

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

One Hundred and Seventh Legislature

(First Special Session)

OF THE

STATE OF MAINE

1976

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Tuesday, April 6, 1976

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

Prayer by Father James Khoury of Waterville.

The journal of yesterday was read and approved.

Papers from the Senate
Reports of Committees
Divided Report

Four members of the Committee on Appropriations and Financial Affairs on Bill "An Act to Revise and Reallocate Appropriations from the General Fund for the Expenditures of State Government for the Fiscal Years Ending June 30, 1976 and June 30, 1977 and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government" (Emergency) (S. P. 700) (L. D. 2225) reporting in Report "A" "Ought to Pass" in New Draft (S. P. 790) (L. D. 2341)

Report was signed by the following members:

Mrs. GOODWIN of Bath
Messrs. SMITH of Dover-Foxcroft
LeBLANC of Van Buren
CARTER of Winslow

— of the House.

Four members of the same Committee report in Report "B" "Ought to Pass" in New Draft (S. P. 791) (L. D. 2342)

Report was signed by the following members:

Messrs. HUBER of Cumberland
GAHAGAN of Arrostook

— of the Senate.

Messrs. GARSOE of Cumberland
MacLEOD of Bar Harbor

— of the House.

Two members of the same Committee report in Report "C" "Ought to Pass" in New Draft (S. P. 792) (L. D. 2343)

Report was signed by the following members:

Mr. MARCOTTE of York

— of the Senate.

Mr. JALBERT of Lewiston

— of the House.

Came from the Senate, with Report "B" read and accepted and with the Rules Suspended, the New Draft Read Twice and Passed to be Engrossed.

In the House: Reports were read.

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

Mr. SMITH: Mr. Speaker, I move that the House accept Report B and would speak briefly.

The SPEAKER: The gentleman from Dover-Foxcroft, Mr. Smith, moves that the House accept Report B in concurrence.

The gentleman may proceed.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: As you have noted, I have moved that the House accept Report B; however, I am going to ask that the House vote against this motion so that we may move on to Reports C and A.

As you have noted, I am sure, over the past weeks many of us on the Committee on Appropriations and Financial Affairs have spent many long hours attempting to present you today with one report. After numerous attempts of compromise at the earlier stages of the legislative process, we have concluded that it is best to present the alternatives that the committee has adopted to the entire legislature.

This is the first time in my recollection and knowledge that this has been done, so it is a very important moment in this legislature.

The single most important aspect, in my judgment, that separates the various reports

that you have before you today from one another is the method by which we are to expend the available funds for the pay plan for state employees. As you are well aware, Report B provides for a reclassification scheme which is based upon the so-called Hay Report. Report B is the embodiment of that report, and it is that that I ask you to vote against today.

It is my feeling, and it is the feeling of many other legislators and people throughout state government and throughout the State of Maine, that this report, as it is presented to you by the Governor, is inadequate in many ways. First of all, it is only part of the so-called Hay Report, it does not include the entire package. It provides for many controversial things, some of which may be good in the long run and some of which may not be good. There is a provision for 60 percent merit. This particular aspect of the bill, for instance, concerns me because it does not provide directly in the bill for the training of those who must administer this radically new merit system. There is room for abuse in this system without trained and properly supervised administration of this aspect of the Hay Report. We have no assurance in the Hay Report that this is going to be properly supervised and administered, at least at the outset.

Second of all, there are many who are concerned with the basic underlying theoretical classification scheme within the Hay Report. Basically, the Hay Report classifies employees according to points which they have been subjectively given by a committee of other state employees in three basic areas: (1) accountability, (2) know-how, and (3) problem solving. These are the so-called guideposts of the Hay Commission.

Yesterday in the joint caucus, I think it was brought out that under this Hay Report the higher paid members of the state work force do very well, and it was pointed out there that when you consider only accountability, only know-how and only problem solving, all of which are of an intellectual bent, it is not surprising that higher paid people in state government do much better under the Hay Report.

The Hay Report has been suggested at a time when state employees more than ever need to have some relief from the ravages of inflation. Under Report B, the Hay Report, 60 percent of all the available funds that we have go to the top half paid part of the work force. The highest paid half of the work force gets 63 percent of the available funds and the lower paid, 37 percent.

Finally, I want to stand here before you today and ask you to turn the Hay Report down, not because it is necessarily a terribly evil thing, but because at this moment I don't believe that, all of those who have a stake in this thing are ready for it. There are many, many theoretical, practical considerations that have not been answered by many of you who have asked questions about this report. I do not believe, frankly, that there was broad enough participation in the drafting of the report and in its presentation. I think that we have to at least give time for a greater number of people to understand what it is attempting to do and give an opportunity for a more broad-based participation in its final outcome.

Finally, you are going to be told that collective bargaining is just around the corner and that we must have the implementation of the Hay Report now or somehow the state is going to be in a very bad way.

I proposed on a number of occasions that collective bargaining be put off until both collective bargaining and some sort of reclassification scheme could be put into place at the same time. The proponents of the Hay Report have consistently turned away this proposal and have failed to accept some sort of middle

ground as far as collective bargaining and implementation of reclassification goes.

For these various reasons, I think today that it would be a prudent and wise thing for us to turn away from the Hay Report, perhaps give over the summer an opportunity for those who are interested in it to pursue it further, and if the Governor feels it is so important, we may come back in some special session or would deal with it at the very beginning of the regular session as a top priority once again.

Finally, I would like to emphasize to you that both of the first two reports, A and B, involve no new tax money. We are acting in both Report A and Report B within available funds in the General Fund. So, I think I will just conclude at this point by asking you to turn down my motion for Report B so that we may move on to Reports A and C.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I want to say at the outset that I am grateful this morning, as I am every morning, to the good gentleman from Old Town who sends me a thought for the day as we begin our day's deliberations. His this morning, I think, is very apropos in view of the motion that has just been made to accept Report B. The thought for the day is, "Don't flag the train with your petticoat, mother, the engineer will think you are giving him the slip."

I would say to you this morning that by the maneuver of the reporting of the good gentleman from Dover-Foxcroft asking you to consider Report B first and to defeat it and then move on to C and then defeat that, there is going to be the position left of having nothing but A at the end, no place, the bridges have been burned, and someone may have given you the slip. So let's just consider that as we very briefly review a little bit about Report B. I am going to be very brief, because I think we all have been schooled in these various reports. I think we know the issues and what we are talking about this morning now is getting down to really the Hay Report, although there are other differences and we will touch upon those very briefly.

Other differences which have not been mentioned in the first speech this morning are that we in Report B are saying that we do not want to, in the face of the dark cloud which hangs over us at the present time on state financing, we do not want to drain the till of every little money we can get, out of every little fund we can see, and leave ourselves in the position of perhaps later on having to come back here in June and face up to a tax increase after we have spent everything we had.

Also, we say that there is an element here which must be considered which is, briefly, that we should not use one-shot funding for continuing programs which we believe does, in fact, build in a tax increase for the future. Those are small things and yet they are important things.

The University of Maine, AFDC, other items, we are all well acquainted with the differences in the two reports on those and we come to the Hay Report. I am going to be very brief and say to you that a little bit of history I think is in order.

Back in 1973, the various representatives of state employees went before the State Government Committee and pleaded for a study such as the Hay Report, but we were in trouble and we are in trouble now. The trouble was, through our appropriation bill, we had in many instances frozen the classifications of employees, and we had at one time about 800 people who were questioning their own classifications. And when we hear today that there are so many people opposed to this and opposed to this because they are wrongly classified, I want you to bear

in mind one point, that there were many of these that were not properly classified before there ever was a Hay Report and there were many of these who wanted that situation corrected, so in 1973, and you can all read it in the records before State Government, the people who were representing the state employees at the time pleaded for this kind of report. So as a result of poor classifications in our state system, we did, as a legislature, approve a study which we felt was necessary.

Now, we have heard a lot about the Hay Report. Yesterday we met here in the House and we heard all sorts of questions, some were valid and some weren't valid. But I think it is important to remember that Hay is an international expert in this field. For over 30 years they have been doing this sort of work for the federal government, for the state governments, for counties and for private enterprises. I think any of you who have been involved in business at all know that in any reclassification study there are going to be discrepancies, there are going to be errors, especially one of the magnitude which takes in over 10,000 state employees.

One of the criticisms which we hear so often is that Hay didn't really do the study, they had state employees do the study for them. I would remind you that in any study of this nature that I have ever heard of, we have always used trained people within the unit to aid in the study. There is a very good reason for that. The reason is that any classification study which is worth anything at all, once it is instituted, it must be continued, it must be updated, and if you have within your own organization the ability to update, the ability to change, based upon the same system you used before, you will continue with a good classification system. So this is one of the things which I think we have to consider as we look at the Hay Report.

There is no one here but what would admit that there are inequities and there are some problems, but I have never known of a study of this nature which didn't come out with some problems. A good example would be the problem we have with state troopers or with guards at the prison and so forth, the item was brought up here yesterday. It has been my experience, and I believe it is generally known that when you reclassify, you reclassify on a general basis, that you take into consideration after that the environmental factors of a non-standard work week. I would assure you this morning that we have the capability and we are going ahead with a clearer definition of non-standard work week, of environmental factors, and these will be plugged into the plan and those who are in the plan now who have a problem, it will be taken care of through the implementation of a better program for a nonstandard work week, which is natural and which will obviously follow.

I would also say to you that in spite of the differences we may have, I don't think there is anyone in this House today but what would admit that they do believe in equal pay for equal work. That is basically what any system tries to accomplish. I would remind you that before the Hay Report, back for years we have had the problem in the State House here of one person working in one department, another in another, both doing the same job, both having the same responsibilities and drawing different pay levels. That does not improve morale, believe me.

I believe that in a classification system such as this, we move in the direction of correcting those inequities, and I should think that then we would have a situation where state employees would be able to say they are receiving equal pay for equal work.

I would also touch on just one more point, and I am going to sit down because I know we

probably all know these issues. In Report B, we have addressed the appeals procedure, we have strengthened the appeals board both in numbers and in an appropriation sufficient to expedite the process. And we are saying here this morning, whatever inequities there may be will be addressed within 90 days from the time the report is instituted and that those who win their appeals will receive retroactive pay to July 1.

These are the points that I want to touch upon this morning, and I recognize as I sit down that we do have differences. I don't think that they are insurmountable and I don't think that any of us are insensitive to the problems of the state employee. It is just a question of which way we go. It is our feeling at this time that before collective bargaining begins, something should be done to correct the inequities in the classification system. It is just sound business practice to us that this is a first step as we move on to collective bargaining, probably by late fall.

We have no magic formulas. There are three bills here today and I assume that everyone may be confused in all three, but I am just simply trying to point out, first of all, the credibility of a study of this nature, the fact that you can have problems with a study of this nature, the fact that you do not have the ability to correct those problems and the fact that if we do not address this problem now, we may never, ever address it again.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I sat here yesterday afternoon and I listened to this Hay Report and I don't believe this report is any good, I think the taxpayers of the State of Maine have wasted \$150,000. You can sit down with good common sense and come up with a better report than this for \$150,000. When they have the top brass of this state and they compare it with the State of New York and then the lower people they compared with the shoe shop or a spinning mill, why don't they compare it with the salary of S. D. Warren. Why didn't they go back to New York and compare the lower paid workers with the street workers of New York that make \$8 an hour? It makes a difference what end they are working on. There is no justification for this.

I am certainly glad to stand here this morning and say that I had nothing to do with giving this company \$150,000. All it is doing here is saying, yes, we want the higher paid workers of this state, the department heads, to get more money. That is what they are saying, and the lower people, they are overpaid by anywhere from \$300 to \$600. This is not justification. You don't have to have a report to know this, common sense will tell you that the lower paid workers need more money.

We have people working now that are taking home less than \$80 a week with four and five children in their families. How can they have a decent wage? They could make more on welfare or a social giveaway program. We spend more money on that than we do for this.

I certainly agree with the gentleman from Dover-Foxcroft, Mr. Smith, that these should be indefinitely postponed. I don't agree with him on the fact that it is not quite right — I disagree — there is nothing right about it. I believe it is time that this legislature stopped taking these big surveys and these big companies and paying thousands of dollars to them out of the taxpayers' money and go into these kind of reports.

Common sense we do have in this House, we can stand here and we can say the lower paid workers need more money, let's give it to them. We don't need a report to tell us that, we don't need reports to tell us that people are now working for less money for the state than they are in the shoe shops and the cotton mills

and the spinning mills. The best paid people today are our paper mill workers. And I noticed when he read his report yesterday, he didn't mention S. D. Warren's pay. Well, I know what they make there and I was hoping he would compare that. But he was our guest and on advice from the Speaker, do not argue with him, so I wouldn't do it. I was a perfect gentleman. But it burns me up when we have to accept these reports, as a recommendation, to be sure, to accept their report and say yes, people who are making \$19,000, you should be making \$25,000, but you the people who are making \$6,000 should only be making \$5,900. That doesn't even make sense, ladies and gentlemen. I don't have any learning, but I know enough about that that it doesn't make sense.

I don't believe that we have the right to even consider this kind of a report. I think we should throw the \$150,000 out the window and say, forget it!

We have had reports here, I was talking to a gentleman this morning, we spent thousands of dollars on three reports, he told me, and they haven't even used one of them, and that is what we do up here. We allot money for reports that we don't even use, but a big outfit that is all over the country, according to my very good friend in the corner, who knows their business, come up here and tell us that lower paid workers are overpaid and higher paid workers should be getting more money.

Now, let's be practical and let's try to be realistic this morning. Let's kill this stupid thing, let's put it where it belongs, throw the money out the window, it is gone, we have lost it. Accept the loss and start over and never send good money after bad money. Accept the loss and say we have made a mistake. Let's be big enough to say we know we were wrong, be gentlemen about it, don't get excited about it, but just turn it down.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I listened to the gentleman from Nobleboro, Mr. Palmer, speak a little earlier. I tried to keep a little note on what he was saying, and he mentioned that he did not want to drain the till, so to speak. I spent some time last evening looking at Report A, B and C and found some fairly interesting things that differed between the reports, and I would like to know, for instance, and I know that we are going to be discussing some different program areas and different departments that are going to suffer cuts and I have been here long enough to realize that there are going to be cuts in certain areas, and it is just a question of having the Appropriations Committee, in their wisdom, try to decide what is the lowest priority item at the particular moment. It may not satisfy all of us but somebody has to do it and I know that it is a very thankless task.

I would be interested in knowing, however, from the gentleman from Nobleboro, Mr. Palmer, why the other two reports asked that the State Lottery pay us back \$100,000 of the money that they owe us while Report B only asks for some \$65,000. That would indicate that they have left, as contractors would say, \$35,000 on the table at this time.

I would be interested in knowing, for instance, in the opposite direction, why the Criminal Justice Planning and Assistance Agency was cut \$100,000 out of this report, when they reported to the Appropriations Committee that they could live with a cut of some \$67,000 and Reports A and C reflect exactly what they could live with.

I am particularly interested, Mr. Speaker, ladies and gentlemen, in Section 9 on Page 2 of Report B which deals with the merit rating required. Now, the gentlemen from Nobleboro

was very clear when he said we should all believe in equal pay for equal work. All three reports have in their Section 7 that very same statement, equal pay for equal work. However, the Republican proposal, L. D. 2342, goes a little beyond that and puts in the merit rating required. A very interesting little thing in here, if the gentleman does believe in equal pay for equal work, is that on the top of Page 3 we have this sentence that says that the Governor and the State Budget Office, when next preparing a budget, may include only sufficient funds for merit increases for a maximum of 60 percent of those eligible for any increase. Then it goes on to say that each of the increments within the seventh step provided for in the compensation plan shall be awarded on the basis of merit without regard to longevity. I would ask the gentleman, if he is so sure and so set on giving equal pay for equal work, why is he only going to pay 60 percent of them that are deserving of an increase that increase.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: When the gentleman from Dover-Foxcroft got up and made his motion, my heart really leaped. I thought perhaps, not being familiar with the game plan, that there had been some sensible approach to this problem that he was going to finally come to his senses and get behind Report B. It soon became apparent, however, that this was not the case, and since we are talking about Report B I am going to try and stay away from Report A and give you my reasons why I signed Report B.

I would just briefly respond to his statement. I believe they can be characterized as, put it off, paper it over, defer any facing up to the problem. We will have more to say on that when we do begin to discuss the specifics of Report A.

In Report B, I want to second the remarks of the gentleman from Nobleboro, very briefly, that we can demonstrate in this Report that we have found continuing sources of funds that either have a lower priority or that can be made available on a continuing basis to meet our needs.

I have had a few notes come up to me. I really despair of ever debating the Hay Report, but I had a few notes come up to me and the remarks of the gentleman from Westbrook, Mr. Laffin, require that I have some response, I guess.

