

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

Wednesday, April 28, 1976

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

Prayer by Father Rudolph Leveille of Hallowell.

The journal of yesterday was read and approved.

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

Non-Concurrent 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) which was Passed to be Engrossed as Amended by Senate Amendment "A" (S-588) as Amended by Senate Amendment "A" (S-592) and House Amendments "A" (H-1304), "B" (H-1307), "C" (H-1308), "G" (H-1313), "M" (H-1321), "N" (H-1322), "Q" (H-1326), "R" (H-1327) "S" (H-1328), thereto in the House on April 27.

Came from the Senate, Passed to be Engrossed as Amended by Senate Amendment "A" as Amended by Senate Amendments "A", "B" (S-599), "C" (S-600), and House Amendments "A", "B", "C", "G", "Q", "R", "S" thereto in non-concurrence.

In the House:

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

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: Over the past few days, I have sat very quietly in my seat; I haven't had too much to say to either myself or my seatmates, but on the way down this morning I got to thinking about this and I said to myself, the first thing I am going to do, I am going to be on my feet and make a motion to recede and concur.

The SPEAKER: The gentleman from Jay, Mr. Maxwell, moves that the House recede and concur.

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

Mr. KELLEHER: Mr. Speaker, I would recede the yeas and nays.

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 Westbrook, Mr. Laffin.

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I have the greatest respect for my friend from Jay, Mr. Maxwell. He has been an awful lot of help to me here, being new and not knowing the procedures that the legislature goes through, it is a lot different being up here than it is in a small city council back home. But there is one thing that I learned up here that I disapprove of one hundred percent, and that is to present a pay raise bill for state employees only to find it full of lord knows what, a bill that is presented for state employees, which they so rightfully deserve, and yet that bill is full of things that have nothing to do with the take-home pay of the workers of this state, a bill that I cannot support because it takes away bargaining rights of employees. Bargaining rights of employees is a very fundamental part in the labor force working conditions. It takes away \$15 a week that I believe is unjustifiable. It drops back to only 60

percent of those qualified for raises to get them, and who is to say who is qualified and who is not?

This bill has disturbed me, probably, more than any bill that we have had because this is an emotional bill, it has to do with the people's take-home pay, and that is very important in our society today.

We all make mistakes, and I would be the first to admit that I certainly do. Sometimes when I go home and I look over how I voted the other day and read some of the amendments, it is not what I wanted at all. Amendments change the bills around so much up here and they come so fast the last few days that I will admit that I am confused. I don't even have time to read them and many times I don't even have time to put them away in my book.

In order for us to sit here today and say that this is the best thing that we can do for the state employees of this state is a total shame, because it is not the best thing we can do, we can do better, I know we can do better.

There are many of you who have changed your positions, for what reason, so be it, I could care less. Each individual will have to answer to their own selves when we leave here and say, did I do the very best that I knew how?

I am so sick and tired of talking on this bill, I didn't speak yesterday afternoon because I was thoroughly disgusted with it. I had a lot of things in my mind that I would like to have said, but I would not be rude to any member of this House and I deplore anyone who is. I have grown to know many of you, and certainly I shall never forget all of you. But I do know one thing, the mistakes that I might have made in the past I will answer for, no one else in this House will. But today, we have got to do right and we have got to be right.

Why certain positions are changed, that is your business. We all have one vote, and how you can change overnight is something that I will never be able to understand.

I believe that the working people of this state are entitled to a fair deal by this legislature, and that fair deal we will have to live with. We must stand up and we must search our souls for the right answer, and the right answer today is certainly not to recede and concur.

Many of us will never be back here again and I probably won't be back either, but at least before I leave this House I want to say the last thing I did was the right thing.

Being right many times doesn't amount to much; making decisions many times doesn't mean too much, because we can shake them off, but this decision we can't shake off. As I talked with some of my colleagues who were with me two weeks ago, they have deserted, not me because it doesn't matter to me, I will live just as comfortable if you give them a dime or if you don't give them anything, but you will have deserted the people who need you. You will have deserted the people of this state that are counting on this legislature, and I say we have failed. I say that we are letting other people direct our conscience. I say that we are letting other people tell us how to vote.

It was only a short time ago that I had the death penalty bill before this House, and so many of you said, I would love to vote for you, I would love to give you a vote, but I can't vote for this because my conscience or my religion wouldn't allow it. Well, how many of you are going to have consciences tonight? How many of you are going to be able to say to yourselves that you did the very best that you could for the working people of this state?

There are many of us here today who could care less about the minimum wage, about what the employees take home, because most of us, we live in clover, we live comfortably. We have no problems compared to the people that we see around us, but I am telling you, ladies and

gentlemen, today is the day to stand up and be counted. Today is the day that we come to the aid of the working people of this state, and too often we forget that. Too often we forget that this country was built, maybe not by state workers sweeping floors and the things that they do, but they are a very important part of our labor force and the industrial revolution that we have survived through has put the working people in this state in a class that they should be proud of. I ask you, don't take it away from them.

Don't be persuaded. We have a moral obligation here, we have an obligation to the people of Maine.

I have received reports that many state employees don't work a full day. Well, I have heard that cry down through the ages, and all that is anti labor. But you never hear them say what a good job the working people do in Maine. I could do a hundred good things and I do one thing wrong and you will always remember the wrong thing I do. It is the same way with the working people of Maine.

I don't set their payrolls, I don't set their time cards, but we must be doing something right. Our roads are always plowed, the highways are in pretty good shape, our murders and rapists are taken care of, they live pretty good by guards who get the lowest amount of money in this nation, and I will tell you, I am not proud of that.

As far as speaking of people and individuals, I have the greatest respect for the Speaker of this House as a person, as a knowledgeable legislator. I have great respect for many teachers with knowledge that I only wish that I could have. But I feel that when the Speaker and members of this House turn against the people of Maine, that is also unjustifiable. If I am ever back here again, I am sure that I would support the Speaker for the job that he has now. I support the Governor of this state — Mr. Palmer took note of that — we have a Governor in this state that I highly respect because I like to see people better themselves. I like to see people have a chance that I never had. I like to see our colleges do better and I like to see every boy and girl go to college, but I do resent the fact that the leadership of this House and the leadership of the other body and the Governor trying to dictate their wishes and their plans on all members of this legislature.

I answer to no man; I answer only for what I do. I ask each and every member of this House to do the same. We have accepted their recommendations, we have heard their plea, but that doesn't mean that we have to go by their wishes, and I certainly hope that somewhere, someplace between now and the time we get out of here that we do the very best that we can, we can look at each other and say, I may not agree with you but I respect you and shake his hand and leave here in the manner that athletes compete. They fight like the devil while they are playing, but when the game is over, they are the best of friends.

I hope today when I get done speaking I will not receive the note that I received when I spoke against the pay raise for us here in the House. I know that many people up here are bitter because I opposed a pay raise for legislators, but I am for raises for state employees. If I have offended that person who, by the way, didn't sign his name, if I have offended that person by speaking on what I believe in, then rough luck, baby, you live with it, because I don't apologize, nor will I leave this House and have to apologize to anyone. I vote my conscience and I certainly hope today that every member of this House will do the same, and I am sure you will. I have more respect for you people in this House than some of you have for me, but that doesn't matter, because you didn't put me here and that makes

the difference. If you had all put me here, I might not speak so harshly at many times. The issue before us today is very important and it means a lot to all of us, but it means so much more to those that we can help.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Just so that I know that the parliamentary procedure is correct in my own mind, if we recede and concur, we recede and concur and then the bill will be sent to engrossment? Am I correct?

The SPEAKER: The Chair would answer in the affirmative.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I hope that this House this morning does not recede and concur. The bill at its best with the amendments that this House put on it would be somewhat more deserving of consideration had the other body used the wisdom to keep the amendments that this House had put on it before it was sent over there. It still contains the Hay Report and I have yet to hear anyone in this House get up and applaud it in any way, shape or form. It is a poor document, it was a poor document three weeks ago, and it is still a poor document today. I hope that when the vote is taken, that somewhere up there will be seventy to eighty lights to indicate to this body, to the leaders of this body and hopefully to the others exactly what the position of this House is in refusing to accept the Hay Report, as it is right at the moment. If you are not in support of the bill, I hope that you will vote no this morning.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I have been very patient and haven't said much to this House but I think the time has come when I should say just a few words in relation as I would hope that we would recede and concur and I don't like the Hay Report and I don't like the whole bill. Let me tell you how I feel about it. Having been here when we passed the Sinclair Act and I didn't like that but we had to start somewhere. It took two or three legislative sessions to get it straightened out. Having been here when we passed the new criminal code which there were a lot of things that weren't satisfactory to a lot of us, but we, I think, finally straightened it out to my satisfaction, after a session or two. I think it is like, you have to have something to build on. The Hay Report certainly needs adjustments. I can see by one look, some things I don't like. I am sure it will be corrected by the legislature or by the hearing process but we have got to start somewhere. For 20 years, I have sat here and said that we need to have some sort of a thing enacted. We have several reports and never accepted them. We paid a lot of money for them.

Now, this seems rather senseless to me. We have paid a lot of money for this Hay Report and even with all of its injustices, I am sure that the legislature and the hearing board can correct. I feel that we have to start somewhere. In other words, you can't build a barn until you lay the sills. I, this morning, would hope this House would recede and concur and get the show on the road and get something started, and get something to build from. I would be the first to admit that it is a bad bill, but the Sinclair bill was a bad bill, the criminal code and many other big pieces of legislation were not very good when they passed the House but it took some time to straighten them out. This one, I am sure, will be the same way. There will be a lot of intelligent men fill these seats come the first of January, and they will go to work on it

and some of you will be here to help do it. I am sure it will be taken care of. Thanks for listening.

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

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: I have been quite quiet on this issue and I am not going to get deeply involved in it. I would like, first of all, to commend the gentleman from Westbrook on the position that he has taken. I think he has done a very fine, a very remarkable job in defending his position. I think he has represented his people well, and I think he has represented his conscience very well here in the House. I don't feel he should feel disappointed as far as his effort is concerned. We all appreciate his feelings on it and we know how deeply he does feel relative to this issue.

Now, I have been on the opposite side of the issue consistently. But, I still appreciate his views. I consider that my position is justified by some very good reasons. Now, I am not here basically to represent the labor unions, I am here to represent the people of district 110. I think that I have, through my vote, represented the feelings of those people as they see the situation. I think that we should, personally, I am going to vote to recede and concur. I think many of us should reflect and consider why we are here, who we are representing, and vote accordingly.

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

Mr. INGEGNERI: Mr. Speaker, Ladies and Gentlemen of the House: I have kept quiet a great deal of the time during this entire debate, not because I lacked any conviction about my position, my position is absolutely clear in my mind and my conscience is absolutely clear and my free will is absolutely clear and distinct. I am for the position of the good gentleman from Westbrook 100 percent and I intend to adhere to that position. The gentleman from Westbrook has done such a wonderful job of putting this issue in simple direct terms, that I was reluctant to get up and speak about this horrible monstrosity which is known as the Hay Report. I think it is very important for us to get back to square one, where Mr. Laffin had us about two weeks ago and when he had the gentleman from the Hay Associates on the ropes. I never saw, I never heard, a so-called professional, squirm and absolutely beg for mercy. Why? Because he had no position to defend. There were obvious glaring errors in that report and those errors are now greater and clearer than they ever were. They are like the beacon of a light house, they shine on all of us and every single one of us who have some other motive. Either the motive of protocol, the motive of reading what he thinks is correctly the mood of his constituency is turning away from the glaring light of that beacon. We know it is there, but we don't have the courage to look at it square because it blinds us. All I have to take is the classification of the prison guards, that one thing is enough for me to say, as somebody said, that there is something about this report which brings back the words of Shakespeare, "There is something rotten in Denmark".

I have been connected in a more sophisticated way, perhaps, but still connected with law enforcement. I once had the experience of having to transport with some other fellow, five felons to a prison in upper New York State. The guard who let us in went home for supper, and he had an extra hour off. The rules were so strict that only the person who had let you in, could let you out. So, for about two hours, I had the privilege of really being behind bars. There was nothing between us and the convicts, the imprisoned convicts, except the glass wall. I saw these men having their dinner, and I saw the tension on their faces which reflected their pent up emo-

tions of resentment, anger, hostility towards the guards. I thought of these men who lived within a short radius of that prison and who had to deal with this every single hour of their working day, and the thought came to me, who is the prisoner? The guard was just as much a prisoner as the convicts who had been sentenced to that institution.

You want to tell me that any report that can set that man's salary at \$6,200, to begin with, and if he has three kids, you know where he is at? He is below the poverty level that is set by the Bureau of Labor Statistics or darn near it.

We saw how this House reacted, because when these inequities were brought out, there was an overwhelming vote in support of Representative Jalbert's position. It should have been. The will of this House at that time was to go for \$15 and stay with it, firmly. Somehow or other that got snafued in some procedural machinery. Then we continued to debate, continued to deliberate and we came, almost two weeks ago, to a firm position. We went home, thinking that we had done something. We had stood firmly and the other part of the legislature had gone along and we all decided a cooling off was necessary. There was supposed to have been a conference with the President of the other body, our good Speaker and the Governor. I waited to see what would come out and I hoped there would be something good come out of that because I believe that if these were true minds, then they had to reach a common ground because as Shakespeare said, "Let me not to the marriage of true minds admit impediment, because love is not love which alters when alteration finds. Our good Speaker's love for the institutions of the state and the people of this state did not alter when it came up against the obvious adamant time position of the other two gentlemen. He moved, but they moved not one bit. No matter what is written in the Senate Amendment, they didn't move worth a darn, so I say, we hear these arguments, we have to have something, we have to go back with something. Otherwise, there would be nothing, because the other House will adhere, will stay firmly in its position, the Governor will veto.

I say that this House has just as much strength, just as much bargaining power as those other two branches of the government. I say that it is up to us to stay with our position because deep down in our hearts we know there never should have been a mixup in the long overdue cost of living adjustment with a classification that was put together in a matter of two or three short months.

I hesitate to call on my federal experience because I have learned to my sorrow that there is a prejudice in this House against many things which the federal government does. I want to tell you something. Never did I realize in what an enlightened atmosphere I worked until I became connected with the State of Maine and have seen the medieval conditions in which the state employees are treated in this state. I can tell you that in comparison with the federal government, the workers in this state are still back in 1894. I wonder if they have to reach 1984 to come up to the standards of 1964.

I believe that we should have on our minds one thing. We should give them the economic relief which they have earned, which has been delayed almost more than two years, take care of that, and when it comes to the classification, which is something that I would want to see someday, I believe that this should be done with due deliberations and without confusing the issue of first taking care of the economic plight of these people. I can say, as I said in the beginning, and I hope that I have some little influence on some of the people here, I shall vote against receding and concurring.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: Just very briefly. I did want to point out some of the speeches that have been made have been very eloquent, and they are basically addressed to the bill as a whole. We will probably have another chance to deal with that when this bill comes back for final enactment. I did want to point out that what we are arguing today is those points of difference over amendments between this body and the other body. As you can see from your Supplemental Journal, the other body removed House Amendment "M" and House Amendment "N" and added Senate Amendment "B" and Senate Amendment "C". I think that is the point on which we probably should discuss the matter at this particular time and then when the final matter comes to us for final enactment, give our feelings on the bill as a whole.

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

Mr. TIERNEY: Mr. Speaker; Parliamentary inquiry?

The SPEAKER: The gentleman may state his inquiry.

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: If we recede and concur, doesn't that mean less money for the University of Maine?

The SPEAKER: The gentleman may look at the amendment.

Mr. TIERNEY: Mr. Speaker and Members of the House: Well, I guess I am confused. It is a parliamentary question because it did have two amendments of this House, the gentlelady from Portland, Mrs. Najarian, and the Speaker himself who declared pursuant to Rule 19 that they couldn't vote on the issue because it dealt with the university budget, yesterday. If we do recede and concur, it means we are going along with the Senate vote, which of course, killed the gentleman from Orono, Mr. Davies' amendment.

The SPEAKER: The Chair would advise the gentleman from Durham, Mr. Tierney that the other body killed the amendment which the gentlewoman from Portland, Mrs. Najarian and I both refrained from voting which included \$100,000 for salary increases. The other body added \$100,000 for student aid. Therefore, that is the position we are now in.

The Chair recognizes the gentleman from Augusta, Mr. Bustin.

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: Although as the Majority Leader has indicated to you, we are not at the final stage of this particular measure. I think we are in one sense at the crossroads of the whole pay increase issue. I have said before and I will say again, we are dealing with a labor dispute and we are operating in an intense pressure situation. There is pressure to agree with the Governor, there is the pressure to agree with leadership, there is pressure to do what you want, there is a pressure to go home. There are two ways that people react to pressure, one is to cave into it, the other is to stand up to it. The victories belong to those who can get people to cave into it, and that is what is happening to us here today. We are all under intense pressure to go along with this measure. People are thinking about going along with it, not because they think there is equity in this bill, not because they think it is fair, but for wrong reasons. There are a lot of people depending on us in the House of Representatives. I think we really have to consider whether caving into that pressure is of a higher priority than defending the rights of the people who are depending on us. This dispute belongs in a neutral forum, where people have a chance for justice, and are not whipped around by political whims.

I hope you will vote against the recede and

concur motion and then discuss another alternative.

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 did vote for the motion to recede and concur. I think that everything has been done that could be done. I think contrary to what the good gentleman from Westbrook, Mr. Laffin, would say, I personally feel that we have done the best that we can.

I can see nothing to be gained by prolonging this any longer. I think we have wasted enough time now trying to see which House is going to assert their will over the other House and I think now the time has come to get right down to the nitty gritty and wind this up and go home so that we can give the people of this state a chance to sleep a little better at night.

Now, Maine, according to Mr. Ingegneri, has not used its state workers too well. I am not that familiar with the plight of the state workers or with the pay of the state workers in recent years because this very legislature voted not to have the so-called snoop book so we could know what salaries the various workers in the state were receiving and I am not about to run from department to department finding out who makes what or why.

I do think the State of Maine has done quite well for the state employees by one fact and one fact alone, that all of them down on the eastern seaboard, not only in the New England states but the states along the eastern seaboard and other states as well, have started to reduce the size of their state workers in force. We have not done this in Maine, there has been no mandatory layoffs. What reduction in state in state government had come through attrition and that is all. It has been the feeling of the Executive Department that they would keep as many on the payrolls and they would resort to layoffs as the very last resort, but when someone retired or got through, they would not fill that position and, therefore, that would in time reduce state government.

Maybe we have taken the wrong approach in the whole matter. Maybe instead of looking at ways to find money to fund the pay raise, we should have gone along with the \$20 a week across the board and said to the people of this state, we are going to fund it and we are going to make you happy at the same time. We are going to make you happy by mandating that X-number of state employees be laid off, that we are going to do away with some of the agencies of state government which we have created over the years and put a burden on the people of this state and we are going to bring state government down to a size that would be workable and feasible for a state of one million population.

Nowhere in this debate on this bill has there been anything on reducing state workers and it is too late in the game now to talk about mandating a reduction so, therefore, I think we have done all we can for the state workers and I would hope today that we would go along with the motion to recede and concur so we can wind this up, we can go home and let the people in this state breathe a little easier.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: Just a few words before we vote on this motion. There have been some statements made here this morning which concern me greatly. I thought I would just touch on those for a moment or two.

Over and over again, the last day or two, I have heard several Representatives say that not one good word has been said on the floor of this House for the Hay Report; I disagree with that. I think we have, as a body, chosen to find

and we have found some problems with the report but it has been my experience, however, over a lifetime to know that nothing of this magnitude ever was totally perfect when it was created. I believe that was true of the Constitution of the United States, something that we might think of in this bicentennial year. I believe that every major piece of legislation this House ever passed was amended or needed at one time or another some fine tuning.

