

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

One Hundred and Seventh Legislature

(First Special Session)

OF THE

STATE OF MAINE

1976

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Thursday, February 19, 1976

Senate called to order by the President.
Prayer by the Rev. Barry Fearon, First Baptist Church, West Gardiner:

Let us pray. Our Father and our God, to whom we shall someday have to give an account for the lives that we have lived, and to whom we now live and move and have our being, we give thanks and praise unto Thee because we are subject unto you and you have provided graciously for our means. And we thank you as a nation today that we can realize that you have been bountiful toward us. You have given us many things to be thankful for. And as we contemplate your goodness to us, we realize that we have something to give back. We pray today that we might be subject to you and to your spirit. We know that as a nation, they that call upon Thee, you will give your blessings. You have been good to us, and now, Lord, we owe you, and we pray today that this body of lawmakers shall be subject to the higher power, that as they represent the people of this state they shall have you in mind as well as the people. We pray today your special wisdom upon their decisions, the laws that they enact, and the decisions that they make concerning the laws of this state. We pray now, you have your way, in the name of Christ our Saviour. Amen.

Reading of the Journal of yesterday.

Papers from the House

Out of order and under suspension of the rules, the Senate voted to take up the following:

**Joint Order
STATE OF MAINE**

In the Year of Our Lord One Thousand Nine Hundred and Seventy-six.

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Charlene Harrington Maine Apple Queen for 1976

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 2054)

Comes from the House. Read and Passed.

Which was Read and Passed in concurrence.

The PRESIDENT: The Chair is very pleased to welcome in the rear of the chamber this morning Charlene Harrington, who is Maine Apple Queen for 1976. Charlene is a Senior at Monmouth Academy. She is seventeen years old, and is the guest here this morning of the Senator from Kennebec, Senator Speers. The Chair would be very pleased if Charlene would accompany the Sergeant-at-Arms to the front of the

chamber and address the Senate. We would be glad to hear from you, Charlene.

Thereupon, the Sergeant-at-Arms escorted Miss Harrington to the restrum, where she addressed the Senate as follows:

Miss HARRINGTON: I am very honored to be here this morning. I just want to say that I hope I can do a good job. I am going to try my best to represent the Pomological Society in the State of Maine as I travel throughout the state.

The PRESIDENT: Thank you very much, Charlene.

Thereupon, the Sergeant-at-Arms escorted Miss Harrington from the rostrum to the rear of the chamber, amid the applause of the Senate, the members rising.

(Off Record Remarks)

**Papers from the House
Non-concurrent Matter**

Bill, "An Act Relating to Fiscal Year Transitions for Municipalities." (H. P. 1833) (L. D. 1998)

In the House February 6, 1976, Passed to be Engrossed as Amended by Committee Amendment "A" (H-871).

In the Senate February 13, 1976, Passed to be Engrossed, in non-concurrence.

Comes from the House, that Body having Insisted.

On motion by Mr. Speers of Kennebec, the Senate voted to Adhere.

**Joint Resolution
STATE OF MAINE**

In the Year of Our Lord One Thousand Nine Hundred and Seventy-six.

IN MEMORIAM

Having Learned of the Death of Robert Laycock Member of the Maine National Guard

The Senate and House of Representatives of the State of Maine do hereby extend their sincere heartfelt condolences and sympathy to the bereaved family and friends of the deceased; and further

While duly assembled in session at the State Capitol in Augusta under the Constitution and Laws of the State of Maine, do herein direct that this official expression of sorrow be forthwith sent to the family of the deceased on behalf of the Legislature and the people of the State of Maine. (H. P. 2049)

Comes from the House. Read and Adopted.

Which was Read and Adopted in concurrence.

STATE OF MAINE

In the Year of Our Lord One Thousand Nine Hundred and Seventy-six.

IN MEMORIAM

Having Learned of the Death of Carl Emery Rhoades of Lyman, Maine

The Senate and House of Representatives of the State of Maine do hereby extend their sincere heartfelt condolences and sympathy to the bereaved

family and friends of the deceased; and further

While duly assembled in session at the State Capitol in Augusta under the Constitution and Laws of the State of Maine, do herein direct that this official expression of sorrow be forthwith sent to the family of the deceased on behalf of the Legislature and the people of the State of Maine. (H. P. 2050)

Comes from the House. Read and Adopted.

