

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

Tuesday, April 27, 1976

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

Prayer by Father Paul Pare of Augusta.
The journal of yesterday was read and approved.

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

**Passed to Be Enacted
Emergency Measure**

An Act to Revise Provision for Chairman of the Commission on Governmental Ethics and Election Practices (H. P. 2358) (L. D. 2356)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 105 voted in favor of same and 2 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Finally Passed

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) (L. D. 2357)

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

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

Orders

Mr. Strout of Corinth presented the following Joint Order and moved its passage. (H. P. 2371).

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Gary Blackwell Of Corinth Who Has Earned The Title And Distinction Of Eagle Scout.

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

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

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

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

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

After Recess

12:00 Noon

The House was called to order by the Speaker.

Orders of the Day

The Chair laid before the House the first tabled and today assigned matter:

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) — In Senate, Passed to be Engrossed as amended by

Senate Amendment "A" (S-588) as amended by Senate Amendment "A" (S-592) thereto.

Tabled — April 26 by Mr. Rolde of York.

Pending — Adoption of Senate Amendment "A" as Amended by Senate Amendment "A" thereto.

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

Mr. JALBERT: Mr. Speaker, I want to thank you personally for the assistance that I got from you and the Clerk and the cooperation of both the majority and minority leaders as to the delay. I think probably the gentleman from Nobleboro, Mr. Palmer, is right, I should look things over before I go home. I have been around here long enough, and before he does it, I am going to do it myself.

Thereupon, under suspension of House Rule 33, Mr. Jalbert of Lewiston offered House Amendment "I" to Senate Amendment "A" and moved its adoption.

House Amendment "I" to Senate Amendment "A" (H-1316) was read by the Clerk.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to thank the Clerk, Ed Pert, for his excellent explanation, which makes it possible for us to proceed without any further delay, pending the reproduction of the amendment as he has it which, as he explains, changes technical parts of the thing but not the figures at all, not any part of the program at all.

I have had reproduced, also, this fact sheet. I think you know by now that the bill calls for a \$15 a week increase for state employees straight across the board beginning October 1, no taxes, no Hay Report.

I was called late last night. Three people talked to me and asked me if I could meet with them very, very early this morning, and I agreed to do so. This was comprised of a group of about 23 people, the makeup that made up the majority of various departments in the state working out of my area.

Bringing with me the material that I had, and also the other measure we discussed yesterday, and the fact that these were not only state employees and people from my area, but every one of them was a friend. I told them how I leaned, but I was going to explain as briefly as I could, as concisely as I could, as unprejudiced as I could, both of the programs and I would ask for their opinion.

There were several questions that were asked, but I will report this, that unanimously everybody that talked to me and everybody that was present told me that they wanted no part of the Hay Report. I assured them that it was not in my proposal.

I think if we would review briefly what has happened financially in Maine in probably the last decade or even further, I think we saw the beginning of what I thought was the impossible, the beginning of using surplus monies for recurring items to a point where we now are operating state government by having borrowed \$10 million to be repaid on June 16 of this year. Of course, the interest goes with it.

I think that possibly we might go back, I would probably refer myself to the gentleman from South Portland, Mr. Hinds, and the gentleman from East Millinocket, Mr. Birt, when we passed the state income tax on a basis of 6 percent personal and 4 percent corporate. I objected to that proposal, not because I am opposed to an income tax way of financing but because I thought that it would bring in more money than we needed.

The reason I mention the gentlemen that I did is because the day after we passed the measure, we had already passed the first supplemental budget, we found ourselves in a position of having so much money then that believe it or not,

we passed supplemental budget number two. It took little arm twisting by some of us then quite conservative members of the committee to accept that situation. Even at that, we wound up with a large sum of money and I made the comment that we would spend it and eventually find ourselves in a position of having services up here and monies here.

I don't think we have to go back too far to recall that I referred to that situation more than once when I attempted to put out that we should not accept 1994 because we were short \$23 million for the second year of the biennium. One year later, that fact was proven. I also made comment when we amended it at the regular session that we still would be short, and that fact was proven.

And in passing, I might say that we can't necessarily put the blame for the financial situation that we are in on the second floor, on Governor Longley, because he inherited what I would call quite heavy spending, and he reaped the harvest of it and the harvest was very, very poor.

We stand now in this position, that we had a good month last month, but it is my thinking that I would be far afield in saying that we might still find ourselves anywhere between four and five million dollars short on our anticipated revenue at the end of this first year of the biennium.

Bear in mind that when we come here at the next session, we are faced with a bill that we said would take effect next year, and that is the inventory tax which calls for \$15 million.

It is my contention also that where the Governor has cut allotments or savings, as he would term them, \$7 million to end this year, for the last six months of this year, which will be June 30, 1976, that something will have to be done to pick up that money for the second year of the biennium, unless our anticipated revenue would go way beyond expectations. So it is my thinking that we will not be out of here very long before we find that departments have voluntarily agreed to a 4 or 5 percent cut across the board on allotments. And unfortunately, this might very well mean that it will go into the job field, because if you look at the "All Other," we have no capital anyway to speak of, I think you will find that we are pretty much at the bottom of the ladder there.

Wherein it concerns itself with the employee pay bill and what was talked on wherein it concerned the Hay Report, I would suggest that if work environment becomes a criteria under the appeals procedure, this will immediately throw out the entire classification. You cannot compare jobs using a different criteria to job classifications under the original study. The same criteria has to be used on all jobs.

An interesting point, as I was looking through the program again last night and making notations, where is the money coming from to pay for appeals that are upheld and ruled in favor of the employees? For example, 2,000-plus employees in institutions, 1,000-plus in the Department of Transportation.

Using the work environment under the appeals procedure will, out of necessity, require an upgrading of all these jobs, regardless of what was done in the previous study. Where is the money coming from in November when these 3,000 employees are reclassified? These 3,000 have not been taken into consideration, non-standard work week, such as state police, game wardens and other large groups of state employees.

The reason that situation arises is my great concern — and I am touching only lightly on the report because I am not interested in it at all — is that this was a management study in the first place. Where this has a 10 percent ceiling, if an individual would have \$35 coming to him, he

could only get \$15. When and where is the other \$20 coming to him?

A question was asked of me just before we came into session, why hadn't my amendments points been put into the law items that concerned themselves with sick leave and vacation pay. That is because I think that should be long put into the law. I think that if you look truly at the picture as it is and you had talked with a group as I did today and have talked many other days, what we have done since this report came out, since we have discussed this pay proposal and we discuss the various programs, is that we have placed the state employees in a state of fear. They are frantic. Some of them have been working for 5, 10, 15, 20 years, they don't know where they are at.

This morning, I found out something that I didn't read in the report but it was pointed out to me, for instance, the employment office. A Counselor III becomes a Counselor II; Counselor II becomes Counselor I; they are on the same level as the vocational rehab to be plunged into a lowering of the program.

The engineers are not involved in this thing. I have got a letter from the Physiotherapist Association of Maine that they were unalterably opposed to this thing.

There was comment yesterday that the LPN's and the RN's never got together anyway. Well, as a long time patient because of being plagued by pesky chronic illnesses, I can tell you that RN's and LPN's do work together in hospitals, they have to. The only difference is, in one report the RN's are very well taken care of and the LPN's are not.

I am reading a paper that the gentleman from Limerick, Mr. Carroll, has before him which says "Prison guard in Maine paid lowest scale in the United States." My proposal means to give to the state employees actually 2 cents a day, 10 cents a week, because they haven't had a raise for three years; 52 times 10 cents is \$5.20; 3 times \$5.20 is \$15.60.

Furthermore, we have said that we will no longer give 100 percent merit increase to state employees, we will give it to 60 percent. We tell them, we will pay you biweekly instead of weekly. To some people who have well adjusted homes and some people who are accustomed to this or go to work with this situation, some of us probably get paid once a month and we are adjusted to it. This creates a tremendous hardship.

The noon meal situation, we replace it with one cent a mile, an incentive to cheat, not win money, so you take all of these things and just think of this, just place yourself in the position of a state employee who would read this report, who would read the previous amendment that we have which strikes out these things to fit the financial picture into the program and see if you would 8, 15 or 20 years, long enough that you were waiting and you are going to sit it out and work it out until retirement. Let me ask you whether or not this would not be of deep concern to you?

It has been my pleasure and honor to serve here for many, many years. I have reached the point in my life where working at hurting anybody has gone out of my program. I have reached the point in my life where I try as hard as I can to make friends, I try to do the right thing, I tell the truth.

I believe in this amendment that I am submitting to you; I believe it is sound. I know that I do not have the words at my command to try to instill within you the sincerity in which I am appealing to you. This is not a program that was only thought of by me. I have gone from Peter to Paul, and Paul to Peter and to everybody and asked their advice and suggestions on this thing. I would say nothing was perfect, no more than this thing would be perfect, but I think it is the answer.

I beseech you to go along with the passage of this thing. I am aware, Mr. Speaker, that we are here at a cost of \$25,000 a day, I am aware that we have been here and are on our 65th day, we have been here also and spent maybe 25 or 30 minutes and gone home. I would have no objection if this even had a public hearing — we have been here 65 days. The idea of we have got to go home doesn't impress me anymore, I don't know what to do about tomorrow, which is the most important day in the year in my work, personal work program. I must be in two places at once. I don't know how you do that.

Mr. Speaker and Members of the House, with all the sincerity at my command I move for passage of this amendment and when the vote is taken I respectfully ask for the yeas and nays.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I do, as you know, have great respect for the gentleman from Lewiston. I have known him, as he has said, for many, many years, having served with him in this House, years ago. I have respect for the fact that he has been on the Appropriations Committee many, many years, but I must ask that we indefinitely postpone this amendment, not alone on the basis of nonimplementation of the Hay Report but because I really do feel that this is probably the fuzziest funding that I have seen yet.

I want to call your attention to just a few things. I am sure you all have the white sheets here which are informational, the amounts of money that are saved and expended for various things, I think you should look at them. I don't want to even bother to go into the situation here with state employee pay raises concerning the Hay Report. I think we have debated that issue over and over again, suffice it to say that it was originally started because of interest in it by not only the state government but by also state employees and by the unions themselves. But this report bothers me because it is really a bad financial amendment.

I call your attention to two or three things, for example, municipal revenue sharing. I think that all of us have a little soft spot in our hearts for that, have been concerned about the way this is being handled. I think if you look at this amendment you will find it puts a limitation of \$9 million municipal revenue sharing, which may have some serious effects at the local level in the near future.

I call your attention to the fact that the gentleman from Lewiston has saved \$1,373,697 in one-time funding, and I know that I can get into trouble when I say this with certain members in the House, but I still believe firmly that this is one-time funding for continuous programs, which means a built in tax increase at some time.

I call your attention to the fact that the gentleman from Lewiston himself said that we are in a precarious financial condition in Maine at the present time. I think there are few in this House and Senate who would not agree that we may have some serious financial problems ahead of us. The net result of this amendment is to clean the cupboard bare. If we should have the problem in the future, which we may very well have, I can see where there is nothing left to pay for the deficiencies except a further increase in taxes.

I call your attention, also, to the very front page of the white handout which diminishes the Governor's balance from \$618,000 down to \$74,000. I think anyone really would have to agree that is a ridiculous balance to leave with any Governor with a budget the size of the budget of the State of Maine.

We have financial problems, there is no question about that. I am not going to go into this

amendment in any way regarding the Hay Report or anything else. I am simply saying to you, look very carefully at the areas that are being funded. Determine for yourselves how they are being funded and see if you believe this is a proper financial vehicle on which to build a future. I do not believe it is and I hope we will indefinitely postpone this amendment. Mr. Speaker, I move that it be indefinitely postponed.

The SPEAKER: The gentleman from Nobleboro, Mr. Palmer, moves the indefinite postponement of House Amendment "I" to Senate Amendment "A."

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: It is a bit difficult, I think, for all of us to rise and speak either way on this budget matter. It has been a matter of very great difficulty right from the beginning in this special session. Some of us have put a great number of hours into effort that has led nowhere, it has brought nothing but dispute and acrimony. I think we have come down to the point now where we have got to be reasonable in what we perceive as being possible.

The amendment that the good gentleman from Lewiston offered, a man who has worked as hard on this budget as anybody, both in this session and in the past, is not possible. This legislature has spoken several times on this issue and it has been rejected. So, I think we must take the reasonable course, even though there are many things in this budget that he presents to us today that we would all like to accept.

I think we should do more for the University of Maine, personally, than has been proposed in the current compromise. I think we should do more for AFDC than has been proposed. I would like to do more for state employees. But reasonableness dictates to me that all that I wish and hope for will not be accomplished in this session of the legislature.

So, today, even though I have the feeling that the good gentleman from Nobleboro is trying to prod me into a little debate with him by some of his earlier comments, I am not going to debate with him today. I do share his concern, however, that the present recommendation before you is not properly funded. The simple basic reason for my questioning of the document is that it starts a pay raise in the middle of a fiscal year and takes a whole year's funding to pay for it. I think this is a sure-fire way to cause the next legislature to be faced with a tax increase. There are ways of giving across-the-board raises that I believe would not incur a major tax increase. It seems to me this is going to such an extreme that a tax increase will be inevitable in the coming year.

Another issue that this amendment does not properly address are the special revenue and dedicated revenue accounts. If this across-the-board increase by this method is granted by this legislature, it will cause an expenditure of about \$9 million in the special and dedicated revenues. We haven't heard one whit of explanation as to whether this is reasonable or possible or whether it could be expected in a nine month period.

