

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

SENATE

Thursday, April 15, 1976

Senate called to order by the President.

Prayer by The Honorable Bennett D. Katz of Augusta:

Shall we pray. Dear Lord, as this special session of the legislature comes to a close during the holy season of the year, we ask your blessings upon the members of this body, and we express our gratitude for the friendship of an extraordinarily wonderful staff that has helped us through these extremely trying days. We ask your blessings on members of this body as we go our separate ways.

In particular, we ask your special blessings upon six men who are giants in their work as they retire from this body. We ask your special blessings upon Senator Richard Berry, Senator Robert Clifford, Senator Edward Cyr, Senator David Graham, Senator Peter Johnston, and Senator Bruce Reeves, all of whom have served your work and the work of this state in their several ways. Amen.

Reading of the Journal of yesterday.

The President laid before the Senate the first tabled and Specially Assigned matter:

House Reports — from the Committee on Appropriations and Financial Affairs — Bill, "An Act Increasing State, Maine Maritime Academy and University of Maine Employees' Pay" (H. P. 1846) (L. D. 2015) Emergency; Report "A" Ought Not to Pass; Report "B" Ought to Pass as Amended by Committee Amendment "A" (H-1278); Report "C" Ought to Pass as amended by Committee Amendment "B" (H-1279)

Tabled — April 14, 1976 by Senator Speers of Kennebec

Pending — Acceptance of any Report (In the House — Report "A" Read and Accepted).

On motion by Mr. Speers of Kennebec, retabled until later in today's session, pending Acceptance of any Report.

The President laid before the Senate the second tabled and Specially Assigned matter:

Bill, "An Act Relating to a Cost-of-Living Adjustment for State Retirees." (S. P. 618) (L. D. 1950)

Tabled — April 14, 1976 by Senator Collins of Knox

Pending — Adoption of Committee Amendment "A" (S-507) as Amended by Senate Amendment "A" (S-520) Thereto.

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

Mr. COLLINS: Mr. President and Members of the Senate: This is the standby bill concerning an increase in retirement benefits. I have conferred with my counterpart on the Retirement Committee in the other body and have agreed that I would now ask the Senate to pass this bill along so that it may go down to the other body where it can be held on standby to see whether it is needed.

This is a bill that will not be needed if a pay bill is passed, but if a pay bill is not passed, then it is standing by as a vehicle to accomplish an increase in the retirement benefits.

The bill, as it now comes before you, calls for a 6 percent increase in retirement benefits. If there is no pay bill passed, then in my judgment that is a little bit more than the fund ought to bear in a good actuarial sense, but at the same time I have a confidence that in time there will be a pay raise that would rectify any actuarial deficiency, and I would therefore support it.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, Committee Amendment "A", as Amended by Senate Amendment "A" Thereto,

was Adopted and the Bill, as Amended, Passed to be Engrossed.

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

The President laid before the Senate the third tabled and Specially Assigned matter:

Bill, "An Act to Provide Necessary Corrections in the Education Laws." (H. P. 2341) (L. D. 2351)

Tabled — April 14, 1976 by Senator Speers of Kennebec

Pending — Consideration (In the Senate — Passed to be Engrossed in concurrence).

(In the House — Passed to be Engrossed as Amended by House Amendment "A" (H-1293), in non-concurrence).

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

Mr. KATZ: Mr. President, this report comes back to us with a House amendment on it which accomplishes two things. First of all, it puts an emergency enactor on the bill. And, second, it addresses a problem with elementary tuition, which reverses a position that we previously took during the session, and the reversal is being requested by the House member who originally proposed the other position. So I move that the Senate recede and concur with the House.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate recede and concur. Is this the pleasure of the Senate?

The motion prevailed. Thereupon, under suspension of the rules, sent forthwith to the Engrossing Department.

The President laid before the Senate the fourth tabled and Specially Assigned matter:

Bill, "An Act to Provide Grants and Loans for Health Education." (S. P. 760) (L. D. 2310)

Tabled — April 14, 1976 by Senator Berry of Cumberland

Pending — Consideration (In the Senate — Passed to be Engrossed as Amended by Committee Amendment "A" (S-550).

(In the House — Passed to be Engrossed as Amended by House Amendment "B" (H-1291), in non-concurrence).

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

Mr. KATZ: Mr. President, this bill is also in non-concurrence, and for the purpose of offering a Senate amendment, I move that the Senate recede.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate recede. Is this the pleasure of the Senate?

The motion prevailed. The PRESIDENT: The Chair recognizes the same Senator.

Mr. KATZ: Mr. President, I do not see the amendment has been reproduced yet, or it is not in front of us, but let me tell the Senate what the issue is. You will recall that there was a rather spirited debate on a bill pertaining to a combination of student grants and loans in the various health professions. The bill comes back to us with a House amendment which actually replaces the original bill that the Senate first supported.

The House amendment in question is under Filing No. H-1291. It is a rather long amendment and it is a response as to the view of some people as to how we can establish the incentives that we wish to get health professionals to come back to the State of Maine after having gone to school, after having served their internships and their residencies. It is a rather difficult amendment with respect to its implications. It has attempted to do in a very, very rapid manner some rather involved things in a rather complicated way. I won't go into the nature of

House Amendment "B" in any depth, unless there are specific questions.

I think that there is some broad agreement between the representatives of the physicians in the State of Maine and Senate Amendment "A", which I will be offering shortly, as soon as it is reproduced. On that basis, I move that the Senate recede from its adoption of Committee Amendment "A".

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate recede from its adoption of Committee Amendment "A". Is this the pleasure of the Senate?

The motion prevailed. Whereupon, on further motion by the same Senator, Committee Amendment "A" was Indefinitely Postponed.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. KATZ: Mr. President, I now request that someone might table this until later in the day's session so that I will have an opportunity to offer Senate Amendment "A" when it is reproduced.

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

Thereupon, on motion by Mr. Speers of Kennebec, tabled until later in today's session,

Papers from the House

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

Enactors

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

An Act Appropriating Funds to the Litchfield, Sabattus and Wales Community School District. (H. P. 2346) (L. D. 2352)

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

Mr. KATZ: Mr. President, this bill showed up yesterday for the first time and was not printed when it was passed to be engrossed. It raises a question of making an appropriation to a school district based upon some peculiarly local situations. Yesterday I got a letter from the Commissioner of Education saying that he was not able to say whether it was a unique situation which warranted passing or it was a situation which was shared in common with many other school units. That situation as of this moment has not yet been resolved to my satisfaction, and I wanted to call the Senate's attention to the fact that it may very well be that when this bill comes off the appropriations table an attempt may be made either to support it because it is unique, or indefinitely postpone it because it is not a unique situation. It involves an appropriation that probably would be wanted by other communities as well.

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

Thereupon, on motion by Mr. Huber of Cumberland, placed on the Special Appropriations Table.

An Act Appropriating Funds to the Schoodic Community School District. (H. P. 2351) (L. D. 2354)

On motion by Mr. Huber of Cumberland, placed on the Special Appropriations Table.

Resolve. Authorizing the Bureau of Public Improvements to Convey the Interest of the State in a Certain Parcel of Land and Buildings Thereon Situated in Orono. (H. P. 2342) (L. D. 2353)

Which was Finally Passed and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

An Act to Change the Statutory Qualifications and Salary Limit for the Director of Personnel. (H. P. 1937) (L. D. 2125)

This being an emergency measure and having

received the affirmative vote of 30 members of the Senate was Passed to be Enacted and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Mr. Katz of Kennebec was granted unanimous consent to address the Senate.

Mr. KATZ: Mr. President, it has been called to my attention that the prayer that is given in the morning is not on the record, and I thought that perhaps I could give an impression that I did not overlook the distinguished Senator from York County, Senator Roberts, by making these remarks on the record; that obviously the Senate could not possibly overlook the distinguished service of a man who has served as judge of probate, served at county level with such great success, and capped his career off with service in the Senate, and I am sure that the Senate would like to join me in wishing well to Senator Roberts also.

On motion by Mr. Speers of Kennebec, the Senate voted to take from the table the following:

Bill, "An Act to Provide Grants and Loans for Health Education." (S. P. 760) (L. D. 2310)

Tabled — Earlier in today's session by Senator Speers of Kennebec

Pending — Consideration

Mr. Katz of Kennebec then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-581, was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. KATZ: Mr. President, this amendment which has just been distributed and is directly in front of you actually is a bill because it changes the title, but it accomplishes the basic purposes of the bill that the Senate supported the other day. It is a much simpler bill and it results in a consensus feeling between members of this body and some members of the other body.

You will notice that it completely takes out of consideration the rather complicated feature of the other bill in establishing a committee or a process whereby we can identify shortage areas of various health professionals in the State of Maine. It provides for repayment of the contract prices by the students who do benefit from our appropriations and who do not return to the State of Maine to practice. It for the first time builds into Maine law some demonstrable benefits for Maine taxpayers as well as Maine students.