In Report B, you will find that the merit pay concept that the gentleman from Waterville has referred to is extended throughout all of the employees covered under this plan. The gentleman from Westbrook refers to \$3,000 and \$5,000 increases; this is in the Hay Report and they feel they can justify these recommendations, but once again, trying to meet the situation and the political realities that we are faced here with today because I have heard no one say that this contains enough money to treat everyone the way we would like to treat them. In Report B we have tried to cut the cloth to fit the pattern. So, you can disregard the remarks of the gentleman from Westbrook when he cites these horrendous increases, because in Report B we stipulate that everyone is to be treated in the same manner. Everyone is eligible for up to a 5 percent increase, but only 60 percent will be made available.

The gentleman from Waterville, touches on what I think is a differing point of view, or perhaps we understand this language in a different way. I see this as saying that of all state employees who are eligible for an increase, even under the report that we are suggesting, there are going to be people that will be at the top step that will not be eligible for an increase and this always happens when you have any type of a scale. You get to the top of the scale and that is it. Only when the entire scale is

lifted in a general fashion do these people then become eligible again. But of those people who are eligible for any increase, the 60 percent of those who perform the best are going to be paid up to a 5 percent increase or not over a 5 percent increase.

Now, it was said yesterday that the Hay plan concept ruins all incentive. I have talked to state employees who insist that this really does put incentive into the administration of our compensation plan.

When you realize the disarray that our state classification system is in, and very quickly going back to the mechanics that produced the Hay Report, we had a bill in here last year since the legislature, in its frustration that the changes that were taking place in classification on a narrow, one-time basis, had decreed three years ago there would be no further changes until they were brought before the legislature. We had a hearing in which 400 people were in there insisting that they were improperly classified. Before the committee even had a chance for an executive session, we understood it was up to 600 and that there may be as many as another 200 backed up behind that, it was at this point that some orderly approach to the classification system should be performed, and I am not going to go through what I think is now fairly well known to all of us as to the overall mechanics of it.

The gentleman from Westbrook says, throw it out and start over. I asked him, where would he start, who was going to make this determination? Is it the legislature? I submit we are completely unqualified even if we had the time. I think the only way you are going to get some approach to this that can be justified is to go to people who are proficient and professional in this field and then take their advice. Because if you don't take their advice, and this is what is being suggested, throw it out, what are you going to substitute for it, an across the board increase that just magnifies the distortion and then say well throw it out to collective bargaining for its modification and improvement? This is taking the worst of all worlds.

So, in the final analysis, I am pleased to support Report B as being a responsible effort to live with in our means. As we consider Report B, I want you to know that other report can make this statement, that we take no one-shot funds and commit them for on-going programs. That is another put off, put off until another time a deferred tax increase or a guaranteed deficit. This is what Report B does not say.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I have got a couple of points I want to make. First, I want to address this charge that has been leveled by both the gentleman from Cumberland, Mr. Garsoe, and the gentleman from Nobleboro, Mr. Palmer, which is completely unfounded in fact; namely, being that Report A, particularly, uses one-shot funding to fund on-going programs. This is completely wrong. I challenge the gentleman from Cumberland, Mr. Garsoe, or the gentleman from Nobleboro, Mr. Palmer, to point to one single program where there is not enough money from on-going revenue funds to cover the on-going expenses. Where we have needed on-going funds to cover on-going programs, we have cut on-going programs that are presently in place and used that money on an on-going basis that would be saved from year to year to fund our on-going programs that we suggest.

This is the simple matter of reorganizing our priorities that everybody has talked about. We have cut some low priority programs. The Governor himself has suggested that Civil Defense be cut by \$100,000. We cut it by \$70,000, and not one single person is losing his job in

these hard times. We have cut LEAA by \$67,000 after considering \$200,000 and then \$100,900. We cut it only by \$67,000, because they said they could live with that kind of a cut. We believe that the priorities of Report A are more in tune with the interests of the people of Maine at this time. So, I want to completely arrest this notion that there is one-shot funding in continuing programs, that is wrong.

Finally, I want to make just one last comment. The gentleman from Nobleboro brought up the point that we all could support the motion of equal pay for equal work and, of course, everybody does, I do. The question is, and I brought it up in my initial speech, does this bill do it, does the Hay Report do it? When you consider only accountability, only know how, only problem solving as concepts into which you are going to plug every single state worker, regardless of the hours he works, regardless of the dirtiness of the job, regardless of the danger of the job, you are going to have these difficulties that the State Police have brought to our attention. You are going to have the difficulties that the ferrymen down on the coast have brought to our attention. But the gentleman from Nobleboro responds, we are going to settle all of that with this new super-duper review committee. But the review committee is going to be powerless to address these problems, because in Report B, on Page 20, if you want to read it, Section 5, and I quote down about a dozen lines, "The board shall insure the current job class specification or position description is correct and that the job has been properly evaluated" — and now the important phrase — "by use of the Hay guide chart job profile evaluation method," which means that they aren't going to be able to handle the difficulties that we have talked about brought up by the State Police, at least we aren't assured that they are, because of bills and language like this.

My only contention is that with these kinds of things hanging fire, with no promise of being able to resolve the difficulties, wouldn't it be imprudent to enact a thing like this? What this needs more than anything is more time. That is what I am suggesting.

Finally, I would like to commend the gentleman from Nobleboro for his conciliatory tone, saying that are difficulties between us, and I am sure there are, but they aren't insurmountable. I think over time that they aren't insurmountable.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I feel I must respond. In a conciliatory tone, I would like to say first of all that I thought the scenario here was fine when initially Report B was moved. Then, when the orchestration placed me between the good gentleman from Dover-Foxcroft and my good friend from Westbrook, I thought that really was working it to the hilt. In case you don't know of my relationships with either one of them, I am sure you can check with your friends and you will find the reason for that, although I don't think strategically it had too much value.

I don't want to get into a contest too much with my good friend from Dover-Foxcroft, but I will just answer in this manner, because I do know that he can perhaps emphasize a little more strongly than I can, perhaps he can be a little more bombastic than I can, because numerically he is bigger than I am, not physically, but numerically in this House, so I will just be very quiet and remind you that there is some one-shot funding in Report A.

I will ask you to look at the teacher retirement fund. I don't think there is anyone here but

what recognizes that this fund is increasing annually, the state's share is increasing. We were asked to put a million dollars in to make it actuarially sound and I think I am not far from the mark in suggesting that perhaps two years from now that figure may even be increased. This is the type of thing we are talking about and I think we have to keep on talking about that million and more millions as we go on if we want to be actuarially sound in our funds.

Mr. Smith of Dover-Foxcroft was granted permission to speak a third time.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I rise to respond to the comments of the gentleman from Nobleboro, Mr. Palmer, who, again, is completely wrong, although in a conciliatory tone.

The teacher retirement time money, as you all recall, the million dollars that has been included in all of these bills rose from the necessity of replacing a one-shot failure to fund in the last regular session. As you will recall, the Governor recommended that in order to balance his budget that we withhold payment on a one-shot basis from the teachers' retirement fund. As a result of that one-shot holding back, or failure to fund, we have been in constant difficulties with the retired teachers ever since. The million dollars that we are putting back in the teachers' retirement fund is a one-shot replacement of the money that we failed to fund last session. It is the only withholding that I know of in the past, we are going to replace that, we are going to correct that on a one-shot basis and we have got a one-shot money in there to do it.

I would point out to you the latent funds that are coming into this program by the Report A, one-shot money, one-shot replacement of funds.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I hope that no one thinks that any exchange we have here on this floor in any way reflects any personal differences with the gentleman from Dover-Foxcroft, because I have certainly learned a lot from that young gentleman and I value his friendship. However, when he challenges us to show the impact of one-shot funding, I think he has just done it.

What we are doing, we are moving in to an area that has been untouched, state revenue sharing, and we are clipping a million off the top to finance the on-going programs that he has not denied. He is concentrating on the fact that we are funding on-going programs but that it is not one-shot money. This is not true. If we had been able to do this without resorting to the concept of putting a lid on state revenue sharing, I would feel better about it. The concept that this is only a one-shot expense just doesn't wash. That account is going to demand \$3 million more in the next year if the experience of the last six years holds true. That really is the heart of where we find ourselves apart.

To regard this as the replacement of a one-time expense is erroneous and it is the only way that Report A could fly. The abolishment of the permanent school fund, a trust fund set up by legislators long since removed is now being eliminated, principal and interest.

I will give him the benefit of the doubt as to whether his cuts in the archives are going to be indeed renewing revenues. I would have to say that we have made no consideration of the impasse of these cuts on the archives and the museum as to whether or not they are indeed going to be back to us next year with the demand and a need that will have to be met.

I submit that the teacher retirement fund, the abolishment of the permanent school fund going into the archives and museum budgets do represent the pulling away of assets that we have of

revenues and they are being plugged into on-going expenses. It is something similar to taking the egg money and slaughtering the flock to make a down payment on a new car. Those assets are gone once you have done it. I don't think we hear any response or any recognition of the fact that we are sitting under, to my mind, the very possible expectation of a five to nine million dollar deficit within this year. As we reach out and soak up these assets that have hitherto been untouched, we severely limit the ability of the Governor or this legislature to recover from a deficit of that magnitude.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I feel that I should answer my good friend from Cumberland, Mr. Garsoe, when he said, if I throw it out what would I do with it? Very simple, give all the employees that are making under \$8,000 a year a \$15 a week raise. Take those that are earning \$22,000 and \$20,000, give them a 10 percent cut and that would offset that and those in between we could raise on a small tax or else the Governor's own of \$6.3 million that he said that they want. It would be solved, there would be no problem.

My point is this, anytime I say something on the floor of this House, I do back it up by what I believe in, but I still say this report is no good. It is not in the best interest of the people of this state, it is not in the best interest of the working people of this state.

How a company can come in here and take reports from all over the country, from the northeast, and compare them with states that are already in financial trouble, namely, New York, compare those with their bigshot payoffs, fine and good, and yet they don't include the lower paid workers in the same state. How can they do that? That is not justice, that is not fair. I feel that this whole Hay Report is not fair to the people of Maine.

We know that the employees need a raise, there is no doubt in anyone's mind about that, we know that. How much, we may differ. I am certainly sure that you may not agree with me, but we know that they need a raise. We know that they need a raise to make a living wage in this state. You know, today you cannot raise children on \$80 a week, and that is my point. When they say that employees are making \$6,000 or \$7,000 and are overpaid by \$600, that is not right. You don't have to be corporate income people to know that.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I do not want to get into this debate because, hopefully, after Report B is defeated, I am going to present Report C. I want to just bring out one point. The good gentleman from Nobleboro first touched upon it, and that is when he talked about the million dollars and said that the funding was increasing, ever increasing, but he stopped there.

My very good friend from Cumberland, Mr. Garsoe, made the statement that the fund would be \$3 million — now follow me — the fund would be increased \$3 million in the next three years. Now, we have the three reports here. The three reports show a million dollars. The gentleman from Nobleboro, also mentioned the fact that the million dollars was something that was taken up last year — correct. That million dollars was first utilized in the Governor's budget a year ago last January, 1975. It is now April 6, 1976. If the fund was going to be increased in the next three years by \$3 million, why then is it \$1 million on each report and not \$2 million plus, because I am giving them three months.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I am going to urge you to accept the B Report, I do so knowing full well that the Report does not grant the wage increase across the board that I would like to see. After all, I did have a bill in here to grant a 12 percent increase with a \$16 minimum. I did have a bill in here that would raise the money that would do it and though I am often labeled as a corporate man, I had the only tax bill in here that taxed corporations to help pay the way. Both went down the drain.

We had the so called Merrill tax plan, and you remember, they came back and wanted us to accept the \$5 million cut in that plan because they had made a mistake. I stood before this body, we were in joint caucus, and urged you not to cut the Merrill plan, because there was \$5 million or \$6 million in there that could have been used to increase the pay of state employees, but you didn't go along with me.

I think in the long run I have a little bit of background on the studies that have been made than most of you. First of all, there was the Jacob's study in 1960 in which I was not involved in any way shape or manner. There was the Cresap, McCormick & Paget study made in 1966. In this study, I served on the appeals board that went all over the State of Maine. Serving with me was the distinguished gentleman from Rumford, Severin Beliveau, and a very talented woman from Portland named Sue Allan. I am sure many of the Portland delegation know her.

This was a very strange position for us because we never saw the thousands of state employees who were very satisfied with the CMP report. We only dealt with those who were dissatisfied, and in many cases their dissatisfaction was justified and this is why there was an appeals board and we were ready, willing and able to correct those mistakes that were made. For after all, you can't take 12,000 employees and have a study which doesn't make some mistakes.

There are some mistakes in the Hay Report, and this is admitted. There is an appeals board to be set up to correct these mistakes, but why are we in the predicament we are in here today? Because we neither accepted the Jacob's Report and we let the inequities continue. We didn't accept the CMP or the Cresap, McCormick & Paget Report, so more inequities were built into the thing. If we do not accept the Hay Report, we will have to have another study within two or three years that will cost another \$150,000, and if that is not accepted, it is another \$150,000 down the drain.

I served last summer on a committee that studied this. This was a great committee, we neither got our mileage or any pay for it, and I made seven trips down here to Augusta at my own expense. I was on the committee that picked the Hay people. Why did I vote for the Hay people? Because in my day in private employment, we used the Hay people to make a study of our management and staff people and they came up with a report, which was a wonderful report, but it had a dozen mistakes in it and these were easily corrected.

One of the things that you run into when you make a study like this, you run into the fellow who comes up to you, he is a smooth talker and he sells you that he has the biggest job in the State of Maine and he is underpaid by about 10 classifications. The next day, you have a fellow come to you who is probably a terrific employee with terrific intelligence, does a terrific job, but he is a Casper Mikquetoast and he comes to you and says, well, I think you have done all right on writing up my job description, I have no complaints at all and he is downgraded two or three points because he doesn't hoot and holler and build himself up. These are human things that a good interviewer discovers as he

goes along and watches out for the super-salesman and Casper Milquetoast.

I would like to point out to you, too, why we have some of the problems with the present pay classification. It is because we have been compressing the thing over the years, this legislature must take the blame. For instance, in 1967, we gave a 12½ percent increase to those in grades 1 to 7, in other words, we favored the lower grades. We gave 10 percent to those from grade 7 to 31; 5 per cent to those above grade 31. We turned around in 1969 and we added some extra pay to the so-called institutional people, we called it combat pay because they were facing patients that were disturbed and what-not, so we jacked up that group above what the book says they should have had.

We turned around in 1971 and we took the MSEA pay plan, 11 percent. New ranges were established and again we favored the lower range. In 1973, we adopted a 5 percent plan, and you remember then, we were under some federal restraints as to how much we could do. It was 5 percent across the board, but we increased the bottom roughly, I think it was \$8 in some cases, and that an 8 or 9 percent increase.

In 1974, we did another 5 or 5½ percent increase and again we had a minimum of \$8 across the board and in the lower brackets, that was much more than a 5 percent increase and again we took the top range and cut it off at step 30, so that no one could get above \$15. So, over the years, we have been jamming this thing together. We have been holding down the top, we have been pushing up the bottom.

Now, we are not hearing any complaints from the thousands of paid employees who have been caught in this squeeze and are being raised several grades to get them where they belong. Those people are not coming here hollering, they are praying to God that for once this legislature is going to correct the inequity we have lived under for years.

I have served on the State Government Committee four years. We have had personnel before us and the state employees representatives ever since I have been on the committee. I hold here a report from the Maine State Employees Association to the State Government Committee, dated November 5, 1973. Number one, they point out all the problems there are and we did correct many of them through legislation the last time but here, number one, distorted job classifications. The civil service classification system has lost its validity. This is the most serious problem facing personnel administrators. Solution: — this is from Mr. Carnevale and his staff, I did not write it — arrange for outside experts to do a thorough reclassification study of the entire classified service — estimated cost, \$140,000. This is what the Maine State Employees Association wanted in 1973. We never got around to it until 1975 and it is 1976 now and the plan is before us.

I can't read Mr. Carnevale's mind, he is a smart young man, he is dedicated. He faces problems in that his state employee union is being raided by another union, so he is caught between the devil and the deep blue sea, but Dave Carnevale does not oppose the Hay Report. What he opposes is that there is not enough money? We have not got it. Have you got the guts to pass another tax bill? I say you haven't got it, and I would vote for it.

I would turn you to another little section in this report. We intend, or the State Government Committee people now intend to do something about the merit increase racket that has gone on before. Do I say it is a racket? No, listen to the head of the State Employees Association. Problem — merit pay increases have, except for the very poorest caliber of employee, become almost automatic.

Solution: develop standards and procedures whereby meritorious employees are granted merit increases proportionate to the merit exhibited. Not my report, this is the suggestion of the Maine State Employees Association.

