

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

Monday, March 25, 1974

Senate called to order by the President.

Prayer by the Honorable Floyd M. Haskell of Houlton:

Our Heavenly Father, we thank Thee for the many blessings bestowed upon us. We pray for guidance as we commence the final days of this legislature. Help us to make wise decisions as we seek the best interests of those we represent. We pray for Thy continued favor in the spirit of Thy Son, Jesus Christ. Amen.

Reading of the Journal of yesterday.

**Papers from the House
Joint Order**

ORDERED, the Senate concurring, that Joint Rule 17A is amended to read as follows:

17A. Ought not to pass reports. Any bill or resolve, which bears a unanimous leave to withdraw or leave to withdraw as covered by other legislation or referred to the next Legislature or ought not to pass notation by the committee to which it has been referred, shall upon notification of such action to both Houses be placed in the legislative files. No further action shall be taken following such disposition unless such bill or resolve is recalled for reconsideration by a vote of two-thirds of both Houses. (H. P. 2078)

Comes from the House, Read and Passed.

Which was Read.

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

**Committee Reports
House
Ought to Pass**

The Committee on Public Lands on, Bill, "An Act to Authorize Interagency Transfer of the Supervision and Control of Public Lands." (H. P. 2073) (L. D. 2600)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-792).

Which report was Read.

The PRESIDENT: The Chair

recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, the real thrust of the bill here, Item 6-1, L. D. 2600, is that the legislature would have a veto power on the inter-agency transfer of land. I am not too sure that this is good or bad, and I note the Chairman is not here but I know he is in the building, so I was wondering if anybody else in Public Lands would be willing or able to give us a little background on this. As you know, I have been historically opposed to the legislature getting in the act of administration and executive functions.

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

Mr. CLIFFORD: Mr. President, I would certainly defer to the Chairman of my Committee, the good Senator from Cumberland, Senator Richardson, but as I understand it, the purpose of the bill is to allow the Bureau of Public Lands, with the permission of other departments, on lands belonging to other departments and not being utilized, to effect the transfer of those properties to the Bureau of Public Lands.

I believe that the good Senator from Cumberland, Senator Richardson, the Chairman, might elaborate on that, but I think the purpose is to get better utilization out of the newly created, in the last session, Bureau of Public Lands to allow the jurisdiction of that bureau not only over the public lands that we talked about last Friday but also other state owned property not being utilized at the moment.

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

Mr. RICHARDSON: Mr. President, the purpose of L. D. 2600 is to permit various agencies of state government who now have responsibility for public lands to transfer, with the approval of the Governor and Council, responsibility for handling these lands. For example, the Commissioner of Mental Health and Corrections has supervision over properties located across the river here, and a lot of the land over there is apparently not necessary to the operation of that department. It would seem very appropriate that in all

dispositions, transfers and acquisitions of public lands that we try to have one agency handle those. So the department and agency heads themselves, including the Commissioner of Mental Health and Corrections and the other people who are department and agency heads, want to have the opportunity to transfer, with the approval of the Governor and Council, responsibility for the handling of these lands to the Bureau of Public Lands. It was one of the essential concepts of the Bureau in the first place that we try to bring into one bureau the responsibility for handling public lands.

That is the reason for this proposal. It is endorsed by the Governor, it is endorsed by all the department and agency heads, and received a unanimous Ought to Pass Report from the Committee on Public Lands.

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

MR. BERRY: Mr. President and Members of the Senate: I am in complete agreement with the philosophy expressed here and I think this is a good progressive measure from that standpoint, but the Senator from Cumberland, Senator Richardson, did not elaborate on my concern about the legislature being the approving body, and he did mention that the Governor and Council are. My reading of the bill is that the Governor and Council are, but my reading of House Amendment "A" is that the Governor and Council are taken out of the bill in two places and the legislature put in. This is the thrust of my comment.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Ought to Pass Report of the Committee in concurrence?

Thereupon, the Ought to Pass Report of the Committee was Accepted in concurrence and the Bill Read Once. House Amendment "A" was Read.

On motion by Mr. Berry of Cumberland, tabled until later in today's session, pending Adoption of House Amendment "A".

Divided Report

Ten members of the Committee on Business Legislation on, Bill, "An Act

Creating the Maine Consumer Credit Code." (H. P. 1908) (L. D. 2451)

Reported in Report "A" that the same Ought to Pass in New Draft under Same Title (H. P. 2043) (L. D. 2582)

Signed:

Senators:

COX of Penobscot
KATZ of Kennebec
MARCOTTE of York

Representatives:

JACKSON of Yarmouth
HAMBLEN of Gorham
MADDOX of Vinalhaven
TRASK of Milo
BOUDREAU of Portland
CLARK of Freeport
TIERNEY of Durham

Two members of the same Committee on the same subject matter reported in Report "B" that the same Ought Not to Pass.

Signed:

Representatives:

DONAGHY of Lubec
DESHAIES of Westbrook

One member of the same Committee on the same subject matter reported in Report "C" that the same Ought to Pass in New Draft under Same Title (H. P. 2044) (L. D. 2586)

Signed:

Representative:

O'BRIEN of Portland

Comes from the House, Report "A" Read and Accepted and the Bill, in New Draft, (H. P. 2043) (L. D. 2582), Passed to be Engrossed as Amended by House Amendments "A" (H-777), "B" (H-778), "C" (H-779), "E" (H-784) and "G" (H-786).

Which reports were Read.

Mr. Cox of Penobscot then moved that the Senate Accept the Ought to Pass in New Draft Report "A" of the Committee in concurrence.

The PRESIDENT: The Senator has the floor.

MR. COX: Mr. President and Members of the Senate: The Maine Consumer Credit Code, as reported by a vast majority of our Committee, is a comprehensive statute that would regulate virtually all aspects of consumer credit in Maine. The code establishes clear and consistent interest rate ceilings for all consumer credit

transactions in place of present incomplete and inconsistent systems. It would also expand the existing consumer protections to apply consistently to all transactions and would enact new protections as well. It would establish a new self-financing bureau of consumer protection, the sole responsibility of which is to protect Maine consumers.

The bill is based on the National Uniform Consumer Credit Code, but has been changed to conform with existing Maine law and to adopt Maine circumstances. It is one of the most thoroughly studied and reviewed bills in the legislature. Originally it was submitted to the 104th Legislature and was defeated. It was redrafted and again submitted to the 105th Legislature and was withdrawn after the hearing for further study. A study committee was formed of bankers, merchants, consumer groups and other interested parties, and as a result, L. D. 1803 was submitted in the 106th regular session. This bill was filed very late in the session, and the Business Legislation Committee could not give it proper study, so we asked the legislature for authority to study it during the summer and fall. This was granted and we did study it. You now have before you a redraft of the legislation that was worked on during that period.

At the public hearing about a month ago, a number of amendments were suggested by the industry representatives and the Department of Business Regulation at that hearing. They were reviewed in detail and many of these were incorporated in this new draft. I now feel that we have legislation that is on balance because the intent of this bill is to maintain credit availability and still resolve certain problems on behalf of both lenders and consumers.

Certain amendments were offered in the other body to, I guess, kill the bill with kindness. Most of them are not substantive in nature, but we will get into that as the amendments come up.

The PRESIDENT: Is it now the pleasure of the Senate to accept Report "A" in concurrence?

Thereupon, the Ought to Pass in New Draft Report "A" of the Committee was Accepted in concurrence and the Bill in

New Draft Read Once. House Amendment "A" was Read.

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

Mr. COX: Mr. President, during all of our studies, the Committee voted in each instance not to adopt any changes in this legislation that were already enacted, decided, or voted upon by the 106th regular session. House Amendment "A" has to do with the monthly charges on charge accounts and would reduce the charges from 1½ percent to 1 percent over the life of the borrowing. There was legislation enacted during the last session that set, for the first time in the history of this state, a maximum rate that could be charged, and this legislature enacted a 1½ percent charge. It has not been enacted very long. It is working, and we find no problems with it so, therefore, I move indefinite postponement of House Amendment "A".

The PRESIDENT: The Senator from Penobscot, Senator Cox, now moves that House Amendment "A" be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. BRENNAN: Mr. President and Members of the Senate: I don't pretend to be any great expert in this area, but as I see House Amendment "A", the lenders can still charge 18 percent a year for the first \$500. Then I believe they can charge 15 percent from \$500 to \$1,000, and over that amount it is 12 percent. It seems to me that House Amendment "A" is truly designed to protect consumers and is much more consistent with the title of this bill, "An Act Creating the Maine Consumer Credit Code." I frankly think that adds a great deal to the bill, so I very much oppose the motion to indefinitely postpone House Amendment "A", and I would ask for a roll call.

The PRESIDENT: 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 less than one-fifth having arisen, a roll call is not ordered. The Chair will order a division. As many Senators as are in favor of the motion of the Senator from Penobscot, Senator Cox, that House Amendment "A" be indefinitely postponed will please rise and remain standing until counted.

A division was had. 24 Senators having voted in the affirmative, and three Senators having voted in the negative, the motion prevailed.

House Amendment "B" was Read and Adopted in concurrence.

The PRESIDENT: The Senator has the floor.

Mr. BRENNAN: Mr. President, I now pose a question through the Chair: Would someone explain House Amendment "B", just what it does?

The PRESIDENT: The Senator from Cumberland, Senator Brennan, has posed a question through the Chair which any Senator may answer if he wishes.

The Chair recognizes the Senator from Penobscot, Senator Cox.

Mr. COX: Mr. President and Members of the Senate: It appears that this amendment is doing what the good Senator from Cumberland, Senator Brennan, would like. It is reducing the amount of interest that could be charged on a motor vehicle purchase and brings it back to that level at or near where it is at this point in time.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "B"?

House Amendment "B" was Adopted in concurrence. House Amendments "C", "E" and "G" were then Read and Adopted in concurrence.

The PRESIDENT: Is it now the pleasure of the Senate that, under suspension of the rules, this bill be given its second reading at this time by title only?

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President, I have an amendment to offer to this bill and, therefore, I would object to the rules being suspended. The amendment is typed and it is being reproduced.

The PRESIDENT: Is it now the pleasure of the Senate that, under

suspension of the rules, this bill be given its second reading at this time by title only?

Thereupon, under suspension of the rules, the Bill was given its Second Reading.

On motion by Mr. Conley of Cumberland, tabled until later in today's session, pending Passage to be Engrossed.

Senate Ought to Pass

Mr. Sewall for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Providing Funds for Maine Vacation Travel Services." (S. P. 952) (L. D. 2604)

Reported pursuant to Legislative Council Order dated December 19, 1973 issued under authority of 3 M.R.S.A., Section 162, that the same Ought to Pass.

Which report was Read and Accepted and the Bill Read Once. Under suspension of the rules, the Bill was then given its Second Reading and Passed to be Engrossed.

Thereupon, under further suspension of the rules, sent down forthwith for concurrence.

Ought to Pass in New Draft

Mr. Speers for the Committee on Judiciary on, Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws." (S. P. 821) (L. D. 2337)

Reported that the same Ought to Pass in New Draft under Same Title (S. P. 953) (L. D. 2606)

Which report was Read.

Thereupon, on motion by Mr. Berry of Cumberland, tabled until later in today's session, pending Acceptance of the Committee Report.

