

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

INDEX

FOURTH CONFIRMATION SESSION

(FIRST CONFIRMATION SESSION – SECOND REGULAR SESSION)

May 31, 1984

INDEX

FIFTH CONFIRMATION SESSION

(SECOND CONFIRMATION SESSION – SECOND REGULAR SESSION)

July 11, 1984

INDEX

THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

INDEX

STATE OF MAINE
 One Hundred and Eleventh Legislature
 Third Special Session
JOURNAL OF THE SENATE
 In Senate Chamber
 Tuesday
 September 11, 1984
 Senate called to Order by the President.

Prayer by Father Mark Oulette of the St. Augustine's Catholic Church of Augusta.

FATHER OUELETTE: Let us pray. Lord God it is You who guides everything with order, it is You who guides everything with love.

As we continue on this day of work we ask You to look upon us and fill us with the spirit of Your wisdom. May we act in accordance with Your will and may we decide always in favor of peace, justice and the well-being of all those entrusted to us.

On this day help us to fulfill our responsibilities worthily and well.

Lord God You know the longings of all our hearts. We ask You to hear our prayer. Amen.

Reading of the Journal of Yesterday.

On motion by Senator PRAY of Penobscot Recessed until the sound of the Bell.

RECESS

AFTER RECESS

Senate called to order by the President.

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

COMMITTEE REPORTS

House

Divided Report

Six Members of the Committee on TAXATION on Bill "An Act to Revise Certain Portions of the Tax Laws Relative to Income Tax Conformity, Sales Taxes, Real Estate Transfer Taxes and Cigarette Taxes" H. P. 1885 L. D. 2485

Report in Report "A" that the same Ought To Pass in New Draft Under New Title Bill "An Act to Revise Certain Portions of the Tax Laws Relative to Income Taxes, Sales Taxes, Real Estate Transfer Taxes and Cigarette Taxes and Increase Revenue Collections" H. P. 1898 L. D. 2494

Signed:

Representatives:

KANE of South Portland
 CASHMAN of Old Town
 ANDREWS of Portland
 HIGGINS of Portland
 KILCOYNE of Gardiner
 McCOLLISTER of Canton

Four Members of the same Committee on the same subject report in Report "B" that the same Ought Not To Pass.

Signed:

Representatives:

MASTERMAN of Milo
 JACKSON of Harrison
 DAY of Westbrook
 INGRAHAM of Houlton

Three Members of the same Committee on the same subject report in Report "C" that same Ought to Pass in New Draft under New Title Bill "An Act to Revise Certain Portions of the Tax Laws Relative to Income Tax Conformity, Sale Taxes, Real Estate Transfer Taxes and Cigarette Taxes and to Increase Revenue Collections" H. P. 1899 L. D. 2495

Signed:

Senators:

WOOD of York
 TWITCHELL of Oxford
 TEAGUE of Somers

Comes from the House with Report "C" Ought to Pass in New Draft under New Title (H. P. 1899) (L. D. 2495) READ and ACCEPTED and the New Draft PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-767) and HOUSE AMENDMENT "C" (H-768).

Which Reports were READ.

On motion by Senator WOOD of York, Report "C" Ought to Pass in New Draft under New Title (H. P. 1899) (L. D. 2495) was ACCEPTED, in concurrence.

House Amendment "B" (H-767) was READ and ADOPTED, in concurrence.

House Amendment "C" (H-768) was READ.

On motion by Senator WOOD of York House Amendment "C" (H-768) was INDEFINITELY POSTPONED, in NON-CONCURRENCE.

THE PRESIDENT: Is it now the pleasure of the Senate that under suspension of the rules, that this Bill be given its Second Reading by Title Only?

It is a vote.

Under suspension of the rules, the Bill READ A SECOND TIME and PASSED TO BE ENGROSSED AS AMENDED, in NON-CONCURRENCE.

Sent down forthwith for concurrence.

On motion by Senator PRAY of Penobscot Recessed until the sound of the Bell

RECESS

AFTER RECESS

Senate was called to Order by the President.

Out of order and under suspension of the rules the Senate voted to consider the following:

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Implement the Recommendations of the Commission on the Status of Education in Maine" H. P. 1895 L. D. 2492

In House September 10, 1984 PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "D" (H-755), "E" (H-757) AND "J" (H-763)

In Senate September 10, 1984 PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "E" (H-757) AND "J" (H-763) in NON CONCURRENCE

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "E" (H-757), "J" (H-763) and "L" (H-769) AS AMENDED BY HOUSE AMENDMENT "A" (H-771) in NON CONCURRENCE

On motion by Senator PRAY of Penobscot the Senate RECEDED and CONCURRED with the House.

Sent forthwith to the Engrossing Department.

(OFF RECORD REMARKS)

On motion by Senator CARPENTER of Aroostook Recessed until the sound of the Bell.

RECESS

AFTER RECESS

Senate called to order by the President.