I don't see my good friend Tuffy around. The gentleman from Westbrook, Mr. Laffin, has made a very demagogic speech. He comes from a papermill town, and I worked in a paper mill town for 17 or 18 years, and he knows that on a paper machine there are probably 5 men, there is the fifth hand, fourth hand, third hand, back tender and machine tender, and he knows very well that the machine tender gets \$2 more an hour than the fifth hand, because the fifth hand is just starting to learn the job, he is just a step above laborer for the first few weeks. He knows very well that that machine tender would not accept the responsibility that goes with being responsible for the production of that machine for the fifth hand's pay. I am sure that Mr. Laffin realizes that the machinist or the millwright, who is probably in the S.D. Warren Mill getting from \$1.50 to \$2.00 more an hour than the laborer in the yard, I am sure that they would not take these positions and the responsibility that goes with it without more pay than the fellow that is piling wood or pushing wood around the yard. This is one of the facts of industrial life: it should be a factor in state employment. The skilled ability has to be rewarded. People do not accept advanced responsibility at the same pay they were getting beforehand.

The gentleman from Dover-Foxcroft suggests that we delay this and study it some more. Well, you can procrastinate as the legislature did on the Jacobs Report, you can procrastinate as this legislature did on the CMP Report, and if we follow his suggestion, the 108th Legislature, no matter who is in here, will procrastinate because they will not want to face up to this problem.

The A Report does something that bothers me, it makes a deep cut of \$50,000 in the museum over here. It cuts \$25,000 out of the Archives — and I stand to be corrected, that is the way I interpreted the report — the Archives, trying to preserve and protect the landmarks of this great state are down the drain. They are not worth anything. The museum, we put millions of dollars into that structure, we have never funded it properly and I ask you, does man live by bread alone? Is there no such thing as culture? Art? I say there is, there is something more than eating bread in this life.

I am not happy about the cut in revenue sharing to the towns. We made a commitment a few years ago. I don't like that, I can live with it for a year and I would hope that if I should get back here, and I have both an Independent and a Democrat running against me so I don't know if I can lick two people or not, if they come one at a time, I can, but two at a time, I am getting old.

I am very unhappy too, not only about the increase of state employees but about the amount of money we are giving the University of Maine. You heard me sing this song before, we have got problems at Orono with the faculty. They are leaving and we replace them with second-class people, we get a second-class college, we lose our accreditation and it will take years to get it back. It was just a few years ago that the whole engineering school up there lay on the line as to whether or not it would be accredited.

What does losing accreditation mean? It means that the boy or girl who wants to go on to medicine or law or any of the professions or go to graduate school is going to be third, fourth or fifth choice because they come from an unaccredited college. I am not a U. of M. alumnus,

but it is our college, the State of Maine built it, created it, it is our baby. I think there has been waste there. I did not want to give \$6,400,000, I wanted them to do something on tuition and I think they still have got to do more on tuition, but we are stripping the cupboard bare on them, it is not right.

Do you want your sons and daughters to go to a college that is not accredited? That means that he or she won't be accepted in the Class A graduate schools, medical schools or law schools. I realize again that we have not got the money, we are not going to raise the money, and I urge you to put partisan politics behind you and accept this B Report and I say accept it because it means accepting a study that has cost us a \$125,000 and which, basically, is a sound, sound study with a few mistakes in it that can easily be corrected.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I listened to the gentleman from Hampden, Mr. Farnham speak and I was very concerned on a few matters that he spoke on. He wants you to support Report B and yet he is all for the University of Maine system. Strangely enough, Reports A and C would give you \$800,000 for the University of Maine system, Report B, which he supports, gives you \$500,000 for the University of Maine system, so I ask you, how concerned is he at that particular point?

He wants to be concerned and have a feeling for the culture and arts. I get involved in that same problem at the local level and I will always, always put human needs before I get involved with culture and art, if there is money left over, then we can talk about culture and art but the people's needs come first.

Interestingly enough, Mr. Speaker, he spoke a little earlier about the percent increases and what have you, and I would like to carry you through what we have done so far in the City of Waterville over the past few years. My city administrator, a few years back, made \$12,000 a year; his secretary made \$4,000. Now, obviously, as his duties increased, so did the duties of his particular secretary. There was an \$8,000 difference in salary. Today, that man is getting \$21,000 a year; she is getting \$7,000 a year, so that is a \$14,000 difference, and I would assume that that secretary is as valuable to the city as the administrator is in his field and therefore they should have grown equally across the board.

We have reached the point where percentage increases are totally out of the question when we start talking about people that are making \$400 or \$500 a week. It is inequitable, they get the lion's share of any increase. So what we have done in the City of Waterville and I would certainly hope that we could do it here, is limit to the dollar amount for a stretch of time. What we have done is, we have worked on two graphs, two scales, and the lower paid people are climbing at a much slower level than the higher paid people and, therefore, the difference between the two is getting so much farther apart and it is time to start reevaluating those areas and putting them back together in their proper perspective, and the only way you are going to do that is for a very short period of time and by short I mean maybe as much as 5 years, start talking dollars across the board increase so that you can put people back in a position where there was a reasonable difference between pay for a reasonable difference between jobs.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make a couple of old timer observations. I would like to make a few political statements. First, let me

say that when I sat in my seat this morning, I thought we could finish by Friday night but as the talk goes on, I am afraid that we can't finish by midnight Saturday night — that is one observation. The other observation I make at the other end of the hall is that I like Report C but I am realistic, I know that we are not going to pass it. It looks to me like if we don't pass Report B, we are not going to have any report at all. We are going to end up with nothing and a lot more talking will go on and exchanging papers back and forth down the hall, so being realistic, I am willing to support Report B and I think you would be wise to do the same.

I see that it has some support from the Independent Governor that we have and he has a lot of support out in the field. I note an awful lot of Independents running and a lot of your seats will be filled by Independents if we don't heed at least some of the Governor's proposals. Whether they are good or bad or not, the people think they are good. I don't subscribe to the whole of them but I am a bit of a politician, my name is on the ballot again. I am not exactly running but I won't have to run if I support the right bills in this House, and I suspect this would be a good thing for you people to know too that are a little bit interested in coming back.

So, those are my observations that I make as an old timer. Report B, in my opinion, is the only report that can pass both branches of government here and have support of the third party, the front office, so for that reason, if we stop talking and pass it, we could be out of here by Friday night.

I know that some of the young people here would like to come back to these respective seats that they are sitting in and in that case, I think it would be a good idea, too, to support this Report B.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I just heard Mr. Dudley, and I want to come back here, yes, but no one is going to blackmail me in voting for something that I don't want.

Mr. Carey of Waterville was granted permission to speak a third time.

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Dudley of Enfield has mentioned that there is no chance of getting the money that is called for in Report C. I worked on this problem last night, and I would like to point out some of the differences to you. \$11 a week for 52 weeks comes out to \$572 in the course of a year. I am looking at the strong possibility, and I have talked to the MSEA people and they are going to research to see if there is something that they could buy, that they would delay the start of their increase so that they could get the \$15. My figuring last night brought a 38-week plan, so if they started sometime in October at \$15 per week, they would end the year with \$570. There would only be a \$2 difference between the \$11 and the \$15 in the course of a year, but more importantly to the state employees, they would have attained the level of a \$15-a-week increase, so if they are penalized next year, as they were in the past two years with no salary increase, they would not have been frozen at an \$11 a week increase, they would have had their \$15 a week increase. So there is room for compromise in here and we can do what Report A wants to do and what Report C wants to do at the \$15 level by having a delay start in the matter.

Obviously, we are not agreeing with the other body and this could very well be a compromise that could be worked out, and I would ask you to

give serious thought to the possibility of adopting A, keeping in mind that we can get to the \$15 figure by getting a later start and work within the money that is in Report A.

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

Mr. ROLDE: Mr. Speaker, if no one else has done it, I would request a roll call and would you restate what the motion is?

The SPEAKER: The pending motion is the motion to accept Report B.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Waterville has just raised a couple of very interesting points in the last two sets of remarks that he made. First, he pointed out some of the problems that are involved in going the percentage increase route versus going the flat increase route. I think he agreed that both of them have their own unique problems. But I would point out to you that Report B addresses the problem to some extent in that, as I am informed, topside raises cannot exceed 5 percent, even though they may have developed more than 5 percent in the Hay Report. At the same time, Report B is considering a one-shot bonus arrangement for the lowest 10 ranges to even out the problem that definitely occurs in the actual dollar increases that go to those in the lower 10 ranges.

I would hope that you would contrast that with the delayed start idea that the gentleman from Waterville just floated across the floor here; that certainly would be financeable if you delayed it long enough at a \$15 level and the \$11 level, but the minute that you put that into place, you would then have in the built-in, on-going cost that is so deplored by the gentleman from Dover-Foxcroft, Mr. Smith.

I think this will be my swan speech on this, but I want to address the remarks a little bit of the gentleman from Westbrook, Mr. Laffin, because he is a pretty good speaker on the floor of the House here and he gets heard, I am sure of that. I am going to speak in a little more quiet vein, but he spoke to fairness and justice and I think those are two pretty good words to consider — in here and it should apply, fairness and justice should apply across the board. Fairness and justice to the workers at all levels, not just the low level but at the high levels too, fairness and justice to the taxpayers at all levels, both low and high and I think fairness and justice comes from good business and good government practices. I see the Hay Report has constituted good business and good government practice.

There seems to be around this hall a hundred percent acknowledgement that the classification system is a mess, that it is completely out of whack. That is one thing there seems to be agreement on here this morning. It is pretty obvious that addressing this problem was a massive job.

The Hay Report, as acknowledged by the gentleman from Dover-Foxcroft, is, and I quote an earlier remark, "not terribly bad." In fact, I think the implication was that the Hay Report could be acceptable, but not now. Well, I say, if not now, when? When do you attack the acknowledged problem? We have a vehicle for doing it and I think the Hay Report does it in a sensible way.

There is one thing about the Hay Report that I hope you did not miss in the presentation that we had yesterday, and that was the classification portion of it is done on a building point basis from the bottom to the top with no reference to the highly emotional and less subjective dollar consideration, and I emphasize this point because it is highly important. The classification system is adopted prior to any dollars being

injected into the equation and then secondly, only after the classification system is set in place and the points assigned and the ranges determined, is the money a matter of consideration, because that is done separately and put on the classification separately.

I wish we had more dollars to put into this. I would support more funds, particularly the cigarette tax to plug in more dollars, but to plug them into the Hay Report, because the Hay Report is really the bottom line and only with the Hay Report, no matter what the dollars are, can we get started back on the right track and get this classification system lined up.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I would just make several points. We have heard a lot of talk about the Hay Report. It is my understanding that what is before us in Report B is not the Hay Report but just a part of the Hay Report. It is also my understanding that Mr. Fuller from the Hay Associates, yesterday, said that he had not seen this particular portion of the Hay Report that the Governor is recommending and that he was not particularly in favor of this particular portion, which is only a portion of the Hay Report.

I would also like to comment on the statements that the gentleman from Farmington made about the suggestion that the gentleman from Waterville, Mr. Carey, made, and while they may have some merit, they are not in the matter that we are discussing now, which is Report B, and I hope you will reject Report B.

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

Mr. TALBOT: Mr. Speaker, I would like to pose a question through the Chair. I have looked through the reports and I have tried to look through this legislation and my question, I guess, would be directed to the Appropriations Committee. I would like to find out if in the budget somewhere is money allocated to the Human Rights Commission and if so, where is it? If not, why isn't it?

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

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: The Human Rights Commission is funded for the biennium in the regular budget that we put through the regular session. This is a document that really picks up part of the supplemental budget that we put through the regular session and some other things that the Governor thought ought to be addressed, but the Human Rights Commission was funded in the Part I Budget that was put through the regular session and apparently there has been no difficulty. What you see here is probably a reflection of certain difficulties that have come up through in the last year. So the fact that you don't have a line item in here for the Human Rights Commission does not mean that it is not funded for the second year of the biennium, because it was in the Part I Budget in the regular session.

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

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

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

Mr. GARSOE: Mr. Speaker, Ladies and

Gentlemen of the House: From the notes that I am getting, it is obvious that I haven't been able to counter the gentleman from Dover-Foxcroft on his vehement statement that one-shot funding statement of mine was wrong, wrong, wrong.

If you look at this teacher retirement fund obligation it was not funded by the regular budget. Why not? It was because there wasn't money in the regular budget, despite its going up almost \$100 million, there wasn't enough money to pay it. Now it is being put back in. That has got to increase the budget a million dollars. As we look back over the last three bienniums, this account has had a characteristic growth from one biennium to the other of approximately \$3 million. So, not being able to fund this in our regular budgeting session and now finding funds to put it in, I insist is a commitment as an on-going cost. When you look at the printout on Report A, you see that it is accomplished by calling it a one-shot expenditure on page 2, but if you read page 3, you will see that there is an admitted \$1,373,000 of one-time funding, including wiping out the principal of the school fund, taking lapse balance from audit, and accrued interest in the unorganized territories school fund, working capital advances, and the post secondary education commission. The difference between this report and the report that you will be considering next, I guess, is that where we take the same monies, we put them into the bonus plan that goes into the lower classification of the Hay Report, the sliding \$500 bonus and the compensation for the appeals commission.

Going back to the Hay Report, the incomplete implementation of it is true. If it had been implemented in its full entirety, there would have been a cost of \$14.5 million. Again, as the gentleman from Hampden says, where is the money?

The other matters that have not been fully implemented are the non-cash benefits and the overall assessments, as you heard here from Mr. Fuller, are not that far out of line but that there are some matters in the non-cash benefits that should be approached. The chief one would be Social Security. I can't believe that we are at a point where this state is ready to embark onto the Social Security System.

Mr. Smith of Dover-Foxcroft was granted permission to address the House a fourth time.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: Again, I have to rise to tell you that the gentleman from Cumberland, Mr. Garsoe, is wrong. What he is attempting to tell you is that we have got to continue to fund this one-shot withdrawal or failure to pay into the teachers' retirement fund. We don't have to fund it this year and again next year. That was a one-shot withdrawal, failure to fund in the first fiscal year of this biennium. It was funded, completely, in the second fiscal year of this biennium starting in July. So, we don't have to fund it this year and then again turn around and fund it next year. It is already funded for next year. It was a one-shot withdrawal under any stretch of the imagination. His attempts to argue that that money has got to be funded in the future are absolutely wrong. The second year of this biennium, we have already funded it, so it is in fact a one-shot withdrawal, funded with one-shot money to put it back.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Dover-Foxcroft, Mr. Smith, that the House accept Report B. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEAS: Berry, G.W.; Birt, Blodgett, Byers, Conners, Curtis, Dudley, Durgin, Dyer,

Farnham, Fenlason, Finemore, Garsoe, Gould, Gray, Higgins, Hinds, Hunter, Hutchings, Immonen, Jackson, Kauffman, Kelley, Laverty, Leonard, Lewin, Lewis, Littlefield, Lovell, Lunt, Mackel, McBreairty, McKernan, McMahon, Morton, Palmer, Perkins, S.; Perkins, T.; Peterson, P.; Rideout, Rollins, Silverman, Snowe, Sprowl, Susi, Tarr, Teague, Torrey, Twitchell, Tyndale, Walker.

NAYS: Albert, Ault, Bachrach, Bagley, Bennett, Berry, P.P.; Berube, Boudreau, Bowie, Burns, Bustin, Call, Carey, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Dam, Davies, DeVane, Doak, Dow, Drigotas, Farley, Faucher, Flanagan, Fraser, Gauthier, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hennessey, Hughes, Ingegneri, Jacques, Jalbert, Jensen, Joyce, Kany, Kelleher, Kennedy, Laffin, LaPointe, LeBlanc, Lizotte, Lynch, MacEachern, Mahany, Martin, A.; Martin, R.; Maxwell, Mills, Miskavage, Mitchell, Morin, Mulkern, Nadeau, Najarian, Norris, Pearson, Pelosi, Pierce, Post, Powell, Quinn, Raymond, Rolde, Saunders, Shute, Smith, Snow, Spencer, Stubbs, Talbot, Theriault, Tierney, Tozier, Truman, Usher, Wagner, Wilfong, Winship, The Speaker.

ABSENT: Hewes, Hobbins, MacLeod, Peakes, Peterson, T.; Strout, Webber.

Yes, 51; No, 93, Absent, 7.

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

Mr. Smith of Dover-Foxcroft moved the House reconsider its action whereby Report B was not accepted.

The SPEAKER: The gentleman from Dover-Foxcroft, Mr. Smith, moves the House reconsider its action whereby Report B was not accepted. All in favor of that motion will say yes; those opposed will say no.

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

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I now move we accept Report C.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, Moves that the House accept Report C.

The Chair recognizes that same gentleman.

