

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Thirteenth Legislature
OF THE
State Of Maine

VOLUME II

FIRST REGULAR SESSION

May 26, 1987 to June 30, 1987

Index

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
92nd Legislative Day
Tuesday, June 30, 1987

The House met according to adjournment and was called to order by the Speaker.
Prayer by Reverend Robert Hargreaves, St. Mark's Episcopal Church, Augusta.
Pledge of Allegiance.
The Journal of Thursday, June 18, 1987 was read and approved.
Quorum call was held.

COMMUNICATIONS

The following Communication:
UNIVERSITY OF MAINE SCHOOL OF LAW
246 Deering Avenue
Portland, Maine 04102
June 23, 1987

Honorable Edwin H. Pert
Clerk of the House of Representatives
State House
Augusta, Maine 04330
Dear Mr. Pert:

I enclose my statement of Fees and Expenses for my service as Special Counsel to the House of Representatives in the matter of discipline and expulsion of a member of the House.

This matter arose from the indictment and conviction of Representative Donald F. Sproul for tampering with a ballot in furtherance of his own election to the House. My efforts in the initial stages of the House proceedings were first, to ensure that a complete evidentiary record of interference with the elections process was presented to the Elections Committee and thence to the full House, and second, immediately to establish regular and unimpeachable procedures to be followed by the Committee and the House. I estimated that a preliminary draft of rules and procedures would have to be presented to the Elections Committee by Monday, May 18th, and that all procedural matters would have to be resolved at three Committee meetings during that week. The following week would be devoted to evidentiary hearings before the Committee. Preparation of a report of the Committee's findings, conclusions, and recommendations and presentation of that report to the House would be accomplished during the third week. My activities during the first few days were directed toward those ends. On Friday, May 15th, Representative Sproul resigned. His action brought our proceedings to a successful conclusion. In my view, his resignation was prompted by seeing that the constitutional mechanism for expelling a member of the House was being put firmly in place. Abstract constitutional authority had by then taken on a palpable, undeniable quality.

I thank you and the many members of the legislative staff for your help and cooperation in bringing this matter to a successful conclusion.

Sincerely,
s/David D. Gregory
Special Counsel
House of Representatives

Was read.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: Permission to pose a question?

Mr. Speaker, I see nowhere here in the Communication the amount of the fees and the expenses. Could someone please indicate that amount?

The SPEAKER: The Representative from Kennebunk, Representative Murphy, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker, Men and Women of the House: In answer to the question from the gentleman from Kennebunk, I would answer that the House had authorized under Order approximately \$30,000. The fees for Mr. Gregory, Esquire, were approximately \$2,400 which included almost one week's time of preparing material and presenting it to the committee, meeting with the committee twice and reporting to the House. I hope that answers the question of the gentleman from Kennebunk.

Subsequently, the Communication and accompanying papers were ordered placed on file.

The following Communication:
Department of Administration
BUREAU OF EMPLOYEE RELATIONS
June 10, 1987

John L. Martin, Speaker of the House
House of Representatives
State House Station #2
Augusta, ME 04333
RE: Administration of the State of Maine
Self-Insured Workers' Compensation Program
Dear Representative Martin:

Attached please find a copy of the above-referenced report for your review and information. Documented therein are: a synopsis of the history of the administration of the workers' compensation program in State government; a compilation of statistics detailing numbers and categories of injuries (7/1/81-6/1/86) and payments made on claims (7/1/82-6/30/86); and individual State departmental reports.

Should you have any questions regarding this report, please feel free to contact Roger H. Willette at 289-4440.

Sincerely,
s/Kenneth A. Walo, Director
Bureau of Employee
Relations

Was read and with accompanying report ordered placed on file.

Later Today Assigned

The following Communication:
STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE
04333

June 19, 1987

TO: The Honorable Members of the 113th Maine Legislature

I am returning, without my signature or approval, L.D. 1690, "AN ACT to Provide Civil Enforcement of the Anti-Strikebreaker Law to Encourage the Settlement and Peaceful Resolution of Labor Disputes." My decision to veto this bill has been particularly difficult in light of the unfolding events at the International Paper Company's Jay, Maine plant. I am indeed mindful of the perception that my rejection of this legislation may create, even though this measure would not apply to that situation. My personal abhorrence of having Maine jobs potentially being filled, even temporarily, by "non-resident contractors" is a sad reminder of what can happen when the collective bargaining process

breaks down. We all suffer when there is labor-management strife.

I have every hope that management and labor both will strive to reach a mutually acceptable compromise as early as humanly possible, and I implore each side to bargain in good faith. I pledge to do whatever I can to assist in resolving this strike. Despite my personal, strong objection to certain potential hiring practices, I nonetheless must act upon what I believe to be the correct course regarding this bill on its merits alone. That course, to me, is clear. This bill goes beyond acceptable limits and beyond the apparent legislative intent to prohibit professional "strikebreaking" activity.

This bill would expand upon current statutory restrictions by prohibiting a struck employer from contracting with a company that previously has offered its services to other companies involved in labor disputes, strikes or lockouts, without regard to the type and nature of those services or the general business purpose for which any such company exists. The only exceptions to this broad prohibition regard special maintenance or security contractees. Such an overreaching proscription, which effectively includes companies otherwise never considered to employ professional "strikebreakers," unacceptably hampers an employer's legal right to fill vacated positions. Moreover, by effectively preventing an employer from operating during a strike, the bill substantially hinders the collective bargaining process by changing the incentives to bargain in good faith.

The United States Supreme Court already has ruled in a landmark decision that an employer has a right to hire and maintain replacements for striking employees. National Labor Relations Board v. MacKay Radio and Telegraph Co., 304 U.S. 333 (1937), at 346. Subsequent Supreme Court and lower court decisions have reaffirmed this right and further have recognized such rights in labor dispute and lockout situations. Additionally, the National Labor Relations Board consistently has recognized such a right.

I have expressed my concerns about the dangers of direct state entanglement in a private, collective bargaining process which is controlled by federal law. These concerns are worth noting here. Employers and labor organizations both have legitimate tools available to them when engaging in collective bargaining. Employees can provide considerable incentive to resolve disputes by means of a very powerful weapon -- the strike. Employers can respond, where allowed by federal law, by hiring replacements. This balance has been recognized federally as a just and reasonable one. That balance would be unjustly and adversely disrupted by reducing either side's incentives to continue the bargaining process in good faith.

Just as I oppose sweeping prohibitions of an employer's right to operate during a strike, I would also oppose, and veto, any legislation which attempted to allow an employer to fire a striking worker or which attempted to prevent or regulate in any manner a striking worker's right to seek other employment. If legislation was presented which regulated firms whose sole business was to provide replacement employees for striking workers and the Maine Supreme Judicial Court ruled or advised that such legislation did not violate federal law, I would accept legitimate, so-called "anti-strikebreaker" legislation. I cannot, however, endorse legislation, whether intended or not, which prohibits otherwise innocent companies from providing services to a struck employer.

I realize that some may use this veto to fuel the passions of union leaders or members, but I must do what is right for Maine in both the long and short term. As for the situation in Jay, I implore the parties to negotiate in good faith, to consider what is in the best interests of our State. In this respect, I support totally the recently passed Joint Resolution of the Legislature, urging the parties to find an agreement which would "allow the workers to return to their normal livelihood."

Because of the reservations and objections outlined above, however, I am in opposition to L.D. 1690 and urge you to sustain my veto.

Sincerely,
s/John R. McKernan, Jr.
Governor

Was read and ordered placed on file.

The accompanying Bill "An Act to Provide Civil Enforcement of the Anti-strikebreaker Law to Encourage the Settlement and Peaceful Resolution of Labor Disputes" (H.P. 1238) (L.D. 1690) (H. "A" H-211).

On motion of Representative Diamond of Bangor, tabled pending further consideration and later today assigned.

Later Today Assigned

The following Communication:
STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE
04333

June 29, 1987

TO: The Honorable Members of the 113th Maine Legislature

I am returning without my signature or approval H.P. 1345, L.D. 1839, "AN ACT to Amend the Teacher Certification Law."

I simply cannot sign any legislation which removes the Master Teacher/Professional Level II certification from the law. The 112th Legislature was committed to this concept in 1984. I am committed to it now.

There has been a tremendous investment of quality time and energy already spent in a) developing and enacting this legislation, b) setting up the pilot sites, and c) writing proposed rules for final implementation of the law.

The pilot sites must be allowed to continue their work with the certification law intact. The original legislative intent was to pilot a concept that was established by law; not to continue under the cloud of an altered law which precludes, or even second guesses, their outcome. Now is not the time to revise the law before the final results of the pilots are in.

Additionally, this bill establishes another pilot process for local staff development laws the cost of which, in time and energy, is unnecessary and the presence of which would confuse and complicate the original and fundamental intent of the 1984 teacher certification laws. Local staff development plans, although they are an important and legitimate issue, do not need to be piloted. Proven methods of delivering staff development already exist and are, in fact, required as part of every school's local School Improvement Plan -- another of the Education Reform measures.

I believe that Maine needs the best teachers it can get in its classrooms, that we need to provide these teachers with the support teams and training that they need, and to recognize teachers who demonstrate exemplary performance. But we must do it

with the 1984 certification law intact, and we must do it without confusing the issue with yet another pilot site concept.

For these reasons, I am in firm opposition to this bill and urge you to sustain my veto.

Sincerely,
s/John R. McKernan, Jr.
Governor

Was read and ordered placed on file.

The accompanying Bill "An Act to Amend the Teacher Certification Law" (H.P. 1345) (L.D. 1839).

On motion of Representative Diamond of Bangor, tabled pending further consideration and later today assigned.

Later Today Assigned

The following Communication:
STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE
04333

June 30, 1987

TO: The Honorable Members of the 113th Maine Legislature

I am returning, without my signature or approval, H.P. 485, L.D. 652, "AN ACT to Provide State Reimbursement to Municipalities for Property Tax Losses Due to State-owned Property." Despite the attractive ring of the bill's title, this narrow, seemingly innocuous measure represents an unacceptable and potentially costly approach to dealing with a serious question of public policy.

This bill, in its enacted form, purports to require the Commissioner of the Department of Corrections to "negotiate" a local service fee with a municipality to provide "partial reimbursement" for property tax losses which result from "new" state correctional facilities.

The bill is devoid of any standards which might guide the required negotiations and, in a single sentence, manages to generate internal inconsistency. On one hand, the bill references so-called property tax losses and, on the other hand, the bill mentions "fees for service agreements." Nowhere does the bill define or describe a "service agreement." As matters now stand, there are no plans for a "new" state correctional facility, although I am aware of plans to expand existing facilities. Thus, the bill may not even accomplish the objectives of its sponsors.

In its original form, this bill arbitrarily selected property of two state agencies -- the Department of Corrections and the Department of Mental Health and Mental Retardation -- and imposed a costly and cumbersome process for partially reimbursing municipalities for alleged property tax losses. The amended, enacted version reflects a further, discriminatory refinement to limit the bill's application only to the Department of Corrections. If there is an important issue of public policy lurking behind this bill, that issue is obfuscated by the irrational targeting of new correctional facilities for separate treatment and by the disingenuous use of a future effective date which disguises the necessity of facing fiscal reality.

State facilities of any description provide important and necessary services for Maine's citizens. If the State is to adopt a policy of using state revenues to pay "taxes", directly or indirectly, such a policy should be considered in the context of all state facilities. In my judgment, this bill unacceptably singles out a single, state agency for special treatment.

For these reasons, I am opposed to L.D. 652 and urge you to sustain my veto.

Sincerely,
S/John R. McKernan, Jr.
Governor

Was read and ordered placed on file.

The accompanying Bill "An Act to Provide State Reimbursement to Municipalities for Property Tax Losses Due to State-owned Property" (H.P. 485) (L.D. 652) (C. "A" H-358)

On motion of Representative Diamond of Bangor, tabled pending further consideration and later today assigned.

ORDERS

On motion of Representative MANNING of Portland, the following Joint Order: (H.P. 1375)

Ordered, the Senate concurring, that Bill, "AN ACT to Implement the Recommendations of the Driver Education Evaluation Program Study," H.P. 962, L.D. 1291, be recalled from the Governor's desk to the House.

Was read and passed and sent up for concurrence.

On motion of Representative CARROLL of Gray, the following Joint Order: (H.P. 1376)

Ordered, the Senate concurring, that Bill, "AN ACT to Establish Greater Communication in the Rule-making Process and to Provide Better Standards for the Adoption of Rules," H.P. 1210, L.D. 1651, be recalled from the Governor's desk to the House.

Was read and passed and sent up for concurrence.

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

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

PASSED TO BE ENGROSSED
WITHOUT REFERENCE TO COMMITTEE

Bill "An Act to Clarify the Applicability of Social Worker Licensure Requirement to State Employees" (Emergency) (H.P. 1377) (L.D. 1876) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsors: Senator PERKINS of Hancock, President PRAY of Penobscot and Representative MURPHY of Kennebunk) (Governor's Bill)

(Committee on Business Legislation was suggested.)

Under suspension of the rules and without reference to any committee, the Bill was read twice, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

(At Ease)

The House was called to order by the Speaker.

At this point, the Speaker appointed Representative Michaud of East Millinocket to act as Speaker pro tem.

The House was called to order by the Speaker pro tem.

The Chair laid before the House the following matter: Bill "An Act to Provide Civil Enforcement of the Anti-strikebreaker Law to Encourage the Settlement and Peaceful Resolution of Labor Disputes" (H.P. 1238) (L.D. 1690) (H. "A" H-211) which was tabled earlier in the day and later today assigned pending further consideration.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Sanford, Representative Hale.

Representative HALE: Mr. Speaker, Ladies and Gentlemen of the House: In regards to this strikebreaker bill, 1690 -- this certainly does not interfere with any employer's rights. The employer still has the right to replace employees. The only thing that this does is to prohibit professional strikebreakers from coming in and taking over the production jobs in any plant, irrespective of what plant it is.

Since I.P. is on strike, and I am calling on my retention, I have the bill here and haven't had a chance to really review as much as I would like to, but it does not stop any employer from advertising, it does not stop them from hiring replacements, it is required by law to inform them that the employees are on strike and that this could possibly be a temporary position. The strikebreaker part of it or the professional strikebreaker part are the people that come in under the auspices of maintenance. There is no one that can maintain, to my knowledge and my knowledge is limited and has to be based upon what was said before the Labor Committee -- this requires very specialized expertise. If I were a maintenance person, which I would almost have to be an engineer in order to fix these pieces of machinery, I certainly could not be teaching someone. This is where the difference of opinion is on what a strikebreaker is. There is no one learning to maintain machinery on the premises. I have been reading the paper, they have got about 250 people at I.P. right now.

All this says is "you shall not use professional strikebreakers." These are people that make it their business to go out and go into a company. Right now it happens to be I.P.; last year it was Boise Cascade. That is all it prohibits. I urge you to override the veto.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Madawaska, Representative McHenry.

Representative MCHENRY: Mr. Speaker, Men and Women of the House: You know, I am very discouraged with the Governor. The first time I met him was fifteen years ago in my first term in the legislature. At that time and through the years, I always believed the man to be a good-hearted man, a man who was fair to the working people of the state. But I have been proven wrong, more than once, and I have been proven wrong again. I truly felt that this Governor would be at least halfway decent with the working people of this state. But every bill that we had to help -- in any way, shape or form -- the working people of this state, he saw fit to veto. I don't think he is doing right by the working people. I don't believe he is doing right by the Constitution, because this bill would have helped to stop injuries, which may very well occur.

We all remember what happened in Rumford and we are seeing something happening in Jay and I am very much afraid that I am going to see the same thing happen in Madawaska. We have companies today that do not -- absolutely in no way, shape or form -- care for the working people and that hurts me, it hurts the working people, and this state cannot stand by

and watch this happen and I don't believe that we should.

In his veto message he says, "We all suffer." But ladies and gentlemen of this House, nobody knows how much they suffer until they are in that picket line. I have been on a picket line, but when I was, I was fortunate not to be married. I was a single man, I could afford to live, but I assure you it broke my heart to see people hurting because they could not afford to bring food to the table. In those days, we had a Governor who did care, who did try to give us help for the working people. We still went under.

When the Governor says we have a fair balance, it is not a fair balance ladies and gentlemen, not at all. He says the working people have a very powerful tool, they can go out on strike. Well I submit to you, if he believes that that is a very powerful tool, I say he can leave his office and we will find a for a replacement for him in no time at all. That is the way my people feel. We feel very strongly that what he is doing here, a veto on every bill that helps the working people, is not good for the Republican party. We, the Democrats, have stuck together quite well, but we are not 100 percent for labor but we do help labor more than the Republican party and right now, we are showing our real colors.

