

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Fourteenth Legislature
OF THE
State Of Maine

VOLUME IV

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August 21, 1989 to August 22, 1989
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SECOND REGULAR SESSION
January 3, 1990 to March 19, 1990

**ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
32nd Legislative Day
Wednesday, March 14, 1990**

The House met according to adjournment and was called to order by the Speaker.

Prayer by Reverend David W. Bell, United Methodist Church, Waldoboro.

The Journal of Tuesday, March 13, 1990, was read and approved.

Quorum call was held.

**PAPERS FROM THE SENATE
Unanimous Leave to Withdraw**

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act to Establish a Demonstration Project to Aid Homeless Persons" (S.P. 922) (L.D. 2331)

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

Ought to Pass as Amended

Report of the Committee on State and Local Government reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-571) on Bill "An Act to Create an Appeals Procedure for the State Bidding Process" (EMERGENCY) (S.P. 895) (L.D. 2277)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-571) and Senate Amendment "A" (S-576).

Report was read and accepted, the Bill read once.

Committee Amendment "A" (S-571) was read by the Clerk and adopted.

Senate Amendment "A" (S-576) was read by the Clerk and adopted and the Bill assigned for second reading Thursday, March 15, 1990.

Ought to Pass as Amended

Report of the Committee on State and Local Government reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-577) on Bill "An Act to Help Fund County Government" (S.P. 850) (L.D. 2179)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-577).

Report was read and accepted, the Bill read once.

Committee Amendment "A" (S-577) was read by the Clerk and adopted and the Bill assigned for second reading Thursday, March 15, 1990.

Non-Concurrent Matter

An Act to Require Disclosure of Parents' Social Security Numbers at the Time of a Child's Birth and to Amend the Provisions of the Law Concerning Disclosure of Information (S.P. 889) (L.D. 2265) (C. "A" S-540) on which the Bill and accompanying papers were indefinitely postponed in the House on March 12, 1990.

Came from the Senate passed to be enacted in non-concurrence.

Representative Heeschen of Wilton moved that the House adhere.

On motion of Representative Manning of Portland, the House voted to Insist and ask for a Committee of Conference. Sent up for concurrence.

Non-Concurrent Matter

Bill "An Act Concerning Contact Lenses" (H.P. 1415) (L.D. 1967) on which the Minority "Ought to Pass" as amended Report of the Committee on Business Legislation was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-871) in the House on March 9, 1990.

Came from the Senate with the Majority "Ought Not to Pass" Report of the Committee on Business Legislation read and accepted in non-concurrence.

Representative Reed of Falmouth moved that the House recede and concur.

Representative Marsano of Belfast requested a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question before the House is the motion of Representative Reed of Falmouth that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 186

YEA - Adams, Aikman, Aliberti, Anderson, Ault, Bailey, Begley, Bell, Boutillier, Brewer, Burke, Butland, Cahill, M.; Carroll, D.; Carroll, J.; Carter, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Conley, Constantine, Cote, Crowley, Curran, Dellert, Dexter, DiPietro, Donald, Dore, Duffy, Dufremble, L.; Erwin, P.; Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Graham, Greenlaw, Gurney, Gwadosky, Hale, Handy, Hanley, Hastings, Heeschen, Hepburn, Hichborn, Hickey, Higgins, Hoglund, Holt, Hussey, Hutchins, Jacques, Joseph, Ketover, Kilkelly, LaPointe, Larrivee, Lawrence, Lebowitz, Libby, Lisnik, Look, Lord, Luther, MacBride, Macomber, Mahany, Manning, Marsano, Martin, H.; Mayo, McGowan, McHenry, McPherson, McSweeney, Melendy, Merrill, Michaud, Mills, Mitchell, Moholland, Murphy, Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, E.; Paradis, J.; Paradis, P.; Parent, Paul, Pederson, Pendleton, Pineau, Pines, Plourde, Pouliot, Priest, Rand, Reed, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Seavey, Sheltra, Simpson, Skoglund, Small, Smith, Stevens, A.; Stevenson, Strout, B.; Strout, D.; Swazey, Tammara, Tardy, Telow, Townsend, Tracy, Tupper, Walker, Webster, M.; Wentworth, Whitcomb, The Speaker.

NAY - Allen, Daggett, Farnsworth, McCormick, McKeen, Richard.

ABSENT - Anthony, Cashman, Jackson, Jalbert, Marsh, Marston, Nadeau, G. G.; Nadeau, G. R.; Richards, Sherburne, Stevens, P..

Yes, 134; No, 6; Absent, 11; Paired, 0; Excused, 0.

134 having voted in the affirmative, 6 in the negative, with 11 being absent, the motion to recede and concur did prevail.

Non-Concurrent Matter

Bill "An Act to Establish Mediation for Mobile Home Park Operators and Tenants" (H.P. 1595) (L.D. 2212) on which the Minority "Ought to Pass" as amended Report of the Committee on Legal Affairs was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-879) in the House on March 9, 1990.

Came from the Senate with the Majority "Ought Not to Pass" Report of the Committee on Legal Affairs read and accepted in non-concurrence.

Representative Priest of Brunswick moved that the House adhere.

Representative Jalbert of Lisbon moved that the House recede and concur.

Representative Priest of Brunswick requested a division.

Representative Marsano of Belfast requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

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

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative PRIEST: Mr. Speaker, Ladies and Gentlemen of the House: The reason I request that you support the motion to adhere and kill the present motion is that this House stood fairly firm on a roll call on the issue of mediation for mobile home tenants. I would ask that the House maintain that position. I think it is very important, not only to express our concurrence of what we have previously done, but also to ensure that this matter gets a good hearing in the future. So, I urge you to reject the present motion.

The SPEAKER: The Chair recognizes the Representative from Waldoboro, Representative Begley.

Representative BEGLEY: Mr. Speaker, Men and Women of the House: I would encourage you to vote for the motion to recede and concur. I do believe that we discussed this quite a bit at length the other day. I would remind you again that there is a mediation process in place. We do not feel it has been used as fully as it could be and we would like to have you recede and concur to give this an opportunity to work.

The SPEAKER: The pending question before the House is the motion of Representative Jalbert of Lisbon that the House recede and concur.

The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with Representative Cashman of Old Town. If Representative Cashman were present and voting, he would be voting yea; I would be voting nay.

The SPEAKER: The pending question before the House is the motion of Representative Jalbert of Lisbon that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 187

YEA - Aikman, Anderson, Ault, Bailey, Begley, Butland, Carroll, J.; Clark, H.; Dellert, Dexter, Donald, Farren, Foss, Foster, Garland, Gould, R. A.; Greenlaw, Hanley, Hastings, Hepburn, Hichborn, Higgins, Hussey, Hutchins, Jalbert, Lebowitz, Libby, Look, Lord, MacBride, Marsano, Martin, H.; McCormick, McPherson, Merrill, Michaud, Murphy, O'Gara, Paradis, E.; Parent, Pendleton, Pines, Plourde, Reed, Rotondi, Seavey, Small, Stevens, A.; Stevenson, Strout, B.; Telow, Tupper, Webster, M.; Wentworth, Whitcomb.

NAY - Adams, Aliberti, Allen, Bell, Boutilier, Brewer, Burke, Cahill, M.; Carroll, D.; Carter, Cathcart, Chonko, Clark, M.; Coles, Conley, Constantine, Cote, Crowley, Curran, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, P.;

Farnsworth, Farnum, Graham, Gurney, Gwadosky, Hale, Handy, Heesch, Hickey, Hoglund, Holt, Jacques, Joseph, Ketover, Kilkelly, LaPointe, Larrivee, Lawrence, Lisnik, Luther, Macomber, Mahany, Manning, McGowan, McHenry, McKeen, McSweeney, Melendy, Mills, Mitchell, Moholland, Nadeau, G. R.; Norton, Nutting, O'Dea, Oliver, Paradis, J.; Paradis, P.; Paul, Pederson, Pineau, Pouliot, Priest, Rand, Richard, Ridley, Rolde, Ruhlin, Rydell, Sheltra, Simpson, Skoglund, Smith, Strout, D.; Swazey, Tamaro, Tardy, Townsend, Tracy, Walker, The Speaker.

ABSENT - Anthony, Jackson, Marsh, Marston, Nadeau, G. G.; Richards, Sherburne, Stevens, P..

PAIRED - Cashman, Mayo.
Yes, 55; No, 86; Absent, 8; Paired, 2; Excused, 0.

55 having voted in the affirmative, 86 in the negative, with 8 being absent and 2 having paired, the motion to recede and concur did not prevail.

Subsequently, the House voted to adhere.

COMMUNICATIONS

The following Communication:

STATE OF MAINE
SUPREME JUDICIAL COURT
AUGUSTA, MAINE 04330

March 9, 1990

The Honorable Charles P. Pray

Maine Senate President
State House Station #3
Augusta, Maine 04333

The Honorable John L. Martin
Speaker of the Maine House
of Representatives

State House Station #2
Augusta, Maine 04333

Dear President Pray and Speaker Martin:

In 1987 the Maine Legislature established a two-year pilot project for Indigency Screening in the Courts of Maine (34-A M.R.S.A. section 5405). As Chairman of the Advisory Committee to the project, it is my pleasure to submit the Committee's report to the Legislature in accordance with the mandate of the statute. As stated more fully in the enclosed report, the Committee evaluates the project favorably and recommends that the screening process be continued and expanded.