Mr. JALBERT: Mr. Speaker and Members of the House: To clarify a situation, because I don't want to go through the expense of an entire bill being drafted, I don't want to go through the added expense of labor thereby, I have discussed this with the Speaker, I have discussed it with the leader of the friendly opposition. I accept the proposal of the Speaker, if the Report C is accepted because of the fact that revenue measures must originate in this body and this being a measure which originated in the other body, I would propose an amendment, if Report C is accepted, that would remove the two cents on cigarettes, and when that passes, I would propose another amendment that would put the tax back on which would, consequently make this a House document. However, I have got to say that it could be possible that there is some law that could show where I would be right in acting as I have originally, but I am not going to debate the point for reasons I have stated.

Now, in the debate of Report B, there was a tremendous amount of conversation wherein it concerns itself with one-shot deals. The gentleman from Dover-Foxcroft, Mr. Smith, mentioned that certainly all one-shot deal funding was properly in Report B, and I agree. The same thing prevails, certainly, in Report C.

As a matter of fact, some of you who have served with me both on the Appropriations

Committee and in the House well remember how long and loud I have been talking about special revenue funding. I think because of the fact that we are going to be one or two days with this program, it might be well to explain the situation as to how we arrived and what was done at least in Report C. This does not pertain altogether in Report B nor does it in Report A, although Report A, in that area, and Report C are almost identical.

The first item I would come to would be the municipal audit, which is a last balance, which is a one-shot deal of \$150,000. That was \$200,000 and we took \$150,000 of it, leaving \$50,000 which really is all they need, that is ample money for them, according to their own statement.

The \$190,000 which was originally put in, which is \$160,000, is the additional revenue generated after the passage, which has already happened, of L.D. 1320 and the Secretary of State will collect the taxes on casual sales.

The \$75,000, this is continuous, involves itself with unorganized territory school funds is continued interest on unorganized school funds, this is continuous. The fourth item is \$283,697,000, this is a one-shot deal, this is accumulated interest in the fund and the interest is not needed since the passage of the school funding law.

The next item, which is a permanent school fund item of \$700,000 is also a one-shot deal. This is permanent school fund principal and interest from a fund established in 1828. After the passage of the school funding law, there is no more need for this fund.

The next item involves \$300,000. This is the interest from investment of funds in enterprises and intergovernmental funds.

The next item is \$215,000 — and this is a recurring item. The next item, which is a one-shot deal, of \$215,000 concerns itself with the money we advanced for the lottery and the potato seed program, we are recalling that money because they can now pay us back. This is a one-shot deal.

The next item, which is \$50,000, is district court, and this involves itself with merely an increase and undedicated revenue to effect the appropriation of same amount to the district court.

The next item of \$1,100,000 is the limit on local revenue sharing to \$9 million, thereby giving us \$1,100,000.

The other item is \$137,000. This is also a recurring item, as well as the previous item. This makes undedicated revenue left over from the switch from the property tax to the income tax in educational funding.

Now, Report C, in effect, has no cut in the museum that Report B had, no biweekly payroll, and the argument on that even though it would save money, you have a bimonthly payroll, some of the lower paid people, inside of the next first three or four days could well find themselves out of money as early as that and you would have to wait ten days and it would create tremendous hardship on them. There is no reduction in the merit increase and there is no reduction in the noon meals. This actually would cost some of the highway low paid people, in the cabooses where they eat their meals in various areas where they travel, about \$500,000. It would cost other areas of state government more money, to the amount also of about \$500,000.

The additional \$30,000 in Report C for Maine Maritime Academy is from \$84,000 to \$114,000 which would give them the \$15 straight across the board also.

Outside of that, the report stands pretty close to Report B. I have been asked a question as to what the situation was wherein it concerns the veteran services and the \$60,782. This is money that the department said they could live

without, so we applied \$11,250 of that in Report C to finance the Caribou office and also added \$37,000 to the Veterans Memorial Cemetery, which actually leaves us a savings in that department of about \$12,000.

The program is sound. It also deviates from the other reports. Report B would leave a balance of \$918,000. Report A would leave a balance of \$785,000. Report C, my report, would leave a balance of \$1,107,000.

At the beginning of the deliberations of the Appropriations Committee, it had been decided by unanimous vote to delay the implementation of the Hay Report and to also delay collective bargaining.

I am somewhat acquainted with this type of a report because it was my honor to be chairman of the defunct Legislative Research Committee which first set off the Cresap, McCormick & Paget Report. Incidentally, they rebid on this report at \$89,000 and the Hay Associates bid \$111,000, but they were awarded the bid.

Furthermore, the report was started September 15 and the final report of the Hay Report ended on January 20, four months. The Cresap, McCormick & Paget Report was started in January of 1966 and ended in January 1967.

My very big difference with the report has been steadfastly the appeals program. I was amazed yesterday that we did not get too many of the answers that probably we were looking for.

After the Cresap, McCormick & Paget Report was completed in part before the appeals program, by agreement with the Cresap people, as chairman of the Legislative Research Committee I wrote to every state employee telling them that we would set up an appeals board. Membership of that board was made up of three people, a member of my party, the Honorable Severin Beliveau, a corporation member, then an admitted corporate man whom I respected for his ability who was not in the legislature then but is now, the Honorable Mr. Farnham of Hampden, and an impartial individual and a lady, because even then I was ERA, Mrs. Charles Allen of Portland, an extremely capable woman.

The state employees were notified that they could submit their complaints or whatever points they wanted to, their appeal, to the board and they could be heard by themselves or through a representative of their choice, whether he be from one union or the other, or through a lawyer or through a friend or anybody they chose. They could also be heard in groups. For instance, a group of typists who did the same work and were classified in the same areas, they could be heard under one roof if they so chose. They did not have to appear if they didn't want to. They could have somebody else represent them. They did not have to if they cared not to. They could write if they were not satisfied and they could appeal that decision. This was an eight months procedure.

There is talk about the nonimplementation of the Cresap, McCormick & Paget Report. Very simple, betwixt and between the beginning and the end and the beginning of that report and the special session, and the beginning has been explained here on the floor but not thoroughly, beginning of the next session the state employees received four-step increases in salary, so that in effect the reclassification program was such a success and done so well and so thoroughly that these steps were justified.

Finally, this report of mine, Report C, I would like to state for a moment the fact that I have been asked about \$1,107,000, if that would leave that much of a balance, couldn't I have kept some more money and then probably have only one cent on cigarettes. Had I done that, I would have found myself having to plunge into the

Governor's balance of \$616,000 and I did not choose to do that.

I would touch upon that by saying that I have received, since this entire tax thought of mine, way back when I was on a half-hour TV show, I have received one phone call, and in the time that I circulated my petitions, I asked several people. I told them what I was doing, and I received one complaint.

I must relate an experience, however, that did happen to me Saturday. I came back to Augusta on railroad business to meet with some people who had flown in from the upper regions and this gentleman who was driving stopped the car for gas in Manchester. He made the comment while they were filling his car with gas, cigarettes are pretty cheap here, \$2.45 a carton or 47 cents a pack. I said, that is right. He asked the attendant if he carried Winston and the gentleman said yes. He paid for his gas, he drove on. We went into the Holiday Inn, he smoked six, seven or eight cigarettes, crumpled up the pack, excused himself for a couple minutes, came back with two packs of Winstons, and he had dropped 65 cents for each pack in the cigarette machine. So I reminded him that he could have bought two packs in Manchester, three miles below, but he didn't want to get out of the car. It would have saved him 20 cents a pack.

I would also remind — and I am not in any way being critical, as a matter of fact, I am being complimentary to the gentleman from Nobleboro, Mr. Palmer. I talked to the Speaker that day, I talked to others and I called the gentleman from Nobleboro and I told him that his line was as busy as mine usually is. He said, I have been calling people, and you know, Louie, I am getting a tremendous return on the suggestion of hiking the income tax and 5 cents on cigarettes, which passed through this House quite easily and then, of course, was changed in the other body. So I can see no real hangup on voting for 2 cents, vis-a-vis, the 5 cents that had already been voted to fund another program. Substantially, that is what Report C is. I think it is a good report. It does not satisfy some of the people who work in state employ. It is in accord with the majority, however, of these people, it is in accord with the prime rate, so to speak, of the MTA, the Ask Me and the MESA, and I think it is sound, I think it will make for good relations all around. I know that there are going to be some amendments. In all justification, with the cost of living going upwards of 20 percent since the state employees have had a raise, I can see no reason why we should not satisfy them with \$15 a week.

I hope Report C receives passage, Mr. Speaker, and when the vote is taken, I move that it be taken by the yeas and nays.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to make a long speech. I think Mr. Jalbert has covered for you what is in Report C. I would direct your attention again to one of the major features, which is the salary increase plan for state workers. I would remind you that \$15 a week is \$3 a day and \$3 a day is 37 cents an hour, and for two years back, 37 cents an hour is a 19 cent per hour increase per year. I think equity demands that this is the bottom line for a salary increase for the state workers. They deserve it.

I don't have to remind you that even though there are a lot of bills floating around here dealing with the increased intentions for the retired state workers, retired teachers, that the current system is that their pensions increase at the same level that the state workers' pay goes up. So you are dealing not only with over 11,000 state workers, you are also dealing with many, many retirees in this state. I hope we

will overwhelmingly adopt Report C here this morning.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I am going to be brief this morning, as brief as I can, because I think the gentleman from Lewiston, Mr. Jalbert has explained his report very ably. I simply wanted to say that I have served for several semesters in this legislature. In the last session, the session before this, I had the pleasure of serving on the Appropriations Committee with the senior member of the legislature, and of course he has been on that committee for a long time, and I went on as a new member of the Appropriations Committee and I was impressed because Mr. Jalbert, it was always no, no, no, we won't spend, we won't spend and we won't spend. In my opinion, and I don't want to turn this into a pat on the back for Mr. Jalbert, but I don't know of a more fiscally responsible person, nor have I seen a more fiscally responsible person in this legislature than the Representative from Lewiston, Mr. Jalbert.

I don't think there is anyone who understands the problems of state government any more, I don't think there is anyone who can look ahead to the future and see what we are faced with if we don't bite the bullet and at this time give a reasonable increase to the state employees. I think this goes beyond partisanship; I think it goes beyond anything else. I think it comes into the realm of good common sense. We have asked these people to work, we give increases everywhere else and yet, whenever the money is short, they are the last people to get it.

I say, to reiterate the idea of being fiscally responsible, Mr. Jalbert has presented a plan to you this morning that he intends to fund, he intends to put some money in, he intends to leave a little over a million dollars for a balance going into the future, and certainly it is going to be uncertain, and he has presented us with an honorable and honest attempt to do something for the state employees and for the citizens of Maine. I certainly hope that you all support Plan C.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: It is not very often that I rise to oppose my good friend from Lewiston, Mr. Jalbert, but in this case, I feel I must. What he is attempting to do is no doubt in the best interest of the state employees; however, the method that he chooses to do this, I disagree with. I don't believe that the cigarette tax is the proper vehicle that we should use to accomplish this. I believe there is enough money lying around that could be made available for this purpose rather than pick on the cigarette tax. And should in the final analysis we would be unable to come up with adequate dollars, then perhaps the area of compromise as suggested by my good friend from Waterville, Representative Carey, might be the answer. I would hope that you would vote against the adoption of Report C.

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

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: Before the vote is taken, I just want to make a couple of comments on Report C, the first one being that I am not sure, as the gentleman from Lewiston suggests, that the amendment process which he intends to use, should Report C be accepted, will cure the constitutional deficiencies in this bill. The Constitution clearly says that a bill raising revenues shall originate in the House, and I am not sure the amendment process will in fact cure it, and I just say that it probably would be challenged if the thing is passed. It doesn't make any difference to me, because I

don't intend to support it, but I just felt that for the record I would like to say that.

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

Mr. JALBERT: Mr. Speaker, I have been told to keep cool and I intend to keep cool, but you know, every day I am taught a lesson by listening to somebody. I would like to have the gentleman from Bangor, Mr. McKernan, listen to me and listen very, very hard. I never get up on the floor of this House and say, I am not sure. Either I get up with the facts or I don't get up at all.

If the gentleman from Bangor, Mr. McKernan, says that I am not sure, where are his facts? I chose this reason and this way as a solution which was the easiest. I stated so honestly. I could very well ask, and I shall ask, as a matter of fact, Mr. Speaker, I would ask you this question. I chose this method because I thought this was the simplest way, I did not want any hassle with a very, very close personal friend of another party somewhere else, I told you so, I chose this way because of the fact that it saves a tremendous amount of time, a tremendous amount of printing money, and it is the easy way and it is an honest way to do it. I am asking you, if Report C is accepted, Mr. Speaker, would you rule my amendment to be in order which (1) would remove the tax, (2) would put a tax back on, or not?

The SPEAKER: The Chair would advise the gentleman and members of the House, the Constitution indicates that the tax must originate in this body. If the tax is so indicated that it originates in this body by an amendment offered by the gentleman from Lewiston or anyone else, the Chair would assume that it is constitutional. If anyone wishes to question that, they can check with the Attorney General.

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

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to question it, because, as I said, I am not going to support the measure. My only point was to emphasize that there are questions. When I said I wasn't sure, what I mean is, I am not sure whether that is going to be challenged in the court, and if it is, I am also not sure what our court is going to do, as none of us are. I was just pointing out that the Constitution does say "All bills for raising a revenue shall originate in the House of Representatives." It doesn't say amendments. This bill originated in the Senate, and I was just pointing out that there may be some problems.

I agree with the gentleman from Lewiston that this is the easiest way to do it and I admire him for finding a way so we wouldn't have to cause the bill to be reprinted. My only point was, were I supporting that measure, I would want to be sure that it wasn't going to be struck down in the courts and therefore would probably have taken the extra cost of printing it.

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

Mr. LYNCH: Mr. Speaker, I would like to ask any member of the Appropriations Committee, are these bills complete? Looking at the bills, I find that there is a million dollars for the retirement system. Where is the funding mechanism for funding increased costs of state government for increases in state employees' pay and where is there any provision made for increases to the retired employees?

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

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

Mr. JALBERT: Mr. Speaker and Members of

the House: The retired employees are taken care of in this measure and the retired teachers are taken care of in this measure also. The funding mechanism is right in the bill.

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

Mr. SMITH: Mr. Speaker, to further reply to the gentleman's question, both Report A and Report B are funded by the same \$3.75 million that the Governor had in his original recommendation to us. So that should clear up any question that you had on Report A. Now Report B is gone, of course, but we are still using the same funding mechanisms that were available in Report B, which was essentially the Governor's recommendation.

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

Mr. LYNCH: Mr. Speaker, I would like to ask the gentleman from Dover-Foxcroft, the \$3 plus million dollars, is that entirely wages? Why isn't it listed under retirement?

The SPEAKER: The gentleman from Livermore Falls, Mr. Lynch, has posed an additional question through the Chair to the gentleman from Dover-Foxcroft, Mr. Smith, who may answer if he so desires, and the Chair recognizes that gentleman.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: The retirement money is included in this \$3.75 million.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I certainly hope the members of the House today will support Report C. Mr. Jalbert has explained it well. I don't believe that this is a party issue. I have never believed in party issues once we got on the floor of this House, and I don't believe that anyone has the right to call it a party issue.

I believe that we have a moral obligation to the employees of this state who are underpaid, and we have that obligation to see that they are at least brought up to a justifiable living wage. If we have to raise 2 cents on the taxes of cigarettes to do it, so be it. That is the route we are going to take and that is the best route. But 2 cents for people who buy cigarettes, I say it is a small price to pay when we are talking about increases of a living wage for people to take home.

I certainly believe that Mr. Jalbert has done a fine job on this. I will admit that I was confused and I have been confused probably ever since I have been up here on a lot of issues, and I would be the first to admit it. But I believe that the right thing to do is to give a good, decent increase in wages, and that is the right thing. The court questions which have been asked here today, we can let the courts decide on the legality of it, but the right thing is to give them the raise that they are entitled to.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that the House accept Report C, L. D. 2343, in non-concurrence. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Bennett, Berube, Birt, Boudreau, Bowie, Bustin, Byers, Call, Carey, Chonko, Churchill, Clark, Connolly, Cote, Cox, Curran, P.; Curran, R.;

Curtis, Davies, Doak, Dow, Drigotas, Dudley, Farley, Finemore, Flanagan, Fraser, Goodwin, K.; Hall, Henderson, Hennessey, Hughes, Ingegneri, Jacques, Jalbert, Jensen, Joyce, Kany, Kellheer, Kennedy, Laffin, LaPointe, Lewis, Lunt, Lynch, Mahany, Martin, A.; McMahon, Miskavage, Mitchell, Morin, Mulhern, Najarian, Norris, Peakes, Pearson, Pelosi, Powell, Quinn, Rideout, Rolde, Saunders, Snow, Snowe, Strout, Stubbs, Talbot, Theriault, Tierney, Torrey, Tyndale, Usher, Wagner, Walker, Winship.

