

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fifteenth Legislature

OF THE

State Of Maine

VOLUME II

FIRST REGULAR SESSION

House of Representatives
May 20, 1991 to July 10, 1991

ONE HUNDRED AND FIFTEENTH MAINE LEGISLATURE
 FIRST REGULAR SESSION
 72nd Legislative Day
 Wednesday, July 10, 1991

AUGUSTA, MAINE 04333

The Honorable John L. Martin
 Speaker of the House
 115th Legislature

The Honorable Charles P. Pray
 President of the Senate
 115th Legislature

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

Prayer by the Honorable Michael E. Carpenter, Houlton.

Pledge of Allegiance.

The Journal of Saturday, July 6, 1991, was read and approved.

Dear Mr. Speaker and Mr. President:

In accordance with Title 5, Maine Revised Statutes Annotated, Section 1547, the accompanying Financial Report of the State of Maine is submitted for the fiscal year ended June 30, 1990.

ORDERS

On motion of Representative CHONKO of Topsham, the following Joint Order: (H.P. 1385)

Ordered, the Senate concurring, that Bill, "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993," H.P. 654, L.D. 928, and all its accompanying papers, be recalled from the Governor's desk to the House.

Was read and passed and sent up for concurrence.

By unanimous consent, was ordered sent forthwith to the Senate.

The first section of the report consists of the General Purpose Financial Statements for all funds reported in accordance with generally accepted accounting principles. Generally accepted accounting principles for the Governmental Funds uses the modified accrual basis of accounting. Revenues are recognized when they become measurable and available as current assets. Expenditures are generally recognized when the related fund liability is incurred. Exceptions to generally accepted accounting principles in these financial statements include accumulated unpaid vacation and sick leave which has not been recorded, and interest on general long-term debt which is recognized when due.

The second section is reported as it has been in the past, based upon the budgetary and legal requirements. Please refer to Note 7 of the General Notes to the Financial Statements for the reconciliation of the fund balances between the two sections. Comparative budgetary data and statistical information have also been included in this report to promote a better understanding of the State's finances.

Questions and comments about this report or any phase of State finances are always welcome.

Sincerely,

S/David A. Bourne
 State Controller

S/Victor E. Fleury
 Deputy State Controller

Was read and with accompanying report ordered placed on file.

REPORTS OF COMMITTEES

Ought to Pass Pursuant to Joint Order (H.P. 51)

Representative MICHAUD from the Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 for the Purchase of Recycling Equipment and Facilities and for the Remediation and Closure of Solid Waste Landfills" (H.P. 1384) (L.D. 1973) reporting "Ought to Pass" - Pursuant to Joint Order (H.P. 51)

Report was read and accepted, the bill read once.

Under suspension of the rules, the bill was read a second time, passed to be engrossed and sent up for concurrence.

By unanimous consent, was ordered sent forthwith to the Senate.

The following item appearing on Supplement No. 1 was taken up out of order by unanimous consent:

**PETITIONS, BILLS AND RESOLVES
 REQUIRING REFERENCE**

The following item appearing on Supplement No. 2 was taken up out of order by unanimous consent:

Bill "An Act to Allow State Government to Continue to Operate in Fiscal Years 1991-92 and 1992-93" (EMERGENCY) (H.P. 1386) (L.D. 1974) (Presented by Representative GWADOSKY of Fairfield) (Cosponsored by Senator CLARK of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

(The Committee on Reference of Bills had

COMMUNICATIONS

The following Communication:

STATE OF MAINE
 DEPARTMENT OF FINANCE
 BUREAU OF ACCOUNTS AND CONTROL
 STATE HOUSE STATION 14

suggested the Committee on Appropriations and Financial Affairs.)

Under suspension of the rules, without reference to any committee, the Bill was read once and assigned for second reading later in today's session.

ORDERS OF THE DAY

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Saturday, July 6, 1991, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

The Chair laid before the House the first item of Unfinished Business.

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government Necessary to the Proper Operations of State Government for the Period of July 1, 1991 until July 10, 1991 (EMERGENCY) (H.P. 1380) (L.D. 1970) (H. "B" H-745)
 PENDING - Passage to be Enacted. (Roll Call Requested)

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be enacted and later today assigned. (Roll Call requested)

At this point, the Speaker appointed Representative Michaud of East Millinocket to act as Speaker pro tem.

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

The Chair laid before the House the second item of Unfinished Business:

HOUSE DIVIDED REPORT - Majority (10) "Ought to Pass" as amended by Committee Amendment "A" (H-499) - Minority (3) "Ought Not to Pass" - Committee on State and Local Government on Bill "An Act to Provide for Deferrals of Unfunded State Mandates for Municipalities Experiencing Financial Hardships" (EMERGENCY) (H.P. 1190) (L.D. 1743)
 TABLED - June 29, 1991 (Till Later Today) by Representative MAYO of Thomaston.
 PENDING - Motion of Representative JOSEPH of Waterville to accept the Minority "Ought Not to Pass" Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Yarmouth, Representative Foss.

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: As you all know, this bill has been moved on the calendar for probably a month now. I am glad we finally have an opportunity to

debate it. It is a 10 to 3 Majority "Ought to Pass" Report out of State and Local Government.

Before I make a few remarks about it, I would like to read from today's Portland Press Herald editorial whose title is "U.S. Cities Become Beasts of Burden, they are hauling the load for all levels of government in Maine, the Northeast and the Nation." The editorial begins, "While public attention focuses on state and national governments, U.S. cities are becoming what Paul Thornton, Chairman of the National League of Cities, rightly calls "beasts of burdens carrying the loads that no one else wants to bear and their knees are buckling. No where is that more true than in the recession-wracked northeast where cities are being increasingly left on their own to meet mandates imposed by federal and state governments ranging from Medicaid to removing underground fuel tanks."

This bill before you, L.D. 1743, allows the deferral of unfunded state mandates for municipalities which are experiencing financial hardship. Communities must have the option of mandate relief during these tough economic times and, if they do not have an appeal route as in this bill through State Planning Office, I think we show an insensitivity to their problems as they try to keep property tax increases under control.

This bill would allow for deferrals of those unfunded mandates for up to 12 months with a stipulation that communities must provide a detailed plan on how the mandate will be implemented after they delay.

I would also like to read to you from the New York Times of June 3rd which talks about, "The Cash Crises Force Localities in U.S. to Slash Services. Cities are facing the toughest times since the Great Depression, said the Mayor of New Orleans, President of the National League of Cities." And, in this article in the New York Times there is a reference to Bangor, "If Bangor, Maine cannot raise \$50,784 in tax revenue to pay the world's best childrens dentist, in the words of City Manager Edward A. Barrett, Bangor will lose \$64,500 in federal Medicaid grants and more than 600 indigent children will be at risk of decaying teeth. The dentist is so highly prized that his 20-year old dental clinic for the children of low-income families appears on Mr. Barrett's end of the world scenario, a list of the most draconian service reductions that would be needed to keep next year's property tax increase below 14 percent."

It seems to me it is the least we can do for Maine's towns and cities, for them to have control over their own financial destiny. It is my belief they must have some flexibility.

Mr. Speaker, I request a roll call.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waterville, Representative Joseph. Representative JOSEPH: Mr. Speaker, Men and Women of the House: I urge you to vote for the "Ought Not to Pass" Report. I intend to give you good reason to do so.

First of all, every one of us are concerned about our towns and our cities. Each of us are concerned about property taxes and possible property tax increases in our towns and cities, but this is not the way to go.

This particular piece of legislation says, if a municipality can demonstrate to the State Planning Office that it would suffer financial hardship by funding a state mandate, the State Planning Office

may defer the mandate for up to 12 months.

Although this bill may sound good, there are serious problems with this piece of legislation. First of all, it gives the State Planning Office carte blanche to in fact decide whether or not that municipality is going to suffer financial hardship. Therefore, this bill does create an enormous potential for the misapplication of executive power that could nullify any act of this legislature and the Legislative Branch and the Judicial Branch. In fact, what this bill would say is that a court decree could also be deferred if in fact the State Planning Office would decide that that was what should occur. It is our opinion that there are several flaws in this piece of legislation. It is vague and unclear in a number of areas. It is bad policy and, therefore, a very bad bill.

It is absolutely in the worst interest of this state, our State of Maine, that one person, the Director of State Planning, could decide whether or not a municipality is suffering that financial hardship or to render ineffective any law passed by this legislature and signed by the Governor of this state, any law prior to July 1, 1991, and that means any law, any act that had been passed by this legislature or legislatures of the past since statehood of 1820. I do not consider that good public policy.

I urge you to vote "Ought Not to Pass."

The SPEAKER PRO TEM: The Chair recognizes the Representative from Belfast, Representative Marsano.

Representative MARSANO: Mr. Speaker, I would request that the Report be read.

Subsequently, the Report was read in its entirety by the Clerk.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brunswick, Representative Pfeiffer.

Representative PFEIFFER: Mr. Speaker, Men and Women of the House: I am not positive, but if the current legislation that we are considering has any exclusion in it for education mandates, I would like to remind the House that on June 20th the Governor signed into law the act concerning state education mandate waivers. This provides for application to the Commissioner of Education when a municipality finds undue hardship in carrying out a mandate that has to do with education. I think there is a potential for conflict with the bill under reference and I urge you to adopt the Minority Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Jonesboro, Representative Look.

Representative LOOK: Mr. Speaker, Ladies and Gentlemen of the House: I feel quite confident that most of you have heard from your towns and cities in your district and I respectfully ask that you search your mind. It has been a long time since this bill was first presented before us and for it to come for discussion. Remember what your towns and cities have said to you, unfunded mandates have created a lot of problems in the municipalities and I respectfully ask that you not support the motion before you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Harpswell, Representative Coles.

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

To anyone who may know the answer — is there any sunset on this bill or will this bill apply for the indefinite future?

The SPEAKER PRO TEM: Representative Coles of

Harpswell has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Yarmouth, Representative Foss.

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: There is no sunset in this bill. I do want to make a comment about an earlier speaker's presentation about misapplication of executive power and giving State Planning carte blanche and that this is bad policy and a bad bill. I think it is good policy, it is reaching our hand out to the municipal level and offering them some relief now.

It was reported yesterday that 85 percent of the towns and cities in this country have faced property tax increases in the last year and I think it is time that we offered them this breathing space of 12 months.

The State Planning Office would require from the municipalities explicit plans on how those towns and cities would implement the mandate after the delay.

I urge that you vote against the "Ought Not to Pass" motion.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lewiston, Representative Aliberti.

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: Just yesterday I had the occasion to meet with my city clerk and he was quite strongly in favor of this type of legislation. He also said to me some very interesting things — among them was, "If you don't do it, I assure you it will go out to petition."

The SPEAKER PRO TEM: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I want to respond to the comments of Representative Lewiston, Representative Aliberti. I don't want there to be confusion as to the two issues before us.

Later on in your calendar is L.D. 66 which is a "RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide State Funding for Mandates Imposed on Municipalities."

The issue before us is L.D. 1743 and, as Representative Joseph has indicated, it would allow the State Planning Office to defer an unfunded state mandate based on the opinion of the State Planning Office.

Mr. Speaker, I would pose a question through the Chair.

To anyone who may care to respond. As I read the bill, I understand the comments that have been made but my question is, if we are to be allowing the State Planning Office the opportunity to defer a mandate from a municipality that would suffer a financial hardship, what criteria would be used to make a determination as to what is a financial hardship? I see none listed in the bill before me.

