

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

Volume II

May 26, 1977 to July 25, 1977

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**Senate Confirmation Session
September 16, 1977**

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whole shellfish resources. Therefore, I hope that we reconsider and then adopt Report B.

The SPEAKER: The Chair recognizes the gentleman from Waldoboro, Mr. Blodgett.

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: In response to one of the earlier speakers that this would do away with all conservation programs, that is a bunch of bunk. There is nothing to that at all. This does continue the conservation program, but the only difference is that it prohibits discriminating against non-residents. If this is the only conservation that we can have to keep nonresidents out, it is not much of a program. Let's go for Report B and have everyone in the state equal.

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

Mr. GREENLAW: Mr. Speaker and Members of the House: The gentleman from Waldoboro knows full well that there are more measures that we can take than just prohibiting nonresidents. I think I was willing to compromise my position on actually opposing this particular bill by supporting the amendment that the gentleman from Owl's Head offered. Other people on the committee weren't willing to do so, and I suggest that this whole process is one of compromise. What I ask you to do is vote against the motion to reconsider and perhaps someone who voted on the prevailing side on the motion to accept Report C would reconsider that motion so we could accept that.

I just don't know how to say it any other way. We cannot let the harvesting of marine resources in this state be completely legislated and controlled by the employment issue. I think we are all concerned about jobs, but if we are going to exploit these resources without any controls whatsoever, eventually we are going to have nothing. Please, please, please consider this.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Stow, Mr. Wilfong, that the House reconsider its action whereby it failed to accept Report B. All those in favor of reconsideration will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Berry, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brown, K. C.; Burns, Carey, Carrier, Carter, D.; Carter, F.; Chonko, Connolly, Cote, Cox, Cunningham, Dexter, Diamond, Dow, Fenlason, Flanagan, Fowlie, Goodwin, H.; Goodwin, K.; Green, Hall, Hickey, Higgins, Howe, Huber, Hunter, Jacques, Jensen, Joyce, Kane, Kelleher, Kerry, Lougee, Lunt, MacEachern, Marshall, Masterman, McHenry, McKean, Moody, Morton, Nadeau, Najarian, Norris, Palmer, Pearson, Peterson, Rollins, Shute, Smith, Stover, Stubbs, Talbot, Teague, Theriault, Tozier, Whittemore, Wilfong, Wood.

NAY — Aloupis, Ault, Beaulieu, Bennett, Benoit, Brenerman, Brown, K. L.; Bunker, Bustin, Carroll, Churchill, Clark, Connors, Davies, Devoe, Drinkwater, Durgin, Elias, Garsoe, Gauthier, Gill, Gillis, Gould, Gray, Greenlaw, Henderson, Hobbins, Hutchings, Immonen, Jackson, Kany, Kilcovne, LaPlante, Lewis, Littlefield, Locke, Mackel, Masterton, Maxwell, McBreairty, McMahon, McPherson, Mills, Mitchell, Nelson, M.; Nelson, N.; Peltier, Perkins, Plourde, Post, Prescott, Raymond, Sewall, Silsby, Spencer, Sprowl, Strout, Tarbell, Tierney, Trafton, Twitchell, Tyndale, Valentine, The Speaker.

ABSENT — Austin, Bagley, Berube, Curran, Dudley, Dutremble, Hughes, Jalbert, Laffin, LeBlanc, Lizotte, Lynch, Mahany, Martin, A.; Peakes, Quinn, Rideout, Tarr, Torrey, Truman, Wyman.

Yes, 66; No, 64; Absent, 21.

The SPEAKER: Sixty-six having voted in the affirmative and sixty-four in the negative, with

twenty-one being absent, the motion does prevail.

The SPEAKER: The pending question is acceptance of Report B.

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

Mrs. POST: Mr. Speaker, I request a vote on the pending motion.

The SPEAKER: The Chair recognizes the gentleman from Roque Bluffs, Mr. Nelson.

Mr. NELSON: Mr. Speaker, I move that this Bill and all its accompanying papers be indefinitely postponed.

Mr. Bustin of Augusta moved the previous question.