Sincerely yours,
s/Daniel E. Wathen
Justice
Supreme Judicial Court

Was read and with accompanying report ordered placed on file.

PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE

The following Bill was received and, upon the recommendation of the Committee on Reference of Bills, was referred to the following Committee, Ordered Printed and Sent up for Concurrence:

Energy and Natural Resources

Bill "An Act Amending the Laws Governing the Maine Environmental Protection Fund" (EMERGENCY) (H.P. 1764) (L.D. 2432) (Presented by Representative DEXTER of Kingfield) (Cosponsored by Senator PERKINS of Hancock)

Ordered Printed.

Sent up for Concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Reported Pursuant to Public Law

Representative MANNING for the Commission to Study the Certificate of Need Law and the Impact of Competitive Market Forces on Ambulatory Health Services, pursuant to Public Law 1989, chapter 588, Part A, section 56 ask leave to submit its findings and to report that the accompanying Bill "An Act to Extend the Certificate of Need Program to All Major Medical Equipment, Raise the Threshold for Review of Certain Projects and Improve Access to Care in Nonhospital Settings" (H.P. 1765) (L.D. 2433) be referred to the Joint Standing Committee on Human Resources for Public Hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, and the bill referred to the Committee on Human Resources, ordered printed and sent up for concurrence.

ORDERS

REPORTS OF COMMITTEES

Divided Report

Later Today Assigned

Majority Report of the Committee on Housing and Economic Development reporting "Ought to Pass" on Bill "An Act to Encourage International Awareness in Maine and Improve International Trade Services to Maine Companies" (H.P. 1578) (L.D. 2185)

Signed:

Senators: DUTREMBLE of York
ANDREWS of Cumberland

Representatives: NADEAU of Lewiston
MELENDY of Rockland
KILKELLY of Wiscasset
BELL of Caribou
GRAHAM of Houlton
MILLS of Bethel
HEESCHEN of Wilton

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Signed:

Senator: WEYMOUTH of Kennebec
Representatives: LEBOWITZ of Bangor
BAILEY of Farmington
DONALD of Buxton

Reports were read.

On motion of Representative Gwadosky of Fairfield, tabled pending acceptance of either report and later today assigned.

Divided Report

Majority Report of the Committee on Education reporting "Ought Not to Pass" on Bill "An Act to Institute the National Assessment of Educational Progress Program in Maine Schools" (H.P. 1722) (L.D. 2381)

Signed:

Senators: ESTES of York
BOST of Penobscot
Representatives: O'GARA of Westbrook
KILKELLY of Wiscasset
HANDY of Lewiston
O'DEA of Orono
PARADIS of Frenchville
CROWLEY of Stockton Springs
OLIVER of Portland

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

Signed:

Senator: GILL of Cumberland
Representatives: SMALL of Bath
NORTON of Winthrop
AULT of Wayne

Reports were read.

On motion of Representative Crowley of Stockton Springs, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

CONSENT CALENDAR

First Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(S.P. 923) (L.D. 2332) Bill "An Act to Amend the Minimum Standards for Planting Laws" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (S-575)

(S.P. 806) (L.D. 2069) Bill "An Act to Allow the Maine State Employees Health Insurance Program to Self-insure Health or Dental Insurance" Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (S-578)

(H.P. 1558) (L.D. 2158) Bill "An Act to Discourage Negative Campaign Practices" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-919)

(H.P. 1655) (L.D. 2291) Bill "An Act to Protect Health Insurance Coverage for Citizens on Jury Duty" Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (H-920)

(H.P. 1724) (L.D. 2383) Bill "An Act to Amend the State Railroad Preservation and Assistance Act" (EMERGENCY) Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-921)

(H.P. 1667) (L.D. 2308) Bill "An Act to Deorganize Plantation E in Aroostook County" (EMERGENCY) Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-922)

(H.P. 1742) (L.D. 2406) Bill "An Act Regarding Squa Pan Stream" (EMERGENCY) Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-924)

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, March 15, 1990, under the listing of Second Day.

CONSENT CALENDAR

Second Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the Second Day:

(S.P. 695) (L.D. 1833) Bill "An Act Relating to the Child and Family Services and Child Protection Act"

(S.P. 838) (L.D. 2151) Bill "An Act to Amend the Laws for the Licensing of Counseling Professionals"

(S.P. 760) (L.D. 1985) Bill "An Act to Allow the State Police to Recover Funds Expended for Presidential Security" (C. "A" S-569)

(S.P. 794) (L.D. 2045) Bill "An Act to Amend Certain Laws Dealing with Motor Vehicle Inspections" (C. "A" S-573)

(S.P. 915) (L.D. 2321) Resolve, Directing the Department of Human Services to Develop a Poison Warning System (C. "A" S-572)

(H.P. 1734) (L.D. 2393) Bill "An Act to Amend the Charter of the Van Buren Water District" (EMERGENCY)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were Passed to be Engrossed or Passed to be Engrossed as Amended in concurrence and the House Paper was Passed to be Engrossed and sent up for concurrence.

(H.P. 332) (L.D. 451) Bill "An Act to Create an Educational Bonus for Affordable Housing" (C. "B" H-908)

On motion of Representative Swazey of Bucksport, was removed from Consent Calendar, Second Day.

Subsequently, the Committee Report was read and accepted, the Bill read once.

Committee Amendment "B" (H-908) was read by the Clerk.

On motion of Representative Swazey of Bucksport, tabled pending adoption of Committee Amendment "B" and specially assigned for Thursday, March 15, 1990.

(H.P. 1608) (L.D. 2221) Bill "An Act to Clarify the Governance of Mackworth Island Public Trust Lands" (C. "A" H-909)

On motion of Representative Gwadosky of Fairfield, was removed from the Consent Calendar, Second Day.

Subsequently, the Committee Report was read and accepted, the Bill read once.

Committee Amendment "A" (H-909) was read by the Clerk and adopted and the Bill assigned for second reading Thursday, March 15, 1990.

(H.P. 1575) (L.D. 2182) Bill "An Act to Regulate the Handling of Manure" (C. "A" H-910)

(H.P. 1545) (L.D. 2130) Bill "An Act to Purchase the Development Rights to Farmland" (C. "A" H-911)

No objections having been noted at the end of the Second Legislative Day, the House Papers were Passed to be Engrossed as Amended and sent up for concurrence.

**PASSED TO BE ENGROSSED
As Amended**

Bill "An Act to Amend the Workers' Compensation Insurance Laws" (H.P. 1565) (L.D. 2171) (H. "A" H-914 to C. "A" H-904)

Bill "An Act to Provide for the 1990 and 1991 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY) (H.P. 1642) (L.D. 2275) (C. "A" H-902)

Were reported by the Committee on Bills in the Second Reading, read the second time, Passed to be Engrossed as Amended, and sent up for concurrence.

**PASSED TO BE ENACTED
Emergency Measure**

An Act to Protect Public Health by Prohibiting Smoking on Public Transportation Buses (H.P. 1462) (L.D. 2039) (S. "A" S-566 to C. "A" H-817)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 101 voted in favor of the same and 27 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**ENACTOR
Emergency Measure
Tabled and Assigned**

Resolve, to Create the Commission to Study the Establishment of a State and Tribal Partnership to Encourage Economic Development (S.P. 607) (L.D. 1701) (S. "A" S-558 to C. "B" S-551)

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

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be enacted and specially assigned for Thursday, March 15, 1990.

PASSED TO BE ENACTED

An Act to Reform the Juvenile Criminal Justice System (S.P. 541) (L.D. 1512) (H. "B" H-893 to C. "A" S-479)

An Act to Clarify Definitions and Provisions of Marine Resources Laws (S.P. 821) (L.D. 2097) (H. "A" H-894; C. "A" S-517)

An Act to Clarify the Maine Juvenile Code (S.P. 823) (L.D. 2099) (C. "A" S-550)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

ENACTOR

Tabled and Assigned

An Act to Require Prior Notice of the Sale of Gas Stations (S.P. 846) (L.D. 2176) (H. "A" H-892 to C. "A" S-518)

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

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be enacted and specially assigned for Thursday, March 15, 1990.

PASSED TO BE ENACTED

An Act Addressing Consecutive Terms of Imprisonment Involving Probation (S.P. 902) (L.D. 2296) (S. "A" S-559)

An Act to Revise the Medical Examiner Act (H.P. 905) (L.D. 1262) (H. "A" H-885 to C. "B" H-788)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

ORDERS OF THE DAY

TABLED AND TODAY ASSIGNED

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

HOUSE DIVIDED REPORT - Majority (8) "Ought Not to Pass" - Minority (5) "Ought to Pass" as amended by Committee Amendment "A" (H-903) - Committee on Education reporting on Bill "An Act Regarding Eligibility for Participation in Extracurricular Activities" (EMERGENCY) (H.P. 1676) (L.D. 2318)

TABLED - March 13, 1990 by Representative CROWLEY of Stockton Springs.