The SPEAKER PRO TEM: Representative Gwadosky of Fairfield has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Men and Women of the House: Earlier when I spoke I said that many things were unclear in this bill and that is one area of the bill that I say is unclear. The definition of financial hardship is not defined in this piece of legislation as well as state mandate.

In fact, any state mandate could be called a financial hardship.

Let me read a list of what those financial hardships or state mandates could be. They could be funding of education, funding of road construction and maintenance, they could be local funding of environmental activities, they could be any cost incurred by passage of the comprehensive planning legislation that this legislature or the past legislature did enact, cost incurred by a municipality or county for prison and jail facilities, cost incurred by municipalities, county or any special district such as a quasi-municipal district, water, sewage, etcetera and any other local unit as a result of passage of any state law, rule or court decree. In this particular piece of legislation, all things could be a state mandate.

While I am speaking, I would like to remind you that the 114th Legislature passed a piece of legislation that, as of July 2nd, requires any piece of legislation that requires additional funding must provide for full funding by the state. The funding requirements to implement the mandate must be identified in the legislation and any legislation subject to this section for which full funding is not provided may not be enacted. And, for the purpose of this section, a state mandate means any state regulatory or statutory action that requires county or municipal government or a unit of county or municipal government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues, excluding any order issued by a state court or any legislation necessary to comply with the federal mandate.

So state mandates, laws that require municipal funding of any sort, are now covered by a piece of legislation that went into effect just last week, July 2, 1991.

I urge you to vote "Ought Not to Pass." I feel that this piece of legislation is not well thought through, it is unclear, administrative costs are not spelled out and I do not believe it is responsible. I still consider this a bad law, bad policy and a bad bill.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Berwick, Representative Murphy.

Representative MURPHY: Mr. Speaker, Men and Women of the House: I urge you to pass this piece of legislation today. This legislation is an insurance policy for our municipalities and our tax rate back home. This has been a hard year in the legislature, we haven't had much money to spend and we have had to make a lot of cuts. We really do not know here today what we have done to our municipalities as far as sending mandates back home and what it is going to cost them. We don't know what effect the cuts we have made is going to cost them. This will be a way out to keep the property taxes in line in the State of Maine.

As far as defining financial hardships, I don't know about anyone else in here but I can speak for myself, I know what a financial hardship is.

Property taxes in the State of Maine has escalated over the past few years, especially those of us who live in the southern part of the state. It is getting to the point where people can no longer afford their homes or even their businesses down there.

I urge you to pass this as an insurance policy

for your municipality so that when they are truly having a hard time and people can't pay their tax bills, such as is happening in the district that I come from, we have more unpaid taxes in 1990 than ever before and it is because we were revalued in 1989 and the valuation just went sky-high and people just don't have the money. We are having a hard time meeting it and this is just an insurance policy to help those towns so they can keep the tax rate where people can keep their homes. Please vote to accept the Majority "Ought to Pass" Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Rockland, Representative Melendy.

Representative MELENDY: Mr. Speaker, I would like to pose a question through the Chair to anyone who would answer.

My question is, what happens to the mandates that we have set on our communities for the many, many things that the Maine Municipal Association has lobbied very, very heavily for and they themselves have even brought in language for? Are we also going to have to be paying for these things that the communities have asked us to mandate on them?

The SPEAKER PRO TEM: Representative Melendy of Rockland has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Waterville, Representative JOSEPH:

Representative JOSEPH: Mr. Speaker, Men and Women of the House: Yes, these could be considered mandates — road assistance, actually to protect children, to assist families, all of those issues could be considered state mandates but moreover, if your town or municipality would consider it was a financial hardship, they could appeal to the Director of State Planning and that person alone, upon that request, could make that decision. In fact, that person alone would then have veto power over all bills, all legislation, all rules and court decrees that have been in effect.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, Men and Women of the House: I want to state for the Record some figures that I just called down and confirmed. For this fiscal year that we are in, hopefully — if the budget is finally agreed to, there is \$526 million for municipalities and school districts for aid to education, there is \$80 million for the teachers retirement that is paid by the state, there is \$60 million for revenue sharing, there is \$16 million for road assistance, there is \$25 million for property tax relief and there is \$15 million for general assistance for city and town reimbursement. A total of just those six areas is \$732 million in one fiscal year. I think it is important to have those figures and have a discussion of this bill in that context, almost three-quarters of a billion dollars in one year from the state's General Fund going to municipalities to help support and reduce the property tax.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Yarmouth, Representative Foss.

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I want to respond to some points and questions made earlier. First, as far as guidelines, it was clear when we discussed this in committee that they would be set up by the State Planning Office with a threshold so that the municipalities would know what their increase would

have to be before they could apply.

As far as the legislation that went into effect on July 2nd, we did have a long middle-of-the-night debate about that last year, that is for prospective mandates, for future mandates, it does not deal with unfunded mandates of the past.

I would like to remind you that we have heard the same specious arguments last year about the other mandate bill from those who do not want to restrict the legislature's ability to mandate without adequate funding and we were able to pass that bill overwhelmingly. I believe it was 92/38. I hope we can defeat the "Ought Not to Pass" motion by that margin.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Harpswell, Representative Coles.

Representative COLES: Mr. Speaker, Ladies and Gentlemen of the House: I would like to second the comments of the Representative from Waterville. If you read this bill very carefully, it essentially cedes legislative power. It yields legislative power to the Executive Branch in the form of the State Planning Office, practically without limit. The mandates may be deferred one year and then they may be deferred indefinitely in the future as well. These aren't just unfunded mandates as was just suggested, these are any state law that costs any town any money, and, as Representative Joseph said, state laws running back to 1820 and even before that.

Do we as a legislature think it is a good idea to say to the Executive Branch, you may waive any law which we and all past legislatures have approved and enacted at your discretion without any standards to make those decisions in law? It seems to me to pass this bill would be folly. We will be giving up the prime prerogative of this body and the other body combined, a legislature as a whole, that is the ability to enact laws which the Executive Branch must then manage. If we give up our ability to decide which laws shall be obeyed and which shall not to the Executive Branch, we might just as well pass a law ending our own existence.

The SPEAKER PRO TEM: 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 PRO TEM: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: Briefly, there are several points that I think need to be made on this piece of legislation. One is that it has been suggested that there is somehow a level of responsibility at the local municipal level that is not capable of determining when there is a financial crisis and when they should not apply for some relief from mandates.

I think there is a clear difference of opinions as to the ability of our local elected officials. It has been stated very clearly before that, not only are there hard times at state government, where we have in our own budget deferred our responsibilities, delayed implementation of laws that we had enacted previously, talked about ways of getting around our own mandates, this seems to be only fair for the local people to be able to apply on limited

circumstances with a very specific 12 month detailed plan for how they could better finance mandates that we have imposed.

There was a discussion earlier about the responsibility or the money that we have dropped on our municipalities to help them pay for state mandates and my only answer is that it is not nearly enough to cover all the costs that we have imposed upon towns.

I urge defeat of the motion before us and acceptance of the Majority Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Harpswell, Representative Coles.

Representative COLES: Mr. Speaker, Ladies and Gentlemen of the House: Once again, we have a government which consists of checks and balances, separation of powers between the Executive, the Legislative and the Judicial. Passage of this bill will cede most of our power to the Executive Branch, the right to waive any law which we pass under conditions which will be determined solely by the Executive Branch and for the indefinite future since there is no sunset. In order to retrieve this power, we will have to have the agreement of the Executive Branch in the future. That, ladies and gentlemen, ought to raise a warning flag in any legislator's mind.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is the motion of Representative Joseph of Waterville that the House accept the Minority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 224

YEA - Adams, Anthony, Bell, Cahill, M.; Carroll, D.; Cathcart, Clark, M.; Coles, Constantine, Crowley, DiPietro, Dutremble, L.; Erwin, Farnsworth, Gean, Goodridge, Graham, Gurney, Gwadosky, Hale, Handy, Heesch, Hichborn, Hognlund, Holt, Jacques, Joseph, Ketover, Kontos, LaPointe, Larrivee, Lemke, Mahany, Manning, Mayo, McHenry, McKeen, Melendy, Mitchell, E.; Nadeau, O'Dea, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Plourde, Powers, Rand, Richardson, Ruhlin, Saint Onge, Sheltra, Simonds, Simpson, Skoglund, Stevens, P.; Swazey, Townsend, Treat, Wentworth, The Speaker.

NAY - Aikman, Aliberti, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Boutilier, Bowers, Butland, Carleton, Carroll, J.; Chonko, Clark, H.; Daggett, Donnelly, Dore, Farnum, Farren, Foss, Garland, Gould, R. A.; Gray, Greenlaw, Hanley, Heino, Hepburn, Hussey, Jalbert, Kerr, Kilkelly, Lawrence, Lebowitz, Libby, Look, Lord, Luther, MacBride, Macomber, Marsano, Marsh, Martin, H.; Merrill, Morrison, Murphy, Nash, Norton, Nutting, Ott, Parent, Pendexter, Pendleton, Pines, Pouliot, Reed, G.; Reed, W.; Richards, Ricker, Rotondi, Salisbury, Savage, Small, Spear, Stevens, A.; Stevenson, Strout, Tammaro, Tardy, Tracy, Vigue, Waterman, Whitcomb.

ABSENT - Cashman, Cote, Duffy, Duplessis, Hastings, Hichens, Ketterer, Kutasi, Lipman, Michaud, Mitchell, J.; O'Gara, Poulin, Rydell, Tupper.

Yes, 63; No, 73; Absent, 15; Paired, 0; Excused, 0.

63 having voted in the affirmative and 73 in the negative with 15 absent, the motion did not prevail.

Subsequently, the Majority "Ought to Pass" Report was accepted, the bill read once.

Committee Amendment "A" (H-499) was read by the Clerk and adopted and the bill assigned for second reading later in today's session.

The Chair laid before the House the third item of Unfinished Business:

HOUSE DIVIDED REPORT - Majority (8) **"Ought Not to Pass"** - Minority (5) **"Ought to Pass"** as amended by Committee Amendment "A" (H-277) - Committee on **Legal Affairs** on Bill "An Act to Impose a Limit on Campaign Contributions" (H.P. 785) (L.D. 1117) TABLED - June 29, 1991 (Till Later Today) by Representative MAYO of Thomaston.
PENDING - Motion of Representative LAWRENCE of Kittery to accept the Majority **"Ought Not to Pass"** Report. (Roll Call Requested)

On motion of Representative Gwadosky of Fairfield, retabled pending the motion of Representative Lawrence of Kittery that the House accept the Majority **"Ought Not to Pass"** Report and later today assigned. (Roll Call requested)

The Chair laid before the House the fourth item of Unfinished Business.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide State Funding of any Mandate Imposed on Municipalities (S.P. 42) (L.D. 66) - In House, Bill and Accompanying Papers Recommended to the Committee on **State and Local Government** on June 29, 1991.
- In Senate, Senate Insisted on its Former Action whereby the Majority **"Ought to Pass"** as Amended Report of the Committee on **State and Local Government** was Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (S-292) and Senate Amendment "A" (S-379) in non-concurrence.
TABLED - July 2, 1991 (Till Later Today) by Representative GWADOSKY of Fairfield.
PENDING - Further consideration.