Under suspension of the rules the Senate voted to consider the following:

COMMITTEE REPORT

House

Ought to Pass

The Committee on TAXATION on Bill "An Act to Ensure the Payment of Taxes due on Watercraft" H. P. 1897 L. D. 2493

Reported that the same Ought to Pass pursuant to Joint Order H. P. 1896

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

THE PRESIDENT: Is it the pleasure of the Senate that under suspension of the rules that this Bill be given its Second Reading at this time by Title Only?

It is a vote.

Under suspension of the Rules, the Bill READ

A SECOND TIME.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Wood.

SENATOR WOOD: Mr. President, I offer Senate Amendment "A" with a filing number of S-447 and move its Adoption.

THE PRESIDENT: The Senator from York, Senator Wood presents Senate Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-447) was READ and ADOPTED.

The Bill was PASSED TO BE ENGROSSED, as Amended, in NON-CONCURRENCE.

Sent down forthwith for concurrence.

On motion by Senator COLLINS of Knox Recessed until the sound of the Bell

RECESS

AFTER RECESS

Senate called to order by the President.

Under suspension of the rules the Senate voted to consider the following:

ENACTOR

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

An Act to Implement the Recommendations of the Commission on the Status of Education in Maine H. P. 1895 L. D. 2492 (H "E" H-757; H "J" H-763; H "A" H-771 to H "L" H-769)

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

SENATOR COLLINS: Mr. President this is the bill that we came here to consider. I compliment the committee folks who have worked so hard on it, and have brought it to this conclusion which I am sure will be successful.

I wish that I could vote for it, because I do support 95% of the provisions of the Bill, but as I said last night I am not satisfied that it has adequate funding, and I am not satisfied that we have done all that we could to relate motivation to the money increases for our teaching professionals.

I hope that what is being attempted here will be successful. I wish the administration, the school boards, and teaching people all over this State the best of success in taking a new view of the importance of education and in lifting our sights throughout the State. Thank you, Mr. President and I request a Roll Call.

THE PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

SENATOR MINKOWSKY: Mr. President and Members of the Senate, upon arriving at Augusta last week, on my way to Augusta, I came across a bumper sticker that somewhat impressed me that I hadn't seen previously. I guess it impressed me for one particular reason that at the national level there is plenty of debate going on between politics and religion. The bumper sticker went this way "God said, it, I believe it, so that is that".

When I arrived in the Statehouse that evening the Governor addressed the joint convention, and I happen to think while listening to our Governor, if Joe said it, I believe it, so that's that.

I then proceeded to attend the public hearings: we had the Appropriation's Committee; we had the Education Committee, and the Taxation Committee. As I started to evaluate and analyze the multitude of issues that are encompassed in the Status of the Education Bill, I became somewhat apprehensive that Joe said it, and I did say I believed it, but towards the end I started to have very serious reservations if we were moving in the right direction in behalf of the people of the State of Maine.

I made a few general inquiries along the lines. Is there going to be a major tax increase in the next session of this Legislature? How much of this tax increase will be given to upgrade the existing educational curriculums and the Department of Education in the State of Maine? If we implement the Status of Educa-

tion recommendations as we have gone through the past six days on, how much more can the people of the State of Maine afford to pay?

I made inquiries with teachers, members of school boards, and some had very serious reservations that they will be relinquishing more powers to a central bureaucracy. Some teachers felt very strongly that the Status of Education Report indicated clearly that in Maine they were doing an adequate job. That the stipend would not address really the internal problems either with the school boards, or the superintendents of these different schools, who sometimes prefer to maintain the status quo in educating children.

We sometimes wonder why children drop out of school. I guess the scenario goes very clearly that they just can't keep up with it; they can't hack it. That anybody would take into consideration that maybe the curriculum is not that well defined and not that intense to allow them to have a challenge to do better, to find a particular lot in life.

I bring this out for one reason, because at one of the education hearings, one of the proponents referred to two decades of drop outs or tune outs. Two decades of drop outs and tune outs! Why do we have drop outs and tune outs? I basically don't blame it on the teachers in the State of Maine for whom I have the highest regard for their abilities in doing an excellent job. As in any profession there are people who leave a great deal to be desired, but in most cases you'll find that those teachers are overburdened with work. They are compelled by school boards as well as by legislatures and are mandated to do many other things than teaching the basics to our children.

I don't see this particular Bill changing that particular status at all. In fact if we sincerely believe in the professionalism of teachers in the State of Maine, we would by all indications fund a bill adequately, and be right up front in addressing it in a major broad based tax, instead of the various and diversified proposals we had before us the last few days, many of which have failed. If any one of you can be satisfied with what we have before us tonight, then God help the State of Maine, because I can't accept exactly what is before us in the final enactment stages.

I think that it was Burton Cross at one of the public hearings when he was addressing that, "we should look at this in a very constructive fashion, that the rising tide after all rises all ships together."

As I mentioned briefly yesterday when we were addressing House Amendment "J", very simply House Amendment "J" put the cart before the horse. We are saying that we are going to have a commission to study this until April of 1985; but this evening you are putting the funding mechanism in, in which to satisfy allegedly the educational needs of the children, and the educational professionals in the State of Maine.

