

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Tenth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

December 3, 1980 to May 1, 1981

KJ PRINTING
AUGUSTA, MAINE

HOUSE

Monday, March 30, 1981

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

Prayer by the Reverend Ann Stead of the United Methodist Church, Brownville Junction.

The members stood at attention during the playing of the National Anthem by the Sumner Memorial High School Band.

The journal of the previous session was read and approved.

Papers from the Senate

Bill "An Act Requiring the Registration of Professional Counselors in Independent Practice and the Certification of Certain Such Professional Counselors" (S. P. 518) (L. D. 1468)

Came from the Senate referred to the Committee on Business Legislation and ordered printed.

In the House, referred to the Committee on Business Legislation in concurrence.

**Reports of Committee
Ought Not to Pass**

Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act Relating to Use of Flashing Lights on School Buses" (S. P. 116) (L. D. 283)

Was placed in the Legislative Files without further action pursuant to Joint Rule 22 in concurrence.

Divided Report**Later Today Assigned**

Eight Members of the Committee on Labor on Bill "An Act to Provide Collective Bargaining Rights to County Employees" (S. P. 145) (L. D. 316) report in Report "A" that the same "Ought to Pass" as amended by Committee Amendment "A" (S-66)

Report was signed by the following members:

Senator: DUTREMBLE of York
— of the Senate.

Representatives:
BEAULIEU of Portland
McHENRY of Madawaska
LAVERRIERE of Biddeford
HAYDEN of Durham
MARTIN of Brunswick
BAKER of Portland
TUTTLE of Sanford

— of the House.

Three Members of the same Committee on same Bill report in Report "B" that the same "Ought Not to Pass"

Report was signed by the following members:

Senators:
SEWALL of Lincoln
SUTTON of Oxford
— of the Senate.

Representative:
FOSTER of Ellsworth

— of the House.

Two Members of the same Committee on same Bill report in Report "C" that the same "Ought to Pass" as amended by Committee Amendment "B" (S-67)

Report was signed by the following members:

Representatives:
LEIGHTON of Harrison
LEWIS of Auburn

— of the House.

Came from the Senate with Report "A" read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-66)

In the House: Reports were read.

On motion of Mrs. Beaulieu of Portland, tabled pending acceptance of any Report and later today assigned.

Non-Concurrent Matter**Tabled and Assigned**

Bill "An Act to Repeal the Termination Date of the Emergency Petroleum Products Supply Act" (Emergency) (H. P. 863) (L. D. 977) on which the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-116) Report of the Committee on Business Legislation was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-116) in the House on March 25, 1981.

Came from the Senate with the Minority "Ought Not to Pass" Report of the Committee on Business Legislation read and accepted in non-concurrence.

In the House: On motion of Mr. Brannigan of Portland, tabled pending further consideration and specially assigned for Wednesday, April 1.

**Petitions, Bills and Resolves
Requiring Reference**

The following Bills were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Business Legislation

Bill "An Act to Control the Cost of Workers' Compensation Rates to Maine Employers" (H. P. 1291) (Presented by Representative Kelleher of Bangor)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act to Prohibit Conveyance of Assets to Qualify for Public Assistance Programs" (H. P. 1292) (Presented by Representative Tarbell of Bangor)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act to Provide Greater Local Control over Liquor Licensing" (H. P. 1293) (Presented by Representative Tarbell of Bangor)

(Ordered Printed)

Sent up for concurrence.

Local and County Government

Bill "An Act to Revise the County Budget Process to Prevent the Incurrence of Deficits" (H. P. 1294) (Presented by Representative Tarbell of Bangor)

(Ordered Printed)

Sent up for concurrence.

Marine Resources

Bill "An Act to Establish a Marine Resources Development Commission" (H. P. 1295) (Presented by Representative Post of Owl's Head)

(Ordered Printed)

Sent up for concurrence.

**Bill Reported pursuant to Joint Order
(H. P. 1165)**

Representative Brown from the Committee on Taxation on Bill "An Act to Establish the Municipal Cost Components for Services to be Rendered in Fiscal Year 1981-82" (Emergency) (H. P. 1290) (L. D. 1484) reporting pursuant to Joint Order (H. P. 1165) and asking leave to report that the same be referred to this Committee for public hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, the Bill referred to the Committee on Taxation, ordered printed and sent up for concurrence.

Special Sentiment Calendar

In accordance with House Rule 56, the following items (Expressions of Legislative Sentiment)

Recognizing:

The Kennebec Valley Squirt Hockey Travel Team, 9-10 year olds, 1981 Maine State Champions; (H. P. 1296) by Representative Weymouth of West Gardiner.

Ewen MacKinnon, a senior at Cony High School, winner of the Class B Unlimited State Wrestling Championship; (H. P. 1297) by Representative Mitchell of Vassalboro. (Cosponsor: Senator Bustin of Kennebec)

Joanne Palombo of Brunswick, winner of the Western Maine Class A girls' tournament's "Red" McMann Award, as its most valuable player-sportsman; (S. P. 537)

There being no objections, these items were considered passed in concurrence or sent up for concurrence.

**House Reports of Committees
Ought Not to Pass**

Representative Kelleher from the Committee on Appropriations and Financial Affairs on Bill "An Act Relating to the Salary of the Executive Secretary of the Worker's Compensation Commission" (H. P. 629) (L. D. 710) reporting "Ought Not to Pass" (Representative Carter of Winslow abstained)

Representative Kelleher from the Committee on Appropriations and Financial Affairs on Bill "An Act to Appropriate \$2,500 to the Sanford Parks and Recreation Department to Host the 1981 Babe Ruth Baseball Tournament" (H. P. 162) (L. D. 219) reporting "Ought Not to Pass"

Were placed in the Legislative files without further action pursuant to Joint Rule 22 and sent up for concurrence.

Leave to Withdraw

Representative Kane from the Committee on Taxation on Bill "An Act to Eliminate the Sales Tax on Clothing" (H. P. 939) (L. D. 1109) reporting "Leave to Withdraw"

Representative Post from the Committee on Taxation on Bill "An Act to Provide Property Tax Relief for Retired Persons" (H. P. 967) (L. D. 1158) reporting "Leave to Withdraw"

Representative Pearson from the Committee on Appropriations and Financial Affairs on Bill "An Act to Appropriate Funds on a Local Matching Basis, for an Instrument Landing System at the Sanford Municipal Airport" (H. P. 943) (L. D. 1119) reporting "Leave to Withdraw"

Representative Carrier from the Committee on Judiciary on Bill "An Act to Establish Standards and Procedures for Allocating Responsibility among Parties to a Products Liability Action" (H. P. 597) (L. D. 674) reporting "Leave to Withdraw"

Representative Hobbins from the Committee on Judiciary on Bill "An Act to Improve the Administration of Decedent's Estates" (H. P. 428) (L. D. 475) reporting "Leave to Withdraw"

Representative Carrier from the Committee on Judiciary on Bill "An Act Relating to Attorney's Fees and Costs in Certain Lawsuits Arising out of Consumer Transactions" (H. P. 949) (L. D. 1125) reporting "Leave to Withdraw"

Representative Beaulieu from the Committee on Labor on Bill "An Act to Clarify the Designation of the Practice of Chiropractic under the Chiropractic Licensing Law" (H. P. 499) (L. D. 581) reporting "Leave to Withdraw"

Representative Foster from the Committee on Labor on Bill "An Act to Amend the University of Maine Labor Relations Act to Restrict the Areas of Required Bargaining" (H. P. 621) (L. D. 704) reporting "Leave to Withdraw"

Representative Jackson from the Committee on Business Legislation on Bill "An Act to Provide for an Inactive License for Barbers and Beauticians" (H. P. 920) (L. D. 1091) reporting "Leave to Withdraw"

Representative Brown from the Committee on Taxation on Bill "An Act Concerning the Tax on Exotic Bets at Harness Racing Tracks" (H. P. 700) (L. D. 825) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft Passed to Be Engrossed

Representative Kilcoyne from the Committee on Taxation on Bill "An Act to Provide a Tax Exemption for Veterans under 62 who are Receiving a Disability Pension" (H. P. 335) (L. D. 374) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Provide a One-time Property Tax Exemption for Disabled Veterans World War I Veterans and Persons Claiming from World War I Veterans" (Emergency) (H. P. 1289) (L. D. 1483)

Report was read and accepted and the New Draft read once. Under suspension of the rules, the New Draft was read the second time.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I would just pose a question through the Chair. If there is another group of individuals who are not included in this, it was my understanding that perhaps the committee has broken this bill down, the original legislation, into two separate bills, and I wonder if the good gentlewoman from Owl's Head could inform the House if there is another piece of legislation coming along that follows this one?