Divided Report

The Majority of the Committee on State Government on, Bill, "An Act Relating to Legislative Ethics and the Disclosure of Certain Information by Legislators." (S. P. 769) (L. D. 2200)

Reported that the same Ought to Pass in New Draft under Same Title (S. P. 954) (L. D. 2605)

Signed:

Senators:

SPEERS of Kennebec

CLIFFORD of Androscoggin

Representatives:

NAJARIAN of Portland
 GAHAGAN of Caribou
 FARNHAM of Hampden
 CURTIS of Orono
 STILLINGS of Berwick
 COONEY of Sabattus
 BUSTIN of Augusta
 GOODWIN of Bath
 SILVERMAN of Calais

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed:

Senator:

WYMAN of Washington

Representative:

CROMMETT of Millinocket

Which reports were Read, the Majority Ought to Pass in New Draft Report of the Committee Accepted, and the Bill in New Draft Read Once.

Under suspension of the rules, the Bill was then given its Second Reading.

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

Mr. KATZ: Mr. President and Members of the Senate: This bill is a new draft and I would hope that before passage to be engrossed someone would either explain the changed implications of this bill or perhaps table it until later in today's session so we can find an explanation.

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

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

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

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

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

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

(On motion by Mr. Richardson of Cumberland, tabled until later in today's session, pending Enactment.)

Emergency

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)

This being an emergency measure and having received the affirmative votes of 25 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

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

JOINT ORDER—Relative to Joint Standing Committee on Judiciary reporting out bill-mandatory sentences for convicted burglary, arson etc. (H. P. 2062)

Tabled—March 20, 1974 by Senator Tanous of Penobscot.

Pending—Passage.

On motion by Mr. Berry of Cumberland, retabled until later in today's session, pending Passage.

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

JOINT ORDER—Relative to Legislative Council study of mass transportation systems. (L. D. 2079)

Tabled—March 22, 1974 by Senator Richardson of Cumberland.

Pending—Passage.

Thereupon, the Joint Order received Passage in concurrence.

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

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

Tabled—March 22, 1974 by Senator Katz of Kennebec.

Pending—Adoption of Senate Amendment "B" (S-411)

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

Mr. HASKELL: Mr. President and

Members of the Senate: Last week I pointed out an ambiguity in the language of one section of this bill. Senator Tanous had some reservations as to whether or not an ambiguity did exist, so the matter was referred to the Attorney General's office. I do not have a copy of the letter which was sent by that office to Senator Tanous, although I have read the material and, in essence, the author of the bill, Mr. Walter Corey, Mr. Denico of the Labor Relations Board and Mr. West agree that in fact an ambiguity does exist and that the amendment which I offered would have to be adopted in order to correct it. So I now move the adoption of the amendment.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "B"?

The motion prevailed.

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

Mr. HUBER: Mr. President, I don't really think we have a collective bargaining act left at this point, and I now move indefinite postponement of L. D. 2314.

The PRESIDENT: The Senator from Knox, Senator Huber, now moves that Bill, "An Act Extending Collective Bargaining Rights to State Employees", be Indefinitely Postponed.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I note the absence of the Chairman of the Committee on Labor, and I am wondering if someone might table this until later in today's session.

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

Mr. BERRY: Mr. President, having listened to the remarks of the Senator from Aroostook, Senator Haskell, I think it is a fair statement that Senator Tanous is fully aware of what is involved. If anybody feels that Senator Tanous would not acquiesce in this action I certainly would table the matter. However, that is not my belief, and I would suggest we go ahead with it.

The PRESIDENT: The Chair recognizes the Senator from Cumberland Senator Brennan.

Thereupon, on motion by Mr. Brennan of Cumberland, tabled until later in today's session, pending the motion by Mr. Huber of Knox that the Bill and accompanying papers be Indefinitely Postponed.

The President laid before the Senate the fourth 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 22, 1974 by Senator Katz of Kennebec.

Pending — Adoption of Senate Amendment "A" (S-416).

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

Under suspension of the rules, sent down forthwith for concurrence.

On motion by Mr. Berry of Cumberland,
recessed until the sound of the bell.

After Recess

Called to order by the President.

On motion by Mr. Speers of Kennebec, the Senate voted to Reconsider its prior action whereby it voted to Recede and Concur on:

Resolve, Permitting the County of Kennebec to Expend Money for Public Ambulance Service. (H. P. 2037) (L. D. 2572)

In Senate — Passed to be Engrossed as Amended by Senate Amendments "A" (S-415) and "B" (S-418) in non-concurrence.

In House — Passed to be Engrossed as Amended by Senate Amendment "B".

The PRESIDENT: The Senator has the floor.

Mr. SPEERS: Mr. President, there has been a problem called to the attention of the proponents of this particular resolve, and for the purpose of offering an amendment and putting it in a position where it could go back down to the House, I would now move that, under suspension of the rules, the Senate recede from its action whereby it adopted Senate Amendment "A"?

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that, under suspension of the rules, the Senate reconsider its action whereby it adopted Senate Amendment "A". Is this the pleasure of the Senate?

The motion prevailed and, on subsequent motion by the same Senator, Senate Amendment "A" was Indefinitely Postponed.

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

Senate Amendment "C", Filing No. S-424, was Read.

The PRESIDENT: The Senator has the floor.

Mr. SPEERS: Mr. President and Members of the Senate: One of the problems that was discussed regarding the attitude of this bill was the attitude on the part of the Committee that it would be definitely in the bill that the county itself could not actually go into the ambulance business. It certainly was the intention of the Committee, and this amendment would certainly spell it out, that the county itself would not be allowed to go into the ambulance business, but that it could only contract for an ambulance service. I would move the adoption of Senate Amendment "C".

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

Mr. MINKOWSKY: Mr. President and Members of the Senate: Prior to making a decision on the adoption of this particular amendment, I feel it imperative to first read into the record a letter from the Attorney General's office in reference to L. D. 2572, and hopefully I can justify that this particular amendment that is being offered to you this morning would not be in the best interest of this particular legislation or the people in Kennebec County. The letter from the Attorney General's office, dated March 22, reads as follows:

"You have expressed some concern regarding the above Legislative Document based upon the theory that possibly some parts of this Legislative Document may be unconstitutional. I would have serious doubts as to the constitutionality of the assessment portion of this bill.

"There can be no question but what the county may utilize revenue sharing funds for the purpose of establishing and maintaining a county-wide ambulance service, as one of the priority expenditures authorized is "health" 31 U.S.C.A. §1222.

"The Resolve authorizes the County Commissioners of Kennebec County to use \$100,000 from federal revenue sharing funds for public ambulance service for Kennebec County. It then authorizes the commissioners to assess the municipalities receiving these services."

This is the point I tried to bring out last week, that they will be assessing these particular municipalities that would use these services. But the thing of paramount importance is the next paragraph, which states:

"The federal law relative to revenue sharing is to provide funds from the Federal Government for the benefit of a whole governmental unit", that is all sixteen counties in the State of Maine, not just Kennebec, "whether it be municipal, county or state. This resolve does not seem to accomplish this purpose. This resolve would authorize the County Commissioners, utilizing federal revenue sharing funds, to establish a service in those communities that are willing to be assessed for the service. This is not the utilization of federal revenue sharing funds for the benefit of all the residents of Kennebec County, but only the residents of those municipalities that are willing to be assessed for such service.

"31 U.S.C.A. §1243 states:

"(a) Assurances to the Secretary. In order to qualify for any payment under subtitle A for any entitlement period beginning on or after January 1, 1973, a State government or unit of local government must establish (in accordance with regulations prescribed by the Secretary, and, with respect to a unit of local government, after an opportunity for review and comment by the Governor of the State in which such unit is located) to the satisfaction of the Secretary."

"In reality and fact an "assessment" upon a municipality is a tax imposed upon the municipality. The County

Commissioners have no inherent right to impose a tax on a municipality. They may only tax a municipality in accordance with the statutes. 30 M.R.S.A. §§ 252-254. Then all taxes so assessed must be assessed equally upon all municipalities. Equal taxation is a cardinal and underlying principle of taxation that needs no case citations to support the statement. As the "assessments" are not equal upon all municipalities and are not assessed in conformity with the statutes, they are constitutionally suspect. Such "assessments" also would not be 'in accordance with the laws and procedures applicable to the expenditure of its own revenues.' § 1243.

"Even assuming the constitutionality of an assessment, there is no indication in this resolve as to how an assessment is to be determined; the basis for the assessment; nor how long the assessment shall continue." Now, this is very important, gentlemen. "It is possible that Kennebec County could put \$100,000 into the funding of an ambulance service and could, over a period of years, collect back more than was originally put into it from the federal revenue sharing funds. I believe such action by the county would be illegal under the Federal Revenue Sharing Act. Very truly yours, Jon A. Lund, Attorney General."

But, gentlemen, what happens also when you are using these particular funds, if you are crossing county lines — this is where I said that all sixteen counties must be treated equally — this would be unconstitutional. And this is brought up in other citations under Federal Housing, I believe, and this is one point I think is of paramount importance.

I don't intend to rehash and debate this thing to any extent but just to bring out the pertinent facts that this is not good legislation, it is not in the interest of Kennebec County, and it is against the free enterprise system. It should be indefinitely postponed, and I move that the amendment, Mr. President, be indefinitely postponed.

The PRESIDENT: Does the Chair understand the Senator is moving that Senate Amendment "C" be indefinitely postponed?

Mr. MINKOWSKY: Mr. President, I move that the entire bill be indefinitely postponed.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, now moves that Resolve, Permitting the County of Kennebec to Expend Money for Public Ambulance Service, be indefinitely postponed.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: This matter has been thoroughly debated before in this body, and I certainly don't intend to rehash this matter. It is a matter of paramount interest to the people of Kennebec County.

I would like to thank the good Senator for bringing the attention of that letter to the body because that letter is one of the reasons that this amendment is before the body at the present time. This amendment takes care of the constitutional problems that are involved and is the reason we are trying to put it onto the bill.

The good Senator did raise a question, however, which I consider to be completely a red herring, and that is that all sixteen counties of the State of Maine are involved in this matter. That is not the case. This particular bill relates only to Kennebec County, and it may constitutionally relate only to Kennebec County. If you listened carefully to that letter the good Senator was reading from, it states that federal revenue sharing funds must be used or may be used within the entire governmental unit. And then he very quickly read over the fact that the entire governmental unit could be either the municipality, county, or the state. He gathered from that that it would have to be applied to all sixteen counties in the State of Maine, which is simply not the case. It could be applied to the entire governmental unit, and in this case it is very clear in the resolve that that governmental unit is the County of Kennebec.

So this amendment is designed to take care of some of the problems that did arise and which have been called to our attention. We are trying to deal with that. The concept of the bill is an excellent one and it is needed by the

people of Kennebec County, so I certainly would oppose the motion of the Senator from Androscoggin, Senator Minkowsky, to indefinitely postpone, as we have twice before in this body already.

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

Mr. MINKWOSKY: Mr. President, I do not dispute the purpose of the particular legislation, except that if Kennebec County, or Androscoggin or any other county in the State of Maine, felt this way, they should have moved along these lines many years back. It is really an atrocious gimmick, when you analyze it from its true perspective, that the Kennebec County undertakers six years ago requested somebody to come in here and make a total investment of \$175,000 to take care of emergency work, and they would subsidize their own particular ambulance work by the removals, meaning the people who died in Kennebec County, and also by offering a hearse or delivery service to the undertakers of Kennebec County.

My major purpose in bringing this out is simply in saying why should the people of Kennebec County or any other county in the State of Maine be assessed or be in competition with an existing ambulance service that is offering reliable, dependable service? And I have been able to refute the previous statements because they are unjustified by other people who made accusations in the unmentionable branch.