It is the wrong approach and I think that if a poll was taken amongst the people in the State of Maine out there that you would find very clearly that I am not too far off in my assessment.

One more thing Mr. President which, since this is the last day of the session and I may never have another opportunity to speak from the floor of this Body again: a disturbing fact, which is in my estimation presently unresolved, dramatically affects my community in the city of Lewiston. There was an article, whether or not it is correct, whether or not it is taken out of context; it still has been said, people have interpreted it as such, and I have not seen any move on the part of any person to try to resolve it. In the September 6th issue, last Thursday morning of the *Lewiston Daily Sun* on the front page, up front, top, in bold print, the Maine Teachers Association cautioned that, "Standardized statewide tests for students

in the fourth, eighth and eleventh grades might discriminate against the state's Franco-Americans."

Why do we say that the Franco-Americans are being discriminated against? Everybody in that Lewiston school system is not of Franco-American extraction.

The thing that bothers me the most about this article is the person who made the statement, even though there is another point of view that has been projected here today by teachers and by Legislators, has not had the courage of his convictions to come out and say publicly in the same newspaper that he did not make this statement or that it was taken out of context. Until that day arises, I am totally disgusted with the actions of this president of that association in allowing this to stand as it was written. I think that a professional organization should be up front and make it perfectly clear that whoever wrote this article was incorrect. If he did make a statement and it was not as it should have been written, felt that he made a mistake, then he should apologize. If not, I think it is of significant value that the man be taken out of his office as president of the association.

Now let me make this very clear this evening. As a Democratic Senator don't be misled that I am voting against this bill, because maybe the Republicans are not in concurrence with our thinking. I am voting against this bill based upon my evaluation and understanding of the issue before us, and as I see it, it is not in the interest of my community, not in the interest of the people of the State of Maine as a whole. I thank you very much.

THE PRESIDENT: A Roll Call has been requested.

Under the Constitution in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The Chair recognizes the Senator from Kennebec, Senator Kany.

SENATOR KANY: Mr. President and fellow Senators, first of all I would like to say that ordinarily I try to restrict my remarks on the Legislative Record to those in which I am directly involved with in Committees, but this is an historic occasion; and I am delighted to have the opportunity to vote in favor of this historic measure which includes higher standards and greater accountability as well as more State funding for educational purposes.

In addition I wish to commend the Commission on the Status of Education in Maine, including our own Senators, Senator Clark and Senator Hayes, and our own Legislative Education Committee, including Senator Hichens, Senator Clark and Senator Hayes for their recommendations. Their very thoughtful recommendations I might add. Those recommendations are very demanding and very challenging, and I hope will both expand and realize hope for our present and for our future young people. Thank you very much.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Clark.

SENATOR CLARK: Mr. President and Men and Women of the Senate, the good Senator from Androscoggin, Senator Richard Charette in casual conversation expressed to me the concerns that have recently been expressed here on the Record by the Senator from Androscoggin, Senator Carroll Minkowsky.

When Senator Charette, the good Senator from Androscoggin, and I were talking about this issue, I expressed to him my surprise and my dismay that a newspaper in this State would take out of context what was read into the record at a public hearing held at Cushnoc Auditorium at the Augusta Civic Center by the

President of the Maine Teachers Association.

That it has become a matter of public record warrants a response, and I hope that the response is acceptable as well as reasoned. We in public service do not control the media, (wouldn't it be wonderful if sometimes we could?) nor can we control the interpretation of those who are listening and perhaps not following the printed text, as was the case of those members of the Committee on Education who were reading along as the testimony was presented orally. In order to set an issue at rest and perhaps make the good Senator from Androscoggin, Senator Minkowsky happier in this Chamber with this session, which will probably be our last session together as the 111th Maine Legislature, I would share the testimony from my records. I went upstairs this afternoon and got them from the Clerk of the Committee on Education, Patricia Rollins, who is also terminating her service as a Committee Clerk today. As usual that fine and gentle lady provided me, upon my request, immediately with my huge, fat, somewhat disorganized folder, and siphoned it out, and here it is.

We are referring to part D in the Bill which brought us all together and the testimony reads as follows: "A standard statewide educational assessment program measuring reading, writing, oral communications and mathematics, will provide the data necessary to determine the curriculum needs of our students. The information will provide an accurate assessment of what remedial programs are needed and where. Educational programs will become better tailored with resources allocated appropriately."

The Association has two concerns for the program. The test must be designed so that it does not contain a bias which discriminates against a particular group of students. Maine's Franco-American heritage from the St. John Valley to Biddeford-Saco must be considered. The testing should also meet the special interests of our special needs students. We should not be developing curriculum for only part of the spectrum, but for the entire population, from the exceptional child to the gifted and talented child."

I read only two paragraphs of that three paragraph section of the written testimony submitted by the president of that association.

As a result of the concern expressed in that testimony, which meshed neatly with the concern of the testing experts before us, speaking against the statewide assessment program, and which also meshed neatly with the testimony and sentiments expressed by school teachers across the State and curriculum coordinators and school principals and assistant school principals, and not the least of which I should mention the superintendents association and Maine School Management and the Maine Municipal Association, the concerns and individual needs of each youngster in grades four, eight and eleven must be considered in the development of this test.