The SPEAKER: The gentleman from Scarborough, Mr. Higgins, has posed a question through the Chair to the gentlewoman from Owl's Head, Mrs. Post, who may answer if she so desires.

The Chair recognizes that gentlewoman.

Mrs. POST: Mr. Speaker, Men and Women of the House: There is another bill in front of the Taxation Committee, which was the original bill, dealing with the veterans' exemptions which will be dealt with at a later time, and that will be used to deal with the World War I and disabled veterans on a continuing basis, and the World War II veterans who were not residents at the time they went into the service.

So there is another bill in committee that will be used at a later time to deal with this issue on a continuing basis. What we are trying to do now is deal with those people who are likely to be in an emergency situation before April 1, and it will require the one-time funding.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I guess I would further that question by asking another one, and that is — will there be people who were previously receiving this exemption who now will not be receiving this with this piece of legislation?

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

The Chair recognizes the gentlewoman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, I would be glad to answer the question. Essentially what we will be doing, and this was a compromise by the committee, we will be dealing with World War I veterans who were not residents at the time they went in, and disabled veterans who were not residents of Maine at the time they went in. They will be able to continue receiving their exemptions; they will not have to reapply.

There may be some people who were World War II veterans, who are not disabled, who were not residents of the State of Maine when they went into the service, who may have been receiving an exemption for the past one or two years, and those people will not receive that exemption this year. They will, however, be eligible for other kinds of tax relief that are available on the state and local levels.

Thereupon, under suspension of the rules, the New Draft was passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Divided Report

Majority Report of the Committee on State Government reporting "Ought to Pass" on Resolution, Proposing an Amendment to the Constitution of Maine to Abolish the Office of Secretary of State and to Create the Office of Lieutenant Governor" (H. P. 436) (L. D. 483)

Report was signed by the following members:

Senator: VIOLETTE of Aroostook
— of the Senate.

Representatives: WEBSTER of Farmington
KANY of Waterville
MCGOWAN of Pittsfield
PARADIS of Augusta
LISNIK of Presque Isle
DIAMOND of Bangor
— of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Resolution.

Report was signed by the following members:

Sensors: AULT of Kennebec
GILL of Cumberland
— of the Senate.

Representatives: BELL of Paris
DILLENBACK of Cumberland
MASTERTON of Cape Elizabeth
SMALL of Bath
— of the House.

Reports were read.

On motion of Mrs. Kany of Waterville, the Majority "Ought to Pass" Report was accepted, the Resolution read once and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on State Government reporting "Ought Not to Pass" on Resolution, Proposing an Amendment to the Constitution of Maine to Require that for Certain Counties, a Specific Percentage of the Population be Included in a Separate Senate District" (H. P. 608) (L. D. 685)

Report was signed by the following members:

Sensors: GILL of Cumberland
VIOLETTE of Aroostook
AULT of Kennebec
— of the Senate.

Representatives: KANY of Waterville
DILLENBACK of Cumberland
MASTERTON of Cape Elizabeth
SMALL of Bath
— of the House.

Minority Report of the same Committee reporting "Ought to Pass" on same Resolution.

Report was signed by the following members:

Representatives: WEBSTER of Farmington
MCGOWAN of Pittsfield
DIAMOND of Bangor
PARADIS of Augusta
LISNIK of Presque Isle
BELL of Paris
— of the House.

Reports were read.

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

Mr. WEBSTER: Mr. Speaker, I move we accept the Minority "Ought to Pass" Report and I ask to speak to my motion.

The SPEAKER: The gentleman from Farmington, Mr. Webster, moves the Minority "Ought to Pass" Report be accepted.

The gentleman may proceed.

Mr. WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: I am the sponsor of L.D. 685 and I would like to explain briefly the reason and what I intend to do with L.D. 685,

the constitutional amendment dealing with reapportionment for certain Senate districts.

Very simply, what this legislation will do is, it will mandate to the reapportionment committee that smaller counties will receive full representation in the Maine Senate. Basically, a county that has 26,000 people, it will mandate that 17,000 of those people will be in their own Senate district. We are not creating anymore Senate seats; all we are doing is mandating that a majority of the people in a county are represented.

I would like to give a brief history of why I presented this legislation. I represent a major portion of Franklin County in northern Maine and eastern Maine, wherever, and many of my constituents feel that they need better representation in the Maine Senate.

Currently, 13,000 of the people in my county are represented by an individual from Oxford County, 13,000 are represented by an individual in Somerset County. I have nothing against either of the individuals that represent us, but the people in my county feel that 17,000 of them should be allowed to be represented by their own Senator.

Initially, I had hoped to require that every county have their own Senator, but that was ruled unconstitutional due to a 1964 ruling by the Supreme Court. So what I am asking you today is to give the smaller counties an equal voice in the Maine Senate. The only problem I can see with this legislation, and I don't think it is a problem, I think it is a positive thing, is that we are going to eliminate some of the gerrymandering, some of the giving in of this town and that street, but I believe that more importantly the people in the counties should be considered first rather than necessarily a given town for a given Senator.

I would ask you to support L. D. 685, and when we have a vote, Mr. Speaker, I ask for the yeas and nays.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Farmington, Mr. Webster, that the Minority "Ought to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Armstrong, Baker, Beaulieu, Bell, Berube, Boisvert, Boyce, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, D.; Brown, K.L.; Callahan, Carrier, Carroll, Carter, Chonko, Conary, Connors, Connolly, Cox, Crowley, Curtis, Davies, Davis, Dexter, Diamond, G.W.; Diamond, J. N.; Drinkwater, Dudley, Fitzgerald, Foster, Fowlie, Gillis, Gwadosky, Hall, Hanson, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Holloway, Hutchings, Ingraham, Jalbert, Jordan, Joyce, Kane, Ketover, Kilcoyne, LaPlante, Laverriere, Leighton, Lisnik, Locke, Macomber, Mahany, Martin, A.; Martin, H.C.; McGowan, McHenry, McKean, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, M.; Norton, O'Rourke, Paradis, P.; Pearson, Perry, Post, Pouliot, Prescott, Randall, Reeves, P.; Richard, Ridley, Rolde, Salsbury, Soule, Stevenson, Swazey, Tarbell, Telow, Theriault, Thompson Tuttle, Twitchell, Vose, Walker, Webster, Wentworth, Weymouth, The Speaker.

NAY — Aloupis, Austin, Benoit, Bordeaux, Cahill, Cunningham, Damren, Day, Dillenback, Gavett, Huber, Hunter, Jackson, Kany, Kelleher, Kiesman, Lancaster, Lewis, Lund, MacBride, Masterman, Matthews, McPhereson, Nelson, A.; Paradis, E.; Perkins, Peterson, Racine, Reeves, J.; Sherburne, Smal

Smith, C.W.; Soulas, Stover, Strout, Studley, Treadwell.

