

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

One Hundred and Seventh Legislature

(First Special Session)

OF THE

STATE OF MAINE

1976

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Monday, April 26, 1976

The House met according to adjournment and was called to order by the Speaker. Prayer by Father Thomas Joyce of Augusta. The journal of the previous session was read and approved.

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

After Recess
4:45 P.M.

The House was called to order by the Speaker.

Orders

Mr. Usher of Westbrook presented the following Joint Order and moved its passage: (H. P. 2354)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Kathy Dibiase Of Westbrook High School Valedictorian of the Class of 1976

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

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

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

Mr. Usher of Westbrook presented the following Joint Order and moved its passage: (H. P. 2355)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Kenneth Hammond of Westbrook High School Salutatorian of The Class of 1976

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

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

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

Mr. Kelleher of Bangor presented the following Joint Order (H. P. 2356) (Cosponsor: Mr. Spencer of Standish)

WHEREAS, The Public Utilities Commission currently faces an ever increasing workload because of continuing inflation which spurs utilities to submit new applications for rate increases in an effort to cope with this inflation; and

WHEREAS, the People of Maine now spend about \$300,000,000 a year paying for public utility services; and

WHEREAS, it is of critical importance to the People of Maine that their utility bills be kept as small as is consistent with reasonable rate return on the capital of public utility investors; and

WHEREAS, many rate increase requests now being submitted to the Public Utilities Commission involve complex issues relating to rate structures as well as revenue requirements; and

WHEREAS, the Public Utilities Commission at present does not have the resources necessary to conduct independent audits of public

utilities making rate increase requests; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Public Utilities shall conduct a study of the operations of the Public Utilities Commission in regulating the State's Public Utilities, of the commission's capacity to adequately protect the interests of the citizens of the State and of the Government of Maine while regulating those utilities, and of its ability to promote the goals of energy efficiency and conservation in its regulation of public utilities; and be it further

ORDERED, that the committee shall complete this study no later than 90 days prior to the next regular session of the Legislature and submit to the Legislative Council within the same time period its findings and recommendations, including copies of any recommended legislation in final draft form; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this Order shall be forwarded to each member of the committee.

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

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

Mr. Goodwin of South Berwick presented the following Joint Order and moved its passage: (H. P. 2357)

WHEREAS, the 107th Legislature identifies as a serious problem the administration of medication to various types of persons, including, but not limited to, those confined in correctional facilities and those residing in community residential facilities such as nursing, boarding and foster homes; and

WHEREAS, persons who administer medication are often considered to lack the training and licensing needed to safely administer medication; and

WHEREAS, the issue of who is able to safely administer medication to whom has generated heated debate among various health personnel; and

WHEREAS, this issue must be settled in order to preserve the health and safety of certain individuals to whom medication is administered; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Health and Institutional Services shall study the administration of medication to various types of persons including, but not limited to, those who live in correctional facilities and in facilities such as nursing, boarding and foster homes; and be it further

ORDERED that in conducting its study the committee shall determine who can safely administer medication and what type of, under what circumstances, and to whom medication can be safely administered; and be it further

ORDERED, that in making these determinations the committee shall consider input from various health care personnel and from the Department of Human Services; and be it further

ORDERED, that the Department of Human Services and the various health care licensure boards be requested to provide the committee with such information and technical assistance as the committee deems necessary to conduct this study; and be it further

ORDERED, that the Committee shall complete this study no later than 90 days prior to the next regular session of the Legislature and submit to the Legislative Council within the same time period its findings and recommendations, including copies of any recommended legislation in final draft form; and be it further

ORDERED, upon passage in concurrence, that suitable copies of this Order be transmitted forthwith to the department and to the

various health care licensure boards as notice of this directive.

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

Indefinitely Postponed

Mr. Farnham of Hampden presented the following Joint Order and moved its passage: (H. P. 2359)

WHEREAS, the publications and documents of state departments and agencies have a substantial impact on the citizens of the State and involve the expenditure of considerable amounts of state funds; and

WHEREAS, the Legislature is vitally concerned that all citizens be aware of the availability of such publications and documents, and that such publications and documents be readily available to citizens and be produced and distributed in the most economical manner; and

WHEREAS, several proposals have been made for changes in the system of producing and distributing such publications and documents; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on State Government shall evaluate the system of producing and distributing publications and documents of state departments and agencies and the several proposals to change such system; and be it further

ORDERED, that the committee shall complete this study no later than 90 days prior to the next regular session of the Legislature, and submit to the Legislative Council within the same time period its findings and recommendations, including copies of any recommended legislation in final draft form; and be it further

ORDERED, that upon passage of this Order in concurrence, the Clerk of the House shall forward a suitable copy of this Order to the Senate and House Chairmen of the Committee.

The Order was read.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: As a rule, I don't bother much with orders and I let them go their way, but I just started reading this here this afternoon when I was listening to the caucus. It says, that publications and documents of various state departments and agencies have a substantial impact on the citizens of the state and involve the expenditure of several amounts of money. We don't deny that, because these are already being studied by a subcommittee from the Appropriations and Finance fund.

"Whereas, the Legislature is vitally concerned that all citizens be aware of the availability of such publications and documents and that such publications and documents be readily available to citizens and be reproduced and distributed in the most economical manner."

Then you go down below: "Ordered, the Senate concurring, that the Joint Standing Committee on State Government shall evaluate the system of producing and distributing publications and documents." I ask you, ladies and gentlemen, is that necessary? Thirteen members on that committee would be called in to study this. Maybe they would have one, maybe two or maybe three.

I move for the indefinite postponement of this order.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore, moves that this Order be indefinitely postponed.

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

Mr. FARNHAM: Mr. Speaker, I thought the order had gone under the hammer, but I will recede and concur, I guess.

This order is the result of a study being made or has been made by the Secretary of State, Mr. Gartley. He appeared before our committee and wanted further work done on it. If it will help any, the order was originally introduced by Mr. Cooney and we didn't think he was going to be here and changed it over so it has got the name Farnham on it. That is about all I have to say.

The SPEAKER: The pending question is on the motion of the gentleman from Bridgewater, Mr. Finemore, that this Order be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no. A vote of the House was taken.

66 having voted in the affirmative and 48 having voted in the negative, the motion did prevail.

Mr. Greenlaw of Stonington presented the following Joint Order and moved its passage: (H. P. 2360)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Midshipman Deborah Doane Who Is First In Academic Rank in The 1976 Graduating Class of The Maine Maritime Academy, The First Woman To Graduate From That Institution And The First Woman In The United States to Hold a U.S. Coast Guard Third Mate's Unrestricted License Good For "Any Ocean, Any Tonnage."