The Senator from Androscoggin, Senator Minkowsky has suggested that the paper says, "why do we say that Franco-Americans have been discriminated against? And for the Record, men and women of the Senate, I say historically the Franco-American citizens of our state and our country have experienced blatant discrimination; and we must do everything, not only in 1984 to eliminate that discrimination, how ever subtle it may be, but eliminate any form of discrimination for any other ethnic or cultural group in our State as well as our country."

Testing is a sensitive area, and I am pleased and proud that an organization representing teachers can address that sensitive area. It is vitally important that youngsters; who are gifted, and talented, and who are not so positively gifted, and the average, and the vocational, and the academically oriented, and the scientifically oriented, not be discriminated

against.

The newspapers took a sentence out of context and linked it, unfortunately, with nothing other than has been the negative, and suggested that (if I may be so bold as to editorialize) that our Franco-American youngsters who are full fledged Maine and U.S.A. citizens, might need special attention. Some of them might. If this test in its development doesn't address the needs of all of these youngsters of all heritage and culture and ability, and if the administration of this test which was a discussion of many, many hours in duration is not conducted responsively and sensitively, that which is hoped to be gained from this state-wide assessment will be for not.

That there is a segment of our citizenry who has been offended by the misinterpretation of the positive intentions of an individual representing teachers, I regret; but I would submit that it may have, in fact, been less than responsible journalism and less than responsible and complete interpretation of the scope of the item Part D which was of concern.

As a result of the discussion that ensued around the concerns for testing we included, and I wanted so much to include this in the discussion of the bill last evening in the requirement for Social Studies there is a requirement for a Maine Studies course for everyone in Maine schools. That Maine Study course definition is the same that is in the current educational statutes; but we have made some changes in this bill, and I proudly draw your attention to them. At the request and as a result of the hearing, we have included not only that which has traditionally been part of the curriculum, but we have included the following words (and I paraphrase) "The industrial and economical aspect of Maine's economy as well as a study of Maine's cultural and ethnic heritage".

So let's all join hands here together, all of us, regardless of our heritage and put this issue at rest. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Hayes.

SENATOR HAYES: Mr. President and Men and Women of the Maine Senate, the present bill is truly a monumental reform of education in Maine. It provides recognition of the needs to enhance teacher compensation. It provides standards for our schools including approval and accreditation. It provides for increased high school requirements, and the examination of persons entering the teaching profession, statewide testing of students and relief from excessive property taxes at the local level by reform of the funding formula which will now return over \$17 million to local communities in this State.

These reforms will not immediately be felt, but by 1988 when the new teachers' certification law comes on line, there should be evidence of positive and comprehensive change in the educational system of the State of Maine.

The Governor's Commission on the Status of Education, Governor Brennan, the Education Committee and the 111th Maine Legislature are to be commended for setting in place this historic legislation. Yet, the task is only begun, for there are yet other components of the educational system that must be addressed to improve accountability and performance. I would bring your attention to questions dealing with the certification of administrators and the reorganization of the VTI's as only two items.

These bills should be introduced in the upcoming session and come on-line with teacher certification, a salary schedule for long-term improvement of teacher compensation and other reforms should be implemented prior to 1990.

I, personally, am very proud to have been a part of this process and with the Legislation on education that we are enacting today. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Wood.

SENATOR WOOD: Mr. President and Members of the Senate, I am sure that the President is less than enthusiastic to see me rise, but since I will not be returning here I can't pass an opportunity to speak.

I would point out that there has sort of been an inference that somehow this package is not funded properly. I would point out that just as we are passing an important education package—the Governor has put together a well thought out education package; he also put together a well thought out tax package. I have every confidence the package that we are passing now that they are wedded together, are both properly funded and will meet the needs that the Governor outlined.

I would also point out that we have another victory today. Just as we have a victory for education in terms of improving the quality of education, we have a victory for tax policy in the State. We now have finally decided that it is the Legislature that sets tax policy and not the lobby and not Washington.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Najarian.

SENATOR NAJARIAN: Mr. President and members of the Senate, I was not planning to speak on this, because it's a tax package that I'm particularly unhappy with in this Bill, until the good Senator from York, Senator Wood got up and said how the tax package was the great part of this Bill and set new tax policy. I happen to disagree with that very strongly, particularly, on two items in this tax package:

One, is the 8¢ excise tax on cigarettes which will go into effect on October 1, 1985. It's intended to be a replacement for 8¢ current Federal tax but if the Congress draws that back we will have an additional 8¢ tax on cigarettes in Maine over what they are now, presently. That, in addition, to two tax increases on cigarettes which we've passed in the past year—4¢ excise tax and 5¢ sales tax on cigarettes. If that 8¢ stays on in spite of the fact that the Congress has grabbed it back they're going to be taxed twice—8¢ excise tax plus 5¢ sales tax on top of that.

