

# MAINE STATE LEGISLATURE

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# LEGISLATIVE RECORD

OF THE

**One Hundred And Seventeenth Legislature**

OF THE

**State Of Maine**

**VOLUME VI**

**SECOND REGULAR SESSION**

**House of Representatives**

January 3, 1996 to April 3, 1996

**Senate**

January 3, 1996 to March 13, 1996

ONE HUNDRED AND SEVENTEENTH MAINE LEGISLATURE  
SECOND REGULAR SESSION  
36th Legislative Day  
Monday, April 1, 1996

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

Prayer by Reverend Martin Gentzler, First Church of the Nazarene, Bangor.

National Anthem by St. John's Elementary School Band, Brunswick.

The Journal of Saturday, March 30, 1996 was read and approved.

**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act to Amend the Laws Relating to Harness Racing" (H.P. 868) (L.D. 1218) on which the Majority "Ought to Pass" as amended Report of the Committee on Legal and Veterans Affairs was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-891) in the House on March 30, 1996.

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

On motion of Representative TRUE of Fryeburg, tabled pending further consideration and later today assigned.

**Non-Concurrent Matter**

Bill "An Act to Control Health Care Costs and Improve Access to Health Care" (H.P. 1277) (L.D. 1753) on which the Minority "Ought to Pass" as amended Report of the Committee on Banking and Insurance was read and accepted and the Bill passed to be engrossed as amended by House Amendment "A" (H-896) in the House on March 30, 1996.

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

On motion of Representative JACQUES of Waterville, tabled pending further consideration and later today assigned.

**Non-Concurrent Matter**

Bill "An Act to Establish the Board of Complementary Health Care Providers and to Regulate the Practice of Naturopathic Medicine" (H.P. 1351) (L.D. 1852) which was passed to be engrossed as amended by Committee Amendment "A" (H-860) in the House on March 28, 1996.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-860) as amended by Senate Amendment "B" (S-554) thereto in non-concurrence.

On motion of Representative JACQUES of Waterville, tabled pending further consideration and later today assigned.

**ORDERS**

On motion of Representative HICHBORN of Lagrange, the following Order: (H.O. 52)

ORDERED, that Representative George H. Bunker, Jr., of Kossuth Township be excused March 19 to 22 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Joseph D. Driscoll of Calais be excused April 1 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Lisa Lumbra of Bangor be excused February 22 and 27 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Kathleen Alicia Stevens of Orono be excused March 11 to 14 for personal reasons.

Was read and passed.

**SPECIAL SENTIMENT CALENDAR**

In accordance with House Rule 56 and Joint Rule 34, the following items:

Recognizing:

the people of Maine who contribute to the betterment of our State by their participation in Maine's coastal fishing and marine resources industry. Fishing and the harvesting of other marine organisms in the waters of coastal Maine define the way of life and the character of Maine's coastal communities and the harvesting and processing of marine organisms contribute more than 460 million dollars to Maine's economy and sustain families throughout Maine's coast. We extend our sincere appreciation and pledge our support and encouragement to all of those people involved in Maine's coastal fishing and marine resources industry; (HLS 1091) by Representative BIGL of Bucksport. (Cosponsors: Representative LOOK of Jonesboro, Representative CLOUTIER of South Portland, Representative ADAMS of Portland, Representative BENEDIKT of Brunswick, Representative ETNIER of Harpswell, Representative VOLENIK of Sedgwick, Representative LAYTON of Cherryfield, Representative PINKHAM of Lamoine, Representative RICE of South Bristol, President BUTLAND of Cumberland, Senator GOLDTHWAIT of Hancock, Senator PINGREE of Knox)

On objection of Representative LOOK of Jonesboro was removed from the Special Sentiment Calendar.

Was read.

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

Representative LOOK: Mr. Speaker, Ladies and Gentlemen of the House: On behalf of the Marine Resources Committee, we have presented this sentiment in recognition of all of those fishermen who have chosen this way of life and have brought to, not only the economy, but the sustenance of Maine and the world in procuring these resources. We recognize the risks that they have taken in going out on the high seas as they do. We recognize their spouses, who probably have stayed behind to listen to the radio if any misfortune should happen, or to keep account of where their people are. To them, we salute them and thank them for their service. Thank you.

The sentiment was passed.

the following members of the Waterville High School Hockey Team, who won the 1996 State Class A Championship: Trapper Clark, Brian LeBrasseur, Phil Kronenthal, Eric Mitchell, Ross Hall, Ben Wheeler, Chad Hart, Blake Sturtevant, Brock Wilder, Ryan Masse, James LaLiberty, Jude Violette, Erik Nadeau, Craig Lenz, Andy Lenz, and Adam Beeh; head coach Norm Gagne; assistant coaches Dennis Martin, Roland Hallee, Jeff Jolicoeur and Matt Foye; statistician Jason Fortin; manager Justin Swett; and athletic

director Chris Downing; (HLS 1095) by Representative JOSEPH of Waterville. (Cosponsors: Representative JACQUES of Waterville, Speaker GWADOSKY of Fairfield, Senator CAREY of Kennebec)

On objection of Representative JOSEPH of Waterville was removed from the Special Sentiment Calendar.

On motion of the same Representative, tabled pending passage and later today assigned.

Cindy Blodgett, of Clinton, a sophomore at the University of Maine and point guard on the "Black Bears" women's basketball team, who has been named the Division I national scoring champion for 1995-96. Cindy averaged 27.8 points per game during division play and became the most prolific sophomore scorer in the NCAA history, amassing 889 points, which is the 10th highest total ever in Division I women's play and the best single season in University of Maine history. Currently, Cindy is the 4th leading scorer in University of Maine history; (HLS 1096) by Representative JONES of Pittsfield. (Cosponsor: Senator MILLS of Somerset)

On objection of Representative JONES of Pittsfield was removed from the Special Sentiment Calendar.

On motion of the same Representative, tabled pending passage and later today assigned.

Joanne Palombo-McCallie, head coach of the University of Maine Women's Basketball Team, on being named the North Atlantic Conference Coach of the Year for 1996; (HLS 1097) by Speaker GWADOSKY of Fairfield. (Cosponsors: President BUTLAND of Cumberland, Senator O'DEA of Penobscot, Representative STEVENS of Orono)

On objection of Representative JACQUES of Waterville was removed from the Special Sentiment Calendar.

On motion of the same Representative, tabled pending passage and later today assigned.

the University of Maine Women's Basketball Team, the 1996 North Atlantic Conference champions, which finished its season with a school record of 27 wins, including a perfect record of 18-0 in its conference, and which participated in the NCAA Women's Division I Basketball Tournament for the 2nd consecutive year, bringing pride to all of the State of Maine; (HLS 1098) by Speaker GWADOSKY of Fairfield. (Cosponsors: President BUTLAND of Cumberland, Senator O'DEA of Penobscot, Representative STEVENS of Orono)

On objection of Representative JACQUES of Waterville was removed from the Special Sentiment Calendar.

On motion of the same Representative, tabled pending passage and later today assigned.

The following items were taken up out of order by unanimous consent:

#### SENATE PAPERS

##### Non-Concurrent Matter

Bill "An Act to Reform Campaign Finance" (I.B. 5) (L.D. 1823) on which the House insisted on its former action whereby the Majority "Ought Not to Pass" Report of the Committee on Legal and Veterans Affairs was read and accepted in the House on March 30, 1996.

Came from the Senate with that Body having adhered to its former action whereby the Minority "Ought to Pass" as amended Report of the Committee on Legal and Veterans Affairs was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-836) in non-concurrence.

The House voted to Adhere.

On motion of Representative VOLENIK of Sedgwick, the House reconsidered its action whereby the House voted to Adhere.

Representative VOLENIK of Sedgwick moved that the House Recede and Concur.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Men and Women of the House: First of all, I will ask for a division on that motion. I think the same comments I gave you previously apply. What are we afraid of? Let's have this discussion, debate, after session in the open air.

Representative NADEAU of Saco requested a division on the motion to Recede and Concur.

The Chair ordered a division on the motion to Recede and Concur.

Representative MERES of Norridgewock requested a roll call on the motion to Recede and Concur.

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 members present and voting. All 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 pending question before the House is to Recede and Concur. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 362

YEA - Adams, Ault, Benedikt, Berry, Brennan, Buck, Bunker, Cameron, Carleton, Carr, Chartrand, Chase, Chick, Davidson, Etnier, Gates, Green, Heeschen, Johnson, Jones, K.; Lane, Lemke, Libby JD; Lovett, Luther, Martin, Meres, Mitchell JE; Morrison, Perkins, Pinkham, Povich, Richard, Rosebush, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Townsend, Tripp, Tuttle, Volenik, Waterhouse, Watson.

NAY - Ahearne, Bailey, Barth, Bigl, Bouffard, Chizmar, Clark, Cloutier, Clukey, Cross, Damren, Desmond, Dexter, DiPietro, Dore, Farnum, Fisher, Gamache, Gerry, Gieringer, Gooley, Gould, Greenlaw, Guerrette, Hartnett, Hatch, Heino, Hichborn, Jacques, Jones, S.; Joseph, Joy, Joyce, Joyner, Keane, Kerr, Kilkelly, Kneeland, Kontos, Labrecque, LaFountain, Layton, Lemaire, Lemont, Libby JL; Lindahl, Look, Lumbra, Madore, Marshall, Marvin, Mayo, McAlevey, McElroy, Mitchell EH; Murphy, Nadeau, Nass, Nickerson, O'Gara, O'Neal, Peavey, Pendleton, Poirier, Poulin, Pouliot, Reed, G.; Reed, W.; Rice, Ricker, Robichaud, Savage, Sirois, Spear, Stedman, Stone, Strout, Taylor, True, Tufts, Tyler, Underwood, Vigue, Wheeler, Winglass, Winn, Winsor, The Speaker.

ABSENT - Aikman, Birney, Campbell, Daggett, Donnelly, Driscoll, Dunn, Fitzpatrick, Ott, Paul, Plowman, Richardson, Simoneau, Stevens, Thompson, Treat, Truman, Whitcomb.

Yes, 45; No, 88; Absent, 18; Excused, 0.

45 having voted in the affirmative and 88 voted in the negative, with 18 being absent, the motion to Recede and Concur was not accepted.

Subsequently, the House voted to Adhere.

#### ENACTORS Emergency Measure

An Act to Make Changes to the Disability Plans Administered by the Maine State Retirement System and to Establish a Process for Further Improvements (H.P. 1238) (L.D. 1698) (C. "A" H-899)

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

On motion of Representative MAYO of Bath, the House reconsidered its action whereby the Bill was passed to be engrossed.

On further motion of the same Representative the House reconsidered its action whereby Committee Amendment "A" (H-899) was adopted.

The same Representative presented House Amendment "A" (H-903) to Committee Amendment "A" (H-899) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Joyce.

Representative JOYCE: Mr. Speaker, Men and Women of the House: I move Indefinite Postponement and wish to speak to that motion. This amendment is being submitted because of a problem with one person in this entire State. What happened is, over the last 13 or 14 years, the Retirement System overpaid this gentleman by \$100,000. They discovered their error, and now they wish to reduce his future benefits to the correct amount. They are not asking him to pay back the \$100,000 that he was overpaid. They merely want to correct the future payments to give him what he is entitled to. This amendment would prohibit that. If this amendment passes this gentleman, based on the assumptions of the Retirement System, will collect over a quarter of a million dollars more than he is entitled to. I request a roll call. Thank you.

Representative JOYCE of Biddeford moved that House Amendment "A" (H-903) to Committee Amendment "A" (H-899) be indefinitely postponed.

The same Representative requested a roll call on the motion to indefinitely postpone House Amendment "A" (H-903) to Committee Amendment "A" (H-899).

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

Representative KILKELLY: Mr. Speaker, Men and Women of the House: I would like to add a little bit to the statement previously about how this error took place. The gentleman in question was disabled working for a police department. At that time he received a disability retirement from the Maine State Retirement System. Several years later he had back surgery, and it was discovered that he also had a degenerative back problem. He was then told to file for compensation under Social Security under disability, and he did that. When he informed the Maine State Retirement System of the information that he had applied for, and had been granted, disability under Social Security, they told him that was fine. They also told him if he worked one day, if he went to work for one day, that he, in fact, would lose all of his benefits. That was 13 years ago. So, 13 years ago this person made a decision not to go back to school, not to go to a re-training program, not to

find another line of work, because he was told if he did any of those things he would lose all of his benefits. So he didn't make those choices, 13 years later the Retirement System says, "Oh, I think we made a mistake, because both of your injuries deal with your back, and your back is only one part of your body, then that's one issue. That's one disability. We will not say that that is two disabilities and now we are going to take your Maine State Retirement." One of the other decisions that that person made 13 years ago was not to participate in Medicare. In order for him now to participate in Medicare he would need to pay 13 years of back premiums, which is a phenomenal amount of money. So, he now has to pay, out of his Social Security benefit, he needs to pay for his insurance through Maine State Retirement. He has lost his cash benefit, all but \$24 at this point from Maine State Retirement, and all of that is because an error was made in the Maine State Retirement System 13 years ago and now they are saying they want to correct it.

What this amendment says is that if a mistake like that is made, and it goes on for more than 10 years, that you cannot go back and say we made a mistake 10 years ago, or we made a mistake 20 years ago, or we made a mistake 25 years ago, so we are going to stop your payments now. It's because of life decisions that people make, based on the information that has been provided to them. This person would have made a decision, whether it was to go back to school, to find another line of work, or to do something else, if he had been allowed to do that, but they told him, specifically, you cannot do that. While it's true that the Maine State Retirement System is not asking him to repay the benefits they have already paid him, my contention is that the real situation here is that they made a mistake 13 years ago. That mistake caused this person to make some very distinct decisions about the future of his life, and now the rug has been pulled out from under him because of an error that they say they made. I would urge you to oppose the current motion to indefinitely postpone this amendment, and would urge you to then go on to adopt this bill with the amendment in place. Thank you.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Joyce.

Representative JOYCE: Mr. Speaker, Men and Women of the House: The state is not pulling the rug out from underneath this gentleman. They just don't want to have to pay him another quarter of a million dollars more than he is entitled to.

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 members present and voting. All those in favor will vote yes; those opposed will vote no.

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

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Keane.

Representative KEANE: Mr. Speaker, Ladies and Gentlemen of the House: Will the good Representative from Biddeford explain how he is going to gain \$250,000? I lost that. Thank you.

The SPEAKER: The Representative from Old Town, Representative Keane has posed a question through the Chair to the Representative from Biddeford,

Representative Joyce. The Chair recognizes that Representative.

Representative JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: Based on the assumptions that the Retirement System uses he is going to live another 21 or 22 years, and with the annual cost of living adjustments it comes out to a quarter of a million dollars.

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

Representative DIPIETRO: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative DIPIETRO: I don't know why this bill is before us. If the gentleman has been overpaid, I would just think that the State would stop payment. Is there a reason why we have to pay him? Could somebody answer that please.

The SPEAKER: The Representative from South Portland, Representative DiPietro has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Wiscasset, Representative Kilkelly.

Representative KILKELLY: Mr. Speaker, Men and Women of the House: In response to that question, what this amendment says is because the Maine State Retirement System made a mistake 10 years ago, and told this person not to get employment, not to do anything that would change his current situation, because he would lose all of his benefits, he made various lifetime decisions that are now very, very difficult to undo. While it is accurate that passage of this amendment would cause the Retirement System to provide him with his retirement benefits from now until whatever the length of his life is, by not doing that, I think it's really important for us to look at the fact that he has made a number of decisions about his life. He didn't take Medicare. In order to take Medicare now he would need to go back and pay 13 years worth of premiums. I don't know if that is with interest or without interest, but 13 years worth of premiums, because of misinformation that he received from the Maine State Retirement, because of the mistake that they made. He was told not to get a job, not to be employed, because that would cancel all of his benefits. This is a person whose disability causes him a significant amount of discomfort. Instead of him saying do this training or do that training, or find a different way to be employed, they said do not be employed. You can collect both of these. You can collect Social Security on one disability. You can collect Maine State Retirement on the other, but don't do anything that would cause you to be employed or you will lose both of those. Because of the misinformation, if you want to call it that, the error that was made, that the Maine State Retirement System now says they made, 13 years ago, he made a number of life decisions that have put him in a situation now that is very, very difficult, in terms of survival. He is now having to pay for his medical insurance out of his Social Security, and his state retirement has been reduced to \$23.

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

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: I support the good Representative from Wiscasset in this endeavor.

While the individual may be a constituent of hers, his parents are long-time friends and constituents of mine. I would repeat what the good Representative said. This man, 13 years ago, made some lifetime decisions. He is now over 50 years of age and if something is not done with regard, particularly, to his health insurance, he will very shortly be in bankruptcy, based upon decisions which he made based upon the advice which he received from the Retirement Board. This does not open the door to other people coming through it. It is a very specific issue, and I would urge your support in fairness to what has taken place. Thank you.

The SPEAKER: The Chair recognizes the Representative from Norway, Representative Winsor.

Representative WINSOR: Mr. Speaker, Men and Women of the House: Just one thing, I want you all to look briefly at the amendment, and the fiscal note that is attached thereto. If you enact this amendment to the bill, and the bill is ultimately passed, this will require a General Fund appropriation, because of the constitutional protections that we have enacted on the Retirement Fund. So, as long as this benefit is awarded to this individual, there will be a General Fund appropriation to pay for it. In other words, it will have to compete with all the other items out of the General Fund. Just consider that as you vote. It's not coming from a pot of money that is sitting in the Retirement Fund. It's going to come out of the General Fund. Thank you.

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

Representative PENDLETON: Mr. Speaker, Ladies and Gentlemen of the House: This particular gentleman, in the last weeks of the prior session, came before the Labor Committee and asked to have a bill brought in. He had a bill and it was rejected by the Labor Committee. This same man is bringing an amendment in, this time on another bill, during the last week of the session. I feel the same way as I did last year, and I feel we should support the motion for indefinite postponement. Thank you.

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

Representative LEMAIRE: Mr. Speaker, Men and Women of the House: I think it's a little more than the Labor Committee rejected it. This was asked to be brought back this year and was not allowed to be referred to Committee. I think it's unfortunate that someone who has been getting a certain amount of money all these years, and is now down to \$24.95 a month, plus incurring the cost of paying medical payments, is outrageous and I hope you vote against the indefinite postponement. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 363

YEA - Aikman, Ault, Bailey, Barth, Benedikt, Bigl, Bouffard, Buck, Cameron, Carleton, Chick, Clukey, Cross, Damren, DiPietro, Donnelly, Greenlaw, Guerrette, Hartnett, Heino, Jones, S.; Joy, Joyce, Joyner, Kerr, Kneeland, Labrecque, Lane, Layton, Lemont, Libby JD; Libby JL; Lindahl, Lovett, Lumbra, Madore, Marshall, Marvin, Nass, Nickerson, Ott, Peavey, Pendleton, Perkins, Pinkham, Poirier, Poulin, Pouliot, Reed, G.; Rice, Robichaud, Savage, Simoneau,

Spear, Stedman, Stone, Taylor, True, Underwood, Vigue, Wheeler, Whitcomb, Winglass, Winsor.

NAY - Adams, Ahearne, Berry, Brennan, Bunker, Carr, Chartrand, Chase, Chizmar, Clark, Cloutier, Davidson, Desmond, Dexter, Dore, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gieringer, Gooley, Gould, Green, Hatch, Heeschen, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Kilkelly, Kontos, LaFountain, Lemaire, Look, Luther, Martin, Mayo, McAlevey, McElroy, Meres, Mitchell EH; Mitchell JE; Morrison, Murphy, Nadeau, O'Gara, O'Neal, Povich, Reed, W.; Richard, Richardson, Ricker, Rosebush, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Strout, Townsend, Tripp, Tufts, Tuttle, Tyler, Volenik, Waterhouse, Watson, Winn.

ABSENT - Birney, Campbell, Daggett, Driscoll, Dunn, Lemke, Paul, Plowman, Stevens, Thompson, Treat, Truman, The Speaker.

Yes, 64; No, 74; Absent, 13; Excused, 0.

64 having voted in the affirmative and 74 voted in the negative, with 13 being absent, the motion to indefinitely postpone House Amendment "A" (H-903) to Committee Amendment "A" (H-899) was not accepted.

Subsequently, House Amendment "A" (H-903) to Committee Amendment "A" (H-899) was adopted.

Committee Amendment "A" (H-899) as amended by House Amendment "A" (H-903) thereto was adopted.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Keane.

Representative KEANE: Mr. Speaker, Ladies and Gentlemen of the House: I need to have two more questions answered, if somebody could do that. I would like to know how much the individual is getting now in disability payments, and if the individual is working? Thank you.

The SPEAKER: The Representative from Old Town, Representative Keane has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Wiscasset, Representative Kilkelly.