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

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

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

Mrs. Durgin of Kittery presented the following Joint Resolution and moved its adoption: (H. P. 2361)

Joint Resolution in Opposition to Conversion of Certain Schiller Units to the Burning of Coal Without Adequate Air Emission Control Devices

WHEREAS, the United States Federal Energy Administration has issued a Prohibition Order to Public Service Company of New Hampshire, which directs that company to cease burning petroleum products or natural gas at its Schiller Units 4 and 5; and

WHEREAS, said Units 4 and 5 are located near the Maine border on the Piscataqua River in such a manner that contaminants in the stack emissions from these units are carried by the wind into Maine communities more than half of the time; and

WHEREAS, said Prohibition Order would result in the conversion of Schiller Units 4 and 5 to the burning of coal; and

WHEREAS, the United States Environmental Protection Agency has stated emissions from the coal burning units will not exceed Federal Primary Standards and the agency intends, therefore, to issue a Compliance Date Extension which will allow the burning of coal at the Schiller units without adequate air emission control devices until January 1, 1979; and

WHEREAS, the Maine Department of Environmental Protection has determined that emissions from the coal burning units which cross into Maine would exceed Maine's standards for these pollutants; and

WHEREAS, those standards were established by the Board of Environmental Protection after extensive research and public hearings; and

WHEREAS, those standards were adopted by this body as the law of the State of Maine; and

WHEREAS, those standards were certified as fulfilling federal requirements by the U. S. Environmental Protection Agency; and

WHEREAS, the Maine Department of Environmental Protection has determined that the air quality in southern Maine is currently better than all state and federal standards require, but would be degraded by these emissions and possibly become the most polluted air in Maine; and

WHEREAS, emissions of sulfur dioxide from the Schiller Units would be so high as to saturate air in southern Maine to near the maximum level allowed by Maine's air quality laws; and

WHEREAS, that saturation could preclude the licensing in southern Maine of any new sulfur dioxide emissions from industries or large public buildings, most of which require fuels which produce sulfur dioxide upon combustion; and

WHEREAS, Maine is famous for its environmental quality and the environment is an important factor in Maine's economy; and

WHEREAS, such emissions would damage the environment, thus besmirching that reputation and producing a negative impact on the Maine economy; and

WHEREAS, it is apparent that the resulting costs, in limitations on future development in southern Maine, in property devaluation, in aesthetic degradation, and in personal well-being which will be paid by southern Maine residents, far outweigh any benefits to the national energy policy; and

WHEREAS, this body believes every governmental policy must be implemented with due regard for environmental quality; now, therefore, be it

RESOLVED: That We, the Members of the 107th Legislature now assembled in special session, do hereby protest the conversion of Schiller Units 4 and 5 owned by the Public Service Company of New Hampshire to the burning of coal and respectfully urge and request the Members of the Maine Congressional Delegation to use every means possible to reverse the position of the United States Federal Energy Administration and Environmental Protection Agency; and be it further

RESOLVED: That duly attested copies of this Resolution be immediately transmitted to those congressional delegates with our thanks for their prompt attention to this important matter.

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

Mr. Gauthier of Sanford was granted unanimous consent to address the House.

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: My wife and I were sitting in a restaurant in the South Portland Mall a few days ago. We started to converse with a young lady of 75 or 80 years old who was very smart looking. She said to me, what is your kind of work? I told her that I was semi-retired and also a member of the Maine Legislature. She said to me, "Sir, would you do me a favor? On Monday, April 26, would you get up and inform the members of the House that my son, who is also a Representative, that Monday, April 26, is his birthday?" I promised her that I would carry out her wishes.

Ladies and gentlemen, the promise I made was to have this body recognize the birthday today of one of our members, John Norris of Brewer. (Applause, the members rising.)

(Off Record Remarks)

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

Orders

Mr. Greenlaw of Stonington presented the following Joint Order and moved its passage: (H. P. 2362)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Sandra Sturdee of Stonington Second Honor Essayist of The 1976 Graduating Class of Deer Isle-Stonington High School

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

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

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

Mr. Greenlaw of Stonington presented the following Joint Order and moved its passage: (H. P. 2363)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Bryan Duddy of Sedgwick First Honor Essayist of The 1976 Graduating Class of Deer Isle-Stonington High School

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

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

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

Mr. Greenlaw of Stonington presented the following Joint Order and moved its passage: (H. P. 2364)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Thomas Allen of Sedgwick Salutatorian of The 1976 Graduating Class of Deer Isle-Stonington High School

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

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

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

Mr. Greenlaw of Stonington presented the following Joint Order and moved its passage: (H. P. 2365)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Lynn Faulkingham, of Stonington Valedictorian of The 1976 Graduating Class of Deer Isle-Stonington High School

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

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

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

On motion of Mr. Albert of Limestone, it was ORDERED, that Elmont S. Tyndale of Kennebunkport be excused from daily attendance due to health reasons.

AND BE IT FURTHER ORDERED, that Harry Rideout of Mapleton be excused from daily attendance for personal reasons.

AND BE IT FURTHER ORDERED, that Frederick Lunt of Presque Isle be excused from daily attendance for personal reasons.

Mr. Gould of Old Town presented the following Joint Order and moved its passage: (H. P. 2366)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Doris H. Wood of Bradley Who is Entering Retirement After Thirty-five Years in The Teaching Profession

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

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

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

Mr. Gould of Old Town, presented the following Joint Order and moved its passage: (H. P. 2367)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Cathleen R. Moody Of Bradley Who Is Entering Retirement After Thirty-Two Years In The Teaching Profession

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

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

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

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

Petitions, Bills and Resolves Requiring Reference

Bill "An Act to Revise Provision for Chairman of the Commission on Governmental Ethics and Election Practices" (Emergency) (H. P. 2358) (L. D. 2356) (Presented by Mr. Martin of Eagle Lake) (Approved for Introduction by a Majority of the Committee on Reference of Bills pursuant to Joint Order, S. P. 635, as amended)

Under suspension of the Rules, the Bill was read twice, passed, to be engrossed without Reference of Bills pursuant to Joint Order, S. P. concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

Petitions, Bills and Resolves Requiring Reference

RESOLVE. Authorizing the Commissioner of Public Safety to Convey the State's Interest and Easement in Certain Land Located in Hancock County and in the Pole Line on that Easement to the Bangor Hydro-Electric Company (H. P. 2368) (Presented by Mr. Kelleher of Bangor) (Approved for Introduction by a Majority of the Committee on Reference of Bills pursuant to Joint Order, S. P. 635, as amended)

Under suspension of the rules, the Resolve was read twice.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. MacEachern. Mr. MacEACHERN: Mr. Speaker, I would like to have Mr. Kelleher explain this order.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: This resolve that I am offering involves a parcel of land, a small piece of land that is valued at state valuation of \$329. There are some Hydro poles on there that are servicing a radio tower on top of a hill down in Ellsworth. There has been an easement through the state allowing the utility to use the land and also allow the utility to provide the service for this particular radio tower.

