

MAINE STATE LEGISLATURE

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Legislature***

OF THE

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**KENNEBEC JOURNAL
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the first tabled and today assigned matter:

An Act Authorizing Town of Dresden to Vote on Certain Liquor Local Option Questions (H. P. 1494) (L. D. 1937)—In House, passed to be enacted. In Senate, failed passage to be enacted.

Tabled — March 7, by Mr. Mills of Eastport.

Pending — Further consideration.

The SPEAKER: The Chair recognizes the gentleman from Bristol, Mr. Lewis.

Mr. LEWIS: Mr. Speaker and Members of the House: This undoubtedly will be the swan song for this this afternoon. I am going to move that we insist on our previous action and that it be sent forthwith to the Senate.

Thereupon, the House voted to insist.

By unanimous consent, ordered sent forthwith.

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

Bill "An Act Implementing the Reorganization of the Department of Manpower Affairs" (S. P. 779) (L. D. 2058)—In Senate, passed to be engrossed.

Tabled — March 7, by Mrs. Lincoln of Bethel.

Pending — Passage to be engrossed in concurrence.

The SPEAKER: The Chair recognizes the gentlewoman from Bethel, Mrs. Lincoln.

Mrs. LINCOLN: Mr. Speaker and Members of the House: I am opposed to L. D. 2058. The Employment Security Commission's money comes from the employers in this state. One half of one percent of the employer's payroll goes to Washington and is returned to the State to pay for the administrative functions of the Employment Security Commission. The employers also put an average of 2% or more of their payroll into the State Unemployment Compensation fund. The Employment Security Commission has no general fund money.

Another branch in this reorganization will be the existing Department of Labor and Industry, which is a distinct and separate agency of the state government,

and they operate on General Fund money and some federal money.

I see no reason why these two departments can't stay as they now are but if there has to be a change then let's have the horse before the cart instead of the cart before the horse as it is written in L. D. 2058. Let's have the Commission of Manpower Affairs come from the Department of Labor and Industry and the Bureau Director from the Employment Security Commission.

Attention should be given to the relationships between the Department of Labor and Industry with the Federal Government, Canadian Provinces, and the States. It is a political fact of life that the U.S. Secretary of Labor, the Ministers of Labor of the Canadian Provinces, or the Administrators of State Labor Departments would consult and confer with a lowly Bureau Director. It has been an advantage to the State to have direct communications with the Secretary of Labor and the other agency heads and, because of this relationship they have been able to protect Maine's interest in many instances when Federal versus State control have been the issue.

In the U.S. Department, the Labor Manpower Commission is under the jurisdiction of an Under Secretary and the lines of communication would be through that channel rather than directly with the Secretary. This is not to say that such lines with the Secretary could not be established by the Commissioner of Manpower Affairs, but it would take time to establish the relationships that the Department of Labor and Industry has had during the past twenty-five years.

I see this bill as a real threat to the excellent occupational safety program in which the Department of Labor and Industry is now involved. In the field of safety, Commissioner Martin has, I believe, a smooth working team. This is not the time to change the organization. I see a real threat to Maine workers and employers both, if the safety and other worthwhile programs are to be slowed down and we lose some of our top state employees.

I would like to quote to you from a Greek philosopher, written

in 210 B.C. "I was to learn later in life that we tend to meet any new situation by reorganizing, and a wonderful method it can be for creating the illusion of progress while producing confusion, inefficiency, and demoralization."

I now move the indefinite postponement of L. D. 2058.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker and Members of the House: I think the members of the State Government Committee and many other members of the Legislature are as conversant or more conversant than I am of the general benefits to be derived from reorganization, so I shall not bore you with that this afternoon.

But on the particular bill before you, you are combining two now existing departments as the gentle lady from Bethel, Mrs. Lincoln has stated. The Employment Security Commission, which has very roughly, if my memory serves me right, some 500 or 600 employees and the Department of Labor and Industry which has about 25 or 30 employees.