The SPEAKER: For the Chair to entertain a motion for the previous question, it must have the consent of one third of the members present and voting. All those in favor of the Chair entertaining the motion for the previous question will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one third of the members present having expressed a desire for the previous question, the motion for the previous question was entertained.

The SPEAKER: The question now before the House is, shall the main question be put now? This is debatable for five minutes under the rules. All those in favor of the main question being put now will vote yes; those opposed will vote no.

A vote of the House was taken.

101 having voted in the affirmative and 8 having voted in the negative, the main question was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Roque Bluffs, Mr. Nelson, that this Bill and all its accompanying papers be indefinitely postponed. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

55 having voted in the affirmative and 74 having voted in the negative, the motion did not prevail.

The SPEAKER: The question now before the House is on the acceptance of Report B. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

64 having voted in the affirmative and 64 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mrs. Post of Owl's Head, Report C was accepted and the Bill read once. Committee Amendment "A" (H-746) was read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

(Off Record Remarks)

On motion of Mr. Bustin of Augusta,
Recessed until three o'clock this afternoon.

After Recess 3:00 P.M.

The House was called to order by the Speaker.

At this point, the rules were suspended to permit the members to remove their jackets.

Divided Report Tabled and Assigned

Majority Report of the Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-734) on Bill "An Act Relating to the Maine Turnpike Authority" (H. P. 343) (L. D. 388)

Report was signed by the following members:

Messrs. GREELEY of Waldo
MINKOWSKY of Androscoggin
McNALLY of Hancock
— of the Senate.

Messrs. JACQUES of Lewiston
LITTLEFIELD of Hermon
Mrs. HUTCHINGS of Lincolnville
Messrs. McKEAN of Limestone
STROUT of Corinth
ELIAS of Madison
BROWN of Mexico

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-735) on same Bill.

Report was signed by the following member:
Mr. JENSEN of Portland

— of the House.

Reports were read.

Mr. Strout of Corinth moved that the Majority "Ought to Pass" Report be accepted.

On motion of Mr. Greenlaw of Stonington, tabled pending the motion of Mr. Strout of Corinth to accept the Majority Report and tomorrow assigned.

Divided Report

Majority Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act to Establish Half Rate for Registration and Excise Fees at the Midpoint in the Registration Year" (H. P. 448) (L. D. 554)

Report was signed by the following members:

Messrs. MINKOWSKY of Androscoggin
GREELEY of Waldo
— of the Senate.
Mrs. HUTCHINGS of Lincolnville
Messrs. LITTLEFIELD of Hermon
CARROLL of Limerick
BROWN of Mexico
ELIAS of Madison

— of the House.

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

Report was signed by the following members:

Messrs. STROUT of Corinth
McKEAN of Limestone
JACQUES of Lewiston
JENSEN of Portland

— of the House.

Reports were read.

On motion of Mr. Strout of Corinth, the Minority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on State Government reporting "Ought Not to Pass" on Resolution. Proposing an Amendment to the Constitution to Provide that the Secretary of State be Elected by Popular Vote and to Establish the Duties of that Office (H. P. 1157) (L. D. 1456)

Report was signed by the following members:

Mr. COLLINS of Aroostook
Mrs. SNOWE of Androscoggin
— of the Senate.
Mr. CHURCHILL of Orland
Mrs. MASTERTON of Cape Elizabeth
Mr. STUBBS of Hallowell
Ms. BACHRACH of Brunswick
Mrs. KANY of Waterville

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-724) on same Resolution.

Report was signed by the following members:

Mr. CURRAN of South Portland
Mrs. LOCKE of Sebek
Messrs. VALENTINE of York
DIAMOND of Windham

— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the

gentleman from Windham, Mr. Diamond.

Mr. DIAMOND: Mr. Speaker, I move we accept the Minority "Ought to Pass" Report.

Whereupon, Mr. Cote of Lewiston requested a division.

The SPEAKER: All those in favor of the Minority "Ought to Pass" Report being accepted will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Cote of Lewiston 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 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 Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I wonder if any of the members of the State Government Committee who signed the report "Ought to Pass" on this bill would explain to the members of the House why they think it is necessary for the people to elect the Secretary of State?