It's my opinion that since this educational program, benefits everybody in the State that it should be funded with a broad-based tax. I don't believe that we should continually pick on those that are physically addicted in this State to get our taxes—alcoholics and those who are addicted to nicotine because it's just not that easy to quit because the price goes up.

I'm a little bit disappointed in my political allies who insinuate that because we have this belief or against the way this particular cigarette tax is in this bill that we are somehow puppets of the tobacco lobby. I think it is unbecoming to make those inaccurate, unsubstantiated accusations that is more typical of the fringes or the extremists of both of our political parties than it is with the moderates or those of us who are in this Senate.

What we have now are a bunch of ticky-tacky taxes, two of which hit low income people the hardest and will substantially decrease the benefits of the minimum wage that we just passed, for those minimum wage workers who smoke and who drink.

I think it's bad tax policy. It's bad social policy, and I just want to go on the Record saying that.

I believe that if the Federal Government puts this tax back on, even though most members of this legislature will want to find a replacement for it, it is going to be very difficult to find one tax that a majority in both Houses can agree on; especially when there is no emergency because the money will still be coming in. That's why I'm sorry that we didn't do something to make a provision, in the event the Federal Tax stays on.

THE PRESIDENT: A Roll Call has been ordered.

The Chair recognizes the Senator from Cumberland, Senator Diamond.

SENATOR DIAMOND: Mr. President, according to Joint Rule 10 and my strong belief that my family will have a direct benefit from this Bill, I would ask leave to abstain from voting on this Bill.

THE PRESIDENT: The Senator from Cumberland, Senator Diamond requests leave of the Senate that he may be excused from voting on this Bill, pending the appearance of a conflict of interest.

Is it the pleasure of the Senate to grant this leave?

It is a vote.

The Chair recognizes the Senator from York, Senator Dutremble.

SENATOR DUTREMBLE: Mr. President, under Joint Rule 10, I would like to be excused from voting.

THE PRESIDENT: The Senator from York, Senator Dutremble, requests leave of the Senate that he be excused from voting on this Bill due to the appearance of a conflict of interest.

Is it the pleasure of the Senate to grant this leave?

It is a vote.

The Chair recognizes the Senator from Waldo, Senator Shute.

SENATOR SHUTE: I'd like to be excused from voting under Joint Rule 10.

THE PRESIDENT: The Senator from Waldo, Senator Shute, requests leave of the Senate to be excused from voting on this measure, pending the appearance of a conflict of interest.

Is this the pleasure of the Senate to grant this leave?

It is a vote.

The pending question before the Senate is the Enactment of L. D. 2492.

A Yes vote will be in favor of Passage to be Enacted.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS—Senators, Baldacci, Brown, Bustin, Carpenter, Charette, Clark, Danton, Dow, Emerson, Erwin, Hayes, Kany, McBrearty, Najarian, Pray, Twitchell, Usher, Violette, Wood, The President—Gerard P. Conley.

NAYS—Senators, Collins, Gill, Hichens, Minikowsky, Perkins, Redmond, Sewall.

ABSENT — Senators, Pearson, Teague, Trafton

20 Senators having voted in the affirmative and 7 Senators in the negative, with 3 Senators being absent, and 3 Senators being excused, the Bill was PASSED TO BE ENACTED, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Out of order and under suspension of the Rules, the Senate voted to consider the following:

COMMITTEE REPORTS House

Ought to Pass As Amended

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act Making Appropriations for Educational Purposes and to Adjust Appropriations for State Government for the Fiscal Year Ending June 30, 1985" H. P. 1886 L. D. 2486

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-772).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-772).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-772) was READ and ADOPTED, in concurrence.

THE PRESIDENT: Is it now the pleasure of

the Senate that under suspension of the rules, that this Bill be given its Second Reading at this time by Title Only?

It is a vote.

Under suspension of the rules, the Bill READ A SECOND TIME and PASSED TO BE ENGROSSED as Amended, in concurrence.

Sent forthwith to the Engrossing Department.

ENACTOR

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

An Act to Ensure the Payment of Taxes due on Watercraft H. P. 1897 L. D. 2493 (S "A" S-447)

Which was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Senator BROWN of Washington was granted unanimous consent to address the Senate On the Record.

SENATOR BROWN: Thank you, Mr. President. Ladies and Gentlemen of the Senate, we have a number of people who are leaving this Body and won't be back again after this session. We have had a great deal of praise for the President and the Minority Floor Leader, and there's another individual who is not going to be back next year and I'd like to say a few words about this particular person, this is Senator Frank Wood.

Senator Wood has taken us through: tax conformity, he's taken us through a number of difficult issues, the special tax package that we've just recently been involved in. He always kept a cool head. He's always one that could be counted upon for wisdom and to offer a very logical and rational point of view. There was never a time that we did not know where Frank Wood stood on various issues and those especially dealt with the poor people of this State; whether we're dealing with minimum wage or anything else, we knew where Frank Wood always stood. The poor always had a friend in him.

A characteristic that I always particularly liked as a seatmate of his was that he always could take the time to laugh about something. He never took it too seriously that he couldn't laugh. I'll consider him a friend for always and I, for one, I'm sure as one speaking for this Body will miss him a great deal in the future, and I'd like to wish him well in what he does next year. Thank you, Mr. President. (Applause the Members rising.)