I would be the first to admit that subsequent legislatures will expand and develop this bill to a greater extent than we see it in front of us now, but it is a beginning to attempt to establish a state policy to steer some of the health professionals who are in these very expensive programs back to the State of Maine, and I move its adoption.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President, I would ask for a division on the motion to adopt this amendment. I would draw your attention to Section 2273 on page 2 of this amendment, reading it for you: "Agreement of state contract student with commissioner — Notwithstanding any other provisions of law, any state contract student who commences his professional education on or after the 1976-77 academic year shall, as a condition precedent to the commencement of such education, enter into an agreement with the State under which the student will agree that upon the conclusion of his professional education, including internship, residency and obligated military service, he will return to the State of Maine and practice his profession, upon being duly licensed by the State of Maine. This

student shall further agree that in the event he fails to practice his profession within the State for a period of 4 years, he shall become obligated to pay to the State an amount of money equal to the amount expended by the State in purchasing the student position which he occupied as a state contract student."

I agree that this brings students back into the state, but it doesn't obligate them as to where they might go. They all might land in the City of Portland, where we have enough physicians at the present time, and it wouldn't bring them up into Millinocket and the upper parts of the state where we so badly need these professional physicians and medical students. So I feel that the bill or the amendment passed in the other body is the one which more aptly handles this situation, so I would ask for a division on this motion.

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

Mr. KATZ: Mr. President, I find it very difficult to disagree with the thinking of the Senator from York, Senator Hichens, as to the direction we should ultimately go. I have been persuaded by debate in the last couple of days that we may not yet be ready to establish the proper procedure for identifying the shortage areas. Presumably we will have to establish some pretty hard standards as to what constitutes a shortage area and a procedure for arriving at that. But I would ask the Senate to go along with this bill as the first step in going in the direction.

I understand the HFA is presently involved in a statewide effort at trying to bring some sense into just what we need and where we need it, and perhaps the Senator from York, Senator Hichens, on that basis can look upon this not as the ultimate but as a first step in that direction.

The PRESIDENT: Is the Senate ready for the question? The pending question is the adoption of Senate Amendment "A" to L.D. 2310. Division has been requested. Will all those Senators in favor of adopting Senate Amendment "A" please rise in their places until counted. Those opposed will rise in their places until counted.

A division was had. 22 having voted in the affirmative, and six having voted in the negative, the motion prevailed.

House Amendment "B" was Read and, on motion by Mr. Katz of Kennebec, Indefinitely Postponed in non-concurrence.

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

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

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

Orders

On motion by Mr. Berry of Cumberland,
STATE OF MAINE

In the Year of Our Lord One Thousand Nine Hundred and Seventy-six

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Andre-the-Seal and His Friend and Mentor Harry Goodrich on Andre's Return From His Annual Southern Sojourn

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. (S. P. 807)

Which was Read.

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

Mr. MERRILL: Mr. President and Members

of the Senate: I have noted with some alarm over the last few days the great proliferation of orders that have been coming our way, and I have up until now attributed that to the fact that many of us are running for re-election and we all do some strange things when we are under that sort of pressure. I commented to a colleague the other day that if we continued up until election day we would probably have enough orders to fill a phone book. Unfortunately, however, I can't attribute that motive to the gentleman who has offered this one because it is my understanding that he doesn't have that excuse in that he has decided not to run again.

I would simply like to ask the gentleman whether it is his intent that this order be framed and presented to the recipient.

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

Mr. BERRY: Mr. President and Members of the Senate: I must admit that in the waning hours of every session there are always a few of us who bend a little bit under the tension, and maybe I am too, I don't know. But, as the good Senator says, I am not running for re-election, so this isn't really a total self-publicity seeking gesture.

Andre is certainly tied into the State of Maine in many ways and he comes back here of his own free will and accord every year, and it seemed only fitting that Mr. Goodrich receive, as his friend and mentor, the best wishes of this session of the legislature for Andre's good work. I think with our cutting off of all the publicity that we have been doing and so forth, Andre is one of the best items of good will that the State of Maine has working for it now, and I hope he comes back to Maine many, many springs in the future.

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

Mr. MERRILL: Mr. President and Members of the Senate: I have to admit that my initial impression on seeing this order was to move for its indefinite postponement, but on some reflection, I think it is a fitting tribute to the career of the person who is offering it, and, therefore, I would hope the Senate would pass it.

The PRESIDENT: Is it now the pleasure of the Senate that this order be passed?

Thereupon, the Joint Order was Passed and sent down for concurrence.

On motion by Mr. Berry of Cumberland,
STATE OF MAINE

In the Year of Our Lord One Thousand Nine Hundred and Seventy-six

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Mrs. Jean Childs on the Completion of Her Distinguished Term of Service to the State of Maine as a Member of the Board of Environmental Protection

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. (S. P. 808)

Which was Read.

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

Mr. BERRY: Mr. President and Members of the Senate: Jean Childs has built up an impressive record as a member of the Board of Environmental Protection. She has been on there quite a few years. She has been, as was reported in the article covering her resignation, a member who firmly believed in conciliating

all the viewpoints which, of course, have been extremely wide-ranging in the problems facing the State of Maine in trying to comply with the laws we have put on the books in the area of pollution control and land control. Mrs. Childs has exhibited a tremendous ability to bring together divergent views.

She unfortunately is a victim of the conflict of interest laws which we have been rushing to spread across the statute books, and is a very unfortunate victim of these. Her services have been extremely outstanding, productive and noteworthy, and the State of Maine is going to lose a very devoted public service. Certainly the new association which she is picking up is going to be a challenging one for her, and again I know it will be one which will benefit the State of Maine as a whole.

The PRESIDENT: Is it now the pleasure of the Senate that this order be passed?

Thereupon, the Joint Order was Passed and sent down for concurrence.

On motion by Mr. Speers of Kennebec,
Recessed until 1:30 o'clock this afternoon.

After Recess

Called to order by the President.

Papers from the House

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

Enactors

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

Emergency

An Act to Provide Necessary Corrections in the Education Laws. (H. P. 2341) (L. D. 2351)

This being an emergency measure and having received the affirmative vote of 30 members of the Senate was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Joint Order STATE OF MAINE

In the Year of Our Lord One Thousand Nine Hundred and Seventy-six

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Miss Katherine A. Veazie of Rockland Upon Her Recent Retirement Following Thirty-nine Years of Dedicated Service to the Community of Rockland

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. (H. P. 2338)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

The President laid before the Senate the following tabled and Specially Assigned matter:

House Reports — from the Committee on Appropriations and Financial Affairs — Bill, "An Act Increasing State, Maine Maritime Academy and University of Maine Employees' Pay" (H. P. 1846) (L. D. 2015) Emergency; Report "A" Ought Not to Pass; Report "B" Ought to Pass as amended by Committee Amendment "A" (H-1278); Report "C" Ought to Pass as amended by Committee Amendment "B" (H-1279)

Tabled — April 15, 1976 by Senator Speers of Kennebec

Pending — Acceptance of any Report

(In the House — Report "A" Read and Accepted).

Mr. Gahagan of Aroostook moved that the Senate accept the Ought to Pass as Amended Report "C" of the Committee.

The PRESIDENT: The Senator has the floor.

Mr. GAHAGAN: Mr. President and Members of the Senate: I have distributed a sheet, which you probably have on your desks, which describes Report "C" as I would have it be amended, providing that there would be, first of all, no necessary tax increase. Report "A", which is by another member of the Appropriations Committee, included a cigarette tax. Report "C" provides that no tax increase would be necessary. It also provides for an immediate implementation of an \$11 across-the-board pay increase for state employees, which would be funded in the same manner as the Hay Report would have been funded for 1976-77.

The next item is that the Hay Report itself would be postponed for implementation until July 1, 1977, and also includes that collective bargaining would be postponed until July 1, 1977. In the interim, there would be a study of the Hay Report by the joint standing Committee on Appropriations and Financial Affairs. It is my opinion that the magnitude of the Hay Report and the controversy which has surrounded it should be looked at very closely by a committee of the legislature prior to its implementation. The Appropriations Committee has already had experience with the Hay Report and I am recommending in Report "C" a study by the Appropriations Committee.

If an \$11 across-the-board pay increase for state employees were found unacceptable, there are funds available, if we postpone a pay raise until October, to provide for a \$15 across-the-board pay increase. Again, that is without the necessity for a tax increase. The funds are there from pay savings.

Three is another very important item which I have spoken of before which is included in Report "C", and that is a \$400,000 emergency contingency for the Department of Mental Health and Corrections. I think this contingency is extremely important in the State of Maine this year, given that we have had a downturn in our economy, and given that we have had across-the-board cuts which have hurt the Department of Mental Health and Corrections much more than any other department. I think that we must recognize the seriousness of the situation and provide this contingency. I think it is essential to the wellbeing of those people of the State of Maine who are served by that department that we have some flexibility provided, and that is provided in Report "C".