Representative KILKELLY: Mr. Speaker, Men and Women of the House: It's my understanding that right now the State Retirement benefits that he is receiving is less than \$25 a month and the Social Security, I'm not sure, I think it's between \$700 and \$800 a month, and a big chunk of that goes for health insurance, but I can get further details on that. He has to pay for his health insurance out of his Social Security now because he is not eligible for Medicare because of the erroneous information, or what they say now is erroneous information, provided by the Retirement System.

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

Representative LEMAIRE: Mr. Speaker, Men and Women of the House: In response the amount he would pay for health insurance, it would be \$484.85 a month, or \$5,818.20 a year.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-899) as amended by House Amendment "A" (H-903) thereto in non-concurrence and sent up for concurrence.

#### Emergency Measure

An Act to Correct Errors and Inconsistencies in the Laws of Maine (S.P. 711) (L.D. 1811) (S. "A" S-555 to C. "A" S-541)

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. 126 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, all matters having been acted upon were ordered sent forthwith.

#### UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Saturday, March 30, 1996, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

Expression of Legislative Sentiment recognizing Norman Gagne (HLS 1062)

TABLED - March 28, 1996 (Till Later Today) by Representative WHITCOMB of Waldo.

PENDING - Passage.

Subsequently, the Legislative Sentiment was read.

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

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: It's my great pleasure to be the sponsor of this order, which you think would normally be restricted entirely to the Waterville delegation. It's my pleasure, at this point in time, to be an unofficial member of the Waterville delegation only by marriage, because the winner of this Northern New England Hockey Coach of the Year Award, is my brother-in-law, who has worked long and hard with many of the students, and now alumni, of the Waterville area, to help them not only excel in hockey, but in other pursuits of life. We wish him our best wishes and further success. Thank you.

The Legislative Sentiment was passed.

The Chair laid before the House the following item which was tabled earlier in today's session:

Expression of Legislative Sentiment recognizing the Waterville High School Hockey Team (HLS 1095) which was tabled by Representative JOSEPH of Waterville pending passage.

Subsequently, was read.

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

Representative JOSEPH: Mr. Speaker, Men and Women of the House: I offer our congratulations to the 17 members of the Waterville High School hockey team. Four of those members are freshmen, and two members are seniors. They have displayed discipline, toughness, and determination to win this Class A Schoolboy Hockey Tournament, and become the champions. Their record was 25 wins, and 8 losses. That record demonstrates their commitment and determination. Waterville is very proud of this team, their families and their fans. We wish them the best of luck in the future.

The Legislative Sentiment was passed and sent up for concurrence.

On motion of Representative WHITCOMB of Waldo, the House recessed until 1:30 p.m.

(After Recess)

The House was called to order by the Speaker.

The following items were taken up out of order by unanimous consent:

**SENATE PAPERS**

Resolve, to Validate the Reform Party Petition (EMERGENCY) (S.P. 772) (L.D. 1889)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed.

(The Committee on Reference of Bills had suggested reference to the Committee on Legal and Veterans Affairs.)

Under suspension of the rules and without reference to a Committee, the Bill was read twice and passed to be engrossed as amended in concurrence.

**Divided Report**

Five Members of the Committee on Education and Cultural Affairs on Bill "An Act to Establish Choices for Parents and Guardians in their Children's Education" (S.P. 36) (L.D. 66) report in Report "A" that the same "Ought to Pass" as amended by Committee Amendment "A" (S-545)

Signed:

Senators: SMALL of Sagadahoc  
ABROMSON of Cumberland

Representatives: AULT of Wayne  
BARTH of Bethel  
WINN of Glenburn

Five Members of the same Committee on same Bill report in Report "B" that the same "Ought Not to Pass"

Signed:

Senator: ESTY of Cumberland

Representatives: MARTIN of Eagle Lake  
CLOUTIER of S. Portland  
DESMOND of Mapleton  
STEVENS of Orono

Two Members of the same Committee on same Bill report in Report "C" that the same "Ought to Pass" as amended by Committee Amendment "B" (S-546)

Signed:

Representatives: McELROY of Unity  
BRENNAN of Portland

One Member of the same Committee on same Bill reports in Report "D" that the same "Ought to Pass" as amended by Committee Amendment "C" (S-547)

Signed:

Representative: LIBBY of Buxton

Came from the Senate with Report "A" "Ought to Pass" as amended read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-545)

Was read.

On motion of Representative JACQUES of Waterville tabled pending acceptance of any Report and later today assigned.

By unanimous consent, all matters having been acted upon were ordered sent forthwith.

**ORDERS**

On motion of Representative BARTH of Bethel, the following Joint Resolution: (H.P. 1384) (Cosponsored by Senator BUTLAND of Cumberland and Representatives: BIGL of Bucksport, BUCK of Yarmouth, CAMERON of Rumford, CLARK of Millinocket, CLUKEY of Houlton, CROSS of Dover-Foxcroft, DAMREN of Belgrade, DEXTER of Kingfield, FARNUM of South Berwick, GOULD of Greenville, GREENLAW of Standish, GWADOSKY of Fairfield, HICHBORN of Lagrange, JONES of Pittsfield, JOYNER of Hollis, LOOK of Jonesboro, MARSHALL of Eliot, McALEVEY of Waterboro, McELROY of Unity, MURPHY of Berwick, NICKERSON of Turner, REED of Falmouth, REED of Dexter, SAVAGE of Union, STEDMAN of Hartland, TUFTS of Stockton Springs, UNDERWOOD of Oxford, VIGUE of Winslow, WINSOR of Norway, Senators: ABROMSON of Cumberland, BENOIT of Franklin, CAREY of Kennebec, CARPENTER of York, CASSIDY of Washington, CIANCHETTE of Somerset, FERGUSON of Oxford, LORD of York, PENDEXTER of Cumberland, STEVENS of Androscoggin)

JOINT RESOLUTION EXPRESSING THE SENTIMENT OF THE LEGISLATURE IN OPPOSITION TO THE INITIATED BILL PROPOSING A BAN ON CLEAR-CUTTING

WHEREAS, initiated bill "An Act to Promote Forest Rehabilitation and Eliminate Clearcutting" has been submitted to the 117th Legislature for consideration; and

WHEREAS, the Legislature has decided not to enact the initiated bill into law; and

WHEREAS, the initiative will appear on the November 5, 1996 ballot as a referendum question; and

WHEREAS, passage of the initiative would severely hinder the ability of the Maine Land Use Regulation Commission to carry out its statutory obligations to act as the planning and zoning board for those persons living in unorganized territories; and

WHEREAS, passage of the initiative would increase the pressure to overcut in the organized townships; and

WHEREAS, passage of the initiative would, over time, alter the present composition of the State's forests, impact wildlife habitat and reduce biodiversity; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Seventeenth Legislature, now assembled in the Second Regular Session, urge the citizens of Maine to reject the initiative by voting "No" on November 5, 1996; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Angus S. King, Jr., Governor of the State of Maine.

Was read.

On motion of Representative BARTH of Bethel, tabled pending adoption and later today assigned.

**CONSENT CALENDAR**

**First Day**

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

(S.P. 668) (L.D. 1730) Bill "An Act to Require the Department of Human Services to Base Eligibility for Medicaid Reimbursement for Nursing Facility Care on a Person's Entire Medical Condition" (EMERGENCY) Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-557)



(H.P. 1291) (L.D. 1773) Bill "An Act to Ensure the Continued Stability of Services for Persons with Mental Retardation" (EMERGENCY) Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-906)

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objections, the Bills were passed to be engrossed as amended and sent up for concurrence.

#### ENACTORS

An Act to Extend Health Care Coverage for Parents Leaving the Aid to Families with Dependent Children Program (S.P. 712) (L.D. 1812) (C. "A" S-556)

An Act to Provide for Assisted Living Services (S.P. 731) (L.D. 1835) (S. "A" S-552 to C. "A" S-544)

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.

By unanimous consent, all matters having been acted upon were ordered sent forthwith.

#### TABLED AND TODAY ASSIGNED

The Chair laid before the House the following item which was Tabled and Today Assigned:

SENATE DIVIDED REPORT - Majority (11) "Ought to Pass" as amended by Committee Amendment "A" (S-549) - Minority (2) "Ought to Pass" as amended by Committee Amendment "B" (S-550) - Committee on Education and Cultural Affairs on Bill "An Act to Initiate Education Reform in Maine" (S.P. 701) (L.D. 1791) - 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-549)

TABLED - March 30, 1996 by Representative JACQUES of Waterville.

PENDING - Motion of Representative AULT of Wayne to accept the Majority "Ought to Pass" as amended by Committee Amendment "A" (S-549) Report.

At this point, the Speaker appointed Representative JACQUES of Waterville to serve as Speaker Pro Tem.

The House was called to order by the Speaker Pro Tem.

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

Representative BRENNAN: Mr. Speaker, Men and Women of the House: I strongly urge you to accept, and vote for, the pending motion to accept the Majority Report on Learning Results and educational reform. For just a second I want to answer a couple of questions that have come up since the caucus that we had this morning that several people have asked me. The very first one, in the bill there is language that addresses children and students who have special learning needs and special learning situations. The bill also exempts homeschoolers and students who attend religious schools, or religious backgrounds, are also exempt in the bill. The bill also does maintain local control, local authority,

for the development and the implementation of curriculum. The bill also, as we talked about this morning, sends to rule making the development of content standards and the learning indicators. Those, again, have to come back to the Legislature before they can be implemented. The last piece, the staff development, calls for 2 million dollars. The Governor has said that he will find the 2 million dollars if this bill passes. Lastly, I would just like to say, one of the things that we struggle with all the time in the Education Committee, and that we struggle with in this Legislature, is providing educational equity. How do we make sure that a student from Kittery has access to the same basic education as a child in Fort Kent? We look at school funding when we talk about that, and we look at the development of programs. This bill allows us to take another step in ensuring that we have student and educational equity throughout the State. Thank you.

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

Representative LEMKE: Mr. Speaker, Men and Women of the House: I think the previous speaker was being facetious when he said this could be accomplished in a short time, but in fact, perhaps it can. I want to share some information with the House of Representatives. Apparently, the bill before us has already been enacted. On March 28, at a meeting on Learning Results conducted by the Department of Education in Portland, the introduction rationale starts off, "In the winter of 1996 the Maine State Legislature enacted into law the Learning Results, which all Maine students should attain before graduating from high school." Now, my understanding is this is not only April Fool's Day, but we are in spring, so apparently, at least according to the workshops that are now being conducted around the state, and those workshops have teachers attend which means that your tax dollars have to be paid for substitute teachers, and there have been at least five of those which have accrued several thousands of dollars, apparently since Learning Results have been passed. Since they apply to students in all Maine schools, according to this, a comprehensive assessment system will be required. One of the questions I ask now, and would like later any Representative on the Education Committee to answer, does all mean all, or does all mean maybe all or partly all? It goes on to say, "Finally, the assessment system provides and maintains linkages among such programs as GOALS 2000, Educate America..." and what have you. Now, a student from Saint Joseph's College, who is a junior and who is in the teacher education program, attended this particular workshop, which was held appropriately at a restaurant. Not the Ground Round by the way, but a restaurant in Portland. The subject was to develop a student profile on what students' dreams and nightmares were. For 45 minutes to one hour the people assembled tried to find out what in the final report was that they already thought they knew, in terms of an assessment of dreams and nightmares. The summary of the student, and I know her because she has been one of my students, as well as one of my wife's, she said, "Nobody seemed to know what they were talking about. Nobody could answer any questions and there were no conclusions and I was embarrassed, as a student, that these were supposed to be the people who are making education reform in the State of Maine." The guiding principles, folks,

and by the way, the Guiding Light is the longest running soap opera in America, the guiding principles were the last thing that they had to plug into. Her group ended up totally frustrated as a result of this. The agenda of day one of education reform, preceding when, I assume we technically at least, enact it, if we do, included, among other things, from 1:15 to 3:15 the teachers and supposedly parents, not many parents can get off at work and participate in this type of thing, one of the things they were supposed to deal with, and I will be delighted if anybody could explain how this was dealt with, number one, planning backwards. Finally, this was presented to them in this manner by representatives of the State Board of Education, the Department of Education, Maine's Learning Results, a Recipe for What Maine Student's Should Know and Be Able to Do. Ingredients: 5,000 Maine citizens' input, 300 Maine teachers' expertise, 160 Maine students' thoughts, ideas, and beliefs, 150 Maine business and education leaders' wishes and concerns, 1 cup of national standards from all professional content area organizations, 1/2 cup national and state curriculum frameworks, 1/4 cup standards from local school systems in Maine, and 1/4 cup standards from other states. Directions: combine all of the ingredients into a large bowl, fold in direction, focus and facilitation skills from the Department of Education Standards Group. Discuss, philosophize, question, integrate and think about until mixed. Cover and let stand for a few hours. Revise to taste. Stir in comments and thoughts from the Task Force on Learning Results. Add public input and knead. Cover again and let rise. Add some more public input and knead again. Cover and let rise again. Add one more round of public input, knead again. Bake in the oven until wordsmithing and editing are complete. Serve to all Maine students. If this seems a difficult way to do a recipe they have a chart, which is quite an interesting one.

Ladies and Gentlemen, this isn't the way we should be doing education to talk to people in an infantile way about how we are going to have education reform in the State of Maine. This is precisely what is wrong with the way this legislation has come to us, the way it has been presented to us. Those who oppose this legislation, this recipe if you will, are not opposed to true education reform in the State of Maine. They would rather have, instead of what I would define at best as a half-baked recipe, a fully baked one, which is the result of including directly, at the beginning, parents, teachers, students, and then come to the Legislature with some kind of legislation which has some kind of consensus or support. Thomas Jefferson said a number of things which we can still take to heart today, whether we are Democrats, and he was the founder of the Democratic party, or if we are Republican or Independent. This legislation has been presented to us as a major innovation in education reform, perhaps for the next generation. So, keep in mind what Thomas Jefferson said, "Great innovations should not be forced on slender majorities." We should not be rushing to enactment a piece of legislation we don't even fully understand. The people who bring it don't understand, and, nevertheless, enact it.

Just one other quote from an individual named Madison, who was a friend of Thomas Jefferson. I have heard over and over, in the Education Committee, I have heard it on the floor that language isn't

important and those who question this legislation on the basis of language are being picayune. They are misinformed. There is misinformation and so forth and so on. Ladies and Gentlemen, language is always important and it is particularly important in a piece of legislation. As Madison said, "Every word decides a question between power and liberty." Every word in this document that you have before you is important. Unless you are comfortable with it, and are able to go out and stand up and say, "I defend what's in this document," then you should vote today not to accept the majority report, but to vote against it so we can move on. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Buxton, Representative Libby.

Representative LIBBY: Mr. Speaker, Men and Women of the House: I have a series of questions I want to ask you before you vote on this particular bill. The first question is, do you really want the state involved in testing your kids as partial fulfillment of their graduation requirements? I think you need to answer that before you vote for this majority report. The second question. Do you really want the MEAs to change? Do you really want change in the MEAs? The third question. Do you feel comfortable with the guiding principles that we are about to enact? Are you satisfied that this is not a mandate? Do you think this is a top-down approach, or is it a bottom-up approach? Has there been enough involvement from the teachers in your district? By passing state level assessment, aren't you really saying we don't trust the local units to get this done? I think those questions are all important, and when you are passing this particular piece of legislation you need to answer all of those questions with the answer yes in order to feel really comfortable doing this. So, I didn't feel comfortable in committee doing that, so we tried to craft a minority report that we'll have the opportunity to debate, hopefully, a little bit later on.

I think that this report will not be acceptable to your community. I think the minority report will. Finally, I think that state control over testing equals state control over curriculum. I just don't feel comfortable with that. I hope you will vote against the pending motion so that we can go on to pass the minority report. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lagrange, Representative Hichborn.

Representative HICHBORN: Mr. Speaker, Ladies and Gentlemen of the House: We are discussing here today a bill that affects every child in the State of Maine, and for children yet unborn. I am disturbed by the strident tone that I hear, and have heard in the past few days, concerning this issue. I think, perhaps, some of us are losing sight of the fact that we are talking about the future of all of our children. That's the important issue. I'm somewhat disturbed, too, when I meet a superintendent of schools who tells me that they have never had any direction before, that they never had any accountability. There are questions in education that I can't answer today, but you know, 67 years ago today I was in a classroom and I knew all the answers then. The next day I found out there was something I didn't know, and I find out every day that there is a little more. I am as confused today, perhaps, as some of you. My concern, after 45 years of working for the public, added to the 38 years that my late

wife contributed, totals more than 80 years and my concern is for the welfare of the children. My decision today is going to be made on the basis of what I think is best for the youth of this nation. I signed this bill as a cosponsor because I thought it held promise for the future of our children. When that went to committee and was changed and lost some of the good points that I thought it had, and came out without any guidelines, without accountability, I thought I would vote against it. I'm surprised when people tell me we have never had any goals before. I can remember the day when we didn't have superintendents and school unions. Every town chose its own superintendent. It might be a successful lumberman or storekeeper, some good old grandmother. There were no requirements for a superintendent. Then school unions were formed and we had a Department of Education. Forthcoming from that early Department of Education was something known as a course of study. We didn't have any goals? The first thing that my superintendent did for me back in 1929 was to hand me a copy of that book. It told me what was expected in grade three, grade four, grade five, grade eight. That was my guideline. It was very helpful. I knew what part and what part of the subject I was supposed to be teaching in each grade. That was the standard that we had. What was accountability? It was altogether different than what you have today. You either did a good job to satisfy the superintendent and the local school board or you didn't have a job. That was accountability that was quick and direct. They didn't wait until the end of the year to hold you accountable. I never happened to get caught in that unfortunate position, but some did, many did. Maybe that was an unscientific way of accounting, but it worked. We have strayed from that course of study. Yesterday somebody talked to us about the Virginia standard. As I thumbed through that, and read through it quite carefully, I wondered if, perhaps, they used the old Maine Course of Study as their guide. They were talking about the same things, so don't tell me that we have never had standards.

It is also true that this is a simple concept that we are talking about. To quote the Chief Executive of this State, he said, "It is a simple concept. It's something that every self-respecting district ought to be doing anyway, and many are." The good Representative from Eagle Lake told you what they were doing in his particular district. I can assure you that there are many other districts in the State of Maine that have standards already in place, and they have accountability. But, there are some that do not. I am sure that in some of these where they are not teaching high standards that you probably have a good old teacher in there who has standards of her own and who probably holds her students accountable and is probably doing a good job. If we do nothing we are going to be traveling in a hundred different directions. I think that that presents a real problem. The idea, and the ideals, and the style, and the intent, and the value of setting some standards are very important. Some people said we will want to change them tomorrow. Of course we are going to want to change them tomorrow, you can't live by the standards that were set yesterday, or ten years ago. The standards that we accept today may not be worth two cents tomorrow. Rather than ignoring the past it seems to me we ought to be building on the good of the past and improving the

past. If we do nothing today we are standing in place, and you all know that if we stop and stand still the rest of the world will pass us by. If we pass this bill as it is now written it may be a smaller step forward than I would have liked to have seen, but it is movement and movement is important if we want to have better schools tomorrow than we have today.

I signed on because I thought this was going to be a step forward. It's a small step. It's not a step of which I am afraid. The idea is simple and it should apply to all of us on a statewide basis. That doesn't mean that you are going to have the same curriculum in every school and every state, but it gives every school and every district an opportunity to move. It will provide encouragement for those that are slow to move. The progress that will be made in various school districts will depend upon the creativity and the initiative of the superintendent of schools and of individual teachers. It will vary widely throughout the state. We hope that the variants won't be as great as it is today. I thought at first these proposals were vague. That disturbed me. I didn't like the looks of what I saw, but we were passed, this morning at the caucus, something that tells us what is going to be done. They talk about the appointment of a committee which will include one superintendent, two principals, eight teachers, two parents, two school board members, two business representatives, and two legislators, and they are to sit down and start to work on standards. It says here that they will review and modify the existing content standards. Every school has standards today, whether we like it or not. They will review and revise standards and performance indicators. This will be done by the State Board of Education and the committee from the Legislature. When they have done this they will send their results and distribute them to the schools, to the local teacher associations. The school boards, the parent and teacher associations, then, when they get input from these people, they will consolidate and revise the work to that point. Step number six will be public hearings throughout the State. Final revisions, based upon public hearings and written input from people throughout the State of Maine, they will then present this to the Board of Education. Finally, it will come to the Education Committee in the Legislature and in these chambers you who are here in the 118th will make a decision as to whether or not you approve those standards.

In view of all this I certainly feel now that although it may be a small step, it is a very important step and to delay would be not in the best interest of the students in any part of the State of Maine. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Fryeburg, Representative True.