NAY — Berry, G. W.; Berry, P. P.; Blodgett, Burns, Carpenter, Carroll, Carter, Conners, Cooney, Dam, DeVane, Durgin, Dyer, Farnham, Faucher, Fenlason, Garsoe, Gauthier, Goodwin, H.; Gould, Gray, Greenlaw, Higgins, Hinds, Hunter, Hutchings, Immonen, Jackson, Kauffman, Kelley, Laverty, LeBlanc, Leonard, Lewin, Littlefield, Lizotte, Lovell, MacEachern, Mackel, Martin, R.; Maxwell, McBreairty, McKernan, Mills, Morton, Nadeau, Palmer, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Post, Raymond, Rollins, Shute, Silverman, Smith, Spencer, Sprowl, Susi, Tarr, Teague, Tozier, Truman, Twitchell, Wilfong, The Speaker.

ABSENT — Hewes, Hobbins, MacLeod, Peterson, T.; Webber.

Yes: 79; No: 67; Absent: 5.

The SPEAKER: Seventy-nine having voted in the affirmative and sixty-seven in the negative, with five being absent, the motion does prevail.

Thereupon, the New Draft was read once and assigned for second reading later in today's session.

Communications

The following Communication:
STATE OF MAINE
ONE HUNDRED AND SEVENTH
LEGISLATURE
COMMITTEE ON AGRICULTURE
April 6, 1976

Honorable John Martin
Speaker of the House
State House
Augusta, Maine 04333
Dear Speaker Martin:

It is with pleasure that I report to you that the Committee on Agriculture has completed all action necessary on the business placed before it by the Special Session of the 107th Legislature.

Total Number of Bills Presented	6
Ought to Pass	1
Ought to Pass in New Draft*	1
Ought to Pass as Amended	2
Divided	1
Ought Not to Pass	1

Sincerely Yours,

Signed: LUMAN P. MAHANY
House Chairman
The Communication was read and ordered placed on file.

The following Communication:
STATE OF MAINE
ONE HUNDRED AND SEVENTH
LEGISLATURE
COMMITTEE ON LEGAL AFFAIRS
April 5, 1976

Honorable John L. Martin
Speaker of the House
House of Representatives
Augusta, Maine 04333
Dear Mr. Speaker:

It is with pleasure that I report to you that the Committee on Legal Affairs has completed all actions necessary on the business placed before it by the First Special Session of the 107th Legislature.

Total Number of Bills Presented	17
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Unanimous Reports	16
Leave to Withdraw	3
Ought to Pass	5
Ought to Pass as Amended	7
Ought to Pass in New Draft	1
Divided Reports	1
Total Number of Amendments	7
Total Number of New Drafts	1

Sincerely,

Signed:

RAYMOND N. FAUCHER
Chairman

The Communication was read and ordered placed on file.

The following Communication:

STATE OF MAINE
ONE HUNDRED AND SEVENTH
LEGISLATURE
COMMITTEE ON ENERGY

April 5, 1976

The Honorable John L. Martin

Speaker of the House
State House

Augusta, Maine 04333

Dear Mr. Speaker:

The Committee on Energy is pleased to report that it has completed all legislation placed before it by the Special Session of the 107th Maine Legislature.

Total bills received	2
Leave to Withdraw	1
Divided Report	1

Respectfully,

Signed:

ROBERT M. FARLEY
House Chairman

The Communication was read and ordered placed on file.

The following Communication:

STATE OF MAINE
ONE HUNDRED AND SEVENTH
LEGISLATURE
COMMITTEE ON LABOR

April 5, 1976

Honorable John L. Martin

Speaker of the House
State House

Augusta, Maine 04333

Dear Mr. Speaker:

The Committee on Labor is pleased to report that it has completed action on all legislation placed before it by the Special Session of the 107th Legislature.

Total Number of Bills Presented	15
Unanimous Reports	7
Ought to Pass	0
Ought Not to Pass	0
Ought to Pass as Amended	5
Ought to Pass in New Draft	1
Leave to Withdraw	1
Divided Reports	8

Respectfully,

Signed:

JAMES E. TIERNEY
House Chairman

The Communication was read and ordered placed on file.

Orders

Mr. Hennessey of West Bath presented the following Joint Resolution and moved its adoption: (H. P. 2286)

Joint Resolution Concerning The Need For Rail Passenger Service In Maine

Whereas, the State of Maine is the most northerly and easterly state of the contiguous 48 states; and

Whereas, the State of Maine is now the only state of the 48 contiguous states which does not have any rail passenger service; and

Whereas, AMTRAK, "The National Rail Passenger Corp.," was created by the Congress to

reestablish rail passenger service to all of the 48 contiguous states; now, therefore, be it

Resolved: That We, the Members of the 107th Legislature assembled in special session, do hereby urge and request the Members of the Maine Congressional Delegation to use their best efforts to persuade "AMTRAK" to reestablish rail passenger service into Maine during 1977; and be it further

Resolved: That duly attested copies of this Resolution be immediately transmitted to those Congressional Delegates with our thanks for their prompt attention to this important matter.

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

Mr. Perkins of Blue Hill presented the following Joint Order and moved its passage: (H. P. 2287)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Cory Robertson Of Blue Hill Winner Of The 1976 Hancock County Spelling Bee Sponsored By The Maine Sunday Telegram

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

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

The Order was read.

THE SPEAKER: The Chair recognizes the gentleman from Blue Hill, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: In presenting this joint order today, I also have congratulated the gentleman from Rangeley, Mr. Doak, and offer to him our opposition from Blue Hill, it was a 6th grader taking on the 8th graders and has succeeded in defeating all those in the 7th and 8th grade and will meet Mr. Doak's son.

Thereupon, the Order received passage and was sent up for concurrence.

Mrs. Post of Owls Head presented the following Joint Resolution and moved its adoption: (H. P. 2289)

IN MEMORIAM

Having Learned of the Death of Ralph Waldo Tyler of South Thomaston A Well-Known Naturalist and Columnist Who Died on March 30, 1976

The Senate and House of Representatives of the State of Maine do hereby extend their sincere heartfelt condolences and sympathy to the bereaved family and friends of the deceased; and further

While duly assembled in session at the State Capitol in Augusta under the Constitution and Laws of the State of Maine, do herein direct that this official expression of sorrow be forthwith sent to the family of the deceased on behalf of the Legislature and the people of the State of Maine.

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

Mr. Birt of East Millinocket presented the following Joint Order and moved its passage: (H. P. 2290)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Ron Marks Named by John Bapst Quarterback Club as Eastern Maine Coach of the Year and by the Maine Coaches Association as Outstanding Soccer and Noted Basketball Coach at Schenck High School of East Millinocket

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

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

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

Mr. Tierney of Durham presented the following Joint Order and moved its passage: (H. P. 2291)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Joseph R. Duclos of Portland Commander of the Department of Maine American Veterans of World War II, Korea and Vietnam

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

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

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

Mr. Tierney of Durham presented the following Joint Order and moved its passage: (H. P. 2292)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Eleanor S. Learnard of Durham President of the Department of Maine American Veterans of World War II, Korea and Vietnam Auxiliary

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

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

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

Mr. Talbot of Portland presented the following Joint Resolution (H. P. 2295) and moved its adoption:

Joint Resolution in Recognition of The Epilepsy Foundation and Its Foster Child for 1976

WHEREAS, epilepsy, in its many forms, afflicts more than 20,000 Maine residents of all ages; and

WHEREAS, the Maine Chapter/Epilepsy Foundation of America has as one of its goals widespread public education to help dispel the stigma surrounding this common disorder; and

WHEREAS, Dawna Marie Higgins, daughter of Mr. and Mrs. Walter Higgins of Seal Cove, Maine symbolizes the normal, productive lives people with epilepsy can live with proper treatment and understanding; and

WHEREAS, Dawna has spent her year as poster child helping to tell the true story and dispel the misconceptions surrounding this neurological disorder; and

WHEREAS, through the joint efforts of the Higgins family and the Maine Chapter, such programs as the EPILEPSY SCHOOL ALERT program were implemented to inform school personnel about recognition and first-aid for

early diagnosis and treatment of seizure disorders; now, therefore, be it

RESOLVED: That We, the Members of the 107th Maine Legislature in special session assembled, hereby endorse and support the efforts of the Maine Chapter/Epilepsy Foundation of America and their 1976 poster child, Dawna Marie Higgins and her family for advancing the epilepsy movement in Maine to help our 20,000 fellow citizens live normal lives with dignity; and be it further

RESOLVED: That suitable copies of this resolution be forwarded to the Higgins family and the Maine Chapter/Epilepsy Foundation of America.

The Resolution was read.

Thereupon, Mr. Talbot of Portland escorted Dawna Marie Higgins to the rostrum to serve as an Honorary Page, amid the applause of the House.

The Joint Resolution was adopted and sent up for concurrence.

House Reports of Committees Ought to Pass in New Draft New Draft Printed

Mrs. Boudreau from the Committee on Election Laws on Bill "An Act to Clarify the Election Laws" (H. P. 2029) (L. D. 2200) reporting "Ought to Pass" in New Draft (H. P. 2293) (L. D. 2344)

Report was read and accepted and the New Draft read once.

The **SPEAKER:** Is there objection to this being given its second reading at this time?

The Chair hears objection.

Thereupon, the New Draft was assigned for second reading later in today's session.

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

Non-Concurrent Matter Later Today Assigned

Bill "An Act Redistributing the Powers of the Executive Council" (H. P. 1997) (L. D. 2197) which was Passed to be Engrossed as Amended by Committee Amendment "A" (H-1115) and House Amendments "A" (H-1166), "B" (H-1177), "C" (H-1183), "E" (H-1191), "F" (H-1196) in the House on April 2, 1976.

Came from the Senate, Passed to be Engrossed as Amended by Committee Amendment "A" as Amended by Senate Amendment "A" (S-519), thereto; and House Amendments "A", "C", and "E"; and Senate Amendments "B" (S-524), "D" (S-529) and "C" (S-526) as Amended by Senate Amendment "A" (S-532), thereto, in non-concurrence.

In the House: On motion of Mr. Cooney of Sabattus, tabled pending further consideration and later today assigned.

Passed to Be Enacted

An Act to Clarify Certain Laws Relating to the Funding and Operation of the Superior and Supreme Judicial Courts (S. P. 712) (L. D. 2243) (C. "A" S-516)

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

Orders of the Day

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

An Act Relating to the Effective Dates for School Lunch Programs and Occupational Safety and Health in Public Employment (H. P. 2207) (L. D. 2307) (C. "A" H-1106)

Tabled — April 5 by Mr. Rolde of York.

Pending — Passage to be Enacted.

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

Mr. LaPOINTE: Mr. Speaker, Men and Women of the House: Please bear with me this morning, and probably the rest of the day, as I seem to be suffering from a cold and I have got all my equipment here and Representative Lovell has outfitted me with numerous pills and hopefully I will be able to survive the day.

This morning, I rise in opposition to the enactment of L. D. 2307 which, in effect, would delay the effective date for compliance with the National School Lunch Program from 1970 to 1980. This morning, I would ask the members of the House to go along with me in leaving the law the way it is. I ask the members of the House to go along with me in letting the compliance date, as it stands on the books, remain the same.

I now move for the indefinite postponement of the bill and all its accompanying papers.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I think the State of Maine has made a good-faith effort to comply with the National School Lunch Program. There are areas in which there are no need for this. There are areas in which there are no facilities available to implement this program. We have placed a moratorium on all school construction. I think there is a reason for delaying the implementation of the program to September of 1980. It can only be done provided that the commission upon proper application may, with the authorization of the state board, permit a public school to postpone the establishing of such a non-profit food service. There is a provision within the law for the commissioner not to waive it if he finds there is a need and the facilities are available.

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

Mr. LaPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: The good gentleman from Livermore Falls, Mr. Lynch, has indicated that the state is attempting to comply in good faith with the mandate that was passed by the 106th legislature to ask for a compliance by September of 1974. Furthermore, the legislature allowed for an administrative waiver through 1978; that is the way the law reads now.

The national School Lunch Program has been in effect for 30 years. In 1975, the Congress passed the Child and Nutrition Act, which essentially allowed for a great deal of open-ended funding for this particular program. I would point out to the members of the House this afternoon that that program, the Child and Nutrition Act of 1975, had the unanimous support of the entire Maine delegation.

Most importantly, the school lunch program is one of the very few social service programs which universally meets the needs of all children regardless of income. The program does this by providing federal dollars for food and subsidies to schools which participate in the program. The federal government now, under the Child and Nutrition Act of 1975, provides funds for meals, food service workers, and even for capital equipment, such as stoves and dishwashers if necessary.

The major argument put forth by the Department of Education and Cultural Services in trying to get this date changed to 1980 is the moratorium on school construction. I would point out to you that under the Child and Nutrition Act of 1975, the federal funding is there. I would point out to you that the types of capital needs that these sorts of programs would need for centralized kitchens is there, so I think that this is just a bureaucratic bluff job and I think that we are overlooking a lot of facts. Let's look at some of those facts again. Federal funding is there. Let's look at the fact that the program is

being provided in 75 percent of the public schools in the State of Maine, and the majority of the children in the system are utilizing this particular program. The problem simply lies, in my mind, with the bureaucracy.

Senator Walter Mondale, who is Chairman of the United States Senate Subcommittee on Children and Youth has stated that hundreds of thousands of U.S. children are not necessarily receiving the benefits of the nutrition as provided under these universal school lunch programs, not because legislation is needed from the federal government, not because legislation is needed from the state, but simply because bureaucrats aren't complying with the law, and because they have not complied with the law for the past two years, and because they have sought waivers, have come back to the legislature and sought another two years of a waiver.

What is going to prevent these bureaucrats from coming back again in 1980 and asking for another waiver? What is going to prevent them from coming back in 1982? Nothing. They just simply don't want to get with the program. That is the issue; it is a simple one. They could comply, the open-ended federal funding is there, and I would hope that this House would go along with indefinite postponement of this bill.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Portland has said that the federal funding is there. I think that you must be aware that the federal government is reconsidering the federal funding level. They are going to make it more difficult for some families to have school lunch programs without paying for them.

I would also ask the gentleman from Portland, what schools are not in compliance and why aren't they in compliance?

Mr. Finemore of Bridgewater requested a roll call.

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

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

The **SPEAKER:** The pending question before the House is on the motion of the gentleman from Portland, Mr. LaPointe, that L. D. 2307 and all of its accompanying papers be indefinitely postponed in non-concurrence. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bachrach, Bennett, Berube, Burns, Bustin, Call, Carey, Carpenter, Carroll, Chonko, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Davies, Doak, Dow, Drigotas, Durgin, Dyer, Farley, Faucher, Finemore, Gauthier, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hughes, Ingegneri, Jacques, Jalbert, Jensen, Joyce, Kany, Kelleher, Kennedy, Laffin, LaPointe, LeBlanc, Lewis, Lizotte, Lovell, Lunt, MacEachern, Mahany, Martin, A.; Martin, R.; Mills, Miskavage, Mitchell, Morin, Morton, Mulkern, Nadeau, Najarian, Norris, Peakes, Pearson, Pelosi, Peterson, P.; Powell, Quinn, Raymond, Rideout, Rolde, Saunders, Spencer, Strout, Stubbs, Susi, Talbot, Tierney, Torrey, Tozier, Truman, Twitchell, Tyndale, Usher, Wagner, Wilfong, Winship, The Speaker.

NAY Ault, Bagley, Berry, G. W.; Birt, Blodgett, Byers, Carter, Churchill, Connors, Curtis, Dam, DeVane, Fenlason, Flanagan, Fraser, Garsoe, Gould, Gray, Hennessey, Hewes, Higgins, Hunter, Hutchings, Immonen,

Jackson, Kauffman, Laverty, Leonard, Littlefield, Lynch, Mackel, Maxwell, McBreairey, McKernan, McMahon, Palmer, Perkins, S.; Perkins, T.; Pierce, Post, Shute, Snow, Snowe, Sprowl, Tarr, Teague, Theriault, Walker.

ABSENT — Berry, P. P.; Boudreau, Bowie, Curran, R.; Dudley, Farnham, Hinds, Hobbins, Kelley, Lewin, MacLeod, Peterson, T.; Rollins, Silverman, Smith, Webber.

Yes, 87; No, 48; Absent, 16.

The SPEAKER: Eighty-seven having voted in the affirmative and forty-eight in the negative, with sixteen being absent, the motion does prevail.

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

Mr. KELLEHER: Mr. Speaker, having voted on the prevailing side, I now move that we reconsider our action whereby this bill was indefinitely postponed and I would urge the House not to reconsider.

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

Mr. LYNCH: Mr. Speaker, I find what we have just done most amazing. I looked at the board and I saw green lights from members of this House who would not support public school funding. They would not raise and give the support to the Education Committee and the education community. Now you have turned around and mandated a program on school units. They have no say. You are telling them to have a school lunch program whether they need it or want it.

I hope you will recognize that the handwriting is on the wall in Washington, there is going to be gradual reduction in federal funding, it is coming, you are mandating a program that the state or local communities are going to have to pick up. How do you reconcile opposition to school funding and mandating programs? I can't understand that.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I completely agree with everything that the gentleman from Livermore Falls, Mr. Lynch, has said. I think this is one of our big problems in the whole education funding field in the State of Maine.