PENDING - Motion of same Representative to accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Easton, Representative Mahany.

Representative MAHANY: Mr. Speaker, Men and Women of the House: I hope that you will vote against the pending motion of "Ought Not to Pass" on this bill.

I am the sponsor of the bill and I would like to discuss with you, I hope fairly briefly, as to why I sponsored it.

First, let me say what the bill does. This bill, in simple terms, says that a student who comes from an equivalent school program and enters the public secondary school will be accepted on the same level so far as participation in the athletic system is concerned as he or she is accepted academically. In other words, if a student has credits to be a

sophomore, then that means that their eligibility for participation in athletics will be that of a sophomore.

If a home schooler, in other words, spends some years in a home school program and then decides to enter the public school system, his or her eligibility for participation in athletic programs will start at the same place where his or her academic credit starts. It is simple but complicated to explain.

Why did I sponsor this bill? My primary purpose in sponsoring this bill, ladies and gentlemen, is to make it a matter of public policy that all young people be treated equally with respect to eligibility for participation in athletics on the secondary level. I introduced this bill because I believe that each child or young person should have equal opportunity, that no young person should be discriminated against for exercising his or her freedom of choice and that no young person should be ipso facto punished for exercising a choice that is responsible, reasonable, legitimate and legal. Rather, it should be made a matter of public policy that every child and every young person be treated fairly as regards participation in sports on the high school level because I have had an experience that tells me or convinces me that some of the eligibility rules of the Maine Secondary School Principals' Association specifically -- for example, the eight semester rule and the enrollment rule as regards eligibility for athletics in high school, and as that rule stands today and has existed for some time, does not provide equal opportunity to a particular category of students and it does discriminate against that category of students. It discriminates against, for example, a young person from making the choice to be home schooled upon entering the secondary level. For that reason, I have sponsored this bill.

Let me illustrate what I mean with an example from my constituency. In fact, it is the case which brought to my attention, about a year or so ago, what I consider to be the unfairness of the MSSPA eligibility rules towards, for example, home schoolers so far as participation in athletics is concerned.

Before I do this, I want to make it very clear that it is not now and never was my intention to attack the Maine Secondary School Principals' Association. It just caught my attention and I was convinced that some of their rules are unfair towards a particular category of students.

The case I referred to is the David Novak case. You have read about it, no doubt, in the newspaper, some of you have paid more or less attention to it and some no attention to it. Well, David made his own choice upon entering the secondary school level and he decided he wanted to be home schooled and so he was for three years. Now, during that three year period of time, he was not allowed to participate in athletics because the enrollment part of the eligibility rules of the MSSPA prevented that. However, down the road, he decided that he wanted to transfer to the public school system. After a lot of different questions arose as to just what year in high school he could enter, it was decided that he would be received in high school, accepted, given credit as a junior. Then, the eight semester rule took over and since the eight semester rule says the clock of the eight semesters starts ticking as soon as a young person enters upon his secondary school career, that clock started ticking against David all the while he was in the home school program even though he couldn't participate in athletics during those three years. So, what happened was he had two

semesters of eligibility left when he entered high school.

Now, on the one hand these rules said to David, because you have chosen home schooling, you may not participate in athletics on the secondary school level. In my judgment, ladies and gentlemen, that discriminates against this boy and against all of the other David Novak's that might be out there. It discriminates against a young person who exercises his or her freedom of choice and decides they want to be home schooled. It certainly does not provide for equal access and equal opportunity. Moreover and notwithstanding that fact, when he entered high school as a junior, these same eligibility rules, according to the eight semester rule, said that notwithstanding the fact that you, David, were not allowed to participate in athletics while you were being home schooled, you now have only two semesters of eligibility left, even though he had two years of high school left and he couldn't play or participate in sports while he was being home schooled. In my judgment, that does not provide equal opportunity, equal access and, in my judgment, that discriminates. De facto, David's eligibility was not eight semesters but two semesters, de facto ladies and gentlemen, I am not talking about de jure, I am talking de facto. As a matter of fact, this young person's eligibility was reduced to two semesters and that in my judgment is not fair and it certainly does not correspond to the idea of fairness that I was taught in my home when I was growing up.

The school system in which David found himself, David and his parents decided that they would go ahead and try to get a waiver for David to see if they could get him eligibility for his senior year. So, they did, and the waiver was denied... first. Then it was appealed and it was denied. Then it was appealed again and I don't really understand 100 percent the appeal process here, it is a little bit complicated, but the second time around in the appeals process, the waiver was granted to David. Those of us who were supporting his cause thought, this is great, David is going to have his eligibility extended through his senior year. Not so, ladies and gentlemen, because the rule says you may get a waiver only for 18 consecutive weeks. That supposedly represents something like a semester. I don't know why the MSSPA thinks in terms of semesters on the high school level -- when I went to high school, we all thought in terms of years, freshman, sophomore year, junior year, senior year. Well, what this meant this year, so far as David was concerned, was that he could play basketball throughout the season. Fort Fairfield didn't make it to the tournament this year so no problem developed during tournament season, which might have happened, I believe. But, he was able to play basketball but he can't play baseball this spring or anything else that they might be playing this spring.

David Novak is a perfectly normal age for a senior, he is 18, he will be 18 throughout his senior year. He was 17 throughout his junior year. His birthday happens to fall on the sixth of September.

This bill would resolve David's problem and that is one of the reasons that I sponsored the bill. It is not the only reason. My primary reason is that we have a public policy that guarantees equality of opportunity and fairness and a policy of non-discrimination regarding participation in athletics on the secondary school level.

David Novak is a good boy, he has not broken any rules, he is bright and he is being punished. He is being discriminated against and he, ladies and gentlemen, is being hurt and we can change that.

Each and every one of you who vote here today should look into your conscience and ask yourself, do you want this to happen to that boy? I don't want it to happen and I am going to vote against the motion on the floor and I hope each and every one of you do too and that you vote for an equitable, fair, public policy.

The SPEAKER: The Chair recognizes the Representative from Stockton Springs, Representative Crowley.

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: This bill, L.D. 2318, is a home schooling bill on eligibility of athletics only. We dealt with home schooling in the Committee on Education last year and I think we did an excellent job of making the local schools more receptive to home schooling. There are now about 1,000 youngsters (about one-half of one percent of the students in schools) that are at least now able to have local assistance from the schools and also from the state if they are home schooled. So, I think we gave them a little status and we found out that the home schooling parents were absolutely wonderful people.

I feel that the Majority "Ought Not to Pass" Report is the only way to go. Simply stated, this is a bad bill for two reasons. It would disrupt the eight semester eligibility high school ruling that high schools in the State of Maine follow -- the National Federation of Interscholastic Athletics, they have followed this for over 50 years. This rule has been in effect -- I can remember back in 1942 when I was coaching when this rule was in effect and it is a good rule. If we change this, we will be making it unequal. For example, if a 14 year old boy or girl is home schooled under this bill, under this change, then that person who is age 15, 16, 17, 18 -- they would have six years of eligibility. The reason we have this rule is we feel that students should participate in sports for eight consecutive semesters. They are going to school for other reasons besides athletics. If a home schooler were 15 years old, under this bill, the home schooler could have five years of eligibility, ten semesters. This would be unfair to 99.5 percent of the youngsters who start school in a regular manner and have eight semesters to participate.

The fact that the state has adhered to the national federation rules that Massachusetts, Connecticut, Rhode Island, and practically every other state in the country adheres to, this would be changing it and I think it would be a gross error. I don't believe that we as legislators know more than the high school principals. I think they are well educated, knowledgeable, qualified people and I think they can run the schools a lot better than we can here in the legislature.

So, I would hope that you would stay with me and vote "Ought Not to Pass" on this bill so that things will stay equal and not make them unequal for home schoolers.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Small.

Representative SMALL: Mr. Speaker, Ladies and Gentlemen of the House: I probably don't need to get up and speak today because I think our Committee Chairman did an excellent job of presenting the facts. However, it is very rare that I am on a Majority Report so I thought I would take this opportunity to go with the group.

L.D. 2318 does waive the eight semester rule for home schooled children who went to public school in the middle of their high school years. If the home schooled child must repeat a grade to make up credits

for graduation, the bill would allow the child to forget a year of schooling and remain eligible to play sports in his or her senior year. If a public school child repeats a year of high school, the rule is not waived and he or she cannot play their senior year. The argument for this is that home schooled children do not have a choice whether to play sports their high school years so they should not have this semester rule apply to them, but these children do make a choice, a choice to be home schooled or to attend public schools. Both have advantages and drawbacks. You must make your decision and then you abide by the rules.

If my child chose not to participate in freshman sports, maybe it is a difficult year for her academically, maybe she is not eligible or she can't take the time, her eight semester eligibility still begins that freshman year. If she needs to repeat her freshman year, under the current law and under this bill, she will not be allowed to play sports in her senior year. A home schooled child who takes his freshman year of study at home and then goes to public school and needs to repeat his freshman year, under this bill, the child would have four years of eligibility, he could play his senior year.