On motion of Representative Gwadosky of Fairfield, retabled pending further consideration and later today assigned.

The Chair laid before the House the fifth item of Unfinished Business:

Bill "An Act to Repeal the Maine Educational Assessment Program" (EMERGENCY) (H.P. 1081) (L.D. 1575)
-In Senate, the Majority **"Ought to Pass"** as amended Report of the Committee on **Education** read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-650) in non-concurrence.
TABLED - July 3, 1991 (Till Later Today) by Representative HANDY of Lewiston.
PENDING - Motion of same Representative to Reconsider whereby the House Adhered to its former action whereby the Bill and Accompanying Papers were

Indefinitely Postponed.

Subsequently, the House reconsidered its action whereby L.D. 1575 and all accompanying papers were indefinitely postponed.

Representative Handy of Lewiston moved that the House recede and concur.

Representative Marsano of Belfast requested a roll call vote.

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

Representative HANDY: Mr. Speaker, Men and Women of the House: This bill would, with the Committee's amendment if passed by this House, provide for a two year moratorium on the administration of the Maine Educational Assessment program. As many of you are aware, the MEA provides for testing of fourth, eighth and eleventh graders throughout the State of Maine.

It has been some nine months since I submitted this bill for consideration in the 115th Legislature, submitted with two things in mind. One, from a programmatic standpoint, the MEA is not an accurate measure of accountability for any aspect of our education in the State of Maine. When the department has been questioned and other people in education have been questioned about how it is accountable, they have been left dumbfounded, they have not been able to provide us with a response of where the accountability actually exists from the tests.

The second impetus for this legislation is that of our fiscal condition. Since I presented this legislation, I have found that many people are not aware of the cost of this program to the state. I am sure all of you over the past several months have received letters from people and phone calls saying, "downsize government, cut government spending." In fact, I received one over the weekend with the same message.

Well, this Representative has taken that message seriously and has proposed streamlining government by eliminating this program. The cost savings that would be realized is \$2.3 million. Yes, you heard correctly, \$2.3 million is what we, the people of the State of Maine, pay for a program that has no direct benefit to the children in our schools in the state.

I would hope that you would support the motion to recede and concur so that we can show the people of the State of Maine that we are serious about downsizing government and having only those programs that we need for education in the State of Maine.

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

Representative NORTON: Mr. Speaker, Ladies and Gentlemen of the House: I view myself as a fiscal conservative but we are not here to debate that. We are here to consider the only thing in the whole reform act, as passed, that deals with accountability. We have one of the few tools in this country available on a statewide basis covering a longitudinal study - that means that we have had this in place for a period of time. My reason for not wanting to put this on a moratorium is to

maintain that longitudinal study.

Let me tell you what I think it has done for local school systems. I feel that our youngsters are writing today probably better than at any time in the past. I believe part of the initiative is the information contained in this test. The way it has been used by local schools systems is the key to this change in the curriculum. I believe we asked our children to reason better in mathematics and not learn strictly by rote. I believe the kinds of questions asked in that test has been behind an improvement in our math scores.

I believe, if for no other reasons than those two, this would be good. But, I believe this state has been furnished with a reservoir of information that only now is being asked for at the national level. I believe the State of Maine has truly lived up to its model in this area by advancing this test as a measure of accountability.

I want to tell you another thing — when it came before the Education Committee, we had several proponents, we did not have one person stand up in opposition to this testing. I do it for curriculum reasons, I do it for what I consider the children of Maine and it represents one-tenth of one percent in the money being spent on education. I think that if I did anything I would increase its effectiveness and I think there are ways to do that but right now I believe we are getting our full measure of benefit from this expenditure. I urge you to maintain it.

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

Representative O'GARA: Mr. Speaker, Ladies and Gentlemen of the House: There are a variety of reasons why I would urge you to oppose this motion to recede and concur, most of which have been said much better than I by Representative Norton.

Just one added point that you may or may not be interested in as members of this House. The Department of Education is currently seeking a \$10 million national science foundation grant for math and science. The MEA results are required as evidence of current student achievement in those areas as part of the application process. I think that is very important. I think we have a very good chance of getting that grant and certainly during the kinds of times we are talking about in which we are ourselves in the midst of, the fact that we may very well receive a grant in those two areas of math and science, which are a concern to a great number of us, I would think that might be reason enough.

Just a couple of comments to add to Representative Norton's more than adequate comments — as called for in the 1984 legislation, the results of this MEA test are targeted for various constituencies within our state. Some examples following that comment are informing parents about the performance of their children relative to others in Maine, informing educators about the relative strengths and weaknesses of their schools instructional program and informing school boards and citizens at large about the performance of their schools. On a statewide level the MEA has brought forward major issues affecting the education of our youths such as the major differences between those students enrolled in college preparatory programs versus the very weak performance of students enrolled in "general" courses. Also, the significant differences between males and females, particularly in mathematics and science and, therefore, the

emphasis that I am placing on the grant that we are searching for. And, the major impact that long hours of part-time work has on our high school students.

I don't have to be told by anybody that the economics of the time are demanding, that we look for areas to cut and to reduce, but certainly in a program such as this — which as I said in regard to (I will briefly mention another program) the Report Card which the majority of this House saw fit to defeat last week. The same thing goes for this test. If used properly, and in my judgment in more and more communities around this state it is in fact being used properly, this test is an extremely valuable tool.

I urge you to defeat this motion which would allow us to go back to the motion of several weeks ago now in which this item then would be indefinitely postponed.

The SPEAKER PRO TEM: The Chair recognizes the Representative from St. George, Representative Skoglund.

Representative SKOGLUND: Mr. Speaker, Ladies and Gentlemen of the House: I have had experience with the Maine Educational Assessment test, having taught seventh and eighth grade for many years. I am a person who enjoyed tests. I liked to take them and I liked to give them and I looked forward to having a test that was specially designed to measure the achievement of Maine children, but I was sadly disillusioned with the Maine State Assessment test. I think I should point out the reasons why.

First of all, all children are not given the same test. Even in the same classroom, children are given different tests with different questions. I might receive five questions on European history, the person next to me receives five different questions. So, these tests are quite useless to the classroom teacher in measuring pupil performance and in comparing pupils because they don't all get the same test questions and there aren't enough test questions really to form a pattern. Five, maybe eight questions on world cultures certainly isn't enough to judge a child in the seventh or eighth grade. So, I object to the state test in that it is misleading because different children get different questions.

Secondly, different schools are on different comparison bands, according to the social economic situation in the community. If you are in a primarily working-class community, blue collar, apparently your children are not expected to do quite so well as the children in an upper-class community. So, there are different bands of comparison.

I went to the State Department of Education a year ago and wanted to know what towns are compared with St. George. He said, "Towns really aren't compared in this system." I said, "What do you mean they aren't compared?" Well, they are just in comparison bands. Well, which towns would be in the same band as St. George? Well, I suppose it could be found out but you are just in a different band, you aren't comparing towns. So, even within our school district, SAD #50, St. George and Thomaston in the same district are in different comparison bands. So, when you start comparing St. George scores with Thomaston scores, you have got something that was set up completely different.

Not only are these tests quite useless to a social studies teacher, they are quite misleading. If we are going to have across-the-state tests, I would think all students in that grade would have the

same questions. All communities would be on the same level of expectation which they aren't now.

You might ask me, if this test is not useful to the classroom teacher, if communities aren't accurately and simply compared, what is the sense of having this Maine Assessment test? Well, I will tell you what I think it is, it is a question of control and a question of financing. Even though the State Assessment test does not measure what teachers want it to the very fact that each teacher in the state gives this state test shows that that teacher is under the direct authority of the Maine Department of Education. It is a matter of control as long as every teacher does it, every teacher acknowledges the superiority, the leadership of the State Department of Education. Now, that may be all right but I think it is something that we should bear in mind. We are not talking about an educational test, we are talking about control and finances. How do finances enter into it? When I was in teachers college we were told, in education nothing succeeds like success. A very clever friend of mine said, in educational funding, nothing succeeds like failure. If you want funding for education, you have got to prove that your students are inferior, that they need financial help.

The good Representative from Westbrook pointed out that the state is hoping to receive a grant because of low scores. The purpose of these tests is to create an annual crisis in education and it comes. When these test scores are published, by the very nature of it, half the schools have to be down. I can't see any way around it, half the schools have to be below average. For those schools, there is a crisis in education. Fingers have to be pointed. Superintendents have to be called on the carpet, why are our students below those in Falmouth and Yarmouth? Teachers are called on the carpet, why is this fourth grade below the fourth grade in the community next door? So, these state tests do create a perpetual crisis in education.

In the future, I think something like the New York examination where all children have the same tests, where all communities give the same test, where it forms an across-the-state picture, I think that would be useful but for now, I agree wholeheartedly with Mr. Handy that this test should be set aside.

Another point I would like to raise is the matter of priorities. We have seen fit in this legislature (and I bear the responsibility along with the rest of you) of cutting two very important educational institutions in the state, our State Museum and our State Library. It may be that these cuts have been necessary but I think the State Library and the State Museum are two very important components of our educational system and they have suffered. I am not sure where they are in the budget today but, as of the end of May, in the State Museum, more than 1,200 school programs to Maine students have been eliminated this spring alone. Next year, no programs will be provided to most all of the 32,000 annual school group visitors, there will be no programs next spring. Exhibit construction staff responsible for sustaining the museum's world-class reputation and its educational offerings to all visitors has been cut by 45 percent. One floor of the State Museum has already been closed due to lack of staffing. If there are further layoffs and furlough days, the museum will close for an extended period and so forth

and so forth.

The State Museum, as you know, is very, very important to the children of this state. That is the only place where they can see, where they can learn certain things. We have found it necessary to cut that. We have found it necessary to cut the State Library. No new large print books for the visually and physically handicapped can be purchased through the biennium. There will be a freeze on buying new books for the first time in its 152 year history. Purchase and duplication rights for instruction video tapes will be cut by 50 percent. These are cuts to the museum and to the library which, as I say, are a very important part of our educational system.

On a matter of priorities — how can we justify giving a state test that does absolutely nothing for the children while, at the same time, we are cutting the museum and the library which no one can deny is very important? To me, it would be like sending bathroom scales to the starving children of Ethiopia so that we can chart their decline in weight. They might provide interesting statistics but would be absolutely useless.

I believe the state assessment test provides interesting statistics, provides an ongoing crisis in education but I think for the children of the State of Maine, it is quite useless. I urge you to support Mr. Handy's motion.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Mattawamkeag, Representative Cahill.

Representative CAHILL: Mr. Speaker, Men and Women of the House: I rise today in support of this piece of legislation and also the impending motion. I am an educator and I personally had a hard time believing it when Commissioner Bither came before our committee and said that this was one of her top priorities. It was hard for me to go back to my own district and tell this to the teachers and the educational technicians whose positions had been temporarily or permanently cut. It was also hard for me to go back and tell this to the school district who have had their programs cut and tell them that this was a priority.

There is only a two year moratorium on this and I think this is something that we should really look into. If we said this money is just a drop in the bucket, we could say that about every piece of legislation that has gone through the Appropriations Table. It all adds up and I think this is a good way of starting it.

I think, also, before you vote on this you have to remember whether or not we are producing good test takers or just good students.