It is not a properly funded vehicle in my judgment. So today, with regret, I must rise to ask you to vote for the motion of the good gentleman from Nobleboro, Mr. Palmer, to indefinitely postpone this amendment. I think it is the only reasonable course we can take, it is the only constructive course we can take, and it is the only proper course for us to take today.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: Touching very lightly on the gentleman from Dover-Foxcroft, Mr. Smith, I don't know what he is talking about the \$9 million, but I guess we are talking about

foreign countries. And as far as the special revenue account that is involved in this thing here, I will address myself to him and the gentleman from Nobleboro, Mr. Palmer, and I would like to suggest to him that the \$1,373,000 that he talks about, not one cent of that addresses itself to the pay raise. That is to pay back that million dollars in other items.

If this item here of mine, which in effect is really about \$2 million or more, say \$2.5 million, if this is going to create a major tax problem in the future what is the rest of the program going to do? What are you going to do to effectuate giving \$40 a month for four months and then implement the Hay Report? What are you going to use for that? Wampum?

If you are going to start kicking figures around with me, you go to the library. I have been talking about special revenue accounts. I will tell you what you do, you pass an order and I will present it tomorrow giving my special committee \$30,000, and give me Bill Garside, Rod Scribner, Ronald Lord and Bent Schlosser for six weeks and I will work for nothing. They will take a leave of absence and we will come up with \$15 or \$20 million out of that holy special revenue money.

The one-time items that are on the sheet that the gentleman from Nobleboro, Mr. Palmer, talks about, his friend, the House Chairman of the Appropriations Committee, I assume they get together once in a while, should have informed him that these amounts were agreed upon by the Appropriations Committee, we discussed them. The continuous accounts are separate. Now, I am positive that my good friend from Nobleboro knows the difference between continuous and one time.

Let's not for a moment just figure that besides that, this is all that is in this amendment. You have got millions of dollars involved in this amendment as you had in the amendment that you talked about yesterday. How are you going to fund those? What are you going to use for money to fund those items next year? Wampum?

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House; It seems so for the last couple of times we have been here, all we have talked about is the pay raise for the state employees. I think we are talking this bill and this pay to death. If we can't come in here as intelligent people and say to the employees of the State of Maine, that you deserve \$15 a week for the services that you have given this state, then we shouldn't even be up here in the first place. In order for us to come up here with reports that we have had on this 2235 bill, we have got everything in there under the sun except the purpose of the bill and the purpose of the bill is the pay raise for the state employees. We have welfare in here, we have the University of Maine in here and we have everything in here. Now, none of us can agree on 13 parts of the bill that we like. There are many parts of this that I don't like, but one in 13, I do like. I don't know too much about this legislature but I can't understand why we have to look at a bill with 40 pages in it and half of the pages do not even pertain to what we are going to debate on, that is what I don't understand about the legislature procedures.

I feel that we have an obligation to the working people of this state, an obligation to give them a decent increase in wages so that they will be above welfare and poverty level, so that they can have dignity and respect and pride. If we can't do that, then we should go home now and turn our backs on them and say, you don't deserve a raise, and go home and leave it as it is. We are costing the taxpayers money by being here. If we can't say this to the people of the State of Maine, then let's kill the whole bill,

let's go home, come back next year, whoever is coming back, and put in a separate bill for the employees who work for the State of Maine. Now, they have gone over two years without a raise. Another eight or nine or ten months is certainly not going to make them any worse off than they are now, other than deeper in debt. The working people always go deeper in debt because they are always the last ones to get a pay raise. The top executives always come first. Everyone else gets it except the lower paid employees.

The thing that was distributed by Representative Post this morning that I read is undescribably a total shambles to the State of Maine. Our prison guards handling murderers, rapists, and all kinds of undesirables and they are the lowest paid in the nation. Well, we certainly ought to be proud of that, that is really a great accomplishment and I am ashamed to be a part of it. Yet, we can spend millions of dollars up here for education, which is good and we need, and we won't debate that half as long as we are debating a \$15 a week raise for employees. That is hard for me to believe. That is hard for me to believe because I know most of you people in this House and you are intelligent people. I may not agree with you but at least you are intelligent. How we can not give a \$15 a week raise is something that is too much for me to understand, yet, we have a Committee of Conference and appoint a new position and you know what we gave him for a raise? \$3,500 just like that and this house went right under the hammer and so did the other body, never even questioned it, other than two or three people. Just like that, we passed it, no problem, and yet we are asking to give \$15 a week raise to the working people of this state and we debate it to death. We have killed any hope that they will ever get a raise out of this legislature. I know that and you know that. We have to contend with the gentleman on the second floor, whom I have the greatest respect up until this bill, and I even respect some of them across the hall, but what we are doing is, we are killing this thing so there will be nothing left to it. Mr. Jalbert has a fine amendment. I am certainly not going to debate with my good friends Mr. Smith or Mr. Palmer or Mr. Jalbert on figures because I do not know too much about that. But I know one thing, I know the right thing to do in this House and the right thing to do on the floor of this House is to grant an increase and a decent living wage for the people of this state, and I do not have to have a college education to know that with degrees behind my name.

I know that that is the right thing to do and I certainly hope that the members of this House will not worry about where the money is coming from, you never worried before, so why should you start worrying now? If we haven't got the money, we will find the money, you always did find the money. Anytime anything was ever done for the state, no one did it for nothing, they always got their pay and we will find the money for this too. These ideas of coming up with all these big figures do not mean a thing to me, because I want the people of the State of Maine who are working for \$85 and less take-home pay, I want them to take home more than that, put them up where they belong, and I ask the members of this House today to support Mr. Jalbert and we will worry about the money — we will let the next legislature and the next one and the next one worry about it, but at least we will have done the right thing today.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Lewiston, Mr. Jalbert, informs me that I used the figure \$9 million and I guess I did, I was seeing \$6 million in my mind and saying \$9 million with my tongue, and I do apologize for that slip

to the legislature; it is \$6.4 million. And that money that I am talking about is additional money that will be required above and beyond the \$11 across the board that had been suggested earlier and is presently being suggested. We are talking about \$6.4 million really from the General, from the Highway and special revenue accounts that we cannot say that the state has or will have in the future. Therefore, we are talking really about a \$6.4 million tax increase at some time starting in the next fiscal year.

Mr. Jalbert of Lewiston requests a roll call.

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

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

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House; I am sorry, maybe I will not be able to be brief this morning, usually I am. I think that the gentleman from Dover-Foxcroft, Mr. Smith, put his finger on it, he put his finger on the million dollars that we are talking about, the teachers retirement, and the people I have talked to, some of the people in Legislative Finance feel that it is a one-shot deal, so I submit to the members of this House, if we are using hokey financing in this amendment, then the previous deal is hokey financing, so it is six of one and half a dozen of the other.

If you take your two sheets and you go down them, you will find that you have taken one-shot money to finance both programs. You are taking one-shot money. For a person to get up and say, well, it is hokey financing on one hand and not hokey financing on the other, is wrong in my opinion.

I guess the master plan is dead. I understand that that is unconstitutional. The last I heard for the great compromise was that the master plan, if the appeals board and the Hay Report could not determine what was right in the length of time, then they would turn it over to the master; well, the master has gone, we can no longer turn it over to him because he is dead, he is unconstitutional.

We addressed some other issues here. The University of Maine gets a little more money, reduces the cut in LEAA to \$67,000, I think this is a reasonable amendment. I think the people in this House want to do the right thing, the fair thing, and will vote today not to indefinitely postpone Mr. Jalbert's amendment but to put it into law and send it down and we will continue to work ahead and work out our differences for the good people of the State of Maine.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Nobleboro, Mr. Palmer that House Amendment "I to Senate Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no. A roll call has been ordered.

The Chair recognizes the gentlewoman from Augusta, Mrs. Miskavage.

Mrs. MISKAVAGE: Mr. Speaker, I would pair my vote with Representative Tyndale. If he were here, he would be voting yes and I would be voting no.

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

Mr. DeVANE: Mr. Speaker, I would pair my vote with the gentleman from Dexter, Mr. Peakes. If he were here, he would be voting no and I would be voting yes.

ROLL CALL

YEA — Ault, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Blodgett, Bowie,

Burns, Byers, Call, Carpenter, Carroll, Carter, Churchill, Conners, Curtis, Dam, Doak, Drigotas, Durgin, Farnham, Fenlason, Garsoe, Goodwin, H.; Gould, Gray, Greenlaw, Henderson, Hewes, Higgins, Hunter, Hutchings, Immonen, Jackson, Jensen, Kelley, Laverty, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lynch, Mackel, MacLeod, Martin, R.; McBreairey, McKernan, McMahon, Mills, Morton, Palmer, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Post, Powell, Quinn, Raymond, Rollins, Smith, Snow, Snowe, Sproul, Strout, Susi, Tarr, Teague, Torrey, Walker, Wilfong, The Speaker.

NAY — Albert, Bachrach, Boudreau, Bustin, Carey, Chonko, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Davies, Dow, Dyer, Farley, Faucher, Finemore, Flanagan, Fraser, Gauthier, Goodwin, K.; Hall, Hennessey, Hinds, Hughes, Ingegneri, Jacques, Jalbert, Joyce, Kany, Kelleher, Kennedy, Lafin, LaPointe, MacEachern, Mahany, Martin, A.; Maxwell, Mitchell, Morin, Nadeau, Norris, Pearson, Pelosi, Peterson, T.; Rolde, Saunders, Shute, Spencer, Stubbs, Theriault, Tierney, Tozier, Usher, Wagner, Winship.

ABSENT — Dudley, Hobbins, Kauffman, Lovell, Mulkern, MacEachern, Najarian, Rideout, Silverman, Talbot, Truman, Twitchell, Webber.

PAIRED — DeVane, Miskavage, Peakes, Tyndale.

Yes, 76; No, 58; Absent, 15; Paired, 4.

The **SPEAKER**: Seventy-six having voted in the affirmative and fifty-eight in the negative, with fifteen being absent and four paired, the motion does prevail.

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

Mr. **SMITH**: Mr. Speaker, I move that we reconsider House Amendment "I" and hope that you all vote against me.

The **SPEAKER**: The gentleman from Dover-Foxcroft, Mr. Smith, moves that we reconsider our action whereby House Amendment "I" to Senate Amendment "A" was indefinitely postponed. Those in favor will say yes; those opposed will say no.

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

On motion of Mr. Rolde of York.

Recessed until two o'clock in the afternoon.

After Recess
2:00 P.M.

The House was called to order by the Speaker.

Mr. Rolde of York offered House Amendment "C" to Senate Amendment "A" and moved its adoption.

House Amendment "C" to Senate Amendment "A" (H-1308) was read by the Clerk.

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

Mr. **ROLDE**: Mr. Speaker, Ladies and Gentlemen of the House: To briefly explain this amendment, I direct your attention to Section 6 of Senate Amendment "A" which deals with a temporary compensation review board, or better known as the appeals board. Midway down in that paragraph describing the board, there is a statement that all appeals shall be submitted to the board prior to July 1, 1976. I would simply add the language after that that the board shall be constituted prior to July 1, 1976. I assume that is an oversight, that there was no date actually put in when the board would have to be constituted, so this is all this language does.

Thereupon, House Amendment "C" to Senate Amendment "A" was adopted.

Mr. Birt of East Millinocket offered House Amendment "B" to Senate Amendment "A" and moved its adoption.

House Amendment "B" to Senate Amendment "A" (H-1307) was read by the Clerk.

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

Mr. **BIRT**: Mr. Speaker, Ladies and Gentlemen of the House: I would give you some background of what this amendment does. It came about in some discussion that I had with one of the heads of the vocational schools back sometime in the fall in which he indicated that a small increase in tuition would allow additional revenue to be generated to increase the supplies and facilities and equipment at the vocational schools, which possibly would also allow the taking of some additional students but would allow the students who were there to have better operating conditions.

The State Board of Education has indicated that with the passage of this it would institute a \$100 a year increase in tuition fees. The tuition fees have not been adjusted since 1972, and they indicate that they feel this increase is warranted and could easily be done and will not create any problem to students.

I think this amendment will work out all right. The amount of money that will be generated in the increase in tuition is estimated to be exactly the cost of the bills, so there would not be any change in the total overall cost to the General Fund.

This has been run by the Governor and the Governor has indicated, from what information that I have been able to get, that he doesn't have any position one way or the other and it will not affect his feelings toward the bill.

I would hope that this would receive adoption.

Thereupon, House Amendment "B" to Senate Amendment "A" was adopted.

Mr. Carter of Winslow offered House Amendment "A" to Senate Amendment "A," and moved its adoption.

House Amendment "A" to Senate Amendment "A" (H-1304) was read by the Clerk.

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

Mr. **CARTER**: Mr. Speaker, Ladies and Gentlemen of the House: Briefly, what this amendment proposes to do is allow an additional \$2,500 to the Bureau of Public Improvements to go over existing school buildings in anticipation of coming up with recommendations to cut down on the cost of operation. This is the end result of a subcommittee that was set up under House Paper 1776 in the last session. The other parts of the order were incorporated in a joint resolution that was passed here previously.

It has been estimated through independent studies conducted by engineers at the University of Maine, some of you may have seen the brochure, the end results, and it is possible that we might be able to recoup some of the savings which are now being wasted literally in operational costs through buildings which are not built according to the best energy conservation methods and it is possible that we might be able to recoup some of the estimated \$15 million that is currently being wasted. I would move its passage.

Thereupon, House Amendment "A" to Senate Amendment "A" was adopted.