Which was Read and Adopted in concurrence.

Joint Order

ORDERED, the Senate concurring, that the Joint Standing Committee on State Government is directed to report out a bill authorizing legislative review and suspension of proposed and existing administrative rules and regulations. (H. P. 2048)

Comes from the House, Read and Passed.

Which was Read.

On motion by Mr. Speers of Kennebec, tabled and Tomorrow Assigned, pending Passage.

**Joint Order
STATE OF MAINE**

In the Year of Our Lord One Thousand Nine Hundred and Seventy-six.

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of the Deering High School Band Which Has Been Selected to March in the Cherry Blossom Parade in our Nation's Capital on April 10, 1976

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 2047)

Comes from the House. Read and Passed.

Which was Read and Passed in concurrence.

**House Papers
Legal Affairs**

Bill, "An Act to Clarify the Authority of the National Guard in Providing Emergency Medical Services." (H. P. 2051) (L. D. 2226)

Comes from the House referred to the Committee on Legal Affairs and Ordered Printed.

Which was referred to the Committee on Legal Affairs and Ordered Printed in concurrence.

Study Report — Judiciary

The Committee on Judiciary to which was referred the study relative to the 14th Amendment of the Constitution, pursuant to H. P. 1765 of the 107th Legislature, have had the same under consideration and ask leave to submit its findings and to report

that the accompanying Bill, "An Act to Conform Certain Maine Statutes to the 14th Amendment of the Constitution of the United States to Title VII of the United States Civil Rights Act of 1964, as Amended in 1972, and to the Maine Human Rights Act" (H. P. 2052) (L. D. 2219) be referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

Comes from the House, the report Read and Accepted and the Bill referred to the Committee on Judiciary.

Which report was Read and Accepted and the Bill referred to the Committee on Judiciary in concurrence.

Communications

STATE OF MAINE

Maine State Retirement System
Augusta, Maine 04333

Honorable James B. Longley

Governor of Maine

State House, Augusta

Members, 107th Legislature

Dear Governor Longley and Members of the Legislature:

In accordance with the provisions of 5 M.R.S.A. Section 1005, the Trustees of the Maine State Retirement System herewith submit an annual report and review of the financial condition of the System for the fiscal year ending June 30, 1975. Also included are reports of the Actuary, the Executive Director, the Investment Consultant, and the Group Life Insurance Underwriter.

The System is administered by a Board of Trustees — seven in number: three members appointed by the Governor with the advice and consent of the Council; one member elected by the Maine Teachers' Association; one member elected by the Maine State Employees Association; one member appointed by the governing body of the Maine Municipal Association; one member, who is a recipient of a retirement allowance through the Maine State Retirement System, selected by the foregoing members of the Board.

Of continuing concern to the Board is the status of funding for the "non-contributory" teacher group. After an actuarial review of this situation, the Board voted to request funding through the Executive and Legislative Budgets; however, in both the Executive and Legislative Budgets this item was deleted.

Steps were taken during the year to strengthen the System's investment performance which resulted in the release of one investment manager, and a review has been started for the purpose of determining the type of managers and investment mix which will be employed. Subsequent to the close of the fiscal year, the Board did employ Massachusetts Financial Services, Inc. to manage a segment of the bond portfolio which heretofore had been managed by the Standard & Poor's InterCapital, Inc.

The Board of Trustees gives the highest attention to the management of the System's investments. Quarterly performance measurement reports are reviewed by the Board in detail with the investment evaluation representatives, and semiannual meetings are held with portfolio managers of the several segments of the fund, at which time the past performances are reviewed and the managers' investment strategies are explained.

The Trustees employed an independent actuarial firm (Towers, Perrin, Forster &

Crosby, Inc.) for the purpose of reviewing the funding adequacy and the actuarial assumptions, which are presently being used for the System. This study and review was still in progress as of June 30, 1975.

Very truly yours,

Signed:

WILLIAM G. BLODGETT

Executive Director

For: Board of Trustees,

Maine State Retirement System

Which was Read and with accompanying papers Ordered Placed on File.