Senator HICHENS of York was granted unanimous consent to address the Senate On the Record.

SENATOR HICHENS: Mr. President and Members of the Senate, longer ago than I want to remember at times, I become a member of the Maine State Legislature. That same year there was a young man who was elected as Representative and served in the House with me from the city of Lewiston. He moved up to the Senate one term before I did and then he was defeated for one term, but since that time he has served with me continuously. I've always found a pleasure in working with this Senator, even though he has been a member of a different party, but I think we've had one thing in common, because we've been accused at times of sort of "jumping the ship" and going with some of the other party programs.

I think that we have a very great loss, even though I respect the voters of the city of Lewiston, but I know that we in the Senate are going to miss Senator Carroll Minkowsky. I'm going to miss him as a personal friend, and I know that the State of Maine has profited by his service in the Maine Legislature. (Applause the Members rising.)

Senator PRAY of Penobscot was granted un-

animous consent to address the Senate On the Record.

SENATOR PRAY: Thank you, Mr. President. Mr. President, Ladies and Gentlemen of the Senate, when I rose a minute ago it was to comment on some of those who have chosen not to run again. I thought that maybe if I waited a couple more minutes we would have taken care of everyone.

I would like to reflect for a moment on not only the two individuals which Senator Brown and Senator Hichens have talked about, but there are others as well who have chosen not to seek reelection in this Chamber: Senator Redmond has decided that he would not seek reelection; Senator Charette and Senator Teague have joined with the position of Senator Wood and of course Senator Minkowsky in the situation which we all place ourselves.

These are the individuals along with Senator Conley and Senator Collins who will not return to the One-Hundred and Twelfth or at least we know will not return to the One-Hundred and Twelfth. I'm sure there may be a few others here who believe and hope that they return but may not. That is the Democratic process and the voters will have that decision.

A few moments ago when I was making the list of those who have served and will not be returning to the One-Hundred and Twelfth and quickly adding up their years, I may be a couple of years off, but I think that combined they have served for a total of 30 years in service to the State. I also happen to believe that's the same total as Senator Conley and Senator Collins. These two people equal what the other five had served in longevity, at least, in this Body.

The dedication for any individual to run for public office, each and every one of us know the price we pay. It is an opportunity, at times, for us to stop and reflect on those who have chosen no longer to serve to go back to the citizen life. I know that each and everyone of them will stay involved and speak their minds on the issues that will come before them.

I must say that it has been a great pleasure for myself serving with all seven of the gentlemen that will not be returning to the One-Hundred and Twelfth. Having served with them for some time in this Body I know that they have all had the dedication, the perseverance: to see the issues, to debate them in this Hall; to reflect the views of their constituents as they perceived them to be. We differed on some occasions and we were together on many other occasions.

I wish to wish them all luck in their future endeavors, whatever they may do on behalf of all the Senate. Thank you. (Applause the members rising.)

On motion by Senator CARPENTER of Aroostook Recessed until the sound of the Bell.

RECESS AFTER RECESS

The Senate was called to Order by the President.

Out of order and under suspension of the Rules, the Senate voted to consider the following:

PAPER FROM THE HOUSE House Paper

Bill, "An Act to Create a Special Commission to Study the Implementation of Educational Reform. (Emergency) H. P. 1901 L. D. 2496

Reference to the Committee on Education suggested.

Comes from the House under Suspension of the Rules READ TWICE and PASSED TO BE ENGROSSED WITHOUT REFERENCE TO A COMMITTEE and ORDERED PRINTED.

THE PRESIDENT: Is it the pleasure of the Senate that under suspension of the rules, L. D. 2496 be given its First Reading at this time without Reference to Committee?

It is a vote.

Under suspension of the rules, the Bill READ

TWICE and PASSED TO BE ENGROSSED without reference to Committee and ORDERED PRINTED, in CONCURRENCE.

Sent forthwith to the Engrossing Department.

ORDER

Joint Resolution

The Following Joint Resolution: H. P. 1900
JOINT RESOLUTION IN HONOR OF THE
HONORABLE LOUIS JALBERT
OF LEWISTON

WHEREAS, Louis Jalbert has served as a member of the Maine House of Representatives for 2,212 legislative days, longer than any other person in the 164-year history of the Great State of Maine; and

WHEREAS, this historic record of longevity and service by the Dean of our House is surpassed by only one person in the entire nation, an achievement Mr. "D" credits to his constant reliance upon his helpmate and very lovely wife, Yvonne; and

WHEREAS, on December 5, 1983, Louis Jalbert received national honors from the Council of State Governments for his unprecedented service to the people of Lewiston and the State of Maine;

WHEREAS, as the champion of vocational education, Louis Jalbert pioneered the educational concept that led to the establishment of 25 regional vocational centers and 6 vocational-technical institutes, that earned him the title of "Father of Vocational Education"; and