Now, if to suggest that in a consolidation between these two departments, as I understand Mrs. Lincoln to have, that the commissioner of the department which has 25 employees should be over both departments, including the one that has 500 or 600 employees, I truly think that that is putting the cart before the horse rather than the other way around.

I know that we are not engaging in personalities in this debate, we are not talking about the merits or lack of them, the current people serving in these offices, in my opinion, they are both excellent people both doing a good job. And it had been my impression, although I didn't ask for a direct statement from either of them, it had been my impression that both of these people were very happy and willing to go along with the reorganization.

I can recall conversations where they talked about the benefits in research — the consolidation of research functions between these two things. There is no problem at

all with the special federal funds that comes into the Employment Security Commission under this bill; that has been taken care of. So, again it is a question of whether you really want to do something about reorganization in a relatively important department or whether you want to leave it the way it is. But you are dealing with two departments here and I think they are logical departments to consolidate. Both are concerned with working people at their jobs.

I think if we try to coordinate certain functions regarding public relations, and particularly in a statistical area, we will be able to do a better job for, hopefully, a little less money.

Mr. Speaker, when the vote is taken on the motion for indefinite postponement, I ask that it be by the yeas and nays.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I was thinking today that if I, as a member of the Special Select Committee on Reorganization and as a member of the State Government Committee had \$10 for every time I heard a particular phrase, I could leave this session and not have to work again for awhile.

And that phrase was issued by most bureaucrats who came before our committee, and said, "I want you to know that we are in favor of state government reorganization. However, we don't think it should apply to us." Even so, in hearing this particular bill, this was the only time that someone came in and said, "I have no opposition to it," and this is not a direct quote, it is in effect, "As long as I am the chairman of it and not the person who has been appointed in the interim."

I suggest to you this afternoon that this is just exactly where we are at in this bill. There is no threat whatsoever to occupational safety or the Maine workers. One of the chief advantages is the consolidation of the research function that Mr. McTeague has mentioned.

So, I would urge the members of

this body to vote against the pending motion.

The SPEAKER: The Chair recognizes the gentleman from Chelsea, Mr. Shaw.

Mr. SHAW: Mr. Speaker, Members of the House: I might get involved in these bills. They are not all black and white, there are an awful lot of things that enter into them that when we start in, we don't know were there. For instance, originally, when this Manpower bill was set up, the Unemployment fund and the Employment Security were divided and the Employment Security was put in the Manpower and the Unemployment fund was left out.

We got a letter from the Boston office. The Labor Department took rather violent exception to this. They quoted a number of laws, a number of rules and regulations. Federal monies would be spent when we got state monies involved with these federal monies, why there was going to be a very close accounting of this

When computer time was used, we had to prove how much the value of the computer time being used for other areas that would be charged off. Now Employment Security has a computer. They were supposed to have a new one put in because the one they have isn't quite big enough. Lately, they have been hiring space on the state computer and if they, under this reorganization, should start in taking Labor Department matters and moving them back onto their computer while renting space from the state computer, I think things are going to be fairly mixed up before we are done.

I have here a listing of the Unemployment Security fund, Unemployment fund. It looks to me like it is in quite a lot of trouble. In 1969, it was \$45.5 million. In 1970, it was down to \$38.9 million; 1971 it was \$21.4 million; February 11, it was \$18 million. Now this thing is decreasing rapidly. Once it goes below \$15 million, it means that every employer in the state is going to get stuck with another increase in their Unemployment tax.

In fact, I have heard some estimates that by the end of this year, there won't be any Unemployment

fund, it will be completely wiped out. That means that we will be coming back here and raising the rates on employers to pick up the money to pay for the unemployment checks that go out.