Because of complications in getting an easement, all parties concerned came to the conclusion that it would be easier to put a resolve through, and that is why this great piece of legislation with my name on it is before this noble body, and I want to thank the gentleman for the opportunity to explain it. I know that I am going to get bipartisan support from Linwood Palmer over in that corner and from Mr. Rolde over there, and I really appreciate this opportunity.

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

By unanimous consent, ordered sent forthwith to the Senate.

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

From the Senate: The following Communication:

THE SENATE OF MAINE AUGUSTA, MAINE

April 26, 1976

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

The Governor having returned:
Bill, An Act to Revise and Reallocate Appropriations from the General Fund for the Expenditures of State Government for the Fiscal Years Ending June 30, 1976 and June 30, 1977 and Changing Certain Provisions of the Law Necessary to the Proper Operation of State Government. (S. P. 790) (L. D. 2341) together with his objections to the same. The Senate proceeded to vote on the question: Shall the Bill become a law notwithstanding the objections of the Governor?

According to the provisions of the Constitution, a yea and nay vote was taken. 9 Senators having voted in the affirmative and 21 in the negative, the Bill accordingly failed to become law, and the veto was sustained.

Respectfully,

Signed: HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read and ordered placed on file.

(Off Record Remarks)

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

After Recess
7:00 P.M.

The House was called to order by the Speaker.

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

Bill "An Act to Revise and Reallocate Appropriations from the General Fund for the Expenditures of State Government for the Fiscal Years Ending June 30, 1976 and June 30, 1977 and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government" (S. P. 813) (L. D. 2355)

Came from the Senate, Read Twice, Under Suspension of the Rules, and Passed to be Engrossed as Amended by Senate Amendment "A" (S-588) as Amended by Senate Amendment "A" (S-592) thereto.

Under suspension of the rules, the Bill was read twice.

Senate Amendment "A" (S-588) was read by the Clerk.

Senate Amendment "A" to Senate Amendment "A" (S-592) was read by the Clerk and adopted.

The SPEAKER: The Chair would ask the Sergeant-at-Arms to escort the gentleman from Bangor, Mr. Kelleher, to the rostrum for the purpose of serving as Speaker pro tem.

Thereupon, Mr. Kelleher assumed the Chair as Speaker pro tem and Speaker Martin occupied his seat on the floor of the House.

The SPEAKER pro tem: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, and certainly not as long as I took in the Democratic caucus this afternoon, I would attempt to make a number of points and observations as to where we are and what we face. I would very quickly like to begin as to where we were last Friday at our impasse as we left and went home.

Following that Friday meeting, legislative session, we all decided that we needed a rest and perhaps that is the best thing that could happen. I came back on Tuesday and very briefly met with the Governor and found out that at that point there had not been much change, except the Huber proposal which was before the other body. Following that, on Thursday, the Governor asked if I would meet with him, since he was already going to Old Town, and would meet with the President of the other body, and that we did.

For about three hours, we met and discussed the problems that we faced. Following that meeting, we agreed to get together again Sunday evening, last night, which we did. The proposal, as has been outlined in Senate Amendment "A," is basically what was discussed and what we have agreed to bring forth.

The point that I made in the caucus and I want to restate here is that this was not an attempt to strike a deal, was not an attempt to force this down the throat of any legislator, but it was an attempt, instead, to find out, if we could, as to how far the Governor was willing to compromise, because, basically, we felt and I felt that that was our initial problem.

I can honestly say to you that I, on many things, want to go much further than what is now in Senate Amendment "A," but I can also tell you this much, that the Governor feels very strongly that he has compromised himself much further than I have. That, obviously, depends on what you think the word compromise ought to be, and I understand that and I think you all ought to be aware of that.

Very quickly, I think what I would like to do is to just run down the things which are contained in this thing before you today. First of all, the way that it is worked out, it means an additional \$290,000 from the General Fund will be expended for state employees based on the proposal which is now before you. It calls for implementation of the Hay Report on November 1, 1976.

There was a proposal that I was responsible for which provided for the appeal process. Basically, part of that was left over from last week, a five-man board, two from a list to be supplied from the two large state employee unions, ASCME and MSEA; second, two people to be chosen from the public to represent management to be selected by the Chief Executive; and finally, the fifth person to be supplied from a list of five to be mutually agreed upon by the Speaker and the President prior to their being appointed by the Governor. These five people would attempt to resolve the appeal process by November 1, 1976. The intent was to start the appeal process in an emergency manner and for that reason, there is an emergency clause on this bill, even though there is nothing in the bill that really needs to have an emergency. I felt very strongly, and I still do, that when the legislature agrees that it is going to agree, a majority or two-thirds isn't much different, and the same, I think, will be the case.

I had hoped for one additional step, and that was to have what I refer to as a court appointed master for those appeals that were not completed by November 1 in order to provide some additional flexibility, surety to state employees, that their appeals would be taken care of before they were forced to accept the deal that might be shoved down their throats from the five-man board.

The Senator from the other body, who is now going to be referred to as the Assistant AG, flagged it down and said, I suspect that there is a constitutional problem here, and so very quickly we asked a question of the Attorney General, who informed us that in fact there was, that we were delegating an authority to the judicial branch which in fact we could not do.

So the amendment which has been offered in the other body and adopted, which is now Senate Amendment "A" to Senate Amendment "A", deletes that portion of this Senate Amendment and in effect says that for those appeals that are not completed on November 1, the appeals board remains in effect and whenever the appeal is decided, the pay that the state employee would have received is retroactive to November 1. This provides, I think, a guarantee of sorts that whatever they get, or would be deserving, they will get from November 1, which is, of course, one of the considerations that I felt was important. The bill then provides for those four months when nothing would be put into effect roughly \$10 a week to all full-time continuing employees for the months of July, August, September and October to offset the delay in plan implementation. Then it provides, on the date of implementation, from November 1, 1976 to November 1, 1977, a transitional payment, call it what you like, of \$572 to a minimum payment for some people to zero, of course, to all individuals so that no one would get less than \$11 following implementation of the pay plan. Those dollars would be distributed in two equal payments, in December and February, in order to avoid the Internal Revenue Service from grabbing most of it.

