

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

1978

Second Regular Session

January 4, 1978 — April 6, 1978

INDEX

Senate Confirmation Session

June 14, 1978

INDEX

First Special Session

September 6, 1978 — September 15, 1978

INDEX

Second Special Session

October 18, 1978

INDEX

Third Special Session

December 6, 1978

INDEX

APPENDIX

Symposium held at the University of New Hampshire, Durham, New Hampshire.

The title of her paper was "The Effect of Aging on Chlorophyll and Carotene Content of Autumn Leaves."

In February, Janet was selected as one of the five students from Maine, New Hampshire and Vermont to present a paper. Each year, the symposium invites approximately 200 students and their teachers from three states to hear the five papers, as well as lectures by experts in the various fields of science. The symposium takes two days. Lodging and meals are provided by the sponsors — the University of New Hampshire, the State Departments of Maine, New Hampshire and Vermont, the United States Army Research Laboratories in New England and the Academy of Applied Science in Boston, Massachusetts.

The winner is awarded the Dr. Lawrence S. Foster Memorial Scholarship of \$500 by the Academy of Applied Science. Janet will be flown, along with her teacher, to Monmouth College, Westlong Branch, New Jersey, to represent this region at the National Junior Science and Humanities Symposium May 17 to the 20.

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

An Expression of Legislative Sentiment (H. P. 2297) recognizing that:

Clare Mosher, of Wilton, has been chosen by the Wilton Senior Citizens as Man of the Year in honor of his years of service to that community and its senior citizens

Presented by Mr. Rollins of Dixfield.

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

An Expression of Legislative Sentiment (H. P. 2298) recognizing that:

The year 1978 marks the 50th anniversary of Le Paresseux, Inc. of Rumford, and the sharing of good times and bad under the banner, "We stand together"

Presented by Mr. Raymond of Lewiston (Co-sponsors: Mr. Theriault of Rumford, Mr. Brown of Mexico)

The Order was read.

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

Mr. RAYMOND: Mr. Speaker, Ladies and Gentlemen of the House: I think it only appropriate today that on the 50th anniversary of Le Paresseux Club of Rumford, I should also recognize the President of the club, who has been president for over a decade, Mr. Steve Gallant. Also, 50 years ago, in March of 1928, the first president of that club, who happened to be the grandfather of one of our well-known lobbyists who bears the same name, the grandfather of the lobbyist in 1928, the first president, was known as Mr. Severin Bellevue. Therefore, in the name of Mr. Theriault from Rumford and Mr. Brown of Mexico, we would like to wish the Paresseux Club her 50th anniversary, which they will never forget, and hopefully they will continue to support not only the children but also the people of Rumford, as they have done in the last 50 years.

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

An Expression of Legislative Sentiment (H. P. 2299) recognizing that:

The Cumberland County Civic Center is celebrating the first anniversary of its establishment

Presented by Mrs. Beaulieu of Portland.

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

On Motion of Mr. Burns of Anson, the following Joint Order: (H. P. 2300)

WHEREAS, the State has granted monopolies to public utilities such as electric companies, gas companies and water companies in

order to ensure that utility equipment and facilities are not duplicated at an unnecessary expense; and

WHEREAS, the State grants these monopolies under the condition that the utilities are subject to state regulation; and

WHEREAS, under utility law, the property taxes paid by utilities are reimbursed them by their ratepayers through utility rates, and

WHEREAS, the result of this process is that ratepayers residing and facilities are located, pay property taxes through their utility rates to other municipalities; and

WHEREAS, there has arisen some question as to whether or not the property taxes paid by utility ratepayers should benefit a wider number of persons, other than just the residents of municipalities in which public utility equipment and facilities are located; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Taxation shall study the question of the benefits conferred upon municipalities and utility ratepayers by property taxes paid by utilities; and be it further

ORDERED, that the committee shall complete this study no later than December 1, 1978 and submit to the Legislative Council within the same time period its findings and recommendations, including copies of any recommended legislation in final draft form; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this order shall be forwarded to members of the committee.