The most recent example — and I wish the good Senator from Kennebec was here this morning — concerned Senator Joly, who had an unfortunate accident, with the untimely death of his father just yesterday. But I think if you had the input from Senator Joly, he could really outline to you, as was outlined in the unmentionable branch, that this service really did a very commendable job with well trained people, and had it not been for them at the time at the scene of the accident, I think the people who had charge, meaning the people in the municipality, whether they be policemen or whatever they may be, or sheriffs, were doing a very, very poor job in handling these patients before

transporting them — in fact, some of the details that were related were unbelievable — and when Ace Ambulance Service arrived on the scene, this is when Senator Joly and his dad did receive the proper attention and handling. That is why I wish this morning the good Senator had been here, more or less to relate this particular episode to you directly, and I think you could see then first-hand that what we are speaking of is getting involved in the free enterprises system and jeopardizing another business that is doing a commendable job just to prove their own particular interest as to why the county or why the hospital should be involved in ambulance work, including the municipality of Augusta.

I still stand by my motion, Mr. President, for indefinite postponement.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion of the Senator from Androscoggin, Senator Minkowsky, that Resolve, Permitting the County of Kennebec to Expend Money for Public Ambulance Service, be indefinitely postponed. The Chair will order a division. As many Senators as are in favor of the motion to indefinitely postpone the resolve will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Eight Senators having voted in the affirmative, and eleven Senators having voted in the negative, the motion did not prevail.

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

Under suspension of the rules, sent down forthwith for concurrence.

The President laid before the Senate the following matter: Bill, "An Act to Authorize Interagency Transfer of the Supervision and Control of Public Lands." (H. P. 2073) (L. D. 2600)

Tabled earlier in today's session by Senator Berry of Cumberland.

Pending — Adoption of House Amendment "A".

Thereupon, on motion by Mr. Berry of Cumberland, tabled pending Adoption of House Amendment "A"

The President laid before the Senate the following matter: Bill, "An Act Creating the Maine Consumer Credit Code." (H. P. 2043) (L. D. 2582)

Tabled earlier in today's session by Senator Conley of Cumberland.

Pending — Passage to be Engrossed.

Thereupon, on motion by Mr. Berry of Cumberland, tabled pending Passage to be Engrossed.

The President laid before the Senate the following matter: Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws." (S. P. 821) (L. D. 2337)

Tabled earlier in today's session by Senator Berry of Cumberland.

Pending — Acceptance of the Ought to Pass in New Draft Report of the Committee.

Thereupon, the Ought to Pass in New Draft Report of the Committee was Accepted and the Bill in New Draft Read Once.

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

Mr. TANOUS: Thank you very much, Mr. President. Members of the Senate: I merely wanted to mention that there has been distributed before this massive bill which probably contains more changes in the laws than the entire special session has enacted, but we did provide you with an explanation of each item contained in the errors and inconsistencies bill. If there are any specific questions dealing with any specific article or section of the bill, I would be most pleased to answer them either on the floor or individually.

I might also mention that this new draft contains some amendments that the committee has placed on that particular bill. The Judiciary Committee had approximately 70 requested additions to the original omnibus bill and the Committee, as I recall, permitted approximately 20 of these 70 requests be included in the original bill, and a new draft was prepared as a result of it. I want to mention that any amendment that was proposed in committee by any individual, they were given an opportunity to appear at a public hearing to give a pitch for the proposed

amendment. Then the Committee in executive session took up each individual amendment, and if any one single member on the committee objected to the proposed amendment, the amendment was left out. So this is the reason that there were only approximately 20 out of 70 requested amendments to be included that were added to the original bill.

I understand there are going to be several amendments that were not permitted on the bill in committee offered on the floor, and as they are proposed I will explain them, whether they be presented by myself or other members of this body.

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

Mr. BERRY: Mr. President and Members of the Senate: I am probably the only person in the chamber who doesn't thoroughly understand all the implications of the nine pages of double spaced typing which merely refer by section number, so I will just have to confine my inquiry to Senator Tanous. I notice on Page 7 of the list, under Section 156 and 157, the explanation of these two sections is "Reallocation", and I look at the bill on Page 35 of the document and the chapter heading is "Optometrists". I wonder if Senator Tanous could explain that and the subsequent 13 pages of the errors and inconsistencies bill.

The PRESIDENT: The Senator from Cumberland, Senator Berry, has posed an inquiry through the Chair to the Senator from Penobscot, who may answer if he wishes.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS: Mr. President and Members of the Senate: As I recall, the section, the subchapter, was removed from another part, but I am not sure. I think this is one of Sam Slosberg's amendments, and I will have to check this out. You may table it, if you desire, until later in today's session, and I will check it out and report fully to the Senate on this particular item.

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

Thereupon, on motion by Mr. Berry of

Cumberland, tabled pending Assignment for Second Reading.

The President laid before the Senate the following matter:

Bill, "An Act Relating to Legislative Ethics and the Disclosure of Certain Information by Legislators." (S. P. 769) (L. D. 2200)

Tabled earlier in today's session by Senator Speers of Kennebec.

Pending — Passage to be Engrossed.

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

Mr. SPEERS: Mr. President, I am hoping to have before the Senate for this afternoon's session an example of the type of forms that would be required under this bill and the type of activities that we are requesting the legislators be required to disclose. I hope that someone would table this until this afternoon's session so that those may be before the Senate when we discuss this bill.

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

Thereupon, on motion by Mr. Berry of Cumberland, tabled pending Passage to be Engrossed.

The President laid before the Senate the following matter: An Act Relating to Minimum Warranty Standard for Mobile Homes. (H. P. 2019) (L. D. 2652)

Tabled earlier in today's session by Senator Richardson of Cumberland.

Pending — Enactment.

Thereupon, the Bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

The President laid before the Senate the following matter: Joint Order — Relative to Joint Standing Committee on Judiciary reporting out bill — mandatory sentences for convicted burglary, arson, etc. (H. P. 2062)

Tabled earlier in today's session by Senator Berry of Cumberland.

Pending — Passage.

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

Mr. TANOUS: Mr. President, relative to Item 1 on the tabled matters for today, I might mention that the bill is all prepared and ready to come out of committee. I am sure I can get the necessary signatures before 1 o'clock today and have it on the calendar, hopefully, this afternoon.

The PRESIDENT: Is it now the pleasure of the Senate that this Joint Order receive passage in concurrence?

Thereupon, the Joint Order received Passage in concurrence.

The President laid before the Senate the following matter: Bill, "An Act Extending Collective Bargaining Rights to State Employees." (S. P. 817) (L. D. 2314)

Tabled earlier in today's session by Senator Brennan of Cumberland.

Pending — Motion by Senator Huber of Knox that Bill and accompanying papers be Indefinitely Postponed.

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

Mr. TANOUS: Mr. President and Members of the Senate: I guess it doesn't pay to be half an hour late. I guess there has been much ado about something here this morning before my appearance on the scene. Apparently, I assume from the President's remarks that the Senate adopted Senate Amendment "B". Is that correct, Mr. President?

The PRESIDENT: The Senator is correct.

Mr. TANOUS: Well, I would certainly oppose the motion for the indefinite postponement of the bill. I don't know if it has been debated and I would like to know the logic or reasoning behind the motion by my good friend, Senator Huber, who is a member of the Committee and who did sign this bill Ought to Pass. I feel that this is a good bill and it ought to be enacted at this session. I think it has all of the safeguards and all the protections necessary in a collective bargaining bill.

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

Mr. HASKELL: Mr. President and Members of the Senate: To perhaps

bring the good Senator from Penobscot, Senator Tanous, up to date, I reported this morning on the sense of the letter which Senator Tanous received from Mr. West of the Attorney General's office, as I understand it, and I read the copy of the letter in the Attorney General's office this morning.

Mr. West consulted with Mr. Corey and with Mr. Denico in terms of the resolution of the language in Section E, and their judgment was that the amendment which I had offered would accomplish the purpose of solving this apparent ambiguity. On the basis of that information, I think the Senate voted for that amendment. If any information I gave was incorrect, I would be glad to stand corrected.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Knox, Senator Huber, that Bill, "An Act Extending Collective Bargaining Rights to State Employees", be indefinitely postponed.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. Tanous of Penobscot requested a division and Mr. Brennan of Cumberland subsequently requested a roll call.

The PRESIDENT: 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 Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE: Mr. President, I talked with Senator Olfene of Androscoggin on the telephone, and he said if the question came up to indefinitely postpone this bill that he would vote in favor of indefinite postponement. I would vote against indefinite postponement, and I ask if I may pair my vote with that of the Senator.

The PRESIDENT: The Senator from Somerset, Senator Cianchette, asks leave of the Senate to pair his vote with that of the Senator from Androscoggin,

Senator Olfene. The Senator from Androscoggin, Senator Olfene, if he were here, would be voting for indefinite postponement, and the Senator from Somerset, Senator Cianchette, would be voting against.

The Chair recognizes the Senator from Aroostook, Senator Haskell.

Mr. HASKELL: Mr. President and Members of the Senate: I suppose that I should be voting for the bill with the amendment on it. However, I have talked this morning with several representatives of labor organizations—

The PRESIDENT: The Chair would ask the Senator if he would please defer his remarks until the Senate gives leave to the Senator from Somerset, Senator Cianchette, to pair his vote with that of the Senator from Androscoggin, Senator Olfene. Is this the pleasure of the Senate?

Thereupon, Senator Cianchette of Somerset was granted leave to pair his vote with that of the Senator from Androscoggin, Senator Olfene.

The Chair recognizes the Senator from Aroostook, Senator Haskell.

Mr. HASKELL: Mr. President and Members of the Senate: The bill with the amendment that we adopted this morning very strictly confines the area of negotiation to wages, hours, and terms and conditions of employment, and it would be a very restrictive bargaining bill and not a good vehicle for constructive negotiations.

I tried to point out initially when we considered this bill that the best amendment would be the inclusion of a management rights section. This body would not accept a management rights section, so the next alternative was the amendment which has now been adopted, which makes this a poor bargaining bill. I think that the consensus of most of the people who are interested in a good bargaining bill would be that we indefinitely postpone this bill at this juncture and bring a better vehicle in at the next session of the legislature. This seemed to be the sense of the labor representatives that I had an opportunity to talk with this morning. I would concur in their judgment. I don't feel that this bill with the amendment on it now makes a good vehicle for

constructive negotiations. However, I will not vote for indefinite postponement, but I can see the logic of those that want a good bill to kill this bill at this juncture. I personally am going to vote for the bill with the amendment, but I do recognize that it is a poor vehicle.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I urge the Senate to vote against indefinite postponement. I appreciate that with the amendment it is not much of a bill, but I firmly believe in collective bargaining for state employees. I do not think they should continue to be treated as second class citizens and, as the people say in the labor movement, I do not think they should have to participate in collective begging. I do not see why they cannot collectively bargain as city employees do now, as some federal employees do now. So I would hope that we would vote to keep this bill alive, and further along in the process maybe some refinements can come along that will make everybody happy.

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

Mr. KATZ: Mr. President, I have grave misgivings about the factual nature of some of this debate this morning. I came into the session this morning and was assured by everybody I ran into in the lobby that the proponents were no longer in favor of the enactment of this bill, and I think that this opinion is generally known by all members of the Senate. And I see here a handy dandy little Republican versus Democrat roll call vote shaping up here so that when we adjourn we can prove conclusively that those of us in the Republican Party are not desirous of giving collective bargaining to state employees and that Democrats, being the saviors of the working man, are in favor of it. I think this kind of a shoddy little operation is beyond the dignity of the Senate and, consequently, I am going to vote against the motion to indefinitely postpone and send it back in non-concurrence, and let the proponents of the bill straighten out those who

suddenly are the complete saviors of the workingman.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I continue to be baffled by the actions in the Maine Senate. A simple little motion was made to indefinitely postpone. All of a sudden a roll call is requested and everybody gets rather nervous. Everybody thinks differently of the situation. All the good Senator from Kennebec has to do is vote, just say yes or no on the roll call.