I heard the Commissioner of Education Sunday, on one of the state TV programs, indicate that he felt that we have got to stop mandating programs at the state level and allow some judgment at the local level. This is a situation that develops in this piece of particular legislation.

There are many, many towns in the State of Maine, the same as my own, that have no problems with their children getting adequate lunch at noon. Most all of them, as I pointed out when this bill first came up, they live within five to ten minutes walking distance to the school, they get to walk home and it is worthwhile. To take these children away from their parents for a long period of time and not let them get home at noontime is probably doing more psychological damage than it is to make sure that they are properly fed.

They do have a chance for adequate noon lunches in all of the cases that I know of and, basically, this is compelling small towns in particular to have to take programs that may be adequate for large cities such as Portland but are not necessary for small towns and forcing it on them is completely wrong. I hope you do reconsider.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: Maybe, I am incorrect, but as I understand it, the law is mandatory now, that they will start these in 1978. Now we are trying to prolong them for a longer period, which I don't agree with.

For the information of the gentleman from Livermore Falls, Mr. Lynch, I did vote against the school funding bill because I did not think it was funded 100 percent and I still don't believe so, but that is neither here nor there.

I have been interested in the school lunch ever since it started in SAD 42 and that is many years ago, and we have done a fine job. We have given children proper meals that they were not getting, and I think we have come to the point where every child in the State of Maine, not especially in SAD 42, which is one of mine, and SAD 29, and I think we should give them all the same thing. The schools that have not got it, in my opinion, are the ones that need it the most. They are the smaller schools and most of them are in the poorer section, and I think that every child in the State of Maine should be entitled to a lunch at noon at least, if not breakfast. I am going to stick to it because I have seen too many children going to school without things that they should have.

I have a son who taught school in Milo one year and had some of the surrounding towns, which were the poorer towns, and he bought lunches for them. He bought things so they could eat properly and he probably couldn't afford to but he did and I think other teachers have done the same thing.

I hope this morning you will vote against reconsideration and kill this bill once and for all and have this become effective in 1978, if I am correct in saying that, and I hope you will vote against reconsideration.

Mr. Palmer of Nobleboro requested a roll call vote.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I think we should realize that the major reason this bill was presented is because we have a moratorium on school construction so that if the school has to enlarge its facilities or build new facilities in order to comply with the law the way it presently stands, it means that it has to be done by the local people with their own property tax dollars with no help from the state. That is the major reason this bill was put in, and I hope you will reconsider.

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

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

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

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: Just quickly, my town is without the facilities that would be necessary to have a school lunch program, and I know for a fact that it has been something that the people in my town have been kind of closing their eyes to and hopefully thinking it will go away because they really don't think they need it and I personally don't think they need it either.

In a mill rate, if we had to build a facility, finance it on our own dollars, which I assume we would because there is a moratorium on the state level and assuming that moratorium continues, to finance a \$500,000 building over a 10 year period of time, we would have to raise our mill rate by 16 mills for 10 years, 16 mills this year, 16 mills next. That mill rate figures out somewhere that we would have to tax every residence \$100 more just so they could have a school lunch program and, frankly, I think at this time we have to look at the impact on the taxpayers and can those taxpayers afford the \$100 as much as maybe the gain they will get from having their children have a hot lunch versus maybe a cold lunch now? For crying out

loud, let's be sensible about the whole thing and put things in proper perspective. We can't afford it at this time and let's put it off.

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

Mr. DOAK: Mr. Speaker, I have a question to anyone who might want to answer it and that is, I understand that there is a waiver possibility built into this law whereby the Department of Education can grant a waiver during the moratorium to those communities who are not able or are financially in trouble and I would like to have that question answered, please?

The SPEAKER: The gentleman from Rangeley, Mr. Doak, has posed a question through the Chair to anyone who may respond if they so desire.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: There is a waiver probation with the approval of the State Board of Education. It has been in the law and it is continued under the proposed amendment.

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

Mr. LaPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: I would just point out to the members of the House this morning that the engrossed copy of this bill is on your desks, and I would like to just cover a few things and try to correct some facts which appear to be in the process of being muddled. That is really what it boils down to, they are being muddled.

We have already mandated the program, the program was mandated and please bear with me, I have a bad cold, by September of 1978. In the law now there is an opportunity for school boards who are out of compliance to seek a waiver through 1978. I would point out to you right now, and I would point out to you we are still, as you all know, in 1976 and what they want to do is push it off another four years, the waiver, because the program has already been mandated.

I think the gentleman from Woolwich, Mr. Leonard, has raised an issue which is not in fact correct. He mentioned hot lunch. The bill, the law on the books right now, talks about a Type A lunch. There is no reference made to a hot lunch. A Type A lunch is not, in fact, necessarily a hot lunch. If anyone doubts my word on this, I suggest you call Miss Gertrude Griney over in the Department of Education and Cultural Services and she will point out to you correctly that a Type A lunch is milk, fruit, sandwich and possibly a vegetable, so this requirement of grandiose kitchens is in fact a red herring. We are talking about Type A lunches.

I pointed out to you factually, under the Child and Nutrition Act of 1975, which was overwhelmingly supported by the Maine Congressional Delegation in a veto override in October of 1975, that this child or children's feeding act, had overwhelming support.

The problem as it exists right now is that there are 11,500 kids who are affected by the fact that a bunch of bureaucrats just won't enforce the law. They won't start checking on these requests for waivers, and I would point out to you that some of those schools are right in my own district and that is why I am supporting this law. I would hope that this House would not go along with reconsideration, that it would put this bill to a quick death and if there are schools that are having problems, let them come in at the regular session and let's address those issues then.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I think it is important that we look at this particular bill and the way it relates to other areas other than Portland and some of the larger cities.

I happen to represent an area which includes Matinicus Island, which has a total population of about 90, it has 19 children in its school and it is one of the communities which is now out of compliance. It does not provide a lunch for its school. That town has decided that rather than have the school provide the lunch, the parents would provide the lunch, they can provide the sandwiches, the milk and whatever and the children bring it to school themselves, and the alternatives that are available to them, they are not getting assistance from the state in the school funding and most likely are going to be a pay-in town, the alternatives that are available to them is to build on an addition to provide a lunch and once you do that, you get into sanitation regulations and you have to have 3 sinks and a dishwasher, and the temperature of the water has to be 180 degrees and you get into all kinds of problems.

So to build onto their school, it is going to have to come out of their own pockets or they can maybe airdrop some lunches by helicopter from Rockland. I guess what I am saying is that in these types of cases the schools should have available to them some choices, so I would ask you to vote to reconsider.

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

Mr. CONNORS: Mr. Speaker, Ladies and Gentlemen of the House; I would just like to bring out that the taxpayer is pushed to just about his limit of what he can stand, especially in these small towns. If we mandate this, why don't we put a fiscal note on it and let the state, if they are going to mandate it, pay the entire bill on this thing.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Bangor, Mr. Kelleher, that the House reconsider our action whereby this Bill was indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bagley, Berry, G. W.; Birt, Blodgett, Bustin, Byers, Carpenter, Carter, Churchill, Connors, Curran, P.; Curtis, Dam, DeVane, Durgin, Dyer, Farley, Farnham, Fenlason, Flanagan, Fraser, Garsoe, Gauthier, Gould, Gray, Greenlaw, Hennessey, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Jackson, Kauffman, Laverty, Leonard, Lewis, Littlefield, Lunt, Lynch, Mackel, Maxwell, McBreaarty, McKernan, McMahon, Morin, Morton, Palmer, Pearson, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Post, Rideout, Shute, Snow, Snowe, Sprowl, Strout, Tarr, Teague, Theriault, Torrey, Tozier, Walker.

NAY — Albert, Bachrach, Bennett, Berube, Boudreau, Burns, Call, Carroll, Chonko, Clark, Connolly, Cooney, Cote, Cox, Davies, Doak, Dow, Drigotas, Faucher, Finemore, Goodwin, H.; Goodwin, K.; Hall, Henderson, Hughes, Ingegneri, Jacques, Jalbert, Jensen, Joyce, Kany, Kelleher, Kennedy, Laffin, LaPointe, LeBlanc, Lizotte, Lovell, MacEachern, Mahany, Martin, A.; Martin, R.; Mills, Miskavage, Mitchell, Mulkern, Nadeau, Najarian, Norris, Peakes, Pelosi, Powell, Quinn, Raymond, Rolde, Saunders, Smith, Spencer, Stubbs, Susi, Talbot, Tierney, Truman, Twitshell, Tyndale, Usher, Wagner, Wilfong, Winship, The Speaker.

NAY — Berry, P. P.; Bowie, Carey, Curran, R.; Dudley, Hobbins, Kelley, Lewin, MacLeod, Peterson, T.; Rollins, Silverman, Webber.

Yes, 68; No, 70; Absent, 13.

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

Sent up for concurrence.

On request of Mr. Rolde of York, by unanimous consent, unless previous notice was given to the Clerk of the House by some member of his or her intention to move reconsideration, the Clerk was authorized today to send to the Senate, thirty minutes after the House recessed for lunch and also thirty minutes after the House adjourned for the day, all matters passed to be engrossed in concurrence and all matters that required Senate concurrence; and that after such matters had been so sent to the Senate by the Clerk, no motion to reconsider would be allowed.

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

After Recess
2:30 P.M.

The House was called to order by the Speaker.

The following papers appearing in Supplement No. 2 were taken up out of order by unanimous consent:

Bill "An Act to Revise and Reallocate Appropriations from the General Fund for the Expenditures of State Government for the Fiscal Years Ending June 30, 1976 and June 30, 1977 and Changing Certain Provisions of the Law necessary to the Proper Operations of State Government" (Emergency) (S. P. 792) (L. D. 2343)

Was reported by the Committee on Bills in the Second Reading and read the second time.

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

Mr. JALBERT: Mr. Speaker, I now move that we reconsider our action whereby we accepted Report "C".

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

Mr. HENDERSON: Mr. Speaker, I wonder if the person making the motion could explain the reason for reconsideration?

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

The Chair recognizes that gentleman.

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House; I am going to explain it by saying that when that motion passes, I am going to withdraw the amendment and then I am going to make another motion to accept Report A and then I am going to speak on that. I will explain it.

Thereupon, the House reconsidered its action whereby Report C was accepted.

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

Mr. JALBERT: Mr. Speaker, I now withdraw my motion.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, now withdraws his motion to accept Report "C".

The Chair recognizes that same gentleman.

Mr. JALBERT: Mr. Speaker, I now move that we adopt Report A and would like to speak to my motion.

I have in my hand a letter that was addressed to the Honorable Speaker and a copy to me and in sum and substance it says that Report C calls for raising revenue and it would be a significant constitutional risk. This is the Attorney General's Department, so regardless of that fact, Mr. Speaker, I would not want to take the prerogative that would be mine or any other member of the House. I don't want to be here beyond Friday and I am sure that all of you here feel the same way.

I think the House spoke clearly on Report C this morning. I have an amendment prepared

which will, without any question, put on to Report A the monies which would make up the pay raise to \$15 along with the 2 cents on cigarettes. The amendment is not yet ready. I would ask your indulgence to accept Report A and then, after it is given its first reading, table the report pending the appearance of the amendment or any other amendments which are forthcoming.

Thereupon, Report A was accepted in non-concurrence, the New Draft read once and assigned for second reading later in today's session.

Bill "An Act to Clarify the Election Laws" (H. P. 2293) (L. D. 2344)

Was reported by the Committee on Bills in the Second Reading and read the second time.

On motion of Mrs. Boudreau of Portland tabled pending passage to be engrossed and later today assigned.

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

The following Joint Order: (S. P. 794)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Miss Stella Morrill of South Berwick who will celebrate her 100th birthday in July the same month that our nation celebrates its 200th birthday.

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

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

Came from the Senate, read and passed.

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

Non-Concurrent Matter

Bill "An Act to Clarify Certain Provisions in the Education Laws" (Emergency) (S. P. 651) (L. D. 2056) which was passed to be Engrossed as amended by Committee Amendment "A" (S-480) as Amended by House Amendments "E" (H-1180) and "G" (H-1192) and Senate Amendment "A" (S-500), thereto, and House Amendments "A" (H-1132) and "B" (H-1173) and Senate Amendment "B" (S-502) in the House on April 5, 1976.

Came from the Senate, passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendments "E" and "G" and Senate Amendments "A" and "B" (S-525), thereto, and House Amendments "A" and "B" and Senate Amendment "B" in non-concurrence.

In the House:

On motion of Mr. Lynch of Livermore Falls, the House voted to recede from its action whereby the Bill was passed to be engrossed as amended.

On further motion of the same gentleman, the House voted to recede from its action whereby Committee Amendment "A" as amended by House Amendments "E" and "G" and Senate Amendment "A" thereto was adopted.

Senate Amendment "B" to Committee Amendment "A" (S-525) was read by the Clerk.

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

Mr. CONNOLLY: Mr. Speaker, I wonder if someone could tell us what this amendment does?

The SPEAKER: The gentleman from Portland, Mr. Connolly, has posed a question

through the Chair to anyone who may care to answer.

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

Mr. LYNCH: Mr. Speaker, when we adopted the line item veto, we had a conflict in numbering and this just takes care of the numbers.

Thereupon, Senate Amendment "B" to Committee Amendment "A" was adopted in concurrence.

Thereupon, Committee Amendment "A" as amended by House Amendments "B" and "G" and Senate Amendments "A" and "B" thereto was adopted in concurrence.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "B" went through so fast the other day that I don't believe there was any discussion as to what the amendment did, and I am going to move indefinite postponement of House Amendment "B" simply to clarify what we have done, and if you have any objections to it, then you will vote for indefinite postponement. If you have no objections, we will allow the amendment to stay on the bill.

The amendment says, "notwithstanding the provisions of this section, a pupil who has been enrolled in a kindergarten or grade 1 in another state shall be admitted to kindergarten or grade 1 respectively upon transfer to a school in this state." This is similar to a bill that was introduced a year ago regarding grade 1, and this year we are getting down into kindergarten.

The problem is this. Outside the State of Maine, they have a lower entrance grade. Students in New Hampshire and across the border in the Provinces can go to school younger. When they come into the State of Maine, that may create a problem in your community, and that is my only objection to it. If you feel that we are treating youngsters differently coming in from outside the state than we treat our own, then you would vote to indefinitely postpone this amendment. If you don't feel that you have to give the youngsters in the State of Maine any consideration and allow youngsters to come in at a younger age into the school system, you will vote to sustain the amendment.

My only purpose in bringing this up is to allow you to make a judgment on it that you didn't have an opportunity to do the other day.

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

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: This amendment was placed on because of students who do come in from other states and the children have been attending schools and it seems rather a sad thing if a child has been attending school and is not able to continue his education. In some instances, it is just a matter of finishing out the year. It isn't a case of letting the child enter school that has not had previous education, and I hope that you will not vote to indefinitely postpone this amendment.

The SPEAKER: The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, I would like to pose a question to anyone who might answer. Does this mean that a child coming in from another state or province, if their age was different than those going here in the State of Maine, that they would be allowed to attend kindergarten different than what we require now for those students in the State of Maine?

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

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

Mr. LYNCH: Mr. Speaker, I think it is clearly stated in the amendment that a pupil who has

been enrolled in kindergarten, a pupil could be entered into kindergarten one day or one week and be considered as enrolled, and then if his parents move to a Maine community, the child would come in a year younger than Maine students are allowed to enter kindergarten.

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. McBreaity.

Mr. McBREAIRTY: Mr. Speaker, Ladies and Gentlemen of the House: Our law already allows them to go into the first grade if they have completed kindergarten in another state and have been promoted to first grade, even though they are younger than our youngsters. So we have a few come in that have had maybe half or three quarters of a year in kindergarten, they have to stay home the rest of the year and then take it all over again. This only puts kindergarten youngsters in the same category that first graders are in right now.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Livermore Falls, Mr. Lynch, that House Amendment "B" be indefinitely postponed in non-concurrence. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

44 having voted in the affirmative and 52 having voted in the negative, the motion did not prevail.

Thereupon, the Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendments "E" and "G" and Senate Amendments "A" and "B" thereto and House Amendments "A" and "B" and Senate Amendment "B" in concurrence.

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

An Act to Revise and Clarify the Freedom of Access Law (H. P. 2226) (L. D. 2316) (H. "B" H-1044, H. "E" H-1110, H. "F" H-1137, H. "G" H-1146, H. "H" H-1186, S. "A" S-517)

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

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

Resolve Authorizing the Governor to Create, Administer and Seek Funds for a Community Jobs Program for the State of Maine (H. P. 2165) (L. D. 2293) (S. "A" S-506, H. "A" H-1126)

Tabled — April 5 by Mr. Palmer of Nobleboro Pending — Passage to be Enacted.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, the reason why this bill was tabled yesterday, because there was some concern that if this were to be passed and signed into law by the Governor, it would somehow affect the CETA funds that are being used by the counties. We have checked with the CETA office and also with the Department of Manpower Affairs and Commissioner Emilien Levesque, and we have assurances that the language that is in the bill would require that all state and federal laws and all state and federal regulations must be followed and in no way would county CETA money be jeopardized.