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Diamond.

Mr. DIAMOND: Mr. Speaker, Men and Women of the House: The amendment which you have, which really sort of explains this whole bill, simply says that the Secretary of State will be elected by the people of the state and he or she will also replace the Governor if the Governor is incapacitated. The question is, why have such a bill? I think we have a serious problem right now that we operate under. Right now, for example, we are eliminating an awful lot of talent to become Secretary of State. We are eliminating an entire party. We are eliminating all the Independents. Essentially, we are eliminating anybody who is not well known politically. I think that the people of Maine see this every time this happens. I know in January, I was newly elected and had a lot of grief from people, took it on the chin, if you will, because they saw it as strictly political. They saw the selection of Secretary of State and the other constitutional officers as strictly political. That is one of the reasons. I think if we could have this person who is going to become Secretary of State elected by all the people of the state, that might put a little more credibility back into that office or at least back into this House here.

As we are operating right now, it would take a one or two to vote error, misjudgement and we could have quite a serious problem on our hands. We are talking about 80 or 90 people maybe selecting this person.

The big question here is, why? Why do we have to do this? I will tell you another reason why. That is, the person who now succeeds the Governor is the president of the other body. What is wrong with that? Well, there are a lot of things wrong with that. Our Maine Constitution says that in order to be a member of this House, you have to be at least 21 years old. In order to be a member of the other House, you have to be at least 25 years old. In order to be Governor of the state, you have to be at least 30 years old, and right now the President of the other body does succeed the governor.

The question could be a technical one. What if we have a President of the other body who is less than 30? We immediately have a problem, he then becomes governor. Worse than that, we are putting somebody in as Governor who is elected by one senatorial district. I say to you, that could be a problem. Why the President of the other body, why not Speaker of the House? Why not the assistant minority leader? Why not any of these people? Why the President of the other body? Is it because he has more constituents than we do? He does have more, but certainly not enough to represent the entire state. Is it because he is older, he or she is older? She — that would be a wild one, wouldn't it? If he or she were older, what does that really mean? Or is it the eventual thing that the President of the other body is, as we all know, wiser? It raises a lot of questions.

The current reason we have is really inconsistent. I think it is about time we let the people of this state elect this person. Then if we should (and we hope it never happens) have a Governor have to leave office, we have somebody who has been elected by the people to this office.

There are a couple of opponents that might say if we are going to have the Secretary of State elected, why not all the constitutional officers? That may be some day, but right now, what we have to have is the Secretary of State because we are talking about this person stepping into that gubernatorial position.

Of course, the last argument is, how could we have somebody run for Secretary of State and maybe, heaven forbid, this person would be of the opposite party of the elected Governor. It is not really a problem. It is that way right now and it has been that way a number of years under previous administrations.

The big problem is overcoming something that has always been. If you look carefully at the reasoning behind why it has always been, look at it carefully, I think you might find the reason for changing that.

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

Mrs. KANY: Mr. Speaker and Members of the House: I hope that you do reject the "Ought to Pass" motion. Perhaps we should reevaluate how we do elect our constitutional officers, but I don't think this is the way to go about it, with just choosing the Secretary of State by election statewide. The Secretary of State really has a very limited administrative sphere and, truthfully, I think he is about the last of our constitutional officers that I would choose to have follow the governor. So I hope you do give this bill your considered judgment and I hope that you do vote against passage.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I introduced this bill in this session because for several years I have heard people running for office, to sit in this House, a majority of them ran on the premise that they were going to bring about change. Many of them went around and told constituents that, yes, our constitutional officers should be elected by the people, and when they got here, they didn't do a thing about it.

When I ran for election, I told my constituents that I was about to bring change too, and I am here and I am aiming to do something about it. I had hoped that we could have addressed the method of election of all constitutional officers, but I felt that many would not subscribe to that so I chose to go at it one step at a time. This, to me, is a necessary first step and I have no qualms about the Secretary of State ever being in the position to take over for the Governor but only if he were elected at large, and I think if some people took a little bit of time to see how much impact the Secretary of State does have on the average citizen, they would find that of all the constitutional officers we have in state government, he has the most impact.