The amendment also provides for 13 cents a mile reimbursement, and I want to be fair with you and tell you that the bill does provide for elimination of routine noon meals for selected employees, primarily those who live in this area and return to their home at night. Secondly, it does provide for the biweekly payroll, which to many is not acceptable, but it does provide for that. It does provide for earning rates for vacation and sick leave by including them into the law. That basically provides what is in the Hay Report, or as far as the Hay Report is concerned for state employees.

Let me very briefly touch on two other areas, one, the question of AFDC. Perhaps this is the

one item that was the most difficult to address with the Chief Executive, because he felt strongly that in a letter addressed to myself and the President of the Senate that he had made a moral commitment, that he had given his word that he was going to spend a million dollars to increase grants once the savings were found in the program next October. As a result, he felt very strongly, and I can't overemphasize that point, that simply to put into language was really not fair that he was being asked to do that because he had given his word.

I tried to impress upon the Chief Executive that it was not a question of the legislature doubting his word, not a question of the President of the Senate or myself, but I think more in part is the question of the people who would benefit who felt very strongly that they wanted to see something in writing, something in the law, something that they could put their hands on and understand. Frankly, I think that the President of the Senate and myself were probably not very successful in convincing the Governor, but this morning he agreed to some language which you will find in that amendment. It is not an appropriation, as I am sure has been pointed out in both caucuses, but it is, I think, carrying out the moral obligation which the Governor has made. I guess at some point in time you have to have faith in your fellow man, and I am willing to accept the Governor's word, I am willing to understand what the problem is and to say that I know the million dollars will be made available for those people.

The third area of concern was the University of Maine. The original position of this House in Report A, as I recall, it was \$800,000 and \$200,000. The position of the other body, most of the time, was \$500,000 and \$200,000. That is what is in this bill.

Much has been said about whether or not \$700,000 is sufficient for the University of Maine. The thing that concerns me most about the university is the problem of the burden that we passed on, and we are responsible, last time when we in effect mandated an increase in tuition in order for them just to stand still. I understand that problem since I do teach part time at that institution.

On the other hand, I am sure you have heard and read in the press, part of the Governor's feeling, of course, if he had his way, I suspect that there would be no money for the university, and that is part of the problem that we face.

I talked to the Chancellor of the university today. He, of course, would prefer one million; frankly, he would prefer the \$6 million bill that he had. However, at this point he informed me that he is about ready to accept what is being offered, that he will accept the \$500,000 and \$200,000 but that he would much rather have something else. My only comment, I guess, is that there isn't much difference between \$700,000 and a million.

Frankly, I must admit my unbelievable surprise to the new found friends of the University of Maine within this body. For years, the university fought and got nothing and I frankly don't know where we have all been. There is no question in my mind, I see it happening, especially at Orono, professor after professor leaving for greener pastures for three, four, five, six thousand dollar increases, to the better institutions of this country, and we are going to create ourselves a system which probably is going to become extremely second rate. But I know one thing, it isn't going to be \$300,000 that is going to solve that problem, unfortunate though that is.

What I have asked the membership tonight to do is to vote your conscience the way you feel. I have imposed no pressures upon you, nor do I intend to. I didn't meet with the Governor to try to do that but simply to find out where we

were going. If the votes are here, they are here; if they are not here, they are not here and we start over again, maybe ground zero and maybe another special session.

There is one other word that I think I ought to pass on to you from the Chief Executive. He indicated that if we chose — of course, we could always do what we wanted to and not deal with state employee pay raises, but we probably would not have an opportunity to pack our bags to head home. A joint new legislative special session would be called to deal with state employees' problems. He didn't say that as a threat nor should it be implied in any fashion. All he said was, I want it done.

I think we have a moral obligation at some point, and we all know what is going on and I don't think there is any real problem here. What I am asking of you is to let you vote, regardless what the vote is, we are going to table until tomorrow morning because there are some people who have indicated that there are some technical errors that have to be resolved, and then, of course, if the amendment should be defeated, keep in mind that this is the only vehicle that we have left to use as a vehicle, so I am sure that no one really wants to kill that anyway, if it should get to that point.

I will be more than happy, and perhaps I ought to state here, in order to respond to any questions that anyone might have about those meetings, since I am the only one in this body who attended them, but I guess I must again, in closing, make two basic points: One, there was no deal, it was an attempt to find out what the Governor was willing to accept and where we could potentially go, and that is what we have here; and secondly, I ask you to think and to vote your conscience as to either way our action could lead us at some point in the future.

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

Mr. DAVIES: Mr. Speaker and Members of the House: While I totally disagree with the good gentleman from Eagle Lake on the value of this bill that we have before us, I will rise and speak on only one point of which he spoke, and that is in relation to the university, which I find myself very closely tied to for obvious reasons.

I wish to read into the record a statement which may be more representative of the feeling of the university than the statement of the good gentleman from Eagle Lake referring to that of the Chancellor of the university system, Chancellor McCarthy. This is a letter from the Chairman of the Council of College, which, as many of you know, is that body of faculty members at the University of Maine who teach. It is the largest representative group of faculty within this state. "Dear Representative Davies: As you know, the university's original request for a supplemental appropriation amounting to \$6.4 million of which \$1.75 million was for wage and salary increases for employees who have gone two years with no increases of any sort, the bill which Governor Longley vetoed yesterday contained a \$1 million university appropriation, of which \$800,000 was uncommitted and thus available for salary and wage increases. I sincerely believe that a failure to include at least \$1 million university appropriation in whatever measure replaces the vetoed bill, assuming the veto is not overridden, will still further damage the quality and variety of higher educational opportunity in the state.

"The faculty lacks any professional organization to speak for them as a unit; yet, if there is unanimity of opinion on anything amongst the University of Maine at Orono faculty, it is that the university should be given at least the minimal resources to stop the erosion of its programs, staff and services to the

state. I therefore ask your active support for a university supplemental appropriation of at least \$1 million. Sincerely, Jane H. Pease"

Let me add to the comments of my good friend from Eagle Lake. Faculty members leaving the University of Maine are not going one, two and three at a time. This past week, we had eight faculty members leave, seven of which are in one of the few departments where we have been developing new innovative, excellent programs, that of business administration, one of the few areas in the country where there are not enough faculty members, and we have had half of our department depart in one week, a program that was just recently accredited as the only one in Northern New England to offer a Masters of Business Administration program, cut in half in one week. It is in our hands, ladies and gentlemen. The university is receiving \$3.7 million less this year than last, and last they were tightly burdened — \$3.7 million in times of heavy inflation. The university is making steps to try and accommodate this with the expectation that there would be \$1 million available from the State Legislature. They have authorized \$2.7 million, tentatively, in tuition increases, the money that your sons and daughters, your neighbors' children, the people who someday may vote for you or your opponent hang in the balance.