Senate Papers

Study Report — Public Utilities

Mrs. Cummings for the Committee on Public Utilities to which was referred the study relative to regulation and rate control of sewer utilities, pursuant to S. P. 540 of the 107th Legislature, have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill, "An Act to Regulate Sewer Utilities" (S. P. 707) (L. D. 2229) be referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

Which report was Read and Accepted and the Bill referred to the Committee on Public Utilities.

Sent down for concurrence.

Orders

On motion by Mr. O'Leary of Oxford,
STATE OF MAINE

In Senate February 19, 1976

WHEREAS, certain municipalities and plantations have expressed dissatisfaction with the Maine Forestry District Tax which is levied to fund fire protection within the Maine Forestry District; and

WHEREAS, this dissatisfaction has caused certain individual municipalities and plantations to withdraw, under enabling legislation, from the Maine Forestry District; and

WHEREAS, a bill, "An Act to Establish the Maine Forestry District Fire Protection Fund," L. D. 2022, which repeals the annual district tax levied on municipalities located within the Maine Forestry District and which lowers the mill rate used to derive the appropriation for unorganized territories from 8½ to 4½ mills, has been introduced into the first special session of the 107th Legislature; and

WHEREAS, funding for forest fire protection in the area of the current Maine Forestry District is a subject of vital concern to this State; now, therefore, be it

ORDERED, the House concurring, that the Joint Standing Committee on Taxation shall conduct a study of possible funding and tax policies which may be used to provide fire protection in the area of the current Maine Forestry District, including current policies and those recommended by L. D. 2022, in order to recommend a set of desirable policies for adoption by the Legislature; and be it further

ORDERED, that the committee shall complete this study no later than October 1, 1976, and submit to the Legislative Council on that date the report of its study and complete and final copies of any proposed legislation recommended by the study. (S. P. 705)

Which was Read.

On motion by Mr. Speers of Kennebec, tabled pending Passage.

Committee Reports

House

Ought to Pass

The Committee on State Government on, Bill, "An Act Concerning Allowances Granted to Indian Representatives During Special Sessions." (H. P. 1921) (L. D. 2109) Reported that the same Ought to Pass.

The Committee on Transportation on, Bill, "An Act Relating to Emergency Lights for Vehicles." (H. P. 1954) (L. D. 2139)

Reported that the same Ought to Pass.

Come from the House, the Bills Passed to be Engrossed.

Which reports were Read and Accepted in concurrence, the Bills Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

The Committee on Legal Affairs on, Bill, "An Act Converting Wallgrass Plantation into the Town of Wallgrass." (H. P. 1822) (L. D. 1983)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-897).

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which report was Read and Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft

The Committee on Health and Institutional Services on, Bill, "An Act Creating the Maine Arthritis Task Force." (H. P. 1854) (L. D. 2028)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Appropriating Funds to the Maine Chapter of the Arthritis Foundation" (H. P. 2042) (L. D. 2216).

Comes from the House the Bill in New Draft Passed to be Engrossed.

Which report was Read and Accepted in concurrence, the Bill in New Draft Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Education on, Bill, "An Act to Return to Local Control of Funding of Public Schools." (H. P. 1915) (L. D. 2101)

Reported that the same Ought Not to Pass.

Signed:

Senators:

KATZ of Kennebec
THOMAS of Kennebec
BERRY of Androscoggin

Representatives:

LYNCH of Livermore Falls
FENLASON of Danforth
BAGLEY of Winthrop
CONNOLLY of Portland
MITCHELL of Vassalboro
INGEGNERI of Bangor
POWELL of Wallgrass

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-873).

Signed:

Representative:

TYNDALE of Kennebunkport

Comes from the House, Bill and

accompanying papers indefinitely postponed.

Which reports were Read.

On motion by Mr. Speers of Kennebec, tabled until later in today's session, pending Acceptance of either Committee Report.

Divided Report

The Majority of the Committee on Education on, Bill, "An Act to Repeal and Replace the Present School Finance Law." (H. P. 1873) (L. D. 2031)

Reported that the same Ought Not to Pass.

Signed:

Senators:

KATZ of Kennebec
THOMAS of Kennebec
BERRY of Androscoggin

Representatives:

TYNDALE of Kennebunkport
FENLASON of Danforth
MITCHELL of Vassalboro
BAGLEY of Winthrop
CONNOLLY of Portland
LYNCH of Livermore Falls
POWELL of Wallagrass
INGEGNERI of Bangor

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Representative:

LEWIS of Auburn

Comes from the House, Failed of Passage to be Engrossed.