I am happy in a way that the Governor is showing his real colors because I truly believed that he was a fair man. I did say to my people that I felt that he was a fair person.

It says in our Constitution in the preamble, "We the people of the state" -- it does not say, "We the corporation of the state." In Article 1, it says, "We the men" -- it does not say "We the corporation." They have the right to "pursue and obtain safety and happiness." Safety, ladies and gentlemen. What is happening right now at International Paper in Jay is not a safe situation. It is not a safe situation when you have people taking the bread out of your children's mouths, it is not a safe situation. The strike benefits that those people receive are very little. Do you think that they are high and happy and enjoying themselves? I assure you they are not because most of these people owe more than they can ever repay and the companies are asking them to sacrifice in a year that they made more profit than ever. It boggles the mind. Why? The greedy corporation.

It comes back to what I said before, we are sending out a message, come into the state, use our people, abuse our people, discard our people, trample on our people, the corporations have more. It isn't a fair balance, they have more than a fair balance because they continue to operate, we are not against that. Sure, we would like to shut them down and they wouldn't be able to operate, but we do not prohibit them from going out and using the people that they have in other companies. We do not prohibit them from employing new employees, but what we are trying to do here is prohibit them from hiring professional strikebreakers from out of state.

The Governor says he is not for it but he vetoed the bill. On technicalities? I for one and I am sure every member of the Labor Committee was willing to compromise and listen to the technicalities. We were not prohibiting any company that was not out there to purposely break strikes. We were not prohibiting them to come in and service these companies. If some attorney had found a way that we were doing this, we would have been willing to amend the bill to make it workable if the Governor was sincere in his statements. We would have worked with him but I don't believe that he was.

He also says in his message that he would be willing to sign legislation, if it goes through the court, then he would have no choice but to accept it. That is when he would accept legislation, after it had gone through the courts and proven that it is legal, proven that it is constitutional, proven everything, then he would accept it. Ladies and gentlemen, if that were the premise when we enact each and every piece of legislation, I don't think we would have any legislation. Maybe it would be best that way.

I certainly hope that you will vote green to override the veto.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Hampden, Representative Willey.

Representative WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: It talks repeatedly in this bill about the professional strikebreaker. I think you have got to stop for a minute and think what a professional is. In this bill, it is defined as any person or corporation/company that is involved in a strike more than twice. I don't know but I suspect all of us have done a given thing at least twice that we would prefer not to be proud of. Does it make a professional if you do anything twice? I seriously doubt it.

One thing that this does is it goes far beyond the purpose of the bill. For instance, in the instance of a strike or a lockout, a company has to pay their bills, they also have to handle accounts receivable, generally they farm that out to somebody with a computer setup so it can be done outside. Many times, it is people that do this for the public. They do have to pay their bills, they do have to collect their money. It would prevent this sort of thing if one person on their payroll had been involved in this sort of activity more than once. It seems to me the most ludicrous part of this argument is that it applies to individuals -- you could not hire (under the provisions of this legislation) an individual to come to work for you if there were a strike, if he had been involved in that activity twice before, not necessarily to have been hired and been working on the job but simply to have made application. In that instance, you could go to court and get an injunction and close the place up. Believe me, the purpose of this bill is to force, to force, the companies to go to a lockout because that is the only alternative they would have.

How are you going to hire people, for instance, and ask them questions such as, "Have you ever been involved in a strike?" I suspect you wouldn't be able to get along with that because you can't even ask them how old they are, how could you possibly do that? Would you ask them if they belonged to the Lions or the Kawanis or any other activity such as that and you couldn't hire them? It would be discriminatory.

I don't think anybody has a lot of sympathy for professional strikebreakers. I would suspect that, if the bill had been worded that way in the Labor Committee, that it would have been acceptable to all of us.

I certainly hope that you will be able to sustain the Governor's veto because this goes far, far, far beyond what a professional strikebreaker is and the consequences in this state would be dramatic.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Men and Women of the House: It was not my intention to speak on this bill today but I have heard that, if a person offers themselves twice to be a professional strikebreaker that he or she, then, under this bill,

cannot be part of a group that would be contracted to assist in the time of employment.

If you believe that the Labor Committee arbitrarily passes out a bill because it is a management bill or because it is a labor bill, you are dead wrong. We negotiated what you just heard and we negotiated the words customarily or repeatedly. Now, I don't think repeatedly says that it is once, twice, or 25 times, but I do think that would be a judgment and an interpretation by those persons wanting to enforce this particular bill.

I am very concerned about this bill because if all of us, as was just stated by Representative Willey, are concerned and dislike the fact or abhor or hate the fact that professional strikebreakers today are working in our state and takes the place of men and women whose jobs it is normally to run a particular paper mill, then I believe that we should override this veto.

If you believe that this particular bill is unconstitutional or illegal, that too was discussed in committee, and opinions were sought to find out if it worked and I have not seen anything written as far as that is concerned. I consider this playing politics with peoples lives. I consider this playing politics with peoples livelihoods. I find this playing politics with the ability of the men and women of this state to make a living to support their families. If you believe that they are full of joy and happiness as they walk the picket line in Jay, Maine, you are dead wrong.

I talked with them last week, when there were 1,000 of them here along with other sympathizers, and I asked them what monetary arrangement is agreed upon when you go on strike because you hear that these people are very happy to be on strike, by different sources, they get \$55 a week on strike. I think this is a despicable act as far as this veto is concerned.

We discussed this bill in committee and the last day, one Friday morning prior to session, we decided that this bill would deal with the issue at hand, that it would prohibit strikebreakers, professional strikebreakers, to come into our state. And, as usual, trying to find the compromise, trying to negotiate the provisions, we asked around the room for those committee members who were there you will remember, "How do you feel about this bill?" Business persons said, in that particular committee room, "We have no problems with the bill but we don't like it." Of course, they don't like it, but that is the nature of the Labor Committee. There is a black and there is a white and if you come out with a piece of gray legislation, where everybody is a little bit unhappy, you know that we have done our job.

What really bothers me about this particular veto and the effect that it has on the present day strike is that I believe in this state where we do believe in the collective bargaining system, where we do believe in negotiating for wages, we also believe in negotiating for benefits and all of those provisions, that we are now encouraging two classes of people, the have's and the have not's. I am very much concerned when I see half page newspaper ads at a cost that I couldn't even quote to you, when I see a quarter page ad in the Sunday paper, actually talking about one side or the other, and we know where the money is, but I think I was particularly disenchanted, disappointed, discouraged this morning in a segment, a television ad which said, "We all care about the paper workers in the State of Maine. I am concerned about what is happening in Jay, but do you realize that those paper workers make X-number of dollars per hour? Think about it." This was a 15

second or 30 second ad, that doesn't come for nothing, folks.

I would like to say to you, how much do management persons make? They make an average of \$50,000 a year, \$1,000 a week. Do I see another ad on television that says, "Oh, those poor folks, those poor folks, they can't seem to manage well but they are still making \$50,000 a year." I am very concerned about this.

I hope that you will send a message out there to those workers that we are not going to allow professional strikebreakers to come into this state who customarily, who repeatedly, offer themselves for this purpose.

We have negotiated this bill in order to allow companies to bring in persons to continue operations while negotiations continue or while the strike lasts. Please, for all of those persons who do work, please vote to override this veto, it is the right thing to do.

On motion of Representative Diamond of Bangor, retabled and later today assigned pending further consideration.

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

ORDERS OF THE DAY

BILLS RECALLED FROM GOVERNOR

(Pursuant to Joint Order - House Paper 1375)

An Act to Implement the Recommendations of the Driver Education Evaluation Program Study (Emergency) (H.P. 962) (L.D. 1291) (H. "A" H-393 to C. "B" H-389)

-In House, Passed to be Enacted on June 18, 1987.

-In Senate, Passed to be Enacted on June 18, 1987.

On motion of Representative Manning of Portland, under suspension of the rules, the House reconsidered its action whereby L.D. 1291 was passed to be enacted.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby L.D. 1291 was passed to be engrossed as amended by Committee Amendment "B" (H-389).

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "B" (H-389) as amended by House Amendment "A" (H-393) thereto was adopted.

The same Representative offered House Amendment "B" (H-405) to Committee Amendment "B" (H-389) and moved its adoption.

House Amendment "B" to Committee Amendment "B" was read by the Clerk and adopted.

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

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

(Pursuant to Joint Order - House Paper 1376)

An Act to Establish Greater Communication in the Rule-making Process and to Provide Better Standards for the Adoption of Rules (H.P. 1210) (L.D. 1651) (S. "A" S-256)

-In House, Passed to be Enacted on June 18, 1987.

-In Senate, Passed to be Enacted on June 18, 1987.

On motion of Representative Carroll of Gray, under suspension of the rules, the House reconsidered its action whereby L.D. 1651 was passed to be enacted.

On further motion of the same Representative, the Bill was recommitted to the Committee on State and

Local Government in non-concurrence and sent up for concurrence.

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

At this point, the rules were suspended for the purpose of removing jackets for the remainder of today's session.

The Chair laid before the House the following matter: Bill "An Act to Provide Civil Enforcement of the Anti-strikebreaker Law to Encourage the Settlement and Peaceful Resolution of Labor Disputes" (H.P. 1238) (L.D. 1690) (H. "A" H-211) which was tabled earlier in the day and later today assigned pending further consideration.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waldoboro, Representative Begley.

Representative BEGLEY: Mr. Speaker, Men and Women of the House: I rise in support of the Governor's veto and I would just like to make a few comments.

This is another example of how far our government should not interfere with the collective bargaining process. I would like to remind you that the U.S. Supreme Court has ruled in a landmark decision that an employer has the right to hire and maintain replacements for striking employees. This is from the National Labor Relations Board versus McKay, Radio and Telegraph.

The Governor has stated that he would also oppose any legislation that attempted to allow an employer to fire a striking worker or any attempt to regulate in any manner a striking worker's right to seek other employment. This whole article and bill is a question of balance in the collective bargaining process. I encourage you to sustain the Governor's veto.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Sanford, Representative Hale.

Representative HALE: Mr. Speaker, Ladies and Gentlemen of the House: On paragraph 2, page 3 of the Governor's veto, you will notice in lines 6 - 9, "This bill goes beyond acceptable limits and beyond the apparent legislative intent to prohibit professional strikebreaking activities." This bill certainly does not go beyond that. As far as the Labor Committee -- we fully understood what the bill was doing, we certainly worked it and worked it and worked it.

Go to paragraph 3, the first three lines: "This bill would expand upon current statutory restrictions prohibiting a struck employer from contracting with a company that previously has offered its services to other companies involved in labor disputes, strikes, etc." Then it goes on, "without regard." This is true as far as production but as far as a contract for services, for maintenance of equipment or any contract prior to the strike, it does not affect if they have used the services.

You go to the last paragraph 4, we knew about this and our state law now does address this. It may have been a landmark decision at some time or other but we knew that every employer has a right to (in labor disputes and lockouts) hire people on a temporary or even a permanent basis.

This bill does not prohibit a conglomerate from bringing in people from other parts of the state to fill in on the production lines. There is no way

that the bills or accounts receivable will not be paid. If they have other plants, they may utilize those services of the existing employees within the plant.

I think perhaps watching on television the last few days the strike on NBC, their concerns are the concerns of the working people of all of the State of Maine but specially at this point, using I.P. as an example, job security -- that is what they want more than anything else, a commitment from management for job security and that is what this is all about.

I urge you to override the Governor's veto.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Mt. Desert, Representative Zirkilton.

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: There have been a number of comments today, some dealing with the bill, some not dealing with the bill, some going back to what has happened on a number of vetoes that we have debated here in the past and that has been personal attacks on our Governor and whether or not he has been acting in the best interest of the people of the State of Maine.

Representative Hale in earlier comments said that she did not feel that this bill was an attempt to restrict the available options that are now available to employers. Clearly it is, as she stated just a moment ago.

Representative McHenry has stated that his primary concern is the issue of safety. If that is true, and I assume it is, then I question whether or not the safety of the workplace is going to be enhanced by whether an employer brings in a collective group of people to take over an operation or whether those employees are hired individually on a one to one basis. Either way, they are going to need training. Either way, the safety of the workplace is not going to be as great as it normally is when the regular and normal people are working in their places.

The fact of the matter is, as Representative Hale pointed out a moment ago, if they had their opportunity, they would in fact shut the company down during a strike. They are looking for job security. Clearly this bill is not going to provide that any more than job security has existed prior to enactment of this bill, if indeed, it does take place.

The purpose of this bill basically is to make it more difficult for a company to be able to hire replacement workers. If you take away the option that is presently available to them to contract a company or some outfit, regardless of whether or not they operate outside of the State of Maine or inside the State of Maine, if you limit their option to bring in this group that comes in and takes over running the machinery or whatever it is, depending on what corporation we might be talking about at a given time, then we limit that company's opportunity to fulfill their contractual obligations with their clients and that puts more pressure on the company and that is exactly what the strikers obviously would like to see, more pressure on a company to give in to the demands of the striking workers. That, in my opinion, is the bottom line of why this legislation does upset, however slight it might be, why it upsets and tips the scale of the balance of the collective bargaining process, one more direction in that way.

We have every sympathy for the striking workers, for the people on the picket line. No one here ever said that standing in a picket line is a fun place to be. No one here is that naive. No one in the State of Maine wants us to have collective bargaining disagreements that result in long strikes. It is not

healthy for the workers, it is not healthy for the company, it is not healthy for Maine's economy and we should do everything we possibly can to avoid that. But taking away the incentives to come together is not going to be the answer.

This bill, as I said just a moment ago, is an attempt to tip those scales and for that reason, I would urge you to sustain the Governor's veto.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Rumford, Representative Erwin.

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: Representative Joseph of Waterville has mentioned that a commercial was run on television which she saw today. I, too, saw that television commercial last night. It ran at least three times in an hour's period. The ad made it sound as though all strikers make at least \$37,000 a year and should be satisfied with that. Many of the strikers have worked at these mills for anywhere from 20 to 40 years and also worked from 40 to 60 hours each week. They earn every cent they get. I certainly would not begrudge a millworker the right to try to provide a decent living for the family.

If a bill such as this had been in effect when the Boise Cascade strike was on, our community would not be in the condition it is today.

One of the professional strikebreakers brought into the Jay mill found unsafe conditions with inexperienced workers and left the state. The company already has the right to hire while a strike is on and, as most of you know, many, many ads have been in the paper from almost the very beginning of this strike.

As I have stated before, I believe the Governor is sending the wrong message to the majority of the citizens of this state, the working people. I urge you to vote to override this veto.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Milo, Representative Hussey.

Representative HUSSEY: Mr. Speaker, Ladies and Gentlemen of the House: I think we all know what people go into business, they go into business to make money. They contract with people and they put out a product and they make money on that product. But, who makes the product for that person, it is the people that they hire to make that product.

Now, over the years, they try to get as many contracts as they possibly can get to make more money for themselves. How many times have these companies come to the people that work for them and say we have some extra contracts, we are making a little bit extra money, we are going to give you a little bit -- not once have they ever done this and that is why we have a union. We have a union that negotiates with the company to pick up a little bit for the working man.

Understandably, the working man can't expect to make all the money from the companies either because they are the ones that have not started the businesses, they are not the ones negotiating all the contracts and keeping them going and make sure their production is there but they do deserve a little bit because they do go the distance, they do spend their time working the midnights and the four to twelve shifts and the day shifts and they do try a little harder to make the quality there for the company.

You talk about these companies running and this really bothers me in the Governor's veto -- "Employees can provide considerable incentive to resolve disputes by means of a very powerful weapon, the strike." Tell me, and tell the working people of this state, how effective that strike is when that company is still running and management and the people that own that company are still putting

dollars in their pocket and you are not putting any in yours. How effective is that strike? It is not effective at all, there is no delicate balance there, the balance is on the company's side.

I can understand the company running like the Great Northern or Jay with people in management bringing them from other mills. I cannot understand them bringing in people from Texas and California and Florida and Mississippi. All these people do is wait for some company to go on strike and they come in on these jobs because they know they can make all kinds of money. They don't have to live here, they are only going to be here a few months and there is all kinds of overtime there because the mill is on strike or the place is on strike and somebody has to do that work and they are more than willing to do it because, in a few months, they can make \$25,000, \$30,000 or \$40,000 and get out of here. I don't feel that is right to the people out there trying to negotiate for a good contract.

Now these contracts that they are trying to negotiate for -- I want you to understand that back years ago the papers companies shut down every single week and they said, we can make more money if we run -- now, we are going to offer you something, we are going to offer you double time on Sunday if you will stay here and work, if you will leave your family on Sunday instead of going to church and having a nice meal with them after church and spending Sunday with your family, we will pay you double time. Granted, the people took that. Now, all of a sudden, these companies want to take that away from you but they still want you to work on Sunday to make the bucks. You tell me, who is really benefiting from this? Is it the poor fellow out on the street that is working, trying to make a decent wage or is it the man that owns that company?