The students are willing to make this sacrifice; no one likes to pay more money, but they recognize that there is a crucial need and they want to bear their fair share. They look to us, the leaders of this state, their representatives, the people in whom they place their trust, to do our fair share. That fair share, which is in pretty much agreement between the two bodies, was \$1 million; \$300,000 for staff and faculty increases and \$200,000 to provide a small and insufficient cushion for the 3,000 students at Orono alone who, because of the high cost of education and the low income of people in this state, need financial aid of some sort. If the tuition goes up \$100, that is a \$3 million deficit that those students are going to have collectively, and \$200,000 just isn't going to cover it.

I ask you, when you vote on this bill, consider very seriously what this is doing to the university of Maine. We have cut them and we have cut them and we have cut them to the core. They have gone through flesh and they have gone through muscle and they are giving up bones, can we take their heart from them, I ask you? A million dollars isn't enough, but they are willing to make the accommodations necessary, the adjustments necessary so that their programs will function with the least amount of damage. But cutting it another \$300,000, rather than being insignificant cut is significant. It is taking from them their will to continue.

If our university should slip any lower, what future can we see for this state, for education is certainly the last great hope of the state that is severely disadvantaged economically and we need it. I ask you to consider that when you vote on this bill and vote against it, please.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I feel in a difficult situation as a leader because I am in disagreement with most of my fellow leaders, but I did not sit in on the negotiations that led to this plan, did not learn of its contents until today, and I am acting now in accordance with my conscience, as the Speaker suggested.

In all these discussions, the word compromise has been tossed around a great deal. Compromise, like beauty, is in the eye of the beholder. My own particular position on a pay raise for state employees was \$15 a week across the board pay increase and no Hay Report. I compromised my own position down to an \$11 a week across-the-board position. Perhaps I might, if the conditions had been right, gone even farther to accept the Carbon-

neum compromise that was offered in the past week which would have had an \$11 across the board and an eventual implementation next March of the Hay Report. In fact, I think at one time all of us in the leadership could have accepted a similar type compromise, in fact, it had almost reached that position when, and all of this is past history of course, the Governor paid a visit in the evening to the Holiday Inn and met with several of the Republican leaders and injected his own position into this.

It is amazing how often the Governor has been mentioned in these discussions and even today we learned how he feels that he has compromised. To me, that sort of remark should almost be stricken from the record because, in my opinion, it should be up to us here in this body to act as we should without reference to the second floor. In fact, I am really concerned about a growing sense of gubernatorial power and how that power is injected into our own process here in the legislative branch.

I was urged to make a very fiery speech against this particular compromise, but I don't feel that is right or appropriate at this moment. Even after the Speaker quoted the Governor's statement of, "I want it done," it is really with a sense of sadness that I feel that I must oppose this compromise as being merely another bonus plan with a little additional money thrown in and a slight delay in implementation of the Hay Report but implementation, nevertheless, a type of plan that has been turned down again and again in this body and that I feel is not in the best interest of the majority of the people who work for the state.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: This is our 65th Legislative day. I count, I guess, 13 weeks of deliberation. If I were asked to characterize or draw a line or draw a picture of what this legislature had done in special session, I guess I would have to say that it would go like this, it goes right along in a straight line, a level line, it goes up like that a little bit and over and down along a straight line again, up, over and down, representing, I think, the fact that there have been two major issues before us in this special session; one dealt with education and one with employee raises. In between, things were very quiet, not too much was going on, but first and last came these major issues.

I want to remind this House that the first issue was resolved because the leadership of both parties got together, determined to do the job and did it. I want to remind the gentleman from York, Mr. Rolde, and I say this in all kindness, that I can well remember during those early discussions on the education bill, there were many things in that that I did not like but we took it upon ourselves as leadership to come to grips with the problem, to give a little, to take a little and in the interest of education and all the citizens of Maine to pass that bill, and we did our job and I am not unhappy that we did it. Though I must confess that at the time I didn't care for every bit of it.

Now we come along and we have had this pay raise issue. I guess we have all had our turns at trying to compromise. I know I have spent countless hours in trying to bring parties together. I had a pretty good open mind on it. I am just as conscious of the needs of state employees as anybody else in this House and want to do as much for them. I recognize, however, that we are living in times when we have limited resources. We are trying to do the best we can do with the resources that we have. So, we went along and we stumbled and fell and picked ourselves up and went along again and we tried and finally last Friday, a week ago Friday, tempers were frayed, we decided that the best thing to do would be to go home and we did and I thank the good Lord we

did. We had a chance to think, had a chance to talk to quite a few of our state employees, and also to some of the tax payers in this state.

While we were gone, the Speaker of this House, the President of the Senate and the Governor were able to get together. I stand here tonight to compliment them on what they did, because I think they spent some very unselfish hours in trying to resolve a big, big problem. I think we came back here to listen to them, to see what they had to say, and we must face the reality now that we have this package before us, it is their best effort, their best effort under very cool circumstances, to try to come up with something which we know has a chance of passage here and the other body and to be signed by the Governor. Those are three great ingredients.

I am here to say that I think there are things in this bill that I don't like and I think there are here that probably anyone in this House could object to, but I believe an honest effort was made by the Speaker, by the President and by the Governor.

Now, I would say to you that over the weekend a number of papers have editorialized about this legislature and about the responsibility we have. I think they have said very clearly, and I agree with them, we have been here for 13 weeks and we ought to be able to take a little bit of a problem and do something with it, make a compromise here and a compromise there and pass it and go home. People are always nervous when we are up here anyway. We are not only fighting the state employees, we are fighting the average taxpayer out there. So, we must face up to it and I believe now is the time.

I, for one, want to say that in the same spirit of compromise which we together worked out on the Education Subsidy Bill, that we should do the same thing right here with the pay raise bill. I want to emphasize it once again. If we can't depend upon the leadership of this House and the Senate and the Governor to direct us in a way which we can afford, which is for the moment all we can afford and which is satisfactory to a great number of our employees, then we are indeed in serious trouble. I ask you, really, in seriousness, to think tonight about state employees out there in all areas of our state and to remind you that in all likelihood, with all its deficiencies, if we do not pass this bill there will be nothing, and I think that would be critical, foolish, and irresponsible.

The SPEAKER pro tem: The chair recognizes the gentleman from Durham, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I move the indefinite postponement of Senate Amendment "A" and would speak briefly to my motion.

This won't be the first time that the good gentleman from Nobleboro, Mr. Palmer, has called me irresponsible. I think it kind of goes back to the very early days of the regular session. So I am glad to see that we haven't changed.