WHEREAS, Louis Jalbert, through his dogged determination, common sense and articulate debate, has earned the respect and admiration of fellow legislators since his first session in 1945 as part of a 14-member Democratic minority in this body; and

WHEREAS, Louis Jalbert is a man who walked beside presidents, ambassadors and governors but could most often be found among his constituents; now, therefore, be it

RESOLVED: That We, the members of the 111th Maine Legislature, now assembled in Third Special Session, join at this time to honor and pay tribute to the Honorable Louis Jalbert of Lewiston and express to him our heartfelt affection and appreciation for his unparalleled record of legislative service to the people of Lewiston, Androscoggin County and the State of Maine, and to wish him well in all his future endeavors; and be it further

RESOLVED: That a suitable copy of this Joint Resolution be presented to Representative Louis Jalbert in lasting token of our esteem and gratitude.

Comes from the House READ and ADOPTED. Which was READ and ADOPTED, in concurrence.

ENACTORS

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

Emergency

An Act Making Appropriations and Changing Certain Provisions of the Law Necessary for the Proper Operation of State Government for the Fiscal year ending June 30, 1985. S. P. 932 L. D. 2490

This being an emergency measure and having received the affirmative vote of 25 Members of the Senate, with No Senators having voted in negative, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Out of order and under suspension of the rules the Senate voted to consider the following:

ENACTOR

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

An Act Making Appropriations for Educational Purposes and to Adjust Appropriations for State Government for the Fiscal Year Ending June 30, 1985 H. P. 1886 L. D. 2486 (C "A"

H-772)

Which was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Out of order and under suspension of the rules, on motion by Senator NAJARIAN of Cumberland, the Senate voted to remove from the Special Appropriations Table:

Emergency

An Act to Create the Downeast Correctional Facility Within the Department of Corrections H. P. 1889 L. D. 2487 (C "A" H-748)

On motion by Senator NAJARIAN of Cumberland, this being an emergency measure and having received the affirmative vote of 26 Members of the Senate, with No Senators having voted in negative was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

(OFF RECORD REMARKS)

On motion by Senator COLLINS of Knox, recessed until the sound of the Bell.

RECESS

AFTER RECESS

Senate called to order by the President.

Out of order and under suspension of the rules the Senate voted to consider the following:

ENACTOR

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

Emergency

An Act to Create a Special Commission to Study the Implementation of Educational Reform H. P. 1901 L. D. 2496

This being an emergency measure and having received the affirmative vote of 24 Members of the Senate, with No Senators having voted in negative was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

At this point a message was received from the House of Representatives through the Assistant Majority Floor Leader the Honorable John Diamond of Bangor informing the Senate that the House had transacted all business before it and was ready to Adjourn, Without Day.

Senator WOOD of York was granted unanimous consent to address the Senate Off the Record.

(OFF RECORD REMARKS)

Out of order and under suspension of the rules on Motion by Senator WOOD of York, the following Senate Order:

ORDERED, that a message be sent to the House of Representatives informing that Body that the Senate has transacted all business which has come before it and is ready to Adjourn Without Day.

Which was READ and PASSED.

The President appointed Senator WOOD of York to convey the message to the House of Representatives. The Senator then retired to the Hall of the House and subsequently reported that he had delivered the message with which he was charged.

Out of order and under suspension of the rules on Motion by Senator COLLINS of Knox, the following Senate Order:

ORDERED, that a message be sent to His Excellency, the Governor, informing him that the Senate has transacted all business which has come before it and is ready to Adjourn Without Day.

With was READ and PASSED.

The President appointed Senator COLLINS

of Knox to convey the message to His Excellency, the Governor.

Subsequently Senator COLLINS of Knox reported that he had delivered the message with which he was charged, and His Excellency, Governor Joseph E. Brennan acknowledged our message and said that he would shortly attend this Chamber to give us his communication.

Senate at Ease

Senate called to order by the President.

At this time, the Honorable Joseph E. Brennan, Governor of the State of Maine entered the Senate Chamber and was escorted by the Sergeant-at-Arms to the Rostrum. (Amid prolonged applause, the Members rising.)

THE PRESIDENT: The Chair is pleased to welcome to the Senate Chamber the Honorable Joseph E. Brennan, Governor of the State of Maine.

(Applause the Members rising.)

GOVERNOR BRENNAN: Mr. President and Members of the Senate, I have come up tonight to thank you on behalf of more than 200,000 school kids in this State, their parents and other citizens of Maine.

A letter which I received this morning from a parent from the town of Alfred says it all, and I would just like to read a little excerpt:

"Dear Governor: We have got a little girl, Christina, starting kindergarten tomorrow, and we are very glad she is starting out in Maine under a government which is planning for excellence in her education..."

Yes, your actions of the past week mean that our young people are going to enjoy the benefit of better schools, better education and a lifetime of greater economic opportunities.

In just a few working days you've taken very strong actions to make our schools better: to challenge our students to reach higher standards of achievement; to improve our university and our vocational-technical institutes. That's a great deal to accomplish in a single week's time, and I am proud to commend you.