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

Representative PARADIS: Mr. Speaker, Men and Women of the House: This is one of these "feel good" illusions that we have. The MEA has taken on this aura about it that it is do or die. Well, as a state we pay a lot of bucks for testing. Every school system was testing their students before we had MEA, so as a state we shouldn't be paying for multiple tests.

As a teacher, I wish I had had a piece of this \$2 million plus when I was making my own materials because most school systems don't have enough money for materials. We are always on the edge. When the reform act came down the road, I thought, great, I

will have some materials to work with. That didn't happen.

This is a definitely a "feel good" illusion that dysfunctional children we have in our classrooms are still there, we are not giving a dollar to fix that. So, the test that they will keep taking are not going to have good results. It is really an insult when we seem to think that this is the only check and balance we have. We have 150 individuals in the State of Maine hiring every teacher. If they are hiring bad teachers, we should get to that because a lot of our tax dollars are going to pay those bad teachers, but to think this is going to make us feel good and pass this test and that everything is going to be fine is covering up a deeper problem.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Westbrook, Representative Lemke.

Representative LEMKE: Mr. Speaker, Men and Women of the House: I agree with Representative Handy. I encourage you to oppose the continuation of this Maine Educational Assessment program. I am speaking as an educator. I think we all have to recognize that we have to make sacrifices in these difficult times. \$2.3 million is not an insignificant amount of money. I would be the first person to stand up today and argue for this program if I were fully convinced or even halfway convinced that this program justified its continuation at this time.

We have heard a great deal of what it may do or what it could do. I am not sufficiently impressed with what it has done to this point.

I must add also, the Representative from St. George mentioned that he enjoyed taking tests. I am not sure I can agree with that but I will say that, over a number of years, I have given a lot of tests and over that time, I have developed a concern about tests, what tests really measure in terms of the ability of students, what they really tell us of who succeeds and who fails. The type of test that bothers me the most is a standardized test. I have very serious questions (and have for a long time as an educator) about the utility and applicability of standardized tests, which is what this is. So, I agree quite heartedly with what the gentleman from St. George, who has teaching experience in the field, said as well as the Representative from Mattawamkeag who also has that experience.

I find myself in a difficult position and it is difficult for me to be disagreeing on the floor of this House with two men I have great admiration for, the Representative from Westbrook and the Representative from Winthrop. I sincerely believe that on the basis of cost and savings for the State of Maine and on the basis of a less than spectacular record for this time, we really should vote to discontinue (at least for the time being) this particular assessment test.

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

Representative O'GARA: Mr. Speaker, Ladies and Gentlemen of the House: I certainly wish that my colleague from the city of Westbrook had picked a less serious matter with which to disagree with me because, in my judgment, educator or not, he is dead wrong regarding this particular subject.

I would like to make a couple of comments, Mr. Speaker, and if I begin to ramble, you can let me know that I am by some method.

One, the Representative from St. George mentioned a couple of items that have been cut, the museum

being one and I would like to make sure that the House knows that I oppose both of those cuts for the same reasons I oppose this cut because, in my judgment, this is not a time to be making those kinds of cuts. It does nothing for the children and I would submit to you that the evidence shows — I used to ask and there are other members in this House who served on the Education Committee with me before this particular term and know that I used to say all the time and ask, "Have you talked to your administrators, have you talked to your teachers?" I am always amazed at how many say, "Well, the MTA said..." That is not talking to your administrators and it is not talking to your teachers individually (just because MTA says) anymore than listening to a Representative or the unions is necessarily hearing what union members say all the time.

In my judgment, it does a lot for students, it is only five years old, we have a long way to go, nothing is perfect and certainly we, in this body, ought to know that nothing is perfect. Not all the things that we do are necessarily perfect. But the MEA, just to give you an example of a couple of polls that were taken — of the principals polled, 93 percent said that the tests have long-term value to schools. The MEA reporting procedure was found very useful to 94 percent of the superintendents and 93 percent of the principals. There has to be superintendents and principals that represent some of the districts here. I don't know whether you have talked to them at all.

Michael A. Gallagher, Principal of the Pleasant Street School in Waterville said he and his staff used the sub-test average over the past three or four years as one of the several tools to determine curriculum changes. There is a different strategy to reading newspapers and reading a novel and it teaches kids how to do that.

The moratorium of two years is really worthless, ladies and gentlemen of the House. To put a moratorium now on a project that I might submit to you, by the way in case anybody doesn't know it, especially the freshman Democrats in this House, was a democratic proposal, the MEA test to begin with. Is it perfect as the Representative from St. George says it is not? No, it is not. Is it improving? I submit to you that, yes, it is. Should the town of Cape Elizabeth have the very same tests as the town of St. George? I think there ought to be some differences because there are differences in how much money — let me tell you something, the attitude of some communities around this state in regard to how much they want to spend for education, and we could compare Cape Elizabeth and St. George, or Cape Elizabeth and some other town, or the town of Yarmouth and some others, is very, very different. As a result, in my judgment, it would be unfair to give them the exact same test. Each year the test is improved, it takes time to do this kind of thing.

To suggest that the reason, as the Representative from St. George did, that school boards, teachers or administrators want to show failings is so that they could be in line for funds is not only inaccurate but it is extremely unjust. I don't know what kind of administrators some of you work with but I happen to work with, in my judgment, and I would hope in the judgment of the rest of Westbrook's delegation, one of the finest, most student-concerned, teacher-concerned, administrators in the entire State of Maine, bar none. To suggest that the reason he is

supporting the continuance of these tests is that somehow it will be beneficial to the city of Westbrook financially is to be absolutely inaccurate.

One of the points the Department wants to use while seeking this program that I mentioned to you before, the grant, is not necessarily that they are failing but in fact they are making progress, they are working at it and, in fact, they see, as opposed to other states, that the emphasis on science and math, especially as it involves girls versus boys or boys versus girls, whichever you would like, is very, very important. In the final analysis, the MEA has put the public back in public education because it is a comprehensive statewide accountability program that allows us to know where we are now and where we need to go.

You have heard from some people that I certainly have a good regard for, members of the Education Committee of which I have been a member for seven years, I was a teacher for 23 years and I have made out tests for all those 23 years, a different test every year. It may come as a shock to some of the teachers in this room, I never used the same test ever in 23 years of teaching because each year the kids were different. Each year I got to a different point at a different time. Each year they wanted to talk a little longer about some things and not so long about other things. So, as a result, I never used the same tests. You can't use the same tests for all kids and I would defy anybody to show me the evidence where using a same test for every kid throughout the state is in the best interest. As for New York, that is their judgment, we are talking about the State of Maine.

I urge you sincerely to defeat this motion.

The SPEAKER PRO TEM: The Chair recognizes the Representative from South Berwick, Representative Farnum.

Representative FARNUM: Mr. Speaker, Members of the House: The New York tests are the same every year and every year the teachers in New York State teach the kids the same thing. That is wrong. In Maine, the tests are not the same, they are a variety of questions and things that is stated and you get a better idea of what is being done in the schools. There is no other way in the State of Maine that you can compare schools and find out what is going on and formulate questions.

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

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: When the MEA tests were first brought to this legislature, I was here and I was enthusiastic about them. I thought we should test the youngsters in Maine to find out what we are doing academically and we have done this. I think we are now at a point where these tests are a waste of time and I will try to explain why I am saying that. Before I get to that, I believe that Representative Handy and Representative Skoglund told you that we are in a fiscal crisis, this \$2.3 million in the biennium — just imagine, we are going to send \$1.3 million of that money to New Hampshire where they do these tests for us. I think we could keep this money in Maine during this fiscal crisis and be much better off.

These tests are not diagnostic tests. Just three weeks ago, I went to the Guidance Director of a fairly large school in the State of Maine and asked

him how he used the MEA test scores in his high school. He said, "We don't use them." They don't use them at all, they have their own tests that they have been giving for years and they continue to give them, standardized tests, and they schedule tests every year and rate the youngsters as they grow. As many people have said, they don't like standardized tests and I don't like this system either.

We have learned something from the tests and I will give you an example. You wouldn't have to administer these tests — for myself, I have been in education my entire life and I know that if I go to Falmouth and test the students there, they will test a lot higher than the students in Searsport, for example. Looking at the four year average of the test scores in Falmouth, grade four, they were in the paper just a couple of weeks ago, their four year average was 348, exceedingly high, and this year's 1991 scores were 353 and this is about what I would expect because this is a very affluent town and people have money for education. There are a lot of very professional people. If you go to Yarmouth, would you expect the same thing? Yes. In the four year average in Maine for Yarmouth in these tests at the fourth grade level, the score averaged out 343. This year's test in 1991, the score was 343, exactly the same. So, in other words, we are going to keep testing and finding out the same thing, that the affluent towns have high scores and the non-affluent towns don't have high scores. I will give you an example in the little town of Lagrange — their score averaged 160, exceedingly low. This year they averaged 171. In my town of Searsport, the four year score was 243. This year Searsport averaged 241, no difference, so if we give them next year and the following year, they are not going to change, they are going to be pretty much the same and we are not going to learn a heck of a lot.

We are going to discourage a lot of teachers, we are going to discourage a lot of students because if you keep telling someone they are second-class or they are poor students or they are not smart and they will eventually believe you. I think the two year moratorium is an excellent idea because the tests now have served their purpose, we know where we are at, and we know what we want to do and we can come back to these tests when we are rich again.

Talking about the fiscal crisis, we had a bill in Education this year, L.D. 839, and the Governor of the State of Maine, Governor McKernan, put \$1,822,000 of this program for the 0 to 5 children to meet a federal mandate in the first year of the budget and \$1.898 million — that's \$3.7 million just so we can be doing what the federal government says we have to with these children from 0 to 5 that have various kinds of impairments, blindness, hearing, bone structure, all those things. If we get at these youngsters real early and help them, then they are going to be ready to go to school to learn when they get to age 5. Remember, one of the goals of President Bush and the 50 governors was to have every student enter into school ready to learn. Well, you know what we have done to this program, the \$3.7 million? We have cut it down to almost nothing, nothing in the second year at all and \$700,000 in the first year. Before the year is half over, we are going to be into litigation because we are not doing what we are supposed to. This is just one of the many programs. I am not saying we should put it all into this one, but as you know, we are in a fiscal

crisis and this money should be put aside and have the Appropriations Committee look at this money and find out where the best place for it is. To send it to New Hampshire would be a mistake.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Orono, Representative O'Dea.

Representative O'DEA: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to share with you a conversation I had some weeks ago with my superintendent in the town of Orono.

The Joint Standing Committee on Education, like many other committees, went through the budget within their respective area and tried to find cost savings. As the Joint Standing Committee on Education moved down through the budget of the Department of Education, we came up on the MEA item and this bill was included in our list of recommendations to the Appropriations Committee.

When I spoke with my superintendent about our lists of recommendations, he told me that that was the most glaring waste of money that he could conceive of and that, while Orono fared very well on these tests and while Orono was grateful for all of the success that it had in these tests, he felt that it was little more than a pat on the back, that it was not a constructive tool. He suggested further that we could find much more efficient ways to spend \$2.5 million dollars. He had a couple of ideas, General Purpose Aid for one and Property Tax Relief for the other but I think there is a world of other possibilities for these dollars and I would urge you to vote to recede and concur.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Wayne, Representative Ault.