Currently, the Governor is the only statewide elected official to serve in state government. It makes more sense to me to have an official, any kind of official, elected by all the people of the state, but particularly when it is a constitutional office.

Currently, there are only two other states that elect a secretary of state in the same manner as Maine, and we are the only state which provides for the legislative election of the attorney general. I think that the timing of this proposal is also significant from a political point of view, because believe it or not, ladies and gentlemen, neither party can guarantee a majority in the next legislature, primarily due to the new single-member districts. No party has anything to lose from this bill, and I maintain that we may never again have an opportunity to begin discussion on these important issues which I feel the people truly are interested in.

I understand it is not a burning issue with anybody, but I think it is important, and if I ran on the premise of governmental change, as many of you did, it is time to put ourselves on the line.

The function of a legislator, to me anyway, is to

plan, to legislate, to oversee, and I really believe it is not to elect governmental officials, because if that were the case, then maybe we should start electing other officers, such as county sheriffs, district attorneys, etc.

I guess I realize that tradition is my biggest opponent in this proposal, but I would remind all of you that the people of Maine should have an opportunity to let us know what they want, and I would like some support to make sure that they at least have that opportunity and let the debate take place between the people themselves, not necessarily here.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: Being a sponsor of this bill, I believe in a bill or I don't sponsor it in the first place.

We have now 38 states in our nation that elect their secretary of state. The thing that I like about this, which has been mentioned by both Representative Diamond and Beaulieu, is the fact that the people are voting for this office.

I have been in politics a long time, and I know how the game is played. Anyone here who doesn't is just fooling himself. I don't believe that a candidate, regardless of who he is, should be given any reward for running for any elected office. If he wants to run for an elected office and win, then so be it, but if he loses, I don't believe that the Democratic Party or the Republican Party has the right, has the moral right, to the people of this state to appoint such a high office as we are talking about today, the secretary of state.

I have the greatest respect for our present Secretary of State. In fact, if he were a candidate for Governor, I am sure that I could support him very easily, and I am a Republican. We are not talking about the person, we are talking about the office.

The other thing that disturbs me about the Secretary of State not being elected by the people is that he does not have to answer to the people, he only answers to the party in power in this legislature. That is not the intent or the wishes of the people of Maine.

There are only three states that have our system — ours, Tennessee and New Hampshire. I think it is old, it is outdated, it is gone. It is just like the presidential primary. I don't believe the people of this state want a few people deciding who are going to be the delegates and how they are going to vote. I don't believe the people of Maine want the President of the Senate to be elected if death should occur to our Governor. The President of the Senate was not elected by the majority of the people of this state, he was only elected in one district. These are the things that bother me about our present system, and I think that I have been in politics long enough to know and to realize that there are many people in this House and in the other body who do not want to change the political system. I think that many times they would like to have a say in the political bargaining process.

This is a good bill this afternoon, and the big, important part that Committee Amendment "A" will do is that in the event of the death of a Governor, he will be the Governor; consequently, there is not too much that can be said because he will be elected by the people. I am sure that in this age when we are living where so many people are so down on elected officials, I think that this would be one of the right steps in the right direction. I am not saying it is a perfect step and I am not saying that this bill will have all the answers or all the decisions that we would like to make right, but I think it is a right step, because as we go back to our constituents and we tell them what we have done and what we haven't done, I think they are filled with many doubts and fears as to just what we have done. I think that if we pass this bill this afternoon, we move it along and we see what happens, we can always say, I suppose, well, we did what was right and the other body did what was wrong. It is not something that we are all going to get upset over today, we are not all going to work hard probably, but it will come back, it will be here next session, if not by myself and Mrs. Beaulieu, it will be by someone else, because the political system has got to put faith back into the people. The people don't have to put faith in the political system; they trusted

it. Now we have got to put it back to the people.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Windham, Mr. Diamond, that the Minority "Ought to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Beaulieu, Bennett, Benoit, Berube, Blodgett, Boudreau, A.: Carey, Carroll, Carter, D.: Clark, Cox, Cunningham, Curran, Dexter, Diamond, Dow, Drinkwater, Durgin, Goodwin, K.: Henderson, Howe, Kilcoyne, Laffin, LaPlante, Littlefield, Locke, Lougee, Lynch, MacEachern, Mackel, Masterman, McBreairty, McHenry, Nadeau, Prescott, Raymond, Rollins, Smith, Strout, Tarr, Theriault, Truman, Valentine, Wood.