Mrs. Mitchell of Vassalboro offered House Amendment "N" to Senate Amendment "A" and moved its adoption.

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

The **SPEAKER**: The Chair recognizes the gentleman from Vassalboro, Mrs. Mitchell.

Mrs. **MITCHELL**: Mr. Speaker and Members of the House: This amendment deletes one sentence from Section 9 in Senate Amendment "A". The sentence that it deletes says that the Governor and the State Budget Officer, when next preparing a budget, may include only sufficient funds for merit increases for a maximum of 60 percent of those eligible for the increase.

Looking at the rest of Section 9, I urge you to pay close attention to the major thrust. It is designed to make a merit system truly a merit system and encourages only those people who have been truly scrutinized and carefully documented as deserving of a merit increase; only those people will get the increase. Yet, the sentence that I would choose to delete says that only 60 percent of those would get the increase.

I would like you to think for a minute of yourselves as 151 state employees. You have all been deemed worthy of a merit increase. I would like you to consider your feelings if the decision as to which 90 of you would get the merit increase, first of all if the Democratic Leadership were making that decision, perhaps Republican Leadership were making that decision or maybe your seatmate. I would like you to consider how you might feel, depending on who was making that decision. But the real heart of the issue is, instead of deciding how many employees warrant an increase and budgeting appropriately, the legislature, through this sentence, goes on record as saying that 40 percent of the state employees are not deserving of a merit increase. The proper place for determining these funding levels is in an appropriation measure, not some artificial and fictitious percentage point to fit underfunding and written into statute. A person should be judged against a standard, not against some other person, then a merit system can be a real incentive system, that system we all pay lip service to.

Since Mr. Hewes has characterized me as a legislator-educator, I would like to draw one other simple analogy from my teaching background. Suppose my principal told me that 10 percent of my 20 students, or a total of two, could receive an A. Suppose three students made high 90's all year long, how do I pick the two students who would get the A, the ones I like the best? I think this is what this system encourages. It makes a merit system an arbitrary rather than a fair system and I cannot support such a system.

I urge you to support my amendment and rid the pay plan of this arbitrary figure.

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

Mr. **PALMER**: Mr. Speaker, Ladies and Gentlemen of the House: Up to this point, I guess we have had three not too controversial amendments. Now we are getting down to one which effectively begins to drastically change the compromise which the Governor and the Senate President and the Speaker of this House agreed to.

I would like to take from the good lady's teaching career and ask her how many principals ever did dictate how many people were to get A's. I had a few years of teaching myself, and I don't ever recall a principal saying, teacher, now I want you to give only two A's in that class, three B's, four C's and two D's. To me, the analogy is just not there.

It doesn't say that 40 percent are not eligible or 40 percent who are eligible will not receive pay. It says that the 60 percent who were doing the best job would receive merit increases.

There is a question as how you determine merit increase. The good lady from Vassalboro seems to indicate that this is an impossible position. I would submit to you that every day in private enterprise this is done. When supervisors meet with workers, they both analyze the work that has been done, they mutually exchange ideas and talk about their abilities, their decision-making powers and what they are doing. I think there is a very definite reason for this 60 percent being in here.

I hesitate at this moment to do anything but say that we should indefinitely postpone this amendment because we are now getting into the real guts of this proposal. If we begin to

lamper with this, I am afraid that the compromise measure which we had some hope for, which we might be able to pass, would go down the drain. So I am asking you now for the indefinite postponement of this amendment.

The SPEAKER: The gentleman from Nobleboro, Mr. Palmer, moves that House Amendment "N" to Senate Amendment "A" be indefinitely postponed.

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

Mr. CAREY: Mr. Speaker, I would like to ask one question of the gentleman from Nobleboro, and I know that the legislative record earlier will point out that he was a champion for equal pay for equal work. Am I to understand that the championship has now toppled or gone to the other side of the aisle? Is he still a champion of equal pay for equal work? If so, how can he substantiate the fact that only 60 percent of the people who are doing equal work will get a pay higher than the others?

The SPEAKER: The gentleman from Waterville, Mr. Carey, has posed a question through the Chair to the gentleman from Nobleboro, Mr. Palmer, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. PALMER: Mr. Speaker, I would simply respond by reminding the good gentleman from Waterville that I don't believe it is possible to have 10,000 state employees, or eleven or twelve, and say that they all are qualified equally at the same time for a pay increase. I think that is an almost impossible situation to even imagine.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Just one point that our good minority floor leader made here this afternoon I think we should well keep in mind, and that is that the Speaker of the House and the President of the other body isn't dictating and I don't think it is their intentions to dictate what allegedly the gentleman downstairs is going to do when we offer amendments or not, and I don't really appreciate those remarks coming from the gentleman that I have the greatest respect for indicating what James B. Longley is going to do, whatever we amend this bill to do. I just say, so be it, whatever the amendments are that this House has the wisdom to adopt, and then let us put the bill down there and see what the workable and wise gentleman may do, but let's not be intimidated by the possibility that the great and noble leader that we have down on the second floor is going to violate the intentions of this House with his alleged wishes.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I read the remarks of the gentleman from Nobleboro as being very appropriate, calling our attention to a very fragile financing device that has been put together here which this amendment seeks to erode. This amendment would immediately knock \$250,000 out of, again, a very fragile and delicate piece of machinery that has been put together to finance these pay proposals.

I think the confusion comes in what we tend to define as the word 'eligible.' It is my understanding that in addition to pulling all of the A, thru Z steps together and making them consecutive, open to consecutive movement, that everyone who is not at step Z, the last step in the current plan, is an eligible employee and that what the language in the bill says is that the top 60 percent of the employees will be eligible for a merit increase. I think it is only as you approach it in this light that you can truly call it a merit system. What we have today has been very easily proven, I think, not to be a merit system.

I think the gentleman's remarks are well

taken and well directed and I hope they will be well received.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I think the alternative offered by House Amendment "N" is going to require considerably more money over a period of time.

These merit increases are not going to be, determined by the head of the department, they are going to be determined by middle management, and middle management, having to work with a smaller group of people, is going to lean overboard in giving merit increases if there are no restrictions placed on the amount of money that is involved.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Farley.

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that we would support this amendment before us and I would especially appeal to the members of my party. What the gentleman from Nobleboro is suggesting we do here today is something that I thought a hundred years ago, a couple of terms that were thrown around was one called "Lizzy Affair" and the other is "Social Dialism," which was the survival of the fittest, and I think the seeds are right here in this part of the original bill.

I would suggest that we support this. There is no telling, maybe next time we will come down 50 percent, then 40, then 30, and then we can just issue the roller skates and go as fast as we can. I would ask that you support the amendment today.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to support the amendment presented by the gentlelady from Vassalboro, Mrs. Mitchell. It seems to me that the question we really face here is whether we want to have, in fact, a true merit system that is designed to require the management to determine who deserves a raise, who is doing a good job, who is doing their best and then to make budget recommendations based on who in fact is doing a good job.

In a private enterprise situation, it seems to me that it would be a very crude management that said 60 percent of the employees in this company or in this law firm or in this institution are going to get merit raises no matter what and 40 percent aren't going to get merit raises. The real thing is, who is doing a good job? How do you figure out who is doing a good job, and if they are doing a good job, give them a raise to encourage them to do a good job. But if you have got 70 percent of your people who are doing a good job, or 75 percent of the people who are doing a good job, it doesn't create an incentive to keep doing a good job if they know that 60 percent are going to get an increase and the other 15 percent who are doing a good job are not going to get an increase. What you do, I think, is foster bitterness. If a merit system is going to work, it is going to work because you train your management to really evaluate people so that they can make the decision as to who is doing a good job and who is not.

That is not what is going to happen with this 60 percent figure. What is going to happen is that middle management is going to go around and they are going to have 8 people out of 10 who are doing a perfectly good job and they are going to say, well, we cannot give you all increases because the legislature said that only 6 out of 10 could be eligible for a merit increase, so even though you deserve an increase, we have to choose somebody so we are going to have to choose these six. I think it creates a possibility for ducking the whole issue.

If we have 70 percent of state employees, who

are doing a good job, I think, as a good personnel manager we ought to be willing to give them an increase and the management ought to look at the people in their departments, decide how many ought to get an increase and then they ought to come in with a proposal for an increase. But for this legislature to say 60 percent of these people deserve a merit increase and the other 40 percent do not, it seems to me for us to be making a decision before the fact that I am not willing to make. I am not willing to write off 40 percent of these employees and say that they are not doing a good enough job to deserve an increase.

I would hope that you would support the amendment of the gentlelady from Vassalboro.

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I would like you to take a good look at the bill, a very good look at the bill. I would suggest that the gentleman from Nobleboro, Mr. Palmer, do this also. It says the Governor and the State Budget Officer when next preparing a budget may include only sufficient funds for merit increases for a maximum of 60 percent of those who are eligible, so in a sense you are saying that at any one time 40 percent of any group that you feel you should give a merit increase do not deserve it. I think that this is the biggest insult that this legislature could give the state employees — I think it is disgusting.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I think we are coming to a very fundamental difference between the public sector and the private sector. In the private sector, a determination is made as to what level of funding can be made for salary increases. In the public sector, there seems to be an opinion that no restrictions should be placed on merit increases because we have the taxes to fall back on. I think to be responsible you have to set a level of funding for merit increases; otherwise, you are going to be faced with an ever-increasing burden.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Nobleboro, Mr. Palmer, that House Amendment "N" to Senate Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

49 having voted in the affirmative and 65 in the negative, the motion did not prevail.

Thereupon, House Amendment "N" to Senate Amendment "A" was adopted.

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

House Amendment "M" to Senate Amendment "A" (H-1321) was read by the Clerk.

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

Mr. DAVIES: Mr. Speaker and Members of the House: The amendment that I have just presented does two things, both in the area of the University of Maine's portion of the budget. As you know, the recommendation that we had before us in the Senate bill recommends \$500,000 for the University in the general activities area and \$200,000 for money to be specifically used for student aid.

The amendment that I have presented is a compromise between the proposal that we had passed earlier and which we adhered to prior to the veto by the Governor of \$800,000 in the general activities and \$200,000 in student aid.

What mine does is, it adds \$100,000 in the

general activities area to increase it to \$600,000 short of the \$800,000 that we had previous but it moves toward a compromise with a bill which would otherwise be unacceptable.

The second area, an area of probably the more crucial of the two, we increase the amount of money available for student aid by \$100,000, to a total of \$300,000. The reason why this bill is absolutely essential, as I told you yesterday, the trustees of the University of Maine are considering an increase in tuition totaling \$2.7 million, a sizable increase that our children, our sons and daughters, brothers, sisters and friends who are going to be paying.

At the University of Maine at Orono alone, there are 3,000 students who are currently receiving some form of student aid because they cannot pay the full cost of education. With an increase in tuition of \$2.7 million, these 3,000 individuals are faced with additional burdens that they simply cannot meet out of their own resources and to this list of 3,000 people will be increased an unknown amount of people, perhaps, totaling as much as 1500 to 1800 students in addition.

Student aid will simply not be able to cover this additional necessary cost of education for these needy students and this additional \$100,000, while not sufficient, is a gesture on the part of the legislature that we do recognize the severe burdens that this is going to present to our young people and we are offering some slight increase in the amount of money available to those individuals so they possibly can continue going to school and not be driven out in droves.

I hope you will accept this amendment. The money is available. I would also like to correct an impression that I think might be mistaken that was given yesterday by the Speaker of the House. He implied that the Chancellor of the university said that he would rather have \$500,000 than nothing at all, I think the impression that he wished to give, which was mistakenly conveyed to us, was that he could get absolutely nothing, but he would take the \$500,000, but he would much prefer to have the million that he had initially or he would take this as a reasonable compromise. I urge you to support this.

The university is making their attempt to cut back to bring in additional revenues to cover the costs of education. I think it only fair that we join them in their efforts, because education certainly is our last hope.

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

Mrs. BERRY: Mr. Speaker, I would like to pose a question through the Chair. I would like to have Mr. Davies tell us where this \$200,000 would be coming from? How he would raise it?

The SPEAKER: The gentlewoman from Madison, Mrs. Berry, has posed a question through the Chair to the gentleman from Orono, Mr. Davies, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. DAVIES: Mr. Speaker, Ladies and Gentlemen of the House: If the gentlelady from Madison would check the budget that we have before us, she will find that there is a surplus in excess of \$600,000. We would be taking \$200,000 of that and putting it into the University of Maine.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: In regard to that last exchange, yes, there is a \$600,000 "surplus" left at the end of the year but we are now dipping into it to the tune of \$450,000 with Amendment "N" which was just passed with no fiscal note on it and has the effect of deleting \$250,000 from the budget calculation, this takes an additional \$200,000, and I am just feeling a little like someone going over the falls in a whirling row-

boat. I just do not feel comfortable about this.

The gentleman from Orono did not mention the fact that between the actions that this legislature took last year and what is proposed in the compromise legislation, \$3 million in student aid has been made available to students at the University of Maine. He says that this is insignificant and insufficient. I submit, at least in the figures I heard him mention the other day, this just about equals the total increases that the university has ordered and is contemplating.

I just feel that somewhere along the line that we have to realize that this is money and that we are spending with wild abandon and that surplus is a vaporous figure at best and that we should, as a matter of prudence, have left all of it there.