Representative AULT: Mr. Speaker, Ladies and Gentlemen of the House: After a recent school board meeting, a teacher pulled me aside to voice her strong support for the Maine Educational Assessment program. She said, in her opinion, it would be shortsighted of the Maine Legislature to place a moratorium on these tests. She finds the information extremely useful in evaluating her curriculum and the manner in which she implements her curriculum. My superintendent is also a strong proponent of the MEA.

The value of the MEA results are over time, comparing how students in fourth, eighth, and eleventh grades scores over a period of years. I share the belief of the teacher in my district, that the two year moratorium would be shortsighted and, in that two year break, we would be losing valuable information which can only help the teachers and students of our state.

I urge you to vote against the pending motion.

Representative O'Gara of Westbrook was granted permission to speak a third time.

Representative O'GARA: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to respond and really actually use the comments of the House Chair, Representative Crowley. Talking about the difference in scores in different towns, I commented earlier that they are different but they are similar enough to show that, if we want to ensure that kids in all areas of the state will be able to compete fairly with kids from all other areas of the state in regard to jobs and college entrance, we have to give them a fair chance. In my judgment, the tests do that.

The Representative from Wayne just made a comment, which requires that I add to that. We talk about a two year moratorium on the tests and I would

submit to you that in fact no group of kids in the state have gone the entire route so far. They have only been in existence for five years so those who did take the fourth grade test have taken the eighth grade tests but not the eleventh and so on and so forth. In other words, we haven't even given it a fair chance up to this point in time.

Again, I would urge you again to defeat this motion.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bethel, Representative Barth.

Representative BARTH: Mr. Speaker, Ladies and Gentlemen of the House: Don't blame the MEA and the misuse of the results on the tests. The tests can be used and is being used in many districts, particularly in my area. They are using the results to change curriculum but don't blame the tests for the misuse of the results because you are comparing, in many cases, apples to oranges.

I don't know how many of you have taken the test, any one of them, fourth, eighth or eleventh grade, but I would urge you, this summer or anytime, to please do and you will find, yes, they are standardized tests but the questions originate from reading passages and they are quite thought-provoking if you take the time to look at them.

The Appropriations Committee had the opportunity to take the MEA out of the budget. They did not see fit to do that and I don't think we should be doing it ourselves.

One final point that I would make is, in a number of schools, the MEA is the only test that is a so-called national or statewide standard test which is being used in some districts. When the MEA came in, some districts gave up the standardized testing that was already being used so it is not, in all cases, duplicating things or providing information which can be gotten in any other way.

I urge defeat of this motion.

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

Representative OLIVER: Mr. Speaker, Men and Women of the House: I urge you, the members of the body who support this legislation, follow the lights of the House Chair and the majority of the members of the Education Committee.

I speak as a parent (and I have checked with my two teenagers this morning) but also as a teacher of five years and as someone who has followed school board participation over the past 20 years. This legislation, even though the department head Eve Bither stated that it is very little money, you know, in comparison to the education budget, it is very little money but those who sat on Appropriations and who struggled over patching and pasting and climbing up hill to put a budget together, if you ask them, \$2.3 million is a lot of money. It is those little pieces of money in setting priorities that finally reach a budget consensus. Even though it is a small percentage of an educational budget, don't be fooled by the percentage, \$2.3 million in a very tight budget setting priorities, is very difficult to arrive at.

There is a national debate over the value and purpose of state assessment testing by educators. Many question the validity and usefulness. Dr. Mortimer Adler, renowned scholar and internationally known philosopher, believes that educational goals will be advanced by scrapping the tests. Others agree. There may be an assumption that those of us

who support this legislation oppose assessment testing or that assessment testing without the MEA would not be done. This is not true. We understand the value of educational assessment. Certainly anyone who has children or who has been an educator or a school committee member understands the value of assessment. All Maine school districts already have local educational assessment tests. Many are moving toward new models and one of those new models — as a matter of fact over the 4th of July I had the chance to go to a rural 4th of July celebration and enjoyed it very much up in Limington, and I was sitting next to a school board member from Portland, Pandora Lacasse, and I raised the question — I said the MEA is going to be debated and I would like to know, as a new school committee member, what would be your position? Pandora said that she felt that Portland can do its own assessment and has already moved this year to the Portfolio Assessment System.

In my opinion, the MEA adds little to educational quality and I would add that these highly unusual times demand tough decisions in setting priorities as to where limited resources should be spent.

Interestingly enough, as it was pointed out before, our committee (all those who testified) were in support of the MEA. It wasn't a large crowd, but a number of selected superintendents did come and did support the MEA. The superintendents before our committee were then asked, if they had to choose between the MEA or the resources to keep the teachers and educational programs they would be losing because of cuts in General Purpose Aid to Education, what would they choose? All immediately chose the resources that supplied direct educational services in their system would be the higher priority. None of them said the MEA. Almost all the teachers oppose funding the MEA. I attended a meeting of teachers from my area in Room 124 of the State Office Building and they were unanimous in their support to end funding of the MEA. The real crisis in education is not assessment but resources, resources necessary for the frontline service our teachers perform for the educational enhancement programs we are losing through budget cuts and the ability of our local school units to continue the educational reforms initiated by this legislature in 1984.

At this point, when we are talking about assessments, we do not have enough money to adequately serve the blind children with educational resources in this state. We are barely, if we are, meeting federal mandates. At the same time, as was very well put by the Chair of our Committee, we are failing those who are desperately in need from zero to five. We know as parents, we certainly know, those of us who are educators, that early intervention is the answer. If these children are going to have a chance to succeed and meet their real potential and they have physical needs or mental capacity needs or behavioral needs, we have to have early intervention. All the studies show that early intervention pays off. It pays off in the lives of people and pays off as a very cost effective way to deal with education. At the same time, we are drastically cutting back on our ability to fund early childhood education and intervene with these special needs children.

By funding the MEA, we send the wrong messages to our local communities, that we are not interested in repairing the damage, only assessment. It would be much like a farmer looking for help watching his barn

burn down and someone comes by and instead of saying, let's put water on the fire and I will work with you to put it out, why don't we just sit in the house and have a cup of coffee and assess if the roof is going to burn first or will the barn collapse before the roof goes down?

Can we test competency without the MEA, we already do. Can we assess gender gaps and average vocational student gaps? Yes, we already do. Our local school districts have this capacity and we are already making assessments. Do we need \$2 million dollars to tell us the obvious?

Certainly if we send this New Hampshire test packing, we would have new dollars to throw into the gap in the second year of the biennium budget or, better yet, I would suggest that we throw these funds into the shortfall of about \$2.8 million in funding for early childhood intervention services as proposed by Representative Anthony's bill and I believe that bill is still on the Appropriations Table.

One of the things that affect me in standing up on this and seeing what is happening with the state budget and the necessary priority in cuts and the very sad cuts we have to make is that the poor children of this state and the children who are in need are really the losers in downsizing government. Cuts in AFDC funding, cuts in General Purpose Aid to Education, cuts to community-based programs serving children, whether it is teens who are in trouble or teens who are pregnant or people who are getting in trouble with the law, those programs are all going to be dramatically downsized or eliminated.

Deappropriating the funds to do the MEA and earmarking these funds of early childhood intervention programs would be a significant step back in the right direction. These tests, and it was mentioned by our Chair, Representative Crowley, these tests really give no insight into what to do to correct the deficiencies. We are spending \$2 million to find the obvious and yet it gives us no way to correct whatever deficiencies they find. Here is a test that teachers teach to and this criticism has received national attention on "60 Minutes." Here are unfair comparisons between school districts and Representative Skoglund made a very excellent comment to that. It is more like a football score. I really don't want to wake up and see if Portland is doing better than Cape Elizabeth. I want to know that within that school system they have adequate ways to do assessments and that they are on top of their needs and their failings and we know they are. I do not want to wake up, look at the paper and compare my school district with another school district, all out of context because of this test.

Here is a lot of Maine dollars being spent for assessments that we already have the capacity to make. Here are times that demand intelligent setting of priorities in spending our scarce resources. Here is a bill that you should vote for and return these resources to higher, more direct priorities, hopefully to fund Representative Anthony's early childhood intervention legislation.

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

Representative NORTON: Mr. Speaker, Ladies and Gentlemen of the House: The Education Committee was, indeed, split, very narrowly on this issue. I think it is important to think about what the test is for, it isn't to compare one school to another, it is really a measure of a program in the school. We all

talk about needing educational change and I view this as the one vehicle that may give it to us.

As far as schools already using standardized tests, the study was just documented through the U.S. Department of Education after a long study and I went to Nashville last summer and heard the results that 90 percent of the standardized tests are placing all schools above the 50 percent achievement level.

If I ever heard a rigged kind of testing, that isn't exactly what I would want to state my ring on.

As far as the money going over to New Hampshire, the data for the English writing sample is given entirely by the English teachers of Maine. The statistical arranging is hired out. When we did educational sampling in 1974, we hired Research Triangle out of North Carolina. The validation of information is a highly technical thing. Very few can perform that function and the State of Maine went with a group who is able to do that well.

As far as costs go and can we do the end all with the amount of money that we save, the amount of money right now is \$4,000 or less going to a community. The question put to superintendents before our committee was, "If you have to lay off teachers or you could maintain a teacher or more with this money, would you maintain the tests or take the money?" It was under those circumstances that the answer was, "I would save the money and retain the teachers." Folks, for \$4,000 or less, you are not going to retain any teacher, let alone hire anyone, you are not even going to be able to hire an aide.

I think with Maine teachers in the driver's seat for the items that are in these tests, we are on the road to meaningful educational change, some of which was noted by Representative O'Gara in terms of stereotyping and in terms of some of the other uses of that data. I am saying that its major use is not interrupting the longitudinal results, which are unique in this country. We are in danger of not having the first cycle complete that cycle. I think that would make less than wise use of past money spent, I think it would put down the idea that we are encouraging our students toward answering open-ended, thought provoking questions and I hope with the workshops that are available in each community, that our teaching approach will change and cause children to do more thinking and less reacting. I believe for those reasons and others that have been cited that this is a cut that we truly can't afford.

I urge you to defeat this motion.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Cape Elizabeth, Representative Simonds.

Representative SIMONDS: Mr. Speaker, Ladies and Gentlemen of the House: I think I heard my district mentioned a couple of times and I would like to say something on its behalf.

I would also like to say that I think the views in my district, including those of the administrator, are very close and approximate to those expressed by the Representative from Portland. However, there is concern about having some method, some way, to measure progress generally through the state and also some method for measuring what works well and what doesn't work well so we can all benefit from it. There is even more concern, I think, about what this system is teaching for and there is concern that we may be helping children, as was suggested by the Representative from Mattawamkeag, learn how to memorize and regurgitate and a lot less about how to

engage in critical thinking and problem solving.

I would like to pose a question, Mr. Speaker.

A question perhaps for Representative Crowley of Stockton Springs — if there is a two year moratorium, will there be an opportunity and will there be some attention given to reforming the testing system to achieve some of the purposes for which it should be serving?

The SPEAKER PRO TEM: The Representative from Cape Elizabeth, Representative Simonds, has posed a question through the Chair to Representative Crowley of Stockton Springs who may respond if he so desires.

The Chair recognizes that Representative.

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: Yes, there are many things in the pipeline in the United States for testing. There is a national assessment test that has begun and about 40 states participated in it last year, I think only in mathematics, but this national test will eventually be right here in Maine in maybe a year or two and it would be far superior to anything that we could put together. Then it would give Maine a chance to compare themselves with other states and it wouldn't be at \$2.3 million. We do have that.