Representative TRUE: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for not asking the question which I am going to ask, because I think it would have been more appropriate. However, with the numbers in the House at that time, I thought it would be better to bring it up this afternoon. If you have your Committee Amendment, I would like to have you look under 6209. I would like to read lines 18 through 22. "Only students in a public school, or a private school approved by the State pursuant to section 2902, and approved for the receipt of public funds by private secondary schools pursuant to

section 2951, are required to participate in the system of the Learning Results." My question is, do you really mean that?

The SPEAKER PRO TEM: The Representative from Fryeburg, Representative True has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Men and Women of the House: Since I am aware that Representative True wishes to comment after, I will respond only to that question at this time. The reason that that language was placed in the legislation was because of what took place at the public hearing. Some of you who were there, and obviously every single member of the Committee that were there, were fully aware that two-thirds or three-fourths or whatever of the people that were there were concerned about something that they thought was in the legislation. So, we wanted to make clear to everyone that this legislation did not apply to parochial schools, private Christian schools, nor home schooling. It was really that simple. It was never the intent of the original draft. There was some of us who believed it was clear enough, but then we all felt let's make it clearer. That's the reason for the two sentences that are there.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Fryeburg, Representative True.

Representative TRUE: Mr. Speaker, Men and Women of the House: The reason that I asked is I don't believe the intent of the bill is to include George Stevens Academy, Gould Academy, Erskine, John Bapst, Foxcroft, Washington Academy, Fryeburg Academy, Lee Academy, Lakeland Academy, MCI, and Thornton Academy. Section 2902 does not include schools accredited by the New England Association of Schools and Colleges, and I believe these are all accredited by this group, rather than, perhaps, the State accreditation system.

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

Representative MARTIN: Mr. Speaker, Men and Women of the House: Before this debate is over, which I suspect will go for some time, and after I have made my comments I will make sure to respond more fully to the question. The Representative, I think, is correct, but I just don't have the law in front of me.

Let me begin by making a couple of things which some of you are already aware of. Since I began my public education in the Greenville Consolidated School I have been in education, literally, all of my life. Whether it was Greenville, Eagle Lake, Fort Kent, the University of Maine, and back to Fort Kent High School to teach, now presently teaching at the University of Maine at Fort Kent, that pretty much sums up my entire life except my first five years on this earth. Our concern has to be the concern of the children of this state. That ought to be our bottom line. When I hear some of the concerns that are mentioned now I really have to wonder if what it is we are really concerned about now is the children, or whether or not there are other motives in the recesses of our minds that we are trying to get to. Since this debate has started on this piece of legislation I have heard everything from communism to totalitarianism to dictatorship to everything else. Let me tell you how we got to this stage today, because I was not willing to participate in it in those days, I suppose, but it began in the late

seventies, and allowing students to do whatever it was they wanted to do. Letting them study whatever they wanted to. You may remember the Mickey Mouse courses that some of you took in high school if you are that young. Then they allowed programs like a nine-week course in English, you could take four minicourses. Some of you may have been products of that. When I went to high school, and I will really be telling my age at this point, you didn't have any free periods. It all changed because this is what happened to education. Then something happened in 1989, or actually it happened in 1983. There was a study that was done on the quality of education and it was called "A Nation At Risk." Some of you may remember that, a national study that basically said we are falling behind. Every other foreign country is beating us and we are going to lose. That's the way we were moving. In 1989 a group of governors and President Bush put together a group of people to try to put something together. President Bush submitted to the United States Congress his proposal, which was called GOALS 2000. Supported by every major educational group in America, and I can name them for you but that might take a while. The bill died in Congress that year, not over the question of GOALS 2000 but over a proposal that was in it called vouchers. That's why it died. Then it was resubmitted by, ironically, the person who led the National Governors Association when President Bush started the move, now-President Clinton. He took over what President Bush started and put through GOALS 2000 through the bipartisan Congress. Two weeks ago the governors of this nation met and, by the way, there are only six or seven of those governors left from 1989, everyone else was brand new, and they endorsed the concept of education reform in America. Now some people have said GOALS 2000 is now being imposed on Maine. Learning standards became an issue in Maine prior to Washington giving us GOALS 2000. The studies were started prior to GOALS 2000 money ever arriving in this State. For all those people who participated, I thank them, to bring those issues to the forefront. So, we got the GOALS 2000 money. Were there any strings attached? No. No one can document that. There were no strings attached and the money was spent entirely on what we wanted to do in this state. You can verify it by looking at the record. Don't take my word for it.

We are saying that this doesn't have a consensus. I hope you have a chance to look at the yellow sheet, and you have had many sheets, that was distributed which includes those organizations in Maine that have taken formal votes that support this effort. It is not something that was imposed from the top, and over 5000 people in Maine participated in this process, some major, some minor, but it was done by these individuals. Let me just remind you, and talk to any university professor in this state, and ask them the question, are students coming from different areas of this state and have a different knowledge, a different level? The answer to that question is yes. Ask them how many of the universities now have prepping programs, or academic programs, or preacademic noncredit courses that students have to take before they are accepted, where they have to teach them English and arithmetic, mathematics if you want to call it that, and all of the other courses that should have been taught in high school, and where college students in Maine are spending hard

earned money of their own, or their parents', for the first six months for things they should have received in high school. If that doesn't tell you that we are not doing our job in this State, nothing will, I can't convince you of that. But, I know from experience that that's what we are doing and every single institution in this state is doing it.

We are led to believe that this is a mandate. I frankly wish it were. I wish it were a requirement that every student, before they leave a high school in Maine, knows how to read, knows how to write and knows how to add their own checkbook. This doesn't even get to that level. What we are setting here are goals for every school district in this state to do their job, for what they ought to do, what they should have been doing. Some of you want to let them off. I can't believe that we at least don't want them to say we want them to do this. Being a member of a school board now, appointed by municipal officers about a year and a half ago, I have found things that I wish I had never found out about public education, because now I am literally forced to look at the MEAs in detail, to compare my school district with yours. Frankly, I'm pretty happy with mine. I feel sorry for some of yours. Isn't that always the way it is? But look at the results, look at those results.

A number of questions have been asked. Do you want the MEAs to change? The answer to that is yes. Talk to the teachers who went through last years MEA and they will tell you that they want them changed too. There is nothing magical and change will occur, it ought to occur. So, what you have before you is a first step, nothing more than setting goals. Getting the school districts to sit down and take a look. We have even put a provider in here that if there is not enough money they don't have to do it. They have to come back, however, to tell us that they can't do it because they have no money. That's a mandate. I rest my case. I'm one of those, in many ways, that's lucky because I come from an area where we will be able to do some of these things without money. One of them is languages. We only have one elementary French teacher, but we are going to be teaching, as a result of a vote of the school board, this coming year French in every single classroom, next year in the school district, because we are going to use the teachers who are bilingual to start teaching French. We are going to do it internally. Some of it may not be perfect French for reasons teachers in some places in Maine may not appreciate, but at least they will start knowing the basics. There are things we can do without money.

This particular piece of legislation calls for 2 million dollars, give or take. How is the money going to be spent? It is going to be spent per child in each district, and more money will be given if school districts join together to provide coordination. I'll tell you how teachers will learn best how to teach, that is by talking to other teachers. I don't know how many of you are the result of a preparatory teaching program, I decided my last year in college, prior to graduate school, that if I was going to live in the Saint John Valley I would go into teaching because there was nothing else I could do unless I wanted to go back and cut wood for my father. That didn't seem too appealing to me. So, my last year at Orono I took EDB 2, EDB 3, EDB 4, EDBM 41, and name them, I had them all, then I went to teach at Fort

Kent Community High School and I said, what have I done? I don't have any idea how to teach. It's the other teachers who taught me, really, who helped me. This is what we will do with this money because that is how you are going to learn, in my opinion. Remember that until a year or so ago, a teacher, to be recertified, had to take two three-credit courses to be recertified. That's all you needed. Some of you who are former teachers will remember that, but, you could take those courses in anything you wanted to. Basket weaving for three credits - doable. Canoeing for the summer, three credits - doable. It didn't matter. It didn't have anything to do with education, it could be for self-enjoyment and that gave you a certificate for another ten years. That's changed now. Now it has to be something that is going to benefit you as a teacher. We need more of that.

Finally, and I know I have been fairly long, but I feel rather strong about the issue, let me close with some questions that will need to be addressed in the future. You will need to address them as to whether or not it's going to be voluntary, which is what this is, or mandatory. Whether or not a child who lives in Allagash, Maine or in Falmouth, Maine can graduate from a Maine high school ought to know math, how to read, or whether or not they will continue to let them do whatever it is they want to do, because they will be the losers. The unfortunate part is we won't be able to find out for some time to come. If you don't really accept that line, the only other thing I can say is talk to any business leader in this State, any corporation in this State, and ask them whether or not they can take a high school graduate from Maine and put them to work the next day. Then ask them one more question, which is even scarier, how many interviews do they do to find one qualified applicant? Then you will say to me, and to the other members of the Education Committee, this legislation is not strong enough, you have to do more. That has to be our bottom goal and I certainly hope today that when you vote, you will vote in the affirmative. Mr. Speaker, when the vote is taken, I ask that it be taken by the yeas and nays. Thank you.

Representative MARTIN of Eagle Lake requested a roll call on the motion to accept the Majority "Ought to Pass" as amended by Committee Amendment "A" (S-549) Report.

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 members present and voting. All 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 Fryeburg, Representative True.

Representative TRUE: Mr. Speaker, Men and Women of the House: I want to thank the previous speaker. However, I do want to perhaps still say a few words. That is that many of us who questioned, and questioned thoroughly, have done this, not because we belong to any subversive group, but rather because it seemed to us that some of the quirks of this particular L.D. needed to be corrected and needed to be changed. Many parts have, and I payed particular attention to the piece that came out this morning, and we discussed it, dealing with rule making

proposed process. To be perfectly honest with you I felt a great deal more at ease with the things that were in this paper. I, too, have spent all of my life in education, and was probably one of the first people that decided to travel all over the world to get other people to come to schools in Maine because you do not learn everything in books. I want the record to show that certainly, as far as I am personally concerned, and others can speak, but I try not to be subservient to anyone, excepting my good wife. I guess I don't have to explain that to most of you. I questioned the part in 6209 simply because in the past there have been some tricky things put in to negate gains that those of us that were in the private schools and those which we normally call the "sixty percenters," and I felt that this particular section would, in fact, do away with the progress in allowing us to be certified by the New England Association, and at the same time take in those public sector schools that we've had since 1792 and 1836. I believe that we have educated them quite well.

I will quickly just read a couple of things which I wrote last night. Recently everyone was quite excited about the Learning Results Report because, and I quote, "It lays a foundation for guaranteed learning, opportunities for all of our students." It further states that, "students need to master knowledge, skills and attitudes." I personally think that if these words were used more often, rather than the educational legalese that our people, those constituents around us, would have better understood what we were trying to say. Parents have stated frequently and emphatically that the most important guiding principles for a successful education are safety, order, higher academic standards, and smaller classes. In that order. A quote from a result of a recent national opinion study said, "The public primarily is concerned about safety and discipline. They are concerned that too many schools are so disorderly and undisciplined that learning, the basic foundation of even our early education, cannot take place. This learning arena cannot take place until we get rid of, in our schools, the undisciplined classroom activity which would, hopefully, then promote safety, and reorganize our efforts to rid the school of the society of drugs, which include smoking and other health hazards, which is so contiguous to an atmosphere of learning." I do believe this is a start, and I certainly hope that the group which will be composed and a part of the critical review committee certainly knows, and will put every effort they can, to see that the L.D. that we have created, and the other things which we are going to put forth, will make better schools in the grand State of Maine. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Boothbay, Representative Heino.

Representative HEINO: Mr. Speaker, Ladies and Gentlemen of the House: Today we are here talking about a very emotional topic. One of the reasons that it is very emotional is the fact that each of us here has a point of reference. We have all been to school. We talk about the forests. We don't all have a point of reference about the forests. We don't all have a point of reference about sludge. We don't all have a point of reference about fish and wildlife, but we all have a point of reference about education, each and every one of us. Some of us more recent than others. How many times have we heard on

this floor the words "the American dream," without education we have no American dream, it would be just a big hole there. We need to continue to improve our education, no matter what level it is. The good Representative from Eagle Lake stated that in some areas of the State of Maine we are doing a better job than others. That's true. I can recall back sometime in the '70s, I had an opportunity to talk with one of the gentlemen working at Bowdoin College that reviewed applications coming into that school. One afternoon we were discussing about the quality of students going to college, and I asked him point blank, you have been here for twenty some odd years, are there schools in the State of Maine who consistently send a good product to you? He said "Yes, I can think of three high schools that over my twenty years have consistently sent a good product to Bowdoin College." He named those three schools. They were not all in the same section of the State of Maine. They were somewhat spread out. We don't do the same quality of job everywhere in the State of Maine. We are attempting to venture out on something that is risky, a little bit of an unknown, and that always takes a little bit of courage.

I don't know about you, but I don't have people in my district pounding at my door, telling me that the school system is fine, leave it alone. I don't have people in my district calling me, and writing me letters, saying that our school system is the best thing going and it needs no improvement. On the contrary, I am much more apt to have somebody call me, write a letter, or talk to me, about the need for improvement in our schools. If we are a little tentative to jump into this thing, let's go back 20 years. Those of you who served as administrators and teachers in Maine schools 20 years ago remember the five-year plans. Oh, how we dreaded those things. We had to make assessments in our own local schools. We had to write down what we were doing, make amends, tell the State Department of Education what we planned to do, how we were going to improve our education over the next five years, and the changes that we were going to make. We sent these plans to the State Department of Education and we had to continue to review them and revise them. Ladies and gentlemen, I honestly believe that over the past 20 years those five-year plans helped to improve education here in the State of Maine. We probably didn't like it when it started, and we probably didn't like it as the time went on, but nevertheless, I honestly believe it was a step in the right direction and that it helped education because it set goals, even though they were long-range goals. It set goals for us. Some school departments were able to attain those goals sooner than others, for many reasons, but it gave everyone goals.

There are some wonderful things going on in education in the State of Maine, but they are not all going on in the same place at the same levels. I believe that this is a step in the right direction. Ladies and gentlemen, if this bill does nothing but send a message to the administrators, including the superintendent of schools, saying that we, the members of the Legislature, who represent all of the citizens of Maine, are going to be looking toward you for improvement in administration and to the school teachers of the State of Maine, saying that the legislators are going to be looking to them to improve in their teaching. Yes, it's true, teachers do teach teachers the best. Last, but not least, it



will say to the students of the State of Maine, that we are expecting you to do better, to work harder, and to meet challenges more than we have, or you have, in the past. I would urge you to support the Majority "Ought to Pass" Report. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bucksport, Representative Bigl.

Representative BIGL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to just talk with you a little about three items. One, a conversation I had yesterday, back in Bucksport. The second one, I want to go back to what I mentioned the other day about the three cardinal rules of education. The third one, I want to repeat a word that I heard here today, attitude.

The conversation with a Vice President of the Union, an active teacher. "One, I want to thank the State for giving the opportunity to have some input on the guiding principles and other parts of this bill before it happened. We had a chance to talk about it. We had a chance to talk about it with other teachers and with some of the parents. Two, what I see in this bill is finally an umbrella under which I can work. It's not the whole world out there, it's an umbrella. Under that umbrella I can help to determine what to teach, and with my skills and my knowledge, I can determine how to teach that. The third thing she said to me was I now can grab hold of some expectations. I now can look at my students and say we expect a lot from you and have it in writing." It was a long conversation, two or three cups of coffee and all these things, but that is essentially what that vice president of the teachers' union told me.

Now I want to remind you of the three cardinal rules of education. Tell them where they are going. Tell them where they are. Tell them where they have been. Tell them where they are going. We have been sort of struggling with that. This gives us a direction. We can now tell them where they are going. With that we can tell them where they are going, we have teachers, we have attitudes of parents all set to go, now we can create a state attitude. This goes back to what speakers before me said. Look at the students. Don't look at the system. Look at the students. Look at your children, your grandchildren, the children around you. What are your expectations of them? Do we have a common set of expectations? Do we allow them, so when they graduate, that they can now make choices? They aren't locked in, like I said the other day, of either going to the farm or to the mill or here, that they now have the knowledge and the skills and the attitudes to make choices.

I urge you to vote for the "Ought to Pass" Report. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Mexico, Representative Luther.

Representative LUTHER: Mr. Speaker, Ladies and Gentlemen of the House: I think we all share the same vision for the young people of the State of Maine, that they all have an opportunity for a good, sound education. My problem with this is, in fact, the language of the bill. When I first came here as a freshman we used to have classes in the Speaker's office and he told us the difference between "may" language and "shall" language and the very forceful "must" language. I am very concerned with the "must" language that is throughout this bill. The first step is not the dangerous thing. It's stepping off

the cliff because it's such a long step that is the dangerous thing. If you have the bill before you, if you would turn to page two, 6209, line 22, "The Commissioner shall develop accommodation provisions for instances where course content conflict with sincerely held religious beliefs and practices of a student, parent, or family." I don't know what a sincere religious conviction is. I don't see why the Commissioner is set up as a judge to decide who and who does not have a sincere religious conviction. What about parents who simply hold sincere convictions, and they are not religious at all? I am concerned with the guiding principles. In line 42 on this same page, under B, "A self-directed and lifelong learning student who creates career and education plans that reflect personal goals, interests, skills and available resources." That sentence would be alright if it did not have the words "available resources." Who's resources? The student's resources, the parent's resources, the state's resources? My husband and I had three children graduate from college. If they had to come in with the available resources, if you are talking money, none of them would have been able to do it. I don't know what this means and I have not had anybody explain it to me that puts me at ease.

On the second page, on page three, under the letter E, "A collaborative and quality worker." I do not think it's the business of education to provide workers for the new world order and I consider one, two and three to be corporate crap. If they allowed you to hold up something, I would hold it up, and you could see where I wrote on it in red "corporate crap." In the content standards, on page four, and they list foreign languages and visual and performing arts, and then on line 42, they say, "The rules may not require a school administrative unit to incur additional expenditures unless the State pays for 90 percent of the cost." I suppose that means 90 percent of the cost of the additional expenditures. A representative who represents four small towns, that gets more than 85 percent of their land in tree growth, you can imagine just how reassured I am to know that the state is going to be forced to pay 90 percent of any additional cost. That did not work for tree growth, and I bet you ten bucks that will not work for this either.

On the next page, on page 5, lines one to six give the waiver language, which is fine. But, on the same page, go down to line 30, it takes away the waiver language and it tells you when you must implement the program. The good Representative from Bethel told us that assistance might just be in helping the local school people find the resources in their own area. I can tell you that if that means additional property taxes we are not interested. We are maxed out. We cannot impose further property taxes on us.

Finally, on page 8, "The State will be required to fund at least 90 percent of these additional costs, but the additional appropriations that may be required cannot be determined until the rules are adopted." I think this is called "buying a pig in a poke." Someday somebody will rediscover McGuffey's readers, and the traditional classroom, and that will revolutionize teaching in the State of Maine. I am going to vote "no." Not because I do not care about children, but because I do not care for this bill. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Auburn, Representative Winglass.

Representative WINGLASS: Mr. Speaker, Ladies and Gentlemen of the House: The Learning Results Report, it seems to me, is hardly a bargain. My understanding is that it's accompanied by about a 3 million dollar pricetag. Everyone here wants all the precious children of our State to receive the very best education, an education of extraordinary quality, which is delivered locally by a skilled faculty in a setting conducive to learning and development. Learning Results is not helpful, rather it has been like a Broadway show with opening night hoopla, and exceptional fanfare. We have heard its praises sung like the resounding voice of an opera soprano, only to have the curtain slam down after opening night because the show was a bust. The Learning Results are like a show that has flopped, even the Maine Education Association appears to be reassessing its initially enthusiastic position. I encourage you to take another look at the Fresh Look Report of MEAs Maine Educator, the March edition. MEA continues to support the Learning Results, but only with reservations. The unbridled support expressed earlier has diminished. MEAs Board of Directors and staff have these concerns, and they are expressed in the March edition; additional funding, school funding, standards, assessment, accountability, implementation, public support and perception. Many outstanding teachers with whom I consult are upset and perplexed by this entire divisive saga. By innuendo, the Learning Results suggest that problems exist in the quality of instructors. I don't buy it. I have observed first hand the teachers of Auburn and Lewiston school systems and they are good at what they do. They are very good. They are dedicated. They are skilled. They are caring and they are concerned. Daily, they face the challenge of educating students ranging from bright to average, to youngsters who are bound up in a net of problems, which include abuse, dysfunctional families, undernourishment, and television fatigue. Now Learning Results, as amended, will have the Augusta-based Department of Education and State Board of Education developing content standards and student performance indicators. I really doubt that anyone in DOE, or the State Board of Education can do a better job of creating standards in the classroom, than teachers and administrators of the Auburn and Lewiston school systems. I expect the result would be much the same, whether it be Machias, Mapleton, Madison or Monmouth. Let's put aside the Majority amendment in favor of a solution that brings the challenge back to our hometowns, yours and mine. Together let's take a bold and decisive step of casting this motion aside to allow us to move to the Minority Report, so as to present us with an opportunity. An opportunity to face the challenge in a responsible and inclusive way. Thank you.