Report "C" also incorporates the Huber Amendment with the improvements in the appeals board which were passed in the other budget bill which went through, which was Report "B". It includes the improvements in the appeals board, it includes the amendment concerning municipal revenue sharing provisions, and it includes a pay raise for employees with salaries set by statute.

Report "C" also incorporates the Curtis Amendment, which was passed, which clarifies the appropriation to the University of Maine to provide that that money will be used for salaries.

The Governor's balance which we started off with under L. D. 2225 was \$616,612. Report "C", with the \$11 across-the-board pay increase, without a tax increase, leaves a balance of \$628,392, which is above the Governor's balance. So we can live within current revenues with Report "C", and we can provide an across-the-board pay increase at \$11 or \$15 across-the-board in October. I believe that this report permits us to live within our means, it permits us to take a very close look by a legislative com-

mittee at the Hay Report by postponing it for one year, and it also provides this contingency for the Department of Mental Health and Corrections, which I think is so important.

You will find upon careful study of both houses of the legislature the controversy that has gone on. I believe that this report which has been available for more than a week now could be acceptable, and I urge your acceptance of Report "C".

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

Mr. HUBER: Mr. President and Members of the Senate: I rise to oppose acceptance of Report "C" as explained by the good Senator from Aroostook, Senator Gahagan.

First of all, I feel that the postponed implementation of the Hay Report will deny to state employees the internal benefits of getting our classification system straightened out. It will postpone this until July 1, 1977, at which time I think even minimum implementation, getting all employees into their proper grades, would generate a general fund cost of at least 2.3 million dollars, or 5.1 million dollars from all funds.

I would also oppose this report on its recommendation that the Appropriations Committee study the Hay Report in the interim. I think in the appeals procedure that has now been revised I believe in all the measures appearing before us, I think we have a fair legitimate appeals process to straighten out the problems in the classifications proposed by the Hay Study. I am sure that a study by the Appropriations Committee would be well intentioned, but I think the knowledgeable appeals board and the procedures presented in the other bills and this bill also will handle this problem adequately without further delay.

I think the \$400,000 contingency for emergencies within the Department of Mental Health and Corrections has not been considered a necessity by the Appropriations Committee. We did discuss the request of this department and feel that the appropriations and reappropriations contained in the report from the committee will handle the problems within this department adequately.

So primarily on the basis of what I feel is undue delay in implementation of the Hay Report and the potential for a deferred tax increase, I hope that the Senate does not accept this report.

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

Mr. MERRILL: Mr. President, when the vote is taken, I request the "Yeas" and "Nays".

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, I am very happy to congratulate Senator Gahagan on his work that has gone into this amendment, and I think in general the main points are very well taken care of. But unfortunately, like many of the last minute solutions that we are presented with, I think the non-implementation of the Hay Report, which in essence is what this does, is a very, very serious and, in my opinion, fatal flaw. So I certainly regretfully, must vote in opposition to accepting this amendment.

The PRESIDENT: Is the Senate ready for the question? A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call rise in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion by the Senator from Aroostook, Senator Gahagan, that the Senate accept the ought to pass Report "C" as

amended by Committee Amendment "B". A "Yes" vote will be in favor of accepting Report "C"; a "Nay" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.; Carbonneau, Cianchette, Clifford, Conley, Cyr, Danton, Gahagan, Graham, Hichens, Johnston, Marcotte, Merrill, O'Leary, Pray, Reeves.

NAYS: Senators Berry, R.; Collins, Corson, Cummings, Curtis, Graffam, Greeley, Huber, Katz, McNally, Roberts, Speers, Thomas, Trotzky, Wyman, Sewall.

ABSENT: Senator Jackson.

A roll call was had. 16 Senators having voted in the affirmative, and 16 Senators having voted in the negative, with one Senator being absent, the motion did not prevail.

Mr. Huber of Cumberland then moved that the Senate accept the Ought to Pass as Amended Report "A" of the Committee, and Mr. Merrill of Cumberland subsequently requested a roll call.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Cumberland, Senator Huber, that the Senate accept the ought to pass as amended Report "B" of the committee. A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call please rise and stand in their places until counted.

One-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion by the Senator from Cumberland, Senator Huber, that the Senate accept the ought to pass as amended Report "B" of the committee.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. Merrill of Cumberland was then granted leave to withdraw his request for a roll call.

Whereupon, a division was had. 30 having voted in the affirmative, and one having voted in the negative, the Ought to Pass as Amended Report "B" of the Committee was Accepted in non-concurrence and the Bill Read Once. Committee Amendment "A" was Read.

Mr. Curtis of Penobscot then presented Senate Amendment "A" to Committee Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-579, to Committee Amendment "A" was Read.

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

Mr. CURTIS: Mr. President, as described in the statement of fact, this is an amendment that affects the amount of money which would be appropriated for the next fiscal year for the University of Maine. It provides that the appropriations language would require that the funds would be used for employees salary increases. It increases the amount of money available from \$500,000 to \$900,000, an amount which I estimate would be one-half of what would be necessary to provide University of Maine employees with an \$11 a week across-the-board pay raise.

The University of Maine employees have not had a pay raise for more than a year. They did not receive any type of merit increase or other pay raise last July 1st, and they are in a situation in which it is very difficult for them to meet the cost of living, and a situation in which many of the faculty members and the other people who are dedicated employees at the university are finding it necessary to look elsewhere and perhaps leave our State of Maine.

This is an amendment somewhat similar to one that I offered earlier which was defeated, as I recall, by a vote of 22 to 7 in this body. I hope that I might fare a little bit better today. There is no funding provided for this amendment because it is my understanding that the

surplus available, even with Committee Amendment "A", would be such to enable the additional funding of \$400,000 for next year.

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

Mr. HUBER: Mr. President and Members of the Senate: I would oppose adoption of Senate Amendment "A" to Committee Amendment "A" on the basis that the \$100 across-the-board tuition increase will generate \$1,750,000. The proposed increase of post-graduate tuition and non-resident tuition which has been proposed to the board of trustees, and I believe is tabled by the board, would produce a further \$1,040,000. Thus, the university can generate from its own resources roughly 2.8 million dollars. And the statement of fact on this amendment indicates that a comparable increase of university employees would cost approximately 1.8 million dollars. Thus, from their own resources, the university will raise 1 million dollars more than that amount necessary to give an equitable increase to the university employees. The bill in its unamended form would also provide an additional \$500,000 of general fund monies, plus \$200,000 for student aid, which is included to help counteract the increase in tuition rates.

Therefore, I believe that with our existing funding and without diminishing the surplus indicated in this bill, I think we have done all that we can for the university in light of our many other pressing needs.

The PRESIDENT: The pending question before the Senate is the adoption of Senate Amendment "A" to Committee Amendment "A". The Chair will order a division. Will all those Senators in favor of adopting Senate Amendment "A" to Committee Amendment "A" please rise in their places until counted. Those opposed will rise in their places until counted.

A division was had. Four having voted in the affirmative, and 26 having voted in the negative, the motion did not prevail.

Mr. Carbonneau of Androscoggin then presented Senate Amendment "D" to Committee Amendment "A" and moved its Adoption.

Senate Amendment "D", Filing No. S-584, to Committee Amendment "A" was Read.

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

Mr. CARBONNEAU: Mr. President and Members of the Senate: I won't make a long spiel today. I think we know pretty well what is in this Amendment "D". Essentially, I want to bring out the differences between this amendment and the one I offered a couple of days ago. It adds one cent a mile for the people that get mileage allowances. It increases it by one cent to 13 instead of 12.

The Hay Report implementation is the 15th of March or as soon as appeals are disposed of, all appeals. Also it makes a date that all appeals must be filed with the appeals people before July 1. And the emergency preamble in there has particular reference to the board of appeals to proceed in their work as soon as possible after legislature adjourns, like around the 1st of May. Also that the board ceases to function after all appeals are disposed of. I think in the original amendment or the bill itself that the appeals board was to stay in effect until 90 days after the Hay Report was implemented.

Outside of that, of course, you have still got the \$11 across-the-board increase. And it has got the credit system in there whereby these people that receive \$11, who should have received \$15 or \$18 under the Hay Report, they get the difference between the two. For the time being, Mr. President, that is all I have to say.

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

Mr. HUBER: Mr. President and Members of the Senate: I rise to oppose adoption of Senate

Amendment "D" to Committee Amendment "A" for the following reasons:

Once again, I oppose the deferral to March 15th of the Hay Report, which I believe addresses existing inequities within our classification system and also provides a merit plan for compensation to provide incentives for state employees.

A minor point is, as I understand the sponsor of this amendment, that the appeals would be filed prior to July 1st. I don't see how this legislation would become effective prior to approximately July 15th and, therefore, I question whether this is in fact possible because the appeals board would not be in effect until the effective date of this act.