As far as testing is concerned, I haven't heard of schools that are using this test as diagnostic tests to help students learn math, English or science, so I do think it would be better for us to hold on and if they don't have the national test developed in two years, then we could throw this test back in and just continue on our way and maybe have some new ideas about now this test should be validated for both validity and reliability because I don't think this test would stand a real scientific scrutiny of validity and reliability.

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

Representative ANTHONY: Mr. Speaker, Men and Women of the House: I will be very brief. I am not a professional educator, I am not a member of the Education Committee, but I know what I was sent here to do and that is to draw priorities and make choices. This is a year when it is a question of making difficult choices and, for my money, \$2.3 million, if we had it, I would gladly spend it on the MEA from what I know about it. Obviously, it serves a useful function but this year with the state of things, I would sooner spend that on ensuring early intervention services to eligible and special needs children from birth to age 5, which is what the majority of the Education Committee recommended and what seems to me to make more sense in this time of fiscal crisis.

I urge support for the motion to recede and concur.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is the motion of the Representative from Lewiston, Representative Handy, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 225

YEA - Adams, Aliberti, Anderson, Anthony, Bailey, H.; Bell, Boutilier, Cahill, M.; Carroll, D.; Carroll, J.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Crowley, Daggett, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Gean,

Goodridge, Gould, R. A.; Graham, Gurney, Gwadosky, Hale, Handy, Heesch, Heino, Hichborn, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Lemke, Lord, Luther, Mahany, Manning, Martin, H.; McHenry, McKeen, Melendy, Michaud, Mitchell, E.; Morrison, Nadeau, Nash, O'Dea, Oliver, Paradis, J.; Paradis, P.; Parent, Paul, Pfeiffer, Pineau, Pouliot, Powers, Rand, Richards, Richardson, Ricker, Rotondi, Ruhlin, Saint Onge, Salisbury, Savage, Sheltra, Simonds, Simpson, Skoglund, Spear, Stevens, P.; Strout, Swazey, Tardy, Townsend, Treat, Waterman, Wentworth.

NAY - Aikman, Ault, Bailey, R.; Barth, Bennett, Bowers, Butland, Carleton, DiPietro, Donnelly, Duplessis, Farnum, Farren, Foss, Garland, Gray, Greenlaw, Hanley, Hepburn, Hichens, Kutasi, Lebowitz, Libby, Look, MacBride, Macomber, Marsano, Mayo, Merrill, Murphy, Norton, Nutting, O'Gara, Ott, Pendexter, Pendleton, Pines, Plourde, Reed, G.; Reed, W.; Small, Stevens, A.; Stevenson, Tamaro, Tracy, Whitcomb.

ABSENT - Cote, Hastings, Lipman, Marsh, Mitchell, J.; Poulin, Rydell, Tupper, Vigue, The Speaker.
Yes, 95; No, 46; Absent, 10; Paired, 0; Excused, 0.

95 having voted in the affirmative and 46 in the negative with 10 being absent, the motion to recede and concur did prevail.

At this point, the rules were suspended for the purpose of removing jackets for the remainder of today's session.

The Chair laid before the House the sixth item of Unfinished Business:

SENATE DIVIDED REPORT - Majority (8) "Ought to Pass" as amended by Committee Amendment "A" (S-418) - Minority (4) "Ought Not to Pass" - Committee on Appropriations and Financial Affairs on Bill "An Act to Provide the Legislature with Revenue Forecasting Capabilities" (EMERGENCY) (S.P. 232) (L.D. 586)

- In Senate, Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-418)

TABLED - July 6, 1991 (Till Later Today) by Representative GWADOSKY of Fairfield.

PENDING - Acceptance of Either Report.

On motion of Representative Chonko of Topsham, L.D. 586 and all accompanying papers were recommitted to the Committee on Appropriations and Financial Affairs in non-concurrence and sent up for concurrence.

By unanimous consent, all matters having been acted upon requiring Senate concurrence were ordered sent forthwith to the Senate.

(Off Record Remarks)

(At Ease to Gong)

The Speaker resumed the Chair and called the House to order.

The following items appearing on Supplement No. 4 were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

An Act to Require the State to Pay Medicare Costs for Retired State Employees and Retired Teachers (S.P. 58) (L.D. 107) which was Passed to be Enacted in the House on June 10, 1991. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-235))

Came from the Senate, the Bill and accompanying papers committed to the Committee on Appropriations and Financial Affairs in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act Relating to the Restoration of Drivers' Licenses (H.P. 447) (L.D. 637) which was Passed to be Enacted in the House on May 30, 1991. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-281))

Came from the Senate, the Bill and accompanying papers committed to the Committee on Appropriations and Financial Affairs in non-concurrence.

The House voted to recede and concur.

The following items appearing on Supplement No. 5 were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

An Act to Provide Funds for the Montpelier Museum in Thomaston (H.P. 521) (L.D. 749) which was Passed to be Enacted in the House on April 11, 1991.

Came from the Senate, the Bill and accompanying papers committed to the Committee on Appropriations and Financial Affairs in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Ensure Adequate Resources for Energy Assistance Programs for Low-income Households (EMERGENCY) (S.P. 319) (L.D. 857) which was Passed to be Enacted in the House on June 19, 1991. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-174)

Came from the Senate, the Bill and accompanying papers committed to the Committee on **Appropriations and Financial Affairs** in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act Allowing the Operation of Video Lottery Terminals (S.P. 423) (L.D. 1135) which was Passed to be Enacted in the House on June 12, 1991. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-351)

Came from the Senate, the Bill and accompanying papers committed to the Committee on **Appropriations and Financial Affairs** in non-concurrence.

The House voted to recede and concur.

The following items appearing on Supplement No. 6 were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

An Act to Implement the Recommendations of the Maine Commission on Legal Needs (H.P. 837) (L.D. 1203) which was Passed to be Enacted in the House on June 4, 1991. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-287) as amended by Senate Amendment "A" (S-217) thereto)

Came from the Senate, the Bill and accompanying papers committed to the Committee on **Appropriations and Financial Affairs** in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Resolve, to Provide Additional Funding and an Extension of Time to Allow Phase 2 of the New Capitol Area Master Plan to Be Completed (EMERGENCY) (S.P. 507) (L.D. 1345) which was Finally Passed in the House on June 12, 1991. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-239)

Came from the Senate, the Bill and accompanying papers committed to the Committee on **Appropriations and Financial Affairs** in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Establish a Seasonal Permit for the Sale of Deer Hides (S.P. 519) (L.D. 1397) which was Passed to be Enacted in the House on May 30, 1991. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-146)

Came from the Senate, the Bill and accompanying papers committed to the Committee on **Appropriations and Financial Affairs** in non-concurrence.

The House voted to recede and concur.

The following items appearing on Supplement No. 7 were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

An Act to Increase the State Contribution to Health Insurance Benefits for Retired Teachers (S.P. 571) (L.D. 1525) which was Passed to be Enacted in the House on June 30, 1991. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-226)

Came from the Senate, the Bill and accompanying papers committed to the Committee on **Appropriations and Financial Affairs** in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Establish a Public Solid Waste Facilities Loan and Grant Program (S.P. 641) (L.D. 1689) which was Passed to be Enacted in the House on June 10, 1991. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-277) and Senate Amendment "A" (S-303)

Came from the Senate, the Bill and accompanying papers committed to the Committee on **Appropriations and Financial Affairs** in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act Concerning Railroad Personnel (H.P. 1309) (L.D. 1891) which was Passed to be Enacted in the House on June 10, 1991. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-557)

Came from the Senate, the Bill and accompanying papers committed to the Committee on **Appropriations and Financial Affairs** in non-concurrence.

The House voted to recede and concur.

The following items appearing on Supplement No. 8 were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

An Act to Preserve the Integrity of the Maine State Lotteries (S.P. 80) (L.D. 143) which was Passed to be Enacted in the House on June 26, 1991. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-187))

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-187) as amended by Senate Amendment "B" (S-443) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act Related to the Office of Substance Abuse (S.P. 90) (L.D. 175) which was Passed to be Enacted in the House on June 30, 1991. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-359) as amended by Senate Amendment "C" (S-389) thereto)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-359) as amended by Senate Amendment "D" (S-420) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Resolve, to Establish the Commission to Study the Use of Professional Strikebreakers (EMERGENCY) (H.P. 139) (L.D. 199) which was Finally Passed in the House on May 13, 1991. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-185))

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-185) and Senate Amendment "A" (S-421) in non-concurrence.

The House voted to recede and concur.

The following items appearing on Supplement No. 9 were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

An Act to Revise the Small Claims Laws (EMERGENCY) (S.P. 134) (L.D. 272) which was Passed to

be Enacted in the House on June 10, 1991. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-238))

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-238) as amended by Senate Amendment "A" (S-427) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Protect the Public from Unsafe Industrial and Commercial Facilities (H.P. 258) (L.D. 349) which was Passed to be Enacted in the House on June 12, 1991. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-590))

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-590) as amended by Senate Amendment "A" (S-428) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Provide Funds to the Maine Rural Water Association for Services to Water and Wastewater Systems (EMERGENCY) (H.P. 328) (L.D. 458) which was Passed to be Enacted in the House on March 28, 1991.

Came from the Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-434) in non-concurrence.

The House voted to recede and concur.

The following items appearing on Supplement No. 10 were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

An Act Relating to Assumption of Medical Expenses by the State in Child Protection Investigations (S.P. 211) (L.D. 538) which was Passed to be Enacted in the House on May 6, 1991. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-81))

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-81) as amended by Senate Amendment "A" (S-429) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Reduce Duplication at the Department of Human Services (S.P. 247) (L.D. 656) which was Passed to be Enacted in the House on May 7, 1991. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-103)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-103) and Senate Amendment "A" (S-430) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act Regarding Subsidies to Public Schools for Home School Students (H.P. 579) (L.D. 830) which was Passed to be Enacted in the House on June 10, 1991. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-356)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-356) as amended by Senate Amendment "A" (S-436) thereto in non-concurrence.

The House voted to recede and concur.

The following items appearing on Supplement No. 11 were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

An Act to Ensure Early Intervention Services to Eligible Special Needs Children from Birth to Age 5 (H.P. 588) (L.D. 839) which was Passed to be Enacted in the House on June 11, 1991. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-615)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-615) as amended by Senate Amendment "B" (S-447) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Amend the Laws Concerning Certification of Educational Personnel (EMERGENCY) (S.P. 326) (L.D. 882) which was Passed to be Enacted in the House on June 10, 1991. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-253)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-253) as amended by Senate Amendment "A" (S-431) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Strengthen Municipal Borrowing Alternatives (S.P. 331) (L.D. 887) which was Passed to be Enacted in the House on June 11, 1991. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-299)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-299) as amended by Senate Amendment "A" (S-444) thereto in non-concurrence.

The House voted to recede and concur.