The SPEAKER PRO TEM: The Chair recognizes the Representative from Mt. Desert, Representative Zirkilton.

Representative ZIRNKILTON: Mr. Speaker, Men and Women of the House: I don't know what we are going to settle here today by trying to negotiate a company's contract for them in terms of whether or not their people work on Sunday or not, I don't think that is really the issue here today.

With regard to the reference as to the chicken or the egg story is (what I like to call it) because a famous member of this body Edie Beaulieu used to always give us the story of the chicken or the egg, which came first, the company or the employee? You can't have one without the other. For that reason, that is why we have that careful balance. You don't have employees without employers and vice versa, the same thing holds true.

Is the gentleman insinuating that there is not one company in this state that offers bonuses? I think that is what he is referring to, if they have a few extra contracts, things are going well, the economy is expanding, the company is making money, is he insinuating that this company not once, not ever, offers anything in the way of bonuses to their employees for a job well done? I doubt that very seriously. I would be interested to see documented evidence that that company or any company in this state on that level, that size, has never once given anything in the way of a bonus to their employees. I just don't believe that is true.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Milo, Representative Hussey.

Representative HUSSEY: Mr. Speaker, Ladies and Gentlemen of the House: I have worked for the Great Northern Paper Company for 15 years and I have yet to receive my bonus.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Oakland, Representative Lacroix.

Representative LACROIX: Mr. Speaker, Men and Women of the House: In response to the Representative from Mt. Desert, let me say that when we had our little problem up at Keyes-Fibre, our people at the Keyes-Fibre took \$1.36 an hour cut when they went to work with that \$1.36 an hour cut, management was given a raise for the good job they did and don't you ever forget it.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Men and Women of the House: I don't think today we are going to change too many votes as shown in the vetoes that we have spoken on earlier while we were in session. A message has been sent out by the Governor and I want to tell you the message, veto, veto, veto, veto, veto, veto. That is the message that the Governor is sending to the working people of this state.

You talk to many of these people that work in our state that go outside of the state and these people that hire these people are very appreciative of the work force that we have in this state.

For 12 long years, while I negotiate contracts for the employees at Great Northern Paper Company, I didn't care how much they made for a profit at Great Northern because with all the money they made, I know I made a good wage. Without unions, do you honestly think that the companies would give you the wage that you are making today? You talk about balance, what balance do we have in the workplace today for the worker? What balance have you got? If you elect to go on strike, look out the door, there is busload after busload waiting to come in and take your job, just waiting to take a job -- just like a vulture out there on a bench. You call that balance? Some of you should not take a walk out there in the halls and the rotunda and talk to some of the lobbyists. Go into the workplace and see what it is like, take some time and go to the workplace.

Veto, veto, veto, that is all we hear. We have a good work force in this state -- don't cripple it.

When you vote today, I hope you vote with the green lights.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Hampden, Representative Willey.

Representative WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to read you just one little paragraph of the bill. It is on the second page, line 34, "Prima facie evidence that a person or an entity customarily and repeatedly acts to offer himself or others for employment, to perform the duties normally assigned to employees involved in a labor dispute, strike or lockout, if that person or entity, at least two times before, has provided or offered to provide himself or other persons to perform the duties normally assigned to employees involved in a labor dispute, strike or lockout." Does that sound to you as though that were aimed at some big outfit in Alabama? That is aimed at the individuals that you might hire -- which is entirely legal at this time -- to come in and replace struck workers on a temporary basis.

Believe me, the entire purpose, if this thing were aimed (and may well be) -- but it goes far beyond that -- to only affect those who were professional strikebreakers, I wouldn't have any problem with it. I have a new car that I bought yesterday and the sucker broke down this morning and I think it was probably put together by a professional strikebreaker, but this thing is not aimed at a professional strikebreaker, it is aimed at

the individual that you hire off the street on a temporary basis to keep the plant going.

They either have that alternative or they are going to have to shut the plant down. I suggest that any community is far better off having the plant operate than it is to have the thing shut down. If an individual comes in and applies for a job, say you hire him, and later on somebody proves that he offered himself for employment to a struck outfit, twice before, you can get a court injunction and close the place down. That goes far beyond professional strikebreaker status. This is what the big problem is all about.

I sincerely hope that we can sustain the Governor's veto in this matter. Otherwise, we are certainly going to unbalance the system to a great deal.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Ladies and Gentlemen of the House: I am glad now that the Representative from Hampden is beside me, not behind me, I can grab over and get his information.

I grant you that this bill may not be a tool that we are advocating here today but the companies themselves are using it to their advantage.

I might have been a little emotional before but I know what the workers have to go through. I know what they go through, day in and day out. I just came back from work -- I spent 10 days back in the plant, while we were out in recess, and the workers are really upset. Maybe some of them voted for the Governor but they know what they are getting today. Some just can't believe it.

We talk about balance. A lot of times they accept a contract today, when they negotiate the contract, they are not accepting the contract per se because they like the contract, they are accepting it because they want to work. They know if they don't go to work, they are going to be out on the bricks and be out of a job. A lot in Rumford today are still unemployed. These people are good people in this state. Let's not put them down like they were 50 years ago. Our father's, our grandfather's, worked for everything that we have today. You think we want to lose those overnight?

I will give you an example. If you worked where I work and you took my job and maintained it as a pipefitter, you go on the job with a third of the wages that I make today and you don't have the benefits that I have. You honestly believe that that is fair to the work force of this state, knowing that this is happening to the workers out there today? We have to give some credit to these people -- for instance, I had a person out in the hallway tell me as late as last week -- you sound like the union people back in Millinocket. Of course, I sound like the union people back in Millinocket -- what do you think I do for a living?

I hope today when you vote you vote to override the Governor's veto.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Men and Women of the House: I can offer something new in this debate and I guess it is almost an internal debate because it is from the Labor Committee.

The evidence that Representative Willey just gave to you -- that it does mention two times is only when, through this piece of legislation, through this law, through this proposed statute, that someone is brought into court that that would be considered evidence. That would be the definition of the

customarily and the repeatedly offenses that this person has committed.

This bill, if you think it is controversial, is really a simple piece of legislation. I really am angry by the fact that someone would say that we are not targeting this towards BE & K because we are targeting it towards BE & K because all of us realize, if you were in Rumford as Representative Erwin was, if you are near the Jay area, that you know that there is a mini war going on there, that you know that none of those occurrences had occurred prior to the importation of the BE & K professional strikebreakers. Just ask the people from Boise Cascade.

I wonder why there seems to be an underlying suspicion here, that workers do not want to work. Why is there doubt that persons want to go back to work? It seems to me that when you all talk or we all talk about sympathy for the strikers, sympathy for the workers, when we talk about two Maine's, when we talk about two classes of people -- all of us very easily say that we understand, that we care, that we sympathize -- let me tell you folks, these people cannot eat sympathy. They need their jobs, they want their jobs, they want to go to work, they are not asking for outrageous concessions, they are simply asking for the ability to negotiate peacefully with labor-management.

It was said by somebody, far more eloquent than myself, and it was Lee Iacocca in his autobiography -- he said, "What is good for the worker is good management is good for investors." All of us talk about economic development, all of us talk about providing jobs, we believe that heavy industry, we believe that manufacturing is a basis for economic development and jobs in this state. Maine people want to work these jobs, they simply do not want people to come in here and stir the pot and create the kind of friction and divisions that are created today even as we speak.

I am asking you, don't vote because you are a Democrat, don't vote because you are a Republican, to override or to sustain this veto -- vote because you care. This is a challenge and a chance for you and your bluff to be called.

On motion of Representative Diamond of Bangor, retabled pending further consideration and later today assigned.

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

PASSED TO BE ENACTED
Emergency Measure

An Act to Clarify the Applicability of Social Worker Licensure Requirement to State Employees (H.P. 1377) (L.D. 1876)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 125 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter: Bill "An Act to Provide Civil Enforcement of the Anti-strikebreaker Law to Encourage the Settlement and Peaceful Resolution of Labor Disputes" (H.P. 1238) (L.D. 1690) (H."A" H-211) which was

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Rumford, Representative Erwin.

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: In watching the news very closely as to what is happening in Jay at the I.P. mill, I can see the same scenario developing as we had at Boise in Rumford. Unfortunately, BE & K will take its toll in Jay. My greatest fear is that that community will be dealt the same blow as we had in Rumford.

I urge you to vote to override.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I have never been known as either pro-labor or pro-management. I am not a union worker now, it has been many years since I worked in a factory. I know what it is like to work in a factory because, as a young man going to college, I worked in them.

I always felt that labor laws were made so that people could sit down and talk over and bargain differences like gentlemen. Equal footing on each side, both labor and management. It has always been the policy that things would be at a standstill until the situation was resolved. But when you can have one side or the other be able to use tactics whereby they will not be inconvenienced while these negotiations are going on, is not fair.

I shall close with one statement — you wouldn't have any unions today if management behaved themselves in the first place.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Madawaska, Representative McHenry.

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: In 26 days from now, it will be 27 years that I have been working for my employer and I have seen the mill operating and shutting down on Sundays as was alluded by the good Representative from Milo, Representative Hussey. I recall those days because on Saturday, the mill would shut down and we really enjoyed working and we really enjoyed being out on Sunday. We had the maintenance crew come in every Sunday. It cost a great deal of money for shutting down. It cost a great deal of money to the company. In those days, paper was selling for, I believe, five to fifteen cents a pound. I was earning \$1.86 an hour. Today, if I don't lose one hour of work, I get that \$30,000 that was mentioned earlier but if I want more than \$30,000, I am going to have to put in a heck of lot more hours. You have to work on shifts plus the company implemented the 7 day operation — you people don't realize what it is like to work on 7 day operations. You work backwards, your meals can't be digested, it isn't healthy for a human being. It has been proven psychologically that it is not good for you. Physically, it is not good for you. Mentally, it is not good for any person to work in reverse. When the company did implement working every Sunday, the company offered the working people double time on Sunday. They offered that, we didn't ask for it. They wanted it and we gave it to them, not really willingly but we did give it to them because we wanted to work. We always talk about the welfare people — well, we the workers in the paper industry, are not welfare people but it appears that there is a group of certain people in the state that would love to see everybody on welfare so they could govern as to when we go to bed, when we get up, when we go to the bathroom, when we work, when we don't work — we, the people of Maine, do not have to stand for that.

I, for one, am not very happy with the attitude of this state right now. I have worked here with the majority of the Republicans in this House, the majority of the Republicans in the other body, a Democratic Governor and I assure you, I felt good because we could negotiate. Today, we negotiate but it ends up with a veto. I understand that in the other body there is a bill, chemical testing, drug testing, if you will — another veto. This will be the third veto on that subject and that bill was to let the people tell us but Mr. Veto says, no, veto the people. Let's veto the people. I don't know where he comes from, I tried to figure out what it is that he has in mind. The previous Governor to him, I couldn't understand where he came from for the last three years because he did a complete 180 degree turn on the working people — now this person, like I said before, I believed that he was fair and for a Republican, I expected him to be a little anti-labor but not this much so I figured I will ask — maybe it is something else that he has in mind, maybe he is running for the Senate, I don't know. I asked, where does the money come from for his campaign? Maybe there is a reason for it. I understand there was \$35,000 from the paper industry and maybe \$3,000 from unions outside the State of Maine and I am not implying or implicating that he was bought off. I am not suggesting that but maybe the union didn't give enough, I don't know.

Anyhow, like I said, I am a working person that works on the shifts. I know what it is like to have this hanging over my head, a complete, unfair balance.

They say, the chicken and the egg, the company and the workers — I assure you, I know who I represent, I don't represent the corporation, I will help the corporation any time that I can without injuring the working people. I have done that and my company knows that. I have saved them money but they also know that when I come down here that I represent the people. I am not here to represent the corporations but I will help the corporations if I am not hurting the people in doing so. They know it, my people know it. I believe that the duty of a Representative is to represent the people and not the corporation, we, the people of the State of Maine, not we, the corporation of the State of Maine.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Kennebec, Representative Murphy.

Representative MURPHY: Mr. Speaker, Men and Women of the House: I have remained in my seat throughout this debate hoping that the issue would remain narrowed as the bill was and as the Governor's message was. I have gotten further confused — I have heard the good gentleman from Madawaska, first of all, indicate displeasure with our current Governor and then his displeasure with the state, then with the former Governor, then my party, and I am afraid that if we continue to debate this too much longer, there really wouldn't be too many people left in the state that he is pleased with.

I must disagree with his comments — I understand the good politics of it but I have to disagree because of the record of this Governor — he has tried to picture this Governor as being anti-worker, I think we here in this House and the other body have joined in a partnership with this Governor in terms of returning hard earned Maine tax dollars back to Maine working people. We have provided child care tax credits in the budget that we just passed, job training programs, we have enacted job opportunity zone pilot sites, which will begin to bring jobs to some of the areas of this state that are distressed, we have consolidated the state's economic development efforts into one department developing one plan

playing out steps that can move Maine toward the top of the New England economy rather than occupying the cellar.

I think the other thing that disturbs me in terms of some of the comments was that in vetoes with the former Governor, at no time did members of my party ever deviate from the issues, that there never was a personal attack upon Governor Brennan and I am distressed with the personal attack from last week before we recessed as well as the personal attacks that we have heard today.

We have seen a strike and we have got to remember that with this current strike that this legislation has no impact effect upon what is happening in Jay. We are seeing a strike that probably is one of the most emotional in recent Maine history. We have seen a strike that is unusual because both sides have hired public relation firms and advertising agencies to carry their message out to the people. I think our responsibility here in this chamber is to maintain that balance that was enacted by the federal Congress in the 1930's in creating a balance so that collective bargaining will work.

We have debated issues that are involved in this current strike and issues that could be involved in strikes down the road. This is not the place -- our responsibility is Maine's collective bargaining laws as they mesh with federal law and the Governor has indicated he feels very strongly that this proposed bill is in conflict with existing federal law.

We have heard talk about an effort to reach a compromise -- the Governor in his message here very clearly has said, that if a proper bill was drafted and sent to his desk, he would sign that bill. There has been no effort to bring a reasonable bill to this body and to his desk.

I appreciate the good Representative from Waterville giving us an education as to what it is like to be out on strike and having been a person who worked with my hands and being a worker who was involved in a very bitter railroad strike, I understand the personal hardships and the financial costs of those strikes. My sympathy goes out to any Maine working man or woman involved in a strike.

As we stated in our Joint Resolution, we would like to have this strike and any other potential strikes resolved as quickly as possible but this is not the bargaining table here. Our efforts here actually delay that process from beginning and I would urge the members of this House to sustain the Governor's veto.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bangor, Representative Diamond.

Representative DIAMOND: Mr. Speaker, Men and Women of the House: I wish it were as simple to dismiss this issue as just one difference of opinion between the Chief Executive and members of the legislature, at least the majority party in the legislature. I think the gentleman from Kennebec would like to do that but, unfortunately, that can't be the case. As the gentleman from Madawaska pointed out quite well, there has been a pattern that emerged over the past few months and it ties in directly with the piece of legislation that we are being asked to override today.

Over the past few months, we have seen labor issue after labor issue defeated by this Governor through his veto pen. The word "veto" has become a four letter word to many people here and I think it is one that is more and more difficult to accept. The frustration of those vetoes is apparent in the debate today and it has been clear for the last hour and a half that many members of this body feel like saying "enough is enough."

Every issue that we have dealt with pertaining to the Labor Committee and the compromises that have been tried and tested here have been squashed by the folks on the second floor. I think it is fair to say that they have not come into this bill nor have they entered into the debates on other bills with a spirit of compromise. It has been unfortunate. All we have heard, through the course of this debate, is that they appreciate the efforts, they appreciate the concerns and they appreciate the concepts but they can't them pass into law.

We have been very patient, most members that is, and I think for the most part, we have been very kind to the Governor. There has been a lot of talk about an extended honeymoon period with the Governor and I think we were quite generous in extending that but with every relationship, something has to give at some point and I think that many members in this body understand full well that they have an obligation to the people of their districts and they have to be sensitive to the people of their districts, a sensitivity that this Governor does not have. It is one that he doesn't appreciate.

I think everything that we have done this session has addressed the concerns of the have's and very little of the have not's. Probably the most notable issue was the debate over the minimum wage and the Governor's veto on that.

With this issue, we are talking about a very volatile situation in Jay, a situation that may grow throughout this state. It is one that this legislature anticipated, it is one that the sponsors anticipated, and while it doesn't deal directly with this question, it deals with all subsequent situations and I think it is one that deserves our attention.