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

Representative MARTIN: Mr. Speaker, Men and Women of the House: I don't want to make another speech but I do want to respond to the questions posed by the Representative from Mexico, Representative Luther. Even though, having served with Representative Luther for a great period of time, I am never sure in what direction she is coming from. But, having said that, question number one, if you have it in front of you, 6209, the language to which she specifically referred was language that was placed in there as a result of a religious community

in Maine who happens to send all of their children to the public school. They do not go to the private schools, parochial or Christian schools, and they felt as if they wanted to have the right of protection on the very question of religious beliefs and practices based on a parent or guardian. That is present practice in Maine, but they would like to have had it in law and that is why that sentence is there. In question number two, in reference to available resources, to which she referred on page two, line 42, specifically that because that does not say what kind of available resources, I checked, and it can mean any available resources. It can be family. It can be personal. It can be monetary, et cetera. Question number three, her language in reference to corporate whatever it was, to which she referred, the basis here, quite frankly, is that most of us on the committee felt that many of the jobs that are available now are upon the demand of corporations and that if we don't do something to educate our students in order for them to enter those jobs then they are simply not going to be available and it will be students from "away," and by "away" I mean aliens under the international agreement that we have who would be allowed into this country, and by the way they are already being allowed. If you happen to live on the border, like I do, go take a look and see how many Canadians under this provision are working at Frasier Paper Company, or go to Washington County and take a look and see how many Canadians of natural birth, aliens, not residents of America, have no intentions of becoming Americans, are working there. Question number four, on the question of foreign languages, quite frankly, there is a waiver provision that if there is no money we are not going to force them. You did hear me in the caucus this morning saying how we are going to do it. I made the same comment in my speech as well. Question number five, which refers to 90 percent, that, frankly, is not unusual. It is an attempt, basically, to at least give some guarantee to school districts that we want to help them. In question number six, on waivers, the language is not convoluted. In fact a waiver is a waiver. The language that says "must" deals with a plan, and that is a separate issue completely. Finally, the question of rules, under the provisions of this language, the final rules will be adopted by the next Legislature. So, that's the reason why there is no ability to say about final costs, because in fact that in part could be controlled by the way the rules are put together. Those will be after a great deal of study and they will be done, finally, by approval of the next Legislature, so the final rules under which we are talking about now are not before us. I believe that responds to all of the questions that the Representative had. Thank you.

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: It occurs to me that over the years, since I have been here at least, when we have an issue, any of us has an issue, that we find a little bit difficult from time to time most of us, if not all of us, try to seek out people who have some expertise, have some hands on experience, about the issue and talk with them and get their input. Quite frequently, I think it's true of myself and I assume it's true. We still have to finally push the light ourselves, that's for sure, but at least we know we



have had the best information available to us. Quite frequently that advice helps us when we make our vote.

I would like to take my little bit of time here to call your attention to, we have all had an awful lot of material put on our desks in the last two or three weeks, an awful lot, and I just want to call your attention to a few of them, briefly, because I think there are some things on them that should be stressed and should be heard again. First of all, just within the last hour or so, you all received on your desk a yellow sheet, "The following groups all support passage of the Majority Report on L.D. 1791," distributed by Representative Brennan. I hope that you will take a look at that list and consider the various groups. I make the comment, how can we ignore the people that are represented by those groups across the State? You received, a few days ago, a statement from presidents of five different colleges here in Maine. They sent us a statement and a resolution. The statement was, "The challenge to educate Maine's young people to become effective, contributing members of a rapidly changing society is a daunting one. This challenge requires high standards and adequate support." That was their statement. The resolution was the endorsement, "We endorse current efforts now under consideration by the Legislature to put such standards in place in Maine, and urge public and private agencies to unite in this endeavor. High expectations serve us all well." The presidents were the presidents of Bates College, Husson College, the Maine College of Art, Saint Joseph's College and Thomas College.

Thirty-five people in the City of Westbrook, who are members of GOALS 2000 Design Team, representing citizens, staff, teachers, administrators, police department, clergy, adult education, sent this letter to Representative Lemke with copies to Senator Esty and myself. "With regards to the education reform bill, 1791, the GOALS 2000 Design Team urges your support. In doing so you support the efforts of Westbrook students, parents, staff and citizens. We have been working cooperatively since the spring of 1995 to enhance the education of our students. Consistency throughout the State is a must for equitable education for every student in Maine. The funding for staff development, while not a large sum, is still a valuable tool for our work in Westbrook." Not only can I tell you that the school department and these people in Westbrook support, but because I have acquired an interest in what goes on in the Towns of Standish and Gorham, relatively recently, I can tell you that, in fact, those two towns also support. From the Kennebec Journal, one paragraph, "The bottom line once all standards are in place will be that students who are better equipped for post-secondary education, or for the work place, based on their ability to meet the standards established, local school districts will also be able to adopt additional standards for higher levels of achievement than what the state recommends. Parents and taxpayers who feel their educational dollars are being frittered away on nonessentials to produce an uneducated product will have measurable results to justify tax expenditures."

A letter that you got on your desk several days ago, from the Dean of the College at Bates College, was quite a lengthy one. I won't read all of it. It was in response to a letter that was in the newspapers about L.D. 1791. The first sentence I want to pick out because on two or three occasions

today minor words, or minor expressions, have been singled out. As she said, "It is easy for anyone to extract a sentence here and a phrase there from a complicated document and suggest, out of context, that there are inadequacies. L.D. 1791 is all about improving the quality of life for Maine's kids. The stakes are high and we should not miss the opportunity to take a significant step forward for the future of Maine's youngsters." In regards to local control she stresses, "This proposal consciously leaves plenty of room for local control." I think that is important.

You all received a letter from the Superintendent of Schools in District 47, Belgrade and Oakland. I won't read the whole letter obviously, it was a lengthy one, from Duke Albanese, stressing the importance of this L.D. It says, "With its passage, Maine citizens and policy makers will have identified and described the core of knowledge and skills define a new literacy for Maine students, one based on high expectations." I want to call your attention to something that was passed out during the joint caucus this morning, passed out and distributed by Representative Lemaire, outlining, very clearly, the proposed rule-making process. It has already been mentioned by the Representative from Eagle Lake, and I just want to stress, too, for those of you who, again, maybe are unhappy with a word here or a phrase there, "After a very lengthy process, it's important for all us to remember, that this will come back to a series of public hearings. It will go to the State Board of Education. It will go to the Joint Standing Committee on Education of this legislature, whomever may be serving on it. Then, it will come to the full Legislature for debate, discussion and a final decision."

I think these are the things I wanted to stress, Ladies and gentlemen of the House. I was a teacher for 23 years. I want to emphasize, as a matter of fact I am almost tempted not even to speak because I felt that Representative Heino, as in my judgment he usually does, made an outstanding case. It is wonderful to hear some people get up and say why aren't we doing these things now, or in little pockets here and there around the state these things are being done, but the fact of the matter is, whether we like it or not, we are not doing it statewide for everybody. So, whether it's a kid in Bangor or South Portland or Cape Elizabeth or North Overshoe Two Buckles Up, as the saying goes, every child should have the very same opportunity. I can tell you from having taught in South Portland, at a time when South Portland was known as the All-American City, and I worked a lot of time with young children going on to college, and the fact was, and an unfair fact in my judgment, that if an application for entrance into a college anywhere on the East Coast arrived, two applications from any other high school in the State of Maine, or most any other high school in the State of Maine, and South Portland, the South Portland kid almost had a leg up. I'm not sure if that is exactly the case now, I hope it's not. The fact of the matter is there is great inconsistency around our State of Maine that, in fact, boys and girls who spend the same number of days in school, apparently getting the same kinds of materials that they are supposed to be getting according to law, aren't, for whatever reason. Passing L.D. 1791 will start putting a little muscle behind it. It will start giving superintendents,

another superintendent spoke earlier this morning, and I admire the courage he had to get up there and say, during our joint caucus, that had he had the guts to do what he should have done, as a matter of fact he said that is the thing he is going to regret the most from his career, that he didn't have the guts to do. It's not just him that lacked guts. It was the support and a lot of other things. L.D. 1791 is not perfect, Ladies and gentlemen, not by a long shot, but I urge you to consider all those that I have just mentioned, and others that you know are supporting, and then I ask you to consider where the support is coming from for, first, the motion the other night to indefinitely postpone, and now the motion to accept the minority report. Where is the support coming from? People, hands-on people, who deal with education every day of the week, whether you or I agree with every decision they make, they deal with it every day of the week. You and I, at least I hope you tell your constituents this, I do, when my constituents get angry with me from time to time about a vote, I remind them that I sat through all the public hearings, and I listened to everything that came down the line. I listened to the debate here. I read reams of paper about it, and I voted the best I could up there. These people will do the same thing. These are educators, concerned citizens, industry, labor, all over the state, an unprecedented coming together of people that rarely come together, are urging this Legislature to adopt 1791 because it is a beginning. Thank you.

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

Representative LEMKE: Mr. Speaker, Men and Women of the House: I will abide by your, I think, sage instruction that if a question is made they should be made directly to you, and I will pose a couple in a moment. I don't wish to engage in debate with the good Representative from Westbrook, but I will mention that the people that I have talked to on the street, the teachers I have talked to in Westbrook, are in agreement in opposition to this bill. As far as the other district that was mentioned, it's not Duke Albanese's district. It's Senator Carey's district and Senator Carey is opposed to this bill. Having said that, one of the reasons I was unable to hear the Representative from Eagle Lake's presentation directly, although I heard it on the intercom, was that I was spending some time down in the Appropriations Committee, where they are dealing with the Appropriation Table. Ladies and gentlemen, they took a number of bills off the table, and a number of you will be pleased with the bills they took off. However, they did not take L.D. 1791 off the table. I repeat, they did not take L.D. 1791 off the table. So, in as plain English, as an effective communicator, using authentic information, let me say there is no money. There is no money. There is no money.

Having said that, Mr. Speaker, if we are required to vote on this motion, and for this bill, given the facts that I have stated, are we not voting for a mandate, and an unfunded mandate at that time, and would it not require a two-thirds vote of this House?

THE SPEAKER PRO TEM: The Chair would answer that in my humble knowledge I can't answer that question. I would be glad to pass it on to someone who could answer that question. The other thing the Chair would like to point out, L.D. 1791 is in this body. It is not on the Appropriations Table, so it would be

very difficult for anyone to take a bill off the table that is not there yet. The Chair recognizes the Representative from Westbrook, Representative Lemke.

Representative LEMKE: Thank you, Mr. Speaker. I would like to ask, also, a question to the Chair, on the issue of local control. Is it your opinion if we vote for this bill as it is presently written, in particular section one, legislative intent, compared to section two, development of standards and indicators, would this not be an issue that affects local control under the State Constitution?

THE SPEAKER PRO TEM: The Chair would answer the same way he answered before. I am not in a position to give an answer to that particular question, but there are people who can and we can pursue that off the record later. The Chair recognizes the Representative from Westbrook, Representative Lemke.

Representative LEMKE: Thank you Mr. Speaker. So, my conclusion is that at this point we are required to vote on a bill when we do not have definitive answers on whether this is a mandate, and we do not have definitive answers how this impacts upon local control. I think that makes the point. No legislature should be voting any kind of legislation without those kinds of questions answered. I respect the point you made, and I certainly hope that before we do vote, we have individuals that can make those points on the floor definitively, because, Ladies and gentlemen, as the good Representative from Eagle Lake pointed out to me when I first came to this legislature, two things. Number one, when you vote on a bill be sure you are sure with your district in how you vote. Number two, if you are voting on a bill and you don't have answers to questions, and you are not able to go out into your districts and give those answers, the wise decision is to vote no. So, that is why I urge you to vote against the pending Majority "Ought To Pass."

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House: I remember when I first saw this bill, L.D. 1791, the thought that came to my mind immediately was a piece of literature I read many years ago by Shakespeare. It was a dialogue between two characters that went like this, "I can call spirits from the vastly deep," Glendower boasted. "So can I, so can any man," came Huntsler's retort. "But will they come when you do call for them?" It also reminded me of a situation back when I was in college and I was doing a research paper on bioethics. I had some peer review papers written by a scientist. I was amazed at the esoteric language and I was wondering why they couldn't write in a little simpler vocabulary for neophytes, like myself. So, I went up to the professor, and I asked him the question, why do they write like this? He said to confuse the natives. Finally, I was reminded, in the language in L.D. 1791, of something I read in a book by an educator about education. He had what they call "the Law of Nebulous Verbosity," which postulates, I quote, "Verbiage increases to the extent that ambition exceeds knowledge." This would explain the expanse of labor that education has lavished on the trivial, the obscure, and the pointless. I say all that, and I mean no disrespect for the people who work many long hours and worked hard on this effort. One of those is a dear friend

of mine, in fact I dare say she is like an adopted daughter to me, but this is my reaction to the language found in the original bill. When I first heard about the efforts to raise the standards and accountability of education I was very pleased and interested. I certainly do not promote the status quo. We need reform. We want standards and accountability, but does this legislation achieve that? I have read Maine's Common Core of Learning, the Task Force on Learning Results Final Report. I attended the full public hearing on L.D. 1791. I was at several of the work sessions. I collected all the copies of the testimony and supplied those to several educators in my area. After considerable dialogue with teachers, school board members and parents, I reached a conclusion that although we must have standards and accountability this legislation is not the answer.

One of the teachers in my district came to my house several times for meetings and said that when he first read the task force draft report he was somewhat pleased that it had some specifics in his subject area, which was history. Upon reading the final report, he was disappointed. The specifics were gone. "Too vague, What does this mean, how do I teach that," were some of his comments. The guiding principles and social values content was vague and described what a child should be, not what they should know. In several meetings with the Chief Executive, he related that he was not interested in the guiding principles or the social value language, but wanted the basic academics taught so kids would have the tools they need to succeed. So do I. So do many others. We do not see this bill as a vehicle to accomplish that. Also, in one of those meetings, the Chief Executive brought a copy of the Virginia Learning Standards and a copy of the book Dumbing Down Our Kids, by Charles Syck. In the conversation the Chief Executive said the Virginia Standards were it, and he made reference to Charles Syck's book. I have read Charles Syck's book. Nothing in that book could lend itself to support this effort before us today. Portfolios of a system of reliable measurement and accountability are described in this book, and I quote, "Essentially useless in practice, such assessments are, however, perfectly designed for a system in which there is no fixed or objective educational standards." In fact, the reform in that book would cause convulsions in the educational establishment. Virginia rejected GOALS 2000 money, but did come up with specific content standards. The Chief Executive, in one of our meetings, said that the Virginia Legislature, or the Governor of Virginia said, the Virginia Legislature did not become involved with the specific content standards language. That would have been a horror show the Governor from Virginia said. Ladies and gentlemen of the House, that's what we now have before us with the Majority Report. We have the guiding principles. No content standards now, to be established later, through rule making, to be approved by the committee of jurisdiction and the legislature. It's a horror show.

Elements of concern are still present in this majority report. Emptying the glass to fill it later does not give one a great deal of comfort, especially when one looks at the prescribed procedure. It reminds me of the movie "Poltergeist," when the little girl looked at the blank screen and said, "They're back." I have three teachers in my family,

and many friends in the education field. It is a noble and honorable profession. They agree, as I do, that we need reform that will allow teachers to teach and provide a quality education to our young people. I fear, Ladies and gentlemen of the House, that this Majority Report does not achieve that purpose. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Penobscot, Representative Perkins.

Representative PERKINS: Mr. Speaker, Colleagues of the House: The drop-out rate in this chamber is approaching that in some of these schools we are trying to bring in under this provision here I believe. The language in this bill bothers me. I mentioned it Friday, and others have, but language is so important, of course, when you are making words into law. The words that strike me in this bill are the words in the first page that talk about "a spirit of cooperation," and we have heard about "goals" and of course the "guidelines," that's the meat of it. "Guide" is a gentle word. Then you go down a little further and you see the word "must." "Must" is not a gentle word. Are these guidelines? Are these information and suggestions, or are they mandates? We have been told they aren't mandates, but let's face it, folks, if they are just guidelines and voluntary for the school districts then there is no big beef with it. Right? Obviously these are demands, mandates, they are "musts." What is the role of government in this type of activity? Our Constitution of Maine, written in 1820, says that the towns will provide education for everybody at their expense. This was before compulsory schooling. The State recognized that it was important that everybody get an education, but they didn't send down mandates. After compulsory schooling the mandates started coming down and we have had more reforms in the last 50 years in education, and what is schooling now, the situation in schools? Almost everybody agrees discipline is terrible. They are not learning. They can't even fill out a job application, and on and on, after all of these reforms. Here's another, coming from top down, as if there is wisdom at the top. This is a rhetorical question, I don't expect anybody to answer it, I would be surprised if they did. If these are guidelines, I will ask again, why don't we send these guidelines out to all the districts and say, "Look, the people in this yellow book here, the people on this Board, the people on this Task Force, recommend highly that you follow these guidelines." I would ask, rhetorically, if, apparently, the reason we don't do this, we've got to put it in the "must" language is because some districts aren't doing it. I'll ask again, somebody might tell me outside or somewhere, give me some names of some of these superintendents, some of these elected school boards, and some of these professional teachers out there who won't follow your suggestions. I'd like to hear some of those names. We say we are educated. We have all been educated. Most of us have raised children. We raise children up to five and turn them over to the schools. We have all educated. We have taught our nieces and nephews and everybody knows that you learn as much in the summertime, or more, than you did in the nine months that you went to school. Schooling does not necessarily equate to education. I heard the Mickey Mouse term, that some of the schools are teaching Mickey Mouse courses. Some of the most Mickey Mouse courses I have ever taken were mandates

in order to get a teaching certificate. These were taught by people with PhDs. What made this country great? Was it this type of thing that went out into the hinterlands, telling people what to know and when? No, it was the spirit of entrepreneurship and the spirit of liberty and the spirit of creativity. The Wright brothers were two of the best engineers in the world. They went through high school. They never had any engineering training. Thomas Jefferson went to school one year because there was something specific he wanted to learn. What is the crisis? We say, look, if these kids don't know this and that they are going to fall behind, we are not going to keep up in the global economy. Look at all the adults in this country today, in the State of Maine, the people you know, and yourselves, who can use computers today that didn't learn it in school. What is the crisis? When you are ready to learn you can learn.

I'll close. General Dwight D. Eisenhower, President Eisenhower, said, "Beware of the military industrial complex." I say beware of the school business complex. Thank you.

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

Representative LEMAIRE: Mr. Speaker, Men and Women of the House: I am an educator. I am an active educator. I would like to respond to my good friend from Auburn, Representative Winglass. I am not only an active teacher, I am active in the Association. I was President for five years. I was active in the State Association. I have not received one negative call. I have received calls from the business community. I have received calls from citizens, constituents and nonconstituents, who called me on this issue. Let me tell you, if there is a teacher in my school system, or the Auburn school system, that wanted to give me their opinion about the Learning Results, I would have heard it loud and clear. They know who I am. They know where I am. They would have called me, and I did not receive one call. I would also like to add that the MEA is in support of this. The first draft, or the original draft of this bill, when it came out, I had some reservations about some of the language. I was certainly happier with it than I am in this final draft. I think it's time for us to move forward on this. I think what this is about is about higher standards. It's about local control. It's about student-centered education. It's about faith in Maine teachers, parents, students, that will lend all their energy and resources to help our kids reach the highest level and attainment that they can to guarantee them a high quality of life. Is this a perfect document? No way. Do we have inequities in this state? Yes. Are there some systems in this state who are not creating standards, who are not doing things with their curriculum? Absolutely. Will this help them? I hope so.

I think it's important to note that as an educator I like this process. I like the rule-making process. I like the idea that we have a critical review committee and for a change the majority of people on it are teachers. Who better to help implement standards? I'm happy that there are going to be public hearings throughout the state so that everyone can address their concerns. It's being presented to the State Board of Education, the Education Committee and it's coming back to us. In response to the good Representative from Westbrook,

we will get the 2 million dollars. It has been promised. We will have it, because without it, we can't effectively do this. Will we do it without it? Yes. Will it be tough? You bet, but we will get that 2 million dollars. I think it's time for all of us to take the first step. How many of us in this House ran on campaigns that had brochures that said we want quality education, we want more State funding, we want accountability in our schools. I think it's time to put our money where our mouth is. We, as a Legislature, need to do something about what we are saying in our brochures and on the campaign trail. If we truly believe that a priority in this state is to do something for the children of this state, then let's do it. I urge your support on the Majority "Ought to Pass" Report. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Norridgewock, Representative Meres.