ABSENT — Clark, Erwin, Gowen, Hobbins, Jacques, Livesay, Manning, MacEachern, Manning, Masterton, McCollister, Paul, Roberts, Smith, C.B.

Yes, 101; No, 37; Absent, 13.

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

Thereupon, the Resolution was read once and assigned for second reading tomorrow.

Divided Report

Eleven Members of the Committee on Labor on Bill "An Act Relating to the Per Diem and Case Assignments for the State Board of Arbitration and Conciliation" (H. P. 280) (L. D. 310) report in Report "A" that the same "Ought to Pass" as amended by Committee Amendment "A" (H-135)

Report was signed by the following members:

Senators:

SEWALL of Lincoln
DUTREMBLE of York
SUTTON of Oxford

— of the Senate.

Representatives:

BEAULIEU of Portland
TUTTLE of Sanford
MARTIN of Brunswick
FOSTER of Ellsworth
McHENRY of Madawaska
LAVERRIERE of Biddeford
HAYDEN of Durham
BAKER of Portland

— of the House.

One Member of the same Committee on same Bill reports in Report "B" that the same "Ought to Pass" as amended by Committee Amendment "B" (H-136).

Report was signed by the following member: Representative:

LEIGHTON of Harrison

— of the House.

One Member of the same Committee on same Bill reports in Report "C" that the same "Ought Not to Pass"

Report was signed by the following member: Representative:

LEWIS of Auburn

— of the House.

Reports were read.

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

Mrs. BEAULIEU: Mr. Speaker, I move acceptance of Report A, the Majority "Ought to Pass" Report.

The SPEAKER: The gentlewoman from Portland, Mrs. Beaulieu, moves that Report A be accepted.

The Chair recognizes the gentlewoman from Auburn, Miss Lewis.

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: This issue before us today is really not one of the most pressing issues that we have had in this body and it will sit on the fiscal table no matter what does happen, but I thought I would briefly explain why I signed "Ought Not to Pass."

Currently, members of the board of arbitration are being paid \$50 a day. This is a public board on which people serve on the board as a civic duty. Nobody tries to make his living from serving on this board, but, like citizens who serve on so many of the boards in the State of Maine, people do it out of a civic duty.

Before I signed on this report, I did some research to find out how much people are being paid on some of the other boards in the state because I wasn't sure; maybe \$75 was the going rate on all of the boards. What I found out was that on almost every single board in the State of Maine, people do get mileage and meals, but the per diem rate varies greatly from board to board.

For example, one of the most prestigious boards in the State of Maine is the State Board of Education. Members serving on the State Board of Education are paid not one cent of per diem, and there are many other boards in the State of Maine that members are not paid one cent. On other boards, people are paid some sort of a per diem. For example, on the State Board of Barbers, people are paid \$35 a day; on the State Board of Environmental Protection, members are paid \$40 a day; on the State Board of Nursing, members are paid \$50 a day. So, certainly it does vary from board to board.

I do, however, feel that it is very inappropriate to raise any board at this time. We all know that we are in some sort of a financial crunch in state government, and certainly when it comes to raising the salaries of people who are working for the State of Maine for a living, we are going to have to raise their salaries; we can't expect anyone to work for nothing or at last year's pay. But when it comes to giving sort of honorariums, when it comes to paying people just because we are happy that they are pleased to serve, I don't think it is appropriate for us to raise the pay, and that is why I signed "ought not to pass."

The SPEAKER: The Chair recognizes the gentleman from Harrison, Mr. Leighton.

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: I promise to be brief. As the good lady says, this is probably not the biggest issue that will be before the 110th Legislature.

What the bill does is provide for a per diem raise, which is the daily pay rate, it doesn't include the travel expenses and meals, that would be paid in addition to it, for people on the State Board of Arbitration and Conciliation. The bill calls for an increase from \$50 to \$60 a day until July 1, 1982, and then it goes to \$75.

I think what really bothered me about it was the inflationary psychology that was involved in the thing. It assumes two raises at once. In other words, we have got a situation here where someone isn't just coming to us for a raise, but they want their raise for two years from now as well, and the two combined, are combined, according to my math, to a 50 percent increase in the present rate.

For these reasons, I hope that you will vote against the pending motion, so that you can vote for my compromise report, which is Report C, which would call for one raise of \$60, which I think would be a very responsible, generous thing to do at this time.

I would ask for a roll call and ask you to vote against the pending motion so you can then vote for acceptance of Report C.

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

Mrs. BEAULIEU: Mr. Speaker and Members of the House: I have the obligation as supporting a majority of the committee, we feel that what is being requested in this bill is not unrealistic. The per diem rates for this particular group has not been adjusted since 1969, and it amounts to about as little 1/6 of the amount paid to private arbitrators. These people had a caseload of over 40 cases last year, they do work for their money. I feel they do an exceptional job.

Also, there is no doubt that the bill will go to the Appropriations Table. We have already been informed that the appropriation for this bill is contained in the Part II Budget. The total amount, enormous amount that will be given would be \$1,030 for fiscal year 1982 and \$3,000 for fiscal year 1983.

I hope you will support the majority report, and in the interim, I will twist my seatmate's arm to make sure there is a Part II Budget.

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

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to interject some additional information. In terms of boards and the per diem, I have here some in-

formation that tells you what some other per diems are for some other boards.

The State Employees Appeal Board, it is \$100 per day per diem; Maine Labor Relations Board is \$75 per day and \$100 for its chairman; State Claims Board is \$150 per diem; and the Maine Guarantee Authority is \$75 per diem.

As the gentlelady from Portland, Mrs. Beaulieu, told you, this increase has not taken effect for close to 12 years.

I don't believe that the money involved before us is inflationary psychology. I believe we are trying to make an adjustment so that we can attract people who are qualified into serving on these boards, and that, I believe, is the issue.

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 gentlewoman from Portland, Mrs. Beaulieu, that the "Ought to Pass" Report A be accepted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Armstrong, Baker, Beaulieu, Bell, Benoit, Berube, Boisvert, Brannigan, Brennerman, Brown, A.; Brown, K.L.; Cahill, Carroll, Carter, Chonko, Connolly, Cox, Crowley, Dexter, Diamond, G.W.; Diamond, J.N.; Fitzgerald, Foster, Fowle, Gowen, Gwadnosky, Hall, Hanson, Hayden, Hickey, Higgins, L.M.; Huber, Jalbert, Joyce, Kane, Kany, Ketover, Kilcoyne, LaPlante, Laverriere, Locke, Lund, Macomber, Mahany, Martin, A.; Matthews, McGowan, McHenry, McKean, McSweeney, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, O'Rourke, Paradis, E.; Paradis, P.; Pearson, Perry, Peterson, Post, Pouliot, Prescott, Randall, Reeves, P.; Richard, Rolde, Small, Soulas, Soule, Strout, Swazey, Tarbell, Telow, Theriault, Thompson, Tuttle, Twitchell, Vose, Walker, Webster, The Speaker.

NAY — Austin, Bordeaux, Boyce, Brodeur, Brown, D.; Callahan, Carrier, Conary, Conners, Cunningham, Curtis, Damren, Davis, Day, Dillenback, Drinkwater, Dudley, Gavett, Gillis, Higgins, H.C.; Holloway, Hunter, Hutchings, Ingraham, Jackson, Jordan, Kelleher, Kisman, Lancaster, Leighton, Lewis, Lisnik, MacBride, Masterman, McPherson, Michaud, Nelson, A.; Nelson, M.; Norton, Perkins, Racine, Reeves, J.; Ridley, Salsbury, Sherburne, Smith, C.W.; Stevenson, Stover, Studley, Treadwell, Wentworth, Weymouth.

