberland, Senator Richardson, poses an inquiry through the Chair to any member of the Senate who may answer if he so desires.

The Chair recognizes the Senator from Oxford, Senator Henley.

Mr. HENLEY: Mr. President and Members of the Senate: To answer one of the questions from my good friend, the Senator from Cumberland, Senator Richardson, I think there is a legislative bill which was originally intended to go in with another one, which was either changed or rejected, but I have had conversations with other members of the committee, and also with the group that insists the purpose of this bill is to protect National Guardsmen, to have an association that can protect collectively National Guardsmen and enlisted men between the time they leave their homes on these week-end training periods and the time they arrive back. It seems recently there have been one or two accidents that were not covered the same as the officers of the National Guard are, and this is the purpose of this bill. I am for it if that is its purpose.

I would say that if it does not hold up legislation too much I would like to see it go through, because I do know that there have been areas where the officer, because of the fact that he is a member also of the Army of the United States and the National Guard, is protected by the military and the enlisted man is not. That is the only explanation I have at this time. We can always, if it holds us up too much, we can kill the bill later, but I would like to see it go through to protect these men.

The PRESIDENT pro tem: Is it now the pleasure of the Senate that this order receive passage?

Thereupon, the Joint Order received Passage in concurrence.

On motion by Mr. Sewall of Penobscot, Adjourned until 10:00 o'clock tomorrow morning.