The following items appearing on Supplement No. 12 were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

An Act Establishing a Lobster Management Task Force (S.P. 365) (L.D. 967) which was Passed to be Enacted in the House on June 19, 1991. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-290) as amended by House Amendment "A" (H-647) thereto)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-290) as amended by Senate Amendment "B" (S-441) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Improve Student Financial Assistance Services (EMERGENCY) (H.P. 750) (L.D. 1070) which was Passed to be Enacted in the House on June 12, 1991. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-646)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-646) as amended by Senate Amendment "A" (S-432) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Enhance the Integrated Pest Management Capabilities of Agriculture in the State (H.P. 875) (L.D. 1261) which was Passed to be Enacted in the House on May 23, 1991. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-273)

Came from the Senate, Passed to be Engrossed as

amended by Committee Amendment "A" (H-273) as amended by Senate Amendment "B" (S-446) thereto in non-concurrence.

The House voted to recede and concur.

The following items appearing on Supplement No. 13 were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

Resolve, Relating to Medicaid Rules Governing Services to Persons with Mental Retardation (EMERGENCY) (S.P. 538) (L.D. 1436) which was Finally Passed in the House on June 10, 1991. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-231)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-231) as amended by Senate Amendment "A" (S-437) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Resolve, to Conduct an Independent Review of the Department of Human Services (S.P. 551) (L.D. 1455) which was Finally Passed in the House on June 11, 1991. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-240)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-240) and Senate Amendment "A" (S-422) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Unify Housing Services (EMERGENCY) (H.P. 1067) (L.D. 1556) which was Passed to be Enacted in the House on June 10, 1991. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-568)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-568) as amended by Senate Amendment "A" (S-440) thereto in non-concurrence.

The House voted to recede and concur.

The following items appearing on Supplement No. 14 were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

An Act to Establish a Higher Education Loan Program and to Make Certain Amendments to the Laws Affecting Education Programs of the Finance Authority of Maine (S.P. 642) (L.D. 1690) which was Passed to be Enacted in the House on June 19, 1991. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-308) as amended by Senate Amendment "A" (S-352) thereto)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-308) as amended by Senate Amendment "B" (S-426) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Establish State Selective Purchasing Standards (H.P. 1174) (L.D. 1715) which was Passed to be Enacted in the House on June 12, 1991. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-467) and Senate Amendment "B" S-350)

Came from the Senate, Passed to be Engrossed as amended by Senate Amendment "C" (S-423) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Resolve, to Study the Feasibility of a Statewide Health Insurance Program (EMERGENCY) (H.P. 1184) (L.D. 1727) which was Finally Passed in the House on June 19, 1991. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-406) as amended by House Amendment "A" (H-640) thereto)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-406) as amended by Senate Amendment "B" (S-424) thereto in non-concurrence.

The House voted to recede and concur.

The following items appearing on Supplement No. 15 were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

An Act to Repeal the Laws Allowing the State to Participate in Lotto*America (H.P. 1304) (L.D. 1886) which was Passed to be Enacted in the House on June 11, 1991. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-576)

Came from the Senate, Passed to be Engrossed as

amended by Committee Amendment "A" (H-576) as amended by Senate Amendment "A" (S-438) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Promote Long-term Economic Development (EMERGENCY) (H.P. 1321) (L.D. 1912) which was Passed to be Enacted in the House on June 19, 1991. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-657)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-657) as amended by Senate Amendment "A" (S-433) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Appropriate Funds from the General Fund for Search and Rescue Activities (H.P. 1343) (L.D. 1934) which was Passed to be Enacted in the House on June 26, 1991.

Came from the Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-439) in non-concurrence.

The House voted to recede and concur.

The following items appearing on Supplement No. 16 were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

An Act to Appropriate Funds to Continue the Surname Index Project at the Maine State Library (EMERGENCY) (H.P. 97) (L.D. 138) which was Passed to be Enacted in the House on April 25, 1991. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-113)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Amend the State Law Library System (H.P. 176) (L.D. 261) which was Passed to be Enacted in the House on May 7, 1991. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-173)

Came from the Senate, the Bill and accompanying

papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Appropriate Emergency Funds for the Maine Potato Breeding Program (EMERGENCY) (H.P. 394) (L.D. 568) which was Passed to be Enacted in the House on May 13, 1991. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-193)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Increase Support for Affordable Housing (H.P. 404) (L.D. 587) which was Passed to be Enacted in the House on April 22, 1991. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-70)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

The following items appearing on Supplement No. 18 were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

An Act to Amend the Election Laws Relating to Ballot Counting (H.P. 450) (L.D. 640) which was Passed to be Enacted in the House on April 22, 1991. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-65)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Resolve, to Establish the Commission on Comprehensive Energy Planning (EMERGENCY) (S.P. 292) (L.D. 774) which was Finally Passed in the House on June 10, 1991. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-205) as amended by Senate Amendment "A" (S-220) thereto)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Permit Students to Take Tests for Credit for Certain Classes (H.P. 556) (L.D. 799) which was Passed to be Enacted in the House on April 30, 1991. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-115))

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Amend the Maine Judicial Retirement System Laws (H.P. 631) (L.D. 901) which was Passed to be Enacted in the House on June 11, 1991. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-618))

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

The following items appearing on Supplement No. 19 were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

An Act to Clarify the Funding of Child Care Services and Parenting Education (H.P. 639) (L.D. 913) which was Passed to be Enacted in the House on June 4, 1991. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-317))

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Resolve, to Establish the Task Force on Local Public Employee Collective Bargaining (EMERGENCY) (S.P. 342) (L.D. 932) which was Finally Passed in the House on May 13, 1991. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-108))

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Amend the Maine Court Facilities Authority (S.P. 358) (L.D. 960) which was Passed to be Enacted in the House on May 22, 1991. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-134))

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Provide Funding to Offset Rising Costs and Decreasing Federal Revenues for Public Transportation in the State (S.P. 364) (L.D. 966) which was Passed to be Enacted in the House on May 22 1991. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-139))

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

The following items appearing on Supplement No. 20 were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

An Act to Improve Collections of Income Tax Due Upon the Sale of Real Property (H.P. 689) (L.D. 988) which was Passed to be Enacted in the House on June 12, 1991. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-638))

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Improve the Level of Services Provided by the Bureau of Public Improvements on Capital Improvement Projects (H.P. 728) (L.D. 1032) which was Passed to be Enacted in the House on May 30, 1991. (Having previously been passed to be Engrossed as amended by House Amendment "A" (H-310))

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Appropriate Funds for the Maine Potato Breeding Program (H.P. 809) (L.D. 1163) which was Passed to be Enacted in the House on May 6, 1991. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-168)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act Concerning Witnesses and the Integrity of the Judicial Process (H.P. 853) (L.D. 1219) which was Passed to be Enacted in the House on June 4, 1991. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-334)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

The following items appearing on Supplement No. 21 were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

An Act Relating to the Education of Homeless Students (EMERGENCY) (S.P. 466) (L.D. 1249) which was Passed to be Enacted in the House on June 11, 1991. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-274) as amended by Senate Amendment "A" (S-335) thereto)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Amend and Improve the Laws Relating to Education (S.P. 469) (L.D. 1252) which was Passed to be Enacted in the House on May 30, 1991. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-153)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Require the Holding of Hearings under the Maine Administrative Procedure Act (H.P. 882)

(L.D. 1273) which was Passed to be Enacted in the House on June 4, 1991. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-322)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Revise the Maine Horticultural Laws (H.P. 923) (L.D. 1320) which was Passed to be Enacted in the House on June 10, 1991. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-409) as amended by House Amendment "A" (H-571) thereto and House Amendment "A" (H-414)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

The following items appearing on Supplement No. 22 were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

An Act Relating to Retirement Service Credits for Former Workers' Compensation Commissioners Who Became Judges before December 1, 1984 (S.P. 553) (L.D. 1457) which was Passed to be Enacted in the House on June 4, 1991. (Having previously been passed to be Engrossed as amended by Senate Amendment "A" (S-208)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Increase Fees for Licenses Issued by the Department of Marine Resources (EMERGENCY) (H.P. 1148) (L.D. 1673) which was Passed to be Enacted in the House on June 19, 1991. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-567) as amended by House Amendment "A" (H-669) thereto)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Establish the Locations of State Liquor Stores (S.P. 630) (L.D. 1678) which was Passed to be

Enacted in the House on June 10, 1991. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-245)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 23 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

An Act Concerning Federal and Other Special Revenue Funds in Maine State Government (S.P. 685) (L.D. 1819) which was Passed to be Enacted in the House on June 5, 1991. (Having previously been passed to be Engrossed as amended by House Amendment "A" (H-428)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 42 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

(1-1) An Act to Fund a Collective Bargaining Agreement (EMERGENCY) (H.P. 1374) (L.D. 1959) which was Passed to be Enacted in the House on June 28, 1991.

Came from the Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-448) in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 37 was taken up out of order by unanimous consent:

ORDERS OF THE DAY

BILL RECALLED FROM GOVERNOR

(Pursuant to Joint Order - House Paper 1385)

An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993 (H.P. 654) (L.D. 928) (H. "A" H-723 and H. "B" H-724 to C. "A" H-715)

- In House, Passed to be Enacted on July 1, 1991.
- In Senate, Passed to be Enacted on July 1, 1991.

L.D. 928 and all accompanying papers were indefinitely postponed in non-concurrence and sent up for concurrence.

The following item appearing on Supplement No. 38 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 for the Purchase of Recycling Equipment and Facilities and for the Remediation and Closure of Solid Waste Landfills (H.P. 1384) (L.D. 1973)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 97 voted in favor of same and 22 against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

By unanimous consent, all matters having been acted upon requiring engrossment or concurrence were ordered sent forthwith.

The following item appearing on Supplement No. 41 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

An Act to Suspend the Maine Educational Assessment Program for 2 Years (H.P. 1081) (L.D. 1575) (C. "A" H-650)

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

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 passage to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 226

YEA - Adams, Aliberti, Anderson, Bell, Boutilier,

Carroll, D.; Carroll, J.; Cashman, Cathcart, Chonko, Clark, H.; Coles, Constantine, Crowley, Daggett, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Graham, Gurney, Gwadosky, Hale, Handy, Heeschen, Heino, Hichborn, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketterer, Kilkelly, Kontos, LaPointe, Larrivee, Lemke, Lord, Luther, Mahany, Martin, H.; McHenry, McKeen, Melendy, Michaud, Morrison, Nadeau, Nash, O'Dea, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Plourde, Pouliot, Powers, Rand, Richards, Richardson, Ricker, Rotondi, Ruhlin, Saint Onge, Salisbury, Savage, Sheltra, Simonds, Simpson, Skoglund, Spear, Stevens, P.; Strout, Tamaro, Tardy, Townsend, Treat, Vigue, Waterman, Wentworth.

NAY - Ault, Bailey, H.; Bailey, R.; Barth, Bowers, Butland, Donnelly, Farnum, Farren, Foss, Gray, Greenlaw, Hanley, Hichens, Kutasi, Lebowitz, Libby, Look, MacBride, Macomber, Marsano, Marsh, Mayo, Merrill, Murphy, Norton, Nutting, O'Gara, Ott, Pendexter, Pendleton, Pines, Reed, G.; Reed, W.; Stevens, A.; Stevenson, Tracy, Whitcomb.

ABSENT - Aikman, Anthony, Bennett, Cahill, M.; Carleton, Clark, M.; Cote, DiPietro, Duplessis, Garland, Hastings, Hepburn, Ketover, Lawrence, Lipman, Manning, Mitchell, E.; Mitchell, J.; Parent, Poulin, Rydell, Small, Swazey, Tupper, The Speaker.

Yes, 88; No, 38; Absent, 25; Paired, 0; Excused, 0.