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

Mr. DAVIES: Mr. Speaker, Ladies and Gentlemen of the House: Perhaps the good gentleman would look at the amount of money that the University of Maine is receiving in total for student aid this year. He will find that the proposal from the federal government is to cut back the amount of student aid money, not to the level of 1974 or to 1973 or 1972 but in fact to the level of money that was available for the University of Maine in 1971, a 40 percent reduction in the amount of money available for student aid from the federal government.

Perhaps the good gentleman, in his affluent position, can afford to pay full cost of any of his children's education but, unfortunately, 70 percent of the people who live in this state are unable to do so and, yet, we seek for them the same opportunities that the good gentleman from Cumberland receives, and I ask you are we going to send to school only those children of the total abject poverty and those people who are wealthy enough so that student aid is something that they hear about in the newspaper but never have to deal with? I ask you, how is a person who makes \$8,000 a year, or \$8,200 a year, like a prison guard who has worked for 15 years, how is he going to send his children to school? He certainly has the same aspirations that you and I do to see his children go on and do something better than he does. While he is proud of his work and he does the job, he certainly is not getting paid enough for it. I think it is only fair that we consider the burden that he is bearing to live in this state and to give him the decency and the opportunity to allow his child to go to school, to get an education, do something not only for himself but for the State of Maine. If the good gentleman would care to see such happen, then fine for him, but if so, I would not care to be associated with him.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: In House Amendment "M" — I think maybe we had better get back on track just a little bit — this is an amendment designed to provide money for the University of Maine for salary increases for our employees and faculty and not for scholarships. There is another amendment that will deal with scholarships.

What I would like to do just now is to talk about only the salary portion. I can remember last year when I first came into the session, as you remember, it was at the end of the year, George Carroll was giving one of his speeches and he made the point in one of his speeches, let's be fair, what is right is right and what is fair is fair. What this bill is attempting to do is to give people who push a broom, who use a typewriter and do all of those tasks at the university, along with faculty, as much money and no more than state employees get. If that is not fair, I would like to know what would be fair. We are asking for equity, only equity. I am not

sure that the money that is provided for in this amendment will be sufficient; however, it is a step in the right direction.

Yesterday, there was \$500,000. You remember, old Amendment "A" was \$800,000 so we have come up \$100,000. We have compromised, we are asking you to compromise. It is not asking for a great amount of money when you are asking for equal pay for equal work.

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

Mr. WAGNER: Mr. Speaker, Ladies and Gentlemen of the House: There are a couple of things in this that I would like to speak briefly to. The question that Mr. Garsoe has raised is one of an increased level of student aid funding over the past few years and he is right in this, there has been. I think that this should be pursued to look at what we are dealing with here is a clientele or what the consumers are of the State University. The land grant University, it is supposed to be open to the students of all of the people of this state, it is supposed to furnish an education to the middle class, to the lower class or what? Probably the affluent people in the state are sending their children to private schools anyway, in or out of the state.

The student aid program has been expanded to the point where low-income families have a pretty good opportunity of being eligible for student aid, and I think in the decision of the Board of Trustees to raise tuition has made it increasingly difficult for students of middle-income people who are the people who pay the vast majority of income in property taxes to support the University of Maine and other state programs, are being penalized if we do not further increase the level of student aid. For that reason, I would urge your support for this amendment for the student aid part.

For the other \$100,000, I think it is a very minimal gesture in the direction that Mr. Pearson has spoken to, which is to raise it to \$600,000 or approximately 10 percent of the level that was requested by the University of Maine for this budget. And if you figure out something like 2200 or 2250 employees of the university, it is something like \$5 a week if you spread it across the board. Now, it is up to the administration of the university to determine how this would be dispersed, but if it were distributed equally, it would be about \$5 a week and I do not think that that is an excessive amount, so I hope you will support this amendment.

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

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I would move the indefinite postponement of this amendment.

I would just like to say that we ought to reflect on the words of the Speaker yesterday when he talked about the provisions of Senate Amendment "A". I think it is only wise to remember that of course anyone would rather have \$600,000 or a million dollars instead of \$500,000, that goes without saying. Anyone would be a fool to interpret somebody saying that they would just as soon have \$500,000, they are not saying that they do not want more.

The point is that this budget is one which is very finely honed at this point, and we do not have much to spare. As the gentleman from Cumberland did say, if we start nickel and dimming it to death, it may not seem like very much but I think we are going to be in trouble if we keep picking away at it with these little amendments, especially when, as the Speaker also said yesterday, \$100,000 here or \$100,000 there is not going to do that much for the University of Maine or for the students there but it may, in fact, have a severely adverse effect on this budget.

I think all of us wish, at least I for one, wish we could do more for the University of Maine

but I do not feel that we are in a position to do so.

Finally, before I sit down, I would like to say that there are a lot of other amendments here and perhaps my remarks at this point aren't timely and should have been made two or three minutes ago, but I would chastise the gentleman from Orono for personal remarks that he makes against other members of this body and I think we all ought to try to refrain from that. I think that a lot of the issues here are very emotional and people feel very strongly about them, and I think if we can deal with them on subject matter and not on personalities, we will have a lot better effort here.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: One of the worst things we can do is put inaccurate information and it would never be my intention to do that.

If I may just restate what I thought I said, was that in the last years budget we appropriated \$400,000 of new money, which was our understanding it in turn generated \$2 million in student aid. Now, that is new money, new State of Maine money, generating \$2 million in student aid. The \$200,000 that is in this package is, again, new money, and would have generated, it is my understanding, an additional million. I checked these figures this morning in the Legislative Finance Office, and to the best of my knowledge, they are accurate in the context that I am giving them to you.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Hughes.

Mr. HUGHES: Mr. Speaker, Ladies and Gentlemen of the House: I think both gentlemen are correct, that we have made efforts from the state level to provide matching funds for student aid and yet, at the same time, the federal level is cutting back and indeed, there are going to be \$1 million to \$2 million less available to students for scholarship aid than there was in the past year. And with that \$1 million to \$2 million less, they will have to face an additional tuition burden of \$2.7 million if the present increases are put into effect.

I think it would be useful at this point to review not what we have done for the university but what we have done to the university. The university, last year, operated on a budget of about one half percent above what we are forcing them to operate on this year. For next year, we have told the university that they shall operate on 10 percent less than they had last year, about \$3.2 million less. We have taken that money and used it elsewhere to balance other budgets to try to keep everything pinned down in this state enterprise of ours.

So, we have taken away from the university about \$3.2 million that they had two years ago. In doing so, we have ignored inflation, we haven't given them raises and I think have treated them very severely. I think if you look at the record, we have treated them far more severely than we have any other state agency, with perhaps one or two small exceptions.

What are we asking the students to do? The university, over the past few years, has developed a concept called fair share tuition, and that is the concept which I supported and promoted when I was a member of the board, and that is that students will be expected to pay their fair share of the cost, and that fair share has been determined to be roughly about a third of the cost. One third will be paid by the students and roughly two thirds by the state.

What have we done in this legislature; what is our record in that regard? We are taking away from the university \$3.2 million and putting it elsewhere and we are asking the students to come up with \$2.7 million to make up part of that gap. I submit that is not exactly keeping faith with young people of Maine.

I guess if you think somehow we are educating too many people in this state and we ought to do some of these harsh measures to cut down the number we are educating, then maybe it would make sense. Yet, if you look at the record, we are still right at the very bottom of the 50 states in the number of people going on to college. We made a little progress a few years ago; we got up to 43rd, 44th, and we are going right back down there, and the result of this kind of budget that has already been enunciated by the university is that they will freeze enrollments. In order to freeze enrollment at the total level, they actually have to cut down the incoming classes, and that means fewer people going on.

So I guess if you are happy with those statistics, that we are at the bottom, that we are 50th, 49th, somewhere in there in the number of kids going on to education, then you will be satisfied with the action and the record of this legislature. If you are not happy about it, you will try to make at least some gesture towards restoring some of these monies, and I think this amendment before us has some merit, I will support it and ask you to vote against the indefinite postponement motion.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I, too, hope you will vote against the indefinite postponement of this amendment. And if I might very briefly, I can show you where we can find some of this money, because under the excess undedicated revenue of school finance, the correct figures are \$291,641 as opposed to \$137,584 in the report that we have before us. If you subtract that from the \$200,000, then we would have to go to the top for about \$46,000, that is out of the Governor's existing balance.

These figures came out of Legislative Finance. I have been assured that they are correct, so you do have \$154,057 more money than you realize, and I think this would be a great place to spend it. I think the university would be a great place to spend it.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: It is very difficult at a time like this to stand up and be accused of being a Scrooge. I think someone has to bring us back to a little bit of reality here this afternoon.

The good gentleman from Orono said we had a \$600,000 "surplus," which I think is very tenuous. As the gentleman from Cumberland pointed out, we have now, if we should pass this, expended about \$450,000 of it. There are some other amendments on the table here and very shortly we will be in a deficit position.

I don't think there is anyone here who wouldn't like to give more money to the University of Maine, more than \$500,000 and \$200,000. I think those of us who oppose this amendment aren't enemies of the university or do not love it as much as the rest of you people who are promoting it. But the facts are that we just don't have the money.

I am going to say one more thing for my good friend from Bangor, Mr. Kelleher, who sort of got a little bit uppity at me a few minutes ago for the statement I made, and I am going to make it once more, and I will make it five or six more times this afternoon and tonight and tomorrow. You know, it still takes three bodies, two houses and a governor to pass a piece of legislation. It is all well and good to stand here and say we will do what we want, we are still going to have to talk to someone else, and the realities are that our good Speaker, the President and the Governor did negotiate a package; let's not forget it. They spent endless hours on it. It is reasonable.

The SPEAKER: For what purpose does the gentleman rise?

Mr. GOODWIN: Mr. Speaker, a point of order. Are we debating the amendment or how we are going to pass this?

The SPEAKER: The matter is perfectly correct to debate in the manner which the gentleman is proceeding.

The gentleman may proceed.

Mr. PALMER: Thank you, Mr. Speaker. Two things then that we must realize as we discuss these other amendments and the few that are coming along. One is the amount of money that is available to us to pay for these amendments and the other is the possibility of final passage. I submit to you that they are both very grave elements in what we should be considering here this afternoon. As much as I would like to see it go more than \$600,000, more than \$300,000, it isn't fair and I don't want to stand here as an enemy of anything, of the university, any more than you people. But the fact is, the reality is there and I believe we should indefinitely postpone the amendment and stick to our original plan.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: There is one thing I would like to know and I think many in the House probably don't know, what is the tuition for the in state students at the University of Maine and what it is for the students from out of state?

The SPEAKER: The gentleman from Sanford, Mr. Gauthier, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Auburn, Mr. Hughes.

Mr. HUGHES: Mr. Speaker, I will attempt to answer that question. It is more complicated than it sounds because it varies from campus to campus.

Proposed rates which have been developed by the University, approved by the Executive Committee of the Board of Trustees and will be presented to the full Board at the end of this month would raise the out-of-state tuition to a level of \$2,050, I believe.

The in-state tuition rates would be — and they vary from campus to campus — but the Orono, I believe, \$650, \$675, something in that order.

If you are concerned about the out-of-state level of tuition, the \$2,050 would be roughly two or three hundred dollars less than the full cost of those students. It represents the university's continuing policy of raising the out-of-state level closer and closer to the full cost.

When I first became a trustee five years ago, the out-of-state tuition at the University of Maine, Gorham, for example, was \$200. It is now going to be \$2,050, so they are making great progress toward full cost. One more increase would probably do it. There are those people who say that out-of-staters also bring in so much money to the state economy that it is not quite fair to say that they pay the full cost, because they are actually helping the Maine economy at the same time, so that will have to be weighed. But the university's policy is to move as quickly, as is reasonable to get out-of-state students to full cost, and they will be about \$300 short of it after this increase.

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

Mr. GAUTHIER: Mr. Speaker and Members of the House: I want to thank Mr. Hughes for his explanation. The reason why I was asking this, New Hampshire has increased quite considerably and I was hoping Maine had done the same thing.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I have had some discussion with the tuition, particularly for out-of-state students. The gentleman from Auburn is, I am sure, correct for what he is talking about, maybe he is talking about Orono only. This does not apply to Farmington. Farmington, being the most cost-efficient campus of the university system, has a total cost of something like \$1,853 per student, and for this reason, the present out-of-state tuition of \$1,500, to which has already been voted an additional hundred and is contemplated another \$200, making a total of \$1,800, as I understand it, possible, although the \$2,050 may be correct for graduate students. But Farmington can only take \$68 out of that \$200 because of the fact that this would bring them about 90 percent, which, as I understand it, for out-of-staters is what the maximum has been keyed at, between 70 and 90 percent; in-staters keyed at 20 to 40 percent, or approximately one third, as the gentleman from Auburn pointed out.

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

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: It seems that many of us have questions to ask of Mr. Hughes of Auburn. It seems to me I read an article some time ago in a newspaper which indicated that in the University of New Hampshire the students were carrying about two thirds of the load. I was wondering if this was so and does it compare — is it the so-called fair share rate that Mr. Hughes mentioned?

The SPEAKER: The gentleman from Wells, Mr. Mackel, has posed a question through the Chair to the gentleman from Auburn, Mr. Hughes, and the Chair recognizes that gentleman.

Mr. HUGHES: Mr. Speaker and Members of the House: I will try to speak to that. The New Hampshire tuition level for in-state students is, I believe, the highest in the nation. They may very well pay about two-thirds. I am not sure if it is quite that high, but they do pay a substantial amount of the percentage. That of course, is the reflection of the fact that New Hampshire has no broad-base taxes and therefore these are the kinds of services they do not provide their citizens that most states do.