Representative MERES: Mr. Speaker, Men and Women of the House: I have waited a long time to have these few minutes of your time. I am concerned about this Majority Report for a few good reasons. One of the things I have heard mentioned during the course of the debate is the American dream. I would like to talk to you about the American dream because I think that my own life is a good example of it, and some of the things that I am concerned about in this bill do deal with that concept of the American dream. My heritage on my father's side can be traced back to Governor Bradford, so that I have a direct connection with the dream of the Pilgrims coming here for their independence and freedom of thought and religion. My mother didn't speak English until she was in third grade. Her parents came over from Germany, so they didn't have the advantage of the history and the background that some of us can relate to from a long heritage here. I grew up in a moderately poor home and I had to deal with all the stereotypes that went into living in my time frame. My choices, when I wanted to go on to higher education, were to become a teacher or a nurse. I didn't have the ability to do what I needed or wanted to do, which was to become an artist and a writer, because that's where my talents and my personal gifts lie. I was obedient and I did all those things, but I continued to focus on the American dream and the ability to accomplish all that I could accomplish. It was something that I lived with and I have done for a long time. I raised six children, and I taught them the same goals and the same things. I remember when my daughter, Beth, wanted to go to Wellesley College because she felt that she was capable of all those wonderful things and was told she shouldn't even apply because she came from a large family and we couldn't afford to send her there. I told her that that was ridiculous, that if she wanted to do it she would find a way, and she did. She is very successful at this point in time. I worked with my children, each and every one of them, all six of them, and I weaved through the educational system for each and every one of those independent children, to find the best possible choices for them, so they could actualize themselves. As you know, and some of you have realized, I have talked to you before about the expense of that. Our children attended schools in more than one state. They attended public and private schools. I am tuitioning them now to different colleges and different schools around the country. My children, except for one, are all very,

very accomplished in more than two languages. I have children that speak German, French, Russian, Japanese, and on and on. They have done all those things so I could stand here and tell you that I am for all of this, because I have lived all of these guiding principles in my own life.

I have been a school board member and a school board chairman when we dealt with the middle school, and the complicated issues that happened in a community where there was change and rebellion. I dealt with upset teachers, and I talked at graduation about lifelong learners. I talked to a group of honor students, when I was school board chairman, about the American dream and about, of all people, Jack and the Beanstalk, because I felt that he was a person of character who had to overcome a lot of things, to take great risks to accomplish things that were necessary to make his life, and the life of his mother, better. I talked at graduation for people who were in the adult ed program about the problems they had and how wonderful it was that they were accomplishing things. I walked even further into the alternative ed graduations and spoke there. So, I can stand here and talk to you about all those goals, and all those qualities that I have supported all my life and yet here I am, questioning this particular legislation. You ask me why. When I look back at some of the things that I have in my hand that came in my local newspaper, GOALS 2000, it was in January. We listened, and we read about the Executive, who wrote in here about how pleased he was to present this fourth and annual report on Maine progress towards achievement of the eight goals of the National GOALS 2000. He talked, later, about how these accomplishments and these assessments of the Learning Results are the cornerstone to his education incentive for the State of Maine. I looked at an application form, which was signed by Wayne Mowatt, where we applied for the second through fifth year funding for GOALS 2000. I turned to the other side of this page and it talked about school-to-work, which is something that we read about in January. It talked about, in here, it says, "On April 1, 1994, acting on behalf of the Board of Coalition of Public and Private Agencies and Organizations, the Maine Department of Education submitted a successful application for a grant to implement the comprehensive, statewide, school-to-work opportunity system, career opportunities 2000," which they call "C02." It also talked about how Maine was awarded 2 million dollars for the first year and a total of 12 million dollars over the five years. That's the application which I show you here. As you go down further it talks about how this was the centerpiece of the educational agenda for the Clinton administration, which I didn't know until I read that. Then, if you look down further on this list of things, it talks about the new educational paradigm, "Untracked, self-paced, self-directed, universal, high-performance education," which they call "UHPE" for "all children and students in grades K or pre-K to grade ten." This goes to grade ten, not grade twelve. I was concerned about that. Then I look a little further, and it talks about how, as a culmination of the UHPE experience, and the gateway to both the college prep courses and the study of seven C02 career pathways, all Maine students will be expected to achieve, typically at around the age of 16, at the end of what is now the tenth grade, a certification of the core of mastery, CCM,

demonstrated mastering and a set of common core knowledge and skills required for success and self-sufficiency. This all sounds fine so far. Then you go down a little further in this and it talks about the fact that there are seven career life pathways which constitute the C02. Remember now, we have received megabucks for this C02. In that area there are seven different opportunities for children at age 16, where they can choose between the Youth Apprenticeship Program, the Pre-apprenticeship School to Registered Apprenticeship, the Pro Prep, which is professional preparation, Tech Prep, Op Prep, Co-op and Career Prep. As you read down a little further, it says, "At the same time each Maine student will be offered a different balance of school-based and work-based learning, different levels of investment of post-secondary education, and a different range of occupational and career opportunities." As you read down a little further, it says, "Maine projects that by the time C02 system is completed or implemented, around the year 2000, upwards to 75 percent of all high school juniors and seniors will be pursuing school-to-work career pathways, with the remaining 25 percent enrolled in traditional college prep."

Now, I know that the statistics sound fine, because you can look at some of the schools and you will find that there aren't that many college prep students in your public school. My point here is that I would like, and I have worked really hard for all of my children, and the children of everybody I know and represent, and did represent when I was on the school board, to allow, as a part of the American dream, the opportunity and the focus for all students to go on as high and as far as they can. That means that they should all be able to take a college prep course. They should all be able, if they can afford it, and if they can make the grade, to go on as high and as far as they want, based on their own inner sense of self and who they are, and not based on a compilation of statistics which tells them that they belong shoveling cow manure or working in a mill or doing all those things that happened back in the old days when these things were not available. As far as I can see, I live for the American dream. I work with the American dream and I pray for the American dream. I have also been somebody that has hosted students from out of this country, mostly from Japan. I realize that those students come to the United States to study because the United States is different, because the public schools in the United States are fair, they are open to everybody of all classes, all points of view, all economic backgrounds. They all have the opportunity here. We fund them all. It's expensive and I have heard a lot of criticism about how expensive it is to do that and how we should focus on the best and the brightest, well excuse me, but I know for a fact that most of the people actualize themselves in their twenties, not in their teens, not when they are trying to decide who they are sexually, and who they are every other way, trying to identify those other things in themselves that they have to learn. I think that there ought to be more focus on the American dream and the potential that all children have to reach the goal. I believe that all children should take a liberal arts course if they can, just like it says here. I think that most children should have a liberal education on a college level before they go forward so they can become lifelong learners, so they can become productive and so they can actualize

themselves as people. That's why I don't support this Majority Report and I really do believe that there are some good possibilities left in the Minority Report and in the amendment. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Winslow, Representative Vigue.

Representative VIGUE: Mr. Speaker, May I pose a question through the Chair? The SPEAKER PRO TEM: The Representative may pose his question.

Representative VIGUE: My question is to anyone that may want to answer it. How many days per year do we now provide for teachers on retraining, enrichment, workshops, call it what you want? What will L.D. 1791, the Majority Report, do that is not now being done for the same money?

The SPEAKER PRO TEM: The Representative from Winslow, Representative Vigue has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bethel, Representative Barth.

Representative BARTH: Mr. Speaker, Men and Women of the House: To the Representative from Winslow, the number of workshop days varies from school district to school district. It may be anywhere from three to eight, maybe as an average. What passage of L.D. 1791 would do would require those school units to focus those workshop days on how do we, whatever the school unit is, design our curriculum to reach the goals set forth in Learning Results.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Winslow, Representative Vigue.

Representative VIGUE: Mr. Speaker, Men and Women of the House: Along that line, why isn't this being done at the present time?

The SPEAKER PRO TEM: The Representative from Winslow, Representative Vigue has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bethel, Representative Barth.

Representative BARTH: Mr. Speaker, Men and Women of the House: I believe the answer to that is that we don't have any kind of uniform goals and standards across the state toward which we are all striving. Because of that, different school districts use those workshop days in different ways, depending on what they perceive their local needs. In fact it has been mentioned that some of the school districts use a workshop day for the teachers to prepare their rooms to get ready for school, which certainly is a laudable effort, but probably not one that would enhance learning and developing of better standards.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative WATERHOUSE: Mr. Speaker, Men and Women of the House: I would ask if we had a quorum?

THE SPEAKER PRO TEM: The Chair would declare there is a quorum. The Chair recognizes the Representative from Waterboro, Representative McAlevey.

Representative McALEVEY: Mr. Speaker, Ladies and Gentlemen of the House: In listening to the debate I have tried to draft a couple of comments based as a parent and as a former school board member in one of my past lives. Don't let this scare you because my comments will be brief as usual. As a school board member the two biggest complaints we had about the Department of Ed, the ivory castle for this body, was that one, whatever we had for standards sent down to us were confusing and nobody could understand them,

and when you asked somebody what they meant you could never find two people in Augusta that would agree on the same standard. Two, Augusta was constantly sending down unfunded mandates to the school districts, telling us what we have to do but never providing the money.

When I came to Augusta as a freshman legislator I received three pieces of excellent advice from a mentor, a fellow who now resides in the other House and whose district I now represent. They were: one, when you speak, stand up and make sure you say something new, make it short and to the point; two, be very suspicious of any legislation that comes to you that is so radically changed from its original content that it doesn't make sense, and be very suspicious of any legislation that you receive within the last 24 to 48 hours of a legislature adjourning, because that is when most people are asleep at the switch and you need to pay attention. This legislation has been greatly changed from its original form. All of the content areas that people objected to have been removed. Now we have a set of standards that we are going to try to invent as we go along, through whatever process. We are trying to send a very clear message to our schools and our districts on how to educate. We want to create a yardstick that is fair and that works. We want to create a yardstick that measures our childrens' growth, our teachers' ability to teach, and our system's ability to be effective. Let's practice what we preach. We are certainly not sending down a clear mandate now with this piece of legislation. It has been reworked so many times from its original intent we are at the point now that we have to pass something to pass something. That isn't good legislation.

When I was an English teacher, and I will end on this note, I had the pleasure of teaching children how to write. You have to be very careful that you encourage children, not discourage them. I taught my children how to interpret correction symbols. I would spend the afternoon correcting their compositions, and I would say, "Here Sally," or "Here Johnny, I have made some notes. You have done a wonderful job. See if you can make some of these corrections. I know you will do a good job. Bring it back to me tomorrow finished." That's the same thing I say to this Committee of Education and it's the same thing I say to the Task Force. You have done a wonderful job, but if we are going to send some legislation out to our people that's going to affect the children of this State, it better darn well be very, very clear and have 99 and nine hundredths support. I don't see either of those two things happening here. We are not ready to send this to them. They are not ready to receive it. Send it back, rework it, come back next year. Get that 99 percent support, then we will have something to be proud of, something we are not going to send out crippled and wondering if it is going to live or die or work or not. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative BUNKER: Mr. Speaker, Men and Women of the House: I have been sitting here for two and a half hours and I don't think anybody is going to change my mind. I don't expect to change yours. The bottom line is we have essential services we haven't acted on. We haven't defined what essential services



are on the small, rural schools in my territory, who are striving just to get books once every eight years. You throw this on their plate and they are not going to be able to do anything with it. It's just going to be another big program of change in another direction. I respectfully request that we move along and see if we can decide this issue now and see where we are going so we can get on with our business.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Hartland, Representative Stedman.

Representative STEDMAN: Mr. Speaker, Men and Women of the House: I have some real problems with L.D. 1791 as amended. First of all, if the ideals set forth in the guiding principles become law how can we ever consider excusing any schools using public funds, and their students, from obeying this law? That is, if we believe these principles are attainable by all students, and worthy of their effort. Is it because some schools don't have the facilities, staff and other resources to accomplish these goals? Or, is it because to comply would mean that the State would have to require large infusions of money not now available? To require every student in every school to meet these goals will be costly. Why are we not including home schoolers and church school students? Is it because these students do not need to have state devised standards, or is it because the GOALS 2000 concept is not acceptable to them so we avoid dissension by exempting them? My second problem, I cannot agree to put into law guiding principles which, by their nature, are only ideal, immeasurable and unattainable by each and every student. To me guiding principles should be endorsed as affirmation of belief in something, not regimented law that cannot be enforced, based on rules that have not been written and with no knowledge of what the state financial obligation will be. These are only two of my points of disagreement with this bill. I urge you to defeat L.D. 1791 as amended.

I have a question that I wanted to ask of someone on the Committee.

THE SPEAKER PRO TEM: The Representative may pose his question.

Representative STEDMAN: Thank you. What happens if the locally developed and locally accepted plans do not meet the approval of the program evaluators?

The SPEAKER PRO TEM: The Representative from Hartland, Representative Stedman has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Men and Women of the House: At this point there is nothing to compare it with. The final rules that will be documented and worked out during the course of the year, will be those that will come back next year for approval. So, there is nothing, at this point, that would be in violation of anything. That's the point that we have to remember. Everything is coming back to us, to the Legislature, for final approval. Only then would there be any question of what happens after that. At this point, nothing.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bangor, Representative Lumbra.

Representative LUMBRA: Mr. Speaker, Ladies and Gentlemen of the House: I have heard for the past couple of hours different legislators that are supporting the Majority "Ought to Pass" position talk

about local control. I have read through the bill trying to find where they are coming up with that. I can't find it for the life of me. On the guiding principles it says the students "must" abide by all the guiding principles. When you go into section three, the Department of Education "shall develop" a reporting mechanism. Where's the local control? Section four, the Department "shall review and make recommendations on establishing a date by which all school administrative units must implement Learning Results in all subject areas." Where's the local control? Section five, "The Department of Education, in consultation with the State Board of Education, must do a plan to assist school administrative units." Where's the local control? It goes on and on. I don't see any local control in here, Ladies and gentlemen. But the thing above all that concerns me in this bill, and in different testimonies, is the fact that our children are being referred to as "products" for the workplace. Ladies and gentlemen, last week, during a press conference, the Chief Executive Officer of the State of Maine opened the press conference about L.D. 1791 with these words from a newspaper article, "It's about business stupid." Ladies and gentlemen, I don't think our children are about business. I got to tell you that I have a nine-month old niece that is very precious to me. When I look at legislation affecting children I see her little face. I don't look at her as about business. I look at her as an individual. I'm sorry every legislator is not here to think about that right now. When I found out that last week, out in the halls lobbying for this education bill, supposedly for our children, were lobbyists from the biggest insurance company in Maine, lobbying on an education bill, Ladies and gentlemen that concerned me. They want to make sure that our children are educated to fit their needs. I want to make sure our children are educated to fit our children's needs, not big corporations. Page five, section six of the bill uses words like "regional partnerships" and "interested stakeholders." Is that what our children have become, something to have a stakehold in if you own a big corporation? I hope not. I really hope not Ladies and gentlemen.

We have heard that the private schools and the Christian schools or religious schools and the home schools are exempted from this. Well, something didn't smell quite right to me on that. In Ohio they adopted this last year, and they applied for Title Three GOALS 2000 funding, exactly what our Commissioner did. We have passed around that application. I have it here if anybody would like to see it, signed by him, Title Three GOALS 2000 Application for Funding. So, I got some legal language, wondering why, a year ago, Ohio exempted private and religious schools and home schoolers and then one year later the laws were waived and they are included. One year later. Why? Because in the national language of GOALS 2000, or America 2000 there is a section in here, I would be glad to pass it around, I would be glad to show you, that calls and is entitled "Waiver Authority." In the legal opinion the State is awarded all power to initiate the application process for private schools. A private school has no authority or right to refuse compliance to the law. I can read the legal jargon but if you are like me you prefer to see the interpretation of it in English, since I haven't mastered the second language of legal jargon yet.

Last weekend, Saturday I believe, Representative Barth stood up and he said something that I agree with him on. He said we are spending over a billion dollars and we are not sure what we are getting for it. We have a right to expect something. I agree with that. So, why spend 2 million dollars when not one person in this House can tell us exactly what we are getting for it, and add to it to be done later in the rules. I have heard testimony from people on the Education Committee saying this will take about a year to implement. If that is the case then take the summer, do the rules, and bring it back. Then when we appropriate 2 million dollars we will know what we are appropriating it for and what we are supposed to expect. Ladies and gentlemen, I ask that you would think of our children as more than a product, as more than something that corporate America needs for their needs. I urge you to vote against this motion. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Orono, Representative Stevens.

Representative STEVENS: Mr. Speaker, Men and Women of the House: I would like to offer that the Joint Standing Committee on Education and Cultural Affairs is not beholden to the business industry in Maine. We examined this issue for many, many months. We were in cooperation with the Governor's office, the Chief Executive, and his ideas behind the Learning Results of 1996. To insinuate that we are at the mercy of business or the Maine economy is asking for a lot and I believe misrepresenting the situation. I would also offer that religious schools and home schools are exempted from these standards because they kindly asked us to be. We listened to them. They showed up en masse, hundred of people came and said this is our situation and we hope that you will bear us in mind when you put together your final amendment, and we did. In my opinion I think we took care of everyone who had serious problems, personal or political problems, with the bill. I'm not sure what Ohio adopted last year, in response to my friend Lisa Lumbrera from Bangor, but this is not Ohio, this is not Virginia. This is a package that the Maine Committee on Education and Cultural Affairs put together to present to you. I hope that you will join us and support the Majority "Ought to Pass" because if you are like me you know that in Maine there is a huge dichotomy between different schools, between schools that have and schools that don't have, teachers that do and teachers that don't do what they can and what maybe they should be doing. So the day comes when each of us can go home and say I have the best school in Maine. There is no reason why we can't independently, individually, support this idea. If I had a wish, I would wish that Orono High School was the best school in Maine and that Bangor High School was the second best high school in Maine because I represent Orono and I went to Bangor. I'm not saying that they are not the best, but unless deep down each of you knows that your school is the best, which I will add, only one person will be right, we need to support a measure like this that focuses the state's eye on education, that encourages teachers to ask themselves what they can do, what they do do. Superintendents, school boards, there is a blanket of support from the education community for this idea. Please, please, join the majority, vote for the pending motion and we will help create equal opportunity for students in Maine. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Farmington, Representative Gooley.

Representative GOOLEY: Mr. Speaker, Men and Women of the House: Educational reform, namely L.D. 1791, in the words of Senator Amaro, "are academic standards and not feel-good issues." My constituents have been very vocal on this issue and some did not support the original bill. We have come a long way since the original bill. Representative John Martin is quoted in a recent Maine Times as saying, "It's bound to scare people who have no knowledge of it." That's understandable. Governor King, a Learning Results supporter, has said, "Establishing the principle of standards and the principle of accountability is critical." I support that. This process has been three years in the making. The need exists. Ask the businesses that hire the graduates, or the technical colleges that have to teach remedial courses. I am surprised at the lack of accountability based on my discussions with superintendents and teachers. I am a product of an educational process of the thirties, forties and fifties, and I have the gray hair to prove it, and I remember what I went through to learn the three R's, including writing skills. Learning why twelve times twelve equals 144 is important to know and understand. I suspect that hand calculators have become an easy way out in determining the answer to twelve times twelve. Are we mastering computers or are computers mastering us? We have students in Maine who truly excel and go on to institutions of higher learning. We have students who are not interested or motivated to learn and are letting the school year slip by. When reality sets in these are the ones who need remedial training when they seek higher education or a job.

I say let's initiate education reform in Maine and support the Majority "Ought to Pass as Amended." Thank you.

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

Representative AULT: Mr. Speaker, Men and Women of the House: This is all about the business of educating our children. This is not a horror show. L.D. 1791 is all about improving the quality of academic life for our Maine students. L.D. 1791 affords us the opportunity to effect real, positive change in the education we provide our most precious resource, our children. L.D. 1791 is no unfunded mandate. There is no test or assessment piece tied to graduation. This bill simply does not undermine local control. It is not top down legislation. In the Sunday editorial, I would like to quote for you, "The overall intent is clear. Schools would expect a lot more from all students who would be held accountable for reaching certain goals. There would be a little more money but a lot more local freedom. The bureaucracy imposed on schools by the State would shrink. Evaluations would measure student and school progress."