Which reports were Read.

On motion by Mr. Speers of Kennebec, tabled until later in today's session, pending Acceptance of Either Committee Report.

Senate

The following Ought Not to Pass report shall be placed in the legislative files without further action pursuant to Rule 17-A of the Joint Rules:

Bill, "An Act to Place the Industrial Accident Commission and the Public Utilities Commission in the Department of Business Regulation." (S. P. 682) (L. D. 2188)

Second Readers

The Committee on Bills in the Second Reading reported the following:

House

Resolution, Proposing an Amendment to the Constitution Allowing the Governor Ten Days to Act on Legislation. (H. P. 1970) (L. D. 2159)

Which was Read a Second Time and Passed to be Engrossed in concurrence.

House — As Amended

Bill, "An Act Concerning the Uniform Processing of Employer Contributions into the Retirement System." (H. P. 1871) (L. D. 2042)

Bill, "An Act to Remove the Maine Criminal Justice Sentencing Institute from the Administrative Supervision of the Judicial Council." (H. P. 1974) (L. D. 2163)

Which were Read a Second Time and Passed to be Engrossed, as Amended, in concurrence.

Enactors

The Committee on Engrossed Bills

reported as truly and strictly engrossed the following:

Emergencies

An Act Extending the Legislative Lifetime and Reporting Deadlines of the Commission on Maine's Future, and Allowing for Expenditures of Previously Appropriated Funds Throughout the Revised Lifetime of the Commission. (H. P. 1916) (L. D. 2104)

An Act to Clarify Provisions Relating to the Town of York School District. (H. P. 1832) (L. D. 1997)

These being emergency measures and having received the affirmative votes of 29 members of the Senate, were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

Orders of the Day

The President laid before the Senate the first tabled and Specially Assigned matter:

Bill, "An Act to Amend the Real Estate Disclosure Law." (S. P. 658) (L. D. 2083)

Tabled — February 17, 1976 by Senator Speers of Kennebec.

Pending — Passage to be Engrossed. (Committee Amendment "A" (S-399).)

Thereupon, the Bill was Passed to be Engrossed.

Sent down for concurrence.

The President laid before the Senate the second tabled and Specially Assigned matter:

House Reports — from the Committee on Natural Resources — Bill, "An Act to Establish the Maine Forestry District Fire Protection Fund." (H. P. 1853) (L. D. 2022) Majority Report — Ought Not to Pass; Minority Report Ought to Pass.

Tabled — February 18, 1976 by Senator O'Leary of Oxford

Pending — Acceptance of Either Report (In the House — Majority Ought Not to Pass Report read and accepted)

On motion by Mr. O'Leary of Oxford, the Majority Ought Not to Pass Report of the Committee was Accepted in concurrence.

The President laid before the Senate the third tabled and Specially Assigned matter:

Bill, "An Act Authorizing the Legislative Council to Accept Grants from Public and Private Agencies (Emergency) (S. P. 672) (L. D. 2143)

Tabled — February 18, 1976 by Senator Speers of Kennebec

Pending — Passage to be Engrossed
Mr. Speers of Kennebec then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-400, was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. SPEERS: Mr. President and Members of the Senate: This particular bill resulted from a deficiency which we discovered during the interim between sessions in the ability of the legislature to accept funds from private foundations such as the Ford Foundation and the Rockefeller Foundation. We have a number of studies that are flying around, of course, that we are engaged in, and there are some indications that one or two of these foundations may be interested in

presenting some funds to conduct those studies.

The bill addresses itself to that deficiency and allows the legislative council to accept funds on behalf of the State of Maine in order to conduct these studies. The amendment which I am offering would make it clear that the council also has the authority to expend those funds on behalf of the people of the State of Maine. I would move its adoption.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "A"?

Thereupon, Senate Amendment "A" was Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

Reconsidered Matter

Mr. Thomas of Kennebec moved that the Senate reconsider its action of yesterday whereby the Majority Ought Not to Pass Report of the Committee was accepted on Bill, "An Act to Allow Certain Mining Operations within the Sandy River and Temple Stream without a Permit from the Commissioner of Inland Fisheries and Wildlife." (H. P. 1885) (L. D. 2063).