The Order was read.

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

Mr. KELLEHER: Mr. Speaker, perhaps the sponsor or some other member would table this until later in today's session, because I have an amendment that I would like to attach to the gentleman's order.

Thereupon, on motion of Mr. Burns of Anson, tabled pending passage and later today assigned.

An Expression of Legislative Sentiment (H. P. 2302) recognizing that:

Herbert Huckins, the oldest living resident of Milbridge and a recipient of the Boston Post Cane, will be 100 years of age on April 23, 1978

Presented by Mr. Connors of Franklin.

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

An Expression of Legislative Sentiment (H. P. 2304) recognizing that:

The Rockland High School Band will be representing the State of Maine at the Cherry Blossom Festival in Washington D.C.

Presented by Mr. Fowlie of Rockland (Co-sponsors: Mrs. Post of Owls Head, Mr. Gray of Rockland, Senator Collins of Knox)

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

(Off Record Remarks)

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

Constitutional Amendment Later Today Assigned

RESOLUTION, Proposing an Amendment to the Constitution to Provide that Taxes Which a School District is Authorized to Levy may be Assessed in any Cost-sharing Formula Mutually Agreeable to the Communities Involved (S. P. 749) (L. D. 2198)

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

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. Shute.

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask one question about this bill and it may have been

answered before but I probably wasn't in the room at the time. Does the constitutional amendment require a unanimous vote of the towns within the districts or is it a majority vote of the towns within the district, of the directors within the district?

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

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

Mr. LYNCH: Mr. Speaker, I am sorry, I can't give you the answer off the top of my head but I will look it up.

Whereupon, on motion of Mr. Shute of Stockton Springs, tabled pending passage to be enacted and later today assigned.

"An Act Creating an Interim Education Finance Commission" (S. P. 775) (L. D. 2204) (S. "A" S-594)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all members elected to the House being necessary, a total was taken.

Whereupon, Mr. Greenlaw of Stonington requested a roll call vote.

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

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

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I do hope this bill receives final enactment. It is a bill that establishes a legislative finance commission, and it seems to me that we still have sufficient problems with our education finance law that it is important to have a group established similar to former groups that have attempted to improve our education funding law. I think it is terribly important. I think it is probably one of the most important study matters that this legislature could address in the ensuing year, and it seems to me that the people of the State of Maine have clearly indicated to us that they are still not satisfied with the education funding law, and I do hope that you will vote for this measure on final enactment.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I have not been too impressed with the order. I think we have a good school funding law and you can't improve on it unless you have more state dollars. That is the bottom line on any school funding program and you are not going to improve it until you have more state dollars poured into the funding of public school education.

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

ROLL CALL

YEA — Bachrach, Beaulieu, Bennett, Benoit, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. C.; Burns, Carey, Carrier, Carroll, Carter, D.; Chonko, Churchill, Clark, Connolly, Cote, Cox, Cunningham, Curran, Davies, Dexter, Diamond, Dow, Drinkwater, Dudley, Durgin, Du Tremble, Elias, Fenalson, Flanagan, Fowlie, Garsoe, Gill, Gillis, Goodwin, H., Goodwin, K.; Gould, Gray, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hutchings, Immonen, Jackson, Jacques, Jensen, Joyce, Kane, Kany, Kelleher, Kil-

coyne, Laffin, Lewis, Littlefield, Lizotte, Locke, Lynch, MacEachern, Mackel, Mahany, Marshall, Masterman, Masterton, Maxwell, McBreairty, McHenry, McKeon, McMahan, McPherson, Mitchell, Nadeau, Najarian, Nelson, M.; Nelson, N.; Palmer, Paul, Pearson, Peltier, Perkins, Peterson, Plourde, Post, Prescott, Quinn, Rideout, Rollins, Sewall, Silsby, Strout, Talbot, Tarbell, Teague, Tierney, Torrey, Tozier, Trafton, Truman, Twitchell, Valentine, Violette, Whittemore, Wood, Wyman, The Speaker.