As far as my record in reference to labor, it has been solid up here for about ten years. I sort of believe the working man deserves a fair shake. I believe in collective bargaining, and I believe in it for state employees, notwithstanding what somebody in the back of the hall may tell you in regard to how to vote.

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

Mr. CONLEY: Mr. President, I don't know who the proponents are that the good Senator from Kennebec, Senator Katz, has referred to, but I know that during the period of our little recess the proponents of this legislation informed me that they are still very much interested in it, and because a motion to indefinitely postpone has been made doesn't mean that we all go down the drain. I think there is a possibility that something can be worked out on this bill, and I hope the Senate would vote against indefinite postponement.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Knox, Senator Huber, that Bill, "An Act Extending Collective Bargaining Rights to State Employees", 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, Greeley, Henley, Huber, Shute.

NAYS: Senators Berry, Brennan, Clifford, Conley, Cox, Cummings, Danton, Fortier, Graffam, Haskell, Hichens, Katz, Kelley, Marcotte,

Minkowsky, Morrell, Richardson, Roberts, Sewall, Speers, Tanous, Wyman, MacLeod.

ABSENT: Senators Cyr, Joly, Schulten.

A roll call was had. Five Senators having voted in the affirmative, and 23 Senators having voted in the negative, with three Senators being absent and one Senator excused from voting, the motion did not prevail.

Mr. Tanous of Penobscot then moved that the Senate reconsider its action whereby Senate Amendment "B" was Adopted.

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

Mr. HASKELL: Mr. President and Members of the Senate: At the risk of boring everybody, this is the heart of the debate and the heart of the difference of opinion, and at this juncture I would appreciate it if Senator Tanous would read the material that he received from the Attorney General's office for the information of the Senate.

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

Mr. TANOUS: Mr. President and Members of the Senate: We did discuss this, Senator Haskell, myself, and a few other members of this body in the presence of George West, one of the members of the Attorney General's staff, the Deputy Attorney General. I received a communication from Mr. West last week on Friday. I wish I had had an opportunity to look at it before this matter was taken up because it probably would have been debated then, but I didn't locate the communication until the matter was tabled for today.

George West discussed this matter with Senator Haskell and others and, in order to amend the law as Senator Haskell from Aroostook desired, Mr. West felt it was virtually impossible to accomplish the end that Senator Haskell of Aroostook wanted to accomplish other than by the amendment that he proposed. We did review that particular law dealing with that section, if you folks will recall. In fact, I might even refer you to the page of 2314 that we are discussing, and that is on page 4 of the

bill. The proposed amendment that this Senate adopted in my absence this morning removed subsection (f) on page 4, under sub E. In effect, what we have done is that we have opposed the whole ambit of collective bargaining in the area dealing with rules and regulations of applicants in state service and classified employees.

The present bill, as it was before the amendment was adopted, excluded these areas from collective bargaining, and we don't want these areas to be opened for collective bargaining. These are personnel matters. Believe me, members of the Senate, I have been dealing with labor law for six years as Chairman of the Labor Committee, and the inclusion of that amendment only sought to take away from the bill and from the rights of the Personnel Board. Now, the upper part of the bill is very clear when you read, and I will review this, we are talking about these matters listed — "Such matters appropriate for collective bargaining to the extent they are not proscribed or controlled by public law include but are not limited to", then we have (a) thru (f). Now these items you can collectively bargain on. You could exclude each one of these and make the whole bill open for collective bargaining in every respect, for that matter. But we attempted to define the areas of collective bargaining, and we attempted to exclude certain items under (f) that should not be a matter for collective bargaining because these are related to job applications and certain areas of rules and regulations of the Personnel Department that the law should not invade.

Believe me, this is the amendment, and it was wrong to adopt it because this is the heart of the bill which has seemed to have turned off a lot of people. Granted, there was an attempt to include that in the bill by Senator Haskell of Aroostook hoping that it would kill the bill. I ask you, members of the Senate, to vote in favor of reconsideration of this amendment, and then I am going to move for its indefinite postponement. Thank you.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: It is very distressing to me to hear two members of the Senate apparently representing opposing facts to be fact. I understood Senator Haskell this morning to tell us that those of us who thought there was an ambiguity were in fact correct, there was an ambiguity, that the bill in its present form, without the amendment, the bill in its present form without the amendment, would open up to collective bargaining the civil service matter set forth in the present law. We had a discussion in the Republican caucus among the Republican Senators, and I was one of those who asked if there is an ambiguity, and there certainly is from my point of view, why can't it be cleared up?

Now, as I understand what Senator Haskell is telling us, there is an ambiguity, and that the bill as it is printed before us without the Senate Amendment on it would open up to collective bargaining all of these areas that we think of as being civil service type considerations. That being the case, I do not understand how the Senator from Penobscot, Senator Tanous, can stand up here and say there is no ambiguity. I think there is an ambiguity and I think it ought to be spelled out. Either we ought to vote in the Senate to include within the gambit of collective bargaining all of these civil service regulations or we should not. One thing is clear, that the Deputy Attorney General George West has indicated that these areas of civil service are, under the bill as it is printed, subject to collective bargaining. I don't think there is any question about that. And it distresses me to hear my friend from Penobscot, Senator Tanous, say that that is not the case.

I plead with you again to answer the question, members of the Senate, and my friend again, Senator Tanous: does the bill without the amendment permit collective bargaining with respect to civil service regulations? And I say the answer to that question is yes, it does. The bill without the amendment permits collective bargaining with respect to the civil service regulations because they are not public laws, and I think that that

is clearly the opinion of the Attorney General. Let's have it straight so that when we vote on this the record is clear as to what we are voting on.

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

Mr. SPEERS: Mr. President and Members of the Senate: The good Senator from Cumberland, Senator Richardson, is correct in that there has been a discussion regarding this with the Deputy Attorney General. I think there is some confusion at the present time as to this particular matter, and I will attempt to clear it up, hopefully, and at least give my impression of the facts in this matter.

I think the Deputy Attorney General was stating that there are some rules and regulations under the bill, without the amendment, which could be subject to collective bargaining arrangements, but that the bill itself does specify certain rules and regulations under the Personnel Law which would not otherwise be prescribed by law but which are excepted from collective bargaining. So that there may be some rules and regulations that are subject to collective bargaining, but the bill limits that matter by specifying rules and regulations which are not subject to collective bargaining.

I think the amendment that Senator Haskell has presented to us, and which has been now adopted, would open up the bill even further and, in fact, would accomplish precisely the opposite from what the good Senator intends, because by removing those exceptions which are specifically laid out in the law, he is leaving all of the rules and regulations in the Personnel Law which are not prescribed by law or are not public law, which the Attorney General has said those rules and regulations are not, so he is leaving all of those subject to collective bargaining. I think those of the Senators who wish to except the collective bargaining from those specific items enumerated in the law, then they would vote against the particular amendment that has been offered.

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

Mr. HASKELL: Mr. President and Members of the Senate: We are exactly dead center where we were before we caucused on this last week. The sense of the caucus which was communicated to Mr. West wanted the language examined to see if in fact the effect of the language was what I said it was, that it would allow bargaining in the classified area. I asked if Senator Tanous would read the reply from Mr. West which, in my view, very clearly responds to the question that was posed to him. I don't know whether Senator Tanous has mislaid the material and doesn't have it available, but I have read the copy this morning and, acting on the instructions that were given to Mr. West at the caucus, which was to examine the language and to propose an amendment, if one were necessary, that would restrict collective bargaining and take it out of bargaining in the area of rules and regulations of the classified merit system, this is the response that Mr. West gave. My reading of Mr. West's reply was that if we wanted to take collective bargaining out of the area that was covered by classified rules and regulations, the amendment that I proposed would be the vehicle to do it.

Now, to further refresh your memory, the reason for this concern about negotiation in the classified area gets down to the fact that when the classified merit system was put into state law it was put in historically to put an end to the so-called "Spoils System". And as state after state put classified service in, it finally reached the point where federal funding to the states was contingent on the state maintaining certain standards of civil service within the state.

When you allow collective bargaining in the classified area you run the risk, particularly if you include a binding arbitration section, you run the risk that you might wind up some morning and find that all of your federal funding to the state was jeopardized, or in fact could be halted, because you were not maintaining a viable classified service. This is the point that I raised. This is the ambiguity in the language that I pointed out. The good Senator from Penobscot did not go along with my analysis, but my reading of Mr. West's reply to

Senator Tanous was that Mr. West agrees with the analysis. He had checked it out with Mr. Corey, who I understand was the author of the bill, with Mr. Denico, who is the Labor Relations Board Executive Director in the state, and to accomplish what I indicated needed to be accomplished, that is, the restriction of collective bargaining in the classified service, they agreed that the amendment I proposed was necessary. Now, if the facts of the letter from Mr. West to Senator Tanous are contrary to that, I think that is the point we should discuss. If Senator Tanous has the letter available, I would propose that he read it.

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

Mr. SPEERS: Mr. President and Members of the Senate: I haven't seen the letter from the Deputy Attorney General, and I don't really know that we can fully understand what he is trying to state without seeing it, but I would suggest that the members of this Senate can certainly read the bill and follow the logic of the bill for themselves.

If you look at L. D. 2314, on page 4, paragraph E, subparagraph (1) states that: "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 the Attorney General has stated that the matters of the rules and regulations are not matters which are prescribed or controlled by public law. So without any further clarification, those matters would be subject to collective bargaining.

It further states that: "Such matters appropriate for collective bargaining include but are not limited to", and it specifies under paragraph (f), Rules and regulations for personnel administration, they are appropriate for collective bargaining. Now, if you remove that paragraph, that would not say, that would not mean, that they are not appropriate for collective bargaining because they still would be matters relating to the relationship between the employer and employee, and they are

not matters which are prescribed or controlled by public law. That first paragraph stated that such matters include but are not limited to, so very clearly if you remove that paragraph those matters would be subject to collective bargaining. Now, the paragraph goes on and further states that: "Rules and regulations for personnel administration, are negotiable, "except for the following:", and it spells out a number of items which are excepted. Those exceptions are not negotiable. I think clearly if we remove that paragraph (f), which is the intent of this amendment, we are broadening that area that is subject to collective bargaining. I don't feel that the consensus of the Senate is that it wishes to have all of these rules and regulations in the Personnel Administration subject to collective bargaining, and I feel that if this amendment were adopted that it is precisely what we would be accomplishing.

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

Mr. KATZ: Mr. President and Members of the Senate: In the comments of the Senator from Kennebec, Senator Speers, he proposes as his evaluation the effect of this amendment, but this evaluation is not shared by the proponents of the legislation with whom I have spoken. They are completely in agreement with the interpretation of the Senator from Aroostook, Senator Haskell. And with this cloud hanging over it, I think the Senator can see it is a very serious difference of opinion. On that basis, prudence would indicate that we protect the civil service system of the state if there is any doubt at all.

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

Mr. TANOUS: Mr. President and Members of the Senate: I don't have the letter from George West with me, but I do remember the contents of the letter. The letter merely said that he discussed this matter with two other individuals who were involved in the drafting of this particular bill, and the consensus of opinion was that to accomplish what

Senator Haskell from Aroostook desired that there is no other amendment possible other than the one that was proposed by Senator Haskell, to accomplish what he desired.