The Maine tuition level presently is slightly below the average for New England, just about average for the country. When we go to the new levels that are being contemplated, the Maine average will be the same as the New England average roughly — the Maine tuition, rather.

It is hard to talk again, because each campus is different. I am talking about an overall kind of average for the eight campuses.

New Hampshire is different. In New Hampshire, the students pay a much higher percentage and perhaps as a result, the University of New Hampshire caters to out-of-state students to a very high degree, and you will find a much higher percentage of their student body from out of state than you would at any Maine institution. There are in New Hampshire, however, some state institutions not part of the University of New Hampshire, and they provide their in-state students a better deal, a lower tuition level.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. McKernan, that House Amendment "M" to Senate Amendment "A" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

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

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

Mrs. NAJARIAN: Mr. Speaker, pursuant to Rule 19, I request permission to be excused from voting.

The SPEAKER: The gentleman from Portland, Mrs. Najarian, pursuant to House Rule 19, is excused from voting.

The Chair will also advise the members of the House that pursuant to House Rule 19, the Speaker will not be voting.

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

Mr. BERRY: Mr. Speaker, I would pair my vote with the gentleman from Portland, Mr. Jensen. If he were here he would be voting no and I would be voting yes.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. McKernan, that House Amendment "M" to Senate Amendment "A" be indefinitely postponed. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bagley, Berry, G. W.; Birt, Blodgett, Bowie, Burns, Byers, Carey, Churchill, Connors, Curtis, DeVane, Durgin, Dyer, Farnham, Fenlason, Garsoe, Gauthier, Gould, Gray, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Jackson, Jacques, Joyce, Laverty, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lynch, Mackel, MacLeod, Maxwell, McBreairey, McKernan, McMahon, Miskavage, Morin, Palmer, Perkins, S.; Perkins, T.; Peterson, P.; Raymond, Rollins, Shute, Snowe, Sprowl, Strout, Stubbs, Susi, Tarr, Teague, Theriault, Torrey, Tozier, Walker.

NAY — Albert, Ault, Bachrach, Berube, Boudreau, Bustin, Call, Carpenter, Carroll, Carter, Chonko, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Dam, Davies, Doak, Dow, Drigotas, Farley, Faucher, Flanagan, Fraser, Goodwin, H.; Greenlaw, Hall, Henderson, Hennessey, Hughes, Ingegneri, Jalbert, Kany, Kelleher, Kelley, Kennedy, Laffin, LaPointe, LeBlanc, Mahany, Martin, A.; Martin, R.; Mills, Mitchell, Morton, Nadeau, Norris, Peakes, Pearson, Pelosi, Peterson, T.; Post, Powell, Quinn, Saunders, Spencer, Tierney, Usher, Wagner, Wilfong, Winship.

ABSENT — Bennett, Dudley, Finemore, Goodwin, K.; Hobbins, Kauffman, Lovell, Lunt, MacEachern, Mulhern, Pierce, Rideout, Rolde, Silverman, Smith, Snow, Talbot, Truman, Twitchell, Tyndale, Webber.

PAIRED — Berry, P. P.; Jensen.

EXCUSED — Najarian.

Yes, 62; No, 64; Absent, 21; Paired, 2; Excused, 1.

The SPEAKER: Sixty-two having voted in the affirmative and sixty-four in the negative, with twenty-one being absent, two paired and one excused, the motion does not prevail.

The Chair recognizes the gentleman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I thought you might be interested to know exactly what the tuition is at the various campuses, because I did check it during part of the debate. It is \$225 per semester at every campus except Portland-Gorham and Orono. At the Portland-Gorham and Orono campuses, it is \$250 per semester.

Thereupon, House Amendment "M" to Senate Amendment "A" was adopted.

Mr. LeBlanc of Van Buren offered House Amendment "G" to Senate Amendment "A" and moved its adoption.

House Amendment "G" to Senate Amendment "A" (H-1313) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. LeBLANC: Mr. Speaker, Ladies and Gentlemen of the House: In 1971, I believe, some taxes were relieved from the towns and cities in the state, and the major one being the telephone excise tax. It was traded off for 4 percent of the combined sales and income tax. This bill here will take \$1.1 off that money this year and I believe that the towns, knowing the situation, have agreed to this.

What my amendment would do would be to restrict it for this year and this year only. Part of this proposal is the tax revenue sharing for the towns which was to stabilize the property taxes. The property taxes have increased in the average towns this year, 1975, from \$2.8 million to \$224 million.

I think the state is in a better position to impose and collect taxes than the town and cities who have to rely on the property taxes. Therefore, Mr. Speaker, I move that we adopt this amendment.

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

Mr. PALMER: Mr. Speaker, I request of some member of the Appropriations Committee the implications behind this, if we do in fact limit it to one year to the revenue transfers to the municipal revenue sharing fund, what does this mean in terms of future outlays of money in the next biennium?

The SPEAKER: The gentleman from Nobleboro, Mr. Palmer, has posed a question through the Chair to anyone who may care to answer.

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

Mr. LeBLANC: Mr. Speaker, I would like to answer the gentleman from Nobleboro, Mr. Palmer. The growth in combined sales and income tax has averaged \$20 million a year; therefore, next year will more than offset what you earmark for this year, \$1.1 million.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I rise to oppose this amendment, frankly, on the basis that perhaps no other segment of the financing of this bill has been the subject of more changing and accommodation. The windfall impact of the recently enacted income tax will allow us to drop to the current 3.58 that is in the bill and still allow the communities to receive exactly what they were told they would receive for the upcoming fiscal year. To now say that it is going to be a one-shot affair and then cut loose I think would lend itself to dislocations as we look to future budgets because we have tried, I think, to stick to revenues that we can anticipate being on-going, because everything that we are putting these revenues into is going to be on-going expenditures.

I would hope, in light of the fact that we have had Maine Municipal agreement to the 3.58 percent, that we could let it ride just the way it is.

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

Mr. LeBLANC: Mr. Speaker, Ladies and Gentlemen of the House: I hate to disagree with my good friend on the Appropriations Committee, Mr. Garsoe, because he is a very worthy opponent to challenge. I am going to point out to him that the good old combined sales and income tax in years to come, if it follows the present trend, will more than offset the \$1.1 million that we have taken this year. Therefore, the state will not lose any money.

As far as the school is concerned, I would like to disagree with him too, because I am sure that maybe some of the schools made out, but I would tell you that most of our schools in Aroostook County made out very poorly. We have had to cut down on eight positions in

teaching and we have had to cut down on a number of programs and next year, when we go from \$125 to \$90 per child, we will still lose more money. We can cut the schools just so much. I think that additional money that will be coming in to the towns and cities next year could be used to offset some of those costs.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I would hope today that we would support the amendment that has been offered by Mr. LeBlanc.

Now, when the legislaure of the previous session enacted this state revenue sharing, if my memory serves me anywhere near correctly, it was enacted on 4 percent of the sales tax and the income tax to go to the communities. At that time, there was nothing said about a ceiling being set to what the communities would be getting. It was, I think, at the time it was enacted, and I served in that legislature, it was a feeling of that legislature that as the economy became better that the revenue sharing funds would be increased to the community. That is why it was set at a 4 percent figure.

Now, Mr. Garsoe speaks of a windfall arrangement. The mere fact that we increased the income tax by \$18.5 million is not to me a windfall arrangement. I think the communities should have been entitled to that anyway.

I think the amendment that Mr. LeBlanc has offered is a reasonable one limiting this to one year. I just wonder in my mind, and I would hope the rest of you would ponder this same question, how long can we, in order to balance a state budget, keep taking monies away from communities or keep turning costs back to communities? I don't think we can do this. We have done this in the general assistance. Under the general assistance which was enacted in the previous session of the legislature, we set the figure as .006 of 1 mill and if the town raised beyond that, they would be reimbursed 90 percent of their expenditure by the State of Maine. That was based on a 50 percent evaluation. Then the state went to 100 percent, so we have doubled the cost of general assistance to the communities.

We have also raised havoc with the road accounts in the communities, and now this other bill, without this amendment, would take away the revenue sharing from the various communities.

If we have any concern at all, if we have any feeling of property tax relief without enacting any new legislation, then I would urge you today to adopt the amendment that has been offered by Mr. LeBlanc limiting this take off from the communities to one year and one year only.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I have been contacted by my town manager on this proposition and he told me to go along with it because it was much needed.

The SPEAKER: The pending question is on the motion of the gentleman from Van Buren, Mr. LeBlanc, to adopt House Amendment "G", to Senate Amendment "A". All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

82 having voted in the affirmative and 14 having voted in the negative the motion did prevail.

Mr. Greenlaw of Stonington offered House Amendment "H" to Senate Amendment "A" and moved its adoption.

House Amendment "H" to Senate Amendment "A" (H-1315) was read by the Clerk.

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to

briefly explain what this amendment does. It takes \$50,000 from an account at Maine Maritime Academy that is presently in the budget. Actually, it is money that was appropriated last year that is set aside for land acquisition and it adds it to the amount of money that would be allocated for employee salaries.

I am sure the question arises in your mind as why some special treatment for the Maine Maritime Academy as opposed to state employees or university employees. I would offer this as a very simple and straightforward explanation. The salary level of the employees at Maine Maritime Academy, it is acknowledged, I think, by everyone to be extremely low, much, much lower than the university system and I think in comparison to comparable jobs in state government it is also lower.

I presented a bill to the Appropriations Committee to try to address this question of parity with the university system. It would have required an appropriation of \$308,000 and we all know that there wasn't that type of money available.

The academy is in the process, I believe of increasing tuition \$200 a student for next year, which would generate about \$120,000. That money, it is my understanding, would be placed towards faculty salaries.

Now, the reason why it is so critically important this year to get faculty salary up to some type of parity with the university system is that the Maine Maritime Academy comes up for reaccreditation in October and there are two outstanding recommendations which the academy has not complied with from the last accreditation which took place in 1971. One has to deal with addressing the question of faculty salaries, not only faculty salaries but administration and classified employees' salaries, and the other one, an improvement in the library facilities.

So, what I am attempting to do is try and put \$50,000 which is available, it can be considered a low priority item, onto the money that will go to the academy for salaries in the hope that we can get them up somewhere near the point where they should be to show the New England Association of Schools and Colleges that we are doing our very best to correct a problem which we all recognize. I hope we will adopt this amendment.

Mr. Palmer of Nobleboro requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Stonington, Mr. Greenlaw, that the House adopt House Amendment "H" to Senate Amendment "A". All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. McKernan of Bangor requested a roll call vote.

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

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

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

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I admit that having been out in the hall and missed part of the debate, I did hear some of the remarks of the gentleman from Stonington. I would pose a question to any member of the Appropriations Committee as to whether or not this is not in fact using one-time funds for continuous programs?

The SPEAKER: The gentleman from Bangor, Mr. McKernan, poses a question

through the Chair to any member of the Appropriations Committee who may answer if they so desire.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: It is my understanding that this \$50,000 was set aside for the Maritime Academy to at some time if the property is available to pick up some adjoining property. I would agree that taking this money and plugging it into salary levels is obviously taking one-time funding and putting it into ongoing expenses.

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

Mr. MacLEOD: Mr. Speaker, Ladies and Gentlemen of the House: I would like to address a question to the young gentleman from Stonington. In the budget there is \$84,000 that has been put in there to provide funds for employee salary increases, I will agree with the young gentleman from Stonington that it was brought out at the hearing before the Appropriations Committee that the Maritime Academy was considerably behind even our lowest paying unit, which is Farmington, I understand, in our university system. However, what level can we accomplish with the \$84,000 if we don't add the \$50,000?

The SPEAKER: The gentleman from Bar Harbor, Mr. MacLeod, poses a question through the Chair to the gentleman from Stonington, Mr. Greenlaw, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond to both the question of the gentleman from Bar Harbor and the remarks of the good gentleman from Bangor, Mr. McKernan.

First of all, the \$84,000 that would go to the Maine Maritime Academy is basically the \$11 a week across-the-board cost of living increase. So, what we are doing to Maine Maritime Academy is just basically keeping equity with the university and state employees. We need \$308,000 to get up to some type of parity with the university system, and obviously that is not going to take place.

I would like to respond to the comments of the good gentleman from Bangor about this one-shot funding. Mr. Garsoe is correct, this is one-shot funding. I have been in touch with the academy. They identify this as low priority programs in very tough economic times. I just think that it is so critically important that we do all we can to get employees' salaries up to some parity because I am very, very concerned about the accreditation of that institution come October.

Now, it seems to me that the document before us is not a document that deals with the budget for two or three bienniums, it deals with a budget for the rest of this biennium. I have been very interested in the continuing debate about one-shot funding. It seems to me that when the Maine Maritime Academy, the university system or any state agency makes up their budget, they have to take all these things into account. All these things go to the Bureau of the Budget and they have to trim them in accordance with the projected revenues.

So very frankly, I think this argument of one-shot funding is somewhat of a red herring, to some extent, that is dragged across our desks. I do hope very much that you will support this particular amendment.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: Let's talk about one-shot funding, because we have heard here today that we can soft-petal any concern about fiscal responsibility because our income is projected

to go up \$20-odd million in another year and therefore we shouldn't have this concern over funding. I will remind us all that our income has been going up substantially. Our income is up now over what it was last year but we are still faced, I think, with a deficit in income for this year. What we are talking about here now on a supplemental budget is spending over and above the level of the budget that was presented. When you do start going into the cupboard and pulling out the cookies and the jam that have been laid away there, you are adding to the level of spending that was originally proposed and income had darn well better start galloping because what we are doing is we are just delaying by pulling in funds that aren't there.