ABSENT — Clark, Davies, Erwin, Hobbins, Jacques, Livesay, MacEachern, Manning, Martin, H.C.; Masterton, McCollister, Paul, Roberts, Smith, C.B.

Yes, 85; No, 52; Absent, 14.

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

Thereupon, the Bill was read once. Committee Amendment "A" (H-135) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Consent Calendar

First Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(H. P. 195) (L. D. 242) Bill, "An Act to Require State Bond Issues to Include all Interest Involved" — Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(H. P. 528) (L. D. 594) Bill, "An Act to Authorize in Proceedings before the Public Utilities

Commission the Appearance by an Officer or Employee of a Corporation or Partnership" — Committee on Public Utilities reporting "Ought to Pass"

(H. P. 339) (L. D. 387) Bill "An Act to Allocate Moneys for the Administrative Expenses of the State Lottery Commission for the Fiscal Years Ending June 30, 1982 and June 30, 1983" (Emergency) — Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(H. P. 789) (L. D. 943) Bill "An Act Concerning Foreign Trade Zones" — Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(H. P. 820) (L. D. 974) Bill "An Act to Ensure the Rights of Privacy of Recipients of Public Assistance" — Committee on Judiciary reporting "Ought to Pass"

(H. P. 844) (L. D. 1010) Bill "An Act to Authorize Joint Custody Orders as Part of Divorce Judgments" — Committee on Judiciary reporting "Ought to Pass"

(H. P. 876) (L. D. 1045) Bill "An Act to Update and Revise the Validation of Defects Act" — Committee on Judiciary reporting "Ought to Pass"

(H. P. 617) (L. D. 700) Bill "An Act to Provide Compensation and Benefits Agreed to by the State and Council #74, American Federation of State County and Municipal Employees for Employees in the Institutional Services Bargaining Unit" (Emergency) — Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-140)

(H. P. 222) (L. D. 259) Bill "An Act to Amend the Lien Law for Sewer Districts" (Emergency) — Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-141)

(H. P. 433) (L. D. 480) Bill "An Act Concerning the Posting of the Agenda for Meetings of County Commissioners" — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-143)

(H. P. 558) (L. D. 633) Bill "An Act to Require Equitable Treatment of Electric Charges for Common Areas of Multi-unit Rental Dwellings" — Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-142)

(H. P. 383) (L. D. 426) Bill "An Act to Enable Municipal Governments to Set Speed Limits within Their own Jurisdictions" — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-144)

(H. P. 340) (L. D. 388) Bill "An Act to Allocate Moneys for the Administrative Expenses of the Bureau of Alcoholic Beverages, Department of Finance and Administration and the State Liquor Commission for the Fiscal Years Ending June 30, 1982 and June 30, 1983" (Emergency) — Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-146)

(S. P. 309) (L. D. 865) Bill "An Act to Exempt Certain Island Motor Vehicles from Inspection Requirements" — Committee on Transportation reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of March 31 under listing of Second Day.

Consent Calendar Second Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(H. P. 566) (L. D. 642) Bill "An Act to Repeal the Provision Concerning Waiver of an Employee's Rights under the Occupational Disease Law"

(S. P. 197) (L. D. 565) Bill "An Act Relating to Cash Reserve Requirements" (C. "A" S-63)

(S. P. 102) (L. D. 215) Bill "An Act to Revise the Law Concerning Discharges into Certain Lakes" (C. "A" S-64)

(S. P. 346) (L. D. 989) Bill "An Act to Describe, Define and Officially Adopt a System of Coordinates for Designating the Geographic Position of Points on the Surface of the Earth within the State of Maine" (C. "A" S-65)

(S. P. 63) (L. D. 90) Bill "An Act to Amend the Manufactured Housing Act" (C. "A" S-62)

(H. P. 852) (L. D. 1015) Bill, "An Act to Exempt the Elderly from Beano Licensing and License Fees"

(H. P. 799) (L. D. 953) Bill, "An Act to Amend the Purposes for Special Marine Resources Licenses to Include Educational Institutions" (C. "A" H-138)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were passed to be engrossed in concurrence and the House Papers were passed to be engrossed and sent up for concurrence.

Passed to Be Engrossed Amended Bills

Bill, "An Act to Allow Registers of Probate to Aid Persons Using Probate Courts" (H. P. 429) (L. D. 476) (C. "A" H-132)

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

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Drinkwater.

Mr. DRINKWATER: Mr. Speaker and Members of the House: In reference to L. D. 476, just a few remarks. The reason that I signed this out of Judiciary "ought not to pass" was that after I had talked with the judge of probate in my area, and he was rather concerned that the register of probate or a member of her staff might very well be aiding somebody in probate matters, they would become contested, and the register of probate or a member of her staff might very well be appearing before him as the judge of probate in acting as an attorney, or at least in trying to get their point across as to what they had told the person who now is appealing. So, it would seem to me that this is asking quite a lot of the register of probate or her staff to be able to assist people in any item that might come before that same court.

Also, it appears that there would need to be some sort of insurance on these people, because if they are going to do these things and are going to recommend and advise, they should be covered, because the attorneys do the same thing are covered.

I guess this is my main concern. I think perhaps I would say that if you are concerned with this, maybe you could get it tabled and check it out with your judge of probate and see how he feels about it, but I have checked with mine and found out how he did feel.

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

Bill "An Act to Give the Maine Association of Retirees Proper Representation on the Board of Trustees for the Maine State Retirement System" (H. P. 369) (L. D. 407) (C. "A" H-133)

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

On motion of Mr. Crowley of Stockton Springs, the House reconsidered its action whereby Committee Amendment "A" was adopted.

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

House Amendment "A" to Committee Amendment "A" (H-149) was read by the Clerk.

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

Mr. TARBELL: Mr. Speaker, could we have a brief explanation of this House Amendment,

please? I would appreciate it.

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

The Chair recognizes the gentleman from Stockton Springs, Mr. Crowley.

Mr. CROWLEY: Mr. Speaker and Members of the House: Last Friday when we considered legislative document 407, you will recall that Representative Hickey spoke of this legislative document as a simple situation to give recognition to the new Maine Association of Retirees. Then Representative Walker spoke in opposition to this. Representative Walker agreed that MAR should be represented, but he also said that they only represent 19 percent of the retirees in this category. This category is all Maine state employees and municipal employees who are retired, and their representation is one member on the Board of Trustees.

As you know, MSRA, the Retirement System, I guess most of us here are involved in it in some way or another, there are also 252 municipal districts that participate in a local way in the Maine State Retirement System, and this group representing only 19 percent of the retirees in this category, we decided we should add the names of the other organizations, and then the people from Kittery to York, to Somerset, to Waldo would all have representation in this one category of the Board of Trustees.

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

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

The Bill was passed to be engrossed as amended and sent up for concurrence.

Second Readers Tabled and Assigned

Bill "An Act to Permit Knox County to Withdraw from the Maine State Retirement System" (H. P. 487) (L. D. 539) (C. "A" H-128)

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

On motion of Mrs. Nelson of Portland, tabled pending passage to be engrossed as amended and specially assigned for Wednesday, April 1.

Bill "An Act to Create an Environmental Health Program" (Emergency) (H. P. 804) (L. D. 914) (C. "A" H-134)

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

On motion of Mrs. Prescott of Hampden, tabled pending passage to be engrossed as amended and tomorrow assigned.