First of all, let me point out that the committee did place an amendment — and I am sure that Senator Huber of Knox will verify this — on the bill dealing with federal funding. The amendment clearly provides that no section in this particular bill shall be considered law if it in any way interferes with any money or any funding from the federal government, so we do have an amendment on the bill that protects any funds to be derived from the federal government under this particular bill, a severability clause. It was added on as a committee amendment. So that to use this to create some fear that we may lose federal funds, I disagree with this very strongly because the amendment is clear. It has been approved by federal agencies and state agencies as well. That argument of the fear of losing federal funds is invalid as far as I am concerned.

I want to commend Senator Speers from Kennebec relative to his honest evaluation of this bill. Here is a member who is not a Labor Committee member, but has taken time out to read this bill, study it and evaluate it, and who is also an attorney and has come out with the same conclusions I have come out with relative to those words dealing with the extent they are not prescribed or controlled by public law. Our personnel law is prescribed and controlled by public law and, therefore, these items that we want to exclude from collective bargaining, as I specifically pointed out, if we don't remove Senate Amendment "B", then we will in fact have excluded many of the items that we don't want to include in collective bargaining.

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

Mr. CONLEY: Mr. President, listening to the debate this morning is very informative, but not having attended the Republican caucus or not having had the opportunity of reading or seeing the letter from the Attorney General's office, I wonder if it would be

appropriate that someone in the Majority Party might table this until later in today's session so we may get an opportunity to read what the Attorney General has said.

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

Senator BERRY: Mr. President, I move that this item be tabled.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that Bill, "An Act Extending Collective Bargaining Rights to State Employees", be tabled, pending the motion of the Senator from Penobscot, Senator Tanous, that the Senate reconsider its action whereby it adopted Senate Amendment "B".

The Chair recognizes the Senator from Penobscot, Senator Tanous.

On motion by Mr. Tanous of Penobscot, a division was had. 16 Senators having voted in the affirmative, and seven Senators having voted in the negative, the motion prevailed.

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

Mr. CONLEY: Mr. President, is it possible to make a tabling motion to a specific time now?

The PRESIDENT: The Chair would inform the Senator that the motion to table for the longest period of time, or to table unassigned, holds precedence over any other motion. This bill has been tabled unassigned and it cannot be removed except by the Senator from Cumberland, Senator Berry.

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

Mr. BERRY: Mr. President and Members of the Senate: My tabling unassigned the motions this morning was only designed so that we could expedite the business of the Senate and not go through what we had to in bringing up items in chronological order. I assure any member here that if I ever do intend to assign anything unassigned with the intention to kill it I would like to be shot.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the unassigned table Bill, "An Act Creating the Maine Consumer Credit Code." (H. P. 1908) (L. D. 2451)

Tabled earlier in today's session by that same Senator.

Pending — Passage to be Engrossed.

Mr. Clifford of Androscoggin then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-425, was Read.

The PRESIDENT: The Senator has the floor.

Mr. CLIFFORD: Mr. President, the purpose of this amendment, as it says in the statement of fact, is to limit the power of the administrator to, in my opinion, harass some of the people in the credit business. In the first instance, it takes away from the administrator the power to go in and seek to have the courts assess the costs of investigation and attorneys' fees in the injunction proceedings. They still can get injunctions but it would take the power away to assess the costs and attorneys' fees, which I feel could be used as a club against some of the smaller people in the credit business. It also limits in the area of the civil action brought by the administrator, it reduces the amount of the civil assessment from \$5,000 to \$2,000. And it takes out the repeated violation, and allows the administrator through the Attorney General to seek a civil penalty only for a willful violation or for a violation of an assurance of discontinuance. The reason that the repeated violation, in my opinion, should be taken out is because there could be an instance of a good faith repeated violation of this act and, in my opinion, the administrator should first seek an injunction before going after this individual for repeated violations which may well be in good faith. I think that this limits the power of the administrator and I think it makes the bill much more palatable. Thank you.

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

Mr. COX: Mr. President, I rise in opposition to the amendment. I am not an attorney, but this is one of the few

times I wish I were. In the first item that the good Senator from Androscoggin, Senator Clifford, would like to what I call downgrade, it says "in such an action the court may in its discretion award the administrator his reasonable costs of investigation and the reasonable attorneys' fees incurred in bringing the action." I think this is designed against the large creditors, whether they have done this in good faith or bad faith. Some of those large national firms could wipe out all the costs of the administrator if they were successful in their actions, and that is why the reasonable costs are in there.

Further, the amendment scratching repeated violations and making a willful violation or a violation of assurance, as I understand the law, it is very, very difficult to prove willfulness, that an employee may be doing something in all innocence and his superior may know about it. And the reason for the \$5,000 is again because of the large national firms. \$5,000 is really nothing to them, but I would hope that if they are in trouble and they do get caught that they would charge them the maximum. But the wording does say "of not more than", and if there is concern for the small firm, I would think that the Attorney General or the judge would be concerned for the small firm also.

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

Mr. CLIFFORD: Mr. President, it seems to me that we in government ought to be very jealous of the power which we give to administrative agencies. I think we have given too much in the past, and I think we give it in good faith for a valid purpose. But I think in this instance, with this amendment, you are still accomplishing the goal of protecting the consumer but you are guarding somewhat the power which you give to the administrator. I would hope you would go along with the amendment to limit what the administrator could do. I think the potential for harassing people in the credit business, especially small people, is here without this amendment, and I would hate to see the amendment defeated because that small businesses would be intimidated into agreeing to

stopping certain actions which they felt were right on the threat of having the costs of investigation and attorneys' fees assessed against them or a large civil penalty assessed against them. I hate to see this kind of club in an administrator, which administrator is really answerable to nobody. Thank you, Mr. President.

The PRESIDENT: The question before the Senate is the adoption of Senate Amendment "A". The Chair will order a division. As many Senators as are in favor that Senate Amendment "A" be adopted will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Six Senators having voted in the affirmative, and nineteen Senators having voted in the negative, Senate Amendment "A" failed of Adoption.

Thereupon, the Bill was Passed to be Engrossed, as Amended, in non-concurrence.

Under suspension of the rules, sent down forthwith for concurrence.

On motion by Mr. Berry of Cumberland,

Recessed until 2 o'clock this afternoon.

After Recess

Called to order by the President.

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 Department of Mental Health and Corrections is directed to cease the removal of equipment and furnishings from the Women's Correctional Center at Skowhegan until a final decision has been reached by the Legislature as to the future use of the Center (H. P. 2081)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Order

Out of order and under suspension of

the rules, on motion by Mr. Speers of Kennebec,

WHEREAS, it is necessary that every deliberative body be governed by rules of procedure in order that the will of a majority of its members may be determined and revealed in an orderly manner; and

WHEREAS, rules of procedure determine the priority and manner of consideration of questions and provide an orderly and methodical plan for proper consideration of all business thus protecting individual rights and eliminating confusion and the waste of time and effort; and

WHEREAS, the Joint Standing Committees of the Maine Legislature are in need of uniform rules of procedure to promote the orderly and businesslike consideration of questions which come before them for determination; now, therefore, be it

ORDERED, the House concurring, that the Legislative Council be authorized and directed to conduct a comprehensive study of the rules and regulations by which the joint standing committees now operate, from time to time, and to formulate in accordance with recognized principles of parliamentary law subject to any special provisions of the Constitution of Maine, statute, judicial decision, or custom and usage, uniform rules of procedure to govern the operation of all joint standing committees of the Legislature in the course of their various functions; and be it further

ORDERED, that the council provide the results of such study and formulation in the form of a manual of procedures for Joint Standing Committees for adoption and distribution at the next regular session of the Legislature. (S. P. 955)

Which was Read.

The PRESIDENT: The Senator has the floor.

Mr. SPEERS: Mr. President and Members of the Senate: I think with the legislative reform that has been widely discussed in the past session and again in this special session, and particularly with the advent of the continuing joint standing committees, even after the end of the legislative sessions, it becomes increasingly obvious that much of the

legislative work is going to be placed upon the various joint standing committees that are subject to the control of the body as a whole. I think it also is fairly obvious that with the increased responsibilities placed upon these committees that there will be at some point in the future some very definite questions arise as to the procedure within those various committees as to the authority of the chairmen, as to the possibility of making official and formal motions within the committees as to when a particular bill is to be reported out of the committee, all of these questions which are handled more or less informally at the present time or solely at the discretion of the chairmen of the various committees. I think this is a matter which could become quite confusing and extremely debilitating of the legislative process in the future as the committees gain more and more responsibilities, and I think that it is high time, with the committees continuing now in existence throughout the biennium, for the Legislative Council to prescribe some definite rules of procedure for the committee actions.

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

Thereupon the Joint Order received Passage.

Under suspension of the rules, sent down forthwith for concurrence.

Committee of Conference Report Senate

The Committee of Conference on the disagreeing action of the two branches of the Legislature on, Bill, "An Act Relating to Dams and Reservoirs." (S. P. 916) (L. D. 2527)

ask leave to report: that the House recede and concur with the Senate in passing the Bill to be engrossed as Amended by House Amendments "A" (H-721) and "B" (H-725), as Amended by Senate Amendment "A" Thereto (S-387).

On the Part of the Senate:

CUMMINGS of Penobscot

ROBERTS of York

OLFENE of Androscoggin

On the Part of the House:

SOULAS of Bangor

HUBER of Falmouth

Which report was Read and Accepted.
Under suspension of the rules, sent down forthwith for concurrence.

Enactors

The Committee on Engrossed Bills reports as truly and strictly engrossed the following:

An Act Relating to the Powers of Maine Port Authority. (S. P. 931) (L. D. 2564)

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

Mr. BERRY: Mr. President and Members of the Senate: With reference to this item, I am waiting for a letter from the Attorney General's office and I would appreciate it very much if somebody would table this for one legislative day.

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

Thereupon, on motion by Mr. Sewall of Penobscot, tabled and tomorrow assigned, pending Enactment.

An Act Placing Certain Limits on Campaign Donations and Expenditures by Candidates for Political Office. (H. P. 2054) (L. D. 2589)

An Act to Create The Enlisted National Guard Association of the State of Maine. (H. P. 2067) (L. D. 2598)

Which were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

Emergencies

An Act Establishing the Office of Energy Resources. (S. P. 832) (L. D. 2375)

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

An Act to Incorporate the Vinalhaven-North Haven Water and Electric District. (H. P. 2065) (L. D. 2597)

An Act Granting Energy Emergency Powers to the Governor. (H. P. 2005) (L. D. 2549)

An Act Relating to Supplemental County Budgets. (S. P. 947) (L. D. 2595)

An Act to Correct Errors and

Inconsistencies in the Education Laws. (S. P. 895) (L. D. 2488)

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

These being emergency measures and, except for the tabled matters, having received the affirmative votes of 25 members of the Senate were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the table the first unassigned matter:

Bill, "An Act to Authorize the City of Lewiston to Issue \$500,000 Bonds for the Construction, Original Equipping and Furnishing of a District Courthouse and to Authorize the City to Lease such Courthouse to the District Court of the State." (S. P. 888) (L. D. 2484)

Tabled — February 19, 1974 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

(Senate Amendment "A" (S-342))

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

Senate Amendment "B", Filing No. S-426, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed.

Under suspension of the rules, sent down forthwith for concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the table the thirteenth unassigned matter:

Bill, "An Act Relating to Legislative Ethics and the Disclosure of Certain Information by Legislators." (S. P. 954) (L. D. 2605)

Tabled — March 25, 1974 by Senator Speers of Kennebec.