We have agreed we are not going to talk new taxes; nobody is talking taxes, taxes to pay for what we are spending, so we are pulling reserves, we are pulling resources that will not be there the next time these spending bills come around to be paid. I don't think it is anything we can take a calm view of. I say this from a position of feeling somewhat like Simon Legree, that we are attributed approaches and views of these programs that aren't accurate at all. It is not to say that everything that has been proposed here isn't worthwhile, but I think we had better be very careful and take a long hard look before we start pulling one-shot funding out to fund on-going programs. I think it is something we should be concerned with, we shouldn't treat it lightly.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I want to go with this amendment but I want the facts clear as far as I am concerned. Now, if \$134,000 is an on-going amount of money, it is recurring, so it is not a one-shot deal. The \$50,000, however, is a one-shot deal. I am going with the amendment, but I want this understood, that we are going with \$134,000 for an on-going program and \$50,000 for a one-shot deal.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Stonington, Mr. Greenlaw, that House Amendment "H" to Senate Amendment "A" be adopted. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bachrach, Berry, P. P.; Blodgett, Boudreau, Burns, Bustin, Carey, Carroll, Chonko, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Curtis, Dam, Davies, DeVane, Dow, Drigotas, Flanagan, Fraser, Gauthier, Goodwin, H.; Greenlaw, Henderson, Hennessey, Hughes, Ingegneri, Jalbert, Joyce, Kany, Kelleher, Kennedy, Laffin, LaPointe, MacEachern, Mahany, Martin, A.; Maxwell, Mills, Mitchell, Morin, Nadeau, Najarian, Norris, Peakes, Pearson, Pelosi, Peterson, T.; Saunders, Shute, Spencer, Stubbs, Teague, Theriault, Tierney, Usher, Wagner, Winship.

NAY — Ault, Bagley, Bennett, Berry, G. W.; Berube, Birt, Bowie, Byers, Call, Carpenter, Carter, Churchill, Clark, Connors, Doak, Dargin, Dyer, Farnham, Faucher, Fenlason, Garsoe, Gould, Gray, Hall, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Jackson, Laverty, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lynch, Mackel, MacLeod, Martin, R.; McBreairty, McKernan, McMahon, Miskavage, Morton, Palmer, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Post, Powell, Quinn, Raymond, Rollins, Smith, Snowe, Sprowl, Strout, Susi, Tarr, Torrey, Tozier, Walker, Wilfong, The Speaker.

ABSENT — Dudley, Farley, Finemore, Goodwin, K.; Hobbins, Jacques, Jensen, Kaufman, Kelley, LeBlanc, Lovell, Lunt, Mulkern, Rideout, Rolde, Silverman, Snow, Talbot, Truman, Twitchell, Tyndale, Webber.

Yes, 62; No, 67; Absent, 22.

The SPEAKER: Sixty-two having voted in the affirmative, and sixty-seven in the negative, with twenty-two being absent, the motion does not prevail.

Mr. Farnham of Hampden offered House Amendment "F" to Senate Amendment "A" and moved its adoption.

House Amendment "F" to Senate Amendment "A" (H-1312) was read by the Clerk.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: What this amendment does is this. In the bill itself, or in Senate Amendment "A", it states that each one of the proposed bonuses, that is the one for \$40 a month and then the one for \$272 or \$572, whatever it is, will not be counted as wages for retirement purposes. I feel it should. Now, one of the reasons they preferred not to count it as wages is because the employee would have to pay 6½ percent or 7½ percent, depending on what his status is, into the pension fund. I think it should be there because that money in effect, although it is a deduction from his bonus, is either a contribution toward a future pension, or if he leaves state employment, he can get a refund of that amount plus the interest while the money was in the fund.

It does mean this to a person who is near retirement, it does increase his average annual wage, and in our pension system we take the best three years that he has had. I will grant that if you divide \$600 or \$700 by three and spread it over three years, it is not a substantial increase in his average wage, but if he is retiring, his pension is based on that and that would be his pension for his remaining days of his life.

Now, the kicker in this or the problem with this bill is this, the state, of course, has to kick in 10.79 percent on this amount and they estimate the cost to be some \$157,000. I would point out to you that this cost does not have to be borne this year, it can come in the next fiscal year. Someone may tell you otherwise, but just don't forget that last year we had no trouble holding out \$5 million from the pension fund. So, I don't think it would be any serious delay if this \$157,000 did not get into the pension fund until the next fiscal year. Therefore, I hope you will adopt this amendment.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I would, with reluctance, move the indefinite postponement of this amendment.

The SPEAKER: The gentleman from Farmington, Mr. Morton, moves the indefinite postponement of House Amendment "F" to Senate Amendment "A".

The Chair recognizes the same gentleman.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I do this reluctantly because I know exactly what the gentleman from Hampden is talking about and he is correct, this will provide some slight additional benefits for a limited number, I would point out, of state employees. You must remember that since this is a one-shot proposition and will only be paid once, this bonus, then it will only apply to those employees who qualify in the next three years to retire, or at least the three years of which this particular portion of their salary is paid. It will vary to some extent and it certainly will not be the maximum for very many state employees.

But the point remains that this was done deliberately in the very delicate balancing of funds in this proposition. It was realized that this would provide up-front money fast for state employees but they would not have to pay in the 6½ or 7½ percent of their bonus towards it and that the state would then have dollars freed up

to apply to the bonuses and that amount, ladies and gentlemen, is \$157,534, as has been calculated for this. The gentleman from Hampden is willing to put this off until the 108th. Well I would point out to you that this has been done many times before and it is always difficult when it comes time to finance it, and I do not agree that it is the same as the \$5 million that was put off because that was financed in the second year of the biennium automatically, it is more akin to the \$1 million that was not financed by the Governor's budget the first time around which we just had to put in and which is in this current budget. So I hope that you will indefinitely postpone this amendment.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Farmington, Mr. Morton, that House Amendment "F" to Senate Amendment "A" be indefinitely postponed. The Chair will order a vote. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

57 having voted in the affirmative and 23 in the negative, the motion did prevail.

Mrs. Najarian of Portland offered House Amendment "K" to Senate Amendment "A" and moved its adoption.

House Amendment "K" to Senate Amendment "A" (H-1319) was read by the Clerk.

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

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: This amendment is offered to clear up a conflict of language relating to proration. When we passed the original school funding law, there was to be no proration allowed by the Commissioner of Education. But in order for the state not to be left with a deficit, we inserted language that said that the school units would submit their estimates to the commissioner which he could adjust but after that point, those school units, if they exceeded that estimate, they would be responsible individually for their cost overrun.

There was some reference to proration in the original bill, which we took out in Errors and Inconsistencies Law again, and now it is back in again in the Appropriations Bill, so this is just to take the last remaining reference to proration. The state is covered in the fact that the commissioner again will review estimates. The state is obligated up to 90 percent of the total costs which the commissioner certifies or 90 percent of the actual expenditures which they request. It has been cleared by both Chairmen of the Education Committee and I hope that the House will adopt this amendment.

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

Mr. LYNCH: Mr. Speaker, did I understand the gentlewoman to say 90 percent of the commissioner's estimate? It should be 90 percent of the funding level appropriated by the legislature. There could be a considerable difference.

The SPEAKER: The gentleman from Livermore Falls; Mr. Lynch, has posed a question through the Chair to the gentlewoman from Portland, Mrs. Najarian who may answer if she so desires.

The Chair recognizes that gentlewoman.

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: It seems to me that the commissioner can keep within the level of funding appropriated by the legislature by having the authority to review all the estimates which come in from every school unit in certifying those costs. It is 90 percent of the certified costs by the commissioner, or 90 percent of the actual expenditures, whichever is less.

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

Mr. LYNCH: Mr. Speaker, I would ask the lady from Portland, if the legislature decides not to fund at the level of the commissioner's

recommendations, what happens? If a community says their estimate is \$200,000, 90 percent of that is \$180,000. Suppose the legislature says, we will fund \$100,000. Are we obligated to fund 90 percent of the commissioner's recommendations or 90 percent of what the legislature appropriates?

The SPEAKER: The gentleman from Livermore Falls, Mr. Lynch, has posed an additional question through the Chair to the gentlelady from Portland, Mrs. Najarian who may answer if she so desires.

The Chair recognizes that gentlewoman. Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: It seems to me that the commissioner does this after the legislature has appropriated the money. It says by July 1, 1976; we have already appropriated the money for special tuition, have we not?

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: The commissioner makes his recommendations to the Budget Bureau and then to the Governor, then it comes to the legislature. Under the new school funding law, the legislature will make a determination for each level of funding, operating expenses, special education, vocational education, and so on down the list. Now, as I read this amendment, we would be obligated to fund 90 percent of the commissioner's recommendation and if the legislature does not fund the commissioner's recommendation, I think there is going to be a conflict as to what the school units are going to be entitled to.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: May I offer a suggestion for possible compromise? I think the language in the Statement of Fact clears up the problem that Mr. Lynch would have, but in any event, even if it does not, I might suggest that the gentlewoman from Portland might consider withdrawing and that this might be tacked on at the other end of the hall.

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

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: I do believe that in all of our other language in which we tried to remove the ability of the commissioner to prorogue, we did say that he shall certify a certain level as approved by the legislature and that is omitted here. If Mr. Lynch thinks that is critical, I will take Mr. Carey's suggestion and restore it and have it offered from the other end with that amendment, with that inserted.

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

Mr. LYNCH: Mr. Speaker, I do not know what the procedure is, sir, that is possible. Is it possible for the gentlewoman from Portland to withdraw the offer of the amendment until later in today's session and offer it again later?

The SPEAKER: The Chair would answer that that would be possible.

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

Mrs. NAJARIAN: Mr. Speaker, I withdraw the amendment until later in today's session.

Mr. Smith of Dover-Foxcroft offers House Amendment "S" to Senate Amendment "A" and moves its adoption.

House Amendment "S" to Senate Amendment "A" (H-1328) was read by the Clerk.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: This amendment corrects what appears to be an oversight on the part of the great compromises in the construction of this bill. Twenty thousand dollars will be necessary in the Election Division of the Office

of the Secretary of State to run the primary elections in June and it is a matter of some consequence to most of us here in this House and I think it ought to be adopted.

House Amendment "S" to Senate Amendment "A" was adopted.

Mrs. Najarian of Portland offered House Amendment "Q" to Senate Amendment "A" and move its adoption.

House Amendment "Q" to Senate Amendment "A" (H-1326) was read by the Clerk.

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

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: I think after a lot of work on a lot of people's part, we finally came up with some language that is acceptable to everybody on this issue. It simply says that beginning in October 1st, all future savings that are realized between February of this year and June 30, 1977, will be used to increase those recipients then on the AFDC program.

I have a letter from the Governor and the commissioner stating that they feel very certain that a million can be saved. They did not want to be tied down to a million in the event unforeseen that they might not have a million, so that is what it says — that the money up to a million but not to exceed a million will be used for this program. I hope you will accept this amendment.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I reluctantly have agreed to go along with this amendment. It does not guarantee that there will be monies available for increases in the AFDC program, but the one problem that seems to be outstanding is that over the past year a number of people applied to get a handle on the ADC account within the Department of Health and Welfare and had a very difficult time finding exactly how much money in surplus was available in the account. I would just like to read it into the record, or make a statement for the purpose of the record, that I hope that the Commissioner and the Governor will be very forthright and clear and timely when they express to the public and to the legislature upon inquiry as to exactly how much money is indeed available in surplus.

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

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I do want to congratulate the gentleman from Portland and the gentlelady from Portland, because I think they have worked very hard since this morning, trying to work out language. Everyone knew what we felt was acceptable but it seemed to be a question of semantics, but I think the present wording of this amendment, which says that all monies saved beginning at February 1, 1976 up until June 30, 1977 will be used for increased grants up to a million dollars. I think it is good wording and something that we all can accept.

Thereupon, House Amendment "Q" to Senate Amendment "A" was adopted.

Mr. Wilfong of Stow offered House Amendment "O" to Senate Amendment "A" and moved its adoption.

House Amendment "O" to Senate Amendment "A" (H-1323) was read by the Clerk.

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

Mr. WILFONG: Mr. Speaker, Ladies and Gentlemen of the House: The first thing I would like to say about this amendment is that it does not cost more money. In fact, the cost of implementation of this bill goes down \$210,000 if this amendment is adopted.

This is my first speech on the budget. I have been listening to many, many speeches in the past few weeks, as the rest of you have, and

have tried not to get up and speak and perhaps confuse the issue, but I no longer can stay in my chair when I see an amendment such as Senate Amendment "A" that is so fiscally irresponsible. I think that it is time that the legislature asserted itself. I think it is time that the legislature took a place as the co-equal branch of government that it is. I believe that we cannot abdicate our constitutional responsibilities of preparing the states finances. We cannot pass on deficits and unknowns to future legislatures.

I would like you to please take a look at Senate Amendment "A" as amended by Senate Amendment "A", it is wide open. It might have worked had we still had the master portion of that amendment. The master portion that our Speaker and the gentleman in the corner to my left here used to support in their Republican caucuses, but the master has been eliminated. A hastily drafted Senate Amendment has taken its place and we are left without it.

It seems to me that when we are looking at this problem, that we should look at two concepts, at how we can balance those two concepts. The first is the matter of fiscal responsibilities. How can we act in a fiscally responsible manner when dealing with the state's budget?