I want to tell you this morning that the Hay Associates are a very reputable outfit. They have done some very fine jobs and I want to read you a list of names, I think they must all be known to you, and these are clients of Hay Associates here in the State of Maine. The list reads like this: Coles Express, Dead River Group of Companies, the Bath Iron Works, the Great Northern Paper Company, the Associated Hospital Service of Maine, the Maine Medical Center, Hannaford Brothers, Coca Cola Bottling, Mid-Maine Medical Center, Georgia-Pacific, Maine National Bank, Portland Savings Bank, Union Mutual Life Insurance Company and the Scott Paper Company — quite an impressive list of companies which, I am sure, would not have chosen some deadheaded outfit, such as we have had pointed out to us this morning, as being unable to address itself to a salary compensation plan.

I also had the opportunity this morning to discuss with a high official of the Scott Paper Company what their experience had been without Hay Associates; they hired them 10 years ago and today they say they could not have lived without that report and they say they cannot find one person who gave up in the last 10 years with their company because of poor salary administration.

We have had a lot of red herrings passed across the pathway here, and so many people say the Hay Report stinks or the Hay Report is bad, the Hay Report is full of errors. I just believe that they had better read it some more, better experience a little bit more research into what Hay has done, both here and throughout the country. That long impressive list I gave you, might I add, you could add to that municipalities and counties and states throughout this country.

One other speaker this morning spoke of political whims, and accused those of us who are for this report as doing so because of political whims. I will leave that to your judgment as to what the gentleman was saying and what he is doing and to his position on this matter.

I will talk a minute about compromise. We have been on this subject for three or four weeks and it seems to me that the very best of work has been done by the Governor, by the Senate President, by the Speaker of this House, by other leaders and by many legislators, and the bill we have before us now represents their very best efforts. It represents compromise after compromise and I do not know what those people want who still insist that no one moves, that nothing has been done. It seems to me that a great deal has been done. It seems to me that we have moved in every direction possible to accommodate all positions and still to give to the state employees a good raise.

I would also say to you that I think the other alternative as to what we have before us right now in this closing day or days of this legislature is to do nothing. I think there are people who want to do nothing, there are people roaming these corridors preaching the gospel, I would rather do nothing than to give the state employees this raise. I want to tell you that I have a few state employees too, and I talk with on a regular basis. I went home last night for the one purpose of talking to quite a few, and I called them, and some of the rhetoric in the corridors certainly does not reflect the feelings of

those who want a raise out there. I think if we as a House and the Senate, go home without doing anything for them, we would be making a very, very serious mistake.

It seems to me that now is the time for us to see — there is no sense in thinking we are going down the line, we are down there now, we are right there right now, a couple of moves and we could go home. I ask you to think about all the compromises, to think about what the state employees are going to receive and say to yourself, is this bad? I can assure you of one thing, it is not as bad as the alternative.

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

Mr. GRAY: Mr. Speaker, Ladies and Gentlemen of the House: There has been a lot of comment about the Hay Report as it concerns the prison guards. Thomaston is in my district and I probably represent more prison guards than anyone else here. I was quick to criticize the inequities in the Hay Report; in fact, I even went so far as to have a hazardous duty pay amendment drafted up. But I discussed this problem with Roger Mallar, as well as leadership, and was assured that environmental conditions as well as the nonstandard work week will be made part of the appeals process. If you will note Page 20 of L. D. 2355, you will see that this was included as part of the bill.

The Hay Report is not perfect and it will have to be revised from time to time but I personally feel that it is a step in the right direction and I can assure you that if my prison guards are not treated fairly, I will be back with my "hazardous duty" amendment in the 108th.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I would like to speak very briefly about the Hay Report. The opposition to the Hay Report is primarily because it is an obstacle to collective bargaining. If you do not put the Hay Report into effect, you still have obstacles to collective bargaining. If you put the Hay Report into effect in the 108th or the 109th, there will be a repetition of what we are going through today to remove sections of the Hay Plan or any obstacles to collective bargaining. Over a period of time, I am quite sure that that will take place, but let's do it in an orderly and reasonable manner.

There are, in my mind, no more obstacles to collective bargaining with the Hay Report than there is with present law in either Title 2 or Title 5. Let's proceed in an orderly manner and those who are here in the 108th or the 109th can take care of any of the objections piecemeal, not opening the door wide open but in an orderly fashion address the collective bargaining issue by statute.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I will try to be very brief. I am 100 percent behind the gentleman from Westbrook in his feelings in this particular issue. I have been since it was first brought up a couple of weeks ago. I am very proud to be part of labor. I try to vote in the best interests of the people back home insofar as labor issues are concerned. I have not had to get on my feet because the gentleman from Westbrook, Mr. Laffin, has done a very admirable and very beautiful job insofar as pay raises are concerned and as far as the Hay Report is concerned.

I would like to answer the gentleman in the left corner, Mr. Palmer, as far as the Hay Report is concerned. I would like to say a couple of nice things about it.

First, I would like to tell you just a short story which I think will bring you to the point where we are at now. It concerns itself with Jim Brown who is a great football fullback for the

Cleveland Browns and a man named Sam Huff who played for the New York Giants. When Jim Brown broke into the National Football League, they played the New York Giants. The first time Jim Brown went up the middle with the ball, Sam Huff creamed him to the ground and as they got up, Sam said, Brown, you stink; the second time Jim Brown went up the middle with the ball, Sam Huff creamed him again, and as they got up he said, Brown, you stink; and the third time he went up the middle, he went 70 yards for a touchdown and as he ran off the field he said, hey Sam, how do I smell now, which I think brings us back to the Hay Report. The nicest thing I can say about the Hay Report is this, it stunk yesterday, it stinks today and it is going to stink tomorrow; therefore, I would hope that you would vote against the pending motion.

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would hope this morning that we would vote against the motion to recede and concur. There was an amendment put on this bill yesterday here in this House by the lady from Vassalboro, Mrs. Mitchell, that I think solved one of our major problems with the Hay Report and that was on the merit system. I went on to explain where I thought we had the problems with the merit system on American industry 100 years ago.

I would like this morning to mention something that was written about 15 or 16 years ago by Dr. Peter — at the present time his name escapes me — which dealt with the problems of American industry, namely, saying that an employee who reaches a level of incompetency and the department head or the man's boss, who promotes the one most deficient because he is less dangerous to take his job, and I think with the merit system, this same thing can apply. Who is to say that the department head is going to give the 5 percent to the one who is most deserving because, ultimately, he is a threat to his job. Why not promote the most inefficient one? I would ask you — those problems we have to look at before we accept this report.

I ask you to vote against the motion to recede and concur.

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

Mr. WAGNER: Mr. Speaker, Ladies and Gentlemen of the House: I have refrained from speaking on this bill here on this floor because I do not feel that I am an appropriations expert nor do I feel I am a personnel expert and I do resent the fact that a personnel bill, which I think the Hay Report is, was part of the Appropriations Bill, I do not think it has any place there but it is there nonetheless.

I listened with interest to the remarks of the gentleman from Nobleboro, Mr. Palmer, with respect to the Hay Report, because I have been troubled trying to determine whether, since I must be voting on a personnel bill, I have been troubled to determine whether this is a good approach or not and I confess that I have had at least one constituent just last Sunday of mine, who is a Democrat no less, who is a state employee, who called me and gave his unequivocal support to the Hay Report but I also talked just recently with another constituent who was in the warden service, and he was very concerned about the treatment that the warden service got. He said that there was no recognition of the 60 hour work week, such as state police and the wardens, and as far as he was concerned, the people at the low end of the scale would be reduced by \$600. The Chief Warden is classified two positions lower than the Chief Coastal Warden, although he will receive the \$3 million budget, much larger than the coastal budget and three times the number of people.

This makes me question a little bit the professional expertise of the company that did this report, even though I am impressed by the long list of corporations that have used their services, both Maine based corporations and out-of-state corporations and I recognize that private industry does not hesitate to get out-of-state experts any more than they hesitate to export profits to shareholders out of state.

I am a little concerned, though, about this report in this particular area of the wardens. I have been told by members of the Appropriations Committee that these inequities have been addressed, have been observed, and they are going to be corrected by Mr. Mosher and the Personnel Board and will not have to go to the appeals process. I am gratified that that is so, and perhaps I would pose a question to any member of the Appropriations Committee — if this is true in this one area and if it is true in other areas, should there be a fiscal note? Is this a fiscally sound approach — would there be money enough to make these adjustments?

The SPEAKER: The gentleman from Orono, Mr. Wagner, has posed 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: I am rising because this question was put out quite a few times in the past few days in debate.

We do not seem to have any problems where the money is coming from as we talk about \$15 across the board; we do not seem to have any problems as we attempt to pull the \$11 out and send it out, and I would remind us all that the money that is available for all of these possible approaches has been generated by the Executive. But in the specific question which seems to be surfacing as to how the financing of any possible appeals might happen, I checked with Roger Mallar and it is their approach that consider an individual winning an appeal and having his class raised into another pay grade, they only have set up the money for the \$572 transitional allowance, that is, indeed, an appeal is won up to and including \$572,000 the money has already been appropriated and so this has somewhat a dampening effect on many overly large demands for additional funds. The question has already been built in there but beyond that, over and above that, and that is a substantial sum of money, there is an unequivocal guarantee that adjustments made by this appeals board are final and binding, the money will have to be found in the same way that the Governor has generated \$7 million to offset any potential deficits. The same way, in the light of deficits showing up in this year's budget, he again is going to have to find to reduce allocations and other devices open only to the Executive, the monies available to keep this thing fiscally sound in the next year.

So I hope that lays the dust on the sincere concern of where the money would come in the event of large scale penetrations through the appeals process. The transitional bonus is a self-erasing cushion; since it is guaranteed to everyone only as appeals are won that exceed that would there be any problem and the people that are responsible for this are confident that the overall adjustments are going to be a problem that they can handle.

I would like to just say a word on the behalf of the Hay Report, not as a blanket endorsement because I do not think anyone should do that, but as a step that has been needed for over 20 years as a report to legislation that we initiated here ourselves when we began to see the impact of what has happened for the last 20 years of piecemeal, fragmented adjustments in our classification system, I don't think we need to see perfection. I will remind those who still

criticize it, who still pose fear, that the compromise that has been worked out in the area of the appeals process and in the makeup of that board could dispel any thoughts that this is an anti-labor device that is being crammed down the throats of state employees.

I think a much more viable case can be made that this is pro employees, because who suffers from the inequities of two people doing similar jobs and having substantially different pay levels? The employees. What must be the reaction from an employee who is conscientious and performing at an above average rate who sees someone doing that and still going up the same pay ladder? The employee. I can't imagine that any one of us would want to see a stop put to refinements and improvements in our personnel system such as this.

While I am up, Mr. Speaker, if I might, I would like to respond to the statement of the gentleman from Augusta that we are in a labor dispute. We are not in a labor dispute, we are up here performing our legislative functions, and only as we allow ourselves to be drawn into a labor dispute, which is the objective of the triumvirate that has been prowling these corridors for the past three weeks, only to that level will we fail to do our function.

This is not a labor dispute, this is a legislative matter, we are addressing it and only, in my opinion, if we could recede and concur today can we illustrate to the people of this state that we are operating in the best interest of all the citizens of this state, to attempt to put in motion the proper machinery for the proper administration of their government.

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I would just like to pose a question to the gentleman from Nobleboro, Mr. Palmer, or the gentleman from Cumberland, Mr. Garsoe. I would like to ask them if they could stand up and categorically guarantee that this asset to the Hay Report, this appeals procedure, will not mean a tax increase in the 108th, and if they can't do that, if it did mean a tax increase, would they vote for it if they were back?

The SPEAKER: The gentleman from South Berwick, Mr. Goodwin, has posed a question through the Chair.

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

Mr. GARSOE: Mr. Speaker, that is a terrible question, really. I am not too bright to even get up to respond to it, but, no, I don't think I could categorically state that any action we take here is not going to account for a tax increase in the next legislature. But I would say that the compromise that has been worked out by our leadership holds the greatest chance of an orderly function of the state government that we have before us now. I think it is a coordinated exercise, a fragile piece of machinery — you have got to agree to that. It is dependent, as I have said more than once, on the expertise that we are seeing displayed in the management of our top state people, so I think on that basis that it does provide us with the most reasonable course of action to take at this time, as I think it should be a concern of ours that we not walk into a deficit situation requiring a tax increase in the next go-round.

I have tried to explain the concerns in this matter of appeal. It is my best opinion, on the basis of discussions I have had with these people, that they have foreseen, to the degree that is possible, the impact that this appeals procedure would have on the cost of state government, so I would say of all the alternatives open to us now, the motion that would be served by receding and concurring this morning would come the nearest to meeting that objective.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Bustin.

Mr. BUSTIN: Mr. Speaker and Members of the House: I am sure that the gentleman from Cumberland, Mr. Garsoe, has been around long enough to know a labor dispute when he sees one. I would only harken back to the conventional wisdom of my youth when somebody told me, if it looks like a duck and it walks like a duck and it quacks like a duck, it probably is a duck.

I was surprised that the gentleman from Nobleboro, Mr. Palmer, has been reduced to the point where he is apologizing for the Hay Report by a list of former clients as a justification for the merits of this particular program. I thought for a moment he might be reading from a list of contributors to a particular party until I caught the drift of what he was saying. The question that he might answer, as long as he has got this kind of information, is, how many of those reclassification plans were put in without bargaining with the employees? I would venture that the majority of those reclassifications were bargained with the particular unions.

Mr. Garsoe has brought out on the floor debate, and I guess there is no reason to keep it a secret any longer, what I referred to as neutral forum and what I suggest is the way to settle this labor dispute, and that is, if we do not get the two thirds to enact this bill, that we adopt an amendment to the appropriations act which removes from it the references to reclassifications, fringe benefits and pay and that we adopt a joint order which goes as follows: That a tripartite, fact-finding panel would be established to assist in the unresolved issues, that the members of the fact-finding panel be appointed as follows: One appointed by the Speaker of the House; one appointed by the President of the Senate, that these two persons select a third member under the rules and procedures of the American Arbitration Association, that that fact-finding panel would hear the contending parties to the controversy; it could request fiscal data and report on its own initiative, and that that fact-finding panel submit their findings and recommendations on salaries, fringe benefits and reclassifications of state employees to the Committee on Reference of Bills.

That is where this belongs, in a neutral forum, not in a political forum. This is a time-honored way of settling labor impasse. It provides equity for both management and labor, both sides present their arguments. They are weighed by a judge, a neutral judge, who determines the merits of the management position and the merits of the labor position and in every situation I have ever seen, have adopted a compromise, a true compromise, which can then be submitted to us for ratification. That is what I think ought to happen with this issue.

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

Mr. LYNCH: Mr. Speaker and Members of the House: I think we are seeing a new approach to legislation. When we enact law governing public utilities and they are dissatisfied, do we go to fact-finding? When we fund a level of AFDC and Pine Tree Legal says it is not properly funded, do we go to outside fact-finding? Does this legislature give up its right to enact laws and go to fact-finding? I think we are seeing a new approach to legislation.

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

Mr. PALMER: Mr. Speaker, I want to address a few remarks in front of this body to the gentleman from Augusta, Mr. Bustin. I said earlier this morning that I thought what we had been doing had required the best interest, the best work of many, many people in this legislature.

Yesterday morning before the session began, the gentleman from Augusta had a conference with the Speaker of this House. He had a suggestion to make. It was at that time, after he made the suggestion to the Speaker of the House that the President of the Senate was called in to discuss this suggestion. Shortly after the President of the Senate was called in, I was called in, and Mr. Bustin pontificated about his move, which he has just read to you. He asked us to consider it carefully. We agreed we all would, and we all agreed at that moment in time that we would do nothing about it at all until after the issue before us this very moment had been settled one way or the other.

This morning when I arrived at the State House, I found that those who are working with the good gentleman from Augusta were lobbying legislators, promoting this idea, seeking to scuttle the compromise before us, holding out this branch of hope which was not to have been mentioned by mutual agreement among men until after we had discussed this issue. It grieves me just a little that we can't have discussions among men of all parties and agreements made that can't be kept.

While I am on the subject, I might just as well add my long list of companies never contributed one dollar to me, Mr. Bustin, but I expect I know where yours come from.

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

Mrs. BERRY: Mr. Speaker and Members of the House: I tried to get my seatmate to amend his speech a little when he got up the second time, but he only grinned, and that was the list of pressures that we have. I would like to say that the only pressure I have had, which wasn't in his list, and I am sure many others, and that is the labor movement. He very aptly omitted that when he listed the pressures that we were having here in the legislature.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: A few minutes ago, Representative Garsoe was talking about what was reasonable when he was referring to the plan before us. I would like to ask this House, wouldn't you say the difference between putting into effect whatever the appeals process finds, putting that amount of money into law that we must pay out and the \$11 or \$15 across-the-board pay increase is that we could accurately forecast the monies needed as opposed to okaying appeals results which have not yet been determined. I certainly hope this factor is considered as we evaluate fiscal responsibility in our own minds today.

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

Mr. BERRY: Mr. Speaker, I would pair my vote with the gentleman from Saco, Mr. Hobbins. If he were present, he would vote no and I would vote yes.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Wells, Mr. Mackel, that the House recede and concur. 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, Carpenter, Carroll, Carter, Churchill, Connors, Curtis, Dam, DeVane, Doak, Drigotas, Dudley, Durgin, Dyer, Farnham, Fenlason, Finemore, Fraser, Garsoe, Gauthier, Gould, Gray, Greenlaw, Henderson, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Jackson, Jacques, Kelley, Laverty, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lynch, Mackel, MacLeod, Maxwell, McBreairty, McKernan, McMahon, Morton, Najarian, Palmer, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Quinn,

Raymond, Rollins, Smith, Snow, Snowe, Sprowl, Susi, Tarr, Teague, Theriault, Torrey, Wagner, Walker, Webber, The Speaker.

NAY — Albert, Ault, Bachrach, Bennett, Berube, Boudreau, Bustin, Call, Carey, Chonko, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Davies, Dow, Farley, Flanagan, Goodwin, H.; Goodwin, K.; Hall, Hennessey, Hughes, Ingegneri, Jensen, Joyce, Kany, Kelleher, Kennedy, Laffin, LaPointe, MacEachern, Mahany, Martin, A.; Martin, R.; Mills, Miskavage, Mitchell, Morin, Nadeau, Norris, Peakes, Pearson, Pelosi, Peterson, T.; Post, Powell, Rolde, Saunders, Shute, Spencer, Strout, Stubbs, Talbot, Tierney, Tozier, Usher, Wilfong, Winship.

ABSENT — Faucher, Jalbert, Kauffman, Lovell, Lunt, Mulkern, Rideout, Silverman, Truman, Twitchell, Tyndale.

PAIRED — Berry, P. P.; Hobbins.

Yes, 76; No, 62; Absent, 11; Paired, 2.

The **SPEAKER**: Seventy-six having voted in the affirmative and sixty-two in the negative, with eleven being absent and two paired, the motion does prevail.

By unanimous consent, ordered sent forthwith.

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

Bill "An Act to Amend the Authorization for York County to Construct a County Jail and to Increase the Bond Authorization by \$400,000" (H. P. 2375) (Emergency) (Presented by Mr. Farley of Biddeford) (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 committee, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

From the Senate: The following Joint Order: (S. P. 815)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Bangor High School Girl's Swimming Team State Champions

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

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

Came from the Senate read and passed.

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

Bill "An Act to Revise the Emergency Preamble of "An Act to Clarify Certain Provisions of the Newport Water District" (S. P. 816) (L. D. 2359) (Emergency) (Approved for Introduction by a Majority of the Committee on Reference of Bills pursuant to Joint Order, S. P. 635, as Amended)

Came from the Senate, read twice under suspension of the rules, and Passed to be Engrossed without Reference to a Committee.

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

By unanimous consent, ordered sent forthwith.

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

Non-Concurrent Matter

An Act to Revise Provision for Chairman of the Commission on Governmental Ethics and Election Practices (H. P. 2358) (L. D. 2356) which was Enacted in the House on April 27.

Came from the Senate, indefinitely postponed in non-concurrence.