Men and Women of the House, when I am not serving in this Chamber I am one of the college admissions people who reviews high school transcripts on a daily basis. When I hear the question "Why now?" I have some answers for you. We have an aspirations problem among our young people. The majority of our students are choosing not to pursue postsecondary education. One of the reasons is that they lack confidence in their ability to compete. We have inconsistency across the State in curriculum. There are



developmental courses being offered in every college across this State to address inadequacies of academic preparation in grades K through twelve. Perhaps the answer for me of why we should do this now, and not put it off, can be found again in the editorial published in the Sunday paper of the Lewiston paper. "The scene shifts from Augusta to a school in this area where eighth graders are being counseled about courses they will take in high school. They are cautioned that without teacher recommendations they should not take college bound courses. They are warned that without the proper okay for an upper level course they should not sign up to take a foreign language. Parents are told that while they might like all their children to enroll in college prep courses, the reality is that some students just won't be able to handle them." L.D. 1691 will ensure that all students are academically prepared to pursue some form of postsecondary education, should that be their dream. I urge you to support the pending motion. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Enfield, Representative Lane.

Representative LANE: Mr. Speaker, Ladies and gentlemen of the House: It has been a long debate and I suppose we all have to be on record. I'll be on record. I think it's been interesting watching and listening to the dialectic process of this debate. Why do I say that? Because the debate is not whether or not we want reform, or to make our education system better, we all want our education system to produce good students. The question before us is how we are going to go about that. I have been quite interested in the process of learning. First of all, we were assured that this was not GOALS 2000. That was very confusing, because we have proven over and above a shadow of a doubt that it is GOALS 2000 money. Then, when I posed a question this morning about seminars being conducted around the state on how to implement the Learning Results, which we hadn't even voted on folks. I'm not a rubber stamp. This process so far, it has just been said that this has been going on for three years, what we are expected to do is rubber stamp an already ongoing procedure. I resent that as a representative of my constituency. I resent being considered a rubber stamp, to rubber stamp something that has already been going on. If you don't think that there have not been seminars put on by the Department of Education then I would refer you to the handout that I handed out earlier. GOALS 2000 Office, Department of Education, 23 State House Station, Augusta, Maine. Thank you very much. Seminar, on the other side, Day 1, Day 2, "Join us for two days to, among other things, explore alternative forms of assessment, examine systems thinking as it relates to an evolution of a new education system." Folks we have an education system in trouble now. This is more of the same garbage. Yes, we need to re-evaluate our education system. We need to get back to basics. That's what the Chief Executive Officer of this State told us, back to basics. This education has, this bill has nothing to do with basic education. Show me one line in there. Five content standards to be flushed out by the Department of Education, the State Board of Education that brought us the same Learning Results Task Force mess in the first place. No thank you.

Now I want to talk about my district, because that's who I represent. My high school, I won't dare

say is the best in the state, but I want you to know that it has been visited by the Department of Education, the State Board of Education, at least three times to find out why they are over-achieving. Interesting. Perhaps we are pushing toward mediocrity here. Not one of my teachers who are a part of the high school that produces over-achieving students was asked their opinion. Not one of them was invited to any seminars regarding the input on this legislation. I want to get back to GOALS 2000 and the question was, "Are there any strings attached?" We all know, folks, federal funding without strings is an oxymoron. I would submit a question to the Chair please. That question would be, do I have an assurance, in writing, from any member of the Education Committee, or the Chief Executive of this State, in writing, that there will be no federal strings attached and that we can opt out of GOALS 2000 at any time? It's very important because Alabama, by the way, has tried several times to opt out of GOALS 2000 education and that request has been denied. I urge you, don't rush like lemmings off a cliff. Vote against the pending motion. Thank you.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I will be fairly brief. I have been asked to speak about welfare reform and the link with educational standards, because we passed state of the art welfare reform last year. It's very obvious because the principle of that welfare reform was to make people independent and self-sufficient for their lifetime, and to give them the strongest basic skills that we could give them. I think we, by passing standards, can do that. What has also struck me is that no one seems to have referenced how the students feel about this. I was in high school fairly recently, compared to many people in this body. My Senior English teacher wouldn't let us read a whole book because it took too long. She wouldn't let us write an essay because she didn't want to grade it. Everything has to be multiple choice. This is college prep Senior English. My anatomy teacher in the twelfth grade, this is fairly embarrassing, he made us do a coloring book all year. He was the softball coach, so he was there to do sports. I wish someone had said, "You must make these kids read literature. You must make these kids learn how to write. You must make these kids learn how to read." It would have helped a lot. I ended up going, after a year at a mediocre college, and getting good grades, to one of the best private liberal art schools in the country and I was far behind. I had not read the classics. I had not had the skills. I caught up, but I would have been so much better off with some standards in place. I think we can talk to our kids about this. I held a forum in my district a couple of weeks ago with high school students and asked them what they thought. They all wanted it. They believe that they are not being challenged. I think they can all rise to the challenge and I urge you to support the pending motion. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House: I will take just a little bit of your time to respond to my good

colleague, Representative Barth, who spoke a day or so ago. He got up and he said he didn't really know what OBE was, outcome based education. He went on to say that he has been teaching something like that right along. I doubt that because I would dare say that Representative Barth is a very good teacher. So, I'm going to give a brief synopsis of what outcome based education is. What's wrong with outcomes? This raises some troubling questions about the use of outcomes in education. Conservatives who championed outcomes in the 1980s now insist that outcome based education represents a distortion of an idea that is still fundamentally sound. They argue that it is still preferable to judge schools on their educational outcomes rather than their input, as long as those outcomes are rigorous and cognitive. Of course all education is about outcome, at one level or another, and that's what Representative Barth said a day or so ago, but educational reformers at both ends of the spectrum seem to believe that it is possible to define education on the basis of enumerated goals and outcomes that become, in effect, the curriculum itself. The high-teching of the term "outcome" by the educationalists represents more than simply a political school. Conservatives are naive if they fail to see this or to recognize the fundamental, and perhaps fatal, flaw that is inherent in the focus on outcomes. Ultimately it is an act of educational hubris, whether it is undertaken by the educationalists or their conservative antagonists. When schools define what they offer to students they are being realistic about their capacities and their limits. When they define outcome they are neither realistic nor cognizant of those limits. In a stunning display of hubris the educationalist claims to be able to define and prescribe the beliefs, value, attitudes, and behavior of the educated man or woman. In sharp contrast liberal education has always recognized that there are incalculable differences between individuals in capacities, interests and talents, and that it is therefore necessary to approach the mystery of the human intellect with humility. The liberal arts assumed that there will be as many outcomes from reading great literature or history, or wrestling with science, as there are students. If ten students read Hamlet there are likely to be ten or more different responses at radical different levels of understanding, insight, intuition, not all of them easily foreseeable, much less definable. While it is possible to teach the play, it is beyond the reach of even the most gifted teacher to try to lift all the possible responses, and unconscionably arrogant to try to master the mystery of the human mind's reaction to codifying them as acceptable outcomes.

By trying to reduce this explosion of unpredictability, individuality and idiosyncrasy, to list a designated outcome, educationalists often end up with a standard as trivial as the appreciation of gender roles of Elizabethan plays. This is the unresolvable paradox of attempts to capture and define the necessary outcomes of a quality education. As many goals as they draw up, educationalists fall far short of the countless possibilities. They end up producing endless lists and innumerable goals because they are chasing a will-o-the-wisp. However, they are drawn up, the emphasis on student outcomes reverses the focus and ultimately the responsibilities of education. At one time the role of the school was to provide students

with the tools they would need later in life. It was up to the students to decide what use they would make of those tools. Educators were given the responsibility of providing children with the phonics and grammatical tools they would need to be competent readers. Schools were charged with training students in mathematical efficiency. Teaching them the basic principles of multiplication, division, algebra, and calculus. It is the function of the liberal education to expose the young to the best that is written and taught, but it was left to the students to decide what he would make of those thoughts. His school may have provided the raw material in the form of great literature, but it was left to the student to work out what values, attitudes and behaviors he would make out of it. The liberally educated man or woman was not asked to project, demonstrate certain behaviors. He or she was merely expected to think. Although the term is out of favor these days, these can all be characterized as educational input and they were the essential business of education.

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

Representative BARTH: Mr. Speaker, Ladies and Gentlemen of the House: Just to clear up a couple of quick questions. It was mentioned that the 2 million dollars might be spent before we knew what we were getting. The Commissioner has assured me that that money will not go out until the content standards and the performance standards have been finalized through the process that was described to you. It was also mentioned that this somehow is job training. Let me remind you that if you can't read, if you can't write, if you can't do arithmetic, your chances of getting any kind of a decent job are pretty slim, your chances of going to college are negligible and your chances of going to the technical college system and into technical training are also very slim at best. Thank you.

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The Speaker resumed the Chair.

The House was called to order by the Speaker.

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

Representative FARNUM: Mr. Speaker, Men and Women of the House: This will be short. I have decided to vote for bill 1791 and these are my reasons. I have spoken to the folks back home, some were for and some were against it. They shaped my opinion. I have listened to the speakers today. They shaped my opinion. I thought of the future of the children of the State of Maine. That shaped my opinion. Please vote yes.

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

Representative LEMKE: Mr. Speaker, Men and Women of the House: It's not my intent to debate. I simply have a question to the Chair. Do you know at what time the Chair will be able to rule on the questions I asked three hours ago?

The SPEAKER: In response to the questions posed by the Representative from Westbrook, Representative Lemke, the series of questions posed deal with the Committee Amendment. The Committee Amendment is not currently before the body. The current motion is acceptance of the Committee Report. Once the Report

has been accepted the Chair will be most happy to make any ruling that would be appropriate at that time, but the Committee Amendment is not currently before us, so it would be inappropriate to suggest or make a ruling on that Committee Amendment until that time. The Chair recognizes the Representative from Crystal, Representative Joy.

Representative JOY: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that I can take the role that I had in the theater, and that was bringing down the final curtain to this particular presentation. Shakespeare has said that all the world is a stage and all the men and women merely players and each has his acts and his entrances, but that's today. We have had our acts and our entrances. I think the importance of this issue is the basis for the vast number of people who have spoken on this issue. I won't take a great deal of time debating this, but I left here Saturday night, after listening to the debate, and thought I was going to get a good night's sleep. At 2:45 in the morning I woke up trying to figure out what the people who are in support of this could see in here that I couldn't see. I see a huge trap. I have spent all my life in education, the same as many people in here have. I think that it's noteworthy that 5,000 people are credited with being asked to have some input into this particular bill. One of the things that I think we need to be reminded of is that coming down here is often, by itself, an education. We have to learn new definitions for many of these terms.

In the title of this bill we find the word "reform." It didn't take me very long to be down here to find out that reform meant to leverage dollars. That was the synonym used here in Augusta, "reform," "leverage dollars." We were passed out a sheet that had many groups that supported this. All but about seven or eight of those groups on there that support this can see this as an instrument to leverage dollars. I ask you to beware. In this bill there are many things, and we have heard that words can be picked out and they can make a difference, they can be made an issue. I notice that we have a rule making process that is proposed. I would make the comment to note that it is proposed. It is not included in the legislation. Eventually these rules will come back to the Legislature, but I would be willing to wager that this rule-making process will not be adopted. Having been involved in many of the rule-making processes down through the years it just doesn't work this way. Also, when those rules come back, there are 151 members assigned to this House, I won't say in the House because most of them have decided to take a walk about an hour ago or two hours ago, but nevertheless when it comes to defining, trying to interpret those rules and decide whether they are good rules or bad rules or not, you are going to have 151 separate opinions, just the same as you have on this piece of legislation that is in front of us. I would like to point out, in the section of the bill that deals with the rule making, and it tells that the State Board of Education and the State Department of Education will have the authority to make those rules and they will consult with the local districts.

Ladies and gentlemen, I stand before you as someone who is pretty much an expert on meet and consult. I hold the record in front of the Labor Board for school administrative districts under a

clause called "Meet and Consult." I was reminded of that the other day in the Labor room. My record has now been broken. I understand that there is a town that was involved for 17 days and I feel sorry for them. The decision that was made in that "Meet and Consult" process before the Labor Board still sets the tone for what takes place today. When the Department of Education and the State Board of Education meet to consult with these school administrative districts and the people and the public at large, they don't have to take any of their ideas. They can still go ahead and implement just what they want to.

A number of years ago I was invited to Presque Isle to be involved in a public hearing on rules. We met for six hours. We tore the rules apart, put them back together in a fashion that was workable and would be appropriate for use through the school districts. We were assured that our ideas were going to be used. When the Department of Education left and went back to Augusta and put out the rules in their final form they were in the same form that they had submitted them to us in the very first place. Ladies and gentlemen, on the State Board of Education and the State Department of Education there are no elected positions. These people do not have to be accountable to anyone, least of all to the public. I have noticed today, during the debate, that people who were very much opposed to this in the beginning have been peeled off. I have to admire the lobbying process that has taken place to do that. I also noticed that there are many superintendents down here today, and there were many Friday. They were down here lobbying legislators, trying to convince them to support L.D. 1791. Superintendents today are paid very good salaries. I wonder, if all those superintendents who are down here decided that they would not take that day's pay, would not take the expenses that they were paid to travel down here and perhaps stay overnight while they are doing the lobbying on this, because I do not feel that that is one of the duties of a superintendent. We have been made to feel that if we don't support this then we are antichildren, and nothing could be further from the truth. Many of my students have gone on to be doctors, lawyers, engineers, and the list keeps going on and on and on. Students from the small school district where I taught last are still accepted at colleges all over the United States. Is their system perfect? Absolutely not. Does it need improving? Yes, but Ladies and gentlemen, this collection of garbage that is in this bill is not the way to do it. I hope you will vote it down. Thank you.

The SPEAKER: The Chair recognizes the Representative from Enfield, Representative Lane.

Representative LANE: Mr. Speaker, Ladies and Gentlemen of the House: I posed a question to the Speaker a while back and didn't get an answer. Could I please ask that question again? Do we have an assurance in writing from the federal government that there are no strings attached to this GOALS 2000 money and not just a word-of-mouth assurance or a maybe? Thank you.

The SPEAKER: The Representative from Enfield, Representative Lane has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Men and Women of the House: There is no one to get the assurances

from, since it is not mandated by the Department of Education in Washington. Obviously the Secretary of Agriculture can't give it. Since it is the result of direct dollars that are coming forth, and it is money that the Governor of the State of Maine accepts, that's clear. There is no mandate in terms of that money, nor has it ever occurred. We started the process before that money was used. We didn't have to follow any guidelines, that was our decision.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority "Ought to Pass" as amended Report. All those in favor will vote yes; those opposed will vote no.

## ROLL CALL NO. 364

YEA - Adams, Ault, Barth, Benedikt, Berry, Bigl, Birney, Bouffard, Brennan, Cameron, Carr, Chick, Clark, Cloutier, Cluke, Cross, Daggett, Damren, Davidson, Desmond, Dore, Etnier, Farnum, Fisher, Gamache, Gates, Gieringer, Gooley, Green, Hartnett, Hatch, Heesch, Heino, Hichborn, Johnson, Jones, K.; Joseph, Keane, Kontos, Labrecque, LaFountain, Lemaire, Lemke, Lemont, Libby JL; Madore, Martin, Marvin, Mayo, McElroy, Mitchell EH; Mitchell JE; Morrison, Murphy, Nadeau, O'Gara, Ott, Peavey, Pendleton, Poirier, Poulin, Pouliot, Povich, Reed, G.; Reed, W.; Rice, Richard, Richardson, Ricker, Robichaud, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Simoneau, Sirois, Spear, Stevens, Stone, Strout, Taylor, Thompson, Townsend, Treat, Tripp, True, Tufts, Tyler, Vigue, Watson, Whitcomb, Winsor, The Speaker.

NAY - Ahearne, Aikman, Bailey, Buck, Bunker, Carleton, Chase, Chizmar, Dexter, DiPietro, Donnelly, Gerry, Gould, Greenlaw, Guerrette, Jacques, Jones, S.; Joy, Joyce, Joyner, Kerr, Kilkelly, Kneeland, Lane, Layton, Libby JD; Lindahl, Look, Lovett, Lumbra, Luther, Marshall, McAlevey, Meres, Nass, Nickerson, O'Neal, Perkins, Pinkham, Plowman, Rosebush, Savage, Stedman, Tuttle, Underwood, Volenik, Waterhouse, Wheeler, Winglass, Winn.

ABSENT - Campbell, Chartrand, Driscoll, Dunn, Fitzpatrick, Paul, Truman.

Yes, 94; No, 50; Absent, 7; Excused, 0.

94 having voted in the affirmative and 50 voted in the negative, with 7 being absent, the Majority "Ought to Pass" as amended by Committee Amendment "A" (S-549) Report was accepted.

The Bill was read once.

Representative AULT of Wayne moved to Suspend the Rules to dispense with the reading of Committee Amendment "A" (S-549).

Representative LEMKE of Westbrook objected to suspension of the rules, to dispense with the reading of Committee Amendment "A" (S-549).

The Clerk proceeded to read Committee Amendment "A" (S-549) in its entirety.

Representative MARTIN of Eagle Lake moved rules be suspended to dispense with the reading of Committee Amendment "A" (S-549).

A vote of the House was taken, a two-thirds vote being necessary. 123 voted in favor of the same and 9 against, the rules were suspended to dispense with the reading of Committee Amendment "A" (S-549).

Representative WINN of Glenburn presented House Amendment "B" (H-912) to Committee Amendment "A" (S-549) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Glenburn, Representative Winn.

Representative WINN: Mr. Speaker, Ladies and Gentlemen of the House: I very much apologize for taking your time, however, I do want you to know how much I appreciate your spending your time on this issue. We spend over a billion dollars a year on educating our children and I personally think that's the most important thing that we, as leaders in government, do. I am presenting this amendment today, as many of you heard in the caucus, it's basically merging the Majority Report and the Minority Report together, because actually we can do both. I think by offering this amendment it strengthens the Majority Report that was just passed. Bear in mind it's merging the two together. One thing that it does, if any of you have it on your desks, it's 912, it streamlines the guiding principles so that it lists the main characteristics of an educated person, such as a clear and effective communicator. It leaves those alone, but it eliminates language like "comprehends relationships among different modes of thought and methods associated with the traditional discipline." So, it tightens that language up. It also creates an Advisory Committee to allow more input from actual consumers. That was one of the issues I thought was very faulty in the previous go-round. I don't think it included enough from the parents and the business community, the taxpayers who are actually paying the money for this educational system.

One of the best things about this amendment is that it immediately sends to each local level a very good model of what performance indicators should look like, or could look like, for the four primary content areas. So, bear that in mind, that in this amendment, if you vote for this amendment, it immediately sends models, such as the model from Virginia that you saw, back to the local level where they can start discussing it immediately. It's just for their review. It's not a mandate. It's just a starting point to say what is feasible, what is not feasible, and why, and how much it might cost. So, you are giving the local level some guidelines and some guidance.

The most important part of the amendment is that it includes criteria for making any future performance indicators. I believe that that is the most important part because, as some of you noticed in that first go-round in the yellow book, what was proposed to us as performance indicators included garbage such as "will use math to make sense of the world around us." I think if we were all honest there would be very few of us who could say that we can make sense of the world around us, especially on a day like today, April Fool's Day. So, it involves more consumers. It gives the local level a model that they can start working with immediately. It provides criteria that everybody is supposed to follow in making any future performance indicators. Criteria such as will be things that are measurable, feasible, focus on academics, and is in a language that is clear and specific and something that a parent can understand, as well as a teacher.

The final aspect about this amendment is that it suggests that we focus on the four key academic areas first, of Language Arts, Math, Science and Social Studies, and have all the money and energy focused on those four critical areas first and after we solidify that then we can work on the other areas, such as visual and performing arts. Again, I drafted this amendment. It's basically a merge of the two. I

wanted to try to ensure that the local level was involved. I wanted to try to ensure that the more consumers and taxpayers were involved, that we had good models to look at and strong criteria to use in developing future performance indicators. I think most everybody that will actually read the amendment would support it. I know I discussed it with one of my superintendents and, actually, he was very disappointed in the document that we just passed because he was looking for guidelines. He was looking for something that would show him the way to improve academic standards in the state and he didn't see anything in that original document that would help him uplift the academic standards. So, again, just bear in mind that this would immediately send to the local level a very good model. It would provide criteria for everybody to use in developing performance indicators and it would enlarge the pool of people that were actively participating in it to also include parents and the taxpayers. Again I apologize for taking your time but I do thank you very much.

Representative AULT of Wayne moved that House Amendment "B" (H-912) be indefinitely postponed.

The same Representative requested a roll call on her motion to indefinitely postpone House Amendment "B" (H-912).

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

Representative MARTIN: Mr. Speaker, Men and Women of the House: I'll be very brief. If you have had an opportunity to review, as I have, the State of Virginia standards which are discussed here, and you happen to be one of those who thinks that we have gone too far in what we did in Committee Amendment "A" then this far exceeds that. This is mandation to a greater degree.