Pending — Passage to be Engrossed.

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

Mr. SPEERS: Mr. President and Members of the Senate: This is a redraft of L. D. 2200, which was introduced earlier in this session, regarding legislative ethics and the requirement of

disclosure for legislators. I would like briefly to go over some of the matters that are differences at the present time under this redraft, different from the present statute on legislative ethics.

This particular bill does not deal with the make-up of the Legislative Ethics Committee. There will be an additional bill that will come along which will deal specifically with who is on the Legislative Ethics Committee, so I won't go into that aspect of this at the present time.

The draft, 2605, which you have before you, does add definitions, which is a different situation. We have no definitions under the present bill. It defines "close economic association", which is a term that is used throughout the bill. It defines "immediate family" as being the legislator's spouse and dependent children. And it defines "income", and it has a long list of the items which would be considered as income.

Section 3 of the bill, appearing on Page 2, reconstitutes the authority of the Legislative Ethics Committee, and it adds three things which are not presently found in the law as it presently is constituted. It changes the present law by allowing, one, the Committee to issue advisory opinions on its own motion. At the present time the Committee may issue an advisory opinion only upon the request of a legislator. Secondly, it allows only legislators to file complaints. At the present time it states that a person may file a complaint. It does not have the requirement that that individual be a legislator. We have written that into the law. Thirdly, it gives the Ethics Committee the authority to administer the disclosure of sources of income by legislators. As we get into the third major portion of this act, I think you will see where there is going to have to be some body that administers the actual disclosure of sources of income.

Section 381-A, subsection 2 of the redraft, incorporated much of the current law relating to the procedures before the Legislative Ethics Committee, but it does have significant differences, and I will go over those differences. As it relates to advisory

opinions, the redraft requires that a notice be sent to a legislator when the Committee on its own motion is preparing an advisory opinion relating to that legislator. The legislator then has the opportunity to provide additional information to the Committee. Secondly, we have provided that a copy of the advisory opinion, whether it be at the request of the legislator or on the Ethics Committee's own motion, that a copy of that advisory opinion be sent to the legislator concerned and also to the presiding officer of the house of which he is a member. The Committee felt that one very good reason to do that would be that if an individual voted on a particular matter and he would be in conflict of interest, then the presiding officer of the house of which he is a member should be aware so that that individual would be precluded from voting.

As regards complaints filed by legislators, these are differences from the present law. We have provided a legislator against whom a complaint has been filed with a copy of the complaint and the name of the complainant. The redraft also provides that complaints filed may deal only with matters related to the current legislature. I think that is a significant difference. It provides that the complaints may only deal with the current legislature. It provides that the Committee's findings and opinions shall be sent to the appropriate house for its members to act upon in accordance with the Constitution. We did not attempt to place into this draft the actual penalties and remedies available to the two branches of the legislature. The Constitution of the State of Maine specifies that each branch of the legislature may deal with its own members and take such appropriate action as they feel should be taken in the individual cases. But we have written that specifically into the law, that if the Committee finds that there has been a conflict of interest in the past upon a complaint from any other legislator, that those findings of fact shall be transmitted to the branch of the legislature of which the legislator is a member, and that branch then decides what it is to do with those findings of fact.

We have provided that the complainant and the legislator against whom the complaint has been filed have the right to have witnesses subpoenaed by the Committee. And it is provided that a complainant filing groundless charge may be ordered to pay the cost of defense of the legislator against whom the complaint has been filed.

We have removed the provision of appeal to the Superior Court because we are not really sure whether or not the courts have any jurisdiction whatever over legislative matters. That is a section in the present law which has been questioned and we have removed that.

There are several other small items, such as providing that witnesses before the Committee may be sequestered by the Committee so that they don't hear each other's testimony.

Section 382 of the bill defines conflicts of interest. The present law has three very small sections defining a conflict of interest: "when the adoption of proposed legislation will result in a direct significant financial gain to him or his spouse"; or the second section. "when the adoption of proposed legislation will result in a direct substantial financial gain to his employer or to a person, corporation or association in which he or his spouse owns stock or other securities"; or "when the vote is influenced by the promise of payment of money or by the promise of employment to him or to a member of his family." These three sections are still included in the definition of a conflict of interest, but we have added several other specific items, and they are in the bill on Pages 4 and 5, Paragraphs A through F, and I won't go down through each and every single one of them.

The first section states that a conflict of interest shall include the following, and then it lists those various matters. The second is "Undue influence". I think it is very important to read this very carefully. "It is presumed that a conflict of interest exists where there are circumstances which involve a substantial risk of undue influence by a legislator, including but not limited to the following cases", and we list a number of cases in which it would be presumed that a conflict of interest exists.

Now, one of the members of the other branch asked me this noontime whether or not the following paragraph would mean that he was in a conflict of interest, and the following paragraph was: "Representing or assisting another in the sale of goods or services to the state, a state agency or authority, unless the transaction occurs after public notice and competitive bidding." The request to me was whether or not that would prevent him from selling goods to the state without there being a public notice and competitive bidding. My answer to him was no, that there would be a presumption arise as to a conflict of interest, but it did not necessarily mean that that was in and of itself a conflict of interest. So the presumption would arise, and he would then have the opportunity to go to the Ethics Committee, explain the situation — in this particular instance he had been selling goods to the state long before he even became a legislator — and I would imagine that the presumption of a conflict would thereby be overcome.

The third section of defining a conflict of interest is as follows: "It is presumed" — again it is a presumption — "that a conflict of interest exists where a legislator abuses his office or position, including but not limited to the following cases", and again we have listed a number of instances where the presumption would arise.

In Section 383 of the law — and this is different from the present law — we have stated, "If the Committee has determined that a member of the legislature has a conflict of interest, he shall be precluded from voting on any question in connection with the conflict in committee or in either branch of the legislature or from attempting to influence the outcome of the legislation." As I referred to earlier, that is why we have asked that an advisory opinion be sent to the presiding officer of the body, so that if the Committee had determined that that member has a conflict in this particular instance, the law does state that he will be precluded from voting in either branch, in committee, or from attempting to influence the outcome of the legislation.

Subchapter 3 of the bill has to do with

the disclosure of sources of income by legislators. We have earlier given the Committee on Legislative Ethics the authority to administer this subchapter, and we have provided in this subchapter that that committee shall provide rules and regulations and provide the forms for the disclosure of sources of income. The Committee discussed this quite extensively and we came to the conclusion that it really does not contribute much of anything to have an individual disclosing the amounts of income because he may very well be in conflict with a small amount of income as much as he would be in conflict with a large amount. What we felt was significant for the Ethics Committee to determine whether or not there has been a conflict is the disclosure of the sources of income. We have also provided that these sources shall be by category rather than by name. And I have distributed for your information an example of categories. This would not necessarily be what the Committee would come up with, but it is an example of what one other state has been using for categories of sources of income. And each legislator would be required to disclose his various categories from which he is receiving income.

If there is a complaint filed, or if he asks for an advisory opinion, the Ethics Committee does have the power to dig further than simply the categories of sources of income. If they feel in their investigation that they do need more information, they certainly have the power to look into that.

This very generally is more or less of a long explanation. The bill has had a very careful consideration in the Committee on State Government and I feel will add a great deal to the legislature, to those who are primarily concerned with making sure that there is a very limited amount or no conflict of interest whatever in these hallways. So I would urge acceptance of the Majority Ought to Pass in New Draft Report, Mr. President.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I would just like

to pose a question for clarification purposes: It doesn't say who the committee is. Is it the same committee that we presently have composed of legislators, the legislative leadership, that would make these judgments?

The PRESIDENT: The Senator from Cumberland has posed a question through the Chair which the Senator from Kennebec may answer if he wishes.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: This particular bill does not deal with the make-up of the Legislative Ethics Committee. There is another bill which has been reported out of committee, and which I believe is in the other branch of the legislature at the present time, which does deal with the membership on the Legislative Ethics Committee.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Henley.

Mr. HENLEY: Mr. President and Members of the Senate: Had this been the original bill which I had studied quite thoroughly, I was prepared to have plenty to say against it. In fact, I did use it for a subject as part of my radio broadcast yesterday, and relative to some of the measures that were in on the page on disclosures, I stated it was my opinion a lot of those things were nobody's blasted business but my own. I know when I got home my wife says you seem very decided on that point, and I said that is about the most rough term that I figured I should put out over the air.

This bill here in the redraft — and I have tentatively gone along with the explanation of my good friend Senator Speers, behind me here. I think he did a wonderful job explaining it, and I have no great quarrel with it. I can see the handwriting on the wall and I can see that, possibly not due to the special demand, but due to certain forces which have been released through news media and politicians in the recent years, that we have got to come to something on disclosure of financial resources. So I will not quarrel with subchapter 1 and 2, and mostly I won't with 3, but I will take issue with a little bit of it in 3, and I am

sure that some of my associates will agree with me. Subparagraph 392, "Forms and contents. The statement of sources of income filed under this subchapter shall be on a form prescribed by the committee and shall be a matter of public record. The Legislator filing the statement shall reveal each source of income to him," that is fine and I will buy it, but I don't like the rest of it: "or any member of his immediate family exceeding a value of \$300." I wonder if every wife or child or anyone else is going to take kindly to having to say that they receive social security or that possibly a wife by a separate marriage is receiving money from a previous husband or care of children, or something like that. I still maintain that that shouldn't be in here. If the income was of a large amount, if a legislator happened to be married to a rich woman who clips coupons and through stocks and bonds is having an income of 10, 20, 30 thousand dollars a year, there might be a little bit to it. I still don't see what value it would have. It would just mean that the guy could afford to go to the legislature, without having to have a side income; he would already have it. But I fail to see where these members of the immediate family with incomes of \$300 or more, that their sources of income should be declared. It seems to me that that one paragraph of this whole bill could be a problem; either the amount raised up within reason so it would not include a wife's social security, or something like that, or deleted out completely, then the bill wouldn't be quite as obnoxious to me and I think several others. I am pleased to say that I could go along with the whole bill except for that, but I certainly don't like that paragraph.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: As the sponsor of L. D. 2200, which has now been substantially rewritten and it appears before us as L. D. 2605, first of all, I want to commend the Committee on State Government, the majority of that committee, for coming to grips with this problem.

Like my friend from Oxford, Senator Henley, who incidentally I have never noted to be indecisive about anything, there are things about the bill that I don't like. I wish, frankly, that it were stronger in some areas, but I don't think that we ought to now fall to quarreling among ourselves about the specific details of this legislation. We ought to accept it as being perhaps the best that could be done, certainly in this session, and it is certainly a magnificent improvement over the present law, which I believe is a farce.

This bill, if it is enacted, will clearly spell out for the first time some substantive rules to give guidance as to what constitutes a conflict of interest. It will, and I think this is very important, provide a measure of protection against groundless charges against a legislator that have no foundation in fact and which, I think, at least have the appearance of being motivated by partisan malice.

I believe that this legislation, which I have had an opportunity to review and have heard described by the Senator from Kennebec, Senator Speers, is a significant step in the right direction and it does a great deal more, as I say, than what we have on the books now. So I hope that each of you will put aside the minor objections, if the good Senator from Oxford will forgive my characterizing his objection in those terms, and that we will adopt this legislation in substantially its present form. If we start amending it now we will lose it, and we will have done literally nothing in this session about legislative ethics.

The PRESIDENT: Is the Senate ready for the question? Is it now the pleasure of the Senate that this Bill be passed to be engrossed?