In the House; On motion of Mr. Birt of East Millinocket, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Relating to a Cost-of-Living Adjustment for State Retirees" (S. P. 618) (L. D. 1950) which was Passed to be Engrossed as Amended by Committee Amendment "A" (S-507) as Amended by Senate Amendment "A" (S-520) thereto and House Amendment "B" (H-1296) in the House on April 16.

Came from the Senate; Passed to be Engrossed as Amended by Committee Amendment "A" as Amended by Senate Amendments "A" and "B" (S-591) thereto and House Amendment "B" in non-concurrence.

In the House; On motion of Mr. Theriault of Rumford, the House voted to recede and concur.

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

Non-Concurrent Matter

An Act Appropriating Funds for the Purchase of Town Histories (H. P. 1949) (L. D. 2135) which was Enacted in the House on March 29 and Passed to be Engrossed as Amended by Committee Amendment "A" (H-1027) as Amended by House Amendment "A" (H-1061), thereto, on March 24.

Came from the Senate, with Engrossment Reconsidered and the Bill Passed to be Engrossed as amended by Senate Amendment "A" (S-597) in non-concurrence.

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

By unanimous consent, ordered sent forthwith.

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

Passed to Be Enacted

An Act Appropriating Funds to the Southern Aroostook Community School District (H. P. 2374) (L. D. 2358)

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

By unanimous consent, ordered sent forthwith.

House at Ease

Called to order by the Speaker.

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

Emergency Measure

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) (S. "A" S-588 as Amended by S. "A" S-592, S. "B" S-599, S. "C" S-600 and H. "A" H-1304, H. "B" H-1307, H. "C" H-1308, H. "G" H-1313, H. "Q" H-1326, H. "R" H-1327, H. "S" H-1328 thereto)

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

Mr. Finemore of Bridgewater requested a roll call.

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

A vote of the House was taken, and more than 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 York, Mr. Rolde.

Mr. **ROLDE**: Mr. Speaker, Ladies and Gentlemen of the House: We have already debated this measure at great length and I would just add a few more brief thoughts.

I would oppose the enactment of this bill. I feel that the Minority Leader, earlier today, in reading the list of companies that had hired the Hay Associates, inadvertently put his finger on the reason that many working people in this state are apprehensive that the Hay Report, in their own words, 'is a management tool'. He also put his finger on the major problem for many Democrats in this body.

It is not unusual for Republicans, at least most of them, to cast themselves in the management role. It is entirely in accordance with the tradition and history of the grand old party. But a problem for many Democrats, perhaps not all of them, is that we do not feel comfortable walking in lockstep with the consulting firm that serves management of Scott Paper Company, the Bath Iron Works and other such corporate entities that the gentleman from Nobleboro cited.

You know from experience that consulting firms do often slant their recommendations in the direction of those who pay them. In other words, there is a suspicion that this report was rigged against labor and the gentleman from Nobleboro has just deepened that suspicion.

We as legislators find ourselves in awkward positions by being placed in the middle of a labor dispute, even though that is disputed by some. As Democratic legislators, it is even a more difficult position because we find ourselves with both one foot in the camp of management and one foot in the camp of labor, feeling a responsibility to protect as much as we can what we perceive to be the interests of the ordinary people who work for the state.

The gentleman from Cumberland, Mr. Garsoe, earlier showed his objectivity by his attack on what he called the triumvirate of labor leaders in the hall. In the light of his outburst, it is no wonder there is such deep suspicion about the objectivity of the Hay Report.

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

Mrs. **NAJARIAN**: Mr. Speaker, Ladies and Gentlemen of the House: I would like to explain to you this morning my position on this bill that is coming up for final enactment. After I spoke yesterday, I think a lot of people had the impression, number one, that I had switched my vote or was now going to vote for the Hay Plan because I got the language I wanted on AFDC, and that is not true. Others, I think, had the opinion that I was just simply tired and was throwing in the towel, and that is not true.

I guess the turning point for me on this Hay Report came last week when we were home in recess and we had put a bill on the Governor's desk which had everything in it, practically, that labor said they wanted. We had tried to get \$15 across the board, that is what they had asked for and Mr. Jalbert presented that bill with a 2 cent tax, but there was no way this legislature was going to pass even a 2 cent tax on cigarettes to fund this properly. I voted for that and I voted for his second \$15 across the board and that went down.

They were around here, the labor union

leaders, as much as we were, and they knew, they had to know, that \$11 was the best that we could possibly do for them and no Hay Report. When I heard that they were asking the Senate to sustain that vote, I could not figure out what was going on and a lot of people also called me, legislators called me puzzled and disturbed because we thought we were doing what they said the employees wanted. Then, again, we had down there the best possible deal for AFDC, a million dollars right out there starting in July and the greatest appropriation for the university was in that bill on the Governor's desk. I think the University was silent, I have not heard that they did any work to override the Governor's veto and I know that the lobbyist for AFDC was in California that week. I do not think anything was done to try to override that veto. I think the Democratic House did all that they could do to give the people what they were telling us they wanted and, members of this House, I do not think we can carry that ball all by ourselves, especially when you have opposition from the other body and downstairs.

I do not feel guilty for having shifted my position. I think now we have reached the point where it is either going to be this for the state employees or nothing, and I cannot believe that those state employees on the bottom of the lowest level of the totem pole would prefer to have nothing to \$600 this year and perhaps the 108th Legislature can do something across the board for state employees. I have always felt that an across-the-board increase was deserved by them, because of inflation they should have it and should not be tied to these classifications, that the two of them should be separate, but there just are not any dollars around here this year and this legislature is not willing to vote for taxes to raise those dollars to do that, so we have got to face some reality.

I think some of the problems that I had, I hope have been addressed with the appeals board, which Mr. Tierney planned out. It seems on the surface to be as fair as you could make any board of that type. We have now that all the appeals will be retroactive, even those that are not heard by November 1 and I would assume that those who are not appealing are satisfied with their positions.

Eighty-four percent of the state employees benefit from this, the other 11 percent, I would assume, are custodial workers or maybe the guards in the prisons. I think their grievances will be addressed through the personnel board, that is the way it is supposed to work anyway, and all the others who feel that they are not getting a fair shake will have an opportunity to appeal and I hope they are successful.

There are still some problems I have. I question the methodology of a point system and that is open to serious question, but then when we had the Cresap-Paget report, which is now what people say we ought to have had at this time, that did not pass either and I am told that every time there is a reclassification, this same sort of hassle comes up in every legislature and we have not had a reclassification for years and years.

When I was on the State Government Committee my first term here, one of the bills we dealt with was reclassification and all of Governor Curtis' Commissioners came through there one by one stressing the need for a reclassification along with David Carnevale and, in fact, I cut out at that time, because it hit me as so funny, a cartoon from the MSEA Bulletin that they send out and it showed a state employee, he was a skeleton, sitting in the Personnel Department and the caption said, 'he is waiting for his reclassification.'

I know that everybody has been saying, long before Governor Longley, that a reclassification is needed and I tended, like many of you here, to be, because I found Governor Longley

so difficult to work with and so uncompromising, immediately suspect of anything he sought.

When you find that a majority of the other members of the House do not share your opinion, then perhaps it is time to step back and look at things more objectively, and in that regard, I have something that I would like to read to you about the direction that a judge gave to a jury back in 1851 or so. He said that although the verdict to which the jury agrees must, of course, be his own verdict, the result of his own convictions and not a mere acquiescence in the conclusion of his fellows, yet in order to bring 12 minds to a unanimous result, you must examine the questions submitted to you with candor and with the proper regard in deference to the opinions of each other. You should consider that the case must at some time be decided, that you were selected in the same manner and from the same source from which any future jury must be and there is no reason to suppose that the case will ever be submitted to 12 men more intelligent, more impartial or more competent to decide it or that more or clearer evidence will be produced on one side or the other, and with this view, it is your duty to decide the case if you can conscientiously do so.

In order to make a decision more practical, the law imposes the burden of proof on one party or the other in all cases but in conferring together, you ought to pay proper respect to each others' opinions and listen with the disposition to be convinced to each others' arguments. And on the one hand, if much the larger number of your panel are for a conviction, a dissenting juror should consider whether a doubt in his own mind is a reasonable one, which makes no impression upon the minds of so many men equally honest, equally intelligent with himself and have heard the same evidence with the same attention with an equal desire to arrive at the truth and under the sanction of the same oath. And on the other hand, if a majority are for acquittal, the minority ought to seriously ask themselves whether they may not reasonably and ought not to doubt the correctness of the judgment which is not concurred in by most of those with whom they are associated and distrust the weight or sufficiency of that evidence which fails to carry convictions to the minds of so many of their fellows.

I would just continue. I do not find myself in a very comfortable position, frankly. It is not what I prefer but it is something and 84 percent of them benefit and I have always had sort of my own Najarian law about the legislature and that is that the laws we pass, the quality of the legislation we pass is inversely proportional to the number of people that it affects and this affects a lot of people and it may affect a lot of them adversely, but I think they already are affected adversely and I am hoping that the appeals process will be fair enough so that those inequities that now exist can be adjusted.

I purposely saved this until my son was gone because I know that I am going to be called a lot of names.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I did not intend to speak again on the subject this morning, but since I have listened to the remarks of the gentleman from York, Mr. Rolde, I feel I must say as word or two.

I had not realized until this morning that he was such a totally objective person, that he one foot in the camp of management and one foot in the camp of labor. I will touch on that a little bit more in just a second.

I recall reading this past week in one of his press releases, in his candidacy for Congress, an article about the Bath Iron Works and the labor dispute. I do not know where his foot was

there: I suspect both were in one place, at least the article read that way to me.

I would say that as far as the Republicans are concerned, we do believe in management and I believe we believe in labor too and I believe that in order to have good labor conditions, you have to have strong management and strong companies. You cannot be all one way or all the other.

What I read off this morning was a list of good companies in this state, who provide employment in this state to its stable employees, who simply have used a system and out of this system has come good employee relations. That is not having your foot in one place or the other, that is just simple good management. I submit also that labor unions cannot exist without good management within the labor union. The terms labor and management cannot be totally separated, for both management and labor use good management tools.

The good gentleman from York has by inference this morning and publicly stated before this morning that he objected, too, to this compromise because of the secret meetings which have been held between certain members of the Republican party and the Governor's office. I think that is the weakest of all the arguments that the man could have made, because I was here when Governor Curtis was downstairs and I do not know of anyone who wore off the marble more between the third floor and the second than the good gentleman from York. As a matter of fact, he has put on a little bit of weight since then because he is not going the stairs as often.

We are really at a point where we are just trying to say, we need to cooperate both with the Governor, I have no qualms about talking to Governor Longley, or the legislator, Mr. Rolde from York. I figure in this whole dispute we have tried to bring all people together. We have tried to separate one from the other, we have tried to listen to the views of one another, and I do not think anyone here in a major piece of legislation ever is totally satisfied with that piece of legislation.

These same words were said 6 or 8 weeks ago when we talked about school funding and the same thing happened then as is happening now. People had to give on a position here, give on a position there, and we finally passed a bill. I think we have come to that point now, and I hope that we can put aside this idea that only one person is objective and the rest of us are tied in to given political philosophies.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I didn't know that the pay raise for the state employees was a party issue, and I take objections very strongly to one party being in favor of something and the other party being opposed to something. It is hard for me to conceive that you politicians in this House can take swipes at each other, fine and good, but do it on your own time and not on the issue that is before us because this issue is important. This issue contains a pay raise for state employees and has nothing to do with what party you belong to, because there are Democrats in this house who will vote against this and for it and there are Republicans who will vote for it and against it.

I do not think there is anyone in this House that knows what party I belong to, and I think all of you know how I stand on labor. This is not a party issue; party issues should never be brought into it. I am not the only Republican who supports pay raises for state employees. We have several other good ones right in this House. If you do not believe so, look at the voting record. They support labor, and so do I support labor, and when we have to have people who are running for public office criticize one

another for the simple reason to get more votes, I object to that. I do not think it is right that we should do that today. I do not care what party you belong to.

The thing that is before us today is whether we shall pass this bill; if we like it, we will vote for it, and if we don't like it we won't vote for it. It is just as simple as that. It has nothing to do with where you are from or what party you belong to or anything else. I said this morning that I wasn't going to speak again, and I wasn't going to get upset again, but there is nothing that gets me upset anymore than when politicians try to bring in political atmosphere on something that has no consideration whatsoever on the bill.

I feel that in this House we should do what we feel is right. I don't recite poems because I don't know poems, I don't like poetry anyway. I don't recite what judges said in other places because I don't know anything about law, but I do know what is right for the working people of this state and that is the issue that is before us, and nothing else. If you in good conscience can accept this piece of trash, fine and good, I can't.

I don't care what the Speaker says or the Governor of this state or anyone else says, if they can come up with a good plan to give the employees of this state \$15 a week, and no Hay Report, I would be for it, and I would accept the other things in it that I may not approve of. How much can we compromise? How much do you want to compromise? How much do you want to sell your soul for? Well if you can do that, then go ahead and do it, but leave politics out of it.

The SPEAKER: The Chair recognizes the gentleman from Rangeley, Mr. Doak.

Mr. DOAK: Mr. Speaker and Members of the House: I, like many others, have sat here numberless hours and heard numberless words of rhetoric, debate, politics, all of these things. The one thing that bothers me greatly, however, is to have people in this House stand up and perhaps criticize someone else's conscience. I would like to have everyone that debates this issue speak about their own conscience but leave mine alone. I do have one. I don't know as many people know how I stand as a politician. I don't think I am one. I am glad that Mr. Laffin mentioned the people, the working people, the laboring people of this state, because I think we are concerned with the laboring people of this state, not just the state workers. The state employees are of a great concern to all of us. If it hadn't been so, we wouldn't have been here numberless hours to try to do something for them.

Mrs. Najarian said what we have done, what we have tried, it didn't work. We knew we could force some of this stuff down some people's throats but some of them we can't.

I voted for the \$15, I voted for the \$11 across the board, I would vote for it again if I thought it would go anywhere. I think that we all have to face facts eventually.

You know when I was a kid, if I wanted candy I had to work for it and if somebody took it away and wouldn't give it back to me, I had to face the fact I wasn't going to get it, and I had to live with that fact. I think we have to live with a few facts here today.

Sure, we are under pressure, but the one thing that I don't think we ought to forget when we are talking about the labor force of the State of Maine that doesn't just include state employees. To be sure these are the people we are trying to address today, but at the same time, labor force of the State of Maine are the ones that are going to raise the taxes and pay the taxes to give the increase in the state employees salaries. I think they should be considered.

When you talk about people that are coming in under \$6,500 or \$6,000, in my particular area and I am sure in many other areas in the state,

that there are people that have approximately \$5,500 coming home and they are paying taxes. They are trying to make a living and they are trying to support a family on poverty wages. It is poverty wages, but they are the ones that are going to have to pay these taxes that we are going to try to get more money for the state employees with, and support the whole government of this state.

I am a Democrat and if I have to walk with Republicans to accomplish something for the people of this state, I am going to walk with them. If I have to become an Independent to walk with Governor Longley in order to do something here for the people of this state, that is where I will stand also, because that is why I am here. It is for the people of the state, not a small group and I don't call the state employees any small group because they are a large group, and they are wonderful people; without them, we would be in serious trouble. I am not trying to butter them up or anything else. I don't say anything bad about anybody that is working. If I can't find fault with my own work, I will start finding fault with somebody else and I will never be able to find fault with somebody else because I can always find fault with mine.

These people do deserve a raise and they do deserve something, certainly they do and we have tried to get it to them. Right here today we have something we can give them. Sure, it isn't perfect. Mr. Palmer mentioned that the Constitution of the United States wasn't perfect, and it wasn't. It has been amended many times, as you perhaps well know.

1994 was a long way from being perfect. It still isn't perfect, with 1452 or whatever else you want to raise, it still isn't perfect, but it is here and we are working with it and trying to live with it.

Now, reclassification is important, management is important. Without management, perhaps there wouldn't be labor. I don't know. It all depends on what you want to wag, the dog with the tail or the tail with the dog. So, I suggest to you that we best go forth with this enactment of this bill, but it looks like to me, from where I stand and what I see, but again I say I am no politician, I am a pretty green suspect here on the floor of this House. I have been independent, I have voted both ways, every way and nobody knows where I stand, and thank God for that, at least I have got a few people confused.

The fact remains, as I see it, if we don't enact this, there is a great possibility, and I am not trying to threaten or scare anybody into voting the way I feel, but I am concerned because these people, if we go home, without passing this bill and just passing the Appropriations Bill and go home without doing anything for the state employees, you are going to see more trouble in the State of Maine from the labor force of the State of Maine than you have ever seen before. It is going to cause a great deal of grief for families and people and cost a great deal of money to the state, and none of us want that. So, I would hope you would vote for the enactment of this. Thanks for listening.

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

Mr. LeBLANC: Mr. Speaker, Ladies and Gentlemen of the House: It is one sorry day that this legislature has been put in a more or less in an arbitration position. But, we are, in the art of arbitration, to give and take and compromise. I, for one, believe that we have reached an impasse. Being practical and reasonable men and women, I believe that we have done as much as can be done at this time. This is not the end of the line. The legislature will be back. We have corrected legislation before and we can do it again. It is an election year, some are running for Congressional seats, and I, for one, am very disappointed that some

in leadership are using this as a stepping stone to advance their candidacy. I don't think that they have done their homework. People in general support what we are doing. Those that I have talked to that are against the Hay Report. I have asked, please tell me what the Hay Report is. None, no one knew anything about what was in the Hay Report, except to say that they had been told that it was no good.

Ladies and gentlemen of this House, I will vote for this compromise, I will not have to apologize to no one.

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Peterson.

Mr. PETERSON: Mr. Speaker, Men and Women of the House: This is the first time that I have arisen to speak on this issue. I will try to be brief, but I do not like to be here at twenty minutes of two, after weeks of discussion about an issue which has made us all angry, which has our nerves on end, which has two bodies of the legislature in disagreement. The reason that we are in this posture is not because we have a compromise, but it is because we have a sell out of one branch of government to another branch of government, that is the executive branch. I would like to share with you a little letter that I received. I don't know how I got on the Governor's mailing list as a friend of the Longley Legionnaires but I get a report from Jim Longley every once in a while, this is the sixth in a series, dated February 23, 1976. I will read it out of context because I think the most important part of it is what I am about to read. He states to his followers, "I now have a greater understanding of why so many, many people have lost their confidence in government. While I have been impressed by the performances and views of many outstanding dedicated state employees and legislators, I also have been turned off and, yes, shocked by the number of self-serving politicians." And, in parenthesis "high ranking politicians" who repeatedly attempt to discredit the Governor and/or his programs, these same people are not totally honest with Maine people or their very constituents. What they really want is to spend, and spend more money for their own special interests, not the general or broad interests of the overburdened taxpayers. These same people attack, attempt to discredit and, yes, even malign in their efforts to confuse the issues, never really having the courage or common decency to disclose what they want, what they really want is more of the peoples money to spend ad infinitum."

Now, if you think this garbage, this junk is going to stop going out to your constituents and my constituents, you are dead wrong. The gentleman on the second floor is out to destroy the two party system, and he has been very successful, at not only dividing the two branches, the other body and the legislature, but in dividing the two parties and dividing the Democrats within the Democrats. There are people here who I have had great respect for for many years, but who have diminished in that respect in recent events, in recent weeks. I will not take back these words, because I am truly sorry to have to say them, but I will not vote for this document which is called a compromise when it is really not a compromise. We compromised, the House compromised the other body compromised, but the gentleman on the floor downstairs has not compromised, he has not moved one inch. He didn't move an inch on the school funding law, the two most important issues before the special session — he vetoes, when there is agreement between both major parties. Now, I ask you, what is he up to? Is he up to good government? Are we up to good government?