There is a proposal currently being considered by the Maine Secondary School Principals' Association that will be voted on in April. This proposal would allow schools the option of permitting home schooled children to participate in all extracurricular activities. Should this proposal pass, and I see no reason why it shouldn't since it has unanimous support of the executive committee, it would make the need for this bill a moot point.

I think the real issue here is who should set the rules for eligibility and extracurricular activities conducted by the Maine Secondary School Principals' Association -- the legislature or the body which promotes, supports and conducts the events? Do we want decisions made in a political arena or by a body which represents every secondary school in the state?

I hope you will support the Majority "Ought Not to Pass" Report and allow the Maine Secondary School Principals' Association to continue to run their program.

The SPEAKER: The Chair recognizes the Representative from Fryeburg, Representative Hastings.

Representative HASTINGS: Mr. Speaker, may I pose a question through the Chair?

Isn't it true that the Maine Secondary School Principals' Association has no prohibition against a home schooler currently participating in the athletic programs of the public school in the district in which they are located?

The SPEAKER: Representative Hastings of Fryeburg has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Wiscasset, Representative Kilkelly.

Representative KILKELLY: Mr. Speaker, Men and Women of the House: Currently, the Maine Secondary School Principals' Association does prohibit students that are home schooled from participating in sports at the local school. The proposal that is being discussed by the Maine Secondary School Principals' Association would allow schools (as a local option) to allow students to participate, but that would be up to the school board. Some school boards will accept that and some will not accept that.

To address the bill somewhat, I think there are a few points that need to be made and made very simply. While a student is being home schooled or in a private school, that students' eligibility is kicking off from the time they are a freshman. The

student does not currently, under the Maine School Principals' Association, have an opportunity to participate in sports but, at the same time, their eligibility is ticking down.

What this bill says is, if a student is enrolled in a public high school, their athletic eligibility would equal their academic eligibility. If that student comes in as a sophomore, academically, the student would be in an athletic eligibility level of a sophomore also.

I think it is really important for us to take a look at what schools are all about. Schools are academic institutions, their first and foremost task is education. This bill merely equates the academic standing of a student with the athletic standing. Guidelines are necessary and rules are necessary and nobody questions that, but students are whole people and people are complex entities. There needs to be some flexibility. Situations are unique and when this body has seen unfair situations in the past, it has responded. I would urge you to vote against the motion.

The SPEAKER: The Chair recognizes the Representative from Madison, Representative Richard.

Representative RICHARD: Mr. Speaker, Ladies and Gentlemen of the House: We have heard the item mentioned here as being equal. This to me would be reverse discrimination in that it would say to every other student, we are going to make special provisions for home schoolers, but every one of you must still adhere to what the rules are for everyone else. To me, as I said, appears to be very much a case of reverse discrimination. I encourage you to vote "Ought Not to Pass."

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Handy.

Representative HANDY: Mr. Speaker, Members of the House: This would not be a case of reverse discrimination as the previous member has indicated, this would provide equality. When a home school student is assessed by a local unit as to his or her academic standing, they are assessed on that person's academic progress and successes and then determined by that school unit as to where that student will be placed, in the 9th grade, 10th grade, 11th grade or 12th grade. For example, however, let's say that that school unit has determined that that student has academic standing as being a sophomore — well, the School Principals' Association says that that clock started ticking back when that person reached the age to be in the ninth grade. Is that fair? I don't think it is a case of reverse discrimination here, I think it is a case of one entity wanting to dictate what should be.

I think the legislature here today has a unique opportunity to create an inequity as it relates to students who have chosen to go to the public school system and those students who have chosen for a part of their educational experience to be home schooled and then go to the public school system. Let me point out that home school students, while they are being home schooled in those school districts where they reside, those school districts receive state money, while those students are not receiving any benefits from the public school system. Now, where is the fairness there? I would submit that those school districts who are bent on not making their facilities available to home school students should send that money back to the state. I think that would be fair.

What we are asking here is that all students, whether they spend part of their educational experience in the home and then go to the public school system or whether they spend their educational

experience exclusively in the public school system, that they be treated on the same basis, that is all this bill does. It eliminates the discrimination against a whole class of students and the discrimination that we experience as a result of having our state tax dollars go to those districts who choose not to treat students fairly.

I would hope that the members of this House would oppose the motion today and vote no.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Small.

Representative SMALL: Mr. Speaker, Ladies and Gentlemen of the House: I request a roll call.

I just want to clarify a point, this only affects home schooled children when they enter the public schools if they must repeat a grade. Right now, they are currently being assessed the same way yours and my children who are in public schools are assessed — if you must repeat a grade, you have used up part of your eligibility.

The SPEAKER: The Chair recognizes the Representative from Fryeburg, Representative Hastings.

Representative HASTINGS: Mr. Speaker, Men and Women of the House: I posed the question that I did because last year as a legislator I was asked to serve on a committee with the Maine Secondary School Principals' Association for purposes of considering the home schooler and their participation in athletic programs. We met with several home schoolers who are part of this committee that was made up to review the regulation of this association. At that point in time, home schoolers were participating in the athletic programs of many schools. The particular people who were on this committee did indicate, I believe, that Lewiston did not allow it and Auburn did or the reverse, one or the other, so it was already being done in certain towns, dependent upon how that school committee chose to react. It was not the Principals' Association prohibiting it at all.

That group came out and positively approved a change in regulation, if you will, that said all people shall do this, all schools shall do it, but they could not mandate against a particular school prohibiting it. In effect, I believe the article or the rule that is being talked about, I know has already been approved by the directors of this association. It does not change, as I understand it, what is already going on in this state. Therefore, it is primarily a local issue, a particular school has to make that determination. So, to me, this particular bill has really no bearing for us to make a decision on. I would indicate to you that I would side with those who are in favor of "Ought Not to Pass."

The SPEAKER: The Chair recognizes the Representative from Wiscasset, Representative Kilkelly.

Representative KILKELLY: Mr. Speaker, Men and Women of the House: A piece of information that I have here are the eligibility requirements from the Maine Secondary School Principals' Association. If you will bear with me, I would just like to read a couple of lines. "A pupil shall be eligible to participate in any interscholastic secondary school athletic contest: (a) who meets the eligibility rules established by the local school authorities; (b) who is regularly enrolled in the school which he represents: (1) to be considered regularly enrolled, a student must be in attendance and academically active in the school which he represents. An academically active student must be pursuing a program of studies approved by the principal and superintendent of schools." Other than the fact that it only refers to he, I would say that it would not

allow home school students to participate and that is the information that we have received.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative O'Gara.

Representative O'GARA: Mr. Speaker, Ladies and Gentlemen of the House: You have already heard several references, certainly our good Chairman did a good job leading off with it, Representative Small, by touching on the new activity that the State Principals' Association will be voting on. Let me just touch on a couple of subjects, please.

The purpose of the eligibility rules is to provide Maine high school students with fair, equitable opportunities to participate in interscholastic activities. Maine's eligibility rules are patterned after the standards promulgated by the National Federation of State High School Associations. While our rules do differ somewhat from the national standards in that they are somewhat less restrictive, they are no more restrictive.

With the impressive increase in the number of students being educated at home in recent years, the eligibility rule that requires that students must be regularly enrolled in the school in which he or she represents has come under scrutiny. Because the Association recognized the need to reconsider that rule with the assistance of others outside of the Association, an ad hoc committee was formed and Representative Small has mentioned that and also mentioned the amendment that has been introduced and will be voted on next month.

The bill in front of you now, L.D. 2318, is not in the best interests of Maine youngsters and I would like to give you a few reasons why. First, you must remember that the Maine State Secondary Principals' Association presently limits eligibility to eight semesters and you have heard reference to that already. The reason for this is simple. It is to ensure insofar as possible that all youngsters have an equal opportunity to participate. By definition, these eight semesters must begin at a certain time for all students. The most logical time for the eight semesters to start is at the beginning of the ninth grade year.

Second, you must understand that exceptions are sometimes made. If the high school year of a student has been interrupted for reasons beyond his or her control, (for example, illness or family emergency) a process exists by which the school may request an additional semester of eligibility, which you have already referred to as being 18 weeks.

Third, you must appreciate why such a rule is necessary in the first place. There are two major reasons, the first is to prevent a practice commonly referred to as "red shirting." This is a practice whereby a parent or other adult makes the decision to have a youngster repeat a grade or take some time off to allow the child to grow bigger, stronger, and faster in hopes of increasing the child's athletic ability. Although many people assume, and that may include people in this body, that this practice is prevalent only among college athletes, most high school principals will tell you that, without a rule to prevent it, it would become very common practice in high school, given our society's emphasis on interscholastic sports.

Another reason the eight semester rule is necessary is to ensure that during the relatively brief time that the youngster is in high school, he or she has fair opportunity to participate in activities.