In the Governor's veto message, he said he, too, shares the concern and appreciates our efforts but he cannot sign it into law. He finds fault with it and says that if the legislation presented to him, which regulates these firms whose sole business was to provide replacement employees, were different and deleted the so-called anti-strikebreaker provision, he could sign it into law, if it were watered down a little bit. He appreciates that, he would support that; yet, he hasn't done anything about it. If he, in fact, supports the concept, why isn't he presenting us, right now, with legislation to deal with it in a way that better suits his purposes and his intentions and would accommodate our concerns as well.

We are here for a variety of purposes, we have three Governor's bills (at least three before us today) that deal with legislation that was sent to his desk that wasn't quite the way he liked it that could cause problems down the road -- he asked us to amend those. We have been interrupting debate this morning for that very purpose. If he truly believes that the workers of Jay and the workers of Maine deserve the protections called for in this bill, he would have presented us with one but he hasn't done it and I think that speaks for itself.

We can say all we want about how kind and forgiving and concerned and compassionate this Governor is but the record speaks for itself. If you look at how he has dealt with a lot of these labor issues, the issues that mean a lot to the working people of this state, both union and non-union, I think it is a pretty sad state of affairs. This is not a personal attack on the Governor, this is reality and I think if we override his veto, we will be sending him a message that is very real as well.

The SPEAKER PRO TEM: The Chair recognizes the Representative from St. George, Representative Scarpino.

Representative SCARPINO: Mr. Speaker, Ladies and Gentlemen of the House: I normally don't speak on labor issues. I have been sitting here listening and one thing has become very clear -- either the majority of the people in this House do not understand this issue or do not wish to understand this issue or have taken a position that does not enable them to see all the ramifications of this issue.

I have sat here and heard labor maligned, I have sat here and heard management maligned, I have yet to hear one person succinctly state what the relationship between labor and management is. It is a symbiotic relationship, one cannot exist without the other. Without management, you cannot have a labor force and without labor, you cannot have an operating business.

If we look at the history of labor-management relations and go back to the 20's and 30's you will find a very one-sided situation where management was feeding off of labor and doing it in a very destructive way. Luckily varying states and the federal government have taken action over the 50 years to correct that problem. We are now faced with another problem. As in all things, the pendulum is swinging and is now swinging to a far position that will put labor in the exact same position that management was in 50 years ago would have labor feeding off of management to the detriment of both parties, just as was occurring in the 1920's.

I have held cards in three unions, Local #1 of the Common Laborers & Hod Carriers Union, when it was still the CIO, the National Association of Broadcast Engineers & Technicians (and if you have read the newspapers, they are now out on strike in New York), the National Maritime Union -- you know what good my NMU card is, folks? It's not even worth the money to light a cigarette with it because the union, through negotiations and through laws, has created a situation where American companies can't afford to own and sail American vessels anymore. They now sail Liberian and English, believe it or not, that is also a flag of convenience.

This bill, as it is currently written, adds to that problem. What I see is an intransigence on both sides. I heard the Majority Leader stand up and say, we would love to compromise but the other side isn't willing to. Apparently, his definition of compromise is "give me exactly what I want or it is not compromise." That is capitulation, not compromise. I heard some people say, "that it is the Governor's responsibility, why hasn't he changed the bill." My goodness, would you care to give the Governor all of the legislative responsibility and just let him write the bills? I thought that was what we were here for. I hear people complaining about the veto process -- that is part of the checks and balances. If we don't do it right, he can say, "You didn't do it right, either correct it or override me." The burden is on us, not on the second floor. It is the legislature that couldn't come to a reasonable compromise. It is the legislature that hasn't been able to come up with a bill that would satisfy management, labor, and the second floor. Put the responsibility where it belongs, put it on us.

It is very obvious we are in a position where nobody is willing to move. That leaves us two options. One, we can either override or sustain the veto and we all know what is going to happen with the veto. We can talk here for hours, we can talk for another five hours and we all know it is not going to

change one vote because both sides have taken totally intransigent positions, just like what is going on with this strike and is no more capable of being resolved rapidly than that strike. It is no different in here than it is out there. Everybody is locked in cement, this veto will be sustained, you know it and I know it. Nobody is going to compromise, nobody is going to move.

If you want to deal with this, sustain the veto and come back next time in the spirit of compromise not in the spirit of confrontation, not in the spirit of conflict. That is all I have seen here -- I haven't been involved in this in any way other than to listen in the retiring room, in the hall, and on the floor of this House -- people talking compromise and meaning confrontation to people talking movement and meaning intransigence.

Let's end this, get it over with, sustain the veto, and come back next time and do it right. I have more important things to do with my life than listen to what I have been listening to here with the full knowledge and with all of your full knowledge that it is not going to accomplish a thing but get your name in the paper. Let's resolve this, get it over with, go home, come back, and do it right.

The SPEAKER PRO TEM: The pending question before the House is, shall this Bill "An Act to Provide Civil Enforcement of the Anti-strikebreaker Law to Encourage the Settlement and Peaceful Resolution of Labor Disputes" (H.P. 1238) (L.D. 1690) (H. "A" H-211) become law notwithstanding the objections of the Governor? Pursuant to the Constitution, the vote will be taken by the yeas and nays. This requires a two-thirds vote of the members present and voting. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 165V

YEA - Aliberti, Allen, Anthony, Bickford, Bost, Boutlier, Brown, Carroll, Carter, Cashman, Chonko, Clark, H.; Clark, M.; Coles, Conley, Cote, Crowley, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Gould, R. A.; Gurney, Gwadosky, Hale, Handy, Hickey, Hوجلund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Lacroix, LaPointe, Lisnik, Macomber, Mahany, Manning, Martin, H.; Mayo, McGowan, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; Nutting, O'Gara, Paradis, J.; Paradis, P.; Paul, Perry, Pouliot, Racine, Rand, Richard, Ridley, Rotondi, Rydell, Sheltra, Simpson, Smith, Soucy, Stevens, P.; Swazey, Tamaro, Tardy, Thistle, Tracy, Vose, The Speaker.

NAY - Anderson, Armstrong, Bailey, Begley, Bott, Bragg, Callahan, Curran, Davis, Dellert, Farnum, Farren, Foss, Foster, Garland, Greenlaw, Hanley, Harper, Hichborn, Higgins, Holloway, Ingraham, Kimball, Lawrence, Lebowitz, Lord, MacBride, Marsano, Matthews, K.; McPherson, Murphy, E.; Murphy, T.; Nicholson, Norton, Paradis, E.; Parent, Pines, Reed, Rice, Salsbury, Scarpino, Seavey, Small, Stanley, Stevens, A.; Strout, B.; Strout, D.; Taylor, Telow, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

ABSENT - Baker, Dexter, Hepburn, Hillock, Jackson, Look, Priest, Reeves, Rolde, Ruhlin, Sherburne, Stevenson, Tupper, Walker, Warren, Webster, M..

Yes, 79; No, 54; Absent, 16; Vacant, 2; Paired, 0; Excused, 0.

79 having voted in the affirmative and 54 in the negative with 16 being absent and 2 vacant, the veto was sustained.

The Chair laid before the House the following matter: Bill "An Act to Amend the Teacher Certification Law" (H.P. 1345) (L.D. 1839) which was tabled earlier in the day and later today assigned pending further consideration.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Orono, Representative Bost.

Representative BOST: Mr. Speaker, Ladies and Gentlemen of the House: It is with great disappointment that I rise today and urge members of this House to override this veto. Disappointment because the Governor has chosen to reject an earnest attempt by the majority of this legislature to reach a workable, fair, and reasonable compromise on the issue of teachers certification. Disappointment because the Governor was apparently urged by some of his staff to adhere to a vague campaign promise and has in the process made this issue conform to that promise even though it doesn't seem to quite fit. Disappointment because the Governor has turned a deaf ear on 85 percent of Maine teachers who know firsthand, all too well, that the master teacher program will not work as written.

That disappointment then turns to confusion for the Governor has stated on several occasions that all he wanted was for the program to be given a chance to continue piloting and, if it didn't work, he would be the first to withdraw his support. His veto message says something all together different. With regard to master teacher, he asserts in his latest message, "I am committed to it now." What that says to this legislature should concern each and every one of us for it indicates that beyond any reasonable doubt, whether the pilots work or whether the pilots fail, master teacher will go on line.

It is that type of unyielding response that ultimately paves the way for this second veto and, in the final analysis, will contribute to the failure of the master teacher certification as it plays out in each of your districts.

There appears to be no flexibility by the Governor on this issue. Flexibility will be the one thing that will be sorely needed as this vague, arbitrary, and discriminatory law begins to affect Maine teachers.

I believe we will be back in the not so distant future with the task of correcting the inherent flaws in this law or eliminating the law altogether. Time will be the ultimate test of that.

This leads to another element of confusion in this debate for we have given the Governor, through this legislation that you have before you now, the time which he requested. We compromised on the extension of the master teacher pilot sites, giving him the additional year which he sought in his first veto message. We also compromised on the issue of recognizing exemplary teachers through simultaneously piloting a staff development concept. This was designed by the Education Committee to also address raising the professional standards of all teachers, not just a few, which I assume and I hope is our ultimate goal here. But it has become all too apparent that this proposal is viewed as a threat to the master teacher program. And of course, as we have seen, anything which would be construed as an alternative is simply unacceptable.

By deleting reference in law to master teacher, as has been done in this legislation before you, and allowing the 114th Legislature to determine which proposal is worthy of being placed into statute, it has been our goal that the master teacher stand on its own merits, its criteria open for thorough examination and scrutiny and that its advocates be able to make a sound case for it. To this date, none

of that has happened and I am certain it is feared by those who are pushing this concept that it won't happen.

The pilot programs were scheduled for completion this month, that is what the law states, but there has been such utter bewilderment by the State Board of Education as to what master teacher means, how it is defined, how it will be implemented, and what it will cost local taxpayers, that they need another year to study it.

Ladies and gentlemen of the House, don't be misled by the word study. The term study in this context simply means one year delay in implementation. The words "I am committed to it now" do not sound like someone in the midst of a study.

The Education Committee's majority of 10 drafted this compromise legislation with the understanding that it would enable local control to remain intact, that local school systems which want to explore a master teacher program be able to do so, that local checks and balances are the only way to ensure that this program be implemented equitably, if indeed that is possible.

Finally, I guess I must add that I regret all of the time and energy that this issue has taken from the much larger issue of school reform, the many, many facets of the reform act which are visionary and which will serve us well as we continue striving to improve our educational system. Whether we sustain this veto or override this veto, I trust that our collective energies can, once again, be focused on making our schools better places for our teachers to work and to grow professionally and most importantly, for our young people to learn and become better educated and prepared for the world.

I would like to sum up with a quote from William Chance who is the author of "The Best of Educators Reforming America's Public Schools in the 1980's," and I quote, "Education reform can be exciting although there must be caution. If it has been decided that the form and definition of education are too important to leave permanently unexamined with the educators, then it also must be seen that these are too delicate for permanent assignment to the State House. Instead, there must be a balance of responsiveness with accountability and authority with responsibility."

I urge you to assume that responsibility and vote with me to override this veto.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bath, Representative Small.

Representative SMALL: Mr. Speaker, Ladies and Gentlemen of the House: This bill that we have before us today was the so-called master teacher compromise from the Education Committee. As I mentioned when we first debated this bill, the minority side was not consulted until after the compromise was finished. We were not a part of the process. One side deciding what the other side should or should not accept is not, in my mind, an effective compromise. If there was any compromise made at all, I feel that it was made at the beginning of the session.

Under present law, master teacher is on the statutes and would remain there. As a compromise, the Minority Report, which was embraced by the state board, the Department of Education and the Governor's Office, put into law that, after piloting master teacher for one more year, the state board would draw up its recommendations and would report back to the 114th for approval. Only then, with our affirmative vote, would master teacher become law.

Even without passage of the Minority Report, the state board has made the commitment to bring its

recommendations to the next legislature for confirmation. This is an attempt to answer concerns of many legislators, myself included, who wish to continue the pilots but are reserving their final judgment until all the piloting is completed.

It is just common sense that the state's board recommendations meet with the approval of, not only the legislature but the majority of teachers and superintendents in the field, who will work day to day under this program.

If the number of teachers opposing master teacher remains unchanged, master teacher will die a natural death, no one will opt for the third level of licensure, there will be no master teacher. But suppose the state board works to meet the objections of the majority of teachers and I think their first task will be clarifying the misinformation that is so prevalent, if they meet the objections of the teachers, then we will hopefully vote to keep master teacher in the 114th. However, if the state board does not convince the teachers and the administrators that the third level, however modified, is workable, I have no doubt that the 114th Legislature will delete the third level of certification from law. I hope you will sustain the veto.

On motion of Representative Diamond of Bangor, retabled pending further consideration and later today assigned.

The following items appearing on Supplement No. 6 were taken up out of order by unanimous consent:

PASSED TO BE ENGROSSED

WITHOUT REFERENCE TO COMMITTEE

Bill "An Act to Make a Technical Correction in the Chapter Dealing with AIDS" (Emergency) (H.P. 1379) (L.D. 1878) (Presented by Representative RYDELL of Brunswick) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(Committee on Human Resources was suggested.)

Under suspension of the rules and without reference to any Committee, the Bill was read twice, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith.

Later Today Assigned

Bill "An Act to Reallocate Certain Funds in the Arostook County Unorganized Territory Budget for Services to be Rendered in Fiscal Year 1987-88" (Emergency) (H.P. 1378) (L.D. 1877) (Presented by Speaker MARTIN of Eagle Lake) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Committee on State and Local Government was suggested.)

Under suspension of the rules and without reference to any committee, the Bill was read twice.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Limestone, Representative Pines.

Representative PINES: I have a question, Mr. Speaker. Perhaps I would ask that someone would table this bill until my question can be resolved because we didn't have this bill before us when we met in the delegation this morning.

On motion of Representative Diamond of Bangor, tabled pending passage to be engrossed and later today assigned.

The Chair laid before the House the following matter: Bill "An Act to Amend the Teacher Certification Law" (H.P. 1345) (L.D. 1839) which was

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Gorham, Representative Brown.

Representative BROWN: Mr. Speaker, Men and Women of the House: I would like to pose a question to the Chair of the Education Committee.

Representative Bost, could you give me a number of how many teachers were actually polled in this master teacher certification law as to whether they wanted to keep it or not to keep it? Not the percent but how many teachers were actually polled over the state?

The SPEAKER PRO TEM: Representative Brown of Gorham has posed a question through the Chair to Representative Bost of Orono who may respond if he so desires.

The Chair recognizes that Representative.

Representative BOST: Mr. Speaker, Ladies and Gentlemen of the House: In answer to Representative Brown's inquiry, there were 300 teachers polled statewide from Kittery to Fort Kent. As she well knows, it was done by an outside consulting firm. The questions were asked and 85 percent of those polled indicated beyond a shadow of a doubt that they opposed the master teacher concept.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Wells, Representative Wentworth.

Representative WENTWORTH: Mr. Speaker, Members of the House: In partial answer to Representative Brown, I would like to say that York County with 29 towns had a meeting with all the superintendents, all the principals, representatives of both teachers' unions and we were asked unanimously to give them one more year to come to a decision.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lewiston, Representative Handy.

Representative HANDY: Mr. Speaker, Members of the House: I think that the response by the good Representative clearly indicates just who is supporting this legislation. The reason hasn't been presented forthwith and that is simply because the administrators in the State of Maine, a majority of them, want to continue to build their little empire of sub-administrator's in the school systems and that is not good for education. What we need are educators in the classroom, quality educators in the classroom. Master teacher program is not going to do it. Any continuance of piloting is a waste of money.

I was rereading the Governor's previous veto message and he said that he wanted us to know that, "I would sign legislation which includes the essential ingredients of L.D. 1630 which would provide for the retention of master teacher level as well as allow for the completion of the pilot sites."

The legislation before us today does allow for completion of pilot sites, it also institutes another series of pilot sites. And, if you want to be fair about this, and the Governor isn't being fair quite frankly, he said previously that he was open and that he would be the first to submit legislation to do away with this and yet in a message we are dealing with today, he says he is committed to it. Governor McKernan, you cannot have it both ways. Fairness is fairness and that is not fair play. The only way to have fair play is for both suggested pilots in this legislation to start off at the same starting point. Now, with the master teacher level remaining in statute, it gives that proposal a leg up on an alternative proposal. Maybe that is the way they want to do it in New Hampshire private schools but that is not the way we want to do it here in the State of Maine.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Westbrook, Representative O'Gara.