You know, there is a tendency when we meet in the evening to over dramatize our remarks and we tend to take ourselves a little bit too seriously and maybe, heavens-to-Betsy, we even start believing our own rhetoric and that is when we really get dangerous.

The good gentleman from Nobleboro just gave you all a speech and there is only one thing he didn't mention in the course of his every excellent delivery, there is only one issue that he never talked about, that was Senate Amendment "A". He never talked about any of the substance in it. He just said that everybody worked very hard and very long and they put long hours in and they should be commended for their effort and it was very selfless in their attempts and, of course, it is very true.

We are voting on an amendment here which is, of course, an entirely new bill, which is substantially weaker than the position which many of us in the House adhered to last week. I feel we should reject it, there is no across-the-board money here. It gives us the Hay Report just the way it has always given us the Hay Report. There was one member of the House who, you will recall, though I would never use the word so banal on the floor of the House, he did say that the Hay Report had odorific tendencies which would not be overwhelmingly pleasing to us all.

But I guess the point is this, procedurally I am going to cut it short because I know a lot of you do want to talk about the substance of Senate Amendment "A". I hope you vote for indefinite postponement for a very positive reason in addition to just the fact it is a crummy amendment, and that is this. If you don't indefinitely postpone this amendment, we are going to find ourselves in the position tomorrow of amending the amendment and pretty soon we will be in the position we were in the end of the session before, as the good gentleman from Winslow, Mr. Carter, kept pointing out, that you couldn't amend the amendment to the amendment. Because of that parliamentary snafu we found ourselves in last week, we ended up with some very good ideas never being presented and some very potentially workable compromise not being able to come to the floor for procedural reasons. So, I urge you very strongly to indefinitely postpone Senate Amendment "A", vote for my motion and then tomorrow you can come in and we can amend this thing with some real compromises that have a chance.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: At quarter to eight in the evening, I am not going to give you a great deal of rhetoric. But for one week, I have had an amendment that I have been sitting on and it is my intention to present that amendment.

When we speak of compromise, I know the power of the gavel and I know that we could be on our way home about an hour ago by just objecting to suspending the rules. I didn't do that because I wanted to get to the point at issue, and besides, I wanted the word compromise to work both ways.

I have an amendment that is very important to many. Many in the House have had their say in the matter, many on the outside have had their say in the amendment.

I understand the posture that we would be in would be better by postponing this amendment. It would not preclude me, however, from presenting my amendment. It would, should we pass this amendment, make it that much more difficult. Because of the length of time that I would take, I would await tomorrow to go into a dissertation concerning my amendment. In the meantime I would just merely hope and concur with the gentleman from York, Mr. Rolde, and I would concur with the gentleman from Durham, Mr. Tierney, and hope that this motion is indefinitely postponed and would ask for a roll call vote.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: I won't take very much of your time. Like the gentleman from Orono, Mr. Davies, I speak from only one particular perspective although there are many things within this bill that I disagree with and that is the issue of ADC. I would like to address a series of maybe three questions to the Representative from Eagle Lake, Mr. Martin.

The language that is written into this amendment, as I read it, is simply just that,

language. What authority does it give Governor Longley or Lieutenant Governor Smith that they now don't already have in terms of appropriating money for increases? How much money has to be saved before increases can be given and what happens if there aren't any savings? Do we then still have the moral commitment of the Governor that there will be increases in the ADC grants?

The SPEAKER pro tem: The Gentleman from Portland, Mr. Connolly, poses a series of questions through the Chair to the gentleman from Eagle Lake, Mr. Martin, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I hope I recall the three questions. First, what does the language do that the law does not presently do? The answer, frankly, is not very much. Under the present law, the commissioner may at any time, if he so desires, allocate whatever savings or money he has to that category anyway, which the gentleman from Portland, I am sure is aware of.

The second question, how much money would be needed prior to any implementation of any raise? As I can recall the conversation with the commissioner this morning, and the gentleman from Portland was with me and if I am in error she can probably correct me, he would intend to implement them, the increase, once \$300,000 has been found. He would not wait for the \$1 million. The only thing he would require is that there would be no deficit appropriation required during this fiscal year for that implementation.

And third, what happens if there is no savings? Then the answer either way, with the language we had last time we, will be in a deficit position, with this language there would, in fact, be no increase. I am trying to answer that as honestly as I can.

In further answering the question, I understand fully and I think the gentleman from York, Mr. Rolde, is correct, that we ought to be acting independently of any outside forces. You have heard me criticize that before in this body. Frankly, I think this legislature has let itself become the whipping boy in some instances, not only to the Governor but to an awful lot of other people in groups in the past special session. The thing on AFDC, if the gentleman from Portland heard me at the beginning, the Governor's feeling and I know that he and I probably share the same position, he feels that the moral commitment which he has made is sufficient, and I don't want to get involved into the hassle of what is going to follow. That is the feeling which he has indicated to me and indicated to everyone else. If that does not answer the questions, I would be more than happy to respond.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: Again, very briefly, the answers that the gentleman from Eagle Lake gave do answer the questions that I have. The reason that I asked them is just to point out that when the gentleman began his remarks in explaining the bill, he tried to convey to us that the Governor feels very strongly that he wants to make a commitment for an increase in the ADC program but he does not want to see anything written into law and this language does precisely that. It has so many loopholes in it that Commissioner Smith would not be mandated to give any increase in the ADC program if they chose not to. There are several ways in which this language can be manipulated for the benefit of the Commissioner and the Governor.

I would suggest if you have any consideration at all for those recipients of the ADC program, that you would support the motion of

the gentleman from Durham, Mr. Tierney, and vote for indefinite postponement.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: In further answer to the gentleman from Portland, Mr. Connolly, the amendment that I am going to propose gives and finances in a clear-cut manner \$1 million for AFDC. In answer to the gentleman from Orono, Mr. Davies, the plan that I have ready, in a clear-cut financing manner, gives the University of Maine a million dollars.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: Like my good friend from Orono, Mr. Davies, I am concerned about the university also. I would like to relate to you a story to bring my point home.

It seems that there was this fellow by the name of Ralph who was in the hospital, had been in the hospital for quite some time and everyday the minister in the town would come in and see Ralph. Finally he came in one day and said, Ralph, I have some good news and I have some bad news for you and the good news is that when you are ready to go, I have been talking to the Lord, he is going to take you into his house and the bad news is, you have to be ready to go about twenty minutes past twelve tomorrow afternoon.

We have had somebody come in here today and tell us that we have some good news for you, we have a compromise, and the bad news is that we are killing a first-class institution by robbing it of its faculty by inadequately financing it.