With Senate Amendment "A" as amended by Senate Amendment "A" we have no money to pay for the appeal process, and if 13,000 state employees appeal and that appeal is found in their favor, under this amendment, the state will be duty bound to come up with that amount of money, and no matter which way you cut the cake, what you are doing is saddling a legislature in the future with a tax increase.

The other point is the right of every state employee to have a fair appeal of his or her status under the Hay Report, especially before they are stuck in some pigeonhole and left there. I believe that this amendment may provide the answer for finding that balance point between the two concepts that I have just mentioned.

This amendment does several things. First of all, it provides for an \$11 a week pay increase across the board for state employees; secondly, it starts the appeals process now as an emergency; third, it has the Legislative Council, plus the Legislative Finance Office and Bill Garside watching the appeals process very, very closely and they will make a full and detailed report to the 108th Legislature. The 108th will decide when and how to implement the Hay Report. They will know what has happened to our aggrieved employees and they will be able to rationally, and I stress this point, rationally budget with the Governor the implementation of the Hay Report, its the appeals process.

Let's just look realistically at the political consequences or the political settlement of what we do if we pass this amendment. If we pass this amendment, the people will be able to decide, the Governor will be able to make a political fight of it, he will be able to go to the people and request that a legislature be elected that will support the Hay Report. He will be able to have, if he wins this fight, a legislature, the 108th Legislature, that will support a fair and equitable employee complete classification plan. This amendment makes this bill a fiscally responsible bill and I would urge that you please support it.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: As the good gentleman from Stow has said, the master has gone but the monster has arrived. While I appreciate the fiscal responsibility of the good gentleman from Stow, I do ask you to very carefully look at this amendment and I must

tell you that if any of you in this House have problems with the Hay Report, you really should have a real big problem with this one.

I ask you to look at the words on Page 2, forever amend said amendment in Part B by inserting at the end of Section 6 the following: The Legislative Council shall monitor the progress of the appeals being processed by the temporary compensation review board, then shall, during and after the completion of appeals, conduct a study concerning any changes needed in Sections 1 to 4; 6 to 8; and Part B as the result of those appeals.

I submit to you, as a member of the Legislative Council and I know that there are many of you that have grave misgivings about the Legislative Council, but you must have graver ones when you think that that august body is going to monitor the appeals and make the changes necessary because of the Hay Report. I think I need to say no more and I move the indefinite postponement of this amendment.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I would urge the members of this House not to support the motion for indefinite postponement. It seems to me that what we have at stake here really is a fundamental legislative responsibility to establish by statute the classification system for this state and I think that what we are being asked to do in this process is to delegate the power of the legislature to establish the state classification system to this advisory board which is going to be working with very few standards.

Senate Amendment "A" as amended by Senate Amendment "A" provides that the classifications should be reviewed according to job environmental factors. Well, that, to me, is a totally unspecific standard and it gives almost no direction to this committee that is going to be in effect rewriting the Hay Report. The only thing that this amendment is saying is that in fact the Hay Report has serious enough problems that it has to be rewritten and it is obvious that the Hay Report does have these kinds of problems because the state police were evaluated as if they worked a 40 hour week. My neighbor who is a Fish and Game warden was evaluated on the same basis, which is completely wrong.

If those things were not properly considered when the Hay Report reclassification scheme was devised, I don't think that it ought to be adopted subject to an appeals process which we have no way of telling how it is ultimately going to come out. It seems to me that if the Hay study was done too quickly and was done without adequate consideration of the various factors involved in people's jobs and of the length of something as fundamental as the number of hours that they work, then it seems to me that it is entirely responsible for this legislature to say that this major step ought not to be taken until the legislative body has had the opportunity to review it.

So, all this amendment is saying is that the appeals process should continue, the Legislative Council should monitor that process, and when the 108th Legislature comes in, they could have a revised Hay Report which has solved the major problems, and at that point, the legislature can act responsibly to implement it. They would know what the reclassification scheme does, they would know what it is going to cost to implement it and they have the basis for making that decision, and that is essentially all this amendment does.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I must say that I am a

bit amused by this amendment. What it does, it takes Representative Martin and Representative Palmer and puts them on the same board. I don't trust these individuals individually, to say nothing of them together on the same board. I am going to have to take Representative Wilfong by the hand, I think, and stroll him through the corridor and explain to him about these two individuals. It seems to me that the very fact that we would entrust them with such dire responsibility in this amendment is sufficient to cause us to vote against it today and I certainly would urge you to do so.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to point out one additional thing which I believe results from this particular amendment. If I am correct, it leaves in Section 4 of part D, which would also give the \$40 per month for the months of July through October, by virtue of the fact that under Section 9 on page 2 prior to the Statement of Fact, it indicates the effective dates of Section 1 to 4 and 6 to 8 shall not take effect. It is not through 4, and up above from that it does strike out all of Section 5 but leaves Section 4 in, and it would seem to me quite contradictory to give \$11 across the board begin in July and also give \$40 per month for four months.

The SPEAKER: The pending question is on the motion of Mr. Palmer of Nobleboro, that House Amendment "O" to Senate Amendment "A" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Wilfong of Stow requested a roll call vote.

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

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

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: Just to answer the technical point brought up in error by the good gentleman from South Portland, Mr. Perkins, Section 9 on page 2 of the amendment specifically says that the implementation of Section 4 will not take effect until such time as designated by the legislature, so the gentleman from South Portland is incorrect.

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

Mr. WILFONG: Mr. Speaker and Members of the House: I still haven't heard any response to my main thrust, which is to make it more fiscally responsible. There has been a little joking around about the power that we may be giving Mr. Martin and Mr. Palmer, who I know would use that power very, very wisely, just to make a study. They are not going to have anything more to do than to make a study. I don't think we are giving them a tremendous amount of power.

This bill saves \$210,000. What are you going to do with the appeals process should they find the appeals process in favor of 13,000 state employees at \$40 a month? Where are you going to find that money?

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pair my vote with the gentleman from Portland, Mr. Jensen. If he were here he would vote no, and I will vote yes.

The SPEAKER: The Chair recognizes the gentlewoman from Augusta, Mrs. Miskavage.

Mrs. MISKAVAGE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pair my vote with Representative Tyndale of Kennebunkport. If he were here he would be voting yea and I would wish to be recorded as nay.

The SPEAKER: The pending question is on the motion of the gentleman from Nobleboro, Mr. Palmer, that House Amendment "O" to Senate Amendment "A" be indefinitely postponed.

ROLL CALL

YEA — Ault, Berry, G. W.; Birt, Blodgett, Bowie, Byers, Carpenter, Carroll, Carter, Churchill, Conners, Curtis, Dam, DeVane, Drigotas, Durgin, Dyer, Farnham, Fenlason, Fraser, Garsoe, Gauthier, Goodwin, H.; Gould, Gray, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Jackson, Kelley, Laverty, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lynch, Mackel, MacLeod, Martin, A.; Maxwell, McBreairty, McKernan, McMahon, Morton, Najarian, Palmer, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Quinn, Raymond, Shute, Smith, Snowe, Sprowl, Strout, Susi, Tarr, Theriault, Torrey, Walker, The Speaker.

NAY — Albert, Bachrach, Bagley, Bennett, Berube, Boudreau, Bustin, Call, Carey, Chonko, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Davies, Dow, Farley, Faucher, Flanagan, Greenlaw, Hall, Henderson, Hennessey, Hughes, Ingegneri, Jalbert, Joyce, Kany, Kelleher, Kennedy, Laffin, LaPointe, MacEachern, Mahany, Martin, R.; Mills, Mitchell, Morin, Nadeau, Norris, Peakes, Pearson, Pelosi, Peterson, T.; Post, Powell, Saunders, Spencer, Stubbs, Tierney, Tozier, Usher, Wagner, Wilfong, Winship.

ABSENT — Burns, Curran, R.; Doak, Dudley, Finemore, Goodwin, K.; Hobbins, Jacques, Kauffman, Lovell, Lunt, Mulhern, Rideout, Rolde, Rollins, Silverman, Snow, Talbot, Teague, Truman, Twitchell, Webber.

PAIRED — Berry, P. P.; Jensen, Miskavage, Tyndale.

Yes, 68; No, 57; Absent, 22; Paired, 4.

The SPEAKER: Sixty-eight having voted in the affirmative, and fifty-seven in the negative, with twenty-two being absent and four having paired, the motion does prevail.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: Having voted on the prevailing side, I move reconsideration and hope you vote with me.

The SPEAKER: The gentleman from South Berwick, Mr. Goodwin, moves the House reconsider its action whereby House Amendment "O" to Senate Amendment "A" was indefinitely postponed. All in favor of that motion will say yes; those opposed will say no.

Whereupon, Mrs. Post of Owls Head requested a roll call vote.

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

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

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I will probably hate myself for what I am going to say, but I think perhaps the gentleman from Dover-Foxcroft, Mr. Smith, was right. The way this bill has been railroaded through here, perhaps we shouldn't have a legislative council study this. I still think

it is better than what we have got. If it does pass that way, perhaps we can change this to maybe have the Joint Standing Committee on Labor or someone else do this.

I think it is pretty irresponsible for this House to pass something that has so many weaknesses and so many problems as the Hay Report does without any concrete work done on it by the members of this House. I was talking before I came in here, I met an old friend of mine who worked on the Hay Report, he works for the State, and he is one of the state workers that worked on it. He told me he was ashamed that he worked on this and the report of the Hay study.

I guess I am really just upset with the way things have been going here today and I feel that we really should reconsider and give ourselves a good chance to take a look at the Hay Report ourselves, not an appeals board that we set up or the Governor or anybody else, but give ourselves a good chance to look at this thing.

We have been here for weeks discussing this, and you want to just pass it now and let a group of five people or so work on the appeals? If there weren't so many problems, why would we be here for this length of time? I am really sorry now, in a sense, sorry that this House, which has in the past stood firm on this subject, is now just going to buckle under and pass this thing. I would really urge you to reconsider this and let's give it some serious thought.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I don't think this bill is being railroaded through this House. We have been through Amendment "O" already and many amendments have been put on this bill. I am voting against this bill. Number one, it is \$11 across the board. We have been through that road, I am tired of playing games. That is just where I am at.

I reviewed the Hay Report myself. I spent the afternoon calling my state employees in Portland, one with an office of 40, and they benefit from the Hay Report. Now we have set up an appeals board which I think is going to be a fair appeals board, all those appeals are going to be heard before they are implemented and then after that they will still continue after the plan takes effect, and retroactive to November 1st. And if there are still problems, I have been back and forth and everytime I find an objection and I ask somebody else they say no, that is not true. I have just been around and around on this issue and, frankly, I have just about had it and if somebody else can point out to me where I am wrong, I will again reconsider, but that is where I am at at the moment.

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

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to speak to two issues; one, on some remarks by the gentleman from Stow, Mr. Wilfong, on the fiscal responsibility of Senate Amendment "A" as it is amended with all the various amendments we have put on today and that were put on in the Senate. I think that one comment that he made that I am not sure is correct, he asked where the \$40 a month is going to come from. It is my understanding that the \$40 a month in bonus on the implementation is going to come from the savings by delaying the implementation of the Hay Report while the appeals are being handled.

In response to the gentlelady from Portland, I think that she makes an excellent point, and that is that we have been working for how many weeks now to try to find a vehicle by which we can give state employees a pay raise that is going to get passed. There have been sufficient vehicles that have been tried and all of a sudden;

I think we have realized that they aren't going to go anywhere. I think that they were better thought out, in fact, than this particular amendment. I think that perhaps we should not reconsider and we ought to try to stick with what we have for now.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I would just add one more thing. I voted for \$11 across the board and no Hay Report and that was on the Governor's desk. The unions themselves asked the Governor to veto it and the legislature to sustain it. I voted for \$15 across the board and no tax increase. It just comes to a point where you have to — then I called the state employees and asked them how they felt about it and they like it, frankly.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would like to ask two questions, I will ask one at a time because they are to two different individuals. I would like to ask the gentleman from South Berwick, Mr. Goodwin, I heard him say that he spoke this afternoon to a gentleman who worked on the Hay Report. He said that this gentleman worked for the state. I would like to ask him if he asked him who paid him, the state or the Hay people?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, poses a question through the Chair to the gentleman from South Berwick, Mr. Goodwin, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: From what the individual told me, he said at the time he was working in the Department of Personnel and he was assigned to help as a liaison person or something to do some work and interview some employees or something of that nature, but he said he did do some work on the report and he was frankly ashamed of it.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I heard the gentleman from Bangor, Mr. McKernan, make the comment that the state employees would get \$40 a month pending the result of the implementation of the Hay Report, and I was under the understanding that that \$40 a month was based on \$10 a week. Is that correct or am I incorrect in making that statement?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, poses a question through the Chair to the gentleman from Bangor, Mr. McKernan, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. MCKERNAN: Mr. Speaker and Members of the House: I think in round figures it is based on \$10 a week, but it is my understanding, and I think it is right in the bill, that it is \$40 a month and not a weekly stipend.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: Although I haven't done it within the last day or so, I have talked to some of the employees in my area and some of them are prison guards and they are not happy with the Hay Report. They are not happy with a report that continues them to be paid on the lowest scale of any other state in the United States — they are certainly not happy. They are getting paid now, the pay range would start at \$6,240. Just think of that. Would you be willing to put your life on the line for that amount of money with the kind of hours that they have to work? They are not happy.