I have constituents back home who work for this state, who are correction officers, who insulate us from the people that we don't want to

associate with, the offenders of our orders that we pass here in the legislature, the laws that we pass, they do our dirty work. They take home less money in a week than I take home in expense money. Now, if you want me to be a hypocrite, I am not going to do it. That man or woman who works for the state deserves fair pay and they are not getting it. The Hay Report provides for a dollar increase for those people, big deal. I am not about to swallow it, today or tomorrow.

The SPEAKER: The Chair would advise the members of this House, the time has come to stop worrying about personalities, one another, wishes or desires, instead attempt to debate this issue which is before this body and this Chair will interrupt any person who attempts to do otherwise in the course of this debate.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I am tickled pink to hear your remarks from the rostrum. It may come, obviously, at a very inappropriate time when I seek to rise here, because one of the persons that I was going to discuss was the Speaker, himself, and basically, as a Representative from Eagle Lake occupying one seat out of 151 in this body, and the only person in that 151 seat legislature that knows anything about what was compromised, what promises were made to sustain and to work towards the compromise and I would certainly hope that maybe the Speaker, in the course of discussion here today, might leave the rostrum and become one of us.

I listened to the gentleman from Nobleboro, Mr. Palmer, when he discussed a secret meeting. I have been a little upset, the other day, Mr. Jalbert got up and he asked how many people had read the Hay Report. I didn't even know where you could get a copy of the thing, and apparently Mr. Jalbert was the only one who was able to answer that he had read it. We were told by the Governor's Office, by other people, who, unfortunately, I can't recall so I am not going to pin the responsibility for that on anybody, we were told that the Hay Report was going to be much too costly to reproduce. What I have in front of me is the Hay Report. What I hold up now are some of the committee reports, that we have come out with on whether or not maybe we ought to have a fence to keep crab grass or green crabs out, or maybe whether or not we ought to find out how many hydroelectric dams are closed. In a state where we don't even have masses, we have got to study half the thickness of this one on mass transportation, and yet we can't reproduce something that affects over 12,000 people here, who are working for the State of Maine. I am a little hard pressed to believe that maybe our approach to cost savings are somewhat misspent.

Mr. Speaker, I serve as the chief executive officer in a municipality of some 18,000 people. I deal with labor negotiations annually, with three unions, and I find that we can sit down and reason and negotiate. This is obviously a public union that we are speaking of, state employees, and I sit down annually and I have negotiated some 30 different contracts over the last few years with public unions. I would be very hard pressed to believe that the Speaker feels so strongly in the Hay Report that under its recommendations in brief, there are seven words at the top of the recommendation and they say "convert to a true merit pay plan."

I would like to ask the Speaker a question or anyone here who is in the field of education: If suddenly a true merit pay plan is so attractive, how come we haven't been able to sell it in our school systems? How come school teachers can't buy it? I am a little hard pressed to really try to reason that one out.

I think what is happening downstairs, having

negotiated contracts in the past, is that, basically we are at an attempt at so-called union busting. What is going to happen with the merit plan is that we are going to develop instead of unions down below a some sort of an admiration society as who can demonstrate the most love for his excellency will therefore be entitled proportionately to more pay. Unfortunately, I believe that this system under the Hay Study and this merit plan program will get us away from the civil service system, a system that has been expanded into municipalities, a system that has worked extremely well in municipalities being able to hire and retain competent people working at the municipal level. We have gone away from the spoils system. What this plan obviously does is try to return us to the so-called spoils system. It is a very effective way of destroying civil service.

When I looked at the Hay Report and I saw where they went through insurance companies and banks and what have you, I was impressed that they were talking, basically, at the time of top management people because — I will try to dig this out because under their summary and I would like to read this into the record. Under the Hay Associate Report, on classification compensation it says, under the present merit system increases are often awarded on the basis of longevity rather than performance. Well, if people aren't performing, you get rid of them.

The State of Maine classification salaries are generally comparable with salaries reported by other states, although the Maine salaries are slightly lower at the bottom end of the pay plan, and obviously we are going to try to make them a little lower and slightly higher than other states at the top end of the classified structure and obviously the intent there is to make them even higher.

I have tried to make some notes as I went here and they talked about 10,767 full-time classified employees. I have tried to figure out somewhere along the line, the Governor had said that he had relieved us of 1,200 or 1,500 state employees and I can't seem to find the other end, but I would be hard pressed to believe that he had accomplished what he said he wanted to do.

Now, I read in the newspaper where he is asking us for permission to reduce state payrolls by 5 percent to accommodate the salary increases. That sectional compromise on the Governor's part would allow us to cut people off, but I don't believe the Governor really understands what the whole system is all about. When the budget is made up, he is given X-number of positions for the handling of the department. That doesn't tell him he has to have that number of positions; it tells him he cannot exceed that number of positions. If he can operate that department with half of that staff, all well and good, that is the Executive prerogative.

I am really hard-pressed to believe that Mr. LeBlanc from Van Buren would have expected us to have read the Hay study. I don't know if the gentleman has read it himself, but I think he was sitting in his seat here and I believe he failed to raise his hand on that date when Mr. Jalbert asked how many people had read the study.

There are a couple of charts in that study that are quite convenient. It says basically that we are generally 12 percent below the average when we look at the 18 New England industrial companies that have installed the Hay System of job evaluation. That was a very interesting fact. We are not running companies.

We look under the 12 northeastern state governments, plus the District of Columbia. The actual base salary in comparison with salaries based on those 12 northeastern state governments, the Maine salary practice is quite close to the average of the salary practices. I

would tell you that some of those people in those states would dearly love to live in the State of Maine.

I am not going to take any more of your time, but I am somewhat concerned that people would stand up here and tell us some of these things about the Hay Study and then refuse to go along with having it printed so all of us could at least have had a copy of it.

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

Mr. WILFONG: Mr. Speaker and Members of the House: I think it is rather interesting to note today, as well as the countless other debates that we have heard on this issue, and remember what we are debating; we are debating a budget. It has been very seldom that we have stuck to debating very much about that budget, and I think that is interesting to note. We have been debating the Hay Report, which is a reclassification plan in great detail. We have stuck to the employee pay raise, which is a part of this budget, but we have let countless other things that are included in this document just go by the wayside. We haven't discussed another thing hardly. We haven't been taking part in where the cuts were coming, from which departments they were coming, where we were going to add, all of this stuff, we haven't had a chance to decide priorities.

All the rhetoric that has gone over the dam, 90 percent of it anyway, has been about the Hay Report, and I think it does show a real shortcoming in the legislative system that deals with the budget. I would just like you all to take note and to think a little bit about that, because although the reclassification plan is a very important thing to talk about and discuss and to try to come up with a solution; in my opinion, it doesn't have anything to do with this budget. It is a rider, and I think it just points out what other people, including myself, have said earlier in the session, that we don't have a good way to deal with the budget.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Quinn.

Mr. QUINN: Mr. Speaker and Members of the House: I think the remarks taken a few minutes ago by both the Speaker and some of the members of the House were excellent. I think we should consider the issue on its merits, I think we should debate the fact of what is before us. I am on one side of the position and many people whom I respect and admire are on the other side of the position. But by no standards or by no stretch do I feel that those people are immoral, illegal or fattening. I am perfectly willing to respect them.

I am very much in favor of this compromise. The reasons I will tell you in a moment, but when the vote comes, I am going to pair, and I am going to pair because a friend of mine, a brother legislator whom I respect and whom I admire feels that he needs to go on record, and that would give him a chance to go on record while he, through no fault of his own, couldn't be here today. I will make this gesture in interest of the fact that I am perfectly willing to believe he is just as smart and just as capable and just as honest as I am, and I will give him a fair shot at it.

But the issue itself really is not to me, now, at this stage in the legislative process, a question of what the unions will do or won't do or what effect it is going to have on the elections or what it isn't going to have or what our individual motivations may be. I don't even think the issue revolves at all around anything of particular or parochial interest. I am very much in favor of the University of Maine. I am in favor of the Maine Maritime Academy, and both of those things, in my mind, have gone down the drain and, yet, I can say that I am still for the compromise.

The question, it seems to me, that we have

before us today, at five minutes of two, is simple justice to the working people of the State of Maine. The lady from Portland said, in her opinion we either pass this bill or we have nothing. I think that she could not possibly be more correct. That is exactly the choice we face.

Our political system is an imperfect system. We never arrive at a good decision, we simply arrive at the lesser of two bad decisions, and any of us who fail to realize that and who fail to operate on that basis from day to day do not do justice to our own skills and our own understanding of the political process, and those who deny it do so at the expense of the political process.

I have immeasurable sympathy for the position taken by Mr. Laffin. I found his speeches in the last two days to be true, I found them to be emotional, I found them to be moving, and I found myself in complete agreement with him. But I am forced to say to him, respected colleague, you must realize that if you vote no today, you are voting no to \$11 a week for your man or woman who may be bringing home only \$90. If you can go back to that person and you can say — and I am not talking about reelection, I am talking about the human values — if you can say to that working person, I am sorry, I voted against a raise for you because I didn't like a personnel classification system called the Hay Report, I think you do an injustice to that person. By adopting the Hay Report today as a quid pro quo or as a trade or as a part of the inefficient system that man has never been able to improve on in the parliamentary procedure.

To accept that Hay Report as a piece of the package is not to cast it in concrete forever. We will be back here, those of us who have an interest and the time, and the drive and successors who are just as able and concerned as we are will be back in seven months, and they can address inequities in this report that have suddenly become such a total block, such a totally corrupt thing to those who don't want it today.

By voting today and accepting the Hay Report, I am by no means committing forever and ever down the path of eternity the Maine employee to its administrations. I am simply saying, and I say it again to Mr. Laffin, workingman, I voted today to give you \$11 a week to put bread and milk on your table, and if I accepted the classification report in order to get you that \$11, because that is the only way you are ever going to get your money, then I am sorry, but I feel it was justified and I can look you in the eye.

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

Mr. BAGLEY: Mr. Speaker and Members of the House: I have been around longer than most of you have. I have taken all sides on this particular question. I want to agree particularly with the last speaker. Fifty years ago I took a course in political science, and the first thing that we were told was, politics is the art of the possible. Well, I have tried all kinds of possibilities and you have tried all kinds of possibilities, and I guess we finally arrive at the stage where there is one possibility, and as far as I am concerned, I am going to vote in favor of this bill.

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: Before you vote on this issue, I think we should remember that if we do not pass this measure, that does not automatically mean that we are going to adjourn and go home. First of all, it does take at least a majority to get out of here, and the Senate cannot adjourn sine die without our approval. We can stay here until we develop something.

The Constitution, as I see it, requires that neither body of this legislature can adjourn for more than two days without the other body's

concurrence. What I am saying is, I don't even think we have begun to look at the possibilities of what we can do. All we have done is look at the possibilities of what we can do with the Governor's office, not with what we can do with two thirds of both this House and the Senate.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Quinn.

Mr. QUINN: Mr. Speaker, I would like to pair my vote with the gentleman from Saco, Mr. Hobbins. If he were here, he would be voting no and I would be voting yes.

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

Mr. GAUTHIER: Mr. Speaker, I just spoke with Mr. Tyndale in Kennebunkport who informed me he came out of the hospital this morning and he asked me if I would pair my vote with him. He would vote yea if he were here and I would vote nay.

The SPEAKER: The pending question is on passage to be enacted. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. Those in favor of this Bill being passed to be enacted as an emergency measure will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bagley, Bennett, Berry, G. W.; Berry, P. P.; Birt, Blodgett, Boudreau, Bowie, Burns, Byers, Call, Carpenter, Carroll, Carter, Churchill, Conners, Curtis, Dam, DeVane, Doak, Drigotas, Dudley, Durgin, Dyer, Farnham, Faucher, Fenlason, Finemore, Fraser, Garsoe, Gould, Gray, Hall, Henderson, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Jackson, Jacques, Kelley, Laverty, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lynch, Mackel, MacLeod, Maxwell, McBreairty, McKernan, McMahon, Morton, Najarian, Palmer, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Powell, Raymond, Rollins, Smith, Snow, Snowe, Sprowl, Susi, Tarr, Theriault, Torrey, Walker, Webber, Winship, The Speaker.

NAY — Albert, Ault, Bachrach, Berube, Bustin, Carey, Chonko, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Davies, Dow, Farley, Flanagan, Goodwin, H.; Goodwin, K.; Greenlaw, Hennessey, Hughes, Ingegneri, Jalbert, Jensen, Joyce, Kany, Kelleher, Kennedy, Laffin, LaPointe, MacEachern, Mahany, Martin, A.; Martin, R.; Mills, Miskavage, Mitchell, Morin, Nadeau, Norris, Peakes, Pearson, Pelosi, Peterson, T.; Post, Rolde, Saunders, Shute, Spencer, Strout, Stubbs, Talbot, Tierney, Tozier, Usher, Wagner, Wilfong.

ABSENT — Kauffman, Lovell, Lunt, Mulhern, Rideout, Silverman, Teague, Truman, Twitchell.

PAIRED — Gauthier, Hobbins, Quinn, Tyndale.

Yes. 79; No. 59; Absent. 9; Paired. 4.

The SPEAKER: Seventy-nine having voted in the affirmative and fifty-nine in the negative, with nine being absent and four paired, the Bill fails of passage to be enacted.

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Mr. Rolde of York,
Recessed until three-thirty in the afternoon.

After Recess 3:30 P.M.

The House was called to order by the Speaker.

The following papers appearing on Supplement No. 22 were taken up out of order by unanimous consent:

Non-Concurrent Matters
Bill "An Act to Assure Resources for the

Resolution of Disputes" (S. P. 666) (L. D. 2296) on which Bill and Accompanying Papers were Indefinitely Postponed in the House on March 26.

Came from the Senate. Passed to be Engrossed as Amended by Senate Amendment "B" (S-602) in non-concurrence.

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

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

Mr. BIRT: Mr. Speaker, I notice on both of these there are amendments and I would assume that they probably are just technical amendments, but I can't find the amendment and I don't know if they have been circulated or not.

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

Mr. GARSOE: Mr. Speaker, I, too, have been looking for the amendments. I can't find it on my desk but I did read it when in the possession of the gentleman who introduced it in the other body, and the amendment provides an additional position in the Office of Maine's Labor Relations Board, an additional hearing dispute specialist and clerical help. This is intended to keep up the staff in that office in view of the work that has been put on them lately.

I regret that I can't find the amendment, but I do know that when it was in its original form, that was what it did.

Resolve, to Require the Department of Human Services to Reopen the Itinerant Office in Belfast (H. P. 2269) (L. D. 2336) which was finally passed in the House on April 5, 1976.

Came from the Senate, with Engrossment Reconsidered, and the Bill Passed to be Engrossed as amended by Senate Amendment "A" (S-549) in non-concurrence.

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

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

Orders

Mr. Peterson of Caribou presented the following Joint Order and moved its passage: (H. P. 2376) (Cosponsor: Mr. McBreairty of Perham)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Miss Vicki Rossignol, Salutatorian of the 1976 graduating class of Washburn High School

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

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

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

Mr. Peterson of Caribou presented the following Joint Order and moved its passage: (H. P. 2377) (Cosponsor: Mr. McBreairty of Perham)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Miss Lori Duncan, Valedictorian of the 1976 graduating class of Washburn High School

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

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine,

that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine.

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

Mr. Peterson of Caribou presented the following Joint Order and moved its passage: (H. P. 2379) (Cosponsor: Mr. Bennett of Caribou)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Miss Nancy Jepson, Valedictorian of the 1976 graduating class of Caribou High School

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

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

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

Mr. Peterson of Caribou presented the following Joint Order and moved its passage: (H. P. 2380) (Cosponsor: Mr. Bennett of Caribou)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Miss Linda Collins, Salutatorian of the 1976 graduating class of Caribou High School

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

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

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

Mr. Pearson of Old Town presented the following Joint Order and moved its passage: (H. P. 2378) (Cosponsor: Mr. Gould of Old Town)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Anna Wareing of Old Town who is entering upon retirement after forty-one years in the teaching profession

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

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

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

Mr. Torrey of Poland presented the following Joint Order and moved its passage: (H. P. 2381)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Frances S. Lewis of Mechanic Falls for Forty-five Years of Faithful and Dedicated Service as an Elementary School Teacher

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

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine,

that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine.

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

Mr. Usher of Westbrook presented the following Joint Order and moved its passage: (H. P. 2382)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Marguerite L. Vail of the S. D. Warren Co. Cited Secretary of the Year 1976 by the Portland Chapter of the National Secretaries Association

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

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

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

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

The following papers appearing on Supplement No. 9 were taken up out of order by unanimous consent:

**Passed to Be Enacted
Emergency Measure**

An Act to Revise the Emergency Preamble of "An Act to Clarify Certain Provisions of the Newport Water District Charter" (S. P. 816) (L. D. 2359)

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.

Whereupon, Mr. Finemore of Bridgewater 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 Buxton, Mr. Berry.

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I don't know as I am opposed to this, I didn't vote for it when you called for the previous vote because I don't know what I am voting on. I am a member of the committee that this matter should have come before and possibly did and it has been hanging around for so long I have possibly forgotten it. So if there is anybody in here who could explain it, I certainly would appreciate it.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I can't explain the bill to you, but I can explain how it got here. This was just gotten in by the Reference of Bills Committee this week and is one of those bills that had its first reading, second reading and we didn't have a committee hearing on it, so you didn't miss it as far as your committee goes.

The SPEAKER: A roll call has been ordered. The pending question is on passage to be enacted. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor of this Bill being passed to be enacted will vote yes; those opposed will vote no.

ROLL CALL

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

NAY — Berry, P. P.; Connolly, DeVane, Dow, Kany, Kelleher, LaPointe, Talbot.

ABSENT — Carter, Dam, Faucher, Hinds, Hobbins, Kauffman, Lovell, Lunt, MacEachern, Mulhern, Post, Rideout, Rolde, Silverman, Snow, Truman, Twitchell.

Yes, 126; No, 8; Absent, 17.

The SPEAKER: One hundred and twenty-six having voted in the affirmative and eight in the negative, with seventeen being absent, the motion does prevail.

Signed by the Speaker and sent to the Senate.

An Act Appropriating Funds for the Purchase of Town Histories (H. P. 1949) (L. D. 2135) (S. "A" S-597)

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

The following papers appearing on Supplement No. 12 were taken up out of order by unanimous consent:

Non-Concurrent Matter

An Act to Provide for Primary Prevention of Alcohol and Drug Abuse (H. P. 1800) (L. D. 1959) which was Enacted in the House on March 29 and Passed to be Engrossed as Amended by Committee Amendment "A" (H-1006) on March 24.

Came from the Senate, Indefinitely Postponed in non-concurrence.

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

Non-Concurrent Matter

An Act to Provide Adequate Funds for the Operation of a Bureau of Veterans Services Office in Aroostook County (H. P. 1847) (L. D. 2016) which was Enacted in the House on March 4 and Passed to be Engrossed as Amended by Committee Amendment "A" (H-930) on February 27.

Came from the Senate, Indefinitely Postponed in non-concurrence.

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

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

Non-Concurrent Matter

An Act Concerning the Uniform Processing of Employer Contributions into the Retirement System (H. P. 1871) (L. D. 2042) which was Enacted in the House on February 20 and Pas-

sed to be Engrossed as Amended by Committee Amendment "A" (H-896) on February 17.

Came from the Senate, Indefinitely Postponed in non-concurrence.

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

Non-Concurrent Matter

An Act Appropriating Funds to the Maine Chapter of the Epilepsy Foundation of America (H. P. 1907) (L. D. 2094) which was Enacted in the House on March 2 and Passed to be Engrossed on February 25.

Came from the Senate, Indefinitely Postponed in non-concurrence.

In the House: On motion of Mr. Talbot of Portland, the House voted to insist.

The following papers appearing on Supplement No. 14 were taken up out of order by unanimous consent:

Non-Concurrent Matter

An Act to Provide Funds to the Department of Inland Fisheries and Wildlife (S. P. 718) (L. D. 2254) which was Enacted in the House on March 26 and Passed to be Engrossed on March 24.

Came from the Senate, Indefinitely Postponed in non-concurrence.