Representative O'GARA: Mr. Speaker, Ladies and Gentlemen of the House: Just a couple of observations. First of all, in regard to the information that was just provided to us by the Representative from Wells, certainly I don't want to be in a position of questioning the statement totally, but just recently the Maine Teachers Association Representative Assembly met and a resolution in which a motion was made and seconded by teachers from one of the pilot sites to eliminate the master teacher level altogether, was adopted unanimously by -- I don't remember the exact number, several hundred teachers representing all of the systems throughout the state. Although it is possible that one or two of the districts in York County might not have been there, I can't imagine that the entire York County Teachers Association was not represented. As I say, that resolution was made and seconded by teachers from one of the pilot sites to eliminate it and it was adopted unanimously.

In the Governor's veto message he points out, and of course I agree, there has been a tremendous investment of quality time and energy already spent in this process. He goes on, (those are just the first few words) enacting the legislation, setting up the pilot sites, etcetera.

My response to that would be that, in the light of the fact that teachers throughout this state -- I would submit to all of you and I have said this before and I just have to remind all of you that I am talking about not just -- and certainly there are militant teachers, if you want to say that, in the Maine Teachers Association, just as there are militant workers in any union or any organization, whatever it might be but I am talking to each of you as individuals who surely know as I know good quality teachers who live in your community, who take part in various activities, who go to your church, belong to the Lions club, shop at the same stores, go to the same beauty parlors, haircuts, barbers whatever, who really feel very strongly that this is not a good concept. They feel very strongly that it is going to have a detrimental effect on teaching, and most importantly, on the education of children throughout this state. They feel that way.

The Representative from Bath mentioned that one of the things that has to happen, assuming what happens here today or being judged on what happens today, that the state board must convince teachers of the worth of the concept. Surely, the Representative from Bath does not believe that teachers have not given this concept their fullest attention and their fullest consideration.

I would ask the Representative from Bath if she, and I would ask any of you, are willing to talk one on one to the kinds of teachers that I just mentioned. I am not asking you to talk to the former legislators, Steve Crouse who obviously has a strong interest, I am not asking you to talk to the President of MTA, I am asking you to talk to teachers that you know one on one in your community and who in every other way, you have a high regard for their ability and their intelligence and their attitude about children. You put your children's lives in their hands every day. You assume that they are getting a good education and you are happy with the progress that your children have made. We have exceptions, obviously, but by and large that is the feeling that Maine people have about Maine teachers.

Forget one issue -- money is always an issue, that is always a different story but by and large of what is happening in our schools, Maine people are

generally satisfied, happy, pleased with the kind of education that the children are getting. And yet, all of a sudden, their thoughts, their recommendations, their attitude about this one segment of the whole reform act, all of a sudden, in that respect or in that case, we don't want to take their word for it. We don't want to put any stock in what they say. I find that very, very difficult to understand and to accept.

We talked about local control in the Education Committee in the 112th. Two or three of those members are still on the committee, one is no longer on the Education Committee, but many of them talked about local control. The Governor has stated and several people have picked up his theme that somehow those who want to eliminate the master teacher want to tamper with the Education Reform Act and, in some cases, I have to agree that is true, if the word tampering is an accurate word. But I would remind the Governor, if he doesn't already know it and he may not, I certainly would remind the members of his party, it was they who, as a matter of fact, began you might say tampering, if that is the word we are using, in regard to salary. If it hadn't been for the majority of the Democrats on the Education Committee and one very persistent Republican, the minimum salary segment of the Education Reform Act would have been eliminated altogether or would have been so reduced that it would have been a slap in the face to every teacher in the state. Through the insistence of the Democrats on the committee, the majority of the democrats and the one Republican, we at least did get the minimum starting salary at \$15,500. So in fact, it isn't the Democrats now who are making a suggestion that we change the reform act, we are making that suggestion, but it is not the first time.

I have only been here a short time compared to the rest of you but certainly I think I have been in politics long enough to know that no ordinance at the local level or bill at the state level or any law at the national level is so perfect that, at some time or other, they aren't changed or amended. If that were the case, there wouldn't be any reason for having an amendment process in the first place.

I am simply asking you -- I don't see how it is possible for us to have such a high regard and the record shows that we do in Maine, a good regard for teachers and the education process, that here we have whatever polling method was taken, Representative Brown asked for numbers, anybody in politics knows it is pretty hard to go out and talk to each individual teacher but enough polls were taken and enough teachers showed up and enough teachers have written and spoken out that, in fact, they really truly believe this is not a good concept. If there is any value to it at all, it ought to be worked at the local level as Representative Norton has said repeatedly, that this is an item that should be worked at the local level.

Although the Minority Leader has constantly spoken about the success of the program in his area, I would remind you that that is a program that has been in effect for many many years, it has nothing to do with the Education Reform Act, it has nothing to do with the master teacher concept as we know it now. It is a program that has been successful because it was worked out and negotiated at the local level.

I urge you, I sincerely urge you to set aside what appears to become a personal issue, in my judgment, and I am now talking especially to the Republicans in this body -- of all the legislation I have seen in the short time I have been here and all

the bills that I have followed over the years, I have never seen one that has become such a personal issue with our Governor and with many members of the minority party. I urge the members of this House to vote to override the Governor's veto.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Wiscasset, Representative Kilkelly.

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: Several weeks ago in debating one of the master teacher bills, I asked you if you knew what you are buying. Again, I ask you that question, do you know what is going to happen in your communities if this veto is sustained? If this compromise bill is defeated, the current teacher certification law will go into effect. What does that mean? One, the pilot sites will cease to exist tomorrow, July 1, 1987.

Two, your schools will be mandated to implement a three tier certification process by September of 1988. That date comes directly from a time line sent to the teacher certification subcommittee from Carol Wishcamper, Chairman of the State Board. In order to implement that system, planning will need to begin this September of 1987.

The irony of this situation is that we have all heard the pleas of municipalities and local school officials to fund the mandates that are state imposed. Most of us expressed concern about property tax relief and, at the same time, here we are discussing the implementation of a program that even the proponents feel has not completed its experimental process.

What are the costs of master teacher certification? No one knows. The reports cites between \$158 to \$3,000 per teacher. What do we have for money to fund this mandate? As I said in an earlier debate, \$100 per teacher. I refer to L.D. 1625 which talks about block grants for teacher certification and I have copies of that if anyone is interested -- \$100 per teacher to purchase materials, to pay trainers, to pay for tuition to courses, to hire consultants and so forth. When it comes to the master teacher portion of certification, what is it that they are planning? Joyce Roach is quoted in the Maine Times as saying it was a difficult task getting the report together because the individual schools weren't sure what to report. I quote, "We had to keep calling them and asking them for more information." That report is the basis for the master teacher certification that will be implemented in your schools and in my schools in September of 1988.

The bill before you offers a compromise. The continuation of master teacher piloting as well as the piloting of a teacher training project. Without this compromise, the situation I have outlined will come to pass. Joyce Roach, in a meeting with the Education Committee, commented that she was very concerned that schools and teachers were going to be tossed willy-nilly into this process. Ladies and gentlemen, that is exactly what will happen if the Governor's veto is sustained. I urge your vote to override.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bath, Representative Small.

Representative SMALL: Mr. Speaker, Men and Women of the House: There was kind of a semi-question posed to me by the speaker before the last, I just wanted to respond to that -- whether or not we have gotten out and talked to teachers about this, whether or not we were willing to sit down and listen. At the hearing that we had way back last February or March on this, two teachers came up from my area and

I don't believe either one of them was in my district but they were from my area so I listened very closely, one teacher who was a former teacher of mine, and one that I hold in very high regard, opposed master teacher. I listened to his remarks thoughtfully and I thought, "Well, this may be the way I will lean towards this." Then another teacher got up and I am not even sure if he is in his district although I know his wife is my daughter's nursery school teacher. He had been in a pilot project in Auburn and he said the master teacher program was one of the most fulfilling parts of education that he had been involved in and he felt that he firmly believed that he was a better teacher as a result of going through that master teacher program and obtaining that third level. So, I guess I have had a 50/50 split in my district so far on people that have contacted me.

Just while we were at this brief recess, I was home shopping in Shaw's and I had a former high school teacher come up and say he wanted to talk about master teacher and, after I first grimaced and shied away and said oh no, not that again, I talked to him for a while in front of the deli section, then we decided that perhaps we ought to get together with a whole group of teachers and go over some of their concerns. They did have some concerns. As I talked with him, I had some concerns because I felt that maybe the information he was getting was different from the information that I was getting. I told him I would be glad to meet any time over the summer. I feel that anything that they can give to me regarding concerns and reservations that I can pass on to the state board will just make it that much more possible that that law might be something that this legislature can accept in the 114th. I feel that it is equally important that I sit down and talk to them and tell them exactly what master teacher won't do or at least what I will not permit it to do if I have a chance to vote on this in the 114th.

Some of those things that I will not permit is to take the teacher out of the classroom for the majority of the time and I will not permit it to make the master teacher just another level of administration. Some of these reservations that he brought up, I too share. Yes, I am willing to talk with my teachers. I have already set that in motion now. Hopefully, before we have this again in the 114th should I be here, these will be ironed out and worked out to something that we can all accept.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Sanford, Representative Hale.

Representative HALE: Mr. Speaker, Ladies and Gentlemen of the House: I rise as a member of the York County Delegation. The good Representative from Wells spoke before about the York County Delegation and the meeting we had. We certainly did have a meeting with the York County Superintendents Association. Most members agreed with the master plan but this does not mean that the delegation from York County agreed.

I spoke on this issue before. I agreed to override the Governor's veto. My teachers do not want it. The main thing that I heard was a career ladder step creating more professionalism for the teacher. What about the children? What is it going to do for the child in the classroom? This was not answered. All it was was repetitively a career ladder step and more professionalism.

There was a superintendent that I spoke to quite extensively. I asked him if he considered himself a professional. He did. I asked him if he came up through the ranks. He did. There was no master teacher plan in effect then.

As far as being lobbied by MTA or any other teacher organization, I have not been lobbied. I speak for my concerns for my area and my area is York County.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Frenchville, Representative Paradis.

Representative PARADIS: Mr. Speaker, Men and Women of the House: Let us never forget the bottom line of the Education Reform Act, to improve the quality of education for Maine students, one and all.

What is so bad about this whole scenario is that we have created the illusion that we have really addressed the educational problems in Maine. The realists know that it is just a bone that we have thrown out.

Myriads of editorial writers have been unable to define master teacher. Twenty pilot sites have also been unable to come up with a definition. More piloting will not change the fact but so be it. It is hypercritical for us to deal with this tokenism. Every child in every classroom deserves a quality teacher who has met high standards and who is being remunerated fairly.

The SPEAKER PRO TEM: The pending question before the House is, shall this Bill "An Act to Amend the Teacher Certification Law" (H.P. 1345) (L.D. 1839) become law notwithstanding the objections of the Governor? Pursuant to the Constitution, the vote will be taken by the yeas and nays. This requires a two-thirds vote of the members present and voting. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 166V

YEA - Aliberti, Allen, Anthony, Baker, Bost, Boutilier, Carroll, Carter, Cashman, Chonko, Clark, H.; Clark, M.; Coles, Conley, Cote, Crowley, Curran, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Gould, R. A.; Gurney, Gwadosky, Hale, Handy, Hickey, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Lacroix, LaPointe, Lisnik, Mahany, Manning, Martin, H.; Matthews, K.; Mayo, McGowan, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; Norton, Nutting, O'Gara, Paradis, J.; Paradis, P.; Parent, Paul, Perry, Pouliot, Rand, Ridley, Rotondi, Rydell, Sheltra, Simpson, Smith, Stevens, P.; Strout, D.; Swazey, Tamaro, Tardy, Telow, Thistle, Tracy, Vose, The Speaker.

NAY - Anderson, Armstrong, Bailey, Begley, Bickford, Bott, Bragg, Brown, Callahan, Davis, Dellert, Farnum, Farren, Foss, Foster, Garland, Greenlaw, Hanley, Harper, Hichborn, Higgins, Holloway, Ingraham, Kimball, Lawrence, Lebowitz, Look, Lord, MacBride, Marsano, McPherson, Murphy, E.; Murphy, T.; Nicholson, Paradis, E.; Pines, Racine, Reed, Rice, Richard, Salsbury, Scarpino, Seavey, Small, Soucy, Stanley, Stevens, A.; Strout, B.; Taylor, Wentworth, Whitcomb, Willey, Zirnkilton.

ABSENT - Dexter, Hepburn, Hillock, Jackson, Macomber, Priest, Reeves, Rolde, Ruhlin, Sherburne, Stevenson, Tupper, Walker, Warren, Webster, M.; Weymouth.

Yes, 80; No, 53; Absent, 16; Vacant, 2; Paired, 0; Excused, 0.

80 having voted in the affirmative and 53 in the negative with 16 being absent and 2 vacant, the Governor's veto was sustained.

At this point Speaker Martin resumed the Chair.

The House was called to order by the Speaker.

The Chair laid before the House the following matter: Bill "An Act to Reallocate Certain Funds in the Aroostook County Unorganized Territory Budget for Services to be Rendered in Fiscal Year 1987-88" (Emergency) (H.P. 1378) (L.D. 1877) which was tabled earlier in the day and later today assigned pending passage to be engrossed

Subsequently, the Bill was passed to be engrossed and sent up for concurrence.

The Chair laid before the House the following matter: Bill "An Act to Provide State Reimbursement to Municipalities for Property Tax Losses Due to State-owned Property" (H.P. 485) (L.D. 652) (C. "A" H-358) which was tabled earlier in the day and later today assigned pending further consideration.

The SPEAKER: The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, Men and Women of the House: Before I speak to the specifics in the Governor's veto message, I would like to back up for a second and remind this House and state for the Record why this particular legislation went before this body and the other body and why it was sent to the Governor's desk.

In the State of Maine from 1982 to 1986, the state provided a program for payment in lieu of taxes to municipalities with state-owned property. The state recognized, in that four year period, the impact that the vast amounts of state-owned property had upon municipal tax bases and the effect it had on local property taxes, the increased demand for municipal services, the increased strain upon municipal budgets and their increased strain upon municipal administration and that is why that program existed.

In 1986, the program was eliminated and eliminated because many people felt it unfairly included areas that did not necessarily need this assistance. Many areas of the state, it was felt, benefited from the state's presence and there was no negative impact. In fact, there was only positive impact so the program was eliminated.

Many people at that time told me that correctional facilities and mental health facilities were different and therefore they felt that a program should be established for those facilities. They encouraged me to introduce legislation which I did do, along with the Representative from Gray, Representative Carroll.

It didn't seem possible for that legislation to pass, the climate was not in this body or the other body to do that. So, the Taxation Committee came out with a bill that was similar to the language that had originally been adopted in a 12 to 1 report by the Corrections Committee, a bill that established payment in lieu of taxes program prospectively for new state correctional facilities because that was the only new bond issue that provided for a new facility at the time. It was my feeling that, if we could adopt this language prospectively, each time the state passed a bond issue that required the construction of a new facility, we could then add similar language to that to prospectively help out these municipalities. In other words, the situation would not become any worse than it already was but it would only be prevented from becoming worse. That is why the legislation was brought before you and that is why we passed it.

I am under no delusion, ladies and gentlemen of this House, that this veto of the Governor is going

to be overridden, I know very well that it is not. But it is my responsibility as a Representative and a Representative of my district to speak out on this issue and explain to you why this legislation was before you and why I would ask you to override the veto of the Governor.

I serve in this body with all of you and I have served here for four years. Since I have been here, I have worked to compromise on many issues and I have given in and given in and given in. This past session, specifically with the corrections issue, the new prison that is in my district, I changed my position on that, once I was convinced to do so, and I voted to build a new prison in my district. I had not supported that from the very beginning. But I knew that it was important to compromise and I knew that the overcrowding problem must be addressed. So, as a good legislator and a good Representative, I compromised.

Some other issues that have come up this session that I have objected to, objected very strongly to, that I have worked very closely with the Executive Branch to compromise on, environmental standards for discharge from state facilities, an important issue in my area, because state facilities are one of the biggest polluters and have been one of the big polluters and they affect shellfish areas and put my constituents out of work. I compromised on that issue.

The issue of opportunity zones, something that I have never been convinced is appropriate, I compromised on. I voted, along with everyone else in this House, to enact the opportunity zone legislation.

Circuit breaker, property tax relief. I crafted, along with other members of the Taxation Committee, a bill that would have provided substantial property tax relief to low and moderate income Maine residents, phased in over a six year period. The Executive Branch of our government did not want to do that, did not want to phase it in. They wanted to put it on the books and then sunset it. I compromised and went along with that.