I asked for a report from the department down there on the Employment Security Division. The Employment Security's purpose is to find jobs for people who are collecting checks from the Unemployment fund. I wanted them to find me a check on that, they sent us up three years. Every year for the past three years they have found fewer jobs for people that they were looking for jobs for. Right now, they are running somewhere in the neighborhood of 28 programs to find jobs for people; the more programs they put on, the less jobs they seem to find.

Well, I think there is quite a lot in this Division that should be looked into.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker, Members of the House: We apparently have gone a little bit broad beyond the field of reorganization but in order, at least, that those who might tend to agree with me are not subject to any possible confusion.

Sure the fund has gone down, the fund has gone down because you have got a national recession. And certainly, Mr. Shaw, they are finding fewer jobs because there are fewer jobs to find. But all the more reason that we should make government more efficient and more responsive to the needs of the people and all the more reason that the new regulations administered by the Labor and Industry Department in the area of safety should be administered both with an eye to safety and with an eye not to costing anyone their job. All the more reason to coordinate it.

The figures have gone down, they have gone because of a national economic situation. It has happened in every state in the country. And the ability of the Employment Security Commission to find jobs measured by the number of jobs they have found, I agree has also gone down for exactly the same reason. And I

would respectfully submit that either one of those factors hasn't one whit to do with the bill before you. What you are talking about is a rather mundane area of reorganization.

You are talking about two departments that both engage in a lot of statistical studies. You are talking about saving a little bit of money and avoiding some duplication.

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, I wonder if the Clerk could read us the committee report on the bill.

Thereupon, the Clerk read the Report of the Committee.

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: It is obvious to me that this was a unanimous report from the committee. And it seems to me that it had no problems, obviously, previous to this time. I am somewhat surprised to see the gentleman from Chelsea, Mr. Shaw, now opposing this since I am sure he was both a member of the Select Committee and also of the State Government Committee.

I certainly hope that you vote against the motion that was presented by the gentlewoman from Bethel, Mrs. Lincoln.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Dyar.

Mr. DYAR: Mr. Speaker, Members of the House: It seems highly irresponsible to me to take an active department that is doing its job with 25 employees, and through a shotgun wedding force it into a department with 500 employees.

I would like to point out to the gentleman from Brunswick, Mr. McTeague, that it is very hard for an employer in a small business to hire a person who is unemployed at the present time, at \$1.80 or \$2.00 an hour when they can get \$61 a week to stay home.

The SPEAKER: The yeas and nays have 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 members desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentlewoman from Bethel, Mrs. Lincoln that Bill "An Act Implementing the Reorganization of the Department of Manpower Affairs," Senate Paper 779, L. D. 2058, be indefinitely postponed. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEAS — Ault, Bailey, Baker, Barnes, Bartlett, Bedard, Berry, G. W.; Birt, Bragdon, Brawn, Brown, Bunker, Carey, Churchill, Clark, Cottrell, Curtis, A. P.; Donaghy, Dyar, Emery, D. F.; Evans, Finemore, Good, Hall, Hardy, Haskell, Hawkens, Henley, Hewes, Immonen, Kelley, K. F.; Kelley, R. P.; Lee, Lewin, Lewis, Lincoln, Littlefield, MacLeod, Maddox, McCormick, Millett, Mosher, Murchison, Page, Parks, Payson, Porter, Pratt, Rand, Rollins, Ross, Scott, Shaw, Sheltra, Simpson, L. E.; Stillings, White, Wight, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

NAYS — Albert, Bernier, Berry, P. P.; Berube, Binnette, Bither, Boudreau, Bourgoin, Bustin, Call, Carter, Clemente, Collins, Conley, Cooney, Cote, Cummings, Curran, Curtis, T. S., Jr.; Cyr, Dam, Dow, Doyle, Dudley, Farrington, Faucher, Fecteau, Fraser, Gagnon, Gill, Goodwin, Hancock, Herrick, Hodgdon, Jalbert, Jutras, Kelleher, Kelley, P. S.; Keyte, Lawry, Lebel, Lizotte, Lucas, Lund, Lynch, Mahany, Manchester, Marsh, Marstaller, Martin, McCloskey, McKinnon, McTeague, Mills, Morrell, Murray, Norris, O'Brien, Orestis, Pontbriand, Shute, Silverman, Simpson, T. R.; Slane, Smith, D. M.; Susi, Tanguay, Theriault, Tyndale, Vincent, Wheeler, Whitson.