I further oppose the so-called credit system in implementation of the Hay Report, in which the \$11 across-the-board increase would be credited against implementation of the Hay Report. I think the effect of this will in certain cases, this form of implementation of the Hay Report, would solve existing inequities. I think it would create a whole new set of inequities for those people that are brought beyond the pay as it should be as indicated in the Hay Report. If this method is used, it reduces the funding required, but I still think that the annual cost of true minimum implementation of the Hay Report is still the 2.3 million dollars from the general fund, or 5.1 million dollars from all funds.

I therefore do oppose adoption of Senate Amendment "D" and will move indefinite postponement of this amendment.

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

Mr. CARBONNEAU: Mr. President, I could comment on practically all the remarks that my good friend, Senator Huber, made. The Hay Report implementation on March 15th, the further you go to implement it would cost the state less money, particularly for this year. The fact is that many people under the Hay Report don't get much of anything, if anything at all, one or two or three dollars, and people need money now.

I want to re-emphasize one more time that this is a compromise. This was put together so that this thing might fly in both houses. I don't know of anything else that has been proposed so far or is coming down the pike that can be acceptable to both bodies. The effort in this particular amendment is just that, and that alone, a compromise that might fly. Otherwise, we are liable to be here until next July.

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

Mr. TROTZKY: Mr. President and Members of the Senate: I rise in support of the amendment proposed by the good Senator from Androscoggin. This may be the last chance that this Senate has to pass a viable compromise, a compromise that can be accepted by both houses of this legislature. I think, quoting one of the Senators this morning, it would be tragedy if this Senate does not pass a pay plan for our state employees.

Now, this proposes an \$11 across-the-board pay increase. The state employees are asking \$15, and we are not giving them what they are asking for. We are not giving the Governor what he is asking for, but I think this is middle of the road and I think it is a sound compromise, something that can pass both of these houses, and I hope that this Senate would have the common sense to pass this compromise at this time.

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

Mr. SPEERS: Mr. President, it is with a good deal of reluctance that I in my position as majority leader of this body must rise and urge a position which a majority of the members of my party have at least heretofore indicated a reluctance to accept. It does not make me very happy to have to rise and urge that position. But

I know that I am not alone, Mr. President, in being unhappy in taking that position, because as I look around me today I see a lot of unhappy Senators sitting in this chamber. They are unhappy because there is not an ideal solution presented to us, or perhaps even as close an ideal solution as we certainly would all like to have before us.

I rise to urge this position at this time, Mr. President, because it is at this time that this legislature, and most particularly this body, is called upon to make a decision. We have been meeting here now for some twelve weeks, and we have recognized from the very beginning that it will be necessary, just, and imperative that this legislature respond to the needs of state employees and resolve a pay increase for the employees of the State of Maine. This body and the legislature as a whole has committed itself to resolving that problem and to arriving at a solution.

The amendment that is being offered at this time, I believe we all know — unhappily as we may recognize that situation and that fact, I believe we all know at this hour that this amendment is the best opportunity and the best chance that we have of providing for a pay increase for state employees. I make that statement, Mr. President, not because I have any disrespect for the chief executive of this state, and not because I have any disrespect for the labor organizations which have been pressing a different solution upon us. This solution does not meet all of the requests of the chief executive and it does not meet all of the requests of the labor organizations. But my concern, Mr. President and Members of the Senate, in standing here today and in casting a vote on this issue, my concern at this hour is not to meet all of the requests of the chief executive, it is not to meet all of the requests of the labor organizations. My great concern at this moment is for the state employees who wait for our decision. This amendment offers the best opportunity and the best chance for this legislature to come out with the right decision.

The Hay Report is implemented. It is implemented on March 15th, or sooner if all of the appeals have been decided prior to that date. It implements immediately, or as of July 1st, an \$11 across-the-board pay increase for state employees. It provides the mechanism for the appeals to be filed and to be heard prior to the implementation of the report. And as I mentioned, the report is not implemented until those appeals are decided.

Mr. President, there is a member of this body who is not present here this afternoon. He is a member of my party but, more importantly, he is a duly constituted and duly elected member of this Senate, and he has a right to be recorded as his decision does fall on this matter. I am referring, of course, to the good Senator from Cumberland, Senator Jackson. Mr. President, when the vote is taken, I request permission to pair my vote with the good Senator from Cumberland, Senator Jackson, who would vote on the motion to indefinitely postpone "Yes";, and I will be voting "No".

In closing, Mr. President, I appeal to the members of this body to recognize that the hour is at hand for the decision which they all know is just.

The PRESIDENT: The Senator from Kennebec, Senator Speers, has requested leave of the Senate to pair his vote with the Senator from Cumberland, Senator Jackson, who, if he were here, would be voting "Yea", and the Senator from Kennebec, Senator Speers, would be voting "Nay". Is it the pleasure of the Senate to grant this leave?

It is a vote.

The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, I request that

when the vote is taken it be taken by the "Yeas" and "Nays".

I would like to respond briefly to the remarks made by the previous speaker, the Senator from Kennebec, Senator Speers. There is much truth in what Senator Speers has said. I can agree with much of what he says. I too very much want to see this legislature pass an increase in compensation for state employees. In our legislative process, we know that in addition to enactment by both branches of the legislature there is required either the signature of the chief executive, his permission that the bill become law by inaction, or the passing of a vote over his veto.

We know that the alternative here today is an amendment that would be offered by the Chairman of the Appropriations Committee which has the support of the Governor.

Now, between these two alternatives there is not any tremendous difference. The differences in cost are not the significant thing. The significant thing is the timing of the implementation of a new system of classification designed to provide equal pay for equal work.

My concerns with the proposals originally before this body were concerns with the deficiencies in this classification report. To that end, I worked in a negotiating committee with others to revise the system for the temporary compensation review board, which we sometimes call the appeals board. And this revision of the appeals board now appears in both alternatives that are available to us, and in either case there will be the opportunity to make corrections and improvements using not only the materials supplied by this expert study but observations based on environmental conditions of the particular job classifications that are concerned. It seems to me that both of these alternatives provide an opportunity for fair treatment of state employees.

There is a difference of opinion about how long it might take to do the appeal process. Some say it will take a year, some six months. I have heard as short an observation as three weeks. I am sure it will be more than three weeks. But having talked to some who have had experience in this sort of thing, I expect that four months would be adequate. And there is a provision that corrections once made will be retroactive for as much as three months. So it seems to me that with a delayed implementation date to the middle of August, the third pay period in August, I believe it reads in the alternative, that if work commences promptly the corrections that are needed could be made within an appropriate time, and the new classification and the new pay program put into effect. And in that first year there would be this so-called bonus provision that would bring to our state employees a compensation that they ought to have in this fiscal year ahead of us.

So I would urge the Senate in this matter to vote against the proposal by the good Senator from Androscoggin, with whom I have worked in trying to iron out difficulties in this whole program, and for whose work I have great respect. I would urge that we give our priority consideration this afternoon to the alternative which would commence this classification system in the middle of August.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: I think the difference between the amendment that is being offered now and the amendment which has been indicated in the debate will be offered is that, one, the one that is before us now is and represents a true compromise solution to a problem that is a very difficult one, and a compromise which has been worked out with input from people who are involved with and sympathetic to both sides of

the dispute and the problems with which we are faced.

Unfortunately, I think that the other solution which would be offered, should this amendment fail, is not that kind of a compromise. Although I think it is presented in good faith, I think it reflects a solution presented by one side of the problem, and one side only, with practically no input from those who have a differing point of view. And that, I think, is the biggest difference and the biggest problem with the amendment to be offered, should this one fail.

This is the one, I think, that reflects the true compromise, that gives some relief to the state employees, although not as much relief as we would like to give them, but some relief from the ravages of inflation, near immediate relief, July 1, '76. It implements the pay classification study which is felt to be so important by those who are going to represent management in the collective bargaining. It statutorily enacts a pay plan, which is a very unusual legislative action to statutorily enact that kind of a legislative pay plan which is primarily intended to be guidelines, and yet provide for a fair and equitable appeals procedure from the findings of the pay plan.

Because the amendment now before us, the amendment offered by the good Senator from Androscoggin, Senator Carbonneau, because that amendment represents the true compromise, politically it offers the best chance for this Senate to resolve this problem. I think that failure to adopt this amendment will seriously jeopardize the chance that the Senate has this afternoon to resolve this very serious dispute and this very serious problem. So I would hope that the Senate could defeat the motion to indefinitely postpone this amendment, that the Senate could then adopt this amendment, send it down to the other body, and hopefully go home with having solved the most difficult problem of this 107th Legislature. Thank you, Mr. President.