The SPEAKER pro tem: The Chair recognizes the gentlelady from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: This has been one of the toughest things for me, I guess, in these two years in the legislature, with the Speaker going one way and the majority leader another. As for the compromise that was worked out in Old Town, I do not feel obliged to follow that compromise. I was not consulted at all, had no input into it whatsoever and, therefore, I do not feel that I should be — and the Speaker himself has said it was only to see how far the Governor would go and there were many things in this that are not acceptable to him as well.

On the school funding law, I did have some input, I got some things in there that I wanted, I would not have voted for it otherwise. This bill, it seems to me, this Senate Amendment, is really essentially 2342 all over again. The Hay Plan implementation is a little bit later, has the same amount of money for the university, ours had \$800,000 — a little bit of language on there about AFDC, but as the gentleman from Portland has pointed out, it is very vague and it could be gotten around if the need arose.

I am unclear about what authority the Governor had to expand the original order for a classification plan in the first place. The original order was put in for \$24,000 to update the Cresap, Paget or whatever that report is called and they expanded it into a \$115,000 thing and a whole new thing is to be implemented and there was less problems with the time involved, even by people who were asked to submit bids, so it could not be done in that length of time properly.

I guess the question you face is, if you do not pass this amendment, do you lose even \$50,000 for the university and that could happen, or do you lose even the chance that AFDC might get a million dollars or will they get nothing? The same with the state employees; it is not \$11 across the board but it is something, do they want that or do they not want anything?

On the other hand, the Governor, after we took a firm position the last time, compromised a little more. Maybe if we take a firm position again, he will compromise a little further, and I guess that is the kind of risk or choice that is facing us today. We take a chance of killing everything and get nothing or we take a chance of killing it and maybe he will give a little more. I think I am willing to take that chance; that maybe he will compromise just a little more and I think I will vote for the indefinite postponement of the amendment and we can come up with something else and fly that.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I know that it is getting late tonight and we have had a good vacation and I want to thank the leadership for that. It was something that I can speak personally on, it was very gratifying. However, I was very disappointed to come back to the House to find out that the bill that is before us today does not look as good as it did when we left a week ago last Friday.

I have heard about the university, that is not my field, I have no education and, truthfully, I am not too concerned about the university. I think there are enough school teachers in this House to take care of the University. I am not too concerned about welfare because of the fact that we have a lot of people in this House that that is their field and they are well qualified in that to stick up for them. But I do feel that the most important thing that has not been spoken on here tonight is the fact that the employees of this state, you are going to try to make them settle for \$11 and that might not be so. You are going to say to the state employees, you will have no bargaining, we will do it for you. This is wrong, if there is any compromise, compromise on the other end of it, but no, they want it in writing for the employees but they do not want it in writing for welfare.

I have never spoken ill of any member of this House or the Governor, who I certainly have the greatest respect for, because I respect everyone's viewpoint; I may not agree with them, but I at least respect their viewpoint. But I certainly take objection, when I read in the Portland paper that the Governor says that giving them an \$11 a week raise is social welfare. This upsets me a little because I do not believe that when people work for a living they are on social welfare. I do not believe that when unions bargain with management that that is social welfare. I believe that the company, who has a right to bargain with their employees, and they do it in the fashion of which they are entitled to, that is not social welfare.

There are many things in this Hay Report that even the strongest supporter can find fault with, so if this thing is not just perfect, then let's postpone it. There will be another session of the legislature. Is this so important that it has to be done now? This session? Is that report so important? There are many reports laying around this legislature that people have told me that have been up here five years ago and six years ago and they have had these plans take effect and they never even acted on them, but all of a sudden, this legislature has got to accept, at the 11th hour, a report that even the strongest supporter says it has a lot of flaws in it but at least it is a start.

I say, let's work the flaws out and then start in. You do not build an athletic team with a football, you must get the players first. If you do that, then you can get a football and that is just what we are doing here. We are trying to build something that is not perfect and I would not say that if it was, it was not, that is fine and

good, but at least let's put something before the people of this House, something that we can vote on, let it work out.

I would just like to impose upon my good colleagues here tonight that we have to make this decision, and I certainly have the greatest respect for the three people involved to try to reach a compromise, but the compromise I do not have to agree with. That compromise, they gave in probably in fields that they did not have too much feeling for, but I have feelings for the working people of this state who work for the State of Maine, who are taking home \$85, and as my good friend from Farmington, corrected me, they are making \$100 a week, that is true, he was absolutely right, but they are only taking home \$85. They can't live on \$85. You know that and I know that; yet, we are talking about the university, we are talking about professors who might have been paid good to get them in here in the first place, they would not have been here if they had not gotten good pay and now they are leaving. Fine and good, let's try to give them more money, but we have working people of this state, they can't leave for better jobs, they are stuck here and that is the point. We should bring their pay up, and \$15 a week is not an insult to them.

I certainly would urge the defeat of this bill.

The SPEAKER pro tem: The Chair recognizes the gentleman from Gardiner, Mr. Bowie.

Mr. BOWIE: Mr. Speaker, Ladies and Gentlemen of the House: I would have to agree with the gentleman from Westbrook. In some cases, we are not giving a pay raise, as is evidenced by this Senate Amendment "A" which states that any state employee who travels in state after July 1, 1976, shall not be reimbursed for noon meals unless the meal is part of an organized meeting or program or overnight travel. I would submit that those of you who do not live around here, maybe you are pretty lucky, because in my district, I have an awful lot of people that travel for the state during the day, either in their own vehicle or with a state vehicle, and if you give them \$11 a week or \$15 a week, or whatever have you and they have to buy their own meals, their noon meals, I submit that that is a pay reduction and not a pay increase.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bangor, Mr. McKernan.

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I would oppose the motion to indefinitely postpone this amendment. I am sure that that does not come as a surprise to many of you, especially the gentleman from Durham, but I would like to tell you briefly why I do oppose the motion.

I guess it is because of a difference I have with my counterpart in the other corner, the gentlelady from Portland, and that is that I am not willing at this point in the game to play Russian roulette with an increase for state employees.

She asked, what would happen if we did nothing? I can tell you that if we do nothing, the only people who are going to be hurt are the state employees. The Governor has already given his word that he is going to use the savings in AFDC to fund another million dollars in benefits, so even if we do not do anything, he is going to do that, so they aren't injured if we do not pass this bill.

It is also wise for us to observe that there are a lot of things in this budget that have to be passed, and I have absolutely no question that if this version does go down, that we will somehow resurrect a bill which does not deal with state employees in order to take care of the many things that have to be done in state government and, therefore, the University of Maine, I am sure, will get their \$500,000, plus the \$200,000 for student aid which is in this bill.