ABSENT — Carrier, Crosby, Drigotas, Emery, E. M.; Gauthier, Genest, Hayes, Kilroy, Lessard,

McNally, Rocheleau, Santoro, Smith, E. H.; Trask, Webber, Whitzell.

Yes, 62; No, 72; Absent, 16.

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

Thereupon, the Bill was passed to be engrossed in concurrence and sent to the Senate.

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

An Act Implementing the Reorganization of the Department of Finance and Administration (H. P. 1546) (L. D. 2002)

Tabled — March 7, by Mr. Cote of Lewiston.

Pending—Passage to be enacted.

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, I move that the rules be suspended for the purpose of reconsideration.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin moves that the rules be suspended for the purpose of reconsideration. Is there objection from any member that the rules be suspended?

Mr. DONAGHY of Lubec: Objection.

The SPEAKER: The Chair hears objection. The Chair will order a vote, a two-thirds affirmative vote is required for the suspension of the rules. All members in favor of the rules being suspended will vote yes; those opposed will vote no.

A vote of the House was taken.

70 voted in the affirmative and 61 voted in the negative.

Thereupon, Mr. Martin of Eagle Lake requested a roll call.

The SPEAKER: The yeas and nays have been requested on suspension of the rules. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting.

For what purpose does the gentleman arise?

Mr. JALBERT of Lewiston: Is the item debatable?

The SPEAKER: The Chair understands the gentleman, it is not debatable.

All members desiring a roll call will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin, that the rules be suspended. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Albert, Bedard, Bernier, Berry, P. P.; Berube, Binnette, Boudreau, Bourgoin, Bustin, Call, Carey, Carter, Clemente, Collins, Conley, Cooney, Cote, Cottrell, Curran, Cyr, Dam, Dow, Doyle, Dyar, Farrington, Faucher, Fecteau, Fraser, Gagnon, Good, Goodwin, Hancock, Henley, Herrick, Jalbert, Jutras, Kelleher, Kelley, P. S.; Keyte, Lawry, Lebel, Lizotte, Lucas, Lund, Lynch, Mahany, Manchester, Marsh, Martin, McCloskey, McCormick, McKinnon, McTeague, Millett, Mills, Morrell, Murray, Norris, O'Brien, Orestis, Pontbriand, Sheltra, Shute, Slane, Smith, D. M.; Susi, Tanguay, Theriault, Vincent, Wheeler, Whitson.

NAY — Ault, Bailey, Baker, Barnes, Bartlett, Berry, G. W.; Birt, Bither, Bragdon, Brawn, Brown, Bunker, Churchill, Clark, Cummings, Curtis, A. P.; Curtis, T. S., Jr.; Donaghy, Dudley, Emery, D. F.; Evans, Finemore, Gill, Hall, Hardy, Haskell, Hawkens, Hewes, Hodgdon, Immonen, Kelley, K. F.; Kelley, R. P.; Lee, Lewin, Lewis, Lincoln, Littlefield, MacLeod, Maddox, Marstaller, Mosher, Murchison, Page, Parks, Payson, Porter, Pratt, Rand, Rollins, Ross, Scott, Shaw, Silverman, Simpson, L. E.; Simpson, T. R.; Stillings, Tyndale, White, Wight, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

ABSENT — Carrier, Crosby, Driogotas, Emery, E. M.; Gauthier, Genest, Hayes, Kilroy, Lessard, McNally, Rocheleau, Santoro,