NAY — Alopis, Ault, Austin, Bagley, Berube, Bunker, Carter, F.; Connors, Hunter, LaPlante, Lougee, Martin, A.; Norris, Raymond, Shute, Smith, Sprowl, Stover, Tarr.

ABSENT — Berry, Brown, K. L.; Bustin, Devoe, Jalbert, Kerry, Lunt, Mills, Moody, Morton, Peakes, Spencer, Theriault, Tyndale, Wilfong.

Yes, 116; No, 20; Absent, 15.

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

Signed by the Speaker and sent to the Senate.

Emergency Measure

"An Act to Revise the Maine Sunset Law and State Agency Rules Law" (H. P. 2229) (L. D. 2189) (C "A" H-1180; S. "A" S-587)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total taken, 119 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

"An Act to Restore Matching Funds to the Maine Criminal Justice Planning and Assistance Agency (H. P. 1860) (L. D. 1923) (S. "A" S-584 to C. "A" H-1162)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all members elected to the House being necessary, a total was taken, 122 voted in favor of same and 4 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

The following Communication: (H. P. 2315)
STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE

March 22, 1978

To: The Honorable Members
of the House of Representatives
and the Senate
of the 108th Legislature

I am returning today without my signature and approval H. P. 2064, L. D. 2122, An Act to Clarify the Status of Intermittent State Employees.

While I can understand and appreciate the goal of defining the status of a temporary employee, I cannot endorse this broad-brush approach to this problem since unforeseen results may seriously affect the employment situation among Maine State employees. I am specifically distressed about the unknown fiscal effects that this particular legislation may have. The proponents have clearly recognized in their statement of fact attached to this legislation that a result of this bill will be additional costs for benefits in an amount which is impossible to estimate. I have been advised, however, that even more important is the fact that automatic and retroactive expansion of civil service status to individuals who have not been required to take merit examinations and be appointed from competitive registers may endanger substantial federal grand-in-aid funds which are conditioned upon the state's compli-

ance with federal standards for State civil service merit systems.

I feel that jeopardizing federal funds as well as increasing State costs are sufficient bases for questioning this particular legislation. However, I have also been advised that considerable ambiguity as to the intent and interpretation of certain sections of this legislation might result in uneven application of the law, could make it impossible for State agencies to comply with the general and unspecified requirements and could foster unnecessary litigation in an attempt to clarify these ambiguities.

Such ambiguities include the reference in the first section of this bill to longevity steps which were eliminated by the 107th Legislature and the reference to merit increases which may be inconsistent with a negotiated settlement between the state and a public employee union. I feel that it is essential that no inadvertent undermining of the collective bargaining process take place.

Even more important for the Legislature to consider is the fact that I have been advised that the major thrust of this bill is the granting of civil service status and protection to non-civil service unclassified employees. The merit system rights and benefits are extended to temporary, project and all other categories of employees who are not required to qualify by competitive examination. This could be used to destroy the integrity of the merit system. Project, temporary and other employees in similar situations, would, after 1,040 hours of work, acquire the rights and protections granted permanent employees hired through the merit system. This would result in a situation where temporary employees, hired without Legislative oversight, would become entrenched in the system and would work alongside and be a similar budgetary concern as those employees who have been hired with the approval of the Legislature. I do not believe that the Legislative role should be undermined in such a manner.

In addition to undermining the Legislative role as outlined above, I must also express concern for the disregard of programs that are part of our personnel system such as the Affirmative Action Program. Temporary employees who are hired without regard for legislative input and Affirmative Action or other programs and who then achieve permanent status within our employment system are a possible result of this legislation which cannot be justified.