Passed to Be Enacted Emergency Measure

An Act to Extend the Time for the Apportionment of County Taxes (H. P. 1248) (L. D. 1427)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken, 128 voted in favor of same and 5 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

Passed to Be Enacted

An Act to Amend the Group Life Insurance Program for State Employees and Teachers (S. P. 301) (L. D. 845)

An Act to Provide for an Annual Report by the Board of Trustees of the Maine State Retirement System to the Legislature (H. P. 896) (L. D. 1063)

Were 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:

Bill, "An Act to Improve Marketing of Maine Agricultural Products" (H. P. 308) (L. D. 380)

— In House, Passed to be Engrossed as Amended by Committee Amendment "A" (H-114) on March 24.

— In Senate, Passed to be Engrossed as Amended by Committee Amendment "A" (H-114) and Senate Amendment "A" (S-73)

Tabled—March 27 by Representative Diamond of Windham.

Pending—Further Consideration.

On motion of Mr. Mahany of Easton, the House voted to recede and concur.

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

Bill, "An Act to Establish a Kennebec River Future Commission" (H. P. 1141) (L. D. 1285)

— In House, Passed to be Engrossed as Amended by House Amendment "A" (H-115) on March 19.

— In Senate, Bill and Accompanying Papers Indefinitely Postponed.

Tabled—March 27 by Representative Mitchell of Vassalboro.

Pending—Further Consideration.

On motion of Mrs. Kany of Waterville, the House voted to recede from its action whereby the Bill was passed to be engrossed as amended by House Amendment "A".

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

House Amendment "C" (H-150) was read by the Clerk.

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

Mrs. KANY: Mr. Speaker and Members of the House: A brief explanation of the amendment. This individual bill had received a very favorable public hearing and a unanimous "Ought to Pass" Report from the Committee on State Government. The other body had a couple of objections, which I believe are met with this amendment, and I just wanted to explain the reason for the amendment.

Thereupon, House Amendment "C" was adopted.

The Bill was passed to be engrossed as amended House Amendments "A" and "C" in non-concurrence and sent up for concurrence.

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

House Divided Report — Majority (8) "Ought Not to Pass" — Minority (4) "Ought to Pass" as Amended by Committee Amendment "A" (H-131) - Committee on Judiciary on Bill, "An Act to Authorize Payment of Overtime Rate for Certain Court Appearances of Municipal Law Enforcement Officers" (H. P. 521) (L. D. 587)

Tabled—March 27 by Representative Joyce of Portland.

Pending—Acceptance of either Report.

On motion of Mr. Joyce of Portland, the Minority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-131) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

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

Resolve, Authorizing the Bureau of Public Lands to Convey the State's Interest in Certain Public Lands in Milford, Penobscot County. (H. P. 315) (L. D. 345)

Tabled—March 27 by Representative Mitchell of Vassalboro.

Pending — Passage to be Engrossed.

Mr. Hall of Sangerville offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-147) was read by the Clerk and adopted.

The Resolve was passed to be engrossed as

amended by House Amendment "A" and sent up for concurrence.

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

An Act to Amend the Charter of the York Water District (H. P. 149) (L. D. 175)

Tabled—March 27 by Representative Davies of Orono.

Pending—Passage to be Enacted.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter:

SENATE DIVIDED REPORT—(8) members reporting in Report "A" "Ought to Pass" as amended by Committee Amendment "A" (S-66)—(3) members reporting in Report "B" "Ought Not to Pass"—(2) members reporting in Report "C" "Ought to Pass" as amended by Committee Amendment "B" (S-67) on Bill "An Act to Provide Collective Bargaining Rights to County Employees" (S. P. 145) (L. D. 316) which was tabled and later today assigned pending acceptance of any Report. (In Senate Report A accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-66)

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

Mrs. BEAULIEU: Mr. Speaker, I move acceptance of Report A, the Majority "Ought to Pass" Report, in concurrence.

The SPEAKER: The Chair recognizes the gentleman from Harrison, Mr. Leighton.

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: I hope you don't accept the motion before you so that we can again proceed and consider my Report C.

The basic bill, or the first report that you have, would extend collective bargaining to county employees. I have no problem with that. I think we have extended collective bargaining privileges to Public employees in every other area, and as a matter of equity, I think that we ought to do it for county employees as well.

Report B says that we shouldn't do that. My Report C says that in extending collective bargaining rights to county employees, my amendment would say, according to the Statement of Fact, this amendment would allow county employees—

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher, and inquires for what purpose the gentleman rises.

Mr. KELLEHER: Mr. Speaker, a point of information.

The SPEAKER: The gentleman may state his point of information.

Mr. KELLEHER: Mr. Speaker, what report is this House entertaining at the moment?

The SPEAKER: The Chair would advise the gentleman and members of the House that we are entertaining the majority report. The gentleman from Bangor, Mr. Kelleher's, point is well taken. Would you please refrain your remarks to whether or not Committee Amendment "A" should be adopted.

The gentleman may proceed.

Mr. LEIGHTON: I guess at this point then, Mr. Speaker, I would say that I would have to oppose collective bargaining as presented. I could support it if it is amended.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mrs. Foster.

Mrs. FOSTER: Mr. Speaker, Ladies and Gentlemen of the House: The office of the county commissioners is a creature of the State Legislature, having many responsibilities and little authority.

Are you aware of the fact that the county commissioners, with the exception of the county clerk or county administrator, have no authority to hire or fire clerical personnel? In *Sheltra vs. Auger*, 1977, the Maine Supreme Judicial Court stated, "Nowhere in the statutes is

there any suggestion that the county commissioners have the power to select the individuals who shall perform clerical duties with the various offices of government." They have no discretion in awarding of vacations and sick leave for clerks, because the statutes specifically authorizing those two items are state mandated. County commissioners cannot assess a county tax without approval of the legislature. After approval, they are responsible for the management of the budget, a budget they may not have chosen themselves.

County government is a child of the legislature and has many strings attached. Would the legislative delegation, if, indeed, the county commissioners are to be designated the employer, be willing to cut the strings and approve the budget as presented to them by the county commissioners? I think not.

Negotiations in county government would be very expensive because of the following reasons: County government, the way it is set up, there would be more than one bargaining unit since our mandated laws cover some personnel and not others.

County government is expensive, and, from what I read in the newspapers, unpopular. There is a limit on what the local property taxpayer is willing to pay for this form of government. How can we permit tax increases on the local level and not on the state level?

L. D. 316's Statement of Fact reads: "This bill will promote the efficient operation of county government by ensuring the relationships between county employees and their employer is harmonious."

Should we, the members of the legislature, be named the employer, since we are the final authority on the budget and make the laws that govern the county commissioners? How can the county commissioners be responsible for harmonious relations when the ultimate authority is with the Maine Legislature?

The SPEAKER: The Chair recognizes the gentleman from Harrison, Mr. Leighton.

Mr. LEIGHTON: Mr. Speaker, I would ask for a roll call vote.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: Over the past four or five days, many of us have read an awful lot about the implications of collective bargaining rights, the role of the commissioners, just what this bill will do, the fact that unions are standing around hungry to pick them up in their collective bargaining processes. All the bill before you says is that collective bargaining rights shall be granted to county employees. The bill has got nothing to do with unions, the selection of union representation, the process or conditions in the selection or election of representation, etc. That process is theirs only to make after the attainment of the right to bargain collectively.

Collective efforts to secure benefits is nothing to fear. For example, who are we to, and should we, allow a secretary whose take-home pay is less than \$75 a week, who works an eight hour day, who is eligible for food stamps and other benefits, who types and performs as well, if not better, than a secretary in the private sector making \$200 a week, deny her the right, or he, to have someone, or others, to bargain to better her lot for herself or himself, be it by any kind of representation or by her fellow workers?