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

Mr. CURTIS: Mr. President, at the risk of boring the Senate with something that they have heard a number of times before, and in order to explain that I have more than a provincial interest from time to time, but there do not seem to be very many spokesmen for the employees at the university who also rely to a large extent upon state funds for their salaries, I will point out that there is an additional difference in the amendment before us and the one which may be offered in the future.

In that section on page 15 which refers to the University of Maine, there is \$500,000 in the amendment before us that provides additional operating funds, according to the language of this amendment. If you go down two more items, you will find the Maine Maritime Academy, general activities, all other, it provides funds for employees salary increase, \$84,000. Now, I don't fault the need for Maine Maritime Academy's people to receive a salary adjustment. I know many of the people who work there and they are in need also. But as one of the employees of the university pointed out to me a week or so ago, the inequity of the situation is so demoralizing. Now, as he pointed out, people can live with adversity if they think they are being treated fairly. And I would suggest that what is needed is at least some similar language, if not some additional appropriations, for the people who are not under this provision likely to even receive the pay increase as we are discussing for state employees. So that is one of my concerns, in addition to the concerns that have been mentioned before.

I would, however, like to point out that I too appreciate the efforts that have been made by the gentleman from Androscoggin, Senator Carbonneau, and the gentleman from Knox,

Senator Collins, and the other people who have worked so hard to come to a conclusion. I think that our differences are small, and I certainly hope that before we complete our work here, hopefully this week, we will be able to arrive at an equitable pay increase for all employees who rely upon state funding for their salaries.

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

Mr. CONLEY: Mr. President and Members of the Senate: First I want to commend both the good Senator from Penobscot, Senator Trozky, and the good Senator from Kennebec, Senator Speers, for taking a position I am quite sure will not be very popular with the members of their party. I commend them for it because I commend them for putting their partisan politics on the back burner.

Mr. President and Members of the Senate, if we can just go back several weeks — it appears to me as though it is almost several months — when we began talking about the supplemental budget coming down from the Appropriations Committee, it was quite obvious to us even in those early stages that we were going to have problems. It became obvious to me because of the strong desire of the chief executive wanting to have the Hay Report implemented in the bill and on his desk. If you will recall, in the report that came down from the Appropriations Committee a week or so ago there were three reports. The majority report, sponsored by the members of my party, left the Hay Report entirely out of it, and it was to be used as a guideline for purposes of collective bargaining and then to establish the various scales without the personnel system.

The good Senator from Androscoggin, Senator Clifford, has pointed out, in a sense, how dangerous that is when you are talking about collective bargaining and using this as an instrument to negotiate. I have in my hand a labor ticket, and I am considered to be a card carrying member of the union of the Brotherhood of Railroad Clerks, and I wonder how many others in this Senate have a union card to any of the brotherhoods. I know my good friend, the Senator from Oxford, Senator O'Leary, has one, but there aren't too many of them here. I can assure you that as far as I am concerned, as a member of the union, I detest the fact that the Hay Report is implemented into statutory language. But some of my objections have been removed because of the way the appeals process and establishing of the board has been realigned. I think that the unions are going to have certainly a more fair opportunity of looking over the disputes, the grievances, and could also very rapidly resolve some of those problems.

I think we should consider that my party, the members of my party unanimously in this body have gone far more than taking any negative steps, but very positive steps in trying to get a solution that would be acceptable to the vast majority by adopting the amendment that the good Senator from Androscoggin, Senator Carbonneau, has offered here today.

If we go back to the meetings that we had at the Holiday Inn with the legislative leadership, when the atmosphere at that time seemed to be very agreeable, progress was being made, there was a good opportunity for us to have resolved this several weeks ago, and then something happened. And I don't want to go into what happened because I think most of us here are aware of what happened. But what I do resent, and strongly resent, is the fact that the Speaker of the House and the presiding officer of this body established a non-official committee of conference to look into this entire appropriation act. Almost to a man, almost to a man, agreement was reached in many, many areas of dispute. In fact, only yesterday afternoon, yesterday afternoon while we sat in the

President's office, once again trying to compromise on this package to make it acceptable so that we could put it together send it down to the other body, wrap it up and get home, and while two members who were going to negotiate on behalf of the Senate were going down to offer another compromise to the chief executive, they were told on the phone that the Governor was busy at this particular time and to await a phone call. We waited and waited and waited and waited. I think perhaps there were as many as eight or ten of us waiting around, and finally we decided to get up and walk around and keep going back and forth to the President's office, only to find that Senator Collins, the good Senator from Knox, and the good Senator from Androscoggin, Senator Carbonneau, were still waiting for a phone call from the chief executive. Word reached our ears shortly thereafter that once again the troika was meeting, that the chairman of the Appropriations Committee, President of the Senate, the Minority Floorleader of the House were already meeting with the Chief Executive. When they returned, the good Senator from Androscoggin, Senator Carbonneau, and the good Senator from Knox, Senator Collins, then proceeded to the chief executive's office to try to negotiate or communicate with him the possibilities of resolving this problem. It is my understanding they weren't really given an opportunity to present their proposal but were given another directive or position that the Governor had taken.

Well, I just ask you how reasonable can people be? How reasonable can each and every one of us try to be as individual members of this body? As I have stated, I believe we have gone over backwards. We have taken the Hay Report and have implemented it into the appropriations act. It is incorporated within the good Senator from Androscoggin, Senator Carbonneau's amendment. I understand the power of the chief executive, but I ask you isn't it just about time that half a step was taken to give us the opportunity to go home?

I can assure you when I left here late yesterday afternoon, I went down to more or less, again at the instruction of everyone here who was playing some role in this alleged compromise, to make sure that I cleared it with the leadership at the other end of the hall. We sat down and talked over each of the issues, the good Senators from Androscoggin, Senator Clifford and Senator Carbonneau, and let them know exactly what we were talking about. And we have to remember one thing, that we have two houses, and our big problem is really not here but it lies at the other end of the hall. I know when I left the Speaker's Office that I ran into one of the gentleman who was quoted in the Bangor Deadly this morning, it is my understanding, and the quote was that Dr. Marvin expressed his thoughts, and it said "expletives deleted." I think everybody within the Senate or the State House could have heard him because he said he had been sold out. I don't think that is exactly true. I think that there are going to be many state employees that are going to benefit by the Hay Report. I think that a long overdue reclassification of state employees will take place, and almost immediately.

I am asking you as honorable members of this body to try to consider and to try to take into account the long days and hours that have been spent by members of this body and members of the body at the other end of the hall in trying to accept a reasonable compromise. I believe that the amendment before you does that, and I wish you to vote for the adoption of the amendment presented by the good Senator from Androscoggin, Senator Carbonneau.

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

Mr. GAHAGAN: Mr. President and Members

of the Senate: I would like to call your attention to the amendment which is before us, under Section 4. It is about half way through this bill and it involves a temporary compensation review board. "Section 4. A temporary compensation review board is established, notwithstanding any other provisions of law, which will have exclusive jurisdiction to hear appeals from employees, their designated representatives, and from State appointed authorities concerning the allocation of classifications", etc. After the closed fine print in Section 4 is what I would like to discuss at this moment. It reads: "This proper evaluation" — this is by the temporary compensation review board — "Shall include the accurate consideration of job environment for each classification, including consideration of any possible hazards associated with the classification, any physical or mental discomforts which pertain to that classification or any nonstandard working hours which pertain to the classification. This proper evaluation shall also include evaluation of the accuracy of the comparison of various classifications of employment in the public sector to those in the private sector, including requirements of duties of each classification of employment, the amount of total compensation for that classification of job in the private sector and the accuracy of the classification of the position in the public sector."

What we have here is another Hay Report. This temporary compensation review board is going to have to go through and do another Hay Report all over again. Just look at it and read it. They are going to have to completely go over everything that has been done by Hay, and that is the appeals board. Well, it cost us \$125,000 to do the first one, and I don't see any appropriation where we are going to have these people do another Hay Report.

I want very much to have a compromise and to be able to have something that both houses of this legislature can accept and the executive can accept. I think we all want to see that. But I don't think that we want to see another Hay Report. I don't think that we want to put the kind of pressure on this temporary compensation review board that we will be putting on it if we pass this amendment. Just read that over again and think very carefully about what we are doing. We have a Hay Report. And I am not sure, Mr. President, if it is proper for me to speak about something that has been acted upon, but Report "C" that we brought out earlier, and it was defeated 16 to 16, had a committee of the legislature doing an evaluation of the Hay Report. In my own opinion, I would be much more confident having a committee of the legislature review the Hay Report than I would this temporary compensation review board.