Thereupon, Mr. Palmer of Nobleboro requested a roll call vote.

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

A vote of the House was taken, and more than one fifth of the members present having expres-

sed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on final passage. All those in favor of this Resolve being finally passed will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bachrach, Bennett, Berry, P. P.; Berube, Blodgett, Boudreau, Bustin, Carey, Carpenter, Carroll, Chonko, Churchill, Clark, Connolly, Cooney, Cote, Cox, Curran, P., Curran, R., Dam, Davies, Dow, Drigotas, Farley, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gauthier, Goodwin, H., Goodwin, K., Greenlaw, Hall, Henderson, Hennessey, Hughes, Ingegneri, Jensen, Kany, Kelleher, Kennedy, Laffin, LaPointe, LeBlanc, Lizotte, Lynch, MacEachern, Mahany, Martin, A., Martin, R., Maxwell, McBreaity, McKernan, Mills, Miskavage, Mitchell, Morton, Mulkern, Nadeau, Najarian, Norris, Peakes, Pearson, Pelosi, Pierce, Post, Powell, Quinn, Rolde, Saunders, Shute, Silverman, Smith, Snow, Spencer, Susi, Talbot, Tarr, Teague, Theriault, Tierney, Truman, Usher, Wagner, Walker, Wilfong, Winship, The Speaker.

NAY — Ault, Bagley, Berry, G. W.; Burns, Byers, Conners, Curtis, DeVane, Dudley, Durgin, Dyer, Farnham, Gould, Gray, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Jackson, Kauffman, Kelley, Laverty, Leonard, Lewin, Lewis, Littlefield, Lovell, Lunt, Mackel, McMahon, Palmer, Perkins, S.; Perkins, T.; Peterson, P.; Raymond, Rideout, Rollins, Snowe, Sprowl, Strout, Stubbs, Torrey, Twitchell, Tyndale.

ABSENT — Birt, Bowie, Call, Carter, Doak, Hobbins, Jacques, Jalbert, Joyce, MacLeod, Morin, Peterson, T., Tozier, Webber.

Yes, 91; No, 46; Absent, 14.

The SPEAKER: Ninety-one having voted in the affirmative and forty-six in the negative, with fourteen being absent, the motion does prevail.

Signed by the Speaker and sent to the Senate.

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

Bill "An Act Repealing the Expungement Law and Providing for the Control of Access to and Disclosure of Criminal History Record Information" (S. P. 773) (L. D. 2326)

Tabled — April 5 by Mr. Rolde of York.

Pending — Passage to be Engrossed.

Mr. Spencer of Standish offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-1208) was read by the Clerk and adopted.

Mr. Spencer of Standish offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-1213) was read by the Clerk and adopted.

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

Mr. GREENLAW: Mr. Speaker, the good gentleman from Standish, Mr. Spencer, has just presented a substantial amendments, and I would ask him, before we pass this to be engrossed, that he explain what the amendments do.

The SPEAKER: The gentleman from Stonington, Mr. Greenlaw, has posed a question through the Chair to the gentleman from Standish, Mr. Spencer, who may answer if he so desires, and the Chair recognizes that gentleman.

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: In response to the question of the gentleman from Stonington, the amendments which I just presented a number of modifications in the expungement bill which was reported out of the Judiciary Committee. I think that in order to explain the changes in the amendment, it is necessary to briefly explain the background of the bill.

In the past legislatures, a law was passed which provided that if anybody was arrested or indicted for crime and not finally found guilty or if anyone was pardoned by the Governor, the records of their arrests, indictments and so on would be expunged. This law has created a series of difficult problems in administration in the courts, it has created problems relating to questions of freedom of the press, it has created constitutional problems because of the inability of the courts to determine whether in a particular situation a prosecution involves double jeopardy. As a result of this, a bill was put in in the last session of this legislature to repeal the expungement law. That bill was very poorly worked out and as a result, the Judiciary Committee conducted a study of this whole problem.

What the Judiciary Committee concluded was that indeed the existing statutes on expungement ought to be repealed and that the primary records, the court records, the police blotters and so on ought to be public information which is open to inspection by the news media and others who feel that they have a legitimate interest in knowing what is going on in the criminal justice system.

What we have tried to do, however, in order to further the original objectives of the expungement law, is to establish some controls over the dissemination of criminal justice information through the state police data bank system, known as the SBI.

The bill as written provides that the primary records in the courts and in the police stations will be open but that in this computer system there will be limits on the information which is disseminated, and basically what it provides is that if you are charged with a crime and ultimately found innocent of that crime, that except for very limited purposes, the State Bureau of Information will not send out the record of your arrest, of indictment, to other agencies and computer systems around the country.

So what we have tried to do is leave the primary records open and protect the individual by establishing some limits for the information date system which the state is developing and which is tied into the national computer files. The purpose of these amendments is basically to establish additional limitations so that the rights of the individual who is found innocent are further protected.

Thereupon, the Bill was passed to be engrossed as amended by House Amendment "A" and House Amendment "B" in nonconcurrency and sent up for concurrence.

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

An Act Correcting Errors and Inconsistencies in Motor Vehicle Related Laws (Emergency) (H. P. 2270) (L. D. 2337)

Tabled — April 5 by Mr. Talbot of Portland.
Pending — Passage to be Enacted.

On motion of Mr. Carroll of Limerick, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

The same gentleman offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-1226) was read by the Clerk.

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

Mr. CARROLL: Mr. Speaker and Members of the House: The purpose of this amendment is to allow the concrete trucks a period of time to procure the materials necessary to meet the requirements of the law. We are only asking to give them the same privilege we gave the forest product trucks.

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

Mr. JENSEN: Mr. Speaker and Members of

the House: This bill is a bill which is designed to correct some errors and inconsistencies in the area of transportation. It came out of the Transportation Committee. The bill itself doesn't have any substantive changes, it is intended only to correct errors and the like.

This appears to me to be a major substantive change in the law. It appears to me to be another truck weight increase, and I would hope that you would vote against. If we are going to do something of this sort, I think we ought to put it in the form of a bill and have a public hearing on it.

The SPEAKER: The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I guess I will have to disagree with the good gentleman from Portland today, but I don't see this as a substantive change, except that it is going to give the manufacturers of the concrete product the same provisions that were given forestry products. I don't see any change here to increase truck weights. I think this is a good amendment and I think we ought to adopt it.

The SPEAKER: The pending question is on the adoption of House Amendment "B". All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

84 having voted in the affirmative and 21 having voted in the negative, the motion did prevail.

Thereupon, the Bill was passed to be engrossed as amended by House Amendment "B" in non-concurrency and sent up for concurrence.

On motion of Mr. Tierney of Durham, the House voted to take from the table the following matter:

An Act Concerning the Workmen's Compensation Statutes (H. P. 2046) (L. D. 2218) (C "A" H-988) (H "A" H-1032) — In House, Passed to be Enacted March 26 — In Senate, Passed to be Enacted in concurrence March 26 (Recalled by Joint Order H. P. 2272)

On motion of Mr. Tierney of Durham, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be enacted.

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

The same gentleman offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-1193) was read by the Clerk.

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

Mr. MCKERNAN: Mr. Speaker, I would ask the gentleman to explain this amendment briefly.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I would be happy to answer the good gentleman's question.

This was the bill which was passed out unanimously from the Labor Committee as, essentially, an errors and inconsistencies bill dealing with workmen's compensation statutes. It redrafted several sections and did contain one key provision which would allow the sole proprietor to buy workmen's compensation if he or she so desired. This bill was specifically requested by the insurance agents and the Labor Committee felt it was a good idea. The difficulty was that when the bill landed on the Governor's desk, one of the commissioners on the Industrial Accident Commission said that this particular provision would be very expensive to administer. He said it would cost approximately \$10,000, and for that purpose, we have recalled the bill because obviously it didn't

have a fiscal note. My amendment strikes out that particular offending section and hopefully we can engross the rest of the bill so that we don't lose the whole bill.

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

Mr. MORTON: Mr. Speaker, I have a question I would like to address to the gentleman. As I understood him, the idea for an individual proprietor to be covered by workmen's comp has been agreed to previously and has been adopted. Do I understand him correctly, that this wipes that out?

The SPEAKER: The gentleman from Farmington, Mr. Morton, has posed a question through the Chair to the gentleman from Durham, Mr. Tierney, who may answer if he so desires, and the Chair recognizes that gentleman.

Mr. TIERNEY: Mr. Speaker, the gentleman's understanding that the sole proprietor can be covered by workmen's compensation if he so desires is in error. That agreement has never been made. The law quite clearly defines employer and employee, and that is the way the law currently reads.

Occasionally, you will find someone who will incorporate himself, a family incorporation, then turn around and make himself an employee of the corporation in order to get workmen's compensation. In other cases, private insurance companies do offer what essentially amounts to workmen's compensation, but it is not administered through the Industrial Accident Commission.

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

Mr. MORTON: Mr. Speaker, that raised another question. The question is, must a person who is incorporated, be they a one man corporation or more, must they purchase workmen's comp insurance? If that is the case, I think what I am getting at is the cry that I have heard before, that these people are required to pay workmen's compensation insurance premiums, but they may not collect from that insurance. Will that apply if this amendment is adopted?

The SPEAKER: The gentleman from Farmington, Mr. Morton, has posed an additional question through the Chair.

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

Mr. TIERNEY: Mr. Speaker, the cry that Mr. Morton heard was addressed during the regular session when we passed the bill which allowed that any person who owns over 20 percent of the voting stock in a corporation to exempt himself from the coverage of workmen's compensation. This exemption was further broadened in this very bill in an amendment presented by the gentleman from Biddeford, Mr. Farley, which allows a person to exempt not only himself, but also his spouse and his children from workmen's compensation if he or she so chooses. So the exemptions which Mr. Morton has asked about exist in the present law and this amendment and this bill does not affect those exemptions at all.

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

Mr. MORTON: Mr. Speaker, my question is, under present law or under any law, is it necessary for a member of a corporation to pay in premiums for which he cannot collect?

The SPEAKER: The gentleman from Farmington, Mr. Morton, has posed an additional question through the Chair to anyone who may care to answer.

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

Mr. TIERNEY: Mr. Speaker, the answer is, if the individual owns over 20 percent of the voting stock in his closely held corporation, he is not required to pay in any premiums.

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

Mr. FINEMORE: Mr. Speaker, do I understand him to say that if he owns 20 percent he doesn't have to pay? He sure does have to pay if he owns 20 percent. He has to pay if he owns 50 percent, because I am tangled up in it right now and I finally got out from under it by a little smooth work, but I had quite a lot of trouble with Miss Allen over here in the department saying that we couldn't operate a corporation without it. Well, they wanted \$1,740 for my son alone, to get a policy that would cover just him alone. We have no employees, and I finally wound up by leasing him all the equipment and was starting him as an independent in the trucking business. We had to carry two businesses in order to stay out from under a \$1700 charge.

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

Mr. TIERNEY: Mr. Speaker, the good gentleman's difficulties obviously occurred prior to October 1, 1975, when the law change to which I refer took effect. If he finds that he does own 20 percent of the voting stock, he is exempt. This is a bill which I dealt with at great length with the good gentleman from Nobleboro, Mr. Palmer, and as I said, if anyone here would take the time to read this bill, they would see that that exemption has been expanded so that the family of the employer can also be exempt, all they have to do is sign a waiver. So I would suggest that you read the bill, because I think what the good gentleman from Farmington and the gentleman from Bridgewater want is expanded in this particular bill.

Thereupon, House Amendment "B" was adopted.

The Bill passed to be engrossed as amended by Committee Amendment "A" and House Amendments "A" and "B" in non-concurrence and sent up for concurrence.

On motion of Mr. Cooney of Sabattus, the House voted to take from the table the following matter:

"An Act to Reorganize or Repeal Certain Activities and Agencies in Maine State Government (Emergency) (H. P. 2143) (L. D. 2286) (C. "A" H-1079) — In House, Passed to be Enacted March 29 — In Senate, Passed to be Enacted in concurrence March 30. (Recalled by Joint Order H. P. 2282)

On motion of Mr. Cooney of Sabattus, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be enacted.

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted.

The same gentleman offered House Amendment "B" to Committee Amendment "A" and moved its adoption.

House Amendment "B" to Committee Amendment "A" (H-1212) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. Cooney.

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: This amendment clears up some objections of the Governor. Specifically, it changes the provisions having to do with the Department of Mental Health and Corrections and puts it in concert with the provision we made for the Department of Human Services whereby the commissioners may appoint deputy commissioners. It also gives the Governor a check over salary levels

for people in the Department of Mental Health and Corrections who would be appointed by the commissioner and it further removes some transitional language that froze positions in the bill until 1980.

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

Committee Amendment "A" as amended by House Amendment "B" thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "B" thereto in non-concurrence and sent up for concurrence.

On motion of Mr. Rolde of York, the House voted to take from the table the following tabled and unassigned matter:

Bill "An Act to Promote the Development of Small Group Homes for Mentally Retarded Individuals" (H. P. 2058) (L. D. 2228) which was tabled pending acceptance of the Leave to Withdraw Report.

Thereupon, the House accepted the Leave to Withdraw Report and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act Redistributing the Powers of the Executive Council" (H. P. 1997) (L. D. 2197) In House — passed to be engrossed as amended by Committee Amendment "A" (H-1115) and House Amendments "A" (H-1166) "B" (H-1177), "C" (H-1183), "E" (H-1191), "F" (H-1196) on April 2. In Senate — passed to be engrossed as amended by Committee Amendment "A" as amended by Senate Amendment "A" (S-519) thereto and House Amendments "A", "C", and "E" and Senate Amendments "B" (S-524), "D" (S-529) and "C" (S-526) as amended by Senate Amendment "A" (S-532) thereto in non-concurrence.

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

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. Cooney.

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

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

Mr. LaPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: Again, I ask you to bear with me as I suffer through a cold, and ask you not to go along with receding and concurring as it relates to redistribution of the powers of the Executive Council.

This House, last Friday, accepted two amendments, one by the gentleman from Windham, Mr. Peterson, and one offered by myself, and these amendments essentially allowed for legislative confirmation for two agencies and the boards of directors and membership of two agencies in state government. The one that was offered by the gentleman from Windham related, as I recall, to the Criminal Justice Planning Administration, or what was formerly referred to as the Maine Law Enforcement Planning Assistance Agency, and the other related to the Board of Trustees of the Criminal Justice Academy, and these appointments would be subject to the confirmation of the Joint Standing Committee on Judiciary. The other amendment, which was offered by myself, would have allowed for the Health and Institutional Services Committee to confirm the appointments of the Maine Committee on Aging into the Maine Human Services Council.

I offered my amendment primarily because I felt that these two organizations, the Maine Human Services Council and the Maine Committee on Aging had tremendous input, influence and impact on the distribution of some Human Services dollars that the State of Maine is entitled to through the federal government.

Specifically, I was concerned about the distribution and allocation of what we call Title 20 money, of which the State of Maine is eligible for approximately \$12 million, tied in with \$4 million of state seed money, that goes to the distribution and setting up and operation of any number of human services programs. Of course, the Maine Human Services Council has a tremendous impact over the priority social services program which was passed in the 106th and continued in the 107th, which primarily allows for human service programs in the rural areas.

I think the issue that is essentially involved in these two groups is that they affect the quality of life as it relates to the distribution of human services for a great deal of people both in the urban and rural areas of the state. I feel very strongly that these appointments should be ratified by the legislature and, furthermore, I would point out that those amendments, both Mr. Peterson's and my own, went under the hammer last Friday. So I would hope that the House would not go along with the motion to recede and concur. I would hope that the House would then go along with the motion to insist and ask for a Committee of Conference to resolve these two minor difficulties.

I realize that some members of the State Government Committee, most notably the ones in the other body, feel that these are superfluous appointments, unnecessary appointments, for ratification by the legislature. I happen to feel very strongly that they are important appointments, and I would hope that the House would stand firm and the House would not acquiesce to the Senate, or cave in to the Senate.

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

Mr. KELLEHER: Mr. Speaker, if I understand my parliamentary procedure correctly, what we should do is recede and then we can take our action on the amendment after we recede?

The SPEAKER: The Chair would answer in the affirmative.

Thereupon, on motion of Mr. Kelleher of Bangor, the House voted to recede from its action whereby the Bill was passed to be engrossed as amended.

On further motion of the same gentleman, the House voted to recede from the adoption of Committee Amendment "A".