L.D. 2318 would allow students who choose to leave a public school for a period of time to return to the public school and participate in activities

with no loss of eligibility, thus displacing other students who are regularly enrolled in a four year course of study. It would also make it possible for parents or other adults to "red shirt" students at will, further creating unequal playing opportunities in high school activities. Although I do agree with our Chairman that we are in school for a lot of other reasons besides athletics, this bill is based on athletics.

The MSSPA has over 65 years of experience in promoting and regulating educational sound student activities. Please remember that their decisions are not made by an office in Augusta, rather they are made by a number of principals, educators, who devote themselves daily to oversee the total educational programs for the public school youngsters in our communities. As principals, members do not operate whimsically or in self-interest. They are accountable to their local superintendents and the school boards who ultimately make the policy decisions in the local school units. All principals have been encouraged to discuss this matter thoroughly with their superintendents and school boards prior to the vote in April so the wishes of the communities will be reflected in their vote. By holding their principals' accountable, locally elected school board members and the superintendents they hire have a great impact on the Association's decision.

Finally, I would say that I do not see this as a prejudicial position of the Maine State Principals' Association. It is a situation that occurs and, whenever you have rules, there are these kinds of things and that is why this amendment is being considered and I hope that you will vote with our House Chair, Representative Crowley, and let the Principals' Association vote in April to correct the problem.

The SPEAKER: The Chair recognizes the Representative from Frenchville, Representative Paradis.

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: We often hear on the floor of the House that "If it ain't broke, don't fix it" -- well, if it was not broken, we wouldn't have had to deal with this in our committee.

I did academic extracurricular activities for several years. I always scheduled my activities on Sunday afternoon because there is very little relief time for our academic extracurricular activities in the school day. I was never once told that I was breaking the rules of the MSSPA. I had carte blanche to do what I wanted with these academic extracurricular activities.

The only reason this issue is in front of us today is because it is athletic and, in this state, that is sacrosanct so I hope you will vote against the motion.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Holt.

Representative HOLT: Mr. Speaker, I would like to pose a question through the Chair.

I would like to ask the Honorable Representative from Westbrook, Representative O'Gara, to explain "red shirting" because I don't think some of us could hear and many of us do not understand the term "red shirting." Please, I would like an elucidation of that term so that we understand what we are talking about.

The SPEAKER: The Representative from Bath, Representative Holt, has posed a question through the Chair to Representative O'Gara of Westbrook who may respond if he so desires.

The Chair recognizes that Representative.

Representative O'GARA: Mr. Speaker, Ladies and Gentlemen of the House: Out of respect for the good Representative, there are a variety of ways you could describe it but it simply means (and I think I described it in my comments) by keeping a student back, the student becomes stronger, older, more mature and, therefore, certainly not playing on the same equal basis as a student who is not the same age. The student may have been in school the same number of quarters but not the same age.

The SPEAKER: The Chair recognizes the Representative from Madison, Representative Richard.

Representative RICHARD: Mr. Speaker, Ladies and Gentlemen of the House: I, again, will readdress my remarks of this being inequal. When we change a rule or regulation to take care of one or more individuals at the sacrifice of all other individuals, all other individuals in the school system have to abide by the eight semester rule and here we are asking that we take one segment and have them not abide by it. Now, if this isn't an inequal, I don't know what is.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Holt.

Representative HOLT: Mr. Speaker, Men and Women of the House: I would like to remind the members of this House that home school students do get 50 percent of full tuition for their education, even though most of them are totally educated at home.

Twenty years ago, I became one of the first parents to start the home school. You understand, many people start home school for many reasons. There were people at that time who were isolated in the back woods doing home education.

In my case, I had one son who had what is now called dyslexia, and in the public schools both here and out-of-state before we came home, he was called lazy. I saw this as very destructive to him. I knew that he was trying as hard as he could so, when he was still called lazy when we moved back here to Maine, my husband and I said, we can't do any better than the public schools possibly but we won't do any worse as far as Kurt is concerned. It turned out to be the case, he has a very good job today, he is not lazy and we were glad we did home schooling. We worked very well with the local public school system and with people in the State Department of Education. We joined and did promulgate together some rules for home schooling that was a model for other states to follow.

So, you see Maine again was in the forefront. I must say, however, over the many years, I have not felt a great friendly attitude from the Maine Secondary School Principals' Association on a number of occasions, when I have come with others to go to bat for this kind of choice in education. You probably know that some families choose the home school for awhile to give their children strong roots in their family religion and give them a chance to develop self-discipline that they feel sometimes is impossible in the public system where teachers are already quite benighted with problems and are restricted from teaching religious education in the way the families would like, that is only one among many reasons.

Over the years, I have seen home schools cooperate with public schools. Children will go and play in the band or in the choir. They have been wonderful in sharing their books with my particular home school in the past. Many changes have occurred. You see now before this legislature a bill to restructure public education — that means to loosen up on the rules a little and the Maine Secondary School Principals' Association is all for it.

I was puzzled by this bill, I did not think I was going to speak today, but because the Director of the Maine Secondary School Principals' Association is an old friend of mine, who was at one time Principal of a school in Bath, I decided to call him yesterday and ask him what the real problem was. I couldn't see what the problem was. He said, "Maria, there is one open horrendous hole in this situation. It is one single situation and I want you to understand that I feel that is the reason there is opposition to this bill, this one horrendous hole." What is this horrendous hole? This horrendous hole is that parents, at will, will allow kids to stay home until they get bigger and stronger and then they will come in and play ball. Now, I hope you understand we are talking about young men and young women — my niece, Erin Johnson is a great basketball star in the State of Maine and I am darn proud of her — I am not opposed to athletics, obviously. I told you once that I was a cheerleader and I was a good one but what I want to tell you is this, I brought up four sons and there isn't a teenage boy that I ever heard of who would rather spend an extra year at home with mother than to kick a football around longer in high school. He wants to get out and have a job and a good life.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Oliver.

Representative OLIVER: Mr. Speaker, Ladies and Gentlemen of the House: This is an issue of discrimination and I think it is important to state that home schoolers are good citizens in the State of Maine. They actually save us money, they pay taxes and, in this case, David Novak, is discriminated against. If we support school athletics as an integral part of the educational experience of our children, then a student not over the age limit should be allowed to participate along with other students in his grade level.

I believe we accept the positive benefits of school athletics. I was a coach for many years in high school back in the 50's so I realize that in order to keep a kid in school, sometimes it takes extra motivation and extracurricular activities. I strongly believe, with the right coach, you can teach school spirit and certainly some individual sportsmanship but I think we have a situation here in which there is no wrong doing of the child who enters the public school system and he is discriminated against his senior year from playing athletics, which is just another extracurricular activity. I think one of the concerns that I have with this issue is the fact that we talk about the loophole and we talk about only one person being discriminated against — I think if one person is discriminated against and the state has the power to change that, then it does behoove us to take action.

One of my concerns here, and I am certainly going to vote against the motion by the very distinguished Chair of our Committee, and it is very rare that I go against the Chair, is the fact that I know that this child being discriminated against in his senior year will have a different aspect towards education than the other children in his class when he must go and sit in the grandstands and watch. I think it is very important if we believe that extracurricular activities are integral to the education and motivation of our children that we open up this rule and not be locked in. As a coach I have heard the same term "red shirt" and I believe that, in the past, that has been an abuse but I think we have gone beyond that. I think our children and our parents are much more interested in our children succeeding and moving onto post-secondary schools and job

opportunities than worrying if they are going to play an extra session on the football team or the soccer team. I think it is discriminatory, we are denying David Novak and other David Novak's the chance to participate in the grade level that he is at with other students who are in his same classroom. I think if it discriminates one person, then we as a legislature should be concerned about that one person.

I think this is an education bill. I think this tells everyone here and the public in Maine that we are more concerned about the education of a child, we are more concerned about ending discrimination in our school system than we are about a football or soccer game. Having years behind me as a soccer coach, I strongly believe that David Novak will do better in school because we, as legislators, allow him to participate with the other students at his grade level in athletics. This is discrimination, this is an education bill, and we must do David Novak a favor plus give honor also to all those home schoolers who pay taxes. Many schools do not allow their children to be in the band, orchestra, clubs or soccer team, so we can't have our cake and eat it too. If we tell them that you cannot participate, and at the other end we count their non-participation in their eligibility, I think we can all see the great contradiction in that. I think this is pure and simple — a boy of age level, he is under the age level that allows him to play, he wants to participate in the educational activities of his school at his grade level, this bill will allow that.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Macomber.

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: We have had the talk of discrimination, education and all these things brought up but I think you can pin it down to one issue that you are being asked to vote on. Are you going to allow the Maine Secondary Principals' Association to keep doing the job that they have been doing for 60 years and doing a very good one, I think?

This is not the first time that they have been challenged in this House. Within the past 10 years, we had one case that created a lot of interest about a kid who became average at tournament time.