In conclusion, I feel there are too many unanswered questions concerning the costs of this particular bill, the effects of ambiguous sections of this legislation and the granting of civil service status without legislative approval and Affirmative Action guidelines. Therefore, I am returning this bill without my signature and at the same time directing the State Department of Personnel, which has been acting to eliminate and prevent abuses in the area of temporary employees, to continue those efforts and address the questions raised by the legislators who initially supported this bill.

Therefore, given these efforts by the State Department of Personnel, I do not believe that this legislation is necessary, and I especially want to avoid any result of severe hardship in those departments of State government which have a legitimate need for intermittent and other kinds of non-status temporary employees.

For each of the above reasons I am respectfully returning this legislation without my approval.

Signed:

Sincerely,

JAMES B. LONGLEY

The Communication was read and ordered placed on file.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: Having just received this veto and not knowing in advance that it was going to even happen, I am reading the third paragraph, and would appreciate it if somebody would table this until later in today's session.

On motion of Mr. Churchill or Orland, tabled pending further consideration and later today assigned.

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

Petitions, Bills and Resolves Requiring Reference

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

Education

Bill "An Act to Authorize a Bond Issue in the Amount of \$500,000 for use by the Maine Maritime Academy for the Renovation of Leavitt Hall at the Academy" (H. P. 2313) (Presented by Mr. Greenlaw of Stonington) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 25)

Bill "An Act Authorizing the Issuance of Bonds by the Town of Houlton to Acquire Certain Assets of Ricker College" (Emergency) (H. P. 2314) (Presented by Mr. Peltier of Houlton) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 25) (Ordered Printed) Sent up for concurrence.

By unanimous consent, ordered sent forthwith.

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

Non-Concurrent Matter Later Today Assigned

Bill "An Act to Revise the Method of Computing Legislators' Expenses" (H. P. 1996) (L. D. 2077) which was Passed to be Engrossed as amended by Committee Amendment "A" (H-1166) in the House on March 16, 1978.

Came from the Senate Failing of passage to be Engrossed as amended by Committee Amendment "A" (H-1166) in non-concurrence.

In the House: On motion of Mr. Tierney of Lisbon Falls, tabled pending further consideration and later today assigned.

The Chair laid before the House the following matter:

RESOLUTION, Proposing an Amendment to the Constitution to Provide that Taxes Which a School District is Authorized to Levy May be Assessed in any Cost-sharing Formula Mutually Agreeable to the Communities Involved (S. P. 749) (L. D. 2198) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: In response to the question that was asked earlier, in the school law, Section 305, bottom of page 64, the procedure for changing the method of sharing costs among the member municipalities in an SAD—when requested by 10 percent of the number of voters voting for the gubernatorial candidates at the last statewide election in the municipalities comprising the district, the Board of School Directors of the SAD shall give at least 15 days' notice to each municipality comprising the SAD of a meeting to determine the necessity of reconsidering the method of sharing costs. Each member municipality of the district shall be represented at the meeting to determine the necessity of reconsidering the method of sharing costs by its municipal officers, school director or directors and two representatives from each municipality chosen at

large by its municipal officers. Any change in the method of sharing cost must first be approved by a vote of two-thirds of those present and voting and shall become effective when approved by a majority vote of the district at a meeting called and held for the purpose in accordance with Section 225. I think that answers the question that was asked.

The SPEAKER: The pending question is on final passage. This being a Constitutional Amendment, it requires a two-thirds vote of all the members present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

118 having voted in the affirmative and 8 in the negative, the Resolution was finally passed, signed by the Speaker 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 Clarify the Status of Intermittent State Employees" (H. P. 2064) (L. D. 2122) which was tabled earlier in the day and later today assigned pending the question, shall this Bill become law notwithstanding the objections of the Governor?

The SPEAKER: The Chair recognizes the gentleman from Orland, Mr. Churchill.