88 having voted in the affirmative and 38 in the negative with 25 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The following item appearing on Supplement No. 44 was taken up out of order by unanimous consent:

ORDERS

On motion of Representative STEVENS of Bangor, the following Joint Resolution: (H.P. 1388) (Cosponsors: Senator CAHILL of Sagadahoc, Representative CATHCART of Orono and Representative WHITCOMB of Waldo)

JOINT RESOLUTION URGING THE MEDIA NOT TO PUBLICIZE THE IDENTITIES OF VICTIMS OF RAPE

WHEREAS, rape is a crime of violence so personal in nature as to render victims uniquely traumatized and devastated; and

WHEREAS, due to the personal nature of the injury involved, publication of the victim's identity often leads to further trauma; and

WHEREAS, the victim should have a choice regarding the disclosure of her or his identity; and

WHEREAS, disclosing the name of the victim serves no legitimate purpose and increases the likelihood that victims will not report the crime; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Fifteenth Legislature of the State of Maine, now assembled in the First Regular Session,

urge the news media not to publicize the identities of rape victims without the approval of those victims.

Was read and adopted and sent up for concurrence.

The following item appearing on Supplement No. 40 was taken up out of order by unanimous consent:

SECOND READER

As Amended

(Indefinitely Postponed)

Bill "An Act to Provide for Deferrals of Unfunded State Mandates for Municipalities Experiencing Financial Hardships" (EMERGENCY) (H.P. 1190) (L.D. 1743) (C. "A" H-499)

Was reported by the Committee on Bills in the Second Reading and read a second time.

On motion of Representative Joseph of Waterville, the House reconsidered its action whereby Committee Amendment "A" (H-499) was adopted.

The same Representative offered House Amendment "A" (H-548) to Committee Amendment "A" (H-499) and moved its adoption.

House Amendment "A" (H-548) to Committee Amendment "A" (H-499) was read by the Clerk and adopted.

Committee Amendment "A" (H-499) as amended by House Amendment "A" (H-548) thereto was adopted.

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Coles.

Representative COLES: Mr. Speaker, I move that this bill and all accompanying papers be indefinitely postponed.

Once again, this is a bill which would have the legislature cede vast powers of the State Planning Office, powers which we would never get back, powers which are so undefined, so ill-defined that the State Planning Director essentially would have a veto over many pieces of legislation. I hope you will vote to indefinitely postpone it.

Representative Martin of Eagle Lake 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 Coles of Harpswell that L.D. 1190 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 227

YEA - Adams, Bell, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Coles, Constantine, Crowley, Daggett, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Graham,

Gurney, Gwadosky, Handy, Heeschen, Hichborn, Hوجلund, Holt, Jacques, Joseph, Ketover, Kontos, Larrivee, Lemke, Manning, Martin, H.; Mayo, McHenry, Melendy, Michaud, Morrison, Nadeau, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Plourde, Pouliot, Powers, Richardson, Ruhlin, Saint Onge, Sheltra, Simonds, Simpson, Skoglund, Stevens, P.; Swazey, Tamaro, Townsend, Treat, Wentworth, The Speaker.

NAY - Aikman, Aliberti, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Boutilier, Bowers, Butland, Carleton, Carroll, J.; Clark, H.; Donnelly, Farnum, Farren, Foss, Garland, Gray, Greenlaw, Hanley, Heino, Hichens, Hussey, Jalbert, Kerr, Ketterer, Kilkelly, Kutasi, Lawrence, Lebowitz, Libby, Look, Lord, Luther, MacBride, Macomber, Marsano, Marsh, Merrill, Murphy, Nash, Norton, Nutting, Ott, Pendexter, Pendleton, Pines, Reed, G.; Reed, W.; Richards, Ricker, Rotondi, Salisbury, Savage, Small, Spear, Stevens, A.; Stevenson, Tardy, Tracy, Vigue, Waterman, Whitcomb.

ABSENT - Anthony, Clark, M.; Cote, DiPietro, Duplessis, Hale, Hastings, Hepburn, LaPointe, Lipman, Mahany, McKeen, Mitchell, E.; Mitchell, J.; Parent, Poulin, Rand, Rydell, Strout, Tupper.

Yes, 66; No, 65; Absent, 20; Paired, 0; Excused, 0.

66 having voted in the affirmative and 65 in the negative with 20 being absent, L.D. 1190 and all accompanying papers were indefinitely postponed. Sent up for concurrence.

By unanimous consent, all matters having been acted upon requiring Senate concurrence were ordered sent forthwith to the Senate.

(At Ease)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 3 was taken up out of order by unanimous consent:

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Allow State Government to Continue to Operate in Fiscal Years 1991-92 and 1992-93" (EMERGENCY) (H.P. 1386) (L.D. 1974)

Was reported by the Committee on Bills in the Second Reading and read a second time.

Representative Gwadosky of Fairfield offered House Amendment "C" (H-754) and moved its adoption.

House Amendment "C" (H-754) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: The original bill that this

amends was the repeal of the sunsets for the Appropriations Budget and for the Highway/Transportation Budget.

House Amendment "C" that is now on your desk would extend the sunset for one day, that would be tomorrow, so that the end of the sunset would then occur at midnight tomorrow night versus midnight this evening. It also does the same thing for the Transportation Budget and it also allows one additional legislative day.

It is my hope that this will give us the necessary time to ensure that as the negotiators and those who have been working their hearts out on Workers' Comp for the last two or three days will have the necessary time to arrive at a conclusion so that we can, indeed, deal with the issue before us in a timely fashion tomorrow. It is my understanding that even there was agreement at this moment, that we are dealing with a situation where the printing and drafting of the bill would take anywhere from 7 to 9 hours. That is not a situation where we want to keep people here for the next 9 hours obviously at this point and this would allow us a one day extension of the sunset for, once again, the Appropriations Budget, a one day extension of the sunset for the Transportation Budget and an additional day of legislative session.

Tomorrow, at that point, we would have to vote up or down again a repeal of the sunsets when we get to that point. I would urge your adoption of the amendment.

The SPEAKER: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: We do not approach this vote easily. As you well know, the Republicans have been insistent that a number of actions take place concurrently and, as you have just seen, we have had a long discussion on the subject. Prior to that, I had a meeting with the Majority Leader in which we outlined what we felt was a reasonable course of action and it seems to me reasonable in regard to ending, hopefully, this session within 26 hours.

The sentiment that I would like to express on the Record is that acceptance of final enactment of this amendment is contingent upon the end of discussions on the other non-mentionable subject soon. We cannot dictate, obviously, the actions of another branch of government but it is fully understood that that would not be finally a part of Maine law until the discussion of the other subject is done and the bill is off to drafting. So, I want to make that very clear that I believe the overwhelming of the Republicans is that this extension is only done out of necessity because of a printing problem we now face. We feel that it is unfortunate that it has gone on this long but the extension is only to allow printing in other actions that have to take place on the agreement that is reached very, very soon.

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

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: While the House Amendment is sponsored by our distinguished Majority Leader, I think there are many Democrats who would probably agree with me tonight that this only prolongs the agony that we have undergone, legislation by coercion, and that there are many of us who would share the sentiments of the distinguished Minority Leader when he says there are many in his caucus who

are reluctant that this process continue and that they are doing so only with the understanding that other unmentionables also take precedent and an action is taken on those.

As I said before, and other people have said before me with greater eloquence, in 13 years I have never seen a body having to pass this legislation under the threat of governmental shutdown. State employees are outside camping out in Capitol Park, the first time in my memory that that has ever happened as a protest, and they are going to continue to be out there until there is a permanent budget passed. This isn't the way laws are made, it isn't the way government is run, it is a complete shame that we have to go through this. Perhaps if I vote with this, I would like to go on the Record as saying that I vote with a great deal of reluctance and disappointment in the Executive of the state, that this is the only way that he can coerce the co-equal branch of government, the people's branch, the legislature and the Majority Party, to be getting something that he can, at a minimum, agree with. It sets a terrible precedent, that when we work together in the future, there will always be that threat — if I don't get my way, I don't play by the rules, I will shut down state government, I will create chaos and havoc in the state, so I would like to echo the two distinguished leaders in both corners and say that I have a great deal of reluctance about this bill. I guess I have to go along with it, we need another 24 hours, and out of respect to the members of the Labor Committee and Banking and Insurance. It certainly isn't the way I have been led or brought up to believe that government is supposed to act.

Subsequently, House Amendment "C" (H-754) was adopted.

The bill was passed to be engrossed as amended by House Amendment "C" (H-754) and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The following items appearing on Supplement No. 24 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

An Act to Preserve the Integrity of the Maine State Lotteries (S.P. 80) (L.D. 143) (S. "B" S-443 to C. "A" S-187)

An Act Related to the Office of Substance Abuse (S.P. 90) (L.D. 175) (S. "D" S-420 to C. "A" S-359)

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.

The following items appearing on Supplement No. 25 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act to Revise the Small Claims Laws (S.P. 134)

(L.D. 272) (S. "A" S-427 to C. "A" S-238)

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. 109 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

Resolve, to Establish the Commission to Study the Use of Professional Strikebreakers (H.P. 139) (L.D. 199) (C. "A" H-185 and S. "A" S-421)

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

Representative Martin of Eagle Lake 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 passage to be enacted. This being an emergency measure, a two-thirds vote of all the members elected to the House is necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 228

YEA - Adams, Aliberti, Anthony, Bell, Boutilier, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Coles, Constantine, Crowley, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Hale, Handy, Heeschen, Hichborn, Hوجلund, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Lemke, Lord, Luther, Macomber, Mahany, Manning, Marsano, Martin, H.; Mayo, McHenry, McKeen, Melendy, Michaud, Mitchell, E.; Morrison, Murphy, Nadeau, Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Plourde, Pouliot, Powers, Rand, Reed, G.; Richards, Richardson, Ricker, Rotondi, Ruhlin, Saint Onge, Salisbury, Sheltra, Simonds, Simpson, Skoglund, Stevens, P.; Strout, Swazey, Tammaro, Tardy, Townsend, Tracy, Treat, Vigue, Waterman, Wentworth, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Bowers, Butland, Carroll, J.; Donnelly, Duplessis, Farnum, Farren, Foss, Garland, Greenlaw, Hanley, Heino, Hepburn, Kutasi, Lebowitz, Libby, Lipman, Look, MacBride, Marsh, Merrill, Nash, Ott, Parent, Pendexter, Pendleton, Pines, Reed, W.; Savage, Small, Spear, Stevens, A.; Stevenson, Whitcomb.

ABSENT - Carleton, Clark, M.; Cote, Hastings,

Hichens, Mitchell, J.; Poulin, Rydell, Tupper.
Yes, 101; No, 41; Absent, 9; Paired, 0;
Excused, 0.

101 having voted in the affirmative and 41 in the negative with 9 being absent, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

The following item appearing on Supplement No. 39 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act to Allow State Government to Continue to Operate in Fiscal Years 1991-92 and 1992-93 (H.P. 1386) (L.D. 1974) (H. "C" H-754)

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. 110 voted in favor of the same and 24 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Representative Martin of Eagle Lake, the First Regular Session of the 115th Maine Legislature adjourned at 12:00 midnight, July 10, 1991 without day as the second five day extension expired, pursuant to Maine Revised Statutes Annotated, Title 3, Section 2.