The SPEAKER: The Chair recognizes the Representative from Glenburn, Representative Winn.

Representative WINN: Mr. Speaker, Men and Women of the House: I do resent that comment from the good Representative Martin from Eagle Lake. There is nothing in this whatsoever that says anything to do with a mandate. It's an example. It's a model. Instead of people reinventing the wheel all by ourselves. This model is one that is nationally recognized. Virginia was originally in GOALS 2000. They pulled out. They developed their own set of standards that focused just on academic areas of Language Arts, Science, Math and Social Studies, and spells it out so it's measurable, understandable and a point of discussion solely. As I told you Saturday, the American Federation of Teachers, who have gone in and studied what all 50 states are doing, and has developed very, very strong criteria for this whole issue of standards, says that it is one of the best models in the nation. We have a lot to learn by looking outside of the State of Maine as well as inside the State of Maine. That's why I suggested to send to every local level the Maine standards as well as other additional standards that people can look at, whether they be Virginia's or anything else, and to compare that to what our children are going to be expected to compete against when they grow into adults and are looking for a job. I don't appreciate those tactics. Thank you.

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 members

present and voting. All 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.

#### ROLL CALL NO. 365

YEA - Adams, Ahearne, Ault, Benedikt, Berry, Bigl, Bouffard, Brennan, Cameron, Carr, Chase, Chick, Cloutier, Clukey, Cross, Daggett, Damren, Davidson, Desmond, Etnier, Farnum, Fisher, Fitzpatrick, Gates, Gieringer, Gooley, Greenlaw, Hartnett, Hatch, Heeschen, Heino, Hichborn, Johnson, Joseph, Kilkelly, Kontos, Labrecque, LaFountain, Lemont, Libby JD; Madore, Marshall, Martin, Marvin, Mayo, McElroy, Mitchell EH; Mitchell JE; Nadeau, Nass, Nickerson, O'Gara, O'Neal, Ott, Peavey, Pendleton, Poirier, Poulin, Pouliot, Reed, G.; Reed, W.; Rice, Richard, Richardson, Ricker, Robichaud, Rowe, Samson, Shiah, Simoneau, Sirois, Spear, Stevens, Strout, Taylor, Thompson, Townsend, Treat, Tufts, Tyler, Volenik, Watson, Wheeler, Whitcomb, Winsor.

NAY - Bailey, Barth, Buck, Bunker, Carleton, Chizmar, Clark, Dexter, DiPietro, Donnelly, Dore, Gamache, Gerry, Gould, Green, Guerrette, Jacques, Jones, K.; Jones, S.; Joy, Joyce, Joyner, Keane, Kerr, Kneeland, Layton, Lemaire, Lemke, Libby JL; Lindahl, Look, Lovett, Luther, McAlevey, Meres, Murphy, Perkins, Pinkham, Plowman, Povich, Rosebush, Savage, Saxl, J.; Saxl, M.; Stedman, Stone, Tripp, True, Tuttle, Underwood, Vigue, Waterhouse, Winglass, Winn, The Speaker.

ABSENT - Aikman, Birney, Campbell, Chartrand, Driscoll, Dunn, Lane, Lumbra, Morrison, Paul, Truman.  
Yes, 85; No, 55; Absent, 11; Excused, 0.

85 having voted in the affirmative and 55 voted in the negative, with 11 being absent, House Amendment "B" (H-912) was indefinitely postponed.

Committee Amendment "A" (S-549) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was given its second reading without reference to the Committee on Bills in the Second Reading.

Under further suspension of the rules, the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-549) in concurrence.

Representative MARTIN of Eagle Lake moved that the House reconsider its action whereby Bill "An Act to Initiate Education Reform in Maine" (S.P. 701) (L.D. 1791) (C. "A" S-549) was passed to be engrossed.

A voice vote was held on the motion to reconsider. The motion to reconsider did not prevail.

#### SENATE PAPERS

##### Non-Concurrent Matter

Bill "An Act to Prohibit the Photographing or Videotaping of Jury Deliberations" (EMERGENCY) (H.P. 1360) (L.D. 1868) on which the House adhered to its former action whereby the Majority "Ought to Pass" as amended Report of the Committee on Judiciary was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-887) in the House on March 30, 1996.

Came from the Senate with that Body having insisted on its former action whereby the Minority

**"Ought Not to Pass"** Report of the Committee on Judiciary was read and accepted in non-concurrence.

On motion of Representative LIBBY of Buxton, the House voted to Insist and ask for a Committee of Conference.

#### REPORTS OF COMMITTEES Ought to Pass as Amended

Representative FITZPATRICK from the Committee on Human Resources on Bill "An Act to Implement the Recommendations of the Task Force to Monitor Deregulation of Hospitals" (EMERGENCY) (H.P. 1307) (L.D. 1788) reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-909)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-909) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was given its second reading without reference to the Committee on Bills in the Second Reading.

Under suspension of the rules, the Bill was passed to be engrossed as amended and sent up for concurrence.

#### REPORTS OF COMMITTEES Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-908) on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$16,500,000 to Investigate, Abate and Clean Up Hazardous Substance Discharges, to Clean Up Tire Stockpiles and to Close and Clean up Municipal Solid Waste Landfills" (H.P. 1371) (L.D. 1879) (Governor's Bill)

Signed:

Senators:

BERUBE of Androscoggin  
BEGLEY of Lincoln  
HANLEY of Oxford

Representatives:

SIMONEAU of Thomaston  
DONNELLY of Presque Isle  
OTT of York  
JOSEPH of Waterville  
MORRISON of Bangor  
TOWNSEND of Portland  
DIPIETRO of South

Portland

POULIOT of Lewiston  
KERR of Old Orchard Beach

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

Signed:

Representative:

AIKMAN of Poland

Was read.

On motion of Representative KERR of Old Orchard Beach, the Majority **"Ought to Pass"** as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-908) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was given its second reading without reference to the Committee on Bills in the Second Reading.

Under further suspension of the rules, the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-908) and sent up for concurrence.

#### SENATE PAPERS

The following Communication: (H.C. 409)

Maine State Senate  
State House Station 3  
Augusta, Maine 04333

April 1, 1996

The Honorable Joseph W. Mayo

Clerk of the House  
State House Station 2  
Augusta, Maine 04333

Dear Clerk Mayo:

Please be advised that the Senate today Adhered to its former action whereby it Indefinitely Postponed Bill "An Act to Clarify Definitions Under the Laws Concerning Games of Chance" (S.P. 479) (L.D. 1303).

Sincerely,

S/May M. Ross

Secretary of the Senate

Was read and ordered placed on file.

#### Ought to Pass as Amended

Report of the Committee on Human Resources reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-562) on Bill "An Act Redefining the Community Services Structure of the Mental Health System" (S.P. 654) (L.D. 1704)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-562).

Report was read and accepted. The Bill read once. Committee Amendment "A" (S-562) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was given its second reading without reference to the Committee on Bills in the Second Reading.

Under further suspension of the rules, the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-562) in concurrence.

#### CONSENT CALENDAR

##### First Day

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

(S.P. 707) (L.D. 1806) Bill "An Act to Promote Choice and Quality in Long-term Care" (Governor's Bill) Committee on Human Resources reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-563)

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the Bill was passed to be engrossed as amended and sent up for concurrence.

#### SENATE PAPERS

##### Non-Concurrent Matter

Bill "An Act to Amend the Election Laws" (H.P. 1203) (L.D. 1653) which was passed to be engrossed as amended by Committee Amendment "A" (H-737) in the House on March 5, 1996.

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

On motion of Representative NADEAU of Saco, the House voted to Adhere.

**Non-Concurrent Matter**

Bill "An Act to Expedite the Decision-making Process for Disability Retirement under the Maine State Retirement System" (H.P. 1238) (L.D. 1698) which was passed to be engrossed as amended by Committee Amendment "A" (H-899) as amended by House Amendment "A" (H-903) thereto in the House on April 1, 1996.

Came from the Senate with that Body having adhered to its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-899) in non-concurrence.

On motion of Representative HATCH of Skowhegan the House voted to Recede.

Representative HATCH of Skowhegan presented House Amendment "B" (H-911) to Committee Amendment "A" (H-899) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative Hatch.

Representative HATCH: Mr. Speaker, Men and Women of the House: This particular amendment was erroneously left off the original amendment and it's just a technical one. Thank you.

House Amendment "B" (H-911) to Committee Amendment "A" (H-899) was Adopted.

Committee Amendment "A" (H-899) as amended by House Amendments "A" (H-903) and "B" (H-911) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-899) as amended by House Amendments "A" (H-903) and "B" (H-911) thereto in non-concurrence and sent up for concurrence.

By unanimous consent, all matters having been acted upon were ordered sent forthwith.

**BILL RECALLED FROM GOVERNOR**

(Pursuant to Joint Order - House Paper 1382)

An Act to Allow the Removal from Public Office of Certain Elected County Officials (H.P. 1240) (L.D. 1700) (C. "A" H-803)

- In House, passed to be enacted on March 25, 1996.

- In Senate, passed to be enacted on March 26, 1996.

On motion of Representative BUNKER of Kossuth Township rules were suspended for the purpose of reconsideration.

On further motion of the same Representative, the House reconsidered its action whereby L.D. 1700 was passed to be enacted.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby L.D. 1700 was passed to be engrossed.

The same Representative presented House Amendment "B" (H-904) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Rockport, Representative Gates.

Representative GATES: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative GATES: What does the amendment do?

The SPEAKER: The Representative from Rockport, Representative Gates has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative BUNKER: Mr. Speaker, Men and Women of the House: This bill was put in to deal with the incapacitation of a County Commissioner in Washington County and deal with the removal of said Commissioner and the nuts and bolts that goes along with proper removal of that Commissioner. What we learned was that there were many different offices in County government that had different language on removal of County officials, like probate and commissioners and the treasurer and what have you. So, what they did was they straightened out all those languages and made them basically the same. Inadvertently, during that process, the sheriff was lumped in with the other elected County officials. The bill got down on the Chief Executive's desk and he indicated that there was a discrepancy on who should have the authority to reappoint a Sheriff if he was replaced. A little bit of investigation revealed that the language we passed last year for county officials to be suggested by the county democratic or republican party to the Governor for replacement did not apply to sheriffs. What this does is remove that language that was inadvertently attached to the Sheriff. I am satisfied that this is the proper thing to do. Thank you.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Keane.

Representative KEANE: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative KEANE: That language seems a little ambiguous to me. It says this amendment removes the requirement that the Governor appoint a person from the same political party when filling a vacancy in the office of the Sheriff. It seems to me that it could be interpreted as the same political party that the Governor belongs to and in the case we have at hand it seems to me that would be a little awkward.

The SPEAKER: The Representative from Old Town, Representative Keane has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative BUNKER: Mr. Speaker, Men and Women of the House: The Statement of Fact may appear to be ambiguous. The intent of the words that are being changed is to allow the Chief Executive to appoint, regardless of party, a person to replace a Sheriff in the case of a vacancy.

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

Representative LOOK: Mr. Speaker, Ladies and Gentlemen of the House: One of the reasons that this is different than other County officials is remember a Sheriff is a constitutional officer. That does make a difference. I hope you will approve this. Thank you.

House Amendment "B" (H-904) was adopted.

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

Representative MARTIN: Mr. Speaker, Men and Women of the House: I am looking through the bill. I don't see a definition for permanent incapacity. I would inquire, through the Chair, as to what is permanent incapacity? Who decides whether someone is permanently incapacitated, and whether or not that should apply to legislators?



The SPEAKER: The Representative from Eagle Lake, Representative Martin has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Union, Representative Savage.

Representative SAVAGE: Mr. Speaker, Men and Women of the House: I believe in the amendment it does define incapacity as someone who requires a conservator or a guardian. I think it is defined, Representative Martin, in the Committee Amendment.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-803) and House Amendment "B" (H-904) in non-concurrence and sent up for concurrence. Ordered sent forthwith.

The Chair laid before the House the following item which was tabled earlier in today's session:

Bill "An Act to Establish the Board of Complementary Health Care Providers and to Regulate the Practice of Naturopathic Medicine" (H.P. 1351) (L.D. 1852) which was tabled by Representative JACQUES of Waterville pending further consideration.

-In Senate passed to be engrossed as amended by Committee Amendment "A" (H-860) as amended by Senate Amendment "B" (S-554) thereto in non-concurrence.

On motion of Representative ROWE of Portland, the House voted to Recede and Concur.

The following items were taken up out of order by unanimous consent:

#### ENACTORS Emergency Measure

Resolve, to Validate the Reform Party Petition (S.P. 772) (L.D. 1889)

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

Representative GERRY of Auburn requested a roll call on passage to be enacted.

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 members present and voting. All those in favor will vote yes; those opposed will vote no.

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

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I rise tonight just to say that this was a bill that we had in this House last year and we lost it by 18 votes. I thought it was a good bill then and I think it's a good bill now. I would hope that we would pass it. We also had a similar thing in Committee. I thought it was a good thing there too, but we couldn't get it out of Committee. Anyhow, I think this is a good bill because I think there were some very serious mistakes made. I just want to bring it to your attention that we did have it here last year and we did lose it by 18 votes.

The SPEAKER: A roll call has been ordered. The pending question before the House is Enactment. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 366

YEA - Ahearne, Ault, Bailey, Barth, Benedikt, Berry, Bigl, Bouffard, Brennan, Buck, Bunker, Cameron, Carleton, Carr, Chase, Chick, Chizmar, Clark, Clukey, Cross, Daggett, Damren, Davidson, Desmond, Dexter, Dore, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gieringer, Gooley, Gould, Green, Greenlaw, Guerrette, Hartnett, Hatch, Heesch, Heino, Hichborn, Jacques, Johnson, Jones, S.; Joseph, Joyce, Joyner, Kilkelly, Kneeland, Kontos, LaFountain, Lane, Layton, Lemaire, Lemke, Lemont, Libby JD; Libby JL; Lindahl, Lovett, Lumbra, Luther, Madore, Marshall, Martin, Marvin, Mayo, McAlevey, Meres, Mitchell JE; Morrison, Murphy, Nadeau, Nass, O'Gara, O'Neal, Peavey, Pendleton, Perkins, Plowman, Poirier, Poulin, Povich, Reed, G.; Reed, W.; Rice, Richard, Ricker, Robichaud, Rosebush, Rowe, Samson, Savage, Saxl, J.; Saxl, M.; Shiah, Sirois, Spear, Stevens, Stone, Strout, Taylor, Thompson, Townsend, Treat, Tripp, True, Tufts, Tuttle, Tyler, Vigue, Volenik, Waterhouse, Watson, Wheeler, Whitcomb, Winglass, Winn, The Speaker.

NAY - Adams, Joy, Keane, Labrecque, Look, Pinkham, Stedman, Underwood.

ABSENT - Aikman, Birney, Campbell, Chartrand, Cloutier, DiPietro, Donnelly, Driscoll, Dunn, Jones, K.; Kerr, McElroy, Mitchell EH; Nickerson, Ott, Paul, Pouliot, Richardson, Simoneau, Truman, Winsor.

Yes, 122; No, 8; Absent, 21; Excused, 0.

122 having voted in the affirmative and 8 voted in the negative, with 21 being absent, a two-thirds vote being necessary, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

An Act to Allow the Diagnosis of Biologically-based Mental Illness by Licensed Psychologists (S.P. 622) (L.D. 1630) (H. "A" H-879 to C. "B" S-473)

Was 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.

By unanimous consent, all matters having been acted upon were ordered sent forthwith.

On motion of Representative JOHNSON of South Portland, the House recessed until 7:30 p.m.

(After Recess)

#### SENATE PAPERS Divided Report

Majority Report of the Committee on Banking and Insurance reporting "Ought to Pass" on Bill "An Act to Create the Maine Health Care Reform Act of 1996" (S.P. 769) (L.D. 1882)

Signed:

Senators:

Representatives:

ABROMSON of Cumberland  
SMALL of Sagadahoc  
JONES of Pittsfield  
VIGUE of Winslow  
CAMPBELL of Holden  
GUERRETTE of Pittston  
LUMBRA of Bangor



Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-543) on same Bill.

Signed:

Senator:

Representatives:

McCORMICK of Kennebec

GATES of Rockport

SAXL of Portland

MAYO of Bath

CHASE of China

THOMPSON of Naples

Came from the Senate with the Majority "Ought to Pass" Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendments "A" (S-553) and "C" (S-561)

Was read.

Representative VIGUE of Winslow moved that the House accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Vigue.

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: L.D. 1882, An Act to Create the Maine Health Care Reform Act of 1996, through the years we have created a Cadillac plan for health insurance. So much so that small companies, young people starting out, cannot afford to buy coverage. As we add to the price what happens is the poorer people and the small companies cannot afford to buy coverage, therefore they drop coverage. What 1882 is going to do is it is going to provide Maine's small business community with access to affordable health care coverage. Health insurance costs for small business owners have soared over the past decade, with businesses experiencing double digit inflation. What this will do is provide access to health insurance and stability for small firms in the State of Maine. A survey of 1995 shows that 67 percent of small businesses did not provide health insurance to their employees, and the reason being they could not afford to do so. Small firms that can afford health insurance pay at least 30 percent more than do large businesses. L.D. 1882 will give small business owners access at an affordable price through the purchasing alliance. By joining together to purchase health insurance small businesses will be able to gain purchasing power and savings. So, this is a catastrophic health care coverage for small businesses to pay for hospital costs only, nothing outside of the hospital. It sunsets in the year 2000 and it can only be offered through the purchasing alliance. What it does, it gives people an option. It gives them a choice. Right now small companies that cannot afford to pay the prices that we pay for health insurance, namely mine is costing \$600 per month. Think about it, \$600 per month. If it is \$625 or \$630 per month you are looking at \$8,000 per year. This will help keep the cost of medical bills down because what it will do is pay unpaid hospital bills. Ladies and gentlemen of the House, I urge you to support L.D. 1882 and support the Majority "Ought to Pass." Thank you.

The SPEAKER: The Chair recognizes the Representative from China, Representative Chase.

Representative CHASE: Mr. Speaker, Men and Women of the House: I usually stand and say I will be brief. I'm sorry I can't say that tonight. I do need to give you a bit of context for you to understand the debate that will follow. L.D. 1882 is the result of public hearings and work sessions on two bills. Those bills are L.D. 1512 and L.D. 1753. The first one, L.D. 1512, was a lengthy and

comprehensive bill addressing the managed care industry that is growing in the State of Maine, and what controls, if any, should be placed on managed care. The second bill, L.D. 1753, was the result of the Health Care Reform Commission's work. It had a lengthy public hearing in front of both the Banking and Insurance Committee and the Human Resources Committee. The Majority and the Minority Reports on this bill are nearly identical, and I will give you just a brief outline of what the bill does. There are four sections to this bill. Part A is what is left of the Health Care Reform Commission's work. It establishes a voluntary private purchasing alliance that Representative Vigue has referred to, which may, in fact, help small businesses purchase health care for their employees. Those purchasing alliances will be non-profit corporations licensed by the Bureau of Insurance. An alliance must offer a range of health plans from at least three different health insurance carriers within the purchasing alliance's service area. Part B, again of both reports, addresses continuity of coverage. Part C of both reports addresses basic controls of managed care. Here the Committee did a tremendous amount of work. Very briefly it includes reporting requirements for insurance carriers, requirements of the plan, grievance procedures, credentialing of providers, access to providers, utilization review, quality of care and enrollees choice of primary care physician within managed care plans. Again, the Majority and the Minority agree on this point. Part D addresses duplication within our laws.

There is one point of disagreement between the Majority and the Minority Reports that I find extremely important, and that is why I rise to speak to you this evening. The Majority Report requires that the purchasing alliance that you have heard referenced must include an in-hospital only health insurance plan. That mandate was not in the Health Reform Commission's original bill. It was not discussed in a public hearing, held before two of our Joint Standing Committees. It was not on the table as we started our work session. It was raised at the very end of our work session as we put together a Committee bill for you. This is an enormous step to take, men and women of the House, without having a public hearing. What an in-hospital plan only would do would be to cover any and all services only if you are an in-patient in a hospital. I hope you don't have the misfortune to have a member of your family with cancer, but, men and women of the House, if you have known a cancer victim, please think about how often that cancer victim is actually an in-patient and how much of the time and treatment and money and medicine spent on that patient is actually spent on out-patient services. Emergency room care, while an emergency room is in a hospital, it's not in-patient care men and women of the House. That is an out-patient service. We have passed bills here this session. We passed a bill concerning care for diabetics. What we said was that the test strips for blood glucose testing and the machines and education would be covered. It's a covered service in a managed care setting. Men and women of the House, we are eliminating that with this bill. That coverage will not exist if we mandate that the purchasing alliance must offer an in-hospital only plan. We passed legislation that helped women choose an Ob/Gyn as their primary care physician. Again, we are

side-stepping the legislation that we passed by coming up with this plan.