Now, this issue of fee for service. I have compromised and compromised and compromised to a point where many people feel that this bill is unfair. I would submit to you, this bill is unfair in a lot of ways. I would have liked to have seen it cover every state facility but it was clear that this legislature would not pass that so I compromised for a position that watered down this legislation and dealt only prospectively. Maybe the lesson in that is that I, as a legislator, have got to think twice again, I guess, about compromising.

Let me speak very seriously about the veto message. I was going to come here today, ladies and gentlemen of the House, and say a few brief words for the Record and sit down. But when I got here this morning and I read the veto message, I became very, very angry. I have heard today about how people don't feel we should take personal attacks at each other and I agree with that. I feel that this veto message has got some personal attacks and they are aimed against me. The Executive of this state has referred to this legislation as the Mayo Bill, repeatedly. It is not the Mayo Bill, it is a bill that my constituents and many other constituents throughout the state have cared very much about for a long period of time. It is the first issue that I ever heard about from a constituent and it will probably be the last issue I ever hear about from a constituent when I leave this body. It is an important issue and it is not a Mayo Bill, it is not a democratic bill, it is an important issue for municipalities in this state and it ties directly

into a very important issue we have all talked about and that is property tax relief.

So, ladies and gentlemen of this House, I am a little frustrated and upset with this veto message that has accompanied this bill back to this legislature. I am a little amazed at the Executive that has said some of the things he has said in this veto message. I would like to go over them with you.

The Executive says, "This bill is devoid of any standards which might guide the required negotiations and, in a single sentence, manages to generate internal inconsistency." The first part of that sentence I take exception to because I worked very hard to design this legislation and craft this legislation so it would be very easy for the Commissioner of Corrections to negotiate. I did not want to put any chains on the Commissioner of Corrections and force him to do something that he did not want to do. In the spirit of compromise, worked out in the Corrections Committee -- and Commissioner Allen can tell you this, we compromised all the way on this issue, I thought it was best to leave the language very vague so the Commissioner of Corrections could work out, with the municipalities in the spirit of compromise, what he thought was appropriate. I did not want to unduly handcuff the Commissioner of Corrections.

So, to say that it is devoid of any standards may be accurate but the intent of this legislature was to provide for legislation that would be easily administered by the Commissioner. If he couldn't negotiate under this legislation, then nothing would happen. This bill provided for no enforcement of that. Now that to me was a step of compromise that we took. I could have very easily said specifically what I wanted the commissioner to do and I did not do that because I wanted to work with him and do it appropriately.

The Executive says that this bill "manages to generate internal inconsistencies" because it refers to property taxes and then later to fee for service. Well, let me read to you the bill, it is very simple, very short. It says, "Payments to Municipalities. In order to provide for partial reimbursements to municipalities for property tax losses resulting from new correctional facilities, the Commissioner shall negotiate fee for service agreements with municipalities and other governmental units requesting financial support for services rendered to state correctional facilities constructed after October 1, 1987." Yes, taxes are stated in the bill and fee for service is stated in the bill but it is not inconsistent. The first is stated to explain the second. There is no inconsistency there at all.

The bill talks about how this is an important public issue and that there is irrational targeting of new correctional facilities for separate treatment. Ladies and gentlemen of this House, as I have stated, this legislature has terminated the bill that dealt with all state facilities. This legislature did not appear willing to pass a bill that dealt with all state facilities so we dealt prospectively with this bond issue and again, it was my intention that this language could be adopted on all bond issues that came forward that provided for greatly increased presence of the state and municipalities. I don't feel that it is irrational targeting.

When you look at what the municipalities that have correctional facilities provide to those facilities, you will understand why I feel that way.

In Thomaston, Maine there is a street called Ship Street Circle and there are four houses on that street. Every one of those houses has living within

them prison employees, their children go to our schools. Not one of those houses pays a dime in property taxes. That street is plowed and, if anybody is sick, the Thomaston ambulance will respond. If the house catches on fire, the Thomaston Fire Department will come put it out. The sewage treatment plant is there for their use. The general assistance program is there for all uses for everybody in town if there is a problem. Believe me, state employees, when they go out of work, sometimes they need general assistance as well. So, to say this is irrational targeting is, I think, inappropriate.

There is a third point that really, really upsets me. The Executive states that there is a disingenuous use of future effective dates which disguise the necessity of a fiscal note. The Governor is saying that I am disingenuous, I suppose. I didn't look at it that way. That is upsetting to me.

I asked for the effective date to be beyond this fiscal year so it would allow the Commissioner of Corrections and the towns involved the time to negotiate a fee for service. That is not disingenuous, that is an honest attempt by a legislator to cooperate with the Executive Branch of government. It was not an attempt to try to hide the fiscal impact of this legislation at all. We make effective dates at different times all the time. I did it that way to give the Commissioner of Corrections time to do this appropriately. To say that is disingenuous is insulting to me.

There is one final point in this veto message that I am absolutely astounded it is in there. The Executive states, "As matters now stand, there are no plans for "new" state correctional facilities." There are no plans for new state facilities -- I would like to read to you from L.D. 1800 which this House passed. "Emergency preamble. Whereas it is deemed to be the best interest of the people of the State of Maine to begin to undertake the recommended new construction in as timely manner as possible." In the allocation section, "Construction of a separate free-standing maximum security prison in Warren, Maine." If that is not new construction, ladies and gentlemen of this House, I don't know what is. Yes, there is money in the bond issue for allocation of renovations and expansion of existing facilities but there is also money in that bond issue for construction of a new, separate facility. I can't understand how the Executive can send a veto message up here that says that and, if you will just look at the legislation, it is clear. I can't understand when my constituents and his constituents have been receiving letters for months from upset citizens in the town of Warren and other areas with the expansion of a new facility. Warren has been the site of a minimum security prison farm for a long time. Many of you know my grandfather was the warden at that farm.

This is something new, something different, a deviation from the past in the town of Warren. It is a special situation, it is a new facility, and to say it is not, is simply trying to use smoke and mirrors to cover up this issue.

Ladies and gentlemen of this House, as I said to begin with, I apologize, I am sorry I am upset about this issue. I hadn't intended to speak this way but to read this veto message today makes me very, very irate.

I would urge you to override this veto.

The SPEAKER: The Chair recognizes the Representative from Kennebunkport, Representative Seavey.

Representative SEAVEY: Mr. Speaker, Men and Women of the House: Representative Mayo is correct when he says that this is an important issue, it is to certain areas of the state. It has been an important issue, I presume, since 1820.

This is sort of nickel and dime tax policy really. This issue should be looked at in an overall, larger context. The philosophy of what is the government's real role in regard to all government tax exempt property, whether it be new correctional facilities, present correctional facilities, mental health facilities, state-owned parks, whatever the situation may be.

The potential cost for this legislation is so great that it has so worried the Appropriations Committee, they chose not to fund it two weeks earlier when it sat on their table when they did the table. The issue was put back in by the Legislative Council.

It is an issue that has been looked at repeatedly. We have had bills dealing with this earlier this year that we have defeated. I don't see any way around it right at this moment but this bill certainly is not the answer to Representative Mayo's problems.

I urge you to sustain the Governor's veto.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Manning.

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: As most people know, I don't have a prison in my community. I would like to pose a question and I hope you will answer later on whether or not the gentleman from Kennebunkport would like to have a prison in his community? I think that is the point of this legislation, ladies and gentlemen.

Last year, the Representative from Gray and the Representative from Freeport were inundated by calls, by people coming to see them when it was mentioned that Pineland would turn into a prison. The people in that area did not want a prison there. We are talking about areas where -- it is not a state park, it is not the Augusta Mental Hospital or the Bangor Mental Hospital or the University of Southern Maine, which is right across the street from where I live. We are talking about where we are going to put the worst of the worst. We are talking about a maximum security prison this state has never seen before. We are not talking about something where people can go fish and hunt.

You know the people of South Portland have constantly complained to the Representative from South Portland -- Representative Anthony has mentioned it time and time again, Representative Macomber has mentioned it time and time again, of the people who we put in, the young juveniles we put into that area at the Maine Youth Center who are constantly running all over the place, all over South Portland. You know when you put a correctional facility into a place like South Portland or like Warren or like Thomaston or Charlston or Windham, it is a little different than saying to those people, we are going to put Pineland for the mentally retarded or we are going to put the University of Southern Maine or we are going to put a nice state park.

So, I ask the gentleman from Kennebunkport, how he would like to have a prison on the shores of Kennebunkport? I don't think he would. This weekend, I think the people in Bucks Harbor wished we hadn't put the prison down there as an escaped convict is running through the peninsula of Bucks Harbor who is publicized as maybe armed and maybe dangerous. Some have gotten loose at Charlston. We are dealing with the worst of the worst in Thomaston

and Warren and some of the worst of the worst in Bucks Harbor.

This piece of legislation is only dealing with prisoners. I think that is a major difference. The Governor had indicated when he was running that he would be looking at property tax relief. I think this is one way of dealing with property tax relief to those particular communities who have facilities like this in it. He ought to be taking a look at that because if what happened in Pineland is any indication, I wonder what is going to happen there? Because the population projected by the Department of Corrections, we will need at least another 500 bed facility by the year 1995. That means starting construction by as early as 1990 to make sure it is open by 1995. Do the people of this state want these facilities? If we turn down something like this, I don't think the people are going to say yes, we want those facilities because we are not giving them anything. We are just forcing it down their throats. By 1995, we could be seeing another maximum security prison.

I think it is a completely different thing when we deal with prisons. We are forcing people to take in some of the worst of Maine's citizens behind bars where they can escape like they did in Bucks Harbor over the weekend, where they can escape in Charlston like they have three times, I think, since that place was opened, where they can escape from Windham where they did in the last month. We are not talking about people who are going to the University of Maine in Orono or the University of Maine in Farmington, the University of Southern Maine or going to the beaches and the lakes that this state owns.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Ingraham.

Representative INGRAHAM: Mr. Speaker, Ladies and Gentlemen of the House: In response to Representative Manning's comments, I would just like to say that I have in my town, very close to my house, the expanded county jail. We fought to keep it.

I would also like to make the point that I was the sponsor of the reimbursement for municipal services rendered for property tax relief. At least my proposal was fair and statewide, not a special interest bill. This doesn't even include all correctional facilities, let alone all state facilities.

The SPEAKER: The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, Men and Women of the House: I would like to respond to the two comments that have been made by the two Representatives who spoke in support of the Governor's veto.

Representative Seavey talked about the need for a larger context for this legislation. He spoke about the potential cost. He also said that this legislation didn't do what I wanted it to do. As I have said, the larger context has already been killed by this legislature. The potential cost would have been up to negotiations between the Commissioner of Corrections and the municipalities requesting that support and would have been subject to review by the Appropriations Committee when the budgets were adopted. There is no reason to fear that. This legislature could have killed that again if we chose to because it would have to come back to us for funding. Don't be scared off by claims of huge costs that aren't there.

As for not knowing what I wanted to do with this legislation, he may be correct. This issue is certainly a bone of contention among the municipal

officials in my district. The town manager in the town of Thomaston has gotten to a point where he has refused to issue any new building permits to the Department of Corrections until they conform to the municipal ordinances. We spent millions of dollars separating our storm water and the prison storm water goes right into our sewer plant and, every time it rains, we have to open up the flood gates and put all kinds of people out of work. Maybe it doesn't do what I wanted it to do but I thought it was a step in the right direction, at least a chance to try to address this problem to make the state an equal partner along side the citizens of these towns.

As to Representative Ingraham's bill that would have allowed the assessment of service fees on non-profit organizations that were exempt — as she knows, I voted with her twice to bring that bill out of committee and on the floor of this House, but I was never aware that that bill dealt with state property. In fact, it does not deal with state property, that is a separate issue.

Again, I would urge this House to think about what we are doing. We are putting, as Representative Manning said, 100 of the worst of the worst in a small rural community, a community that has no full-time fire department, it is all volunteer. A community that has an ambulance service that is staffed by a dozen or so of dedicated volunteers who give hour after hour after hour of their service. The community that has five volunteer selectmen and a town manager, who doesn't have the ability to deal with solid waste in the town's own sewer plant, let alone the construction and an addition of a maximum security prison inside the town's boundaries.

I realize that I am not going to be successful today in overriding this veto but I will put the House on notice that I will continue to introduce legislation along these lines every session that I serve in this House and I will continue to push this issue until I am successful.

The SPEAKER: The Chair recognizes the Representative from Casco, Representative Simpson.

Representative SIMPSON: Mr. Speaker, Men and Women of the House: I would like to pose a question through the Chair.

I apologize for not having a copy of the bill before me but I would like to ask the sponsor if this bill would apply to the state's current search for a low-level nuclear waste facility. I think part of the issue here is we are narrowing the focus of the debate to just prisons and prison related issues, whether it is desirable or not desirable to have such a facility in your district or in your town. But, in listening to what I have heard today, the thought ran through my mind that we are going to be facing that controversial search fairly soon and I was wondering if this would apply?

The SPEAKER: The Representative from Casco, Representative Simpson, has posed a question through the Chair to Representative Mayo of Thomaston, who may respond if he so desires.

The Chair recognizes that Representative

Representative MAYO: Mr. Speaker, Men and Women of the House: As I have stated in remarks twice, this bill deals only with correctional facilities and the reason for that was the intention of the sponsor (myself) was to provide for prospective relief for these facilities. I would suggest to the good gentleman from Casco that, if he wants to include in this process or idea a bill to deal with the low-level or high-level radioactive waste site, that separate legislation be introduced. That was my intention, that each time the state took a step to make a great intrusion upon the local property

taxpayers, that this language could be adopted. That was my intention — to deal with future construction, not with the present facilities on the books because this legislature has eliminated that program.

The SPEAKER: The pending question before the House is, shall this Bill "An Act to Provide State Reimbursement to Municipalities for Property Tax Losses Due to State-owned Property" (H.P. 485) (L.D. 652) (C. "A" H-358) become law notwithstanding the objections of the Governor? Pursuant to the Constitution, this requires a two-thirds vote of the members present and voting. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 167V

YEA - Aliberti, Allen, Anthony, Baker, Bost, Boutilier, Carroll, Cashman, Clark, H.; Clark, M.; Coles, Conley, Cote, Crowley, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Gould, R. A.; Gurney, Gwadosky, Hale, Handy, Hickey, Hogle, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Lacroix, LaPointe, Lisnik, Macomber, Mahany, Manning, Martin, H.; Mayo, McGowan, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; Nutting, O'Gara, Paradis, J.; Paradis, P.; Paul, Perry, Pouliot, Racine, Rand, Richard, Ridley, Rotondi, Rydell, Scarpino, Sheltra, Simpson, Smith, Soucy, Stevens, P.; Strout, B.; Strout, D.; Swazey, Tamaro, Tardy, Telow, Thistle, Tracy, Vose, The Speaker.

NAY - Anderson, Armstrong, Bailey, Begley, Bickford, Bott, Bragg, Brown, Callahan, Carter, Curran, Davis, Dellert, Farnum, Farren, Foss, Foster, Garland, Greenlaw, Hanley, Harper, Hichborn, Higgins, Holloway, Ingraham, Kimball, Lawrence, Lebowitz, Look, Lord, MacBride, Marsano, Matthews, K.; McPherson, Murphy, E.; Murphy, T.; Nicholson, Norton, Paradis, E.; Parent, Pines, Reed, Rice, Salsbury, Seavey, Small, Stanley, Stevens, A.; Taylor, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

ABSENT - Chonko, Dexter, Hepburn, Hillock, Jackson, Priest, Reeves, Rolde, Ruhlin, Sherburne, Stevenson, Tupper, Walker, Warren, Webster, M..
Yes, 80; No, 54; Absent, 15; Vacant, 2; Paired, 0; Excused, 0.

80 having voted in the affirmative and 54 in the negative with 15 being absent and 2 vacant, the veto was sustained.

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Implement the Recommendations of the Driver Education Evaluation Program Study (H.P. 962) (L.D. 1291) (H. "A" H-393 and H. "B" H-405 to C. "B" H-389)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 122 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Representative Look of Jonesboro was granted unanimous consent to address the House:

Representative LOOK: Mr. Speaker, I note on the roll call printout of L.D. 1690 that I have been registered as being absent. I am here, I was here, I voted no and I respectfully request that it be corrected.

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

SENATE PAPERS

The following Communication:
The Senate of Maine
Augusta

June 30, 1987
Honorable Edwin H. Pert
Clerk of the House
State House Station 2
Augusta, Maine 04333
Dear Clerk Pert:

Senate Paper 643, Legislative Document 1871, AN ACT to Prohibit Random or Arbitrary Substance Abuse Testing of Employees, having been returned by the Governor together with his objections of the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

Nineteen Senators having voted in affirmative and fourteen Senators having voted in the negative, with two Senators absent, accordingly, it was the vote of the Senate that the Bill not become law and the veto was sustained.