Mr. CHURCHILL: Mr. Speaker and Members of the House: This L. D. is the result of a study conducted last summer by the State Government Committee, pursuant to House Paper 1592. Section 1 of the bill provides every employee of the state be informed in writing of his rate of pay, benefits, condition or employment, the employee's right, including the right to appeal decisions made with respect to his Section 2 of the bill requires the Commissioner of Personnel to adopt rules which provide that intermittent employees shall be permitted to participate more fully in the state's personnel system after completion of the full time equivalent of 1040 hours of more of work, also to participate in health and hospitalization insurance and retirement programs and to be entitled to status.

Special privileges given to the state employers relating to personnel actions, such as hiring, promoting and firing — the bill does not provide that intermittent employees shall be eligible for state life insurance plans because of difficulty of devising a rational system of calculating coverage and potential for abuse.

The main objector to this bill was the Liquor Commissioner. He said that he would have to close his doors if we passed such a bill. At the time we studied this last summer, there were approximately 327 intermittent employees. This winter, they had made an effort to lower this number of employees and we were told it was down to slightly over a 100. The Liquor Commission still had over 50 intermittent employees. Manpower Affairs also had 105 at the beginning of the session, and recently we were told they had depleted that to approximately 50. These people, some of them have been working since 1963 as intermittent state employees without any status and I think it is time and only fair to these employees that they be used the same as other state employees.

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

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: The State Government Committee did the study on intermittent employees as a result of an order that was put in by myself and Representative Talbot from Portland.

I served on the State Government Committee my first term up here and we studied the personnel laws and I never heard of an intermittent employee, but last spring, I guess it was, or the spring before last, when we were at a meeting of the state employees, we found out that many of them were complaining about the

abuse of the intermittent employees, and it was the first time many of us had ever heard the term. It has been abused. They have kept employees on at an intermittent status, working 40 hours a week for years, and these employees receive no health benefits, they receive no vacation pay and no sick leave and often they are filling the vacancies of, say, a clerk typist and when they go to fill the job, they don't even have a place on the register, it goes to somebody entirely different when they are perfectly capable of doing the job.

I was appalled to find that we were abusing employees like this, primarily in order to save the state agencies money. I think the State Government Committee has done a good job in addressing this problem, especially in the future use of intermittent employees.

I think Representative Talbot has list just to give you an example of the state employees that have been abused under this system. I think all the bill does is to say, if an employee is going to work a certain number of hours a week, week after week after week, that he or she be given some status and let those hours accumulate.

Right now, this system of intermittent employment is done administratively by rule and other administrative action. There is nothing in the statutes to help them or to protect them. Many intermittent employees were very concerned about us addressing this problem because they were afraid that they would lose their jobs. We hesitated doing anything about it because we didn't — you know, many of them have worked at this so long that they are dependent on it, but we decided that the abuses were so widespread that it really ought to be addressed, even if some of them might lose their jobs, although we were hopeful that that wouldn't happen.

I do urge you to override this veto.

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

Mr. VALENTINE: Mr. Speaker and Members of the House: I was a member of the subcommittee of the State Government Committee that worked on this particular piece of legislation and I, too, had never heard of intermittent employees and was not aware of the use and abuse of employees through these procedures until I ended up being on that subcommittee. I suspect when the word got out that the subcommittee was going to be meeting and dealing on this, just before our first meeting, there magically appeared a personnel bulletin called 8.1, which attempted to address some of the problems that had already been existing in terms of informing employees of their rights, but we find out during the conduct of our hearings that in some departments, some bureaus, some agencies, employees were told of what their condition of employment were and what their rights were, in others they were not. There was even confusion among department heads, agency heads and bureau heads as to what those rights were and whether or not they had to inform employees, and we found disagreement among people on that.

What we have done with this particular bill is two things. First, we have taken that Bulletin 8.1, and made that the first part of the bill and a statute saying that employees will be told what their rights are and what their opportunities are.