Thereupon, the Bill was Passed to be Engrossed.

Under suspension of the rules, sent down forthwith for concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the table the third unassigned matter:

Bill, "An Act to Clarify the Power of the Commissioner of Maine Department of Transportation and the Chief of the

Maine State Police to Lower Speed Limits in Order to Provide Energy Conservation." (H. P. 1857) (L. D. 2350)

Tabled — March 5, 1974 by Senator Berry of Cumberland.

Pending — Enactment.

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

Mr. TANOUS: Mr. President, a parliamentary inquiry: Did we enact earlier this afternoon L. D. 2549, Item 8-6 on the Supplemental Senate Journal Number 1?

The PRESIDENT: The Chair would answer in the affirmative.

Mr. TANOUS: Thank you. I now move indefinite postponement of L. D. 2350, because the subject matters contained in this particular bill are covered under that emergency legislation which has just been enacted.

The PRESIDENT: The Senator from Penobscot, Senator Tanous, now moves that L. D. 2350 be indefinitely postponed in non-concurrence. Is this the pleasure of the Senate?

Thereupon, the Bill was Indefinitely Postponed in non-concurrence.

Under suspension of the rules, sent down forthwith for concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the table the twelfth unassigned matter:

Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws." (S. P. 953) (L. D. 2606)

Tabled—March 25, 1974 by Senator Berry of Cumberland.

Pending—Assignment for Second Reading.

Thereupon, under suspension of the rules, the Bill was Read a Second Time.

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

Senate Amendment "A", Filing No. S-427, was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. TANOUS: Mr. President and Members of the Senate: The purpose of this amendment on dealing with this particular section of law is that there is a line which says that, "this section shall

not apply to vessels primarily engaged in the carriage of passengers for hire which operate on a published annual schedule." The "published annual schedule" indicates that they have to operate the vessels daily and, of course, this is not the situation, so we are changing the words around to "schedule published annually" rather than the former, which gives it the original intent or the intent of what the legislation was intended to be. At the end of that where it calls for a hearing and notice, because the word "hearing" appears before "notice," we shifted the word "hearing" after "notice" rather than before the word notice because it seemed to indicate the inconsistency of having a hearing and a notice afterwards.

Thereupon, Senate Amendment "A" was Adopted.

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

Senate Amendment "B", Filing No. S-428, was Read.

The PRESIDENT: The Senator has the floor.

Mr. TANOUS: Mr. President and Members of the Senate: This deals with standard bred horses. I have a letter from the Attorney General addressed to a member of the other body indicating the inconsistency in this law. They review in the first part of the letter, and rather than read the entire letter, I would like to perhaps read part of it. "You state in your letter you are aware that this office gave an informal opinion indicating that the Commission's action was inconsistent with its authority created by statute. You asked that an explanation be made showing how the legislature may correct the situation. By way of informal opinion dated March 7, 1974, the Commissioner of Agriculture, Maynard C. Dolloff, was advised that the Maine Harness Racing Commission rules and regulations relating to conduct of a state program for Maine's own two and three year old horses was inconsistent with existing statutes. Specifically neither the provisions of Title 8 Maine Revised Statutes Annotated, Section 268 and 281, authorize the proposed program. In order to be of assistance, the Commissioner of

Agriculture and the Maine Harness Racing Commission proposed legislation that was prepared in this office which if enacted would make the Commission's action consistent with Maine law." And then they enclose a copy of this, and this is the amendment. The committee turned this amendment down, as the other one, and I wasn't present at that particular executive session, but probably it was for the reason that they felt it was substantive in nature and yet, according to the Attorney General's opinion, it appears to be an inconsistency with another section of the law.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "B"?

The motion prevailed.

Thereupon, on motion by Mr. Berry of Cumberland, tabled pending Passage to be Engrossed.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the table the eleventh unassigned matter:

Bill, "An Act to Authorize Interagency Transfer of the Supervision and Control of Public Lands." (H. P. 2073) (L. D. 2600)

Tabled — March 25, 1974 by Senator Berry of Cumberland.

Pending — Adoption of House Amendment "A" (H-792)

Thereupon, on further motion by the same Senator, House Amendment "A" was Adopted. Under suspension of the rules, the Bill was then Read a Second Time and Passed to be Engrossed in concurrence.

Under further suspension of the rules, sent forthwith to the Engrossing Department.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the table the fourteenth unassigned matter:

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

Tabled — March 25, 1974 by Senator Berry of Cumberland.

Pending — Motion by Senator Tanous of Penobscot to Reconsider Adoption of

Senate Amendment "B" (S-411)

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

Mr. HASKELL: Mr. President and Members of the Senate: I think a copy of a letter from George West to Senator Tanous has been distributed, and in the event that some of you may not have read it, I am going to read it.

"Dear Senator Tanous: I had a telephone call from Walter Corey this afternoon and he, along with Parker Denico, discussed with me an amendment to the collective bargaining bill. We finally agreed that probably the proper thing to do is to repeal section 979 D, subsection 1, paragraph E, subparagraph (1), division (f). I believe such an amendment has been prepared as I was shown one this afternoon. If you wish to talk further with Walter Corey, I have left his office number", and it gives the number. Signed, George West.

This is substantially what I reported to the Senate this morning. These people are the people that were most intimately connected with writing the bill. I think that Mr. West had a clear understanding of the ambiguity that I raised in the language of the bill, and I think that it is his opinion and the opinion also of the people mentioned in this letter, apparently, that the course of action which I proposed by my amendment is the proper course to take to resolve the problem that I outlined. I don't want to belabor the point but I do want to say this: that if the Senate does reconsider this amendment, then the whole bill would be in a posture where it would have, in my view, an extremely serious deficiency in that we would have in it a wholly novel method of binding arbitration that has not been tried at the state level anywhere, to the best of my knowledge, which does involve the arbiter being compelled to accept one of two last best offers. At this point the United States Civil Service Commission has raised a question in this area and view it with some apprehension. If Senator Tanous's motion to reconsider does prevail, then certainly I am then going to have to offer an amendment to take the last best offer section out of the bill because, in my mind, this would be a

very serious deficiency. If the amendment holds on, if you do not reconsider, then I am not going at this time to offer the amendment to change the binding arbitration section. It is also my understanding there are several other amendments awaiting it in this body, and in the House also, again dependent upon the action in respect to the amendments as they are offered, because acceptance or rejection of a particular amendment changes the whole character of the bill.

In my view, and I have studied the bill in some detail, and in the view of those who are intimately connected with its writing and presenting the bill and the amendment that I have offered to correct the ambiguity which I pointed out there seems to be support for the amendment, and I would urge you to vote against the reconsideration motion.

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

Mr. TANOUS: Mr. President and Members of the Senate: Last week in debate I suggested that Senator Haskell from Aroostook's reason for offering so many amendments was because he was opposed to the philosophy of collective bargaining, and his reasons were to attempt to kill this bill by keeping it here in the Senate and tabling it and offering amendment after amendment. I talked with him afterward and he thought I was a little hard by making such a statement, that it wasn't proper, but after talking with him earlier today, and he has several other amendments proposed to this bill, and this bill has been in this body now for a week, I am even more convinced, of course, of what his intentions are.

He did read the letter which I had distributed to you people by the Attorney General's office, a letter from George West. I talked with George last week after receiving this letter, George mentioned to me at the time that in order to accomplish what Senator Haskell wants to do, the amendment that he had requested him to prepare last week, the Republicans in caucus requested George to prepare an amendment, that the request he made of Mr. West was not the same request that Senator Haskell is

interested in. Therefore, in order to adopt what Senator Haskell of Aroostook wants is simply this amendment that he has offered which as I say, was adopted this morning, and that the other amendment that we requested Mr. West to prepare was not apparently what Senator Haskell had in mind.

I might add that he talked with Walter Corey and Parker Denico, two individuals who have been identified with this piece of legislation, and I can only reiterate what I said last week, that if we remove section (f) from that bill, we are in fact going to exclude management rights from the provision of this bill, and this is, in my opinion, not what we want to do. We want to retain management rights, and sub (f) of V on page 4 retains those management rights.

I repeat, I wish if there is any inconsistency in the minds of anybody relative to the merit system, I would invite each and every one of you to open your book on L. D. 2314 and review the very last line on page 4 of 2314, the last three lines. I would like to read it to you. This is following (f) that we are talking about, paragraph E, subparagraph 1, and this is the one that we are referring to, that we are discussing relative to Senator Haskell's amendment, and I will read this because it is important: "It shall not be construed to be in derogation of or contravene the spirit and intent of the merit system principles and personnel law". I don't know how much plainer we can write in black and white exactly what the intent of this legislature is. If there is ever any question what the intent of this legislature is. If there is every any question relative to the personnel law or the merit system, or any of the principles of the merit system, certainly that paragraph number (2) on page 4 would remove any cloud from the mind of any court or judge.

I would submit to you that the adoption of that amendment this morning certainly was done in my absence, and I would hope now that we would be given an opportunity to reconsider the adoption of that amendment in order that I may move to indefinitely postpone the same.

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

Mr. HASKELL: Mr. President and Members of the Senate: The good Senator from Penobscot continues to persist in trying to cloud the issue here with my motivation. He is entirely right, I do not favor collective bargaining in the public sector. I favor collective bargaining in the private sector. Collective bargaining is not the appropriate vehicle for bargaining at the state level. Meet and consult legislation is the proper type of legislation for bargaining at the state level. This is not my opinion; this is the opinion of most experts in the field of labor legislation. It is a recommendation of the commission that studied this exhaustively. The inter-governmental commission in Washington that studied this exhaustively this was their recommendation. And their recommendation was based on one simple fact: collective bargaining legislation and the maintenance of a merit system in state government are mutually exclusive. And it is this problem which was thoroughly familiar to all the people engaged in drafting this legislation. It is this problem that is the key problem.

Now, I have an opinion here on the same subject written to Honorable William Garsoe, who signed the Minority Report out of the committee, who posed this question regarding this problem to the Attorney General. The concluding paragraph which deals with this 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." It is signed by Jon Lund.

The problem is not new, strange or novel at this juncture. The problem is well recognized by the people that have been engaged in drafting this legislation. The facts that I have recited here are well known to them. Also most people competent in the field of collective bargaining do not regard collective bargaining legislation as the

proper vehicle in the state area for the simple reason that you do not have true collective bargaining, you do not have an adversary position of employer-employee. You also have the public interest, which is the third side of the table, and the public interest has to be protected in the legislation. So that I have outlined the difficulties of the legislation, we have gone through a process of consulting with the Attorney General's office, they admit the difficulties inherent in the problem, they do say at this juncture probably the adoption of the amendment which I have offered seems to be the most sensible solution, so I would again ask you to reject the motion to reconsider the amendment.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Penobscot, Senator Tanous, that the Senate reconsider its action whereby Senate Amendment "B" was adopted. The Chair will order a division. As many Senators as are in favor of the motion to reconsider will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 13 Senators having voted in the affirmative, and 12 Senators having voted in the negative, the motion prevailed.

Mr. Tanous of Penobscot then moved that Senate Amendment "B" be indefinitely Postponed.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: Now that, as a matter of courtesy to Senator Tanous of Penobscot who was absent this morning, we have granted the motion to reconsider, I want to point out that in my judgment, and I do not pretend to be an expert in labor law, but in my judgment the bill without the amendment on it imparts so much uncertainty into this bill that I think it is going to be a source of constant disagreement and a potential wellspring of litigation.