NAY — Aloupis, Ault, Bachrach, Bagley, Berry, Biron, Birt, Boudreau, P.: Brennerman, Brown, K. L.: Brown, K. C.: Bunker, Burns, Bustin, Carrier, Carter, F.: Chonko, Churchill, Connors, Connolly, Cote, Davies, Dudley, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gauthier, Gill, Gillis, Goodwin, H.: Gould, Gray, Green, Greenlaw, Hall, Hickey, Higgins, Hobbins, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Jensen, Joyce, Kane, Kany, Kelleher, Lewis, Lunt, Mahany, Marshall, Masterton, McKean, McMahon, McPherson, Mills, Mitchell, Morton, Najarian, Nelson, M.: Nelson, N.: Norris, Palmer, Pearson, Peltier, Perkins, Peterson, Plourde, Post, Quinn, Rideout, Sewall, Shute, Silsby, Spencer, Sprowl, Stubbs, Talbot, Tarbell, Teague, Tierney, Torrey, Tozier, Twitchell, Tyndale, Whittemore, Wilfong.

ABSENT — Austin, Devoe, Dutremble, Jacques, Jalbert, Kerry, LeBlanc, Lizotte, Martin, A.: Maxwell, Moody, Peakes, Stover, Trafton, Wyman.

Yes, 44; No, 91; Absent, 15.

The SPEAKER: Forty-four having voted in the affirmative and ninety-one in the negative, with fifteen being absent, the motion does not prevail.

Thereupon, Majority "Ought Not to Pass" Report was accepted.

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

Mr. CHURCHILL: Mr. Speaker, I move to reconsider and hope that you will all vote against me.

The SPEAKER: The gentleman from Orland, Mr. Churchill, moves that the House reconsider its action whereby the Majority "Ought Not to Pass" Report was accepted. All those in favor of reconsideration will say yes; those opposed will say no.

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

Sent up for concurrence.

On motion of Mr. Garsoe of Cumberland, by unanimous consent, the House voted to take the twenty-eighth tabled and today assigned matter out of order:

"An Act to Improve the Administration of the State's Merit System." (Emergency) (H. P. 239) (L. D. 398) (H. "A" H-608)

Tabled — June 20, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Passage to be Enacted.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate this courtesy and I want you to know that it is not a ploy to take advantage of any circumstances but rather the fact that I wanted to say a blessing over this little jewel before it goes, and I am going to be away from five-thirty this evening, so, again, I do want you to know that I appreciate this.

I don't expect to stay its passage, but briefly I do want to put on the record a few facts concerning this piece of legislation.

As we have been told, we made a mistake last year in the bargain that was put together to implement the Hay Plan and the attendant changes in the matters of compensating and classifying our state employees. I think we would be making a great mistake to pass this piece of legislation here today.

I want to point out that this was a bargain, that the Governor was right in the middle of it, that the Governor was dragged at least 20 degrees off his course by the negotiations that were ongoing to finally reach the magic number necessary to implement this combination. I would like to point out to you that where I think we are making a mistake today is that this bargain involved increasing the mileage paid state employees, a bonus payment for state employees, a guaranteed minimum increase to all state employees, the compression of the pay grade steps so that steps that formerly took 15 years to accomplish are now reached in 7½ years. On the other side of the coin, we had the 10 percent maximum. No employee, regardless of his move, was to receive over a 10 percent increase, and, as I say, it was put together. Now we are seeing an effort to pull the string on one aspect of this.

The double damage that occurs is that in the compression of those steps that I referred to earlier where it took 15 years for an individual to progress through the steps in his particular pay grade, something over 50 percent of the state employees were eligible for merit increases. By virtue of this compression, we now find over 90 percent of the state employees eligible for merit increases. When you undo one aspect of this bargain and make it retroactive, you are bound to have a fiscal impact that was much greater than the consequential savings that were effected when 60/40 went into effect. I think the only even-handed approach would be that we be given the opportunity to negate the whole ball of wax, and we are not. We are being asked to take out this one aspect of it.