Now remember, in Report "C", after the Appropriations Committee reviewed the Hay Report, then 90 days before July 1, 1977 the appeals board which is in here went into effect. You would have a shakedown time the rest of this year under the Appropriations Committee, or if you want another committee, go ahead and do that. This way here, you have got a temporary compensation review board undertaking a massive evaluation of the Hay Report. That is not what we bought the Hay Report for. We bought the Hay Report for this body to implement, and we have provided an appeals process. But because of the controversy that has surrounded it, I think quite strongly that we should have a committee of the legislature review this. We are the ones that are supposed to be in the driver's seat. It is not the temporary compensation review board that is supposed to be acting for this legislature. We should act for ourselves through the Appropriations Committee, as I have recommended, but has been defeated, and then put this temporary compensation review

board in and have it meet for ninety days prior to July 1, 1977.

I think there are many members in the House — and I have listened to some of the debate — that would be very cautious about implementing this section. There should have been time enough for you all to read it and think about it by now. I think that even Senator Carbonneau of Androscoggin — I am not sure, and I would like to hear his response to this — does he really feel or do the proponents of this amendment really feel that you want to put that kind of pressure onto a temporary compensation review board, or would you rather see the legislature itself do it in this interim period. And I think there is room here for a compromise, because by putting it off until ninety days before July 1, 1977, as it was under Report "C", we would be able to provide that immediate \$11 across-the-board pay increase, we would be able to have a committee of the legislature study the Hay Report, and we would be able to implement the Hay Report on July 1, 1977. If this committee of the legislature came up with anything wrong, anything at all, it could report back ninety days prior to the convening of the next legislature, so that you would have the legislature enacting out any of the inequities in this bill. And after the legislature had had time to meet, then you have got your appeals process. It makes much better sense to me.

I believe quite strongly that the Senate is much more deliberative and takes much more time with bills. When I sat in the other body, it was always, "Well, send it down to the Senate; they will do what is right, or they will kill it or they will enact it." So why don't we take a real close look at this section today, right now. Why don't we take a look at it and just maybe someone will move to reconsider our action whereby we defeated the ought to pass Report "C".

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

Mr. CARBONNEAU: Mr. President, in response to the good Senator from Penobscot, or is it Aroostook, Mr. Gahagan, I would like to remind the good Senator that Report "C", or whatever he had, is dead, for the time being anyway.

Secondly, if he wants to look at this paragraph minutely, or cross all the "t's" and dot all the "i's," and the commas and the periods, he will find that this is strictly a guideline which was not incorporated in the Hay Report. Apparently not too much work was done in the area of finding out the difference between the job of warden or a guard at the Maine State Prison and a regular police officer on the beat down here.

While I have the floor, Mr. President, I would like to bring out a couple of other items that came to my mind while listening to some of the previous speakers. In regard to the remarks by the good Senator Collins of Knox regarding the Hay Report implementation time, I would like to remind all the members of this body again that it can be implemented before March 15. Again I emphasize that the Hay Report can be implemented sooner than March 15th if the appeals procedures are all over, taken care of.

Again as to the remarks of the good Senator from Knox, Senator Collins, he mentioned something about the difference between this amendment and the one that hasn't been presented yet. Well, I would like to say that the big difference between the two is that one has got a chance to go through down there and come back here, and the other one doesn't, in my opinion.

And I don't like to contradict my good minority leader but, for the information of all concerned, we were able to present our proposal to the Governor yesterday when Senator Collins and I went down there.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: In response to the Senator from Aroostook, Senator Gahagan, first of all, I would much prefer to have a compensation board as it is set out in the amendment of the good Senator from Androscoggin, Senator Carbonneau, than a legislative committee. The compensation board's purpose is not to review the Hay Report, it is not to review the statutory enactment of the Hay Report; it is to hear individual appeals. And it seems to me that my last choice to hear individual appeals would be a legislative committee.

This compensation review board is going to be a very busy board and it will meet, it seems to me, for certain periods of time on a nearly full-time if not a full-time basis. So it seems to me that it would be very inappropriate for a legislative committee to assume that role. There is nothing to prevent, however, the legislature over the summer months from providing a continual review of this statute and making recommendations to the full legislature when it reconvenes in January to make any improvements in the legislation. But the purpose of the review board is to hear appeals, not to revise the Hay Report.

Secondly, the amendment merely sets out some basic standards and some basic guidelines within which the review board is to work in considering individual appeals. So it seems to me that the amendment puts the appeals procedure in the posture that we would want it to be in. If in fact the Hay Report has discriminated against certain types of employees, then those employees shall have the chance before this review board to bring out those inequities, to point out that discrimination, and to have the review board right those wrongs within the standards which the legislature is writing in and has written into this amendment.

So I would hope you would vote against the motion to postpone, that we could adopt this amendment, and that we could do what we are supposed to do, which is to resolve this problem in the shortest possible period of time. Thank you, Mr. President.

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

Mr. GAHAGAN: Mr. President and Members of the Senate: I would like to remind the good Senator from Androscoggin, Senator Clifford, and those other Senators who voted for the ought to pass Report "C" that that is exactly what they were voting for. They were voting for an interim study by the Appropriations Committee of the Hay Report. I think it is in the best interest, and I have recommended that we postpone not only implementation of the Hay Report but also postpone collective bargaining. This evaluation would not be an appeals process. This would be an evaluation of what is in the Hay Report, to check it for fairness and for equity. Granted, there would be an opportunity for people to come and make their recommendations, as there has been in the past, but I think those people who voted for Report "C" before have already indicated their support for an interim study by a legislative committee.

I think by postponing the Hay Report and by postponing collective bargaining, and taking a look at this ourselves, we are doing our jobs. You see, personally, I really don't think that we were right to ask Hay to come in in the first place. A committee of the legislature itself should have been the one to do the study. Many, many times we get outside committees and outside commissions coming in here telling us what we are supposed to do, and we have outside people coming in and telling us whether we are running a good legislature or not, we have people who write bills for us and they say this is a good bill, this is very modern, this is what you

are supposed to do, so whenever we want anything we go out of state and we bring somebody in to tell us how we are supposed to run our state.

Well, it seems to me, Mr. President and Members of the Senate, that we are the people who are supposed to be running the state. It seems to me that we should be involved from the first point that an idea comes up and we should be responsible for that, not to take a look at the end product or a summary of a summary of a summary of a product which the legislature has mandated. This is why I have been opposing these combinations of citizens committees and legislative committee. Either it is going to be a citizens committee or it is going to be a legislative committee, make up your mind. The Hay Report was an outside report coming in, and this is why I favor a legislative committee taking a look at this before we go zipping this off into implementation.

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

Mr. CONLEY: Mr. President and Members of the Senate: I wish to apologize to the Senate if I implied that the chief executive did not listen to the alleged compromise or the proposed compromise that was brought to him by Senator Collins and Senator Carbonneau. What I did try to make clear was that when they did arrive at his office he had another alternative prior to wanting to listen to what the two good Senators had to offer. I hope I have clarified that.

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

Mr. TROTZKY: Mr. President and Members of the Senate: Neither the Huber Senate amendment nor the Gahagan amendment addresses one issue which I feel is important. This issue, of course, is not a popular issue today and that is AFDC. The Carbonneau amendment says that savings in the AFDC program will be used to increase grants to those families who are in need. I think you will remember the definition that was read yesterday of compassion. Today a family of three, one mother and two children, are allowed \$221 a month to live on in an AFDC grant with no other income, and this is a standard of 80 percent of the 1969 standard of need. We are at the point now, I think, where we also have to address the very basic needs of food, shelter and clothing of those citizens of the State of Maine who are less fortunate than we.

The AFDC program requires state appropriations, 30 percent state, matched by 70 percent federal funds. Right now many of the AFDC recipients who cannot live off what they are getting are going onto municipal assistance. Municipal assistance also increases the property tax which this legislature has tried to keep down. So this is one other reason that I support the Carbonneau amendment.

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

Mr. MERRILL: Mr. President and Members of the Senate: I doubt that we are at the point any longer where minds can be changed, but I have a couple of observations on this that are slightly different in scope than those that have been made and I would like to make them briefly, if I may, with the Senate's indulgence.

When we came up here for the first time in January of last year, every newspaper in the state was taking great glee in discussing what was going to happen with the Republicans that control one branch and the Democrats in control of another, and the perspective that everybody had was that we were going to be able to accomplish nothing. I think that the legislature realized quite wisely early on, with the help of good leadership, that we were all in this together and we acted accordingly. I have thought about that fact for many hours as we have waited over the last few days, and we have reached a point where it is possible that that is going to break down. I am sure that there are

many who would receive this breakdown with glee. I don't think it takes a student of Machiavelli to think who some of those people might be. There are many people that have been hoping for it to happen sooner, but what better opportunity to show the incompetence of the professional politicians to deal with their problems because of their partisan differences than acting on an appropriations bill at the end of the session.

I hope that this doesn't happen. I think that we have the one real compromise available in front of us — and believe me it is a real compromise, it is a real compromise for me, because if I haven't made my position on the Hay Report clear enough before, let me say that I am just sorry that it wasn't distributed to every Senator so that we could take it with us when we went home as the greatest example yet of government waste of money. But I am willing to compromise because I think it is important that we find an agreement this last time.