Collective bargaining is an orderly process of communication; that is all it is. We, this legislature, have granted this right to almost all of our public sector employees. Why single out this particular group as potentially not being eligible? The employees in county government are as competent in their jobs as the secretary at city hall, the maintenance man in this very building, or the computer operator at Blue Cross—Blue Shield. They work an eight hour day, they are as loyal to their employer as we

are to ours, their work ethic is as great as any other good employee; yet, there is an indignity associated and implied in their labor and working condition issues and concerns. There is no doubt that many of us here aren't too fond of county government but until some of us, a majority of us, have the right or have the guts, so to speak, to abolish it with sound reasons, what right does anyone have to deny the collective bargaining right to those who must and who will continue to do their jobs until that occurs?

We, as legislators, contribute much to the grief felt by these workers. We know that they are not appropriately paid; yet, we do very little to correct it. If that were the case, we would not have well qualified sheriffs getting one dollar raises, deputy sheriffs making thousands more than the sheriffs, secretaries and other subordinate workers making less than minimum wage, once deductions are made, or many eligible for assistance; what we usually do is wait for a crisis to occur, then we react with a one year piecemeal effort to shut them up and let them flounder until next year to see how and what crisis will come then, and that is unfortunate. We do an unprofessional job with budgets; yet, we expect those employees to be extremely professional.

Many, and I know that you have all read about it, contend that the fault lies with the commissioners solely, that they are the elected officials and are the ones who are doing the poor job. I would like to remind myself, and you off and on, that we all may take the blame. Town and city officials are elected, we are elected; yet, we, the elected officials from this body, have given collective bargaining rights to all but two groups of public sector workers, so that makes me feel like maybe those charges are a little unrealistic. If somebody proposed a law requiring that state legislators from Cumberland County or any other county were to set the salaries for policemen, officers, firefighters, the howls of protest would be overwhelming and, yet, curiously enough, nobody seems to mind if delegations determine the salaries of legitimate public servants just because they are county employees.

A lot of people see red in this body when the charge is made that our county employees feel like second-class citizens; they don't like the term. I agree with them, I agree with the county employees. When their counterparts in the public sector have a right to collectively bargain and they don't, the disparity, the discrepancy, and the indignity of not being able to have that right does separate them from equal opportunity. It's as if the Speaker were to say that only that side of the aisle can vote on a single issue. I assure you, those of us over here would be asking-why not us? Who are you to impose that rule? Where are our rights? Why are we different? Where is the equality? What separates us from them? Those are the questions county employees are asking and our response should be, and I hope the lights will show it, that we will be able to say to them this morning that we recognize them as legitimate public sector work forces and the rights granted to the majority shall be their rights.

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

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: The gentlelady from Portland, my seatmate, has told you a very chilling tale about secretaries who make less than minimum wage. I believe this is illegal in Maine and I hope we will see to it to change that.

She has also talked about secretaries who make \$75 a week and are eligible for welfare. I would like to remind you that every single one of us in this body not only has a vote on our individual county budgets but we also approve the budgets for every single county here. So if pay is the issue, we certainly brought this upon ourselves because all of us and our predecessors over the years have been setting those pay

scales.

I would also like to make a couple of remarks about the attitude of second-class citizens. This is the biggest word on the Labor Committee this year, we are always discussing who is second-class citizens and who isn't. I hope that you will vote against this particular motion, so that we can accept the third report by which no one would be a second-class citizen. Those who wanted to join a union and felt that joining a union would make them a first-class citizen could, and those who never wanted to join a union and didn't want to be forced to would not have to.

The SPEAKER: The Chair recognizes the gentlewoman from Ellsworth, Mrs. Foster.

Mrs. FOSTER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to have you perhaps find out from your county commissioners what the work week is in the county courthouse. In my courthouse, they only work 32½ hours a week. I think county employees - I don't want to go on record of what yours do but this was also something that I looked into and thought that that was a rather short work week.

Also, in making my decision, I looked at two other L.D.'s that were in front of us, and since L.D. 316, the one we are looking at today, does not name the employer, I was very confused who that would be. I then looked at L.D. 384, giving legislative employees the right to bargain, and in that L.D. there is someone listed as the employer, and that would be the Legislative Council. I then looked at L.D. 979, another one granting collective bargaining rights to our judiciary employees, and the Chief Justice was named as the employer.

Thank you for listening to my reasons for voting no.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I do not like the remark "second-class citizen" but I am a second-class citizen because I have worked in the mills all my life as a waitress and I that was at low pay. I started when I was 15, but that is not what my spiel is. My spiel is this—you all know that I am not one who is in favor of county government but we do have the county employees with us, so we should treat them like human beings. I feel as long as county government exists, we should do what is right by these people. When you see the newspaper that some of them have to be on food stamps, there is something wrong in our system, so I hope you will give them what they want. As one wrote in the Sunday Telegram, it would take him off the food stamps and would give him back his pride. His children are being attacked in school; he says that he wouldn't have anymore money but at least he wouldn't have to have food stamps.

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

Mr. PAUL: Mr. Speaker, I would like to pose a question through the Chair. In addition to speaking to county employees, the bill also speaks of subdivisions thereof. My question would be, I guess, twofold—(1) what is considered a subdivision of the county and (2) would the various social service agencies and their employees be considered county employees by virtue of the fact that they receive county funds, and therefore would they all be subject to the collective bargaining rights?

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

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: This was researched this morning due to another gentleman's question. We went to the drafters of the bill get the appropriate answer and the answer is no.

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 the issue here this morning should be primarily focused on county government and whether I support it or whether this House supports it. The issue here is a very simple, basic issue, whether this House entertains the appreciation to support the idea of collective bargaining. That is the only issue that is here today. It doesn't matter whether we are arguing collective bargaining for the University of Maine employees or collective bargaining for the state of Maine employees, because the arguments here are no different than they were when I heard the first collective bargaining bills in this House over ten years ago.

I think the House should appreciate the fact of the faceless, dedicated public employees that work for the county that are actually incapable of bargaining for themselves, whether they are dealing with you and your individual counties or they are dealing with myself and my colleagues from Penobscot County. The issue here is just one basic principle, and that is, if you believe in collective bargaining, whether it is for the county, the state or the University of Maine employees, then vote for the bill, and if you don't believe in collective bargaining, do what Mrs. Foster wants to do from Ellsworth, and her friends, and vote against it.

The SPEAKER: The Chair recognizes the gentleman from Harrison, Mr. Leighton.

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: I can agree almost completely with the good gentleman from Bangor, Representative Kelleher, with one difference, I don't think this is a good bill. I think we can make it a good bill. We have an opportunity here, as we sail into a new area of collective bargaining, to do the job correctly. I think we can write a bill or pass a bill that answers the free rider arguments that unions so often times make, where they feel that they have to represent people who don't pay. I think we can write a bill that talks to the responsiveness of unions and how to make them responsive without having them lock their members in place. In other words, let's not clad as we write our bill the relevance and responsiveness that we need from our unions for the expediency of compulsion. So, for these reasons, while I hope that we can go on and eventually pass an amended collective bargaining bill for county workers, I would hope that at this time you would reject the pending motion so that we have a good piece of legislation in front of us instead of a bad piece of legislation.

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

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: I am just going to read a section of a letter that I received, part of my delegation from Cumberland County. The second section of the letter is: "Secondly, we also take the position that collective bargaining should be granted to county employees. We can draw no logical distinction between county employees and other state and municipal employees. Collective bargaining can only serve to streamline the present cumbersome budgetary process and provide much desired, indeed demanded, equality among all county employees." The letter was signed by all three county commissioners of Cumberland County.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I rise from the prestigious county of Penobscot County that is well known on the floor of this House for having one of the most harmonious county governments in the State of Maine.