I guess that is all I wanted to say, is that I think we are making a mistake. I ask you to consider these aspects that I think are important. This was a carefully and painfully worked out arrangement. What you are being faced with today seems to me to be saying that you are saying we cannot implement, we cannot make it function, that a merit system can be a viable alternative in state government.

I know the horror stories that you have heard; I have heard them too. In every instance that I have been given specifics, I have taken it to the Personnel Department and asked them to run them down and agree, there have been misapplications of this. There have been injuries done to individuals, but I measure a sincere effort on the part of the Governor and his personnel people to upgrade the people who are charged with the responsibility of administering this. I don't think we are giving it a fair chance.

Mr. Speaker, I would formally like to inquire or bring to the Chair's attention that I feel there needs to be a fiscal note on this measure. I don't believe there is one at this point. I would like to leave that with you and I would ask that when the vote is taken, it be taken by the yeas and nays.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: Some of you will recall this morning that I spoke in favor of the Governor's bill dealing with life insurance reform, and in doing so hopefully picked up a few credibility chips with the corner office. I am about to dispel any suggestion which may have crept into your mind that I have taken leave of my senses and I will return to my accustomed philosophical position.

I oppose Mr. Garsoe on so many points that I barely know where to begin. I am opposed, fundamentally, to the concept of merit pay in

public employment. I feel it is absolutely inherently impossible to administer. The only point which I would like to leave with you is that even if you believe in merit pay and even if you believe that the managers in state government should be making the determination that someone, because he does a better job should get a bonus, then our current laws do not lead toward that end. 60/40, in and of itself, is destructive to the philosophy of merit pay.

If I am an employer or if I am a manager and I have people working for me and they are doing a commendable job, then those people should get merit pay. To introduce an arbitrary limitation that only 60 percent of those people can get merit pay, no matter how good a job or no matter how poor a job they can do, flies in the face of common sense and good reason.

This bill — and it takes us back to those rather emotional times last year when we dealt with this issue — would return state employees to the position they were in before the Hay Report and the Hay Compromise was adopted. I urge you to vote for this bill. It would allow those people in mid-management and management positions in state government to give merit pay to all of those employees, not just 60 percent, but all of those employees who truly deserve it. For those who believe in the merit pay system, I urge you, too, to join with us in enacting this piece of legislation.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to support the passage of this bill. I was a member of the last session of the legislature when the Hay Report was before us. I thought it was a bad deal for state employees at the time. I think the reactions of this legislature to the position where this bill is now indicates, in fact, that we operated in poor faith in dealing with state employees on the 60/40 merit implementation that came before this body. I never did vote for it. I am delighted to be a member of this body here this afternoon to see us repeal a program that even when people came from the Governor's Office before this body the last session of the legislature trying to sell it, in fact they never really did a good job. I think many members of this legislature who were here two years ago who voted for it, whether they are reluctantly now speaking against the Hay Report, they can see that they made a mistake.

The report from the committee was overwhelming in support of repeal. I can understand the frustrations of the good gentleman from Cumberland. I think in this particular issue, he is not in the ball park. He was a strong supporter of the Hay Report two years ago; I was in opposition to it, as were some of the sponsors of the bill this particular session. I urge you, when the roll call is taken, that you do vote in good faith in dealing with our state employees to repeal the 60/40.

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

Mr. BUSTIN: Mr. Speaker, Men and Women of the House: I wish that I could say that I was amazed, shocked, stunned and astonished at finding the gentleman in the left-hand corner being an apologist for the Governor on this issue. However, I am just a little bit surprised.

The argument that he advanced would have merit, the argument, that is, which says once you make a bargain, don't try to come back and change that bargain. He knows and we know that the people who were primarily affected by that bargain had no part in the making of it. That is what is wrong with his argument. The 60/40 plan was the most indigestible course in a very unsavory meal that was crammed down the throats of our state workers.

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

Mr. HICKEY: Mr. Speaker, Ladies and