I think it is a very serious mistake to leave this bill in its present form, and if you were listening to the debate in this Senate and go back over the record for

the last several times that this bill has been debated, there are sincere conscientious differences of opinion in this legislature as to what this bill means in its present form. I think it is a serious mistake for us to pass legislation here dealing with this very important problem and just to pay lip service to it and go out and talk about state employees being second class citizens. Paying lip service to their right to collectively bargain in their own interest isn't going to solve the problem. What is going to solve the problem is good hard-headed, intelligent legislation. This bill in its present form leaves open this whole question, in my judgment, as to whether or not and to what extent issues or areas that are covered by civil service are going to be the subject of collective bargaining. I hope that you will not indefinitely postpone this Senate Amendment, which at least casts the issue in this Senate on very clear terms as to whether or not rules and regulations under civil service are going to be the subject of collective bargaining and subject to the last best offer situation described by the Senator from Aroostook, Senator Haskell, in his speech or in his remarks.

I hope that you will not vote to indefinitely postpone the amendment. I think that the ambiguities that many of us have been talking about for several days do exist, and I think that there are real and genuine problems with this bill.

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

Mr. TANOUS: Mr. President and Members of the Senate: I thank Senator Richardson from Cumberland for his courtesy in voting to reconsider Senate Amendment "B". I, of course, disagree with his conclusion that there is some ambiguity or some confusion as to whether Senate Amendment "B" ought to be adopted or not. I am convinced that it should not be adopted.

There were 25 or 30 people that served on the special commission that was federally funded that reviewed this bill and approved the bill. George West being one of the individuals who was very concerned with the personnel rights, this is the section that he was

concerned with, to make sure that the merit system and the personnel rights are not abrogated by the enactment of this law, and perhaps this is why we have that immediate passage after subsection (f), that I pointed out earlier, reinstituting the feeling that this bill in no way shall affect the merit system or the personnel law, that the spirit of the law is in no way to disturb this.

I think it is clear. And I feel to use an argument, for instance, that I don't understand this legislation, therefore, I am going to vote against it, Members of the Senate, I submit to you that I voted on hundreds of pieces of legislation in this body in the last six years that I didn't understand. I depended on the committee reports. I don't understand the massive appropriation bills that we vote on that appropriate millions of dollars, but we depend on the committee system. I don't understand the educational bills that Senator Katz comes out of committee with, and I depend on the committee reports. If we had physically the amount of hours necessary to review each and every single document that is presented before us, if physically we were able to do this, we would be in constant session. We would never adjourn, much like I suppose we have had sufficient cause to be here now for three months and reviewed very little legislation, this would have been a session to really get involved in studying bills up here. But if we use this argument, we will never enact any legislation. This argument is a cop-out to vote against it.

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

Mr. BRENNAN: Mr. President, I would ask for a roll call.

The PRESIDENT: 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 less than one-fifth having arisen, a roll call is not ordered. The Chair will order a division. As many Senators as are in favor of the motion of

the Senator from Penobscot, Senator Tanous, that Senate Amendment "B" be Indefinitely Postponed will please rise and remain standing until counted.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, I would request a roll call.

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

Mr. TANOUS: Mr. President, a parliamentary inquiry: I understand a roll call was already asked for on this and that there wasn't a sufficient number stand to order a roll call.

The PRESIDENT: The Chair would rule that the Senator from Cumberland, Senator Berry, in requesting a roll call is asking that the vote of the division be recorded officially on a roll call, and that to ask for a roll call is in order. As many Senators as are in favor of ordering a roll call will please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending motion before the Senator is the motion of the Senator from Penobscot, Senator Tanous, that Senate Amendment "B" to Bill, "An Act Extending Collective Bargaining Rights to State Employees", 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, Clifford, Cummings, Danton, Fortier, Huber, Kelley, Marcotte, Minkowsky, Roberts, Sewall, Shute, Speers, Tanous.

NAYS: Senators Berry, Cianchette, Cox, Greeley, Haskell, Henley, Hichens, Katz, Morrell, Richardson, MacLeod.

ABSENT: Senators Conley, Cyr, Graffam, Joly, Olfene, Schulten, Wyman.

A roll call was had. 15 Senators having voted in the affirmative, and 11 Senators having voted in the negative, with seven Senators being absent, Senate Amendment "B" was Indefinitely Postponed.

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

Mr. HASKELL: Mr. President and Members of the Senate: I have an amendment that is being reproduced which I would like to offer, so I would ask that this be tabled until later in today's session so the amendment is reproduced and distributed.

The PRESIDENT: Is it now the pleasure of the Senate that this bill be passed to be engrossed.

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. Clifford of Androscoggin then moved that the Bill be tabled until later in today's session, pending Passage to be Engrossed.

On motion by Mr. Tanous of Penobscot, a division was had. 16 Senators having voted in the affirmative, and 10 Senators having voted in the negative, the Bill was tabled until later in today's session, pending Passage to be Engrossed.

Reconsidered Matter

On motion by Mrs. Cummings of Penobscot, and under suspension of the rules, the Senate voted to reconsider its action whereby Bill, "An Act Relating to the Dredging, Filling or Otherwise Altering of Rivers, Streams, and Brooks", (H. P. 2053) (L. D. 2588), was Passed to be Engrossed.

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

Senate Amendment "A", Filing No. S-430, was Read.

The PRESIDENT: The Senator has the floor.

Mrs. CUMMINGS: Mr. President and Members of the Senate: I seem to get mixed up with a great many rivers. The purpose of this amendment is to exempt the emergency repair work on railroad bridges, trestles, track or road bed from the requirements of this act. Without this amendment it would mean that the Department of Transportation would have to wait to get permission, and in an emergency they might not be able to do the necessary dredging in a river to save an expensive bridge from being washed away. That is the whole purpose of this amendment.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "A"?

The motion prevailed.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON: Mr. President and Members of the Senate: Regarding this bill, I would like to pose a question to anybody in the Senate who may answer, possibly a barrister. You will recall a few days ago that we passed a bill sponsored by the Senator from Franklin, Senator Shute, regarding dredging in the town of Bingham, Austin Stream. Now, under this bill here, if you will turn to page 2, under Penalties, "Any individual person, firm, corporation, municipality, state agency or other legal entity who dredges or causes to be dredged, fills or causes to be filled, or erects or causes to be erected any causeway, bridge, marina, wharf, dock or other permanent structure in, on, over or abutting any river, stream or brook without a permit from the commissioner shall be punished by a fine of not less than \$100 nor more than \$200 for each day of such violation." Now, I was wondering how this is going to affect the municipality if they go to work and dredge this Austin Stream? Shouldn't there be an amendment on that? I pose that question to any person who cares to answer.

The PRESIDENT: The Senator from Hancock, Senator Anderson, has posed a question through the Chair to any Senator, preferably a barrister, who may answer if he wishes.

The Chair recognizes the Senator from Cumberland, Senator Berry.

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

Reconsidered Matter

On motion by Mr. Richardson of Cumberland, the Senate voted to reconsider its prior action whereby on Bill, "An Act Establishing the Maine Public Transit Fund Act", (S. P. 938) (L. D. 2576) the Senate Receded and Concurred.

Thereupon, on further motion by the same Senator, the Senate voted to Insist and Request a Committee of Conference.

(Off Record Remarks)

The President laid before the Senate the following matter:

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

Tabled — earlier in today's session by Senator Clifford of Androscoggin.

Pending — Passage to be Engrossed.

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

Mr. HASKELL: Mr. President, a parliamentary inquiry: I have the amendment here. It went out to be reproduced about twenty or twenty-five minutes ago and it isn't back. Can we act on the amendment without it being distributed to the members of the Senate?

The PRESIDENT: The Chair would answer that, under the Senate Rules, the amendment must be reproduced and distributed to the Senators: The Senate will be at ease.

(Senate at Ease)

Called to order by the President.

The PRESIDENT: The pending bill before the Senate is "An Act Extending Collective Bargaining Rights to State Employees". The pending motion is passage to be engrossed.

The Chair recognizes the Senator from Aroostook, Senator Haskell.

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

Senate Amendment "D", Filing No. S-435, was Read.

The PRESIDENT: The Senator has the floor.

Mr. HASKELL: Mr. President and Members of the Senate: I offer this amendment for two reasons. First, on the basis of a communication from the United States Civil Service Commission, and I will read the pertinent paragraph: "We are concerned, however, that the final and binding arbitration provision might cause a problem if an arbiter should select a final offer in conflict with federal merit system standards." I have explained this until I am sure everyone in the Senate is tired of listening to it.

My second reason for offering it is that in discussion with some of the people

that have been concerned in the writing of the bill, they indicated that this section was the one that concerned them more than any other, and I think that the Senate should be aware of what is involved when they pass the bill as it is. Now, very briefly as I understand it, in an arbitration process what are proposed as the final and best offers of both sides are submitted to an arbiter, and then he has the duty of selecting one or the other of the offers. The point that concerned the Civil Service Commission was that in the event the arbiter selected the last best offer that was in conflict with the standards that have to be maintained, as far as the state merit system is concerned, that they might be in a position of being in conflict with federal standards.

I think that the fact of a legislative record is very comforting, I have had several reservations about this piece of legislation, and they are part of the record. On this particular amendment I felt very strongly that the Senate should know what they are doing and some of the potential dangers involved. That is why I insisted on bringing the amendment before this body. Whatever decision you make is up to you.

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

Mr. TANOUS: Mr. President, I move the indefinite postponement of Senate Amendment "D".

The PRESIDENT: The Senator from Penobscot, Senator Tanous, now moves that Senate Amendment "D" be indefinitely postponed.

The Senator has the floor.

Mr. TANOUS: Mr. President and Members of the Senate: The reason I asked that the amendment be indefinitely postponed is that it removes the arbitration part of the bill. This is one of the most important parts as far as reaching an agreement is concerned. It does away with much of the harangue we have under the municipal law, and Marion Martin has many, many times said that this should be included in the municipal law because it would remove a lot of problems that we presently have in the area of final offer, that an arbitrator may choose the last best offer

that either party has and incorporate his final decision in the case. In the absence of that, Marion Martin has often said if you don't have this, then you don't have the right to strike. Well, we don't have the right to strike in this particular bill. That is an exclusion, that the state employees aren't able to strike under this. They are prevented from work stoppages, and we have all of the protections necessary.

Again, this area of binding arbitration, the final best offer section of this law, when it deals with anything that has to have legislative approval, the final arbitrator, of course, cannot approve of anything that would require legislative approval. So that anything that requires in the area of money and negotiations involving dollars, this would have to have legislative approval. I would certainly hope that you would vote to indefinitely postpone this proposed amendment and send the bill along to the other body so we can adjourn early this week, I hope.

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

Mr. KATZ: Mr. President and Members of the Senate: I feel like a ping pong ball because I just hear in debate that this amendment does away with the binding arbitration, and does away with arbitration period. As I look at page 6 of the bill, I see subsection (e) is all about arbitration and (d) is all about arbitration. Arbitration remains very strongly in the bill, even with this amendment.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Penobscot, Senator Tanous, that Senate Amendment "D" be indefinitely postponed. The Chair will order a division. As many Senators as are in favor of the motion of the Senator from Penobscot, Senator Tanous, that Senate Amendment "D" be indefinitely postponed will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 12 Senators having voted in the affirmative, and 14 Senators having voted in the negative, the motion did not prevail.

Thereupon, Senate Amendment "D" down forthwith for concurrence.
was Adopted and the Bill, as Amended,
Passed to be Engrossed.

Under suspension of the rules, sent

On motion by Mr. Sewall of Penobscot,
Adjourned until 9:00 o'clock tomorrow
morning.