Thereupon, on motion by Mr. Speers of Kennebec, tabled and Specially Assigned for February 24, 1976, pending the motion by Mr. Thomas of Kennebec to Reconsider.

(Off Record Remarks)

Papers from the House

Out of order and under suspension of the rules, the Senate voted to take up the following:

Enactors

The Committee on Engrossed Bills report as truly and strictly engrossed the following:

Emergency

An Act Delaying the Effective Date of the Maine Criminal Code in Order to Allow Sufficient Time for Necessary Revisions. (S. P. 704) (L. D. 2227)

This being an emergency measure and having received the affirmative votes of 30 members of the Senate was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

(Off Record Remarks)

On motion by Mr. Speers of Kennebec, Recessed until the sound of the bell.

After Recess

Senate called to order by the President.

The President laid before the Senate the following matter tabled earlier in today's session by Mr. Speers of Kennebec:

House Reports — From the Committee on Education — Bill, "An Act to Return to Local Control of Funding of Public Schools (Emergency)." (H. P. 1915) (L. D. 2101) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass as Amended by Committee Amendment "A" (H-873)

Tabled — February 19, 1976 by Senator Speers of Kennebec for later in the day.

Pending — Acceptance of Either Report. (In the House — Bill and accompanying papers, Indefinitely Postponed).

Mr. Speers of Kennebec moved that the

Bill be Indefinitely Postponed in concurrence.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President and Members of the Senate: Those of us who represent areas where the real property tax levies now impending hit especially hard feel that this bill ought to be retained as a potential fall-back bill and that it ought to be preserved. Therefore, I would ask that when the vote is taken, it be taken by a division.

The PRESIDENT: The Senator from Knox, Senator Collins, requests a division.

The Chair recognizes the Senator from Hancock, Senator McNally.

Mr. McNALLY: Mr. President and Members of the Senate: I want to congratulate the Senators here that don't come from a coastal area. They don't know what you might suffer in having the two largest towns in your area receiving money back from 1994, and all the others being pay-in towns.

Now, I don't always agree with what I read in the papers, but in one newspaper in this state they made the statement that the uniform property tax was what was leading us pretty near to insolvency, and I am afraid that once you come from the coastal areas that is what it is. It is the uniform property tax that is hitting you hard. And this is the only vehicle that does away with the uniform property tax, and I couldn't help from realizing that it would be no good to expect a vote that would preserve the situation whereby you can do away with the uniform property tax, but sure as the world I can't help supporting it after having filled out so many applications for the old age people who sat there with tears in their eyes because they could no longer live in their homesteads, that they must sell them to pay their taxes.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion by the Senator from Kennebec, Senator Speers, that L. D. 2101 and all accompanying papers be indefinitely postponed. A division has been requested. Will all those Senators in favor of indefinite postponement please rise in their places until counted. Those opposed will rise in their places until counted.

A division was had. 24 having voted in the affirmative, and six having voted in the negative, the Bill was Indefinitely Postponed in concurrence.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, having voted on the prevailing side, I move that the Senate reconsider its action whereby it indefinitely postponed this bill, and urge the Senate to vote against the motion.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate reconsider its action whereby this bill was indefinitely postponed. Will all those Senators in favor of reconsideration say "Yes"; those opposed "No".

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

The President laid before the Senate the following matter tabled earlier in today's session by Mr. Speers of Kennebec:

House Reports — From the Committee on Education — Bill, "An Act to Repeal

and Replace the Present School Finance Law." Emergency (H. P. 1873) (L. D. 2031) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass

Tabled February 19, 1976 by Senator Speers of Kennebec for later in the day.

Pending — Acceptance of Either Report. (In the House — Failed of Passage to be Engrossed).

Mr. Speers of Kennebec then moved that the Bill be Indefinitely Postponed in concurrence.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President and Members of the Senate: In supporting this motion I would like to explain some of my misgivings about the direction this bill would take the State of Maine. At every inch of the way I have attempted to accommodate the position of our chief executive and waited with interest knowing that for the first time his answers to the school funding problems of the state would be aired in the specific piece of legislation. I very much like to accommodate this position, but I would like to as an expression of conscience tell you why I cannot.