If I thought that collective bargaining at the county level would serve all the purposes and bring about all the virtues that have been extolled here on the floor of the House today, I

would support it in a minute; in fact, less than a minute. But I think it is going to make county government more cumbersome and more difficult, not only for our officials who are department heads, whether they be elected or whether they be non-elected back at the level of county government and more difficult for us at the state level of government to manage well, and Lord knows, we have not managed well in county government in the State of Maine. My county and most other counties, over the last several years, just don't think it is going to streamline and bring about those virtues that have been mentioned on the floor.

In my county alone, we have 81 county employees. That is a fairly small number but we are one of the larger counties in the State of Maine. I would suspect that most of the county delegations here on the floor have a fewer number than that.

We ought to be able to handle the pay scales and the pay raises and the benefit levels, the personnel system of this few number of employees on an informal basis with not only our county commissioners but with our own county delegations.

If we inject collective bargaining, and we set up a multitude of separate bargaining units among that few employees back in county government, we are going to make it even more cumbersome than it is now, and when we do try to revamp the personnel system and we do try to put politics aside in county government and inject into it a fair and equitable personnel system with fair benefits and equitable pay raises, so the Clerk Typist I in one office receives what a Clerk Typist II in another office receives, when we attempt to revamp county government and we have collective bargaining on the books, we are going to be told that we should leave our hands off it because that is in the collective bargaining system, in the collective bargaining process, and we should not be injecting ourselves into that process. We have heard that at the state level manytimes over the past several years, and I submit to you, we will hear that on the county level.

In other words, the flexibility that does exist, and we are attempting to revamp our system back home in our county, we have elected over the last couple of years three brand new county commissioners, two in the last election, and they do have the flexibility, they do have the good will, and they do have the good faith of our delegation here from Penobscot County, for them to sit down over the next year since their election and to try to revamp that system, and if we inject collective bargaining in it, it is going to make it more cumbersome. That is my sole interest in this particular measure.

The other point has been aptly raised on the floor of the House, even if collective bargaining does go through and we reach an impasse at the local level, and their professional negotiators representing the 81 employees in my county forces my commissioners to hire a professional negotiator on their side, which is more cost to everyone involved and ultimately to the taxpayer, then they reach an impasse and they go to fact-finding, they go to mediation or they go to arbitration, if we don't have that in this bill, we ultimately will have such suggestions for other pieces of legislation. In other words, the comprehensive, full-fledged, full-scale system of collective bargaining we see at other levels of government and at other sectors of employment, you will see also being proposed to come in at the county level.

If we have that, we go through that process and they bring a bill before the legislative delegation, the same thing that has happened this year in my delegation, and in your delegation, as I suspect, is that the taxing power and the appropriation power is not back home at county government with any of the officials or with the employees but ultimately with us.

I don't see that this measure is going to bring about all the solutions, is going to bring about

the equity and the fairness and the justice that we think belongs back in our county departments and our county officers with our employees. For that reason, I would oppose this measure today, in the interest of doing a better job with all of our members of our delegations in our respective counties back home.

The SPEAKER: The Chair recognizes the gentlewoman from Woolwich, Mrs. Cahill.

Mrs. CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: I deliberated long and hard over this particular issue, and I have come to the decision that I will be supporting collective bargaining for the county employees. However, after discussing this issue with some of the employees of my area, Sagadahoc, I have discovered that while these employees did, indeed, express a need for collective bargaining, they also expressed a desire not to become unionized. Therefore, I ask you to defeat the pending motion and in turn support Report C, the report that would allow county employees to have the right to choose whether or not they belong to a union.

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

Mr. DAVIES: Mr. Speaker and Members of the House: I rise to rebut some of the comments of my good friend and colleague from Penobscot County, Mr. Tarbell. The bill you have before you is a management bill. Now, to hear that coming from my mouth seems a little strange, since I am one of the cosponsors of this legislation, but let me tell you the reason why I feel that that is the case.

Collective bargaining has been developed de facto and de jure over the last 100 years in this country, and the reason why it has developed and it has been accepted and it has expanded is not because labor wanted it alone, and they certainly did, but because management wanted it also, because it takes labor negotiations and labor matters out of the chaos of non-bargainable situations and creates a system that locks both sides into a manner of behaving, a course of action, with the final and ultimate determination which produces a result that both sides are going to have to live with, and that is why it is a management bill.

You have been reading in the newspaper about the problems we have been having in Penobscot County, and if you are from some of the other counties, you are aware that you have the same difficulties in your own counties—Aroostook County, Somerset County, Androscoggin County and others. The reasons why these problems are cropping up now and have cropped up in the past and will continue to crop up in the future is because there is no way you can say to those employees, this is the route you have to follow if you want a resolution to your problems. And until we have a system such as collective bargaining for county employees, you are going to have job actions, you are going to have walkouts, you are going to have employees quitting in total frustration with the system, because it does not recognize their legitimate needs, and until we do that, we are not going to have labor peace in county government.

The second point is the issue of multiple bargaining units that Mr. Tarbell raised. Let's look at state government. We have four or five bargaining units in state government. It hasn't cost us any problem. We have got an item on the calendar today that we passed, negotiated results of a negotiation with one of those bargaining units—no debate, it went under the hammer.

Municipal government has multiple bargaining units. Look at your own town. If they have any collective bargaining, chances are you have three or four different bargaining units. The same is true at the University of Maine; we have five bargaining units at the University of Maine. That hasn't caused any problems. I think the issue of multiple bargaining units being a problem in county government is spuri-

ous, it is a red herring dragged across the scene to try and distract you from the real issue.

The issue is fairness. As Mrs. Beaulieu pointed out, almost every other employee who is a public employee has the option of choosing, with other members of their employee groups, whether or not they want to have collective bargaining and to follow a procedure that has been laid down by this legislature. Can we be fair and deny our county employees that same basic right of speaking together on their collective needs, to address the problems rather than 81 individuals in Penobscot County each trying to negotiate an arrangement with the county commissioners? Would all of them in their groups that relate to their employment getting together, arriving at compromises and presenting those to their employers? I think that is fair. I think if we do anything less than that, this legislature is shirking its duties and is asking for trouble in county government. We have seen what potential lies out there. It is only going to get worse unless we do something about it, and this bill will do it, so I urge your support of it.

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

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: I am a cosponsor of this L.D., and my primary reason for doing so was to allow, as you have heard all through the speeches, county employees the same rights offered to all other employees.

Let me tell you something. If collective bargaining had been accepted and was in effect last year, Penobscot County's budget would have been approved six months ago. So, let's not wait on this bill, let's put the horse where he belongs, in front of the cart.

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

Mr. LAPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: I guess it doesn't bother me, the point of collective bargaining. I would just like to pose a question and set up a scenario, and I hope somebody can answer it.

I remember several years ago when we had the state employees' pay raise which created an enormous amount of discussion in the legislature. We spent many days and many hours debating this and it got to be a very hairy issue. I am wondering at this time, at the point of binding arbitration, is it possible at some point in the near future that we will have 16 bills before this legislature on binding arbitration, that we would have as a legislature, since we are the taxing authority, having to debate 16 bills on pay issues?

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

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

Mrs. BEAULIEU: Mr. Speaker, I will attempt to answer Mr. LaPlante's question. I presume the scenario would go, number one, that this legislature would have to approve and write into our statute that binding arbitration will, indeed, be part of our collective bargaining process. If we were to accept binding arbitration as a legitimate mechanism of the collective bargaining process, every type, all of our laws would have to be amended to so indicate. The municipal employee law would have to be amended to accept binding arbitration, the University of Maine law, the Maine Turnpike Authority law, the State employee law and the county law, so you wouldn't have 16 different amendments, it would be recognized as a legitimate process in collectively bargain. Then it would depend, for example — three counties might choose to bring their case to a binding arbitration and the rest of the counties may not. Then it would be up to the individual delegations to deal with the issue.