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

Non-Concurrent Matter

An Act Appropriating Funds to the Maine Chapter of the Arthritis Foundation (H. P. 2042) (L. D. 2216) which was Enacted in the House on February 23 and Passed to be Engrossed on February 18.

Came from the Senate, Indefinitely Postponed in non-concurrence.

In the House:

Mr. Blodgett of Waldoboro moved that the House Insist.

Whereupon, Mr. Finemore of Bridgewater moved the House recede and concur.

Mr. Goodwin of South Berwick requested a vote on the motion to recede and concur.

The SPEAKER: The pending question is on the motion of the gentleman from Bridgewater, Mr. Finemore, that the House recede and concur. All those in favor of this motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Goodwin of South Berwick 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 South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker and Members of the House: This bill came before our committee. It provides for an amount of money to the arthritis fund which could be used to develop a statewide arthritis plan and to develop federal funds to be brought in to help many people suffering from arthritis, and I think it would be a very worthwhile investment. I think this House should go on record as supporting this type of program. It helps people from every income and every conceivable age, and I think it is something that this House should stand for.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Bridgewater, Mr. Finemore, that the House recede and concur. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bagley, Berry, G. W.; Birt, Conners, Curran, R.; Curtis, Doak, Dudley, Dyer, Farnham, Finemore, Fraser, Garsoe, Gould, Hinds, Hunter, Hutchings, Immonen, Jackson, Jacques, LeBlanc, Lewis, Lynch, Mackel, MacLeod, Najarian, Rollins, Stubbs, Susi, Tarr, Teague, Theriault, Torrey, Tozier, Webber.

NAY — Albert, Bachrach, Bennett, Berry, P. P.; Berube, Blodgett, Boudreau, Bowie, Burns, Bustin, Byers, Call, Carey, Carpenter, Carroll, Chonko, Churchill, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Dam, Davies, DeVane, Dow, Drigotas, Durgin, Farley, Fenlason, Flanagan, Gauthier, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Hall, Henderson, Hennessey, Hewes, Higgins, Hughes, Ingegneri, Jalbert, Jensen, Joyce, Kany, Kelleher, Kelley, Kennedy, Laffin, LaPointe, Laverty, Leonard, Lewin, Littlefield, Lizotte, Mahany, Martin, A.; Martin, R.; Maxwell, McBrearty, McKernan, McMahan, Mills, Miskavage, Mitchell, Morin, Morton, Nadeau, Norris, Palmer, Peakes, Pearson, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Post, Powell, Quinn, Raymond, Saunders, Shute, Smith, Snow, Spencer, Sprowl, Strout, Talbot, Tierney, Tyndale, Usher, Wagner, Walker, Wilfong, Winship, The Speaker.

ABSENT — Carter, Faucher, Hobbins, Kaufman, Lovell, Lunt, MacEachern, Mulhern, Rideout, Rolde, Silverman, Snow, Truman, Twitchell.

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

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

Thereupon, on motion of Mr. Blodgett of Waldoboro, the House voted to insist.

The following paper appearing on Supplement No. 15 was taken up out of order by unanimous consent:

Non-Concurrent Matter

An Act to Require an Annual Governor's Report on Employment and the Economy (S. P. 720) (L. D. 2256) which was Enacted in the House on March 24 and Passed to be Engrossed on March 18.

Came from the Senate, Indefinitely Postponed in non-concurrence.

In the House: On motion of Mr. Connolly of Portland, the House voted to insist.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker, I would move that we reconsider our action of earlier today on Supplement No. 12, House Paper 1800, L. D. 1959. An Act to Provide for Primary Prevention of Alcohol and Drug Abuse, and I would request a division.

The SPEAKER: The gentleman from Waterville, Mrs. Kany, moves that the House reconsider its action whereby it voted to recede and concur on L. D. 1959.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: Apparently something has not been explained too well to those members who are serving their first term here. Obviously, some people who are serving their second terms here are not quite familiar with what transpired when they were serving their first terms here.

This is for those newer members, who aren't too new, we are a year and a half into their first term, this is what is called stripping the table. We are going through some formalities. You are going to just basically increase our cost by asking to insist because some fellow named "Adhere" is going to be living up at the other

end. You will be in fantastic trouble and will add both to the length of time as well as to the cost of operation.

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

Mr. LaPOINTE: Mr. Speaker and Members of the House: I remember when I was in the 106th Legislature there was a certain bill that came back from the Senate and we voted to insist and the bill passed. So I would take the advice of my colleague in the back row here, Mr. Carey from Waterville, with a grain of salt; there might be some hope.

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

Mr. PALMER: Mr. Speaker and Members of the House: I think perhaps one word of explanation on this bill might be appropriate. I believe that we were given notice that the Department of Education wasn't even prepared to do this at the present time. We thought it was inappropriate, therefore, to appropriate the money.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: I am a member of the Education Committee that heard this bill, and I believe I voted for the bill in committee, and I have received no such information. I would like to know if that has been in writing, because I personally don't trust the word of the Department of Education.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I was chairman of the committee that studied this bill through the summer and the bill really came out of that study and the money was supposed to have been money from a grant. I didn't understand it was money coming from the state at all, so I don't understand, really, how this was killed on the Appropriations Table. Maybe somebody can explain that to us.

The SPEAKER: The Chair recognizes the gentleman from Rangeley, Mr. Doak.

Mr. DOAK: Mr. Speaker, I don't expect I should try to explain this. I spoke for this bill when it came through before and I am still interested in what it's attempting to do. However, again, I think we have got to face facts and reality, and in Section 3 of the bill which I have, it says there shall be levied and imposed an excise tax of 31 cents per gallon for a fraction or multiple thereof on all table wine containing 14 percent or less alcohol, and I will not go any further. I will just suggest to you ladies and gentlemen that with that tax imposed upon alcohol and having trouble with New Hampshire and all, I don't see much success for this to live. Therefore, I would hope that we wouldn't reconsider.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: The bill itself was replaced by a committee amendment which struck out all of the title and inserted in place the following: "Further amend the bill by striking out everything after the enacting clause" so the amendment is, in fact, the proposal before us. The Statement of Fact says that the purpose of the amendment is to amend the bill to provide for the establishment of up to six temporary local projects to test the effectiveness of certain techniques for the primary prevention of alcohol abuse. This amendment requires a report on the results of the temporary local projects to be presented to the legislature by March 1, 1979. I am sorry to be going into this detail, but obviously most of us haven't had a chance to get this amendment before us.

The department is authorized to accept funds from non-state government sources in order to carry out the purposes of the amendment. An appropriation of \$20,000 is provided to the department, so it does sound as if there would

be a \$20,000 appropriation. It is anticipated that additional funding may be made available from out-of-state sources such as the Education Commission of the States.

I hope that somebody would table this item until later in today's session. We obviously, have a considerable amount of other work to do before us, and maybe we can get some more details before we actually decide against reconsidering this item which we hurriedly, under the hammer, voted to recede and concur on.

The SPEAKER: The Chair recognizes the gentlewoman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I hope we can table it until later in the session, too, because perhaps we can amend it back so that we can take that \$20,000 off that comes from the state and only depend on outside money, because this is really too important a program to just let go down.

We have a real problem in this state, and I think that this is the time that we ought to face it in order to try to do something about it.

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

Mr. DAM: Mr. Speaker, I move this lie on the table until later in today's session.

The SPEAKER: The gentleman from Skowhegan, Mr. Dam, moves that this matter be tabled until later in today's session pending reconsideration. Is this the pleasure of the House?

The Chair hears objection and will order the vote. All those in favor of tabling until later today will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Dam of Skowhegan 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 pending question is on the motion of the gentleman from Skowhegan, Mr. Dam, that this matter be tabled pending reconsideration and later today assigned. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Bennett, Berry, P. P.; Berube, Blodgett, Bustin, Byers, Carroll, Chonko, Clark, Connolly, Cooney, Cox, Curran, P.; Curtis, Dam, Davies, Doak, Durgin, Farley, Gauthier, Goodwin, H.; Goodwin, K.; Gray, Hennessey, Hewes, Higgins, Hughes, Jalbert, Kany, Kelleher, Kelley, Kennedy, Laffin, LaPointe, Leonard, Lewis, Martin, A.; Miskavage, Mitchell, Morin, Najarian, Peakes, Pearson, Pelosi, Peterson, T.; Pierce, Post, Powell, Rolde, Saunders, Snowe, Talbot, Tarr, Teague, Tierney, Wagner, Winship.

NAY — Albert, Ault, Bagley, Berry, G. W.; Birt, Bowie, Burns, Call, Carey, Carter, Churchill, Conners, Cote, Curran, R.; DeVane, Dow, Drigotas, Dudley, Dyer, Farnham, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gould, Greenlaw, Hall, Henderson, Hunter, Hutchings, Immonen, Jackson, Jacques, Jensen, Joyce, Laverty, LeBlanc, Lewin, Littlefield, Lizotte, Lynch, Mackel, MacLeod, Mahany, Martin, R.; Maxwell, McBrearty, McKernan, McMahon, Mills, Morton, Nadeau, Palmer, Perkins, T.; Peterson, P.; Quinn, Raymond, Rollins, Shute, Smith, Spencer, Sprowl, Strout, Stubbs, Susi, Theriault, Torrey, Truman, Usher, Walker, Webber, Wilfong.

ABSENT — Boudreau, Carpenter, Faucher, Hinds, Hobbins, Ingegneri, Kauffman, Lovell, Lunt, MacEachern, Mulkern, Norris, Perkins, S.; Rideout, Silverman, Snow, Tozier, Twitchell, Tyndale.

Yes, 58; No, 73; Absent, 19.

The SPEAKER: Fifty-eight having voted in the affirmative and seventy-three in the negative, with nineteen being absent, the motion does not prevail.

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

Mr. PIERCE: Mr. Speaker, Ladies and Gentlemen of the House: I think as I end my two years in the House here, I can't resist this opportunity. I have finally found an area of agreement with my good friend from Waterville, Mrs. Kany, and I would like to support her motion for reconsideration and just suggest to you that perhaps everybody could be happy if we could just — we are sending several things over to the other body anyway — it we could reconsider this and send this over to the other body, the people who wanted it tabled would then have time to check what they wanted and I think this is as important as some of these other things we are sending back to them, such as the Arthritis Foundation and so forth, so I would hope that you would reconsider this. It is just one small item, but it is part of a very important problem in the State of Maine, and I think if we can keep a little spark of life in this, I hope you will.

The SPEAKER: The Chair recognizes the gentleman from Rangeley, Mr. Doak.

Mr. DOAK: Mr. Speaker, Ladies and Gentlemen of the House: I want to apologize for misleading this House on this item. I didn't intentionally do it. As you well know, I am very much in favor of it, and since Mrs. Kany was kind enough to bring me up to date, I would say that we certainly should reconsider this and put it back to the other body.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I rather question the program. It is a program that is going to have total community involvement. If there is this need and if there is to be total community involvement, do we have to supply dollars as an inducement? I just can't reconcile that you are going to create community involvement by dangling dollars in front of them.

The SPEAKER: The pending question is on the motion of the gentlewoman from Waterville, Mrs. Kany, that the House reconsider its action whereby it voted to recede and concur on L. D. 1959. Those in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

73 having voted in the affirmative and 54 having voted in the negative, the motion did not prevail.

The SPEAKER: The pending question now is to recede and concur. The Chair will order a vote. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

47 having voted in the affirmative and 78 having voted in the negative, the motion did not prevail.

Thereupon, the House voted to insist.

The following papers appearing on Supplement No. 16 were taken up out of order by unanimous consent:

Non-Concurrent Matter

Joint Order Relative to Joint Standing Committee on Performance Audit studying methods used by State Departments and Agencies in Authorizing Research Projects, Surveys and Computer Analysis (H. P. 2073) which was Read and Passed in the House on February 24, 1976.

Came from the Seante. Indefinitely Postponed in non-concurrence.

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

Non-Concurrent Matter

Joint Order Relative to Committee on

Fisheries and Wildlife Study of Research Division of Department of Inland Fisheries and Wildlife (H. P. 2237) which was Read and Passed in the House on March 24, 1976.

Came from the Senate, Indefinitely Postponed in non-concurrence.

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

The following papers appearing on Supplement No. 17 were taken up out of order by unanimous consent:

Non-Concurrent Matter

Joint Order Relative to Committee on Energy studying Innovative Building Technology (H. P. 2328) which was read and passed in the House on April 13, 1976.

Came from the Senate, Indefinitely Postponed in non-concurrence.

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

Non-Concurrent Matter

Joint Order Relative to State Government Committee studying the Feasibility and Desirability of Abolishing the State Personnel Board and Personnel System (H. P. 2323) which was Read and Passed in the House on April 12, 1976.

Came from the Senate, Indefinitely Postponed in non-concurrence.

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

The following papers appearing on Supplement No. 18 were taken up out of order by unanimous consent:

Non-Concurrent Matter

Joint Order Relative to Committee on State Government Studying the Problem of Communications by Public Officers re Projects or Cases Before Sensitive Regulatory and Loan Granting Bodies (H. P. 2262) which was Read and Passed in the House on March 30, 1976.

Came from the Senate, Indefinitely Postponed in non-concurrence.

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

Non-Concurrent Matter

Joint Order Relative to the Joint Standing Committee on Public Utilities to Conduct a Study of the Operations of the Public Utilities Commission (H. P. 2356) which was Read and Passed in the House on April 26, 1976.

Came from the Senate, Indefinitely Postponed in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mr. Leonard.

Mr. LEONARD: Mr. Speaker and Members of the House: I brought this up in front of the Public Utilities Committee at the end of the session and I was somewhat in favor of the study, but the majority of the committee in attendance at that meeting wasn't, so I hesitate to go along with it because the majority at the time didn't want it and I wonder why we have it before us now.

I hope you recede and concur and I so move.

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

Mr. KELLEHER: Mr. Speaker, if I understood the gentleman from Woolwich correctly, Mr. Leonard, he said that he brought this up before the Public Utilities Committee, and if I understood him correctly, he said the majority of the committee was not in favor of the study order. Is that true, Mr. Leonard? Is that what I understood you to say?

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, has posed a question through the Chair to the gentleman from Woolwich, Mr. Leonard, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. LEONARD: Mr. Speaker, I said a majority of the committee in attendance.

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

Mr. KELLEHER: Mr. Speaker, I apologize to you people — in attendance of what. You said the majority in attendance were not in favor of the order?

The SPEAKER: The gentleman may debate the question.

Mr. KELLEHER: Mr. Speaker and Members of the House: I think this is an important order. I have served on the PUC Committee for four years and I have had the privilege to serve on that committee as the chairman. I think I am somewhat aware of what the problems are with the PUC, but we have never been able to present a concrete proposal to this House in what the inequities are up in that department.

In the past two sessions of the legislature, the wisdom of this House has been willing to support the committee in putting an assessment on the utilities to provide funds to put experts up in the PUC in the field of engineering, economists or attorneys representing the PUC to represent the people of Maine in both the utility and consumer rate cases. But most of the time we have been flying by the seat of our trousers in trying to explain exactly what the problems are with the PUC.

This order that was put in by Mr. Spencer and myself, I think did represent the majority of the members of the PUC Committee that there is a necessity for this study order. I would urge that you reject the gentleman from Woolwich, Mr. Leonard's recede and concur motion and then we could go to a further motion.

The SPEAKER: The pending question is on the motion of the gentleman from Woolwich, Mr. Leonard, that the House recede and concur. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

64 having voted in the affirmative and 42 having voted in the negative, the motion did prevail.

The following paper appearing on Supplement No. 19 was taken up out of order by unanimous consent:

From the Senate: The following Joint Order: (S. P. 710)

WHEREAS, the Legislature has often given administrative bodies the power to make rules and regulations in order to ensure the even, swift and just application of legislative purpose in government; and

WHEREAS, these rules and regulations have, often through necessity, multiplied and become complex; and

WHEREAS, the question has often arisen lately as to whether these rules and regulations fully embody the legislative purpose of the Acts which authorize them; and

WHEREAS, a careful legislative review of administrative rules and regulations is often the only method of ensuring that these rules and regulations adhere to legislative purpose; now, therefore, be it

ORDERED, the House concurring, that the Joint Standing Committee on State Government shall undertake a study of the desirability and best methods of providing for legislative review of administrative rules and regulations of state departments and agencies; and be it further

ORDERED, that the Joint Standing Committee on State Government shall complete this study no later than November 30, 1976, and shall submit to the Director of Legislative Research:

on November 30, 1976, a complete and final copy of any proposed legislation recommended by that study; and be it further

ORDERED, that the committee shall supply sufficient copies of that report directly to the Legislature within 15 days after the convening of the first regular session of the 108th Legislature and that any proposed legislation recommended by that committee shall be introduced into the Legislature by the committee within that 15-day time period.

Came from the Senate read and passed.

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

(Off Record Remarks)

The following paper appearing on Supplement No. 20 was taken up out of order by unanimous consent:

The following Joint Order: (S. P. 805)

WHEREAS, the Public Utilities Commission as presently administered is currently faced with a heavy administrative workload; and

WHEREAS, the current regulation of small, publicly-owned utilities which serve single municipalities and operate entirely within those municipalities may prevent effective regulation of those utilities by preventing meaningful local input into the regulation of those utilities; and

WHEREAS, the participation of citizens and local governments into the regulation of utilities of this type is fundamental to the proper regulation of those utilities; now, therefore, be it

ORDERED, the House concurring, that the Joint Standing Committee on Public Utilities shall conduct a study to determine the feasibility of municipal officers approving utility rates of any publicly-owned utility which serves and operates wholly within that municipality, and may further determine the probable effect of that rate-setting on areas of associated concern to that type of utility; and be it further

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

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

Came from the Senate. Read and Passed.

In the House, the Order was read.

On motion of Mr. Kelleher of Bangor tabled pending passage and later today assigned.

The following papers appearing on Supplement No. 21 were taken up out of order by unanimous consent:

From the Senate: The following Joint Resolution (S. P. 817)

Joint Resolution in Support of Relocation of the National Rifle Association Headquarters in Maine

WHEREAS, the National Rifle Association has long promoted the right to keep and bear arms in a spirit and capability important to the national welfare, to the shooting sports and to a person's right to defend that which is lawfully his; and

WHEREAS, it has come to the attention of the Legislature that this nonprofit corporation

plans to relocate its headquarters away from Washington, D. C.; and

WHEREAS, the association will be moving \$16,000,000 worth of business annually and an employment capacity of some 400 people to its new location somewhere within the nation; and

WHEREAS, there are countless benefits of mutual interest to the State and the association if this corporation were to establish its headquarters in this State; now, therefore, be it

RESOLVED: That we, the Members of the 107th Legislature while duly assembled in Special Session, do hereby extend to the National Rifle Association this official invitation to relocate and take advantage of the unbounded opportunities we feel are unique in the State of Maine; and be it further

RESOLVED: That the Members of the Maine Congressional Delegation be respectfully designated to forward this message of welcome in person to the association.

Came from the Senate read and adopted.

In the House, the Resolution was read.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I guess this is the time of year when we are going to see an awful lot of this type of Resolution. We have already seen hundreds of them. I just couldn't let this one go. It is not that I am opposed to bringing businesses into Maine. I suppose we do have a lot of time on our hands right now in between what we are supposed to be doing and, again, I don't even know who put this in and I don't intend to make any remarks against the sponsor for doing that, it is his privilege, but the thing is just a little bit ridiculous, I think. Truthfully, if we are here tomorrow I wouldn't be a bit surprised to see an order in here honoring Lassie for coming home.

Mrs. Kany of Waterville moved the indefinite postponement of the Joint Resolution and requested a division.

Mr. Shute of Stockton Springs 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 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 Westbrook, Mr. Laffin.

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: You know, it is hard for me to conceive that so many people that we have in this House feel that giving jobs, giving employment to people, bringing business into Maine is a big joke, well, I don't think it is. The State of Maine has put in a bid to get the National Rifle Association into Maine. They spend \$16 million a year, they employ 400 people. Now, if you think that is a big joke, then you laugh about it, but I don't think it is. There are states all over this nation that are applying to them to get them to move into their state, because it is economy money that the communities need and the states need it.