The Governor's bill is in many senses a simpler piece of legislation. But in the process of seeking simplicity it sacrifices equity, and I would like to tell you specifically chapter and verse some of the weaknesses of the approach. First, the bill has no provisions of local leeway. Local leeway has only one principle objection, and that is to fill the needs of poorer communities who cannot because of a small tax base raise adequate funds for a well-rounded program. When L. D. 1994 was first enacted it was thought that leeway would be used to flush out programs and permit them to move into the same posture as the have communities. Because of inflation it has not necessarily worked out that way at all. Leeway is a life and death mechanism to many poor communities in the state. The Governor's bill does not have any provisions for leeway.

Second, in the existing law there are provisions for the reimbursement for transportation of parochial students. The Governor's bill has not one penny for transporting parochial students. Now this is a very sensitive issue, but the legislature has again and again taken a policy position that we support reimbursement for the transportation of these students.

Next, unusual enrollment. I suspect I have gotten more letters from the Town of Raymond than I have even gotten from Castine, and I have gotten quite a few from Castine. Raymond's problem is very complex, but one of the basic problems in Raymond is that it is one of those communities that is in the process of dynamic growth. Every year the enrollment of their pupils increases, quite to the contrary as the case in Portland where they are in a declining enrollment posture. The Governor does not include any money whatsoever to add some comfort and some dollars to those communities facing substantial financial disruptions because their student body is increasing. To the contrary, the committee action increased the amount of money available for these communities from \$300,000 to \$800,000 because we listened to Raymond, and we believed that the Raymonds of the state have a real problem that the state legislature cannot ignore.

Next, geographic isolation. Well, it is all very well to simplify a bill and say we will pay your community \$1,110 for every high school student you have, but if you are one of the good people that live on Islesboro, it costs you \$2,767 to educate your pupils, and I do not understand that there is any way in the world that the good people of Islesboro can afford to do anything in the nature of secondary education based upon an \$1,110 distribution.

Next, geographic isolation. It is a fact that there are communities in the State, such as Rangeley which is in-land or the island communities which are geographically isolated and cannot combine with other communities to attain any kind of economy of scale. It costs more to educate a youngster in an island community quite apart from the thoughts I mentioned before.

The legislature has again and again said, in recognition of the fact that these communities are isolated, common sense and compassion for their problems indicates that we should have a provision to permit them to run the school system. It is absolutely callous for the legislature to consider "let them do the best they can, let them close their schools if they wish and move off the islands", but the fact is the legislature has said we want to help these geographically isolated communities.

The Governor's bill goes in the direction of a lump sum payment, as I said, and this is a simple, easy to understand procedure. But the lump sum payment has inequities built into it. For example, if you give every community in the state \$1,110 for every high school student, what you are doing is creating financial hardship to every small town in the State of Maine that does not operate its own high school. Automatically, because the cost of tuitioning kids to somebody else's high school exceeds the sum payment that is proposed.

Next, a Town like Auburn, on a lump sum payment, Auburn has below average per pupil cost. Auburn gets — and I am trusting my memory now — a couple of hundred thousand extra as a wind-fall that it doesn't want, doesn't need, hasn't asked for, and if you ask the people in Auburn what they will do with it, they will say we just simply do not know. I found it interesting that the superintendent of schools of Auburn which gets this wind-fall appeared on television and said that he did not favor this approach; and the reason he did not favor it was the lump sum wind-fall to Auburn will lock the City of Auburn into a higher spending posture and subsequently build additional costs onto Auburn which then are going to be caught up with by increasing local taxes.

But the question of why does it cost some schools more to operate than others is a fascinating one. Those who would offer a simplistic solution would say that some schools are more efficient than others, and I wish I could live in the arena of simplistic answers. But the fact is that different size schools and schools in different markets cost more to run. You have heard the superintendent of the Portland Schools tell you that it costs significantly more in his market to hire a teacher than it does, for example, in the town of the good Senator from Washington, Senator Wyman, the Town of Milbridge — a significant difference because the market is different. The clerks make more money working in the stores, the people on the police department make more money, it is a higher cost. And then you find that other

things cost differently in different schools. A small school — and here again we come to the smallest and poorest towns in the state — a small school has no economies that go with size, and it is more expensive to operate these schools. A lump sum payment here again denies the difference of cost between communities.