In the second part of the bill, we have attempted to prevent any further abuse of intermittent employees. This abuse has been going on for a long time, unbeknownst to most of us here, because most of us would have no reason to know that this was going on unless an individual employee, an intermittent employee, contacted his or her legislator to tell them about it, and that is what happened and that is how we became aware of it originally.

Unfortunately, we did not receive this veto message until it was dropped on our desks about a half an hour ago, so most of us have not

had the opportunity to really analyze what the Governor's comments are. So for those of you who have read it through in detail, you may have come up with some questions, and I will try to answer at least a couple of them here.

First of all, this particular piece of legislation, contrary to what the Governor is suggesting in his message, will not undermine the merit system and undermine the personnel system. He says in here that it could be used to destroy the integrity of the merit system. The integrity of merit system was destroyed, in the first place, by using and abusing intermittent employees, and what we are attempting to do here is to correct that abuse.

He also addresses in here the situation where employees might be put in the position where they would acquire some status without having to take the examinations. First of all, there is nothing whatsoever to prevent, in the future, so-called intermittent employees from being given examinations. The only part in here that applies to employees with reference to examinations are those employees who have already been abused. If you read the bill carefully, you will see that we are addressing those who, in calendar year 1976 and 1977, worked in more than half a year. There are employees who have worked 30, 35, 38, 39 and 40 hours a week, week after week after week, beside another person performing exactly the same job and yet they receive no benefits whatsoever. We felt that in the process of putting through this legislation to prevent these abuses from happening in the future, we ought to at least also make some effort to correct the abuses that have occurred among certain individuals during the past couple of years. There are only a handful of people that will not have an enormous financial effect upon state government.

The real bottom line in this whole thing is that up until now various agencies and organizations, with the knowledge of the Department of Personnel, have kind of end-run the personnel system in order to have employees available to perform certain functions without having to provide them the benefits. That, of course, saves money, and I realize that our Governor is very interested in saving money, but I don't think money should be saved at the abuse of specific individuals, abuse of our constituents. I believe Mr. Talbot has a list of the locations of where some of those constituents are from. There are quite a few.

I would hope that in looking this over, you would realize that what we are trying to do here is correct a problem that we don't feel, we didn't feel as a committee, would probably be corrected sufficiently if we just left it up to the Department of Personnel. We thought it was very interesting that some of these attempts at correction came about only because of pressures as the result of legislation being put in. I think it is important that we have this piece of legislation to make sure that nothing happens in the future if, theoretically, there should not be a problem and this bill actually would end up not having to do that much as long as the system is not abused in the future. What we are trying to do is preclude that abuse, and I hope that you will please vote to override the Governor's veto.

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

Mr. HICKEY: Mr. Speaker, I would like to address a question to any member of the committee. As an intermittent employee, if their time isn't being credited to their retirement, are they permitted to buy their time back upon becoming classified?

The SPEAKER: The gentleman from Augusta, Mr. Hickey, has posed a question through the Chair to any member of the Committee who may care to answer.

The Chair recognizes the gentleman from South Portland, Mr. Curran.

Mr. CURRAN: Mr. Speaker, the answer is no. I you look in the bill, when we speak to re-

tirement, it talks about prorating in the future when they change from that status, intermittent status, into a permanent status. We did not make anything retroactive, with the exception of the examination of those people who are currently, as defined in the bill, eligible to become permanent employees.