Respectfully
S/Joy J. O'Brien
Secretary of the Senate

Was read and ordered placed on file.

Bill "An Act Relating to Study and Other Commission or Agency Schedules" (Emergency) (S.P. 657) (L.D. 1880)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed.

(The Committee on Reference of Bills had suggested reference to the Committee on State and Local Government.)

Under suspension of the rules, and without reference to any Committee, the bill was read twice and passed to be engrossed in concurrence.

By unanimous consent, ordered sent forthwith to Engrossing.

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

SENATE PAPER

Bill "An Act to Clarify the Authority for Judicial Suspension of Motor Vehicle Licenses" (Emergency) (S.P. 656) (L.D. 1879)

Came from the Senate, referred to the Committee on Judiciary and Ordered Printed.

On motion of Representative Paradis of Augusta, L.D. 1879 was indefinitely postponed in non-concurrence and sent up for concurrence.

(At Ease to the Gong)

The House was called to order by the Speaker.

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

PASSED TO BE ENACTED
Emergency Measure

An Act to Reallocate Certain Funds in the Aroostook County Unorganized Territory Budget for Services to be Rendered in Fiscal Year 1987-88 (H.P. 1378) (L.D. 1877)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 102 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED
Emergency Measure

An Act to Make a Technical Correction in the Chapter Dealing with AIDS (H.P. 1379) (L.D. 1878)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 104 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Clarify the Authority for Judicial Suspension of Motor Vehicle Licenses" (Emergency) (S.P. 656) (L.D. 1879) which was indefinitely postponed in the House on June 30, 1987.

Came from the Senate with that Body having adhered to its former action whereby the Bill was referred to the Committee on Judiciary in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Implement the Recommendations of the Driver Education Evaluation Program Study (Emergency) (H.P. 962) (L.D. 1291) (H. "A" H-393 and H. "B" H-405 to C. "B" H-389) which was passed to be enacted in the House on June 30, 1987.

Came from the Senate failing of passage to be enacted in non-concurrence.

The House voted to insist.

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

(Off Record Remarks)

(At Ease to the Gong)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 10 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED
Emergency Measure

An Act Relating to Study and Other Commission or Agency Schedules (S.P. 657) (L.D. 1880)

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

emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 104 voted in favor of the same and 1 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 to the Senate.

(At Ease to the Gong)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 11 was taken up out of order by unanimous consent:

SENATE PAPER

The following Joint Order: (S.P. 659)

ORDERED, the House concurring, that the following specified matter be held over to the next special or regular session of the 113th Legislature:

COMMITTEE
Judiciary

BILL

(S.P. 656) (L.D. 1879)
- AN ACT to Clarify the Authority for Judicial Suspension of Motor Vehicle Licenses.

Came from the Senate, read and passed.

Was read and passed in concurrence.

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

SENATE PAPER

Bill "An Act to Amend a Section of the Motor Vehicle Law" (S.P. 658) (L.D. 1881)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed.

(The Committee on Reference of Bills had suggested reference to the Committee on Transportation.)

Under suspension of the rules and without reference to any Committee, the bill was read twice and passed to be engrossed in concurrence.

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

SENATE PAPER

The following Joint Resolution: (S.P. 638)

JOINT RESOLUTION COMMEMORATING

THE 100TH ANNIVERSARY OF THE

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

WHEREAS, throughout the history of this great nation of ours, the major role that railroads played in its development is clearly recorded; and

WHEREAS, railroads symbolize progress and out of such progress emerged one of the greatest industrial societies the world has ever known; and

WHEREAS, the men who devoted their skills and their strength in building and maintaining the track, bridges and structures of the American railroads must take their place as the true pioneers of that progress; and

WHEREAS, these men who were native Americans, those of Spanish descent or immigrants from the British Isles, Italy, Ireland, China and many lands were required to endure many hardships; and

WHEREAS, out of necessity 100 years ago in the spring of 1887, a small group of section foremen who envisioned a better way of life for the people working on American railroads, gathered on a

riverbank in Demopolis, Alabama and conceived a fraternal society that would be chartered under Alabama law as the Order of Railway Trackmen; and WHEREAS, in the years that followed, its obligations became those of a labor organization, although fraternalism remains to this day one of its basic principles; and

WHEREAS, meeting the challenges of growth and progress in the years following 1887, there were amalgamations with other similar organizations of railway workers, affiliation with its Canadian Brothers resulting in its emerging an International Union of the Brotherhood of Maintenance of Way Employees; and

WHEREAS, the Brotherhood of Maintenance of Way Employees, as the organization is now known, has for a century embodied the principles and ideals of true trade unionism; and

WHEREAS, that union has continued to build on the century of achievement by standing firmly behind its membership at times when the rail industry has undergone drastic changes; and

WHEREAS, the union and its leadership stand ready for the challenge of the future awaiting the organization in its 2nd century; therefore, be it

RESOLVED: That the Senate and House of Representatives of the 113th Legislature of the State of Maine here assembled, duly recognize the significant accomplishments of the Brotherhood of Maintenance of Way Employees as they celebrate their 100th anniversary; and be it further

RESOLVED: That this legislative body extend its official best wishes to the Brotherhood of Maintenance of Way Employees for continued growth and progress built upon tested and proven foundations that have been formulated throughout the last century; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the officials of the Brotherhood of Maintenance of Way Employees.

Came from the Senate, read and adopted.
Was read and adopted in concurrence.

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

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

PASSED TO BE ENACTED

An Act to Amend a Section of the Motor Vehicle Law (S.P. 658) (L.D. 1881)

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.

SENATE PAPER

(1-1) The following Joint Order: (S.P. 661)

ORDERED, the House concurring, that the Joint Standing Committee on Judiciary report out H.P. 1051, L.D. 1414 Bill "AN ACT Relating to Aggravated Trafficking or Furnishing Scheduled Drugs Under the Maine Criminal Code" to the House.

Came from the Senate, read and passed.
Was read and passed in concurrence.

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

REPORTS OF COMMITTEES

Ought to Pass in New Draft

Representative PARADIS from the Committee on Judiciary on Bill "An Act Relating to Aggravated Trafficking or Furnishing Scheduled Drugs under the Maine Criminal Code" (H.P. 1051) (L.D. 1414) reporting "Ought to Pass" in New Draft (H.P. 1380) (L.D. 1882)

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

Under suspension of the rules, the New Draft was read a second time, passed to be engrossed and sent up for concurrence.

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

PASSED TO BE ENGROSSED AS AMENDED WITHOUT REFERENCE TO COMMITTEE

Bill "An Act to Clarify the Hazardous Waste Lien Law" (Emergency) (H.P. 1381) (L.D. 1883) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsors: President PRAY of Penobscot, Representative MURPHY of Kennebunk and Senator PERKINS of Hancock) (Governor's Bill)

(Committee on Energy and Natural Resources was suggested.)

Under suspension of the rules and without reference to any committee, the bill was read twice.

Representative Holloway of Edgcomb offered House Amendment "A" (H-406) and moved its adoption.

House Amendment "A" (H-406) was read by the Clerk and adopted.

Subsequently, the bill was passed to be engrossed as amended by House Amendment "A" and sent up for concurrence.

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

(Off Record Remarks)

(At Ease to the Gong)

The House was called to order by the Speaker.

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

PASSED TO BE ENACTED

An Act Relating to Aggravated Trafficking or Furnishing Scheduled Drugs under the Maine Criminal Code (H.P. 1380) (L.D. 1882)

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

The SPEAKER: The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, Men and Women of the House: I have every intention today to vote for this bill because I, like everybody else in this House, feel it is time that we get tough with drug trafficking in this state. I would urge this House to remember what the consequences may be from the actions that we are about to take today. Our correctional system is severely overcrowded, very severely overcrowded.

I spoke today with the Commissioner of Corrections and he felt that this bill could potentially have a great deal of impact on the

Department of Corrections. He wasn't sure, he told me there was no way he could know what the impact was. I am a little concerned because the fiscal impact statement of this bill says that there is significant impact on the General Fund in the year 1990.

I look at a veto message that I saw this afternoon and I saw the words "disingenuous use of future effective dates which disguise the necessity of facing fiscal reality." I wonder if this House is maybe not facing fiscal reality with this legislation. Maybe it would have been wiser to put this legislation in the context of a reorganization plan, which the Corrections Committee is trying to do -- a master plan for the Department of Corrections. Maybe it would have been wiser to put this bill in the context of other changes in our laws so that would have made the effect of this not as great.

But as I said, I will vote for this legislation because I feel that we need to get tough on drug trafficking, but that I am concerned, very much concerned about the future effect upon the Department of Corrections beyond this biennium.

Subsequently, the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Clarify the Hazardous Waste Lien Law (H.P. 1381) (L.D. 1883) (H. "A" H-406)

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

The SPEAKER: The Chair recognizes the Representative from East Millinocket, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Men and Women of the House: Just to clarify something for the Record, in the bill under Section 2A when it refers to "affected real estate," it was the intent of the committee that those words refer to the uncontrolled hazardous substance sites mentioned earlier in that section.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 104 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 56 and Joint Rule 34, the following item:

In Memory of:

Katherine M. Pert, of Bath, wife of the late Perlestone L. Pert, Sr., a beloved mother of 5 children and proud matriarch of 11 grandchildren and 12 great grandchildren, a retired bank employee and dedicated long time volunteer for the Pine Tree Society of Crippled Children and Adults, the American Red Cross and the Veterans Hospital at Togus; (HLS 672) by Representative COLES of Harpswell. (Cosponsors: Representative SMALL of Bath, Representative HOLT of Bath, Representative CHONKO of Topsham)

There being no objections, was read and adopted and sent up for concurrence.

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

SENATE PAPER

The following Joint Order: (S.P. 660)

ORDERED, the House concurring, that the following specified matters be held over to the next special or regular session of the 113th Legislature:

COMMITTEE	BILL
State and Local	(H.P. 1210) (L.D. 1651)
Government	- AN ACT to Establish Greater Communication in the Rule-making Process and to Provide Better Standards for the Adoption of Rules.

Came from the Senate, read and passed.

Was read and passed in concurrence.

(Off Record Remarks)

(At Ease to the Gong)

The House was called to order by the Speaker.

On motion of Representative Gwadosky of Fairfield, the following was removed from the Tabled and Unassigned matters:

Bill "An Act to Amend the Civil Service Law to Set Standards for the Creation of Job Classification Specifications" (H.P. 1237) (L.D. 1689)

- In House, passed to be engrossed on June 2, 1987.

- In Senate, passed to be engrossed as amended by Senate Amendment "A" (S-127) in non-concurrence.

TABLED - June 4, 1987 by Representative GWADOSKY of Fairfield.

PENDING - Further Consideration.

On motion of Representative Carroll of Gray, the House voted to recede.

Senate Amendment "A" (S-127) was read by the Clerk and adopted.

Representative Carroll of Gray offered House Amendment "C" (H-407) and moved its adoption.

House Amendment "C" (H-407) was read by the Clerk. Representative Lacroix of Oakland requested a Division on adoption of House Amendment "C."

Representative Bickford of Jay requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than 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 Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: It is with some reluctance that I rise today on a bill that has been around for a good part of the year and it has been discussed and negotiated several hours today. A very good faith attempt was directed today by all parties involved to reach a compromise on this bill. I think there still is some confusion on the bill, I, as one individual and one individual alone perhaps, will be voting against the amendment and I would like to explain the reason why.

The amendment before us and the House will forgive me if I discuss the bill, it is only to give the background of where we are so we can understand the position we find ourselves in. The original bill is L.D. 1689, "An Act to Amend the Civil Service Law to Set Standards for the Creation of Job Classifications and Specifications." The bill was submitted as an attempt to resolve the very real problems of some very antiquated job classifications throughout state government. Job classifications that are currently in place throughout our state government were put in place during the 1970's when the Hay classification system -- the legislature contracted with Hay Associates, the Hay Associates put those particular classifications together, there is an appeals process, and they were finally put into place.

But fortunately, the periodic updating of those classifications never took place. What we have found since then is that many of those jobs changed dramatically. The job descriptions of the '70's compared to what they are today are no longer accurate. As I said, there hasn't been a periodic updating so we found ourselves in a very very unique and real problem with some job classifications that really need to be addressed.

In 1985, the State and Local Government Committee did a study on the personnel system -- a subcommittee of the State Government Committee that was chaired by Representative Lacroix who is the sponsor of this bill -- and we began to look at the 13,000 state employees, 93 percent of which are classified employees and we looked to see the types of problems they were having. We had hearings in Augusta and outside of Augusta and gained a wealth of knowledge about personnel problems. At that time, agencies indicated to us that there were some 45 classifications of positions that were having a problem retaining and recruiting state employees.

At that time, one-third of the state employees in state government were at the top of their pay range and that number has now soared to some 48 percent of the state employees currently in state government who are now at the top of their pay range, so there are indeed some very, very real problems and the study pinpointed those problems.

Also in 1985, as many of you will remember, we had a bill in to involve the legislature in the comparable worth issue. That was a bill that was sponsored by President Pray and cosponsored by Representative Diamond, Representative Murphy, and Senator Perkins. The State Government Committee, which I happened to chair at the time, spent a considerable amount of time on the comparable worth issue. We were somewhat surprised at the very end of the session, labor and management came before our committee and said that they had reached an agreement on this issue. Their agreement was, rather than to debate and get the legislature involved in comparable worth, what they would like to do is to have the ability to collectively bargain compensation issues -- separate and aside from the general contract negotiations. So the committee agreed to that, a New Draft was put together, it was a unanimous committee report and it went through the legislature without debate. There was a very clear understanding at that point in time from the members of the committee and from the people who were involved from the state, Susan Farnsworth who was the key person involved in the negotiations now for the state -- that that agreement was never to include job classifications or job specs. In other words, we allow the state to bargain compensation issues, period, not specs, not

classifications. That was the agreement that was made two years ago.

I feel pretty confident that I can speak on behalf of the members of the committee who were there two years ago, we had a pretty clear understanding of the reasons that that bill was put together and I think people felt comfortable with that. Certainly the state has indicated at this time, if two years ago they ever knew that they were going to be in a position of negotiating specs for the jobs, that they wouldn't have ever agreed with the union at that time to do it. So I think it is important to make that distinction as to what the agreement was two years ago.

Now last year, as part of a major reorganization of state government, which split the Finance Administration into two separate departments, the Personnel Office in the State of Maine was abolished, effective July 1st, tomorrow, and in its place, is going to be the Bureau of Human Resources. That change was a result of the study that was done in 1985. In making the change, we tried to create a new Bureau of Human Resources that was going to be more flexible to the different agencies needs across state government. We did things like remove the Governor's Office of Employee Relations from the Personnel Office. Historically, the Governor's Office of Employee Relations was always part of the Personnel Office and state employees felt that (quite frankly) the Personnel Office was really their enemy more than an administrative arm because the bargaining agent for the Governor was the Governor's Office of Employee Relations, which was located in the Personnel Department. We physically extracted that. We gave them more flexibility, and at the same time we created a policy review board. The policy review board, made up of a variety of members of the administration, representatives from the Governor's Office and members of private industry. We charged that policy review board to look at the problems that were found in the study in 1985 and we charged them to work on issues such as longevity incentives, we asked them to review job classifications, to examine training and educational policies, to examine job reclassification and reallocation process, to examine the job performance evaluation process, to examine confidential supervisory pay raises, study acting capacity positions, and we have charged them with reporting back to the legislature every year.

I mentioned that there is a problem with reclassifications, there is a reclassification process now. If a specific agency has a position which they think a job description is no longer accurate, needs to be changed, they submit a form to the Personnel Office and simply indicate this position has changed dramatically since it was first written in 1970 and these are the reasons why we favor changing the position. The problem with that position is that the Personnel Office today is two and a half years behind in reclassification requests, so if you make your request for reclassification, you can plan on a two and a half year wait right now. That is to get your position reclassified, to speak nothing of the money, because the current system doesn't allow for the budget, you have to wait until the next budget is passed before the person gets their money.

So I think what I have tried to portray is a very real problem. Now what is the solution to that? Well the Maine State Employees Association have presented a proposal which would allow for the negotiation of standards of classifications, the specifics themselves, in collective bargaining. Specifically, in the compensation discussions that

are currently ongoing with the state, it is a change that I would submit sets a real clear and dramatic precedent for the labor-management negotiations in the State of Maine. The periodic need to reclassify state jobs has always been the responsibility of the administration and the legislature. I think that there is balance that needs to be achieved between the functions, between the responsibilities of labor and management. I think it is the responsibility of management and the legislature to develop job specs, to develop the work rules, and this bill goes counter to that proposal.