On that basis, Members of the Senate, and I have spoken as moderately as I can and as factually as I can, as a matter of conscience I cannot support this piece of legislation, and I support the motion for indefinite postponement.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate: I would like to say a few words before we take this vote to avoid any misimpression as to at least what my vote means in supporting the motion of the majority leader, the Senator from Kennebec, Senator Speers.

Although I agree with much of what was said by the Senator from Kennebec, Senator Katz, my vote on this motion is not a vote to kill any specific idea that is found in the Governor's bill, or so-called Governor's bill, the bill sponsored by Representative Lewis. It is instead a bowing to the wishes of leadership that we narrow down the vehicles to one, and I don't think there is any reason why we shouldn't do that. I see nothing to be lost. The issue of whose name appears on the education bill, I submit, is not an honor, but the opposite. I have told Senator Katz before that when I used to campaign as a Democrat, and referred to the educational funding law in the old days as the Katz' bill, my Democratic friends used to take me to task and say you shouldn't give him credit. None of those people today give me the same criticism when I refer to 1994 as the Katz bill. When I served on the Educational Financing Commission, and the day came to put our names on the proposed solutions, I can assure you that I did not jump forward. So I don't think we are doing any harm to any individual by taking them off the great position of honor of being given credit for what we do here as far as educational finance is concerned. No matter how good the solution, I don't think it is going to be a path for the sponsor to great glory in the future. So I have no problem in killing the bill that has been called the Governor's bill, and I don't think the Governor in his wisdom will have any problem with that either.

The fact of the matter is that whatever vehicle we use we are faced with a complex problem. We are faced with making three basic decisions: How much money we are going to raise. And as I understand the present posture of the other bill in the other body, at the present time these two bills are in agreement. Whether or not that will be amended, of course, we don't know.

The second question is how the money is going to be distributed, and the Senator from Kennebec, Senator Katz, has addressed some of the differences in that particular area.

Finally, there is the question that has not been addressed very much yet, and that is how the money is going to be raised.

Those are all three difficult questions. Unfortunately they cannot be separated, because how much we spend over-all affects the position of the communities, and, at least in my mind as one individual Senator, how much we distribute to the communities is directly tied to how much

we take away from their ability to tax themselves by setting the level of the uniform property tax. The less we give them, in my opinion, the lower the uniform tax will have to be to give them the necessary ability to raise the extra money. So they are not separate questions, although they can be addressed separately.

I would like to say a couple of things about the approach, because I have been frustrated watching this go on and on in the House, and I would at least like to be on record as to what I would hope would be done, so that if I, as I hope will not happen, find myself in the posture of having voted against everything, I will at least have the satisfaction of having made a suggestion at the outset.

I have watched what has gone on in the House, and I have a lot of respect for the other body, and I don't mention it here today to influence the debate but to influence our approach. I have a lot of respect for that other body, but unfortunately they haven't reached a solution yet. The problem is it is big, the caucuses have been big and unstructured, and solutions haven't been able to be found in that context so the leadership has tried to put together solutions. The fact of the matter is there is no confidence in the leadership. The most remarkable vote in the legislature so far, and we had better focus on it, is the vote on the compromise the committee put forth, the vote in the House in which 14 members of the House of Representatives indicated that they had confidence in the solution that had been worked out. That was a vote of no confidence, and to put that confidence back together we are going to have to start at the ground and we are going to have to work one on one, and I bring that up to suggest that that had better be the approach in this Senate.

The solution to this problem isn't to have somebody come up with an idea and then have everybody buy it. This problem isn't going to be solved by somebody in leadership coming up with an idea and then telling us to be responsible and to vote for it.

I ask members of this Senate how many members here when they voted for 1452, which all but two of us did, how many of you knew that we had made the decision in that vote and the votes that followed to underfund leeway. We had almost in a premeditated fashion decided to underfund education by five or six million dollars. How many people here knew that is what they were voting, because we are suffering the consequences now. The fact we didn't know is no excuse, or it shouldn't be. If I was a voter, I wouldn't accept it.

Now we are in a position of doing this again, and I think if we are going to put together a compromise that will sell here and sell in the other body, we are going to have to start and we are going to have to go through this item by item, and we are going to have to know what we are voting for. Anybody that thinks there is a short-cut, I think is underestimating the degree to which confidence has been lost by the rank and file, and I am not saying that is the result of anybody doing anything that is wrong, but I am merely stating a condition that has come about.