The SPEAKER: The pending question is, shall Bill "An Act to Clarify the Status of Intermittent State Employees," House Paper 2064, L. D. 2122, 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 all the members present and voting. All those in favor of this Bill becoming law will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Ault, Bachrach, Bagley, Beaulieu, Benoit, Berube, Biron, Birt, Blodgett, Boudreau, P.; Brennerman, Brown, K. C.; Bunker, Burns, Carrier, Chonko, Churchill, Clark, Connolly, Cox, Cunningham, Curran, Davies, Dexter, Diamond, Dow, Drinkwater, Dudley, Durgin, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hutchings, Immonen, Jackson, Jacques, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, Lewis, Locke, MacEachern, Mahany, Marshall, Martin, A.; Masterton, Maxwell, McBreairty, McHenry, McPherson, Mitchell, Morton, Nadeau, Najarian, Nelson, N.; Norris, Palmer, Paul, Pearson, Peltier, Perkins, Peterson, Plourde, Post, Prescott, Quinn, Sewall, Shute, Silsby, Stover, Strout, Stubbs, Talbot, Tarbell, Tarr, Teague, Tierney, Traffon, Truman, Twitchell, Valentine, Violette, Whittemore, Wood, Wyman, The Speaker.

NAY — Austin, Berry, Boudreau, A.; Brown, K. L.; Carter, D.; Carter, F.; Conners, Cote, Gray, Hunter, Littlefield, Lizotte, Lougee, Mackel, Masterman, McMahon, Morton, Paul, Pearson, Raymond, Rollins, Smith, Sprowl, Torrey, Tozier.

ABSENT — Bennett, Bustin, Carey, Carroll, Devoe, Dutremble, Lunt, Lynch, McKean, Mills, Moody, Nelson, M.; Peakes, Rideout, Spencer, Theriault, Tyndale, Wilfong.

Yes, 108; No, 25; Absent, 18.

The SPEAKER: One hundred eight having voted in the affirmative and twenty-five in the negative, with eighteen being absent, the Governor's veto is not sustained.

By unanimous consent, ordered sent forth with to the Senate and concurrence.

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

Passed to Be Enacted

"An Act to Increase State Reimbursement for the Net Costs of Local General Assistance" (H. P. 1859) (L. D. 1922) c. "A" (H-1164)

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

Mr. Strout of Corinth requested a roll call vote.

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

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

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

ROLL CALL

YEA — Aloupis, Ault, Austin, Bachrach, Bagley, Beaulieu, Benoit, Berry, Berube, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brennerman, Brown, K. L.; Brown, K. C.; Bunker, Burns, Carey, Carrier, Carroll,

Chonko, Churchill, Clark, Conners, Connolly, Cote, Cox, Cunningham, Curran, Davies, Dexter, Diamond, Dow, Drinkwater, Dudley, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Greenlaw, Hall, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, Lewis, Lizotte, Locke, Lougee, MacEachern, Mackel, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McBreairty, McHenry, McMahon, McPherson, Mitchell, Morton, Nadeau, Najarian, Nelson, N.; Norris, Palmer, Paul, Pearson, Peltier, Perkins, Peterson, Plourde, Post, Prescott, Quinn, Raymond, Rollins, Sewall, Silsby, Smith, Stover, Strout, Stubbs, Talbot, Tarbell, Tarr, Teague, Tierney, Traffon, Truman, Twitchell, Valentine, Violette, Whittemore, Wood, Wyman.

NAY — Carter, D.; Shute, Sprowl, Tozier.

ABSENT — Bennett, Bustin, Carter, F.; Devoe, Henderson, Littlefield, Lunt, Lynch, McKean, Mills, Moody, Nelson, M.; Peakes, Rideout, Spencer, Theriault, Tyndale, Wilfong.

Yes, 128; No, 4; Absent, 18.

The SPEAKER: One hundred twenty-eight having voted in the affirmative and four in the negative, with eighteen being absent, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

(Off Record Remarks)

On motion of Mr. Birt of East Millinocket, Recessed until two o'clock in the afternoon.

After Recess 2:00 P.M.

The House was called to order by the Speaker.

Orders of the Day

The Chair laid before the House the following matter:

Joint Order — Relative to Public Utilities, (H. P. 2300), which was tabled earlier in the day and later today assigned pending passage.

Thereupon, Mr. Burns of Anson withdrew the Order.