Let's make no mistake, we know what is being discussed here, we are all politicians and most of the time we can be proud of it. Everybody's back thought now is how successfully can we play the blame game. Who's going to take the blame when we fail to get together. We have all run the thoughts through our minds, and we have seen some very adroit maneuvering, posturing for that possibility here today. Let me assure the members of the Senate that the members of my party are as capable of playing that game as anyone else is, and I think that the merits of the case will be with us as much as anybody else, if that is the game we have to play over the next few months as we go to the people again for a mandate, but I don't want to play that game over the next few months. I don't want to have to be playing the game of who is to blame because the legislature couldn't get together because the Republicans and Democrats couldn't agree, because when I run for re-election I would like to go to the people and discuss the accomplishments of the 107th Legislature.

I would like to discuss the fact that we have acted with restraint on spending matters. I would like to discuss the passage of the criminal code and court reform and what that means to the people of the state that are concerned about law and order. I would like to discuss the banking code. I would like to discuss the fact that we have finally gotten rid of the executive council and streamlined our government and given the Governor the power to do the job that the people elected him to do. I would like to discuss the fact that we have come to grips with legislative ethics at a time when people are so concerned about the ethics of the legislature. I would like to discuss the fact that the leader of my party, a Democrat, appointed a Republican to a board that is going to, among other things, look over campaign practices. I would like to discuss the fact that because people worked all summer, and worked hard in compromise, that we took an educational spending bill that left us without control over educational spending and we finally got constraints and restraints in the educational spending program so that the 108th won't be faced with the problems that the 107th was faced with.

Those are the issues that I would like to discuss when I run for re-election as a member of the 107th running for the 108th, and that is what I think the 107th deserves. It doesn't deserve to have us going back to whatever part of the state we come from and playing the blame game, talking to everybody and trying to say why we couldn't come to agreement, when the differences seem so minor in a few months that are being discussed.

We all know among us who sit here what the

honest alternatives are. I would like us when we vote today to ask ourselves whether our colleagues will look at our vote as an honest vote, as an honest representation of what we want to happen, not some posturing so that later on we can go back to our constituencies and explain away the colossal failure of the 107th in its final days.

I think it is going to be hard to sell anything at the other end that has the Hay Report in it, and I am willing to help in that effort. I think that there are a lot of people in this legislature that deserve a lot of praise for the fact that we have worked so well together, and not least among them are the presiding officers of the two great branches. I think that it would not be a fitting end to the 107th Legislature, a truly historic legislature, to see it end up over a division, but I suppose in the perspective of history it will look, as the Senator from Kennebec, Senator Katz, described to me earlier today, as the discussion among the Lilliputians as to which end of the egg should be broken. I think that we can do better than that. I think that the history books deserve a better period on the end of the 107th than that.

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

Mr. HUBER: Mr. President and Members of the Senate: I request permission to withdraw my motion to indefinitely postpone this measure to avoid any perhaps appearance of animosity toward this amendment, which I feel is a legitimate attempt at a compromise. I still thoroughly oppose adoption of this amendment and hope that the Senate will not accept Senate Amendment "D" in favor of Senate Amendment "B", which I will hopefully present shortly, and which I feel is the fairest of the various approaches that have been presented, fairest not only to state employees but fairest in its funding, in legitimate funding, in deriving the benefits of the Hay Report on an immediate basis, and I do hope that the Senate will reject Senate Amendment "D" in favor of Senate Amendment "B", which I hope to have the opportunity to present shortly.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now requests leave of the Senate to withdraw his motion to indefinitely postpone this amendment. Is it the pleasure of the Senate to grant this leave?

It is a vote.

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

Mr. CONLEY: Mr. President and Members of the Senate: I move the adoption of the Senate amendment before us and that when the vote is taken it be taken by the "Yeas" and "Nays."

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call please rise in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, in view of the withdrawal of the motion, I would request permission to pair my vote with the Senator from Cumberland, Senator Jackson, who, if he were here, would vote "No" on the current motion, and I will be voting "Yes".

The PRESIDENT: The Senator from Kennebec, Senator Speers, now requests leave to pair his vote with the Senator from Cumberland, Senator Jackson, who, if he were here, would vote "No", and the Senator from Kennebec, Senator Speers, would vote "Yes". Is it the pleasure of the Senate to grant this leave?

It is a vote.

The PRESIDENT: The pending question

before the Senate is the motion by the Senator from Cumberland, Senator Conley, that the Senate adopt Senate Amendment "D" to Committee Amendment "A". A "Yes" vote will be in favor of adoption of Senate Amendment "D"; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.; Carbonneau, Cianchette, Clifford, Conley, Cyr, Danton, Graham, Johnston, Marcotte, Merrill, O'Leary, Pray, Reeves, Trotzky.

NAYS: Senators Berry, R.; Collins, Corson, Cummings, Curtis, Gahagan, Graffam, Greeley, Hichens, Huber, Katz, McNally, Roberts, Thomas, Wyman.

PAIRED: Senators Jackson, Speers.

A roll call was had. 15 Senators having voted in the affirmative, and 15 Senators having voted in the negative, with two Senators pairing their votes, the motion did not prevail.

Mr. Huber of Cumberland then presented Senate Amendment "B" to Committee Amendment "A" and moved its Adoption.

Senate Amendment "B", Filing No. S-580, to Committee Amendment "A" was Read.

The PRESIDENT: The Senator has the floor.

Mr. HUBER: Mr. President and Members of the Senate: I am sure the contents of Senate Amendment "B" are certainly clear to all of us at this time. These having been discussed in connection with the various other measures before us, I would simply like to point out that this bill as it would be amended by Senate Amendment "B" is, I feel, the fairest approach to state employees and many of the other needs of our state government. It represents substantial areas of compromise in the make-up of the appeals board, the appeals board procedures, the inclusion of job environment as a consideration for the appeals board, and consideration of non-standard work weeks by the personnel board. The final compromise in this is a bonus guaranteeing that all state employees will receive at least \$520, either through the annualized increase under the Hay Report or through a one-time implementation bonus. Thus this guarantees that all state workers will receive the equivalent amount to \$10 per week, although some of this may be in a one time bonus, but leaving the classification system as proposed in the Hay Report and I feel the fairest proposal that we have had before us. Thus, each state employee, all state employees, would get the equivalent of at least \$10 under this report, 42 percent of state employees would receive \$11 or more, 20 percent of state employees would receive \$15 or more.

This amendment also contains the changes in the limitation on state revenue sharing, limiting revenue sharing to 3.58 percent, which yields the one million dollars on a continuing basis for payment to the teachers retirement fund. This provision, which was adopted through an earlier piece of legislation that was before us, would continue to yield to municipalities the increase in these revenues after the roughly \$1,100,000 decrease in the percentage figure.

I can only say at this point — various mention has been made of failures — I hope that this bill, as amended, is successful, as I sincerely believe it is the fairest approach to state employees and our other problems and also lives within our existing funding and lives within our means.

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

Mr. CONLEY: Mr. President and Members of the Senate: I move that this amendment be indefinitely postponed, and I would speak very briefly to my motion.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that this amendment be indefinitely postponed.

The Senator has the floor.

Mr. CONLEY: Mr. President and Members of the Senate: I don't see anything fair or equitable at all in the proposed amendment. For one reason, it cuts down considerably the time that employees are going to have to be able to get their grievances and disputes ironed out. Secondly, I am opposed to it because it provides no compensation at all to increase benefits of AFDC recipients to remove them from local welfare rolls. Thirdly, I question as to whether or not the chief executive has been able to see if the "i's" and the "t's" have been dotted and crossed. When the vote is taken, I move that it be taken by the "Yeas" and "Nays."

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

Mr. MERRILL: Mr. President and Members of the Senate: I don't intend to go into a long dissection of this, but I would just like to point out one thing. This has been described as the fairest plan available, but consider for a moment the implications of the one-time payment. We all know that under the Hay Report those at the bottom end receive a much smaller percentage increase than those at the top, so not only is the dollar amount smaller but the percentage is smaller. Obviously the same percentage would render less in dollar amount. So what we all know about the Hay Report, when we stop and think about it for a minute, is that the people who are going to need this one-time payment are the poorest of our state employees.

Now, this plan that is presented is ultimately fair, it says to the well paid employees you will get yours on a weekly basis, because that is the way it works with the Hay Report, but for all of you who are earning about \$100 a week, tighten your belt all year then we will give you \$500 after a long period of time passes. This one aspect alone, I think, is eminently unfair. Those of us who have the greatest ability to wait for a one-time lump payment are obviously those of us who earn the most.

I just would urge the Senate to reject this proposal, and maybe it is not too late to get something before us that could actually pass.