Would you object if the Schlitz Brewing Company brought in their plant to Maine to employ 400 people? Of course you wouldn't, even those who do not indulge in it, you wouldn't oppose that, and neither would I. There is one thing, regardless of how we feel about certain things, we must remember that employment, keeping our people working and jobs are the most important thing that we can possess in this state.

I know a lot of you would like to open up our land so that we could have summer year round, but that is not practical, you know that and I know that. I hadn't planned today to speak on

this but I do feel that maybe Portland or Bangor or, yes, even Waterville, might have a new business move into the State of Maine where 400 people will be employed and \$16 million spent in this state — I think that is important. As my good friend said, yes, maybe Aroostook County. I think they could use it. That is no joke up there, believe you me, when they are closing their Air Force base and many other things that is going to make a hardship on the people of Maine. I don't think that is any joke to the Aroostook delegation. I think this is important. I certainly hope that this body will not indefinitely postpone this order.

The SPEAKER: The Chair recognizes the gentleman from Dixfield, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: I want to take this opportunity to agree with the gentleman from Westbrook for the first time. I hope you will support the resolution.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I don't agree with the gentleman from Westbrook. I am a little bit more inclined to think that this is an order that we don't need. The second paragraph says "Whereas, it has come to the attention of the legislature that this nonprofit corporation" over a million dollar nonprofit corporation doesn't pay any taxes at all yet it supports all kinds of weapons that I am vitally opposed to insofar as handguns are concerned. I don't see anywhere in this order, as the gentleman from Westbrook stated, that the State of Maine has made a bid for the NRA. It says in the third paragraph that "Whereas, the association will be moving \$16 million worth of business annually and an employment capacity of some 400 people to its new location somewhere within the nation." That somewhere doesn't have to be the State of Maine. In fact, I have heard, and I may be wrong and if I am wrong I hope someone corrects me, that they have already announced that they are moving to Virginia. That was in the paper, as I understand it, I don't know. If I am wrong I wish someone would correct me.

I am opposed to this particular order, one of the reasons being that I have got enough opposition as it is, I don't need any more opposition. I would agree with the gentleman from Westbrook, if they were coming here, if jobs were going to be available, I would think twice about this, but in light of what I have explained to you, I would hope that you would vote to indefinitely postpone it.

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

Mr. CONNORS: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to say very briefly that if there is any opportunity whatsoever of getting a business like this into the State of Maine, it would be very, very beneficial to the citizens and I hope that you will pass this resolution.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Waterville, Mrs. Kany, that this Joint Resolution be indefinitely postponed in non-concurrence. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Berry, P. P.; Boudreau, Clark, Connolly, Davies, Dudley, Henderson, Jensen, Joyce, Kany, Kelleher, LaPointe, Leonard, McKernan, Najarian, Pelosi, Perkins, S.; Quinn, Raymond, Saunders, Smith, Talbot.

NAY — Albert, Ault, Bagley, Berry, G. W.; Berube, Birt, Blodgett, Bowie, Burns, Bustin, Byers, Call, Carey, Carroll, Carter, Churchill, Connors, Cooney, Cote, Cox, Curran, P.; Curtis, Dam, Doak, Dow, Drigotas, Durgin, Dyer, Farley, Farnham, Fenlason, Finemore, Flanagan, Garsoe, Gauthier, Gould, Gray,

Greenlaw, Hall, Hennessey, Hewes, Higgins, Hinds, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Kelley, Kennedy, Laffin, LeBlanc, Lewin, Lewis, Littlefield, Lizotte, Lynch, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBreaity, McMahon, Mills, Miskavage, Mitchell, Morin, Morton, Nadeau, Palmer, Peakes, Pearson, Perkins, T.; Peterson, P.; Pierce, Post, Powell, Rollins, Shute, Snow, Sprowl, Stubbs, Susi, Tarr, Teague, Theriault, Torrey, Truman, Usher, Walker, Webber, Wilfong, Winship.

ABSENT — Bennett, Carpenter, Chonko, Curran, R.; DeVane, Faucher, Fraser, Goodwin, H.; Goodwin, K.; Hobbins, Ingegneri, Kauffman, Laverty, Lovell, Lunt, MacEachern, Mulken, Norris, Peterson, T.; Rideout, Rolde, Silverman, Snow, Spencer, Strout, Tierney, Tozier, Twitchell, Tyndale, Wagner.

Yes, 23; No, 97; Absent, 30.

The SPEAKER: Twenty-three having voted in the affirmative and ninety-seven in the negative, with thirty being absent, the motion does not prevail.

Thereupon, the Joint Resolution was adopted in concurrence.

From the Senate: The following Joint Order (S. P. 819)

ORDERED, the House concurring, that the Joint Rules, as amended, be further amended as follows:

Joint Rule 3, last paragraph, is repealed and the following enacted in place thereof:

If a committee responds to an order directing inquiry upon any matter by presenting a report recommending legislation, such legislation shall, unless otherwise provided, be introduced no later than the time when the report is transmitted to the Legislature. Any legislation so transmitted shall bear the Senate or House Paper number authorizing the study, the designation of the committee reporting and the signature of a member authorized to present legislation on behalf of the committee.

Came from the Senate, read and passed.

In the House, the Order was read.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: A parliamentary inquiry. If we amend the Joint Rules or there is an order to amend the Joint Rules, doesn't that have to lie on the table for a period of time before a vote is taken.

The SPEAKER: The Chair would answer in the affirmative. Of course, unless the rules are suspended.

Mr. Davies of Orono moved this matter be tabled one legislative day.

Mr. Palmer of Nobleboro requested a vote on the tabling motion.

The SPEAKER: The pending question is on the motion of the gentleman from Orono, Mr. Davies, that this matter be tabled pending passage and tomorrow assigned. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

25 having voted in the affirmative and 85 having voted in the negative, the motion did not prevail.

The SPEAKER: Is it now the pleasure of the House that the rules be suspended. (Objection)

There being objection, the Chair will order a vote. All those in favor of the rules being suspended for passage will vote yes; those opposed will vote no.

A vote of the House was taken.

77 having voted in the affirmative and 33 having voted in the negative, the motion did prevail.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and

Gentlemen of the House: My seatmate and myself might appear to be opposed to this, but at this point I am not opposed or in favor of it. I wonder if someone could explain to us what this does and why it is being introduced? In addition to that, Mr. Speaker, who sponsored it?

The SPEAKER: The gentleman from Portland, Mr. Connolly, poses a question through the Chair to anyone who cares to answer.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I have no idea who sponsored it and I don't think it is very difficult to read the order. It sounds like a rather good idea that we give a committee a report to make on a given study, when they make their report they have to give the necessary legislation at the same time.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: It would be on my assumption that the Clerk does have the Senate Paper in front of him, and if he would give us the name of the sponsor of that particular paper we would appreciate it.

The SPEAKER: The Chair would be more than happy to inform the gentleman, the sponsor is the Senator from Kennebec, Senator Speers.

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

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I think the problem that this order is attempting to address is the problem where the legislative leadership or Reference of Bills Committee, during this session, set dates when studies had to be completed, and those studies would be completed but then it was a period of weeks before the legislation would ever come out that the study recommended. What this is trying to do is to say that when in fact these studies are completed, that the legislation shall be a part of that study so that it will be introduced on that day and will not have the time lag that we have had this session.

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: As a committee chairman, first of all, I am not sure that this is good or bad, but I think one thing I would like to ask, if any members of leadership which seems to be sponsoring this order or speaking for it have consulted with the committee chairmen as to why some of the problems developed. Throughout this whole session, I have noticed a considerable lack of any type of dialogue in the operations of this legislature in terms of directives coming down from leadership to committee chairmen as to what we were supposed to be doing and everything else without any real knowledge of what is happening in the committees.

I guess my problem with this would be — I know that my committee had a few problems getting the legislation out in terms of drafting, in terms of getting the legislative assistants up here, which we were kept told that they weren't doing other things but they were and they didn't have time to get the bills drafted and down. I think that a rule such as this could cause a few problems perhaps, perhaps it wouldn't, but I would like to see some dialogue with some people that are involved in this before we pass it.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I would like to reinforce the remarks of the gentleman who just spoke.

I have seen through the years here a pattern

develop where we get into a session and we have loads of problems and by the time we reach this stage in the session, we are so happy to leave here that we just stay far away for weeks and weeks and weeks.

So, when you have studies to be performed, it isn't at all unusual to have the first meeting called in September or October. Now, this is a fact and many of you who have been here know it is a fact. When it was only the legislature involved, this might have been permissible even though it created the problem that this order is directed at. But now we have a considerable size staff that will be around here for weeks and weeks unless we get this process started. It can be started only by the Legislative Council. I know that when they leave here they are even more than the members going to be so happy to be away that they will have no inclination to rush back and get involved in legislative matters.

I would like to urge that in order to get this started so that when we do come into this session in the 108th, there will be legislation ready to start work on, that the council meet immediately after we adjourn the session and activate the committee so that the committees can at least have one meeting and get staff working so that we won't have this State House full of legislative staff all summer not doing anything. I think it is something we do have to direct to and Lord knows, we have enough problems without looking ahead to find some more, but I don't know when else we can deal with this.

The SPEAKER: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: I question why we should make a change in the Joint Rules right now. I know about two months ago I asked to have a change in the Joint Rules which would allow for cosponsorship between a member of the House and a member of the Senate and it was suggested at that time, whether that idea had any merit or not, that it was not an appropriate time to make a change in the Joint Rules, but it was suggested that I should wait until the beginning of the 108th. That is what I would suggest that we do with this. Why at five minutes to eight on April 28th are we considering a major change in the Joint Rules? I move the indefinite postponement of this order.

The SPEAKER: The gentlewoman from Waterville, Mrs. Kany, moves the indefinite postponement of the order.

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

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: I think probably the reason the order was introduced was just to try to expedite legislation in the next session, because some of it came in awful late.

I am not opposed, I don't think, to the motion to indefinitely postpone because all the orders that we have been passing now, in its new form, say, "ordered that the committee shall complete this study no later than 90 days prior to the next regular session of the legislature and submit to the Legislative Council within the same time period its findings and recommendations, including copies of any recommended legislation in final draft form." I think that we are already covered in all the orders we have been passing. I have looked through several of them here very quickly and they all use the same language. So, if the House objects to that, I don't see any reason why we shouldn't indefinitely postpone it.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to add a few words. I think the gentleman from South Berwick perhaps thinks that because I stood up to defend this issue that there has been a

group of leaders in the legislature working on this and trying to slip it through at five minutes of eight on April whatever it is. The fact of the matter is, I have never seen the order myself before. I think perhaps it is a good idea, but if the House wants to indefinitely postpone, all well with me. I don't think we should have a big harangue about it at this particular time.

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

Mr. LAPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: I would suggest that we do go along with indefinite postponement of this particular Joint Order. I would just like to point out my reasons for encouraging that particular action.

We have a study that is currently being conducted. It has been made reference to in a number of other debates and a number of other issues on this House floor, that is reviewing the legislative process. If this particular issue that we do go along with indefinite postponement of this particular amendment, or repealing of the existing Joint Rule 3 is a major problem, maybe it should be addressed as part of the on-going study that is currently being conducted of the legislative process.

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

From the Senate: The following Joint Order (S. P. 818)

ORDERED, the House concurring, that there be prepared after adjournment of the present session, by the Legislative Information Officer, a Register of all the Bills and Resolves considered by both branches of the Legislature, showing the history and final disposition of each Bill and Resolve and that there be printed 600 copies of the same. The Legislative Information Officer shall mail a copy of the Register to each member and officer of the Legislature and the State Law and Legislative Reference Library shall receive such number of copies as may be required.

Came from the Senate, read and passed.

In the House, the order read and passed in concurrence.

The following paper appearing on Supplement No. 23 was taken up out of order by unanimous consent:

Passed to Be Enacted Emergency Measure

An Act to Amend the Authorization for York County to Construct a County Jail and to Increase the Bond Authorization by \$400,000 (H. P. 2375) (L. D. 2360)

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. 112 voted in favor of same and 8 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The following paper appearing on Supplement No. 24 was taken up out of order by unanimous consent:

Study Report — Joint Select Committee on Jobs

The Joint Select Committee on Jobs to which was referred the study relative to unemployment pursuant to S. P. 391 and S. P. 555 of the 107th Legislature have had the same under consideration, and a majority of the Committee asks leave to submit its findings and to report that the accompanying Joint Order (S. P. 724), amending the Joint Rules by adding a new Joint Rule 12B, receive Passage.

Came from the Senate, with the Report read and accepted and the Joint Order indefinitely postponed.

In the House, the Report was read and ac-

cepted in concurrence, and the Joint Order indefinitely postponed in concurrence.

The following paper appearing on Supplement No. 25 was taken up out of order by unanimous consent:

Non-Concurrent Matter

Joint Resolution in Opposition to Conversion of Certain Schiller Units to the Burning of Coal Without Adequate Air Emission Control Devices (H. P. 2361) which was Read and Adopted in the House on April 26.

Came from the Senate, read and adopted as amended by Senate Amendment "A" (S-601) in non-concurrence.

In the House: On motion of Mrs. Durgin of Kittery, the House voted to recede and concur.

The Chair laid before the House the following matter:

The following Joint Order: (S. P. 805)

WHEREAS, the Public Utilities Commission as presently administered is currently faced with a heavy administrative workload; and

WHEREAS, the current regulation of small, publicly-owned utilities which serve single municipalities and operate entirely within those municipalities may prevent effective regulation of those utilities by preventing meaningful local input into the regulation of those utilities; and

WHEREAS, the participation of citizens and local governments into the regulation of utilities of this type is fundamental to the proper regulation of those utilities; now, therefore, be it

ORDERED, the House concurring, that the Joint Standing Committee on Public Utilities shall conduct a study to determine the feasibility of municipal officers approving utility rates of any publicly-owned utility which serves and operates wholly within that municipality, and may further determine the probable effect of that rate-setting on areas of associated concern to that type of utility; and be it further

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

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

Which was tabled earlier in the day and later today assigned.

On motion of Mr. Kelleher of Bangor, the Order was indefinitely postponed in non-concurrence.

(Off Record Remarks)

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

Non-Concurrent Matter

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) which failed of Passage to be Enacted in the House on April 28.

Came from the Senate, passed to be enacted in non-concurrence.

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

Mr. JACQUES: Mr. Speaker, I move that we recede and concur.

Mr. Davies of Orono requested 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 Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, are we now taking the Senate Amendment "H" to Committee Amendment "A"?

The SPEAKER: The Chair would answer in the negative. The pending motion is the motion of the gentleman from Lewiston, Mr. Jacques, that the House recede and concur. In order to clarify the matter, the Chair would state that the motion to recede and concur would mean, if this body were to recede and concur, final enactment of the bill. The Chair would also inform the members of the House that the motion, of course, since this is an emergency measure, will take two thirds of the entire elected membership of this House, since the motion to recede and concur is the motion that we now have pending before this body.

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

Mr. LPOINTE: Mr. Speaker, a parliamentary inquiry? What is the status of Senate Amendment "H" under filing S-604?

The SPEAKER: The Chair would answer that he is on the wrong bill.

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

Mr. KELLEHER: Mr. Speaker, what bill are we on? On the Supplemental Appropriation's Bill?

The SPEAKER: The Chair would advise the member and the members of the House that we are on Supplement No. 8, which is L.D. 2355, which is "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.

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

Mr. JALBERT: Mr. Speaker, we are on the amendment of the bill that we refused to enact by two-thirds vote at five minutes to two this afternoon? The other branch passed the measure to be enacted in non-concurrence and it is back here for us now. In order to pass it, we have to have a 101 votes and I hope that it does not have a 101 votes.

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

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

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: This issue is, of course, not a new one to us. There were comments that have been made back and forth throughout all of this process, some of them correct, some of them incorrect, some of them I think, valued judgments which, of course, are personal and may not be accurate or they might be, some of which are assumptions as to what might take place, all of which being rather difficult at times, perhaps, to assess their accuracy.

We are in a rather interesting position at this point, very much where we had placed the other body a week ago. There have been some suggestions of perhaps amending it at this point and sending it down. This, to me, might be, as the gentleman from Waterville referred to it,

meeting an individual named "adhere" at the other end of the hall.

I think now the question before us is very simple, concise and understandable to all of us. It is a question in our own minds and our own consciences as to what we are going to do.

We have made a number of attempts to compromise, to get some movement on the second floor, the other end of the hall. All of them, I think, acted with sincerity. I think everyone understands the problem that we now face. Even to an hour ago or so, one of the reasons for the delay was the possibility of whether or not anything else could be worked out. Part of that consideration was the fear expressed by some, that there was not any money for the appeals process in this structure.

The Governor has agreed to sign a bill and the amendment will be offered on the bill and the amendment was inadvertently discussed but not really part of this bill, but it is connected and I think it is related, which will guarantee another \$500,000 to be taken from the lapsed accounts from July 1, placed in a fund to be used, if necessary, in case there should be not enough money for appeals. If the money is used, fine; if the money is not used, then it would simply revert back into the surplus of the state.

One of the commitments that the President of the other body made, and I will be more than happy to make that same commitment, that if at any time in this process if in fact, this bill should pass this evening, if at any time legislative intent is not followed between now and January, both of us as leaders would commit ourselves to calling this legislature back into special session if necessary, to correct any problems that might result.

I guess I am not sure at this point whether things can be said, but I must make a couple of points, going back now to where all of this began a number of weeks ago, and maybe, yes, even to the point of beginning where I referred to the Hay Report by word that I have been told I should not have used.

Let's start from that very beginning of the Hay Report and let's see where we have been. I indicated earlier that the question of compromise was a very tough one and, as was well pointed out by one of the members of this body, compromise is in the eyes of the beholder, and how true that is. But as I read the Hay Report for the first time in its entirety a number of months ago and now looking at the bill before us, I must admit that there is a vast difference and someone has moved. I am not going to say who, I think everyone can make their own judgments as to who is responsible for that movement.

First of all, I think that the appeal process that has been devised is an excellent one, assuming now, and I guess we have to begin from that point because this is one of the considerations that had to be made, and I make no secrets about that, that the Hay Report was, in fact, to be implemented. But one of the things which I absolutely insisted upon was that if the Hay Report was implemented, there ought to be a decent appeal process, the appeals board ought to be fair, it ought to be set up in a truthful manner and it ought to be the group to make the decision to keep away from "the administration". That, I think, has been accomplished. Very quickly, I will review it, two appointed by the Governor from the management; two to be selected from a list of five each from each union, the Governor could do that selecting from that list; and finally, the fifth person, which I think perhaps is the key, is to be from a list of five to be selected from a list chosen jointly by the President and the Speaker, and the Governor would appoint that person. One of the other considerations that I insisted upon which we now have and was not in the original study was nonstandard work week

and hazardous pay, so-called, work environment. Those two things are in there and that represents movement somewhere.

Yesterday, I had almost convinced other members of the other body to accept an amendment which had been offered by the gentleman from Vassalboro, Mrs. Mitchell. It was, as you know, defeated in the other body and through the night I thought about that and sort of woke up half through saying, thank God I did not convince them to put it on, because if we had not put anything into the law, then, according to my legal sources, and I guess this could probably be debated, it could well be that that percentage might well be set by executive order. I sort of shuddered at that and I guess now I have come 180 degrees around that and, in fact, I guess I would have to insist the figure be put into the report, whatever that figure might be.

I think when you look at everything that has been done. I am in no way saying that this thing is perfect. I am not saying that when we attempted to do anything between the Governor, the President and myself that we were striking a compromise that I was intending to shove down anyone's throat.