What this particular amendment does, I think, is the first compromise that we have actually had to come before us. What it simply says is, we have an \$11 across-the-board pay in-

crease now for the time being. We take a look at the Hay Report; we let the appeals process go on; a report is made to this legislature. I guess I do trust the Legislative Council to make that report, I certainly probably wouldn't trust them to make the final decision, but I would trust them to make the report and to submit that report to this body in the next regular session and then this legislature would make the final decision.

There are a lot of problems with the Hay Report, some of them have already been discussed. The prison guards are in the same kind of category as our clerk typists. A ferry service engineer needs a four year degree and is in the same kind of category as a nurses aide who really doesn't need much of anything. Suppose that we have been told by the LPN's that there is no category for them. Everybody has agreed that there is a problem with nonstandard work weeks and we are going to plug that in somewhere, somehow along the line.

Everybody has agreed that because the Hay Report did not take into consideration environmental factors that that is a big problem and that the appeals board is going to take those into consideration when they hear the appeals. With no standards, no guidelines, we don't really know what that is going to mean.

Essentially what we are asking is, we give the pay raise that is needed now to meet the cost of living. We take a look at the Hay Report when the appeals have been gone through and a report is made to the next legislature and we know how much it is going to cost. I think that is important and that is what Mr. Wilfong is talking about when he is talking about being fiscally responsible, how much are these appeals going to cost when we plug in environmental factors? It is going to be a relatively large amount, but everybody, including Mr. Mallar, seems to be very well ignoring that. Nobody wants to answer the question but it still exists.

So, all we are asking is to let the next legislature, when they have the facts that we should have, be allowed to make the final decision on whether the Hay Report with the appeals process having been gone through is a good report and whether it should be implemented, and that is all this amendment does, and it is the first good compromise that I think we have had and the only one that I can support.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I think it is indeed unfortunate that apparently the good lady from Owls Head and the gentleman from Standish were not here the day that the gentleman from Hay, Mr. Fuller, came and explained in a joint caucus in this House as to how Hay or any other associate involved in this kind of a project goes about its work.

I believe it was very clearly explained that day that you take into consideration the job, the functions of the job, the decision making of the job, the various factors of the job, you do not consider in any of these programs environmental factors or nonstandard work weeks. You lay those factors out and you rate that job as to where it belongs in terms of dollars. Then you go ahead afterwards, you consider, in the case of the game wardens or the guard or the state police or whatever it might be, or we will say the janitor polishing knobs in the State House versus the same person working across the way in a mental institute, you take their environmental factors into consideration and you add to those. Now this has been done. This is in the compromise version.

I want to tell you that I, too, have talked to prison guards and state employees, and I don't find them all opposed to the Hay Report. In fact, this past week two prison guards came and discussed this with me and they didn't even

know that this situation as far as environmental factors has been addressed in the bill or in Report B which preceded this amendment.

We all keep saying that everything is wrong with the Hay Report and we keep hearing about prison guards and nonstandard work weeks, we have beaten it to death and I applaud the good lady from Portland for saying that she has been beaten to death the same way. We passed an \$11 bill. It was defeated, it was vetoed, it was sustained, we have played around with this thing long enough, we have addressed the very problems we have talked about this afternoon, and I think it is time we go ahead and move on with our business, and I hope this is indefinitely postponed.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I would like to respond to Mr. Palmer if I could. I most certainly was here the day that the gentleman from Hay and Mr. Mallar came over and explained the Hay Report, and at that time I asked Commissioner Mallar just exactly how much this kind of situation might cost if the appeals were found in the employees' favor and where that money was going to come from. He said he didn't know. I have asked that question in caucus and have still not gotten an answer.

All I am saying is that I think it is fiscally irresponsible to pass on a plan that we have no idea what kind of money we are talking about for the next legislative session. I think what we need to do to make a responsible decision is to meet the cost of living now, put into effect the Hay Report when we know what all the effects are going to be and when these other factors, such as nonstandard work weeks and environmental factors have been worked into the total proposal. I am not about to buy a pig in a poke.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I can appreciate, and I know that the gentleman from Nobleboro, Mr. Palmer, is factual when he says that he has talked with some of the prison guards. I can't understand how they could tell him that they are not dissatisfied with the Hay Report when the Hay Report does not include one prison guard, not a single one — that is number one. Number two, on the lighter side, I am sure my good friend from Nobleboro, Mr. Palmer, will agree with me that as far as the gentleman on the Hay Report, Mr. Fuller, I think he will agree with me when I say that he was the happiest guy in the state to get out of this building the afternoon he appeared before us and told us zero.

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

Mr. WILFONG: Mr. Speaker and Members of the House: First of all, so that we can get this swirling of capes, maybe we can get them down a little bit, they are flying pretty high, I would like to pose a question to either Mrs. Najarian or Mr. McKernan. That question is, if the appeals is found in favor of a substantial number of state employees, where will that money come from? Where is that money in Senate Amendment "A" as amended by Senate Amendment "A", where is it?

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

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: As far as I know, there are savings that will be found that would have to take care of any appeals which are taken care of by the appeals board and the increased money would come from attrition and savings that they have already established.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the comments of the good gentleman from Nobleboro as to my attendance at the session of the Hay Report, and I would point out that I was at the presentation that was made by the members of the Hay Report, and I would like to make a suggestion as to the manner that it seems to me that this legislature ought to adopt legislation.

Mr. Palmer has explained the way that you do it, and I quote, "When you do a reclassification, you don't consider environmental factors or nonstandard work week and then you come up with a rating and then after that you figure out some way of taking into account environmental factors and nonstandard work weeks."

What I would suggest, and I think this is really the question that we have to decide right now, is how you go about writing legislation, which is some of the most important legislation affecting our employees that is going to be passed in this decade, and I don't think you do it by getting a bill, doing a study, getting the bill half drafted, saying that we are under tremendous pressure to pass this thing, so let's delegate the procedure in the corrections that need to be made to it to a group of five people who are not responsible to the electorate of Maine, give these people the power to rewrite the classification system, give these people the power to decide appeals which are going to require additional revenues and a tax increase, and then pass it. That is what we are being asked to do right here in this House today, to pass something that is half thought out and leave it up to a group of five people to settle all the problems and to come back here with a mandatory reclassification system which the legislature is going to have to pay for. I don't think that is the way you do it.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I think Representative Spencer has probably hit the nail right on the head. It seems to me that the Speaker of this House, the majority floor leaders of this House, even the minority floor leaders at different times have indicated that the Hay Report is no good. I think the consensus in this House today is what it was before, that the Hay Report is not good.

I think that the position we should be taking here as legislators, if we want to be in good faith with the people who sent us down here, admit to a mistake, that the Hay Report is absolutely no good, and deferring it for a year or five months, the important thing is, we made a mistake as far as the Hay Report is concerned. That is the basic problem that is before this legislature as far as I am concerned. I think it is one of the major problems that is before you as legislators and I think even as far as the second floor.

The Hay Report, from all the reports and all the comments that I have ever heard on the floor of this House, there is no one who says it is good, there aren't too many that could say that it even approaches the fact of being good. So let's take the gentleman's advice that stood here at my desk more than a week ago and let's not implement it at all.

The gentleman from Stow has given us a process to stall by and I think the House would be wise to reconsider it and implement this amendment. We probably know what they will do over in the other body, but there again, we are a body that represents, I think, fair and good judgment 99.9 percent of the time. We can do that again this afternoon by reconsidering the gentleman's motion.

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

Mr. LYNCH: Mr. Speaker and Members of the House: We have enacted or tried to enact

some amendments today passing on to the 108th the financial problems that they are going to develop. We hesitate now to enact a Hay plan knowing full well that it can be altered in any way the 108th wants to alter it. If you have so much confidence that the 108th can solve your financial problems that you are handing on to them, why can't they handle the Hay plan just as capably?

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

Mr. WILFONG: Mr. Speaker and Members of the House: I am going to continue to beat over this House's head and my own head, I suppose, the fact that Senate Amendment "A" is just not fiscally responsible.

When we came here in January of 1975 as a brand new legislature, the 107th, we inherited a school funding law that had a \$20 million deficit in it and we struggled with that thing for two years trying to figure it out. Are we going to pass something like this on to the 108th without knowing what the full consequences of implementing the Hay Report at this time are? Without having the funds necessary in that Senate Amendment to pay for the implementation of the appeals process of the Hay Report? Do you want to put yourself on record to that?

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

Mr. BERRY: Mr. Speaker, I would pair my vote with the gentleman from Portland, Mr. Jensen, if he were present, he would vote yes; I would vote no.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Lizotte.

Mr. LIZOTTE: Mr. Speaker, I would pair my vote with the lady from Bath, Mrs. Goodwin. If she were here, she would be voting yes and I would vote no.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mrs. Miskavage.

Mrs. MISKAVAGE: Mr. Speaker, I would pair my vote with Representative Tyndale. If he were here, he would be voting nay and I would be voting yes.

The SPEAKER: The pending question is on the motion of the gentleman from South Berwick, Mr. Goodwin, that the House reconsidered its action whereby House Amendment "O" to Senate Amendment "A" was indefinitely postponed. All those in favor of reconsideration will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bachrach, Bennett, Berube, Boudreau, Bustin, Carey, Chonko, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Davies, Dow, Farley, Faucher, Fenlason, Flanagan, Goodwin, H.; Greenlaw, Hall, Henderson, Hennessey, Hughes, Ingegneri, Jalbert, Joyce, Kany, Kelleher, Kennedy, Laffin, LaPointe, MacEachern, Mahany, Martin, A.; Martin, R.; Mills, Mitchell, Morin, Nadeau, Norris, Peakes, Pearson, Pelosi, Peterson, T.; Post, Powell, Saunders, Spencer, Stubbs, Tierney, Tozier, Usher, Wagner, Wilfong, Winship.

NAY — Ault, Bagley, Berry, G. W.; Birt, Blodgett, Bowie, Byers, Call, Carpenter, Carroll, Carter, Churchill, Connors, Curtis, Dam, DeVane, Drigotas, Durgin, Dyer, Farnham, Fraser, Garsoe, Gould, Gray, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Jackson, Kelley, Lavery, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lynch, Mackel, MacLeod, Maxwell, McBreairty, McKernan, McMahon, Morton, Najarian, Palmer, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Quinn, Raymond, Shute, Smith, Snowe, Sprowl, Strout, Susi, Tarr, Teague, Theriault, Torrey, Walker, The Speaker.

ABSENT — Burns, Curran, R.; Doak, Dudley, Finemore, Gauthier, Hobbins, Jacques, Kauffman, Lovell, Lunt, Mulkern, Rideout, Rolde, Rollins, Silverman, Snow, Talbot, Truman, Twitchell, Webber.

PAIRED — Berry, P. P.; Goodwin, K.; Jensen, Lizotte, Miskavage, Tyndale.

Yes, 58; No, 66; Absent, 21; Paired, 6.

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

Mr. Spencer of Standish offered House Amendment "R" to Senate Amendment "A" and moved its passage.

House Amendment "R" to Senate Amendment "A" (H-1327) was read by the Clerk.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "R" deals with the salary level of the commissioners of three quasi-judicial agencies, the Employment Security Commission, the Industrial Accident Commission and the Public Utilities Commission.

Under Senate Amendment "A" as it is currently drafted, when read in conjunction with the bill eliminating the Executive Council, the commissioners of these three quasi-judicial agencies have their salaries subject to merit increases and to adjustments, either increasing or lowering their salaries by the Governor of the State. The possibility for interference with the judicial nature of these three boards is strong, and the effect of this amendment is to have these salaries established by the legislature and not to have the commissioners of these three commissions, which are supposed to be completely independent, subject to determination by the Executive.

The amendment does not increase the total number of dollars involved in these salaries over Senate Amendment "A". It funds the salaries of these officers at their present level plus 5 percent, which is what the Senate Amendment "A" provides. It does, however, say that the members of these commissions will not be subject to the merit increases which essentially removes them from any kind of interference by the Executive Branch with regard to the manner in which they arrive at their decisions. These boards are supposed to be independent and I think that there are very strong public policy reasons for having their salary fixed by the legislature and adjusted through time as the legislature feels it is necessary.

I think it would be a very unfortunate situation if one of these boards were to make a decision which for one reason or another there was some disagreement over and then seeing some of the commissioners having their salaries increased and others decreased. It jeopardizes the independent nature of these boards and I would urge the adoption of House Amendment "R" to correct this problem.

Thereupon, House Amendment "R" to Senate Amendment "A" was adopted.

Senate Amendment "A" as amended by Senate Amendment "A" and House Amendments "A", "B", "C", "G", "M", "N", "Q", "R" and "S" was adopted.

The Bill was passed to be engrossed as amended in non-concurrence and sent up for 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**

Bill "An Act Appropriating Funds to the Southern Aroostook Community School District" (H.P. 2374) (Presented by Mr. Walker of Island Falls) (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, without reference to any committee, passed to be engrossed and sent up for concurrence.

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

Mr. Curran of South Portland presented the following Joint Order and moved its passage: (H.P. 2372)

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

**BRIAN LIBBY
OF SOUTH PORTLAND
WHO HAS EARNED THE TITLE
AND DISTINCTION OF
EAGLE SCOUT IN TROOP 37**

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. Curran of South Portland presented the following Joint Order and moved its passage: (H.P. 2373)

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

**GEORGE SHUTTS
OF SOUTH PORTLAND
WHO HAS EARNED THE TITLE
AND DISTINCTION OF
EAGLE SCOUT IN TROOP 37**

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

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

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

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

On motion of Mr. Goodwin of South Berwick, Adjourned until ten o'clock tomorrow morning.