I think if you have a set of rules, you have to abide by those rules. As I said, I think it has worked quite well in the past. In past years, during the summertime, I have done a little baseball scouting. I will get a packet from the club, whoever it is that they want me to look at, and they will say, so and so at Bangor High School, they will give me his record, he struck out 22 men a game and all this and that, and it sounds wonderful but when you go to scout that kid, you will find out, indeed, that he has been striking out 15 to 20 men a game and simply overpowered everybody but you also find out that, in many cases, that kid is 18 years old and he is pitching against kids who are 15 and 16 years old.

I think what the Principals' Association is doing (although you may not always agree with them) I think over the many years that I have been associated with sports and I know Representative Crowley has, that overall they have done an excellent job and I hope that you will allow them to continue.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having

expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the Representative from Easton, Representative Mahany.

Representative MAHANY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond to a couple of things. Eight semester rules causes me concern and coupled with the enrollment rule causes me concern. It says to a kid who is in home schooling, "You may not participate in school athletics so long as you are in home schooling." Yet, it allows the clock to tick, the eight semester clock to tick against him, and should he transfer into the public school system, then say to him if he enters as a junior and has been three years in the home school program, "You only have one year of eligibility left." They de facto that kid's eligibility as one year and one year only, de facto. That to me is discrimination.

I suggest to you that the proposal that the MSSPA is going to entertain, we don't know if it is going to pass it or not, I guess it is in April, is before us because the MSSPA recognizes that maybe they need to make some changes. In this proposal, they do recognize (in answer to one of the Honorable legislators of this body's questions) as to whether or not those enrolled in home school programs may participate in athletics. I would say that the answer is in this amendment and the answer is clearly "no" as of now.

Actually, ladies and gentlemen, as I read through the eligibility rules of the MSSPA, I notice real paranoia there about "red shirting." I think there may have been sometime in our past history a real legitimate concern and I think that would be a real legitimate concern nowadays on the college level but for high school kids today, who are anxious to get through as soon as possible and the parents are anxious to get them through as soon as possible, to either get them out working so they can earn money to buy a car or else they want to go to college and if they are an athlete with real special ability, they want to get to college so they can play there. They don't want to waste time. I guess what I am saying is that I think the concern about "red shirting" is a red herring.

The Honorable Legislator from Bath said the home schooler has made his choice, he chooses home schooling, he automatically chooses not to participate in athletics — I submit to you that that is not a choice. You can't make a choice if you don't have an option, that is a choice that has been made for him. I personally wouldn't have any great problem with the eight semester rule if they said to the home school children, "You may participate in athletics for eight semesters. If your 8th semester is in the home school program, fine, you will participate eight semesters there; if you go eight semesters in the home school program and 4 semesters in the public high school, okay, you will get eight semesters. If they all get eight semesters, I have no problem with that but that is not what is happening to this particular category (like David Novak) and that is why I think it is discrimination.

Lastly, I would like to make two appeals, that we establish a public policy by voting against the pending motion and voting for this bill that will guarantee us and all the children in the State of Maine and all the young people and their parents that any situation will be covered and that there will be no discrimination. The MSSPA can continue to make its rules, we do this all the time, we pass legislation here and rules are made to conform to it in various agencies.

My other appeal is on behalf of David Novak, which as you might have guessed, is why this emergency preamble is on this bill because I want to see him, and I am sure that many of you do, I hope all of you do, to be able to participate in baseball this year; his senior and final year. He deserves to participate, he has done nothing wrong, he deserves our support, it is the only right thing to do, the only fair thing to do, the only non-discriminatory thing to do and the only thing that will really reflect equal opportunity and equal access.

The SPEAKER: The pending question before the House is the motion of Representative Crowley of Stockton Springs that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 188

YEA - Aikman, Aliberti, Anderson, Anthony, Ault, Begley, Boutilier, Butland, Carroll, J.; Constantine, Cote, Crowley, Curran, Daggett, Dellert, Dexter, DiPietro, Donald, Duffy, Dutremble, L.; Farnsworth, Farnum, Farren, Foss, Foster, Garland, Greenlaw, Gurney, Hale, Hanley, Hastings, Hepburn, Higgins, Hussey, Hutchins, Jalbert, LaPointe, Lebowitz, Libby, Look, MacBride, Macomber, Manning, Marsano, McCormick, McPherson, McSweeney, Melendy, Merrill, Michaud, Norton, O'Gara, Paradis, E.; Parent, Pederson, Pendleton, Pines, Plourde, Reed, Richard, Ridley, Sheltra, Small, Stevens, A.; Stevenson, Strout, B.; Tamaro, Tupper, Webster, M.; Wentworth, Whitcomb.

NAY - Adams, Allen, Bailey, Bell, Brewer, Burke, Cahill, M.; Carroll, D.; Carter, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Conley, Dore, Erwin, P.; Gould, R. A.; Graham, Gwadosky, Handy, Heeschen, Hichborn, Hickey, Hogle, Holt, Jacques, Joseph, Ketover, Kilkelly, Larrivee, Lawrence, Lisnik, Lord, Luther, Mahany, Martin, H.; Mayo, McGowan, McHenry, McKee, Mills, Mitchell, Moholland, Murphy, Nadeau, G. R.; Nutting, O'Dea, Oliver, Paradis, J.; Paradis, P.; Paul, Pineau, Pouliot, Priest, Rand, Rolde, Rotondi, Ruhlman, Rydell, Seavey, Simpson, Skoglund, Smith, Strout, D.; Swazey, Tardy, Telow, Tracy, Walker, The Speaker.

ABSENT - Cashman, Jackson, Marsh, Marston, Nadeau, G. G.; Richards, Sherburne, Stevens, P.; Townsend.

Yes, 71; No, 71; Absent, 9; Paired, 0; Excused, 0.

71 having voted in the affirmative and 71 in the negative with 9 being absent, the motion did not prevail.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Handy.

Representative HANDY: Mr. Speaker, I move that the House accept the Minority "Ought to Pass" Report.

Representative Small of Bath requested a roll call.

The SPEAKER: The Chair recognizes the Representative from Stockton Springs, Representative Crowley.

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to repeat something that Representative Small said about a half hour ago. Every student in the State of Maine when she or he enters the ninth grade becomes eligible for interscholastic athletics and is eligible for 8 consecutive semesters. If we change this, I believe we will be like six years ago when we tried to allow 20 year olds to play basketball and we will be the laughing stock. I think you are making a big mistake.

The SPEAKER: The Chair recognizes the Representative from Winthrop, Representative Norton.

Representative NORTON: Mr. Speaker, Ladies and Gentlemen of the House: I have voted on this bill in support of the position being advanced by our House Chairman. I have fought long and hard about fairness but, as I see it, this becomes a discrimination against the rank and file who are asked to follow one rule and the exception that seeks to follow another.

At this point, Representative Gwadosky of Fairfield was appointed to act as Speaker pro tem.

The House was called to order by the Speaker pro tem.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: The last comment from the Representative from Stockton Springs, Representative Crowley, has brought me to my feet. It probably isn't a surprise because I was involved in that case a couple of years ago. It deals with the issue of fairness, fairness on whose part? How many times has this body, over the years, including this session and last session and sessions before, changed the rules promulgated by the different departments because they didn't follow the intent? Some of you who are talking on the other side of this case are the very ones who have pushed the turning over of those rules by the departments.

A couple of years ago, when that case came up and I remember it well, here was a young man who played basketball and when it came to the State Tournament, things changed after the first game -- his date of birth happened to change his age. They said you may participate in that first basketball game in the tournament. I went to see it because I wanted to see this kid because I had heard all the opposition from the MSSPA, I wanted to see what a giant he was, so I went. Then, in the next game, by accident of birth, his age changed and he could no longer play. Now, here was a student who had participated the entire basketball season, played in the first game of the state championship, and then the rules said that he couldn't play.

The problem I have with this case, as I did in the previous one, is that we have individuals who sit on the MSSPA (and some of them, by the way, are occupants of this chamber and I respect them) who very often act in a vacuum. You and I have to deal with the reality. This young man from Fort Fairfield is now caught in that web. I don't think that that is fair. I don't think it is fair for the MSSPA to put that individual in that corner. I remember the situation so well of what happened and I saw this young man go through so much of what you would expect me to do to one of you involving Republican or Democratic politics. That is how we treated him a few years ago and this is just a high school student. I think we ought to do better.

The vote may not change but we ought to remember that our conscience ought to be our guide in what we try to do to the various departments of this state, when we try to overturn rules because we don't like what they have done. I will be the first to remind you to leave those rules alone because they were done in a proper setting, they were done in a proper method and, after all, they were done by people authorized to do so. I don't believe that you want that. I don't believe that you want me or anyone else reminding you of that so I would hope that you would accept the "Ought to Pass" Report right now and let's tell the people of Maine that we expect

fairness, not only from the departments of the state, but from those ad hoc committees over which we have no control that are self-generated, self-promoted, self-funded. We expect the same type of fairness from them as we expect from state departments. I urge you to accept the "Ought to Pass" Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from South Portland, Representative Macomber.