A lot of things have been said. One thing I indicated to you on Monday and I will restate again, and I will say it again if I have to, that what we were doing was attempting to find out where and how far in what direction we could move and what agreement we could get with the Chief Executive. Today, we find that he is willing to accept one other provision. I do not believe that this is my plan, I do not believe that it is my compromise and I know, for one thing, that it is not my sellout to labor. My record, and I will match it with anyone in this body on labor matters, will stand the scrutiny over the 12 years that I have been here, and I will match it with any member of this body at any time, at any place, at any form.

I do not think that that is the question here, I do not think it is a question of whether we are going to support this or support that, I only indicate to you that this is what we have tried to do and this is where we are. If someone has a better plan, I am all for it.

The one thing I know is that some of the things I have heard this afternoon, supposedly sponsored by friends of labor, would hurt state employees and that bothers me.

I have another fear, a fear far greater than all of that, I guess, the fear of going home and doing nothing, and that bothers me even more because state employees cannot afford to wait. There may well be a possibility that something else can be drafted, and if you believe that, then by all means, in your conscience you ought to vote against final enactment of this bill tonight. If you believe this may in fact be the last opportunity that you have and the last vote that you might have on any bill, that is also something which you may want to think about.

I got from the Governor a commitment, which I made, that I was concerned, I felt strongly that the appeal process had to start immediately and that is the reason why there is an emergency preamble on this bill, because I insisted upon it, I insisted that the appeals process, if it was going to work, had to start immediately, not later.

This afternoon, some members came to me and said, let's take the emergency off, pass it and go home. That, to me, was not the right approach and I told them so. What are we postponing, an appeal process, which state employees need? I think that that is a bad approach.

Also this afternoon, there was some talk of further compromises. I can tell you this much, it might be possible, but it also might not be. But the one thing that bothers me as a member of the legislature is that some people play games, not necessarily intentionally in any

manner, shape or form and I may be one of those that ends up doing that also, I hope not, but we sort of indicate that we are going to try to do something, we attempt to lock people in and I hope that I did not do that because I asked all of you this morning how you intended to vote so that we could have some direction as to where we ought to be going.

I think the last thing that I can indicate to you, and it bothers me a great deal, it is not a secret that a majority of the members of my party have at this point chosen not to support this approach and I can understand that because we really have been placed in a very tough decision for trying to figure out who we are going to listen to; department heads, commissioners, state employees who tell us that they like the Hay Report, state employees who do not like the Hay Report, members of the union who tell us they do not like the Hay Report but would be willing to accept it if we changed steps 5, 9 and 14, members of this legislature who say if you would change a paragraph here and add a comma there we would support it? I guess that is all possible if we are willing to stay here, as I indicated earlier, through both the Republican and Democratic State Conventions. That may be an acceptable route, I do not know. I ask you to make that your decision.

I am not going to ask anyone here how they should vote, I am not going to tell anyone how they should vote, I simply ask that when you vote, you keep the points that I have made in mind and vote your conscience.

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

Mr. HEWES: Mr. Speaker and Members of the House: I certainly support the position of the gentleman that just spoke. The good lady from Portland, Mrs. Najarian, very nicely circulated for all of us a list of the changes and in positions. I don't know how many of you have looked at this, but I will bet that all of you have in your counties many employees who were upgraded in their job classifications. I am aiming my remark particularly in the Greater Portland area because I know how many clerk-typists and clerks and typists and stenographers we have there. I call to your attention that there are ten categories of clerks and clerk typists. Not just six are upgraded, not just eight, but all ten categories are graded. Homemakers aides are upgraded, human service workers, nurses, rehabilitation counselors. If you study this list you will see that many positions in the State of Maine are upgraded by this.

I also want to point out that the appeals process is allowed under the bill that you are voting on, but my greatest plea is, and I implore you to vote for this at this time, is that this is the bill we are voting on, we are not voting on something else. We are voting on L.D. 2355 as it is amended. Either you vote to give the state employees a pay raise or you vote not to give them any increase in compensation. It is this or nothing right now, and I urge you to vote for final enactment.

The SPEAKER pro tem: The Chair recognizes the gentelady from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair if I could. I have heard the statement from time to time that under this particular bill that increases in salaries would be limited for everyone to a 10 percent level. Could I have confirmation if that is in fact true?

The SPEAKER pro tem: The gentelady from Owls Head, Mrs. Post, poses a question through the Chair to any member who cares to answer.

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

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: All classified

employees are limited to 10 percent; unclassified to 5 percent.

The SPEAKER pro tem: The Chair recognizes the gentelady from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: That had been my understanding, too, until this afternoon. The question was raised by us on what would happen when somebody new came into a job if a person was raised to a classification and because of the 10 percent rule would only be able to get, say, 80 percent of the salary that was authorized to that particular position, then maybe somebody new could come on and actually be getting a higher salary than somebody who had been working there for four or five years. When I looked at the legislation and started talking about it with people, including the Legislative Finance Office, it seems as though something very different is true.

I would ask you to please refer to Senate Amendment "A" and to the section which is Part D, Employees Salary Plan. I won't read all of it to you, except that it said that the employees shall be assigned to the salary grade. Once that happens, he is at, in the range to which he is assigned on the date preceding the effective date of this act, provided that no employee shall be assigned to any step in the recommended range above the A step if such assignment results in an increase in the salary in excess of 10 percent. What that means is that if somebody were at a C level now and maybe working at a grade 10 and the Hay Report moved this person up to a grade 14 that, yes, he maybe wouldn't be able to stay at the C step but he could go on to the A step, at least this is my interpretation of the particular bill. I checked it out with Legislative Finance, it is their interpretation. I have checked it out with several lawyers we have here; unfortunately, the Attorney General's Office is not present. So, that presents two concerns.

I checked it over, went over the classification plan here, compared it to the sheet which Mrs. Najarian just passed around as to what people are presently on, gave the benefit of the doubt and for comparison purposes used Step B, which I believe is what somebody reaches when they are six and a half months and they maybe stay there for a year and a half and I picked some out. The Director of Animal Industry, for instance, now is functioning at 22 level, he is getting \$12,979 if he is up to B, a 10 percent increase for him would be \$1,297. He is expected to go up to Range 30, Step A for Range 30 and he can go, under this Legislation, to Step A, which is \$16,182, which gives him an increase of \$3,203, which is a 25 percent increase.

A rehab councilor one, who would now be classified at 12, if he is at a B level, would be getting \$8,091 now; he could go up to a 20 level, Step A for that would be \$10,337, which would be an increase of \$2,246, which is 27 percent.

An historian who is now functioning at Grade 15, if he were at a B step, he would be getting \$9,245. Under the Hay Report, he would go to 25, would then be eligible to receive on the Grade A, of course he couldn't stay at his Grade B, at Grade A would be receiving \$13,915, which is a \$4,600 increase, which is 50 percent.

I apologize that I, anyway, did not realize this until earlier than tonight. To me it seems like a real problem and the one thing that I have not been able to ascertain in addition to that is whether these figures were used in computing the amount of money that was going to be necessary to actually pay for this Hay Report, because everyone that I have been able to talk to is under the understanding that a 10 percent salary would be all that could be allowed. So, I would question at this point whether it is funded and we certainly are allowing increases, at

least for those in the higher brackets, of much more than 10 percent.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: We are here tonight at this late hour not because we did not act in the matter of state employee pay raises, because we did act. We did pass a bill and we sent it to the Governor and of course the Governor vetoed it. The measure before us tonight is a completely different one. It bears absolutely no resemblance to what we did pass here before.

I took part in the discussions that the Speaker mentioned that took place in the past hour, and a proposal was made by those who object to the Hay Report. It would have called for a conditional implementation of the Hay Report. That proposal was turned down and a counteroffer of a fund of \$500,000 for appeals and a promise to call back the legislature was made. I don't feel that the conversations that took place are totally over. I don't like to be in a position of opposition as I find myself now. No one has more of a vested interest in wanting to leave here, but as the Speaker urges, one has to vote one's conscience. My conscience simply at this point can not accept the pressures of time or stubbornness as a reason for agreeing to something that is so different than what both bodies passed a little more than a week ago.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I think after listening to the lady from Owls Head, Mrs. Post, and the reply that was given to her by the gentelady from Portland, Mrs. Najarian, we hark back to the remarks I made yesterday, if an individual goes beyond the 10 percent, as I stated, that the individual would be allowed under the program and even under the appeal a sum of \$35, but the program just called for \$15, when is that individual going to receive that \$20 that the plan owes it?

The gentleman from Eagle Lake, Mr. Martin, touched upon the subject that following this, if we did take the position of the other body, which I oppose, we would go to an amendment that he states, and I am not questioning that in the least, would be germane to the issue, that would be Senate Amendment "H" to Committee Amendment "A", that would be "An Act to Promote Efficiency in Maine State Government." The Statement of Fact on this, on the back page, completely shows me that I have been right consistently, right when I have stated that this measure was totally, fiscally irresponsible, because the Statement of Fact says that this amendment provides additional funds to fund successful appeals should funds not be available from existing departmental funds. It calls for \$500,000. Now, let us say that the appeals that are successful come up to \$1.8 million, \$2 million, \$2.5 million, where does the money come from then? We have put a ceiling of \$500,000.

Now, I speak with authority because I speak with experience. I have gone through this appeals program. While this appeals program was going through, when I was chairman of the committee that headed such an implementation of such a reclassification program, the appeals that were successful brought about steps of increases for state employees which amounted to millions of dollars. This yellow sheet proves that I am right, it proves, in my humble opinion, fiscal irresponsibility totally. I ask you the question because it is there. I will read it again, this amendment provides — it is \$500,000 — this amendment provides additional funds to fund successful appeals should funds not be available from existing departmental funds. Where does

the money come from if this triples or quadruples? And I know that it would.

The SPEAKER pro tem: The Gentleman from Lewiston. Mr. Jalbert, poses a question through the Chair to any member who cares to answer.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to address the question raised by the gentelady from Owls Head. The fact that some people are going to receive over 10 percent is a fact because when a grade change is made, the individual is taken step to step. If that step to step movement incurs more than a 10 percent increase, the individual is moved back until the increase is no greater than 10 per cent or until the individual is at Step A.

This implementation may well indicate a \$4,000 or 50 percent increase on the part of one specific individual. I would only point out that in the appeals process, management is going to be appealing anything that they feel is out of line on this side of the scale, too. There will be the opportunity to review circumstances such as she has outlined and corrections, if it is felt desirable by this appeals panel, will be implemented.

I would also like to respond to the gentleman from Lewiston. He claims to have shown by virtue of this amendment that the measure is fiscally irresponsible. I would remind you all that the measure says that the decision of the appeals board is final and binding. The money, in my opinion, would have to have been come up with regardless, we are making that commitment. This is a good faith effort to compromise with the gentleman.

I would suggest that the remarks of the gentleman, from Lewiston indicate that compromise is not possible if we are faced with an attitude such as he has just presented us. He tells us he doesn't want 101 votes for this measure. I don't believe I can influence one single vote in this body, but I think when the time comes, that we all look into ourselves and decide whether we are going to fulfill the function that we are here for on the basis of the material that we use to make our judgments or whether we are going to be, as some have told me, locked in, fearful, finding every possible pitfall and rock in the road, we are demanding perfection of this piece of legislation that I have never heard expressed in this body before.

I know this is a brave group; I can recall some of the legislation we have passed. It could have only been passed by brave people, and I think we should have a little confidence in the people who run our state government, in the appeals procedure that we have set up and with the agonizing course that piece of legislation has followed, and if we don't pass this tonight, then I say this proves that compromise will never work.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I am going to bring about two points that the gentleman from Cumberland, Mr. Garsoe, has stated. I don't want to argue with him, I don't want to argue with anybody, and I particularly don't want to argue with him. I like him, he is a good member of the committee and it has been my pleasure to serve him. We have got to start somewhere along the line facing the issues just as they are.

First, he makes the statement, when he talks about the decision as rendered by the appeals board. That still does not answer my question as to what the appeals board has decided as far as the money is concerned, up and beyond the ten percent, but the most intriguing part of his remark to me is that he says that in the bill, and

it is true, that the appeals board decision is final and binding. If that were to be so and if that was really what the intention was since we left and to the time that we came back and since the super master that the Chief Justice of the Supreme Judicial Court was going to appoint, has constitutionally flown out the window, why have we dropped that and completely left the measure as it is? Where is the substitute for this superman? Ever since the court declared that this man was "hors de combat," we have never discussed it. We have never decided that we would bring about a substitute for him. I guess the bench done got cleaned out.

Those are the facts, whether it was done on the first or the 66th or the 80th day of the legislature. Now, the fact that we are going to have conventions is of no concern to me. I wasn't elected to go to a good Republican or a good Democratic Convention, I was elected to serve here, and serve to the best of my ability. The second point that I would bring out is the fact that, in my humble opinion, the word compromise is not the issue here, the word of passing something so that we can fund it irresponsibly is the point, and, I am not willing to do that.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I move that we recede.

The SPEAKER pro tem: The gentleman from South Portland, Mr. Perkins moves the House recede.

At this point, Speaker Martin returned to the rostrum.

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

Thereupon, the Sergeant-at-Arms escorted Mr. Kelleher to his seat on the floor, amid the applause of the House, and Speaker Martin resumed the Chair.

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

Mr. BERRY: Mr. Speaker and Members of the House: I, like a lot of others, have not said anything up to this point. But, two days ago, I received some information that I know that a lot of you have not seen and not received. I don't expect to change anybody's attitude or anybody's vote but I would at least like to make you aware of what I did receive. I have got part of a printout and I would like you to understand that I have only been here six years so I am not entitled to all of it apparently, there are people in the hallways that have all of it, I do not. But, the part that I do have applies to one department in state government, and there are parts of this part that apply to employees throughout state government. Those employees, just for instance, are clerk typists, 1, 2, 3; clerk stenographers, through all of the different grades and categories. Since I came in possession of these apparently secret and valuable documents, I have spent quite a lot of time going around to the different departments in the state complex. I have gone to the employees and I have asked them what their position was and they told me. I said, are you aware of the Hay Report? They said, yes. I said, do you favor it? They said, no. I said, do you know what happens to you under the Hay Report? They said, no, but we have been told we don't like it and we don't like it. Whereupon, I pulled out several of these sheets that applied to those people and showed them what would happen and before I left, they were asking me to vote for this particular bill, because, as these sheets demonstrated to me, almost all of the employees contained within these eight or ten pages, which is the only part that I have, benefit and some of them benefit considerably.

I have talked with the union representatives of these employees and spent quite a bit of time doing that this afternoon. They have conceded that a majority of state employees will indeed benefit under this proposal, while, at the same time, saying their responsibility was to those that do not benefit. I don't argue that. If I were a union person, certainly I would be looking out for the 30 or 20 percent, whichever figures are accurate and it is somewhere in between there, that don't benefit. That would be my job and I would have to do that if I were to retain my job. But, as a legislator, any document that I can vote for and put out of this body that will please at least 70 percent of the people involved, I think that is a pretty good average. I think probably I would do that every time. I would like to think, although I know it isn't true, that many documents have gone out of here that I have voted for that have not had that high rate of success.

Mrs. Najarian, this morning, mentioned something about a skeleton and I didn't get the whole drift of that, but it occurs to me that you can either do what I did. I will produce copies of these for anybody that wants them, you can tuck it under your arm, run around to as many state employees as you want, keep score on the outside, see how many favor it and how many don't. You will find a very small percentage that don't favor it.

Now, I have had a certain amount of difficulty as all of you have because when this proposal first came before us, I heard the gentleman from Lewiston telling me how bad this proposal was. I heard other people telling me how bad it was. I wasn't really sure that it could be all that bad so I did seek out the opportunity to try to find out. I think in the last two days I have found out and I am not listening to the three union leaders out in the hall, only two of them will talk to me anyway, and I don't want to hear from the third one either. So, I went directly to the people that are involved which I would do in most cases and have done in most cases. If you talk about real representative government and a pure democracy, you are talking about everybody voting for themselves, and this, in effect, is what state employees will do if you show them the figures, ask them, what do you want, yes or no, and they will tell you that, they have told me that. Now, anybody that doesn't think that this plan will benefit the most of the state employees in their districts I will offer to do this — I will come into your district, if you invite me, with this folder, and I will visit as many state employees in anybody's district as you will point out to me and I will point out to them what they now receive and what they might receive under this plan. If they are still happy with the way you vote, then I guess you are right and I am wrong. But, I don't think that is the way it will turn out.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I wasn't going to speak but after hearing my good friend, Mr. Berry, he didn't visit the laborers, he didn't visit the pier superintendent who is going down from 9 to 7; he didn't visit the baker who is going from 8 to 5 and 11 to 7; he didn't visit the beautician, I don't know why we need one but there is one here from 7 to 4; and he didn't visit the custodian, who is going down from a 3 to a 2, from a 6 to a 4 and, an 8 to a 4; he didn't visit these people and I bet he didn't visit the liquor — well that doesn't matter, I guess the liquor people get enough money. He didn't visit the chief service supplier 15 to 11; he didn't visit the civil defense man who is going from 15 to 11; he didn't visit the computer operator who is going from 25 to 23; he didn't visit the computer operator, who is going from 11 to 10 or the number 2 cook who is going from 8 to 7; he

didn't visit the trained certification man, who is going from 23 to 20 and on, and on, and on. A bridge operator. I know some bridge people don't have much to do but still he deserves his money just like everybody else, he is going down from a 6 to a 4. Now, I am told that these people are going to get their raises' but it is the people that is going to replace them that will come back in this category. Well, these people that is going to replace them have to live just like the people they have there now. I don't think that is a very good wage for anybody to live. Anybody that can live on under \$6,000 a year he better show me how.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: Mrs. Martin is correct in some respects, I did not visit all of the categories she mentioned. However, I did visit some of the categories she mentioned.

I also noticed that she was holding up one of the documents that was left on my desk earlier in the day and I would just like to say that hers is not as complete as mine, and if it is, which she says it is, she will note, as I did, that even through people do get downgraded, in some instances two grades, they still make more money under this proposal than they do now. They have fallen two grades on the ladder but they still make more money and that is the point I would just like to make.

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

Mr. JALBERT: Mr. Speaker and Members of the House: We have been talking about the time and this and that and the other, I have here a paper, the Lewiston Evening Journal, Lewiston-Auburn, Maine, dated Wednesday, April 28, 1976. It comes off the press at three-fifteen this afternoon. It is an ad, it is "A Message to the Members of the 107th Legislature and the Governor and the Citizens of Maine." It reads,

Let us all calm down and use some of that good old fashioned "Down East" common sense that we are so proud of.

ITEM 1 — Hay Associates Report:

Of 20 firms specifically asked to bid on the pay category, only 6 would bid and those 6 were very skeptical about the deadline for completion and then the study was expanded beyond the original. Now, it is expected, that 5 inexperienced people would correct in 4 months what the experts could not do in 8 months. The Hay Group used a method which is basically quantitative. That is, it assigns various points for job requirements and adds them together to determine the pay category. Other consultants use more qualitative judgement to decide how jobs should be categorized. This is because there are many classes in the public jurisdiction which are unique to government.

ITEM 2 —

Textile Workers recently received a \$24 a week pay raise. Forster Manufacturing received a 10 percent pay raise which the governor negotiated for them.

\$15 a week across the board compared to a \$572 bonus or \$11 a week or more, whichever is greater, comes to approximately the same total for the general fund. \$15 across the board gives more by comparison to the low pay ranges that need it desperately and less by comparison to the high pay ranges that are not in such serious financial conditions.

The State of Maine Employees have not had a raise in over 2 years and if one is not received shortly, consequently it will be over 3 years before one is received.

Implementation of the Hay Study, effective March, 1977, gives more time to straighten out the many inequities of the Hay Study and a much saner and less pressurized atmosphere. The result would be much more acceptable to all parties.

Androscoggin Chapter, Maine State Employees Association, Robert A. Galuppe, President, who is outside in the hall. I asked him just about five minutes ago if he had checked out, he said the membership knows about this ad, they know what it basically is, the membership of the Androscoggin County Chapter of the Maine State Employees Association agree to the position that I am taking. They are the people I am representing, and that is the way I am going to vote, and that is why I am voting against this program.