With the past record in mind, and with that one specific thing only being mentioned, it would be my hope that this body, which is controlled by the other party, would prove that we acted wisely earlier on in the regular session when we

defeated the idea of Senator Clifford to do away with two houses, that we would prove we acted wisely in making that decision, take advantage of the small numbers here and put together a real compromise, and then take that forth to the House and sell it there. I think the Senate has a chance to cover itself with honor, and I hope it isn't missed by a misunderstanding of the political situation we find ourselves in.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: I am very appreciative of the good Senator from Cumberland, Senator Merrill, for the remarks he has made regarding the reasons for the motion to indefinitely postpone this particular bill. He is quite correct, and it should be stated for the record that there is another bill that is being considered by the other body, and that that bill will be before us and will be available for amendment, for any approaches that any member of this body may wish to take at that time. For that reason, the motion is being made to clear the process of the several suggestions on education funding that have been before this body, before the other body, since the inception of this particular special session.

I must take some exception, however, to some of the remarks made by the good Senator regarding the position of leadership in this matter. I am very disappointed in the Senator if he felt that he came to this body looking to leadership for the answers that would be provided to this extremely complex and difficult issue, an issue on which almost every member of the legislature, 184 members, have a different idea and a different concept. If the good Senator felt that leadership was any more omniscient than any other particular individual member of this body, or of the other body as well, then he certainly would be disappointed in the provisions and the suggestions that have been made as possible solutions and alternatives to the problem that we are faced with at the present time. I am sure the good Senator did not mean to imply that he came here looking to leadership to point the way.

The position of leadership and the responsibilities of leadership in this matter have been to provide a method and a procedure by which these items can be discussed and hopefully by which some common ground may be found. That has been the reasons for the many, many caucuses that have been held to discuss these issues, and the reason for those caucuses has been to garner information and ideas from the membership of this body and from the membership of the other body to see if there could be some common ground on which we can all agree.

I do wish to thank the good Senator for pointing out the reasons for these procedural motions on these particular bills this morning. I wish to assure him and the other members of this body that there is no attempt in any way, shape or form on the part of leadership to come up with one answer that leadership decides is the one answer and to push that one through, regardless of the opinions or the desires of any member of the body.

It is a very difficult issue, as I am sure we all recognize, and it is an issue on which there is going to be no one decision that is completely agreeable to everyone. It is something that we are all going to have to

arrive at, or a position that we are going to have to arrive at together, and not in a position of antagonism, so I would move the indefinite postponement of this particular bill.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator McNally.

Mr. McNALLY: Mr. President, not having probably properly studied this bill, and having looked at quite a number of amendments that have been offered on all three bills, I am somewhat confused and I would like to ask the question through the Chair of anybody that may answer, does the block grant, if you wish to call it that, that is in the Governor's bill preclude his attending to special situations, like Raymond, and that Raymond could have only \$1,110 per pupil, or did I understand, either at some meeting that we attended with the Governor or reading some amendment, that there was a million dollars in there for just such things?

The PRESIDENT: The Senator from Hancock, Senator McNally, has posed a question through the chair to any Senator who may care to answer.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, the only million dollars that I can readily identify is the million dollars for emergency disaster type capital construction, in case a school burns down. Now there have been attempts in the other body to amend to include some kind of provision for towns like Raymond, but that which is before us this morning is the original bill, and it is completely a block-grant approach.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President, I would request a division.

The PRESIDENT: A division has been requested. Will all those Senators in favor of the motion of the Senator from Kennebec, Senator Speers, that this bill, L. D. 2031, and all accompanying papers be indefinitely postponed please rise in their places until counted. All those opposed will please rise in their places until counted.

A division was had, 20 having voted in the affirmative, and nine having voted in the negative, the Bill was Indefinitely Postponed in concurrence.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I move the Senate reconsider its action whereby this bill was indefinitely postponed, and urge the Senate to vote against the motion.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate reconsider its action whereby L. D. 2031 was indefinitely postponed. Will all those Senators in favor of reconsideration please say "Yes"; those opposed "No".

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

(Off Record Remarks)

On motion by Mrs. Cummings of Penobscot,

Adjourned until 12 o'clock tomorrow noon.