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: With all due respect to Representative Martin, I certainly disagree very strenuously. When you mention the case of fairness, fairness is a great word, it expresses many different things, but when you are talking fairness and you brought up the case of the 19 year old kid that we had here several years ago -- I don't disagree that it was a very discouraging, very disheartening prospect for that young man, but when you are talk about fairness, you tell me what is fair about a 15 year old kid playing against a 19 year old kid? There are good reasons for that rule and the reasons are that a 19 year old kid -- four years at that stage in their life are tremendously maturing years -- the reason they have 19 year old law in this area is because of the problem we had with injuries with 15 and 16 year old kids that were nowhere near as developed. So if you want to talk fairness, I think you should take that into consideration.

I hope that you will vote against the prevailing motion.

The SPEAKER: The Chair recognizes the Representative from Wiscasset, Representative Kilkelly.

Representative KILKELLY: Mr. Speaker, Men and Women of the House: It is interesting as we keep talking about fairness and we start looking at how old a person can be when they are playing sports. Also, we have heard today that it is also important for access, that all students ought to have access to extracurricular activities. I would submit to you that if you don't play basketball well, it doesn't matter how old you are and it doesn't matter how many years you have been in high school, you aren't going to play on the team. Maybe you are not tall, maybe you are not athletic, maybe something has treated you unfairly -- it is not just a matter of age.

Are we now going to start looking at 6th graders that get held back because of some academic problems? They are now a year older so that is a problem. Are we going to start looking at pre-kindergarten students? Those students have had an extra year. What about kids who start school when they are just barely five? There are some that start when they are seven. I would suggest that there is a lot of unfairness in this world and there are a lot of things we need to deal with. Right now, we have an opportunity to make something a little bit more fair so when a student is in a high school and they are a sophomore, they are a sophomore. They are sophomore academically, the person is a sophomore athletically. I would suggest that is probably the best job we could do for fairness today and I would urge you to support the pending motion.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bath, Representative Small.

Representative SMALL: Mr. Speaker, Ladies and Gentlemen of the House: I quite agree that we make the department laws and we certainly have a right and responsibility when those laws aren't working to change them. However, the Maine Secondary School Principals' Association makes their rules by which they govern their association, their tournaments, and

their extracurricular activities and I guess they ought to be the ones that makes those changes.

I think it is important whenever you have a set of rules that they are applied evenly. There are a lot of rules here that I don't like but I have to feel that they are applied evenly. It is not just a rule against Mary Small, a rule against redheads or a rule against Republicans. It might be a rule against minorities, but nevertheless, I have to feel that they are applied evenly. I might not like it but I understand that that is the case. I know when I come in here that I will have to live by those rules.

However, what we are doing now is trying to set a set of rules that are not applied evenly. If my child stays back in public school in his freshman or sophomore year, that child cannot play as a senior but you want home schoolers that have to repeat a grade and come into public schools to not be counted for that and to be able to play their senior years. That is not equity.

What about the child who is going to be displaced, that has gone through the public schools, has been waiting for that slot, realizes in his senior year that perhaps he will be the 5th man on the team or the 9th player on the baseball team -- that child has played by the rules, that child has been in the system and that child expects to be able to participate in that event because that child has played by the rules. So, we are changing the rules of the game and we are going to allow David Novak to play but John Smith is suddenly ruled out so I think we have to look at both sides of this and whatever rules we set up have to be equal.

At this point, the Speaker resumed the Chair and called the House to order.

The SPEAKER: The Chair recognizes the Representative from Stockton Springs, Representative Crowley.

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: If I offended anyone with my remarks, I apologize.

I attended the Eastern Maine Basketball Tournament, large school, I had a grandson playing for Bangor High and it was just a beautiful tournament to watch. There were 196 boys and girls in that tournament, there were about 4 or 5 that were 14 years old and there were only 2 that were 19 and the average age was about 16 years and 10 months. It was just a beautiful spectacle to see all those people, thousands of them from Presque Isle, everywhere in the state, cheering those youngsters on and seeing those principals run a tournament in such an outstanding manner. Sportsmanship -- the whole route was just a wonderful thing and for us to think we can run those tournaments and run athletics better than the principals, I don't believe we can.

The SPEAKER: The Chair recognizes the Representative from Greenville, Representative Gould.

Representative GOULD: Mr. Speaker, Ladies and Gentlemen of the House: I will try not to get into the fairness issue because it has all been said before. There is just one thing that I want to point out to you. I was a coach for 15 years and no kid would displace another kid unless that person or child is good enough to play on the team. It doesn't matter whether you are a freshman or senior. The coach makes the decision. No one is guaranteed any position because we set up athletics so that the best play. That's just the way it is. If we don't like it that way, then I suggest we set up athletics on an

intramural basis and let all kids play at the public expense the way they do now.

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative Lord.

Representative LORD: Mr. Speaker, I would like to pose a question through the Chair.

By passing this bill, does this eliminate the age limit?

The SPEAKER: The Representative from Waterboro, Representative Lord, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Wiscasset, Representative Kilkelly.

Representative KILKELLY: Mr. Speaker, Men and Women of the House: No, it does not. The age limit will still remain 20 and there is nothing in this bill that would do anything to affect that.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr. Speaker, Men and Women of the House: I will be brief. I wish we spent as much time educating our kids as we do teaching them how to play ball.

I want to make a couple of points. When I entered Waterville High School as a freshman, I was the third smallest kid in the class. When I graduated, I was the third biggest. A lot happened in four short years.

To answer Representative Macomber's concern -- Representative Macomber, when I was a freshman, I weighed 78 pounds, I loved playing football against them big guys. It never bothered me to play against those big guys, it made me a better player and it made me a better man in the long run. Them big guys -- I used to like to go after them because they fell hard and they fell fast.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Macomber.

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: The only response I can make is, when you said it made you a better player and a better man, that is a personal opinion.

The SPEAKER: The Chair recognizes the Representative from Madison, Representative Richard.

Representative RICHARD: Mr. Speaker, Ladies and Gentlemen of the House: I find myself in the same position as I did a few years ago when I debated and argued against the Speaker on the 20 year old rule. I still say, as I did that day, that we as a body have no wisdom and knowledge than any other group of representative people within this state. I still believe that to be true.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative O'Gara.

Representative O'GARA: Mr. Speaker, Ladies and Gentlemen of the House: I do want to make a couple of comments but first I want to acknowledge about the ad hoc committee that was referred to earlier -- that committee was made up of a parent, a representative of the Department of Education and Cultural Services, a superintendent, a State Representative, the President of the Maine Home Schooling Association and four secondary principals, all people that I think met with one purpose in mind and that was to do the right thing.

Representative Macomber has done a better job than what I was going to say in response to the Representative from Waterville -- but as usual, the comments are humorous, got a real chuckle out of everybody, but completely avoided the issue. I would echo, as sincerely as I can, the words of our House Chairman -- you are making a mistake on voting this

particular measure and the way you are doing it. I urge you to set aside the emotion that you have heard here today and vote the right way (and I am not saying that just because that is the way I am going to vote) but I believe very sincerely this is a body of people that you know and represent, speak with, talk with, get opinions from and now you are telling them that they don't know how to make a rule that is in the best interest of the kids. I urge you to vote against this motion.

The SPEAKER: The pending question before the House is the motion of the Representative from Lewiston, Representative Handy, that the House accept the Minority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 189

YEA - Adams, Allen, Bailey, Bell, Brewer, Burke, Cahill, M.; Carroll, D.; Carter, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Conley, Daggett, Dore, Erwin, P.; Farnsworth, Gould, R. A.; Graham, Gwadosky, Handy, Heeschen, Hichborn, Hickey, Hoglund, Holt, Jacques, Joseph, Ketover, Kilkelly, Larrivee, Lawrence, Lisnik, Lord, Luther, Mahany, Martin, H.; Mayo, McGowan, McHenry, McKeen, Michaud, Mills, Moholland, Murphy, Nadeau, G. R.; Nutting, O'Dea, Oliver, Paradis, J.; Paradis, P.; Paul, Pineau, Pouliot, Priest, Rand, Rolde, Rotondi, Ruhlin, Rydell, Simpson, Skoglund, Smith, Strout, D.; Swazey, Tardy, Telow, Tracy, Walker, The Speaker.

NAY - Aikman, Aliberti, Anderson, Anthony, Ault, Begley, Boutilier, Butland, Carroll, J.; Constantine, Cote, Crowley, Curran, Dellert, Dexter, DiPietro, Donald, Duffy, Dutremble, L.; Farnum, Farren, Foss, Foster, Garland, Greenlaw, Gurney, Hale, Hanley, Hastings, Hepburn, Higgins, Hussey, Hutchins, Jalbert, LaPointe, Lebowitz, Libby, Look, MacBride, Macomber, Manning, Marsano, McCormick, McPherson, McSweeney, Melendy, Merrill, Mitchell, Norton, O'Gara, Paradis, E.; Parent, Pederson, Pendleton, Pines, Plourde, Reed, Richard, Ridley, Seavey, Sheltra, Small, Stevens, A.; Stevenson, Strout, B.; Tamaro, Tupper, Webster, M.; Wentworth, Whitcomb.