The SPEAKER: Is there objection to suspension of House Rule 22?

The Chair hears objection.

The Chair will order a vote. All those in favor of suspension of House Rule 22 will vote yes; those opposed will vote no.

A vote of the House was taken.

51 having voted in the affirmative and 10 having voted in the negative, the motion did prevail.

The SPEAKER: The Chair recognizes the gentlewoman from Old Orchard Beach, Mrs. Morin.

Mrs. MORIN: Mr. Speaker and Members of the House: I haven't said too much on this, even though I do want a pay raise for the employees and I have voted for them. There are three reasons, at least, that I don't like the bill. First, that we, as legislators, weren't given a copy of the Hay Report to begin with. We really haven't read it, we haven't had a chance to see it except either in the Governor's Office, Speaker's Office or President's Office.

Another reason, is I can't see all the speed of implementing the Hay Report before all the appeals are in and the report amended.

Another one, is that it bothers me to put a pay bill in with all the Appropriations Bill so that nothing else can go through without being pushed into voting for this.

That is three of the reasons, among others, but that is as far as I will go.

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I am sorry I caused a little disruption a moment earlier but I just felt that we have been hassling with this bill for a long enough period of time and perhaps it was time to think about it tonight.

The reason I did this, is that I was sitting out in the hall a while back and a lot of what was happening this afternoon and tonight came back to me, it seemed like we had gone though this before and I started thinking about some of the other legislation we passed and I remember back in the 106th when we passed —

The SPEAKER: The Chair doesn't want to interrupt the gentleman but would he please refer and keep his remarks to this bill?

Mr. GOODWIN: Mr. Speaker and Members of the House: I am sorry, I didn't realize that I was getting off the bill.

I was thinking about this bill and it seemed to me this bill seemed to be very similar to something else that I had been through, which I had voted for. The more I thought about this bill, the more it came back to me, the arguments, the same arguments that were used against my position that we really don't know how much this thing is going to cost, we really haven't taken a good look at it, that we are buying a pig in a poke.

It finally came to me, it was L.D. 1994 in the 106th. I don't have to tell you what a problem that has been.

I guess I am a little nervous because I am running for the 108th and I may possibly win. I guess I am a little worried about being put in that same situation, if we pass this, and we came back in the 108th and we have got this mammoth increase in cost that we are going to

have to face because of passing something we had no idea what we were talking about. There have been a lot of things thrown around, we have got this thing finally. It shows a few things, but I notice it left off a lot of people that I was concerned with. Sure, maybe some clerks in this state house get some increases, maybe some of their steps are increased, maybe some of them aren't. There are a lot of people out there that aren't clerks, there are a lot of people that deal directly with individuals, in our institutions. Maybe, they aren't in the majority of state employees but they certainly are an important factor. Their morale is an important factor, and the service that they give those people in the institutions is very important. If you don't think so, just go down to Pineland or AMHI, or Bangor, Thomaston or Windham or Boys Training Center, because when it comes down to the bottom line, what we are really up here for is the service to the people of the State of Maine and those people are providing a direct service. I think it is important that we take a good consideration of their morale.

Another thing that I have got a real problem with this bill, I really wonder how many people — I would like to ask a question like a teacher would do in a classroom, how many people have read this, raise your hand, that type of thing. Take a good look at this. You know, we have talked about nothing but the Hay Report. Take a good look at Part B. O.K. Now, maybe a lot of this is just routine but has anybody here even discussed it? There are sections in here, Part B, Section 1, General Purpose Aid for Local Schools; all other, provides an additional \$3 million for loss of Federal Revenue Sharing and an additional \$4 million etc. in 76-77 for the purpose of carrying out the provisions of the school funding law that we passed. There is all kinds of stuff in here which probably goes right along with what we passed. But has anybody even considered it yet? Have we even talked about this? Here it is now, after nine o'clock, even though we refused to admit it, and take a look at the rest of the bill here. We have got some things in here, nice little bobbles. A lot of things I agree with. We are reducing Parks and Recreations, \$410 million. I have checked with them and found out where the money is coming from. I don't really have too many disagreements but that department also has a lot of top priority areas that they can't fund that would be of great benefit to the people of the State of Maine. Have we really decided that this loss of revenue to their department is a priority?

We have got a lot of other things in here. If you go through it, we are funding a couple more Legislative Research positions, and some more money there. I don't know, I would like to hear somebody say that we need that. Maybe we do.

We are adding a seventh justice. I think I voted for that in the past, but it seems to me we went around and around on that issue a couple of times.

We are providing over \$1.5 million for intermediate care in Human Services I would like to have a little bit of an explanation on that because there is some real problems in this whole field of intermediate care. I don't really know what that is going to be doing. I hope the good Chairman of the Appropriations Committee has gone out to get his material on this so he can explain some of this.

We have also got some other things in here that I find kind of interesting. First, Human Services is getting another, close to \$80,000 for medical auditing. Yet, down in my office, during this session, the head of the audit division over there told me that if we didn't pass the bill, which we didn't, or section of a bill which our committee was thinking about passing which we didn't that he would have enough people to do all his auditing of all his boarding homes, his nursing homes, his hospitals, etc. yet. he is ask-

ing in here for six more people. Now, maybe this is a fund transfer or something, I don't know but I would like an explanation of it.

We have got some other money in here no one has even questioned and I think it is definitely needed but there is \$300,000 going to Pineland.

There is \$100,000 in a bill which I sponsored last time for a correctional program improvement. There is \$100,000 for Community Retardation Services, does anybody here know what that money is going for or whether it is even being used for anything half way decent? I have some serious questions about that.

We are providing some money for some district courts. Perhaps that again is a fund transfer or something, some renovations, but is that more important than services to people? Can they not get by without that this year?

Keep going through this, there are a lot of little baubles in here. There is a section here on the education — I don't know, I just think that we spend weeks discussing the Hay Plan, which is only one part of this bill. There is millions of dollars in this bill which we haven't even touched on. That is a fiscally responsible position? I am really surprised with our leadership in the opposite party from me. It seems to me that this whole thing is switching, some of my young friends in the legislature, such as myself, which are traditionally looked upon and spouted by his excellency that are the liberal spenders — we are the only ones that have questioned this thing; yet, have we gotten any answers?

I asked today, and sure, it is a terrible question, but it is one that we are going to have to face, is this going to cause a tax increase?

When I was running for reelection, I put out a press release — it was on the front page of my local paper — that I would support a tax increase, an income tax increase to help fund the education budget. I am willing to go on record for a tax increase if it is something I believe in and something we need.

I would just like to hear some of the people who are pushing for this Hay Report go on record to say that if it is needed, I will vote for it, because I have yet to hear that and I would like to. I think the people of this state deserve that explanation.

Mrs. Najarian of Portland requested a roll call vote.

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

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

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I regret very much that I did not spend my time in the special session with you instead of being away from you in a sick bed, but I won't hide behind my sickness when I feel that the little man is getting the shaft and the rich man and the big wheel is being well taken care of. I abhor and I detest pay raises where the man who is getting sixteen, eighteen or twenty thousand dollars will get an additional raise while the man who is taking home \$75 and \$80 a week is going to get a pitance.

When I hear it said that the men who work with the prisoners and inmates in our institutions should take their problems to a board of appeals, why are we sent down here? We are their board of appeals. We represent the people of this state, the working people. Where are we tonight? I will tell you where we are, we have covered the clock and I detest this move. I detest it because it goes against good judgment,

and I believe good judgment should prevail here tonight. I maintain, I have voted four times for this, or five times, but I shall not vote for it again, because I say that this is giving the little man the shaft and giving the big man the take-home pay so he can sit in his easy chair and gloat. Once more we took the little man to the road; once more the little man got a little and the big man got a lot, and this is what bothers me here today.

I say to you that if the guards at the institution are being short-changed on the Hay Report, that we in this body should apply our wisdom right here on that problem. We shouldn't be passing it on to a board. We have the elected responsibility of answering for our actions; the board doesn't.

We know that in the prison an inmate may sometimes feel he is getting an awful raw deal and he may commit acts on a guard that may try the guard to the very end of his patience. I would like to feel that that guard knows that the Representative from District 116 was with him in his problem and was willing to address his problem, and the Hay Report, as I have heard it over and over again, is short-changing the guards at Thomaston, it is short-changing the guards at Windham and it is short-changing the people in the public institutions that are taking care of our sick, taking care of our ill, and I say to you that we have no business passing this Hay Report tonight. If there is anything in the world, gentlemen, that I love, it is a honeymoon, but I hate a shotgun wedding, and that is what you are being asked to participate in here tonight.

We sent a bill down to the lower floor and the bill was rammed back down our throats. The other body killed amendment after amendment after amendment that would make this thing possible, and now they have held up the unholy black crow and they want me to eat it. Well, I am not eating crow and I am not selling the low man on the totem pole down the river.

I was here in 1965 and I met with the Speaker because I felt the pay raises were not right at that time. And tonight, I feel the pay raises are not right again, and I am not going to vote for the Hay Report and I don't care if I never sit in this House again.

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 after so much debate tonight and the debate we have had these past few days to say anything new. I don't expect that I shall; I shall be very brief.

I do want to say to you that I have sat here tonight and listened to those who intend to vote against this measure and they have, I believe, said the same things over and over again which we have heard over and over again in the last few weeks.

It seems to me that the Speaker of the House, when he first spoke to us, he gave you a history of this bill, of the effort which has been put into it not only by the Governor but by both branches of this legislature, by leadership and by many others.

I am sure that I could, on any piece of legislation, stand here and ask all sorts of questions, knowing full well that I am only confusing the facts. The Speaker, I think, very carefully pointed out step by step what has been done to this measure from its very inception up to an hour or two or three ago. One final attempt was made to answer one problem which a group of people had, and that was concerning the funding of the appeals, after the appeals process had been made.

I don't know what else could be done. I don't really think that we could stay here two more days or two more weeks or two more months and do any more work than we have done these

last few weeks. I think that people in both parties in this legislature have tried very successfully to come up with a package which is good. I have not yet seen a better bill. It does address itself to the problem of job classification which we desperately need and which those on all sides agree we need. It addresses itself to the limit of our resources, the amount of money which we have available for this increase, is reasonable in its approach, and now we come down to the last hours of the session and we are saying that because it isn't exactly perfect as we want to see it perfect, we would rather see it die than to go home and do a good job, do a good job here tonight and go home knowing that we have done something for the state employees.

I am sure that there are many state employees throughout this state tonight who are counting on us, before we leave here, to grant them some sort of an increase. This isn't exactly the worst in the world, it isn't the best in the world, but then again, it is not the best of times. I don't feel ashamed at having worked long and tried this hard with the amount of resources that we have available which come to us from the tax-paying public in Maine, which isn't exactly rich today, that we are passing out a poor package. I think it is a good one. I heartily endorse the words of the Speaker and I hope we will think very carefully as we vote now.

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

Mr. WILFONG: Mr. Speaker and Members of the House: I would like to speak very briefly, especially to the comments made by the good gentleman from Nobleboro, Mr. Palmer. I am very glad to see that they are moving in the direction of finding the money that may be necessary for the implementation of the appeals process. That is my objection to this, this budget bill, although there may be others, because my good friend Mr. Goodwin has pointed out that there are many, many, many other things in here that we have not discussed.

The important thing to note is that the money for the appeals process, how much money is needed to fund that is not known. I have a little letter right here from Mr. Garside's Office, it says: "Representative Wilfong, it would be impossible to estimate the cost of any appeals under the Hay Report at this time. These costs could only be determined after the appeals have been settled."

It doesn't make too much sense to me to go out and buy a house and not find out if the foundation is in good shape, if the water runs, and most important, to find out how much the house costs. To buy the house and then five or six months later find out where all the leaky faucets are and then find out what the price of the house is, that doesn't make too much sense.

The only thing that I am asking is that we find out how much money this is going to cost before we implement it. How much money, we don't know. Doesn't it make sense to you to feel that perhaps we should find out how much money and after we have found out how much money, then we can vote to pay that bill and we can implement the Hay Report.

You know, when I think about the way that we handled this budget, the only thing I can think of, and I am sincerely reminded of and agree wholeheartedly with, is Mark Twain. Mark Twain once made the comment that there were two things that a human being should never watch in the making, and that is the making of sausage and the making of laws.

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

Mr. HINDS: Mr. Speaker, Ladies and Gentlemen of the House: I have heard mentioned through this debate that we have been having for the last several weeks the cost and

how we are going to fund this pay plan and the appeals of this pay plan.

In the regular session of the legislature, this legislature appropriated more than \$60 million for personal services from the General Fund. We presently have eight to nine hundred vacant positions in the General Fund of this state because of Governor Longley trying to make funds available to pay for this pay plan and the appeals. According to how you want to figure this, whether you want to figure the average state employee's pay at \$7,000 a year or \$6,000 or \$5,000, there is anywhere from five to nine million dollars available because of the vacant positions, and I know the Governor, because of his plan, plans to have more vacant positions as people retire and resign from Maine State Government. So I personally feel, from being involved in Maine State Government for a number of years and in the financial end, that there is ample money to take care of this problem presently budgeted and voted by the regular session of this legislature.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair to anyone who would care to answer: Does this bill provide adequate monies for scholarships for North American Indians?

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I have addressed this question privately with the gentleman from Old Town, Mr. Pearson, some weeks ago. I don't believe this bill affects the scholarships for the North American Indians at all. As a matter of fact, there was an error that was made by the Governor's Office in sending up some figures, which I have explained perfectly well to the gentleman from Old Town. Those errors have been corrected. The money has been appropriated in the regular session and it stands unchanged by this bill.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from South Portland, Mr. Perkins, that the House recede. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bagley, Berry, G. W.; Berry, P. P.; Birt, Blodgett, Boudreau, Bowie, Burns, Byers, Call, Carpenter, Carter, Churchill, Conners, Cooney, Curtis, Dam, Davies, DeVane, Doak, Dow, Drigotas, Dudley, Durgin, Dyer, Farnham, Faucher, Fenlason, Finemore, Fraser, Garsoe, Goodwin, H.; Gould, Gray, Greenlaw, Hall, Henderson, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Jackson, Jacques, Jensen, Kelley, Laverty, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lynch, Mackel, MacLeod, Maxwell, McBrearty, McKernan, McMahon, Morton, Najarian, Palmer, Pearson, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Post, Powell, Quinn, Raymond, Rollins, Smith, Snowe, Spencer, Sprowl, Susi, Tarr, Teague, Theriault, Tierney, Torrey, Tyndale, Walker, Webber, Wilfong, The Speaker.

NAY — Albert, Ault, Bachrach, Bennett, Berube, Bustin, Carey, Carroll, Chonko, Clark, Connolly, Cote, Cox, Curran, P.; Curran, R.; Farley, Flanagan, Gauthier, Goodwin, K.; Hennessey, Hughes, Ingegneri, Jalbert, Joyce, Kany, Kelleher, Kennedy, Laffin, LaPointe, MacEachern, Mahany, Martin, A.; Martin, R.; Mills, Miskavage, Mitchell, Morin, Nadeau, Norris, Peakes, Pelosi, Peterson, T.; Rolde, Saunders, Shute, Strout, Stubbs, Talbot, Tozier, Truman, Usher, Wagner, Winship.

ABSENT — Hobbins, Kauffman, Lovell,

Lunt, Mulkern, Rideout, Silverman, Snow, Twitchell.

Yes, 89; No, 53; Absent, 9.

The SPEAKER: Eighty-nine having voted in the affirmative and fifty-three in the negative, with nine being absent, the motion does prevail.

Mr. Goodwin of South Berwick moved the House reconsider its action whereby the Bill was passed to be engrossed.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from South Berwick, that the House reconsider its action whereby the Bill was passed to be engrossed as amended. All those in favor of that motion will vote yes those opposed will vote no.

A vote of the House was taken.

24 having voted in the affirmative and 94 in the negative, the motion did not prevail.

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 pending question is on passage to be enacted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bagley, Bennett, Berry, G. W.; Berry, P. P.; Birt, Blodgett, Boudreau, Bowie, Burns, Byers, Call, Carpenter, Carter, Churchill, Conners, Curtis, Dam, DeVane, Doak, Dow, Drigotas, Dudley, Durgin, Dyer, Farnham, Fenlason, Finemore, Fraser, Garsoe, Gould, Gray, Hall, Henderson, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Jackson, Jacques, Jensen, Kelley, Laverty, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lynch, Mackel, MacLeod, Maxwell, McBrearty, McMahon, Morton, Najarian, Palmer, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Powell, Quinn, Raymond, Rollins, Smith, Snowe, Sprowl, Susi, Tarr, Teague, Theriault, Torrey, Tyndale, Wagner, Walker, Webber, The Speaker.

NAY — Albert, Ault, Bachrach, Berube, Bustin, Carey, Carroll, Chonko, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Davies, Farley, Faucher, Flanagan, Gauthier, Goodwin, H.; Goodwin, K.; Greenlaw, Hennessey, Hughes, Ingegneri, Jalbert, Joyce, Kany, Kelleher, Kennedy, Laffin, LaPointe, MacEachern, Mahany, Martin, A.; Martin, R.; McKernan, Mills, Miskavage, Mitchell, Morin, Nadeau, Norris, Peakes, Pearson, Pelosi, Peterson, T.; Post, Rolde, Saunders, Shute, Spencer, Strout, Stubbs, Talbot, Tierney, Tozier, Truman, Usher, Wilfong, Winship.

ABSENT — Hobbins, Kauffman, Lovell, Lunt, Mulkern, Rideout, Silverman, Snow, Twitchell.

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

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

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

Mr. McKERNAN: Mr. Speaker, having voted on the prevailing side, I now move we reconsider our action whereby this Bill failed of final enactment.

Mrs. Najarian of Portland move the matter be tabled for one day.

Mr. Carey of Waterville requested a vote on the tabling motion.

Whereupon, Mr. MacEachern of Lincoln 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 pending question is on the motion of the gentlewoman from Portland, Mrs. Najarian, that this matter be tabled pending the motion of Mr. McKernan of Bangor to reconsider and tomorrow assigned. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Blodgett, Bowie, Burns, Bustin, Byers, Carpenter, Carroll, Carter, Churchill, Clark, Connolly, Cooney, Curran, R.; Curtis, Dam, DeVane, Doak, Dow, Drigotas, Dudley, Durgin, Dyer, Farley, Faucher, Fenlason, Finemore, Fraser, Garsoe, Goodwin, H.; Gould, Gray, Greenlaw, Hall, Henderson, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Jensen, Joyce, Kelleher, Kelley, Laffin, LaPointe, Laverty, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lynch, MacEachern, Mackel, MacLeod, Martin, R.; Maxwell, McBrearty, McKernan, McMahon, Mills, Morton, Najarian, Palmer, Peakes, Pearson, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Powell, Quinn, Raymond, Rollins, Saunders, Shute, Smith, Snowe, Susi, Tarr, Teague, Theriault, Torrey, Tyndale, Wagner, Walker, Winship, The Speaker.

NAY — Albert, Boudreau, Call, Carey, Chonko, Conners, Cote, Cox, Curran, P.; Davies, Farnham, Flanagan, Gauthier, Goodwin, K.; Hennessey, Hughes, Ingegneri, Kany, Kennedy, Mahany, Martin, A.; Miskavage, Mitchell, Morin, Nadeau, Norris, Peterson, T.; Post, Rolde, Spencer, Sprowl, Strout, Stubbs, Talbot, Tierney, Tozier, Truman, Usher, Webber, Wilfong.

ABSENT — Hobbins, Kauffman, Lovell, Lunt, Mulkern, Rideout, Silverman, Snow, Twitchell.

Yes, 102; No, 40; Absent, 9.

The SPEAKER: One hundred and two having voted in the affirmative and forty in the negative, with nine being absent, the motion does prevail.

All matters acted upon in concurrence and all matters requiring Senate concurrence were ordered sent forthwith to the Senate.

On motion of Mrs. Najarian of Portland, Adjourned until ten-thirty tomorrow morning.