I think the issue was raised about the unioniz-

ing aspects if we pass this law. First of all, I would like to remind everyone that the bill does not speak to unionization at all; that decision is not ours to make. It may well be that there are some employees in some counties who don't want to unionize but they wish to bargain collectively by doing it themselves and they don't want representation, but they can only do that after they are granted the right to collectively bargain first. And there is a process for those who do not wish to belong to a union. It is called a ratification vote or unit selection vote, and those who don't want to belong to the union will have that opportunity to say so if a decision is made to select a representative. That is the time they have their input and they can vote not to belong, and if they prevail, they don't belong.

Representative Tarbell, my friend, says that this kind of process may not bring all of the solutions to the problems in our counties. I agree with him, but, boy, I am willing to try this way as a mechanism to try to resolve some of them.

I heard him use phrases that you and I used, many of us who have been around for a long time have used, I have heard them for five years, and I am hearing them again and I presume and predict that we will be hearing them three years down the road. Those phrases—when we do try to revamp county government, when we do try to revamp personnel policy, when we do try.... I say to you, we haven't and we probably never will, and I think that time has got to end.

The process now that an employee has to sit about and watch and wait for is kind of diabolical. The current process is, an employee must get her boss to agree to her worth, he must agree, then go to the commissioners; they must agree, then they must come to us, and we may agree, and in the interim, I don't blame anybody who is working their hearts out in county government for being extremely frustrated. Not even in the private sector does an employee have to be subjected to that kind of wait — around attitude, so I urge you to adopt the report that I have moved before you, and that we do it soon?

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

Mr. BOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I have been sitting here listening to our give-and-take on this subject with a great deal of interest. I think as most of you know, my wife is one of the county commissioners of the grand county of Androscoggin. Unlike Representative Tarbell, we are not known for having a calm county government, as was witnessed in the job action, blue flu attack we had just a few months ago at the start of all this mess.

I am for collective bargaining. This morning before I left, my wife, the commissioner, asked me to convey the same words to you regarding herself, that she would like to see her county employees also be protected by collective bargaining.

With that I would like to add just a couple of words of my own, not the county commissioner's, if you please. The job actions we have seen across the state, whether they be called blue flu, sickouts or walkouts of whatever, no matter what level of frustration our county employees have reached to precipitate these were probably very ill-advised and irresponsible actions, and I for one do not condone them, nor do I think any member of this legislature condones them.

I hope that my colleagues in the press today will take note the pros and cons on the debate of this bill. This bill will pass or fail on its own merits, not on the irresponsible job actions of county employees.

I am for the collective bargaining bill. I will be voting for it without any amendments, and I also think it would be an irresponsible act, an ill-advised act, by the members of this body not to also vote for collective bargaining today.

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

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: This debate is carrying on long and long, so I would like to just quickly respond to a couple of points raised by the gentleman from Sabattus and the gentlelady from Portland. The only way that we can guarantee that no one will be forced to join a union, while at the same time giving these employees collective bargaining rights, is to defeat the motion before us so that we can move Report C.

A scenario very similar to the one that Mr. LaPlante described did occur in the past legislature; that scenario was over the issue of forced unionism and Report C would prevent that.

I do hope that you will defeat the motion in front of us, so that we can give ourselves an even better collective bargaining bill.

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 gentlewoman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: This morning I will be voting against this bill, not because I am against collective bargaining, I think my past record in the few years will indicate that I have supported each and every one of the collective bargaining bills. I am opposing this one this morning because, although I agree wholeheartedly that county employees have same privileges and rights as state and municipal employees, I think we have carried this a little bit further and that they must also have the same rules. Until my concern as to these rules is addressed, hopefully if this bill passes it can be done by amendment, then, at that point, I would support it. My concern is that most of these positions are political patronage jobs, not necessarily hired because of particular ability or job experience or whatever, and until we can address that particular concern, I cannot support it. You understand, of course, that with municipal and state government, jobs are posted, people have to take their place on a register, take examinations for jobs. It is a little different and, hopefully, that could be addressed.

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

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond to my colleague, the gentlelady from Lewiston, Mrs. Berube. I think that some of the issues she is talking about can be addressed but not as an amendment; they can be addressed through a negotiated contract. That, to me, is the best way to address these issues. We can reduce some of this patronage that she talks about by establishing collective bargaining with the negotiations of just cause provisions in the negotiated contract. That would protect the competent employee as well as be able to deal with somebody who is not performing their job.

Collective bargaining is not just an issue of wages or salaries, it is an issue of process of how you can deal with things on the job. That is what we have to remember here.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of the gentlewoman from Portland, Mrs. Beaulieu, that the House accept the "Ought to Pass" Report A in concurrence.

The Chair recognizes the gentleman from Westport, Mr. Soule.

Mr. SOULE: Mr. Speaker, I would like to pair my vote with the gentleman from Brunswick, Mr. Livesay. If he were here, he would be

voting no and I would be voting yes.

The SPEAKER: The Chair recognizes the gentleman from Harrison, Mr. Leighton.

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

The SPEAKER: The Chair recognizes the gentleman from Kingfield, Mr. Dexter.

Mr. DEXTER: Mr. Speaker, I would like to pair my vote with the gentleman from Island Falls, Mr. Smith. If he were here, he would be voting yes and I would be voting no.

ROLL CALL

YEA — Austin, Baker, Beaulieu, Benoit, Boisvert, Boyce, Brannigan, Brennerman, Brodeur, Brown, A.; Carrier, Chonko, Clark, Conary, Connolly, Cox, Crowley, Cunningham, Davies, Diamond, G. W.; Diamond, J. N.; Drinkwater, Erwin, Fitzgerald, Fowlie, Gowen, Gwadosky, Hall, Hayden, Hickey, Higgins, H. C.; Higgins, L. M.; Jacques, Joyce, Kane, Kany, Kelleher, Ketover, Kilcoyne, Laverriere, Lisnik, Lund, MacEachern, Macomber, Mahany, Martin, A.; Martin, H. C.; Masterman, Matthews, McCollister, McGowan, McHenry, McKean, McSweeney, Michael, Michael, Mitchell, E. H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; Norton, O'Rourke, Paradis, E.; Paradis, P.; Paul, Pearson, Perry, Post, Pouliot, Prescott, Racine, Randall, Reeves, P.; Richard, Rolde, Soulas, Strout, Swazey, Theriault, Thompson, Tuttle, Twitchell, Vose, Webster, The Speaker.

NAY — Aloupis, Armstrong, Bell, Berube, Bordeaux, Brown, D.; Brown, K. L.; Cahill, Callahan, Carroll, Carter, Connors, Curtis, Damren, Davis, Day, Dillenback, Dudley, Foster, Gavett, Gillis, Hanson, Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jordan, Kiesman, Lancaster, LaPlante, Lewis, Locke, MacBride, McPherson, Murphy, Nelson, A.; Perkins, Peterson, Reeves, J.; Ridley, Salisbury, Sherburne, Small, Smith, C. W.; Stevenson, Stover, Studley, Tarbell, Telow, Treadwell, Walker, Wentworth, Weymouth.

ABSENT — Hobbins, Manning, Masterton, Roberts.

PAIRED — Dexter-Smith, C. B.; Jalbert—Leighton; Livesay—Soule.

Yes, 86; No, 55; Absent, 4; Paired, 6.

The SPEAKER: Eighty-six having voted in the affirmative and fifty-five in the negative, with four being absent and six paired, Report A was accepted.

The Bill read once. Committee Amendment "A" (S-66) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

(Off Record Remarks)

On motion of Mr. Richard of Madison.
Adjourned until ten o'clock tomorrow morning.