ABSENT - Cashman, Jackson, Marsh, Marston, Nadeau, G. G.; Richards, Sherburne, Stevens, P.; Townsend.

Yes, 72; No, 70; Absent, 9; Paired, 0; Excused, 0.

72 having voted in the affirmative and 70 in the negative with 9 being absent, the Minority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (H-903) was read by the Clerk and adopted and the Bill assigned for second reading Thursday, March 15, 1990.

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

An Act to Correct the Subdivision Laws (H.P. 1357) (L.D. 1874) (C. "A" H-843)

TABLED - March 13, 1990 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be enacted and specially assigned for Thursday, March 15, 1990.

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

Bill "An Act Related to the State Board of Substance Abuse Counselors" (EMERGENCY) (S.P. 699) (L.D. 1837)

- In House, Passed to be Engrossed as amended by Committee Amendment "A" (S-483) as amended by House

Amendment "A" (H-860) thereto and Senate Amendment "A" (S-506) on March 2, 1990.

- In Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-483) as amended by Senate Amendment "A" (S-525) thereto and Senate Amendment "A" (S-506) in non-concurrence.

TABLED - March 13, 1990 by Representative MAYO of Thomaston.

PENDING - Further Consideration.

On motion of Representative Gwadosky of Fairfield, retabled pending further consideration and specially assigned for Thursday, March 15, 1990.

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

Expression of Legislative Sentiment recognizing the Scarborough High School Academic Decathlon Team (HLS 1153)

TABLED - March 13, 1990 by Representative WEBSTER of Cape Elizabeth.

PENDING - Passage.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Pendleton.

Representative PENDLETON: Mr. Speaker, Men and Women of the House: I hope you will join with me today in honoring Scarborough High School's Academic Decathlon Team that recently became state champions. Their hard work, their dedication and their spirit brought great credit to them and to our Scarborough High School faculty. These students are in the balcony and I would request that you join with me in wishing them the very best of luck in the national competition. (applause)

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Higgins.

Representative HIGGINS: Mr. Speaker, Men and Women of the House: I would be remiss if I didn't add my two cents worth in additional congratulations to our team and to the students and coaches that were involved.

From my son's involvement with the program two or three years ago, I know how much time and energy they do put into it and I know we spent a lot of time here debating athletics and the amount of time that is put into practice for athletic events and I can assure you that these students have put as much time, if not more, into their academics as some students have into playing sports. I know that when they go to represent the State of Maine, they will do so very adequately and we wish them the best of luck. We are proud of them and we hope they come back as national champions but they have never done anything but credit to the state and have done well when you consider their going against some schools who have a student population of four or five thousand, Texas for example and other schools like that. So we wish you the best of luck, we are glad you are here and we hope Scarborough continues in its semi-dynasty in this particular category.

Subsequently, was passed and sent up for concurrence.

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

An Act to Protect Consumer Privacy by Regulating Automated Telephone Solicitations (H.P. 1421) (L.D. 1973) (H. "A" H-855; C. "A" H-835)

TABLED - March 13, 1990 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Adams of Portland, under suspension of the rules, the House reconsidered its action whereby L.D. 1973 was passed to be engrossed.

On motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-835) was adopted.

The same Representative offered House Amendment "B" (H-926) to Committee Amendment "A" (H-835) and moved its adoption.

House Amendment "B" (H-926) to Committee Amendment "A" (H-835) was read by the Clerk and adopted.

Committee Amendment "A" (H-835) as amended by House Amendment "B" (H-926) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-835) as amended by House Amendment "B" (H-926) thereto and House Amendment "A" (H-855) in non-concurrence and sent up for concurrence.

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

An Act to Amend the Operating-under-the-influence Laws (H.P. 1535) (L.D. 2120) (C. "A" H-834)

TABLED - March 13, 1990 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

Subsequently, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

On motion of Representative Mayo of Thomaston, the following was removed from the Tabled and Unassigned matters:

An Act to Coordinate and Consolidate Student Financial Assistance Services under the Finance Authority of Maine (EMERGENCY) (S.P. 865)(L.D. 2216)(C."A"S-484)

TABLED - March 5, 1990 by Representative MAYO of Thomaston.

PENDING - Passage to be Enacted.

The SPEAKER: The Chair recognizes the Representative from Stockton Springs, Representative Crowley.

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: This is the much publicized student financial assistance service bill. Passage of this bill, L.D. 2216, is like putting the last piece of a jigsaw puzzle together. The Committee on Education has worked hard for the past eleven months waiting for this day when this bill is passed. We will breathe a collective sigh of relief.

This higher education student financial aid bill will bring all loan, grant and scholarship programs, both state and federal, under one roof to be called the Maine Education Assistance Program administered by the Finance Authority of Maine. The financial aid specialists, and we believe they are specialists, are working with students at this minute. No time has been lost, no services to students delayed while we struggled with this "how to finance" new so-called one-stop shopping financial aid program. The specialists who operated these loan, grant and scholarship programs last year are handling them now and will be handling them after we transfer them to FAME with the passage of this bill. Their services to the students will continue.

The Bangor Daily News on March 6th had an editorial quoting Commissioner Bither saying that "This was a partisan attempt to sidetrack an

important program." This is definitely not true. This is a non-partisan, collaborative effort.

We had one little problem where the Department of Education had to take \$500,000 out of the medical reserve fund to help our fiscal problems. After we got by that, we had another little problem where they had to take out of another account \$25,000 on which we were planning on or hoping for to run the operating expenses for this program.

This is going to be a very, very tight fiscal problem for the Finance Authority of Maine to run this program. There are a few loose ends to deal with and we have a financial aid transitional advisory committee in place who will continue working with FAME to tie these loose ends together. This landmark program was truly a bipartisan effort involving the Maine Higher Education Council, the College Financial Aid Directors, the College Presidents, high school guidance counselors, bankers, the Commissioner of Finance, the consultants and the CEO of FAME and his staff and many others. It was truly a collaborative effort involving the administration, the legislator, our excellent analyst and the private sector also.

If you have any complaints with this bill and with this program, I suggest you speak to my friend the sponsor of this bill, Speaker John L. Martin. To legislators, when your constituents call the Student Financial Aid about problems, you may now refer them to a financial aid hot line, 1-800-228-3734. This line is in operation and they have answered hundreds of calls already, maybe thousands. This will help parents, students and non-traditional students with their many questions. Later, there will be an outreach and counseling service in Maine, Educational Systems Program that will cover the length and breadth of Maine.

We, the 114th Legislature, can be proud of the program established by us.

This being an emergency measure, a two-thirds vote of the House being necessary, a total was taken. 126 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

(Off Record Remarks)

On motion of Representative Adams of Portland,
Adjourned until Thursday, March 15, 1990, at
eight-thirty in the morning.

STATE OF MAINE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
SECOND REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Wednesday
March 14, 1990

Senate called to Order by the President.

Prayer by Pastor Patricia Gibson of the Faith Lutheran Mission Church in Wilton.

PASTOR PATRICIA GIBSON: Gracious God, Creator of all. Thank You for Your people gathered here, for Your presence among us. We thank You for the opportunity to live and work in Maine. A part of Your creation endowed with such great natural beauty.

Bless the deliberations of this legislative body with the spirit of wisdom and understanding, justice and mercy, that they may be wise stewards for the people of Maine. Much has been entrusted to their care, the rivers and lakes, mountains, ocean, fertile farm land, industry and commerce. The very quality of life for Your people who reside in this state, and for the millions who come to enjoy it's beauty and peace. Help those who have been given the authority to govern make wise decisions, that promote the well being of all people, and preserve our natural resources for generations to come. The issues that are debated here, homelessness, poverty, health care for all ages, recycling, waste disposal, nuclear power, jails, drugs that destroy our youth, all are important issues that affect the well being of Your people, and the preservation of the resources that You have so generously bestowed on us.

We pray for Your guidance in all matters coming before this Body, that wise decisions are made in keeping with Your will. We thank You God for the blessing of freedom, for this country that has enjoyed freedom and liberty since it's birth. For it's form of government, representative democracy, that so many nations have recently come to share after much struggle and bloodshed. Help us Lord, to be a people at peace among ourselves, and a blessing to other nations on this earth.

O mighty God, giver of all things, we thank You for the beauty and majesty of this land that restores us, that we often destroy them. Heal us, Lord. We thank You for the great resources that You have blessed us with, that make us rich, though we often exploit them. Forgive us, Lord. We thank You for the men and women who have made this country strong, they are models for us, though we often fall short of them. Inspire us, Lord. We thank You for the torch of liberty that has been lit in this land, that has drawn people from every nation, that we have often hidden from it's light. Enlighten us, Lord. We thank You for the faith we have inherited in all it's rich variety, it sustains our life, though we have been faithless again and again. Renew us, Lord.

Help us O gracious, Lord, to finish the good work here begun. Strengthen our efforts to blot out ignorance and prejudice, and to abolish poverty and crime. And hasten that day when all people, with many voices united as one, will live in peace and prosperity, according to Your promises. Amen.

Reading of the Journal of Tuesday, March 13, 1990.

Off Record Remarks