Senate Amendment "A" to Committee Amendment "A" (S-519) was read by the Clerk and adopted in concurrence.

Committee Amendment "A" as amended by Senate Amendment "A" thereto was adopted in concurrence.

Senate Amendment "B" (S-524) was read by the Clerk and adopted in concurrence.

Senate Amendment "C" (S-526) was read by the Clerk.

Senate Amendment "A" to Senate Amendment "C" (S-532) was read by the Clerk and adopted in concurrence.

Senate Amendment "C" as amended by Senate Amendment "A" thereto was adopted in concurrence.

Senate Amendment "D" (S-529) was read by the Clerk.

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

Mr. KELLEHER: Mr. Speaker, I move that Senate Amendment "D" be indefinitely postponed.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, moves that Senate Amendment "D" be indefinitely postponed in non-concurrence.

The Chair recognizes the gentleman from Sabattus, Mr. Cooney.

Mr. COONEY: Mr. Speaker, what we are try-

ing to do with Senate Amendment "D" is replace something that was taken out when Mr. LaPointe's amendment was defeated by the other body.

I don't have a strong feeling about either of these two amendments and the House can, of course, make up its own mind on them. I think the feeling about Representative LaPointe's amendment is that you are dealing with, I believe, 32 people on the two committees that he wanted to confirm. He can correct me if I am wrong, but I believe these are staggered terms, they are not coterminous with the Governor, so there is some continuity from one governor to the next, and the confirmation of 32 people by a particular committee, even though they are staggered and only perhaps only a third or fourth of them would come up in one year, is a tremendous number of confirmations. So it is for this reason that the Committee on State Government did not deal with these and the amendment you have before you now that Mr. Kelleher has moved to indefinitely postpone, if you are in favor of Mr. LaPointe's position, you should vote to indefinitely postpone it. If you are in favor of receding and concurring and going with the Senate in killing Mr. LaPointe's Amendment, then you should keep this amendment on and then recede and concur.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Mrs. Goodwin.

Mrs. GOODWIN: Mr. Speaker, Men and Women of the House: I would support the motion to indefinitely postpone Senate Amendment "D". I am very concerned about the future of the Maine Committee on Aging and the Maine Human Services Council. As Representative LaPointe has already explained to you, these two committees are not the ordinary advisory committees on state government; these two committees have very, very serious responsibilities resulting in the distribution of millions and millions of state contracts.

There are two technical review committees. The technical review committee of the Maine Committee on Aging which deals with all contracts of money under the Older Americans Act and under the Elderly Priority Social Services Act, and there is also the technical review committee for the Maine Human Services Council.

We have another joint technical review committee which deals with all programs that have services which are for the elderly and non-elderly combined.

I am very concerned, because not only do we pass on all these programs, the Maine Committee on Aging itself conducts a program, which is called the Nursing Home Advisory Program. I am also concerned about what happened last fall. We talk about continuity, perhaps these aren't very important appointments.

Last fall, five members of my committee came up for reappointment. Two did not wish to be reappointed; three did. These three women who wished to be reappointed were three of the outstanding senior citizen leaders in this state, and yet despite my pleading, the Governor would not reappoint them. I tried again and again, but I was not successful. There was very little I could do about it, except when he put up appointments of other people, I at least had someone to go to.

The law says very clearly that anyone appointed to the Maine Committee on Aging must be a current leader of Maine's elderly; yet, he appointed somebody who had never even been to a senior citizens meeting in his life. It happened that he was related to a campaign worker of the Governor. Now, it happened, because there was an Executive, I was able to block that appointment. In fact, the gentleman was so embarrassed when he found out, that he withdrew from the nomination.

I would hope that there would be some check

and balance about who we are going to put on the Maine Committee on Aging. The Maine Committee on Aging is not just a committee that sits around and does nothing. The Maine Committee on Aging has done a lot for Maine senior citizens over the past five years, and I hope we can over the next five years.

I would ask for a roll call, please.

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

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: I want to go along with the last speaker. As President of the Central Senior Citizens Association, I have had a lot of dealings with this committee and I agree with the statements she made about those people who were not reappointed last time. I think we should go along with her.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Just to echo the thoughts of the good lady from Bath, I presently serve on the Human Service Council as a representative from the body. Her remarks indicating that we do deal with many millions of dollars is quite true. The Committee on Human Services has a great say in what happens down in the Department of Human Services as far as their review of technical programs and the funding of federal dollars.

I would urge the House to support the indefinite postponement motion, simply because of the fact of the input of these various people. It is a 17-member advisory group and they do have a great amount of say on the implementation and the programs that are in the field of human service. I hope you would support the motion to indefinitely postpone.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that Senate Amendment "D" be indefinitely postponed in non-concurrence. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Blodgett, Boudreau, Burns, Bustin, Byers, Call, Carey, Carroll, Carter, Chonko, Churchill, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Curtis, Dam, Davies, DeVane, Dow, Drigotas, Durgin, Dyer, Farley, Faucher, Fenlason, Finemore, Flanagan, Fraser, Gauthier, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, Hewes, Higgins, Hinds, Hughes, Hunter, Hutchings, Immonen, Ingegneri, Jackson, Jensen, Joyce, Kauffman, Kelleher, Kelley, Kennedy, Laffin, LaPointe, Laverty, LeBlanc, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lunt, Lynch, MacEachern, Mahany, Martin, A.; Martin, R.; Maxwell, McBreairty, McMahon, Mills, Miskavage, Mitchell, Morin, Morton, Mulkern, Nadeau, Najarian, Norris, Peakes, Pearson, Pelosi, Perkins, T.; Peterson, P.; Pierce, Post, Powell, Raymond, Rideout, Rolde, Rollins, Saunders, Shute, Silverman, Smith, Snow, Spencer, Sprowl, Strout, Susi, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Truman, Twitchell, Tyndale, Usher, Wagner, Walker, Wilfong, Winship, The Speaker.

NAY — Birt, Carpenter, Conners, Farnham,

Garsoe, Kany, Mackel, McKernan, Palmer, Perkins, S.; Quinn, Snowe, Stubbs.

ABSENT — Bowie, Doak, Hobbins, Jacques, Jalbert, Leonard, MacLeod, Peterson, T.; Webber.

Yes, 129; No, 13; Absent, 9.

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

On motion of Mr. Quinn of Gorham, the House voted to recede from the adoption of House Amendment "F".

Thereupon, the same gentleman moved the indefinite postponement of the amendment.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. QUINN: Mr. Speaker and Members of the House: Again, as the gentleman from Sabattus, Mr. Cooney, said a minute ago, I don't have very strong feelings about the particular committee itself, and it was obvious from the intent of the mood of the House that the last amendment was to go through with an overwhelming majority.

I would point out, however, that when you saw the red lights up there with one exception, you saw the entire State Government Committee. We did work on this a long time. We reduced 460-odd positions that require confirmation to about 110 or 112 positions that require confirmation. With this motion you just made, you indicated that the House was willing to increase that number by nearly 30 percent with one swift amendment. All right, so be it. However, Mr. Peterson's amendment proposes to add to that anywhere between 12 and 30 more people that will require confirmation, this time having to do with the Criminal Justice Planning and Assistance Agency and the Board of Trustees of the Criminal Justice Academy, which also has 12 members. You are just automatically, if you let this amendment go on, we will have added about 60 percent more in two quick amendments to the entire work of the State Government Committee all summer, and I would point out also that the Criminal Justice Planning and Assistance Agency isn't even in the bill now, because it doesn't even require confirmation now. You are going to add 12 people and to ex officio people to require confirmation by a committee that don't even have to be confirmed by the Executive Council now.

If you wish to do that, and I will not argue against it, you certainly may, but I would like to point out that there is some undesirable aspects to passing legislation on a quick amendment thrown up in the air, batted around with not too much discussion of fact against the committee who has put in months of work on it.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I don't think that the amendment that was offered by my good friend from Windham, Mr. Peterson, was hastily offered or was it thrown up in the air. I think that the House expressed itself quite well the other day with the dissatisfaction of the fact that this wasn't included in the Executive Council bill to begin with.

I don't want to shock my good friend from Gorham, Mr. Quinn, but I might address myself to the House that the very able gentleman who offered the amendment isn't here. Even though that happens to be a fact, I think the vote that was expressed the other day pertaining to this amendment should clearly put the gentleman at ease to the fact in what direction this House wants to go with this particular amendment. I would ask the House to oppose the gentleman's motion and leave the amendment tacked on the bill, where it is right now.

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

Mr. GOODWIN: Mr. Speaker, I would like to reiterate what my good friend from Bangor just said. If the House wishes to seriously debate this issue, I would hope that we could table it, since the good gentleman from Windham, Mr. Peterson, is unable to be here because his wife is in the hospital having a baby, and I think it is something that he should at least have a say in if we are seriously going to debate this.

I guess what I would like to ask is for a division on this question and if it is going to be close, perhaps we could table this until tomorrow.

The SPEAKER: The pending question is on the motion of the gentleman from Gorham, Mr. Quinn, that House Amendment "F" be indefinitely postponed in concurrence. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Goodwin of South Berwick requested a roll call vote.

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

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

Subsequently, Mr. Quinn of Gorham withdrew his motion to indefinitely postpone House Amendment "F".

Thereupon, House Amendment "F" was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by Senate Amendment "A" thereto and House Amendments "A", "B", "C", "E" and "F" and Senate Amendment "B" and Senate Amendment "C" as amended by Senate Amendment "A" in non-concurrence and sent up for concurrence.

On motion of Mr. Perkins of Blue Hill, the House voted to take from the table the following matter which was recalled from the Governor:

An Act Relating to Employment of Drug Inspectors by the State Board of Pharmacy (H. P. 1879) (L. D. 2054) (C "A" H-957) — In House, Passed to be Enacted March 16. — In Senate, Passed to be Enacted in concurrence March 16. (Recalled by Joint Order H. P. 2242)

On motion of Mr. Perkins of Blue Hill, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be enacted.

On motion of the same gentleman, was indefinitely postponed in non-concurrence and sent up for concurrence.

Mr. Perkins of Blue Hill was granted unanimous consent to address the House.

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: Thank you for allowing me this magnificent persuade of parliamentary procedure. This bill was to allow the Commission of Pharmacy to employ drug inspectors, and the gentleman on the second floor had some opposition because it created a precedent in that if removed this position from the personnel group. The Personnel Division, after a conference with myself and some others on the second floor, found it was possible to create a position that was commensurate with the position and thus a salary that was commensurate and could hire inspectors and by calling and checking this afternoon, I find that this has in fact been done and that now this bill is no longer necessary.

The Chair laid before the House the following matter:

Bill "An Act to Clarify the Election Laws" (H. P. 2293) (L. D. 2344) which was tabled earlier in the day and later today assigned, pending passage to be engrossed.

On motion of Mrs. Boudreau of Portland, retabled pending passage to be engrossed and later today assigned.

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

After Recess

5:30 p.m.

The House was called to order by the Speaker.

The Chair laid before the House the following matter:

Bill "An Act to Clarify the Election Laws" (H. P. 2293) (L. D. 2344) which was tabled earlier in the day and later today assigned, pending passage to be engrossed.

On motion of Mrs. Boudreau of Portland tabled pending passage to be engrossed and tomorrow assigned.

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

Passed to Be Engrossed

Bill "An Act to Revise and Reallocate Appropriations from the General Fund for the Expenditures of State Government for the Fiscal Years Ending June 30, 1976 and June 30, 1977 and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government" (Emergency) (S. P. 790) (L. D. 2341)

Was reported by the Committee on Bills in the Second Reading and read the second time.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: We are going to attempt to send Report A to the Senate tonight in non-concurrence in hopes that we can get into a Committee of Conference situation as soon as possible to expedite the remaining business of this legislature.

I would urge you to let this thing go along. We have had some discussions earlier on today with those who have some differences with Report A, but I think now there is a general agreement that Report A should be sent along without amendments to the Senate in order to get the Conference Committee set up.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: Differing from the debate this morning, I would concur wholeheartedly with the remarks of the gentleman from Dover-Foxcroft and would hope that we would expedite matters and send Report A long.

Mr. Norris of Brewer presented House Amendment "G" and moved its adoption.

House Amendment "G" (H-1228) was read by the Clerk.

Thereupon, on motion of Mr. Goodwin of South Berwick, House Amendment "G" was indefinitely postponed.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: Before this is passed to be engrossed, I would like to have someone indicate to me why I should not, or maybe others, offer amendment at this time to give guidance to the Conference Committee? There are issues that some people consider objectionable in this particular proposal and I

wonder if anyone such as the House Chairman of the Appropriations Committee could indicate why there would be any confusion in adding amendments at this time to give the Conference Committee guidance as to the intentions of this House?

The SPEAKER: The gentleman from Bangor, Mr. Henderson, poses a question through the Chair to the gentleman from Dover-Foxcroft, Mr. Smith, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: It was a concern among many members of the legislature we are getting bogged down and that the Conference Committee, if it is formed, in fact, is going to be the vehicle by which the policy is going to be set.

There are a great number of amendments that various people have suggested they would like to offer and our only suggestion is that in order to expedite the thing, get into a Committee of Conference we do it without amendments. Obviously, there is one gentleman here who doesn't share my feeling but it is simply a time consideration at this point.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a further question and that is, if this were to go to a Committee of Conference and the amendments that some of us would prefer did not come out of that conference, I am wondering if it would then be in a position to be amended at all, whether these amendments would be possible and, secondly, whether those members of the Committee of Conference I would hope would consult with those of us who would like to offer amendments so that that Conference Committee can come up with some favorable report. I would like to ask whether there could be amendments offered at a later time?

The SPEAKER: The Chair would advise the gentleman from Bangor, Mr. Henderson, that if the Committee of Conference were not acceptable to the members of the House, they could move to reject the conference report and go back to another conference and that direction would obviously have to be followed by the new Committee of Conference. When the Committee of Conference comes in with the conference report, there are only two motions that can be made, the motion to accept the conference report or the motion to reject the conference report. However, if it is rejected, then, obviously, additional comments would stand to what the next conference committee would want to have transpire.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: Isn't it possible that the gentleman from Bangor, Mr. Henderson, might meet with the committee and suggest these and they could be put in at the time of the Committee of Conference? I know we have done it in past years gone by, if you will remember. It saves a lot of time that way.

The SPEAKER: The Chair would answer in the affirmative, that that would be possible.

Thereupon, the Bill passed to be engrossed in non-concurrence and sent up for concurrence.

On motion of Mr. Strout of Corinth the House reconsidered its action whereby Bill "An Act Correcting Errors and Inconsistencies in Motor Vehicle Related Laws" (Emergency) (H. P. 2270) (L. D. 2337) was passed to be engrossed as amended by House Amendment "B".

On further motion of the same gentleman, the House reconsidered its action whereby House Amendment "B" was adopted.

The SPEAKER: The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: Are we in a position to indefinitely postpone House Amendment "B".

The SPEAKER: The Chair would answer in the affirmative.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for putting you in this position, but since this amendment was adopted this afternoon, I have been advised that I was wrong in the statements that I made concerning this amendment. This amendment will allow an additional 10,000 pounds on these vehicles that will be hauling concrete products. I really feel that the amendment that the gentleman from Limerick wanted to take care of to give provisions on the forward axle is not going to be covered in this amendment. There, again, I reluctantly ask that this House indefinitely postpone House Amendment "B".

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I am not worried about the forward axle. What I am concerned about is the inability of the industry to provide the man who bought the truck with his tri-axle unit that he needs; this is a problem. We should have given all industries in the State of Maine the same privilege we gave to the logging industry, because what you did, you passed a law which was a drastic change. You made no provisions for a time period when the owner of vehicles would have a time to comply with the law. The result is, you have a law on the books that is penalizing the small industries in the State of Maine. You are about ready to put some people out of business.

All they ask for is the same treatment you gave the logging and lumbering industry. You gave them time to buy the needed parts, the needed wheels and to have these parts put on their vehicles. All they are asking for is a fighting chance. I am very sorry that the gentleman over here, if I had known what he was about to do, I would have opposed him when he moved that House Amendment "B" be removed from this legislation, but where he supported me prior to this, I thought he had good intentions. I find that many times, after a telephone call, people change their intentions.

I am greatly concerned that the legislature is not writing the laws, the department heads are. I think it is time the department heads were told that we are the legislative branch and that we are working not just for them and the people of the State of Maine, but we are trying to protect our constituents as well.

I would like to ask for a roll call on removing that amendment.

The SPEAKER: The gentleman from Limerick, Mr. Carroll, requests a roll call vote on the motion to indefinitely postpone House Amendment "B".

On motion of Mr. Palmer of Nobleboro, tabled pending the motion of Mr. Strout of Corinth to indefinitely postpone House Amendment "B" and tomorrow assigned.

By unanimous consent, all matters acted upon in concurrence and all matters requiring Senate concurrence, were ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Mr. Mackel of Wells,
Adjourned until nine-thirty tomorrow morning.