The reason I think it is a bad idea to allow collective bargaining in the current compensation issues which are apart from the general contract negotiation because it, number one, breaks faith with the commitment we made in 1985. We passed a bill unanimously, the legislature endorsed it without a dissenting vote, to allow for the negotiation of compensation issues, but not classifications, not standards, not job specs. I think you have to understand where they are. We passed a bill two years ago and currently, under the compensation negotiations, which, by the way, is a first for the State of Maine, it is the first time we have ever done it and, to my knowledge, it is the first time it has ever been done in the country -- but it is a good idea.

They have just reached the proposal now, they have just reached the stage where each side has presented its initial proposal -- MSEA, AFSCME, State Troopers Association, and the state -- 24 people present their proposals covering pay ranges for all the classifications. It is a very laborious, very time-consuming process. Any time you change one word, one dollar amount, all sides have to agree. The whole issue has to be agreed upon by all the parties involved. The problem I have with that is, by MSEA's own admission, that process is going to take a minimum of three years. Now keep in mind that the Personnel Office is currently two and a half years behind in reclassification requests. This process is going to take at least three years, so what is the benefit to state employees of the State of Maine? If people have to wait for the next five years, I guess I have to ask, who are we really helping by going through this process?

Initially, the MSEA had contended that the state had an obligation to bargain job classifications because of the bill we passed last year. Two weeks ago, we received an opinion from the Attorney General that indicated quite specifically that the state has no obligation to bargain job classifications. At the same time, I think the state was under the assumption and, if you listen to Chip Morrison or Ken Walo, they told me directly that they felt they were under obligation to do it. If they had to do it at all, if they had to bargain job classifications, they would rather do it in the separate compensation issues as opposed to general bargaining. I can certainly understand their position and I appreciate it, but I think you will find that the positions of the administration have taken them, during the course of this bill as it has appeared in a number of different stages, and through no fault of their own, a new administration is relying on who else, but their State Personnel Office and their Governor's Office of Employee Relations, which unfortunately, or fortunately depending upon the person, are the same people who have been there for years and years and years. I guess I question whether or not they should have known the difference as to whether or not the state was under any obligation to collectively bargain.

I said earlier that a good faith effort had been made to try to reach a compromise on this bill, I feel that there are people here that will speak on behalf of that, but I don't think that this amendment is going to solve the very real problem of the state employees. We have offered a number of other alternatives which we would be more than happy to offer tonight if this amendment didn't pass for some reason. We would be more than happy to offer those, amendments that would solve the clerical problem within the next year and a half, the clerical problem is really the impetus behind this whole bill. We have amendments that Chip Morrison agreed to this morning that they felt they could agree with them, that it was a workable bill. It has been a very difficult bill to deal with because of the changing positions of some members of the administration and they freely admit that it has been a complicated process because there has been so many people involved in it and I sympathize with the position that they find themselves in.

I would be remiss if I didn't mention before I sit down that some of us, myself and others who have opposed this concept, if I didn't say that we were doing it because we believe it is the best thing for state employees. Some people have accused us of being anti-labor, they have accused us of being obstructionists, but I can state equivocally that our goal in 1985 when we did the study or last year when we created the Bureau of Human Resources, and our goal throughout this year, has been to do whatever we could do to solve the very real problems of these job classifications, not for the administration, not for the union leaders, but to solve the problems for state workers. I believe we have alternatives we can offer this evening that will remedy this problem, that will do it quicker, and they will do it better.

I have been told the MSEA has the votes to pass this amendment regardless of what I say or anybody else says and that may be the case. I have talked with about 35 or 40 state employees in the last two weeks, and I have had 38 out of the 40 agree with what I was doing and what I was saying, but it is a hard issue for state employees to understand, they have to have the confidence of their union leaders to do the best thing. I disagree with the union leaders. I say that the responsibility for the job specs is a function of management, a function of the administration. I think we can offer remedies such as labor-management committees, amendments we could offer this evening that will solve this problem a lot quicker and will allow for labor-management input.

I guess I will sit down now. I apologize to the members if it appears as though I, or any other member is trying to drag this issue out, and I suspect what may happen, but I guess sometimes you find yourself in this process where you believe so strongly about an issue that you just can't agree with it. I guess that is where I am on this bill. It is for those reasons that I will have to oppose the amendment.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Bickford.

Representative BICKFORD: Mr. Speaker, Ladies and Gentlemen of the House: As you can attest to the preceding remarks by the good Representative from Fairfield, this has been a very complicated bill. However, House Amendment "C" has been the compromise that has been worked out by the majority of the parties involved. Without belaboring the point, I would urge your favorable approval of House Amendment "C."

The SPEAKER: The Chair recognizes the Representative from Oakland, Representative Lacroix.

Representative LACROIX: Mr. Speaker, Men and Women of the House: I know it is late and I have been touted as the sponsor of this bill. This bill in no way represents or resembles the bill that I sponsored. I sponsored this at the request of the clerical workers in state service and I will be voting against the amendment. It will not accomplish what the bill was supposed to do.

There are clerical workers working within state departments who are so misclassified because of the broadness of the job classification specifications. The way it should be addressed is by itself so that the focus will be on classification standards -- what those minimum requirements should be. To me, it is not very difficult to understand what a classification specification standard is. A specification should very clearly tell you what the duties and responsibilities of a job are, what that person is going to be evaluated on when they are being evaluated, what the job specs are. That is no longer true in most of the classifications within the clerical field.

We worked hard and long to try to reach a compromise.

Before we recessed -- in the corridors, you couldn't move without being grabbed by somebody.

I personally have responded to roughly 60 calls from state employees. Most of you know I spent my whole career in state government. I am a 35 year veteran of state government, I have been a union member for 35 years. I am definitely pro-labor, if anybody has any doubts. I negotiated a union contract for MSEA, I have been heavily involved ever since collective bargaining was passed by this legislature. I felt, if anybody was going to have anything to say about my working conditions and my wages, I was going to have a say too.

I do not believe this amendment addresses the problems that clericals face. The compensation study that is presently ongoing and just got started is a complex, complicated issue in itself. To cloud those waters with classification standards, I believe, dilutes both processes. It will be a long way down the road before anything happens on the pay scale. I believe we can offer amendments that address the problems of the very critical clerical unit.

I have been called an obstructionist, it has been said that I oppose the bill, I do not oppose the bill, I presented the bill, I sponsored the bill. What we have now will not help state employees and I am not here to prolong the debate, I am not here to perfect collective bargaining in any way, shape, or manner, I am here to protect state employees. I believe it is a management responsibility to determine what classification standards are going to be. I am not willing as a legislator to give up my responsibility in that field and I urge you to follow my light.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Wentworth.

Representative WENTWORTH: Mr. Speaker, Members of the House: I would ask you to go along with the MSEA and the administration's agreement on the amendment which will establish a sunset for next spring and gives us a chance to see how it works.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of the Representative from Gray, Representative Carroll, that the House adopt House Amendment "C." Those in favor will vote yes; opposed will vote no.

ROLL CALL NO. 168

YEA - Armstrong, Bailey, Begley, Bickford, Bost, Bott, Boutilier, Callahan, Carroll, Cashman, Clark, H.; Clark, M.; Curran, Dellert, Farnum, Farren, Foss,

Foster, Garland, Greenlaw, Handy, Hickey, Hoglund, Holloway, Jackson, Ketover, Kilkelly, Kimball, Look, Lord, Mahany, Marsano, McSweeney, Melendy, Michaud, Mills, Mitchell, Murphy, E.; Murphy, T.; Nicholson, Norton, Paradis, E.; Paradis, J.; Paradis, P.; Pines, Rand, Rice, Rotondi, Scarpino, Small, Stanley, Stevens, A.; Strout, B.; Strout, D.; Swazey, Taylor, Telow, Tracy, Wentworth, Weymouth, Whitcomb, Zirkilton.

NAY - Aliberti, Allen, Anthony, Carter, Coles, Crowley, Diamond, Dore, Duffy, Gould, R. A.; Gwadosky, Hale, Hichborn, Holt, Jacques, Joseph, Lacroix, Manning, Mayo, McGowan, Moholland, Nadeau, G. G.; Nutting, O'Gara, Paul, Pouliot, Racine, Richard, Rydell, Simpson, Smith, Tamaro, Tardy, Thistle, Vose.

ABSENT - Anderson, Baker, Bragg, Brown, Chonko, Conley, Cote, Davis, Dexter, Dutremble, L.; Erwin, P.; Gurney, Hanley, Harper, Hepburn, Higgins, Hillock, Hussey, Ingraham, Jalbert, LaPointe, Lawrence, Lebowitz, Lisnik, MacBride, Macomber, Martin, H.; Matthews, K.; McHenry, McPherson, Nadeau, G. R.; Parent, Perry, Priest, Reed, Reeves, Ridley, Rolde, Ruhlin, Salsbury, Seavey, Sheltra, Sherburne, Soucy, Stevens, P.; Stevenson, Tupper, Walker, Warren, Webster, M.; Willey, The Speaker.

Yes, 62; No, 35; Absent, 52; Vacant, 2; Paired, 0; Excused, 0.

62 having voted in the affirmative and 35 in the negative with 52 being absent and 2 vacant, House Amendment "C" was adopted.

Subsequently, the bill was passed to be engrossed as amended by Senate Amendment "A" and House Amendment "C" in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

(At Ease to the Gong)

The House was called to order by the Speaker.

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

ENACTOR

An Act to Amend the Civil Service Law to Set Standards for the Creation of Job Classification Specifications (H.P. 1237) (L.D. 1689) (S. "A" S-127; H. "C" H-407)

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

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Carter.

Representative CARTER: Mr. Speaker, I would like to pose a question to the Chair? Is the document before us in violation of Joint Rule 21, which requires a fiscal note?

The SPEAKER: The Chair would advise the members of the House that the bill is in violation of Joint Rule 21. The price tag is \$150,000 to \$200,000. The matter is not properly before the body and the House will be at ease until we here from the Governor.

(Off Record Remarks)

(At Ease to the Gong)

The House was called to order by the Speaker.

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

SENATE PAPER

Non-Concurrent Matter

An Act to Amend the Civil Service Law to Set Standards for the Creation of Job Classification Specifications (H.P. 1237) (L.D. 1689) (S. "A" S-127; H. "C" H-407) which was ruled not properly before the Body in the House on June 30, 1987.

Came from the Senate passed to be engrossed as amended by Senate Amendments "A" (S-127) and "B" (S-296) and House Amendment "C" (H-407) in non-concurrence.

The House voted to recede and concur.

By unanimous consent, ordered sent forthwith to Engrossing.

(At Ease)

The House was called to order by the Speaker.

The following item was taken up out of order by unanimous consent:

Tuesday, June 30, 1987

COMMUNICATIONS

The following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE
04333

June 30, 1987

The Honorable John L. Martin
Speaker of the House
Maine House of Representatives
State House Station #2
Augusta, ME 04333

Dear Speaker Martin:

As a follow-up to our conversation of earlier this evening, I want to confirm my commitment to absorb any additional costs that might be associated with the enactment of L.D. 1689 "AN ACT to Amend the Civil Service Law to Set Standards for the Creation of Job Classification Specifications" within the appropriation provided in the Part II Budget as a contingency for State Employee collective bargaining. It is my understanding that such additional costs may in fact be either nonexistent or extremely negligible between the effective date of the bill, in its present form, and the March, 1988 sunset date.

I hope this assurance is acceptable to you as an alternative to attempting to put a specific cost on the bill, and providing a corresponding appropriation for such a cost.

I appreciate your willingness to accept this form of commitment on my part as evidence of our efforts to proceed in good faith in accordance with this proposed amendment to the State Employee Collective Bargaining Statutes.

Sincerely,
S/John R. McKernan, Jr.
Governor

Was read and ordered placed on file.

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

PASSED TO BE ENACTED

An Act to Amend the Civil Service Law to Set Standards for the Creation of Job Classification Specifications (H.P. 1237) (L.D. 1689) (S. "A" S-127; S. "B" S-296; H. "C" H-407)

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

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Ladies and Gentlemen of the House: I move that L.D. 1689 be recommitted to the Joint Standing Committee on State and Local Government.

The SPEAKER: The Chair recognizes the Representative from Gray, Representative Carroll.

Representative CARROLL: Mr. Speaker, Men and Women of the House: This bill has been in front of State and Local Government for too long. We have worked long and hard from day one on to come up with a compromise that people can live with, that people can be at least somewhat satisfied with. I would ask you not to send this back to the committee.

The final draft of this bill, which is now before us for enactment, is a draft that everybody is somewhat pleased with, but not totally happy with. It would serve no useful purpose for this bill to come back to the committee. It does absolutely nothing by doing that to help the state employees and I think it is time to enact this bill. I would hope you would not send this back to committee.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Men and Women of the House: I made this motion because the people that I have been talking with -- there are more questions than answers about what is contained in this bill and the amendments and the whole process that we have sat through tonight for the past four or five hours. I think it is important that this bill go through the procedure one more time and come out as a clean bill that we will all feel very comfortable with in order to support it.

The SPEAKER: The pending question before the House is the motion of the Representative from Waterville, Representative Joseph, that L.D. 1689 be recommitted to the Committee on State and Local Government. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

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

Subsequently, the bill was passed to be enacted, signed by the Speaker, and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

The following item was taken up out of order by unanimous consent:

At this point, a message came from the Senate borne by Senator DOW of Kennebec informing the House that the Senate has transacted all business before it and is ready to adjourn without day.

The Speaker appointed Representative DIAMOND of Bangor on the part of the House to inform the Senate that the House had transacted all business before it and is ready to adjourn without day.

Subsequently, Representative DIAMOND reported that he had delivered the message with which he was charged.

The Chair appointed the following members on the part of the House to wait upon His Excellency, Governor John R. McKernan, Jr., and inform him that the House has transacted all business before it and is ready to adjourn without day.

Representative CARTER of Winslow
Representative CHONKO of Topsham
Representative LISNIK of Presque Isle
Representative NADEAU of Lewiston
Representative MCGOWAN of Canaan
Representative HIGGINS of Scarborough
Representative FOSTER of Ellsworth
Representative DAVIS of Monmouth
Representative FOSS of Yarmouth

Subsequently, the Committee reported that they had delivered the message with which they were charged.

(Off Record Remarks)

The Chair recognizes the Representative from Wells, Representative Wentworth.

Representative WENTWORTH: Mr. Speaker and Members of the House: I want to take one minute to wish you all a very happy summer and good luck on your trip, John.

I now move the House stand adjourned sine die.

The SPEAKER: The Representative from Wells, Representative Wentworth, moves that the House stand adjourned sine die. Is this the pleasure of the House?

The motion prevailed and at 10:40 p.m., Eastern Daylight Savings Time, Tuesday, June 30, 1987, the Speaker declared the House adjourned without day.

STATE OF MAINE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Tuesday
June 30, 1987

Senate called to Order by the President.

Prayer by the Honorable Dennis L. Dutremble of York.
SENATOR DUTREMBLE: Let us pray. Dear Lord, grant us the courage to change what can be changed, the serenity to accept what can not be changed and the wisdom to know one from the other. Amen.

Reading of the Journal of Thursday, June 18, 1987.

Off Record Remarks

COMMUNICATIONS

The Following Communication:
DEPARTMENT OF ADMINISTRATION
BUREAU OF EMPLOYEE RELATIONS
STATE HOUSE STATION 79
AUGUSTA, MAINE 04333

June 10, 1987

Charles Pray, President of the Senate
State of Maine
State House Station #3
Augusta, ME 04333

RE: Administration of the State of Maine
Self-Insured Workers' Compensation Program

Dear Senator Pray:

Attached please find a copy of the Administration of the State of Maine Self-Insured Workers' Compensation Program for your review and information. Documented therein are: a synopsis of the history of the administration of the workers' compensation program in State government; a compilation of statistics detailing numbers and categories of injuries (7/1/81-6/1/86) and payments made on claims (7/1/82-6/30/86); and individual State departmental reports.

Should you have any questions regarding this report, please call Roger H. Willette at 289-4440.

Sincerely,
S/Kenneth A. Walo,
Director, Bureau of
Employee Relations

Which was READ and with Accompanying Papers
ORDERED PLACED ON FILE.

The Following Communication:
STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

June 29, 1987

TO: The Honorable Members of the 113th Legislature
I am returning, without my signature or approval, S.P. 643, L.D. 1871, "AN ACT to Prohibit Random or Arbitrary Substance Abuse Testing of Employees."

My decision to veto this bill is based on my strongly held belief that the nature of L.D. 1871 makes it an inappropriate issue for the legislature to put before the people of Maine in a referendum vote this November.

Referenda issues are understandably the exception to the legislative rule and are reserved for those unusual situations that are of profound importance to