I know how hard many of you wrestled with these issues. I followed your deliberations through a long weekend; in fact, I met with many of you on a number of occasions at the Blaine House this past Sunday and over the course of the last couple of days.

I want to especially commend Senator Hayes for his leadership on these education issues.

The Legislators' study reflected the careful deliberations we in the administration gave to these very same questions. I am pleased to see that you have reached the conclusions that obviously we like. Yes, what we asked for last Tuesday night is on my desk now virtually intact.

The children of Maine are the future of Maine, and I believe that together, we have made that future a little better.

I am well aware that, in all likelihood, this is the last time this Senate will meet. I want to say that I have truly enjoyed working with you.

Before you leave I would just like to say a couple more words in closing. A number of Members of this Senate will not return in December or January. I want to say farewell to all of you and to thank you for the time, the effort, and the sacrifices you have made to serve the people of your districts and the people of this State.

In particular, I want to express my appreciation to the distinguished Minority Leader, Sam Collins.

Sam, you have brought a quiet dignity to these chambers, and I think that you have made all elected officials walk a little taller. You have known when partisanship ends and statesmanship begins.

Though we are of different parties, I believe the legislative process is stronger and more effective when the majority is held accountable

by your kind of intelligent and constructive opposition. Thank you very much, Senator Collins.

To Frank Wood, a true leader of this Legislature, we will all miss your presence. Your careful, indeed scholarly approach to your duties as Senate Chair on Taxation was essential to the success of this Special Session.

You have been a symbol to all of us of the highest standards of public service, and Senator Wood, in a special way you have been the conscience of the Maine Senate.

Finally, I must say that it is hard to believe that the next Senate will not include my good friend, Senate President Gerard Conley.

As you know, Gerry and I came here together in January of 1965 as freshmen in the other Body. Gerry has been a fixture of these hallways ever since. In many ways, state government bears the influence of his original and special personality. Gerry's great trait is that he's never had any patience for the absurd or the unjust. He has learned to laugh at the absurd and save his strength for fighting the unjust.

The disadvantaged of our state—the poor, the ill, and victims of injustice of every sort—have never had a stronger, more consistent champion. We saw that during the last several weeks, indeed months with his perseverance dealing with the minimum wage bill. He would not quit.

As Governor, Gerry I want to thank you for the two decades of dedicated service that you have given to the people of our State. As a friend, I want to thank you for the loyalty that has never, never wavered, and the honesty that has never never been watered down. Gerry, you have been truly an outstanding public servant, an outstanding Senator. There is no question that this Senate will be a far lesser place without you.

To all the members of the Senate, especially those who aren't coming back, Senator Minkowsky, Senator Teague, Senator Redmond, Senator Charette, I want to thank you for the superb services that you have rendered. I have had the pleasure to work with all of you on various legislation, and I truly mean it, it has been a delight.

To all the Members of the Senate, obviously we are very pleased tonight, we think that the State of Maine has taken some giant steps forward in regard to the Education of our young. I want to thank you for the commitments you made, for the understanding of our position, and for the support that you've given us. Thank you, very, very much.

(Prolonged applause the Members rising.)

The Sergeant-at-Arms escorted the Honorable Joseph E. Brennan, Governor of the State of Maine from the Senate Chamber, amid prolonged applause, the members rising.

The President requested the Sergeant-at-Arms to escort the Senator from Aroostook, Senator McBREARITY to the rostrum to assume the duties of President Pro-Tem.

The Sergeant-at-Arms escorted the Senator from Aroostook, Senator McBREARITY to the rostrum where he served as President Pro-Tem.

The President then took a seat on the floor of the Senate.

Senator CONLEY of Cumberland was granted unanimous consent to address the Senate On the Record.

SENATOR CONLEY: I guess that it is kind of hard to be a designated hitter after the Governor has been here. This is the last inning and it is the third out and it is time to say, "Good-by".

I want to certainly convey my thanks to everyone here, who two years ago placed their faith in me and elected me to be the presiding officer of this Body. It was one of the highest honors ever bestowed upon me.

I can't express my thanks: to all who served as Senate Chairmen; to the minority members

who did a real great job filling in for those of us who have been in the minority, at least, in my time over the last sixteen years; the cooperation, the fairness that I received from the minority as well as from all members of my party.

I certainly can't thank Joy, and Val, and Molly, and Terry and all the others who have done such a fine job in making my rein such a long and beautiful one.

It is going to be a little difficult, perhaps, next December when you all meet here again, but I can assure you that I'll be reading the newspapers and I'll be watching, and I hope that we all keep in mind what our primary purpose is and what government is all about. My philosophy, as wretched as it may appear at times to some of you, is that some one must represent those who don't have the voice to speak for them. That is the message that I would leave with you, in saying it has been my blessing and privilege to have come to meet and know all of you, and upon that Mr. President, I would now move that the Senate Adjourn, Sine Die at 7:30 p.m.

On motion by Senator CONLEY of Cumberland, at 7:30 p.m. on Tuesday, September 11, 1984 the Honorable James McBreairty, President Pro-Tem, declared the Third Special Session of the 111th Legislature, Adjourned Sine Die.