The Chair laid before the House the first item of Unfinished Business:

Bill Reported Pursuant to Joint Order (H. P. 2023) — Committee on Taxation on Bill, "An Act to Provide for Reform of the State Tax Laws" — In House, Majority "Ought to Pass" Report accepted and bill (H. P. 2216) (L. D. 2184) passed to be engrossed as amended by House Amendment "C" (H-1138) and House Amendment "D" (H-1139) as amended by House Amendment "A" (H-1142) thereto on March 9. — in Senate, Minority "Ought to Pass" Report accepted and bill (H. P. 2215) (L. D. 2183) passed to be engrossed as amended by Senate Amendment "A" (S-533) as amended by Senate Amendment "A" (S-563) thereto in non-concurrence.

Tabled — March 21 (Till later today) by Mr. Tierney of Lisbon Falls.

Pending — Further Consideration.

On motion of Mr. Carey of Waterville, the House voted to recede. The Minority "Ought to Pass" Report was accepted in concurrence and the Bill read once.

Senate Amendment "A" (S-573) was read by the Clerk.

Senate Amendment "A" to Senate Amendment "A" (S-563) was read by the Clerk and adopted in concurrence.

On motion of Mr. Carey of Waterville, Senate Amendment "A" as amended by Senate Amendment "A" thereto was indefinitely postponed.

Under suspension of the rules, the Bill was read a second time.

Mr. Carey of Waterville offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-1217) was read by the Clerk.

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

Mr. CONNOLLY: Mr. Speaker, I would like the gentleman who offered the amendment to explain to us what it means. It is 12 pages long, and if he could just run it by quickly as to what is contained in it, I would appreciate it.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: The summary, you will be able to find on Page 11 of the amendment, and it carries us right down the line, item by item, on those things that the Democratic caucus looked at yesterday, talked about and accepted yesterday. This amendment, word for word, covers those items, and it has a price tag of \$13.877 million.

It takes care of the sales tax on gas. We backed off from a previous position where we had talked about 1000 kilowatts of electricity; we are now down to 750 kilowatts. We have the sales tax off the agricultural equipment, fishing equipment, the logging equipment. We have put \$125,000 for the elderly retirement income tax credit; \$150,000 for the head of household credit, and we do have, off the blue sheet that was distributed yesterday, the \$4 million package that will adjust the income taxes on a personal side for those people basically between the \$10,000 and \$30,000 level. One disappointment in this package, and it may really run into flak amongst the loyal opposition, is Item 10 on Page 11. It is that percent reduction of the corporate tax on corporations under \$25,000, and you will see that that has a — when we talk about small figures — we have a very small figure of some \$37,000 in that area.

Mr. Greenlaw of Stonington offered House Amendment "A" to House Amendment "C" and moved its adoption.

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

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: If you could take the amendment which the gentleman from Waterville, Mr. Carey, has offered, on Page 6, take the amendment which I have now placed before the body, I think I can show you just exactly what this bill does.

In Section 11, you will see in Mr. Carey's amendment that the proposed tax reduction for corporations is 4.95 percent, which is one percent of the five percent present rate. What my amendment does is propose a 5 percent reduction at the 5 percent rate, which would have the net rate of 4.45 percent on the first \$25,000 of corporate income. This results in a tax benefit to the corporations across the state of approximately \$400,000, which I think is the proposal that has been pending in the so-called Republican package.

I would hope that you would adopt this amendment.

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

Mr. BIRON: Mr. Speaker, a point of parliamentary inquiry? If either House Amendment that is pending before us is accepted, would the House Amendment that I have prepared be accepted by this body?

The SPEAKER: The Chair is not in a position to make that ruling since the Chair is not in possession of the amendment that the gentleman from Lewiston is referring to.

Mr. BIRON: The filing number of that amendment is H-1219, Mr. Speaker.

The SPEAKER: The Chair would advise the gentleman that the motion to adopt House Amendment "D" would still be in order. The Chair would answer in the affirmative.

The Chair recognizes the gentleman from