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call please rise in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: I want to make my position very clear on this particular vote. I intend to vote to support this amendment not because I feel it is the best that this body can do but because it is the only item that we presently have before us which will provide a pay increase for state employees.

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

Mr. MERRILL: Mr. President, a parliamentary inquiry about the posture of this bill: by the Senate failing to enact this amendment, would the posture of the amendment before us be to give a \$15 a week pay increase across the board?

The PRESIDENT: The Chair would advise the Senator, assuming Committee Amendment "A" is adopted, the Chair would answer in the affirmative, as a result of a very short review of the amendment. If any member of the Appropriations Committee or otherwise has other information, I am sure he would be glad to rise and give it to the good Senator from Cumberland.

The Chair recognizes the Senator from Aroostook, Senator Gahagan.

Mr. GAHAGAN: Mr. President and Members of the Senate: Also on a very quick reading, it

would be my understanding that if this amendment is defeated we would be supporting a two cent increase in the cigarette tax.

The PRESIDENT: The Chair thanks the Senator.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I would pose a question to the Chair. The question would then be before the Senate to adopt Committee Report "A", is that not true, sir?

The PRESIDENT: The Chair would answer in the affirmative. The pending question then would be the adoption of Committee Amendment "A" to L. D. 2015.

Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Cumberland, Senator Conley, that Senate Amendment "B" to Committee Amendment "A" be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.; Carbonneau, Cianchette, Clifford, Conley, Cyr, Danton, Graham, Johnston, Marcotte, Merrill, O'Leary, Pray, Reeves.

NAYS: Senators Berry, R.; Collins, Corson, Cummings, Curtis, Gahagan, Graffam, Greeley, Hichens, Huber, Katz, McNally, Roberts, Speers, Thomas, Trotzky, Wyman.

ABSENT: Senator Jackson.

A roll call was had. 14 Senators having voted in the affirmative, and 17 Senators having voted in the negative, with one Senator being absent, the motion did not prevail.

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

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, before we adopt this amendment, could I ask for an explanation from any member of the Appropriations Committee who may care to answer as to the distinctions between the appeals process laid out in the amendment now before us and the one that was defeated previously.

The PRESIDENT: The Senator from Cumberland, Senator Merrill, has posed a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Aroostook, Senator Gahagan.

Mr. GAHAGAN: Mr. President, in response to the Senator from Cumberland, Senator Merrill, if I am interpreting his question right, you should refer to Section 5 under the amendment which has just been passed. The differences between the two are, one, that the temporary compensation review board would have, in my opinion as I have expressed, the ability to redo the Hay Report. Secondly, in the amendment which has just been passed, I will read from the amendment: "The board shall ensure that the current job specification or position description is correct and that the job has been properly evaluated by use of the Hay Guide Chart Job Profile Evaluation Method, together with job environment factors considered in relationship to all other jobs in State Government." This, in my opinion, is not nearly as broad as in the amendment that was just defeated.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the adoption of Senate Amendment "B" to Committee Amendment "A". The Chair will order a division. Will all those Senators in favor of the adoption of Senate Amendment "B" to Committee Amendment "A" please rise in their places until counted. Those opposed will rise in their places until counted.

A division was had. 17 having voted in the af-

firmative, and 14 having voted in the negative, Senate Amendment "B" to Committee Amendment "A" was Adopted.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Committee Amendment "A", as Amended by Senate Amendment "B"? The Chair will order a division. Will all those Senators in favor of adopting Committee Amendment "A", as Amended by Senate Amendment "B", please rise in their places until counted. Those opposed will please rise in their places until counted.

A division was had. 17 having voted in the affirmative, and 14 having voted in the negative, Committee Amendment "A", as Amended by Senate Amendment "B" Therefo, was Adopted.

Thereupon, under suspension of the rules, the Bill, as Amended, was Read a Second Time and Passed to be Engrossed in non-concurrence.

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

Papers from the House

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

Joint Resolution

STATE OF MAINE

In the Year of Our Lord One Thousand Nine Hundred and Seventy-six

Joint Resolution Concerning Energy Conservation in Public Improvements and Public School Facilities

WHEREAS, energy resources are constantly being depleted, a depletion which is accompanied by an increase in the price of heating fuels; and

WHEREAS, the citizens of Maine, in concert with Members of the Legislature, are concerned with the increase in costs of construction and maintenance of public improvements and public school facilities; and

WHEREAS, the Department of Educational and Cultural Services and the Bureau of Public Improvements are charged with the responsibility of monitoring public improvements and public school construction costs; now, therefore, be it

RESOLVED: That We, the Members of the 107th Legislature in special session assembled, hereby respectfully urge and request the Bureau of Public Improvements to require life cycle cost studies on all proposed future public improvements including public school facilities and to use the results of these life cycle cost studies as the basis for approval of these design concepts; and be it further

RESOLVED: That We respectfully urge and request the Department of Educational and Cultural Services to review its current maximum space allocation standards and to incorporate minimum space standards for future public school construction; and be it further

RESOLVED: That We respectfully urge and request the Department of Educational and Cultural Services, together with the Bureau of Public Improvements, to study current energy and space standards and to report to the Legislative Council pertaining to improvements to these standards as they relate to effecting energy and dollar savings; and be it further

RESOLVED: That duly attested copies of this Resolution be immediately transmitted to the Director of the Bureau of Public Improvements and to the Commissioner of the Department of Educational and Cultural Services with our thanks for their prompt attention to this important matter. (H. P. 2350)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

Joint Orders

STATE OF MAINE

In the Year of Our Lord One Thousand Nine Hundred and Seventy-six.

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of the Freeport High School Falcon Marching Band and Their Band Director, George F. Bookataub, Which will Represent the State of Maine at the National Music Festival in Atlantic City, New Jersey in May, 1976

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

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 2347)

Comes from the House, Read and Passed.
Which was Read and Passed in concurrence.

STATE OF MAINE

In the Year of Our Lord One Thousand Nine Hundred and Seventy-six.

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Rev. Harrison W. Dubbs for Nearly Fifty Years of Service to His Community and His State as Pastor of the First Parish Church of Gorham, Community Servant and Outstanding Historian

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. (H. P. 2348)

Comes from the House, Read and Passed.
Which was Read and Passed in concurrence.

STATE OF MAINE

In the Year of Our Lord One Thousand Nine Hundred and Seventy-six.

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Alfred E. Cote Chief of the Saco Police Department Upon His Retirement After Thirty-two Years of Dedicated Public Service to the Citizens of Saco and the State

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. (H. P. 2349)

Comes from the House, Read and Passed.
Which was Read and Passed in concurrence.

Orders

Out of order and under suspension of the rules,

On motion by Mr. Katz of Kennebec,
STATE OF MAINE

In the Year of Our Lord One Thousand Nine Hundred and Seventy-six.

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Charles J. Arbor Upon His Retirement After Serving 29 Years in the Field of Education the Last 13 years as Principal of Cony High School

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. (S. P. 809)

Which was Read and Passed.
Sent down for concurrence.

Out of order and under suspension of the rules,

On motion by Mr. Katz of Kennebec,
STATE OF MAINE

In the Year of Our Lord One Thousand Nine Hundred and Seventy-six.

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Maurice Violette Author of The Franco-Americans

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. (S. P. 810)

Which was Read and Passed.
Sent down for concurrence.

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

Mr. CONLEY: Mr. President and Members of the Senate: A decision was made a few minutes ago that I believe is going to prolong this legislative session very possibly into next week.

I am a very angry man at this late hour tonight. I am angry for many reasons. I think since the beginning of the 107th Legislature that I, as the leader of the minority party of this branch, have tried to work as openly and as cooperatively as any leader in this seat has done probably since the history of this legislature began.

I am disturbed because of the fruitless hours of efforts that have been made, made on my part as an individual, made on the part of my assistant, the good Senator from York, Senator Danton, and by many other Senators in this body representing both the Republican Party and the Democratic Party.

I resent the fact that this legislature can no longer govern itself. I resent the fact that when I sit down to compromise in the spirit of compromise that I have backstabbing going on in the back room. I resent the fact that when I bring the Senators representing my party together, who are of both the liberal and conservative wings, to come in and compromise in total agreement to try to expedite matters through this legislature in a very fair manner, to have it shot down the drain because there is some backcutting going on.

My President and Members of this Senate, I feel that in all honesty the actions that are going to take place down at the other end of the hall tonight, tomorrow, and very possibly days of next week, have come about because of the double-dealing that has been taken in this body and because of the double-dealing that has gone on between the chief executive and the membership of this body.

On motion by Mr. Merrill of Cumberland, and under suspension of the rules, all matters previously acted upon in today's session requir-

ing concurrence were sent down forthwith for concurrence.

On motion by Mr. Speers of Kennebec,
Recessed until the sound of the bell.

After Recess

Called to order by the President.

On motion by Mrs. Cummings of Penobscot,
Adjourned until 9 o'clock tomorrow morning.