The only people left are the state employees.

I feel as certain about this as anything I have ever been certain about since I have been in the legislature, and that is that the state employees are not going to get one nickel unless the Hay Report is implemented. I think it is a disservice to them to try to indefinitely postpone this, when, at least according to my math, with the transitional payment that is the equivalent of \$14 a week for the next year in the transitional payments, and I think we ought to take a good hard look before we vote to indefinitely postpone this.

The SPEAKER pro tem: The Chair recognizes the gentleman from Portland, Mr. Lapointe.

Mr. LAPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: There has been a great deal of discussion in this evening hour of compromise; there has been a great deal of rhetoric about consensus; there has been a great deal of words about Russian roulette and playing guts ball and all of that.

I think what is at stake here is a whole series of issues, not simply the Hay Associates Report, not simply the issue of increasing needed income maintenance payments to the aid to families with dependent children account, not dealing simply with the University of Maine, dealing with the issue of whether it is going to become a second or third class institution. I think the issue that is stake here is who we are negotiating with as a House of Representatives, made up of 151 members, who represent probably the broadest view of the people of this state.

We, as a House of Representatives, should be negotiating on a parity with the other body. We should be negotiating with the Maine Senate and we are not. There has been reference made to again compromise. The amendment that we have before us now is not even as good as the amendment that we killed last week, called the Carbonneau Amendment, so this is not a compromise. In a lot of ways, the amendment that we have before us is not even a trade-off. The amendment that we have before us is really selling out a lot of things that a lot of people in this House believe in and a lot of things that a lot of people in this House represent, and that is the issue. Who should we be negotiating with?

There has been some reference made to whether this House of Representatives should be and will continue to be made a whipping boy or girl, as the case may be. If that is the case, so be it. If we have to be made a whipping boy again, or a whipping girl again, I accept that. I will be the first to take off my jacket and my shirt, because what we have before us here tonight is not a very good amendment, it is really a sellout. It in no way even reflects what we didn't adopt before in the Carbonneau amendment, and I think it is most unfortunate that we are dealing with this issue now at this late hour. So I would hope that this House would accept the responsibility of becoming the whipping boy and become the conscience of people of the State of Maine and deal with the issue head on. I hope we do indefinitely postpone this amendment.

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

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

At this point, Speaker Martin returned to the rostrum.

SPEAKER MARTIN: The Chair thanks the

gentleman from Bangor, Mr. Kelleher, for acting as Speaker pro tem.

Thereupon, Mr. Kelleher returned to his seat on the floor and Speaker Martin resumed the Chair.

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

Mr. DAVIES: Mr. Speaker, I wish to pair my vote. If the gentleman from Orono, Mr. Wagner, were here, he would be voting against indefinite postponement and I would be voting for.

The SPEAKER: The Chair recognizes the gentlewoman from Kittery, Mrs. Durgin.

Mrs. DURGIN: Mr. Speaker, I would pair my vote with Mr. Bustin. If he were here, he would be voting for indefinite postponement and I would be voting against it.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I would pair my vote with Mr. Tyndale. I would be voting nay and he would be voting yea. I would be voting to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Carpenter.

Mr. CARPENTER: Mr. Speaker, I would pair my vote with the gentlelady from Topsham, Mrs. Chonko. If Mrs. Chonko were here, she would be voting yea, for indefinite postponement, and if I were voting, I would be voting nay.

The SPEAKER: The pending question is on the motion of the gentleman from Durham, Mr. Tierney, that Senate Amendment "A" as amended by Senate Amendment "A" thereto be indefinitely postpone in non-concurrence. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bachrach, Bennett, Boudreau, Carey, Carroll, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Dow, Flanagan, Goodwin, H.; Goodwin, K.; Hennessey, Hughes, Ingegneri, Jalbert, Jensen, Joyce, Kany, Kelleher, Kennedy, Laffin, LaPointe, MacEachern, Mahany, Martin, A.; Martin, R.; Mills, Miskavage, Mitchell, Morin, Nadeau, Najarian, Peakes, Pearson, Pelosi, Peterson, T.; Post, Rolde, Saunders, Shute, Spencer, Strout, Stubbs, Talbot, Tierney, Tozier, Usher, Wilfong, Winship.

NAY — Ault, Bagley, Berry, G. W.; Berry, P. P.; Berube, Birt, Blodgett, Bowie, Burns, Byers, Carter, Churchill, Connors, Curtis, Dam, DeVane, Doak, Drigotas, Dyer, Farnham, Faucher, Fenlason, Finemore, Fraser, Garsoe, Gould, Gray, Greenlaw, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Jackson, Kelley, Laverty, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lynch, Mackel, MacLeod, McBrearty, McKernan, Morton, Palmer, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Powell, Raymond, Rollins, Snow, Snowe, Sprowl, Tarr, Teague, Theriault, Torrey, Walker, The Speaker.

ABSENT — Call, Curran, R.; Dudley, Farley, Hall, Henderson, Hobbs, Jacques, Kauffman, Lizotte, Lovell, Lunt, Maxwell, McMahon, Mulkern, Norris, Quinn, Rideout, Silverman, Smith, Susi, Truman, Twitchell, Webber.

PAIRED — Bustin, Carpenter, Chonko, Davies, Durgin, Gauthier, Tyndale, Wagner.

Yes, 54; No, 65; Absent, 24; Paired, 8.

The SPEAKER: Fifty-four having voted in the affirmative and sixty-five in the negative, with twenty-four being absent and eight paired, the motion does not prevail.

Thereupon, on motion of Mr. Rolde of York, tabled pending adoption of Senate Amendment "A" as amended by Senate Amendment "A".

thereto in concurrence and tomorrow assigned.

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

Mr. MacEachern of Lincoln presented the following Joint Order and moved its passage: (H. P. 2369)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Ellen Webster of Lincoln Named Miss Greater Lincoln at the Miss Greater Lincoln Scholar Pageant Sponsored by the Chamber of Commerce

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

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

The Order was read and passed and sent up for concurrence. By unanimous consent, ordered sent forthwith.

Mrs. Clark of Freeport presented the following Joint Order and moved its passage: (H. P. 2370)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Helen Gile Wood of Freeport Who Will Celebrate Her 100th Birthday on June 20, 1976

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

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

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

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

From the Senate: The following Joint Order: (S. P. 814)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Harriet Tapley of Gorham Who Attained 101 Years of Age on April 21, 1976

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

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

Came from the Senate, read and passed.

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

On motion of Mr. Jalbert of Lewiston, Adjourned until ten o'clock tomorrow morning.