Finally, an in-hospital only plan flies in the face of cost control through managed care. I will be the first to tell you that managed care has its problems, and I think the Banking and Insurance Committee has very well addressed the problems of managed care and established meaningful controls. The thing I do respect about the managed care system, however, is the preventive care and the management of it. The point of which is to reduce costs by eliminating highly complicated diseases and the complications of those diseases and the treatment of those diseases. That's the direction in which we are trying to move. That's the direction in which the industry is trying to move and that's the direction in which this Legislature ought to move. Finally, if we were all to purchase our own health insurance policies I would not be standing and speaking before you this evening. I would simply not purchase such a policy. But, what we are doing is creating a purchasing alliance that our employers can use. If we mandate that that purchasing alliance must provide such a program, our employers may choose it. It may cost less. I would hate to work for such an employer and find that I would receive a benefit, a so-called health care benefit, and then I would have to go out and purchase my own individual policy because what my employer, in good faith, is offering me is not health care at all. Men and women of the House, I urge you to reject the Majority "Ought to Pass" Report so that we can go on to pass the Minority "Ought to Pass" Report. Thank you.

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

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: I hope that this will be the last divided report from the Banking and Insurance Committee in the 117th. You have suffered for two years through a number of them. However, tonight I stand before you again to urge you not to accept the Majority Report but to defeat the Majority Report and go on with the Minority Report.

When Blue Cross and Blue Shield of Washington state offered its business one plan, which resembled the plan which you see before you tonight in the Majority Report, not one Washington business, or consumer, purchased the plan. Not one business nor one consumer purchased the plan. A few minutes ago this evening you received, under the name of the Speaker, a letter from Harvest Pilgrim Healthcare, one of the new managed care companies that has come into the State. I would draw your attention to the third paragraph in that letter, signed by Richard Wexler, their Associate Medical Director. Dr. Wexler states, "A catastrophic coverage plan will not encourage an enrollee to seek preventive health care. Furthermore, with only hospital services covered, enrollees will be motivated to receive care in the hospital setting when more cost effective settings are available." The more cost effective settings being care outside of the hospital setting. There may be, before this debate is over, a similar letter from NYLCare, which is another new HMO which has come into the State of Maine.

As the good Representative from China said, there is only one difference between the Majority Report and the Minority Report on 1882, and that deals with catastrophic hospitalization only insurance plans. This particular concept was not in either of the

bills from the Health Care Reform Commission, which the Banking and Insurance Committee spent a lot of time in public hearing and in discussion. The idea of a catastrophic hospitalization only insurance plan was never subject to a public hearing. I firmly believe that it merits its day in court. However, that day should not be in the waning hours of the 117th Legislature. It should be discussed in the 118th Legislature in a bill dealing with that particular issue. Ladies and Gentlemen of the House, I urge you to defeat the Majority "Ought to Pass" Report and go on with the Minority Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Buck.

Representative BUCK: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative BUCK: If, in fact, the experience out in Oregon has been that no one has elected to opt for this, why not make it an option anyway where it's not mandated? My second question is, I read a letter from a health organization that is concerned about it but could we not construe this concern to being more in the line of some competition we may be faced with if, indeed, the amendment passes?

The SPEAKER: The Representative from Yarmouth, Representative Buck has posed a question through the Chair to the Representative from Bath, Representative Mayo. The Chair recognizes that Representative.

Representative MAYO: Mr. Speaker, Men and Women of the House: In response to the good Representative from Yarmouth's questions. I will answer the first one. I think it would be somewhat inappropriate to answer the second one. As I stated, this was offered in Washington state, not in Oregon, and it was not accepted by either a business or a consumer. It is the general feeling of certainly the minority of the people, and I think it is expressed quite adequately in Dr. Wexler's Harvest Pilgrim letter. The concern that those people that might, and there is a real question of whether anybody is going to avail themselves of it, but those people who might avail themselves of it are going to use it for hospitalization only because that's the only thing that is available within the plan and hospitalization is a very expensive proposition, as we all know. The HMO programs feel that there is a less expensive, better for the total expenditure of health care, a less expensive way of treating many things, rather than going through an emergency room or an in-patient setting in a hospital.

The SPEAKER: The Chair recognizes the Representative from Pittston, Representative Guerrette.

Representative GUERRETTE: Mr. Speaker, Ladies and Gentlemen of the House: I rise today before you to ask you to support the Majority "Ought to Pass" motion and I wish to speak to that. What you have before you is, as several of the previous speakers have said, a piece of legislation that has undergone a great deal of work and a great deal of time by the Committee and we did agree on most of the issues, and there are other differences between the two bills, but the one of most import is this issue of the purchasing alliance. Let me explain to you what went into the Majority Report and why we feel so strongly for it. Hopefully I will be able to explain to you also why the NFIF, the Maine Chamber, the Maine Merchants Association, the Office of the Chief

Executive, and his Commissioner all support the Majority Report on this bill.

As we looked at the issue for the need for people that don't have health insurance or have access to only very costly health insurance today we asked ourselves how could we help them out. The idea that was arrived at was to form a purchasing alliance. This would allow small businesses, this would allow self-employed people, this would allow others to collectively group themselves together, much as a large business does, and be able to buy health insurance in a more affordable fashion by using the collective buying power of a large group. As we further examined this alliance that would be formed, and realizing that any group might form it out there in the community, we said we want to offer them the range of choice that might be available to a consumer with as much flexibility, and as much freedom to choose as we could give them, so that those who wish to buy would have an option of what they might buy. So, in this alliance they will be allowed to sell the kinds of policies that Representative Vigue mentioned that cost \$600 and cover everything down to eyeglasses. They might also offer a less advanced policy that maybe didn't cover things like that or didn't cover dental. We also wanted them to offer, as an option simply, and a choice available to the consumer, a policy that would allow them to get something rather than nothing. There is a very large segment of our population that cannot afford health insurance today. Many of them are self-employed people or small businesses that cannot provide it for their employees. They would desperately love to be able to provide to their two or three or one employees a form of health insurance, but they can't afford it at \$400 or \$500 or \$600 a family. They would desperately love to buy health insurance for themselves if they are self-employed but they can't afford it today. One of the things we looked at is we said how might we help the person without insurance today get something for themselves. What was arrived at was this idea of a hospitalization, or catastrophic, policy.

If you look at the things in life that can destroy your life financially, or cause you to get in a hole you will never get out of, very often it is a major medical problem that will happen to you. Going into the hospital for a period of time, having something major happen to you, an accident, will cause you to run up a bill you can never pay. This catastrophic, or hospitalization, policy would offer you coverage in that case. It would be very inexpensive, maybe \$100 or \$150 a month. It would be something that someone could buy to cover themselves for the big catastrophe that could possibly happen in their life. They would still pay for their own doctor visits. They would still pay for their own dental visits. They would still pay for the kind of prescription that they might need, the kind of thing that wouldn't cause a person to go broke, but if the disaster happens they would be covered, they would have something. This is not a policy that is for someone that has good health insurance. No employer in their right mind is going to offer this if he already offers a better policy. The dissatisfaction level from his employees would be huge. The employer that offers nothing to his employees today, because he only has one or two, or the small business person that is employed by himself and can't afford these policies, would be able to get something. They would

go from being completely uninsured to getting something to cover them. This is why this is part of the Majority Report. We want to offer some health insurance to all Maine citizens. This is only an option. Very few, we believe, will choose this option. But, for that one or two percent of the population that might choose this, it is infinitely better than no health insurance. I will repeat that, it is infinitely better than no health insurance. It is to them we are directing this piece of this bill. The rest of the bill we agree, in great part, on. All the groups that have come forward to represent the small employers of the State of Maine, or the self-employed people have all sided strongly with the Majority Report.

As I said earlier, the National Federation of Independent Business, the Maine Merchants Association, the Maine Chamber, the Commissioner is strongly supportive of this measure. Ladies and Gentlemen of the House, I urge you tonight to vote to offer choice and a variety of health care options to Maine citizens, so they may purchase the high quality insurance, but for those who have none maybe they can get something and they will be on the way to being protected where they are totally unprotected today. I urge you to support the Majority Report. Thank you.

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

Representative MARTIN: Mr. Speaker, Men and Women of the House: As I listen to the debate it reminds me of 1965, when I was first a member of the Legislature. There was a proposal to change the law and here was the law, hospitals in Maine could not be sued. Guess what? Insurance companies were selling insurance, but Maine law said you could not be sued if you were a hospital in 1965. Let me tell you, and I hope someone will correct me if I am wrong, of what I hear tonight. Let me tell you what this looks like. It looks like a hospital plan for hospitals, because hospitals will be paid, not that I have anything against it. Let's think of a person now, the individual, rather than corporations and non-profits and the rest of that. Individuals now, without money, can go to a hospital and can be treated under Maine law. They can also fit under Hill Burton provisions, charity care and non-payment. What does the individual do if he or she can't go to a doctor, or to a health center, to get preventive care? They don't go. So, it's very simple from my point of what I hear tonight. Correct me if I am wrong. This will help those that don't need the help, i.e. hospitals, even though, perhaps, it would be nice to help them again, and I understand that, I am a trustee. But how about the person who can't afford to go for treatment for cancer, or for weekly treatment at a health center or an emergency room, that's out-patient. Correct me if I'm wrong, but this seems to me like 1965 all over again.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Lumbra.

Representative LUMBRA: Mr. Speaker, Men and Women of the House: This debate doesn't remind me of 1965, since I was just a few years old. This debate reminds me of 1995 when, in this body, we debated the issue of short-term health care, a short-term health insurance plan as an option for people who couldn't afford anything else. The debate was that this would destroy health care and the health insurance industry in Maine, and one year later it hasn't. It's an option. It's just an option. The hospitals did not,

now listen to me ladies and gentlemen, did not in any way lobby for this catastrophic insurance plan. I'll tell you where this came from. Representative Mayo previously said that this didn't have a public hearing. Well I would beg to differ in that during the public hearing on L.D. 1753, one of the bills that is incorporated in this Committee bill, my good friend, Representative Vigue from Winslow, made a very clear statement that the one thing he wanted to see out of this Health Care Reform was that catastrophic insurance policies were offered to the people in Maine who could afford nothing else. He made that very clear from the beginning. This is where this idea came from, and I think it is a very good idea. My colleague, Representative Mayo, said that not one business purchased the plan in the state that he said this was offered in. That is exactly our point. This is for individuals who can't afford anything else but may not qualify for charity care, may have to give up their home, may have to be facing bankruptcy because they go into the hospital and they couldn't afford any other insurance. It's just a choice, Ladies and Gentlemen, a choice. It's not the best choice, but perhaps an affordable choice, something better than nothing. We also didn't know exactly what this would do, so we put a sunset on it. It can only be offered through the purchasing alliance and it has a sunset on it so that we can come back and see what has this done. Has it helped people? Has it worked to lower insurance costs, which is our hope? If that is the case then we will continue it. If it's not and nobody wants it, what's the point. It certainly isn't a health insurance company gem, because they are not going to make any money on it. Frankly, I don't care. I really want this for the people who can't afford anything else. I'm not interested in making health insurance companies big dollars. I'm interested in getting the people in Maine insured who have no other option. So, I would ask you to support the Majority Report out of Banking and Insurance. Thank you.

The SPEAKER: The Chair recognizes the Representative from Rockport, Representative Gates.

Representative GATES: Mr. Speaker, Men and Women of the House: I rise to oppose the pending motion and to oppose the Majority proposal for a hospital only plan. The fact is insurance companies are quite happy to sell you insurance that doesn't cover anything. That point was eloquently displayed by Representative Martin. He harkened back to 1965 when it was against the law to sue a hospital in Maine, but the insurance companies were happy to sell you insurance to protect you from that eventuality. The same thing is true of health insurance today in Maine. How many of us have heard stories from friends or relatives, or had a personal experience that something happened to them, in terms of an illness, and somehow the insurance didn't seem to cover it. I certainly have heard those stories and that's how we got mandates in the first place. They said, "Well gosh, at least your insurance should cover something, so you are at least going to have to have a minimum cover this." This hospital only plan doesn't cover nearly enough and it is deceiving to the people who might buy it. The fact is hospital only, we have already heard that described as catastrophic, if something awful happens to you, if there is a disaster at least you will be covered. If that were the case I might be supporting this, but it's not the case, because if you read the bill it is

hospital only. So, it doesn't cover you necessarily if something awful happens. Today 70 percent of the surgeries are outpatient. They are not covered, you're not in the hospital. You can get your gall bladder removed and not be an inpatient. God forbid, should someone get cancer, chemotherapy and radiation treatment, that might go on for months and cost hundreds of thousands of dollars, not covered, not hospital only. The superintendent may do some rule making on this, but not right now. Under the wording of the bill it's not hospital only. If you have a stroke, that's about the worst thing I can think of happening to someone, what about those months of rehab? It doesn't count, not covered. So, when someone says this covers the disasters in your life, it doesn't. It covers the disaster if it happens to lead to an extended hospital stay. But, if it leads to extended treatment outside of the hospital you are not covered.

I would also like to respond to Representative Buck, who asked if no one is going to buy this than why don't we just do it anyway. My response to him is simply it's just a step in the wrong direction. That's why we are getting up to oppose this so vigorously. Admittedly, it's a small step. Admittedly, maybe no one will buy it, but it's a step 180 degrees in the wrong direction. So, I urge you to oppose the pending motion, go on to accept the Minority Report, which has 98 percent of it in common with the Majority Report, but not this hospital only provision. Thank you.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Vigue.

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: As I see it, anything that we can do to provide coverage, we may not agree, we may disagree completely, but anything we can do should be done or looked at. It probably will not be the answer to the problems that we have. The good Representative from Eagle Lake is perfectly right. People go to the hospital and they get cared for, and that is a fact. What this will do is when they go to the hospital and get cared for they will be paid. My first year that I was in the House, we sent to my hospital in Waterville, 1.6 million dollars. The other hospital in town got only \$800,000. This was money that was not paid. This is money that came from the General Fund to pay for a shortfall in the hospital. Everyone of the hospitals in the State got quite a sum of money. I was invited by the hospital to go out for breakfast to say "thank you very much." I should think so, we brought them 1.6 million dollars. The thing is, somewhere along the way we messed up the program. We've got the thing out of balance. It used to be that hospitals didn't have to come and ask for 1.6 million dollars to make up a shortfall. What's happened through the years is we have created a problem. Hopefully, as we go through the process, we might come up with answers, and I think this might be at least a look and see if there is an answer in this particular case. I tell you, the Commissioner, the Insurance Commissioner, is 100 percent behind this. The small businesses of the State of Maine are 100 percent behind this. Look at the blue sheet. The blue sheet comes from the Maine Merchant's Association and the NFIB. It allows the establishment of voluntary purchasing, the formation of voluntary purchasing alliance to provide for its people, the small businesses. We keep giving a lot of lip service, saying we are going to do this for

small business, this is something that could help small business. I urge you to please accept the Majority "Ought to Pass" Report. Thank you.

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

Representative GOULD: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative GOULD: I heard the figure that this catastrophic coverage for in hospital only would cost from \$100 to \$150 a month. What I would like to know, are there any plans from insurance companies that would cover both in hospital and out of hospital that have high deductibles, and what would they cost? I would like a comparison of the two, Mr. Speaker.

The SPEAKER: The Representative from Greenville, Representative Gould has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Saxl.

Representative SAXL: Mr. Speaker, Men and Women of the House: In answer to Representative Gould's question. Under current Maine law it is possible to issue a bare bones catastrophic plan which covers both in-hospital and out-of-hospital plans with large deductibles at the same to lower cost, according to a study by Family's U.S.A., a renowned think tank on health care studies. Thank you.

The SPEAKER: The Chair recognizes the Representative from Pittston, Representative Guerrette.

Representative GUERRETTE: Mr. Speaker, Men and Women of the House: Two comments, if I could, and I will endeavor to be brief. Representative Gates made a noble and impassioned list of things that would not be covered. My contention to you is that they are not covered today at all. Nothing will change for them if they are not covered today and they are not covered tomorrow. What will change is that a whole bunch of things that are not covered today may, in fact, become covered tomorrow if we allow this as an option.

Number two, people have discussed if this is something that may not, in fact, sell well, may not add some extra people that get coverage in Maine. If it doesn't work this bill has a sunset on it. That means in three years these policies will no longer be able to be sold in Maine unless they have worked well, unless they have helped us insure more people. A future Legislature will be required to make an affirmative vote to further extend these policies because they are working well. Otherwise they will die a quiet death. It is very clear that if they don't work, and if no one cares, and if it doesn't help the situation, they won't be around in the future. But, if we have a test and we see that they may help, a future Legislature will have the option to continue them and offer a choice to Maine citizens.

Lastly, Representative Martin made a point about hospitals. His point was powerful. His point was right on the money. The hospitals will get paid. I was never lobbied by a hospital, but I have understood the point clearly that when the hospitals don't get paid each and every person who has health care insurance pays the bill by an increased premium on them. If the person purchasing the insurance that goes to the hospital room, their insurance pays their own bill, it will lower the cost to all the rest of

us who have a policy that does cover other things, because now we won't be paying their bill. So, Representative Martin is right. They will get paid, and that will lead to lower costs for all the rest of us because today we are picking up that tab, ladies and Gentlemen. This debate, I hope it doesn't go on much longer, but I encourage you to vote for choice, to vote for the Majority Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Township 27, Representative Bailey.

Representative BAILEY: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative BAILEY: Is my understanding right that the Majority Report covers hospitalization only under the catastrophic plan and the Minority Report covers out-patient, and doctors and health centers only under the catastrophic plan?

The SPEAKER: The Representative from Township 27, Representative Bailey has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from China, Representative Chase.

Representative CHASE: Mr. Speaker, Ladies and Gentlemen of the House: In response to the question, I'm afraid it's not quite that simple. Both reports support the creation of a purchasing alliance. The Majority Report only specifies that that purchasing alliance must include, no option, must include in its offerings an in-hospital plan only. That is what we object to. Neither report spells out any other kind of insurance program, in-hospital, out-hospital, or otherwise. It's simply a detail of the purchasing alliance where the Minority Report is silent on the subject, supportive of a purchasing alliance. The Majority Report requires that that purchasing alliance include an in-hospital only plan. Thank you.

The SPEAKER: The Chair recognizes the Representative from Pittston, Representative Guerrette. Having spoken twice now requests unanimous consent to address the House a third time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative GUERRETTE: Thank you Mr. Speaker: I apologize, Ladies and Gentlemen, I just wanted to complete the response to that question. The Majority Report allows for the catastrophic plan to be one of many plans offered. It will not be the only plan. It will simply be one of many options available to the consumer. They will have all of the other options as well. The Minority Report leaves out the possibility of even having that option. We mandate that that be one of the many options, not the only option. Thank you.

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

Representative BENEDIKT: Mr. Speaker, Ladies and Gentlemen of the House: I have here a letter from the Maine Health Care Reform Commission, dated today, saying that they are really opposed to an in-patient only product, and have an amendment prepared that offers a true catastrophic insurance product. Can anybody tell me what amendment number that is?

The SPEAKER: The Representative from Brunswick, Representative Benedikt has posed a question through the Chair to anyone who may care to respond. The

Chair recognizes the Representative from Portland, Representative Saxl.

Representative SAXL: In response to Representative Benedikt's excellent question, there was a Senate Amendment proposed by Senator Mills, which would propose a catastrophic plan as a requirement of the purchasing alliance. Currently pending at this time there is no amendment before this body. I think Representative Benedikt does bring up an excellent point. The Maine Health Care Reform Commission Commissioner Peter Hayes, who is an executive at Hannaford Brothers, a Vice President there, writes in a letter to the members of this body, "A hospital insurance plan will be lower in cost and more comprehensive product, but the lower price tag, though it may attract some purchasers who are anxious to have coverage but who do not understand the limitations of the plan they are buying. Purchasing health insurance is a very confusing business for most businesses and individual consumers."

In answer to an earlier question put forth by Representative Lumbra, when she said they put a sunset on this legislation because they don't know what it will do. I can tell you what it will do. At the very best scenario, no one will buy this health care coverage. At the worst case scenario, people will buy it with the understanding that they have insurance that covers them when they are sick. When somebody is ill, and they have been, for example, they have been hit in an automobile accident and they get rushed to the hospital, after they receive the care that they need for that in hospital, they have months of rehabilitation. What will this plan do for them? It will do nothing. Under current Maine law, as Representative Benedikt's question begs, it is possible to buy catastrophic health insurance which, although there is a high deductible, \$1,000 or \$2,000, it will cover these types of injuries, both in hospital and out of hospital. I say to the members of this body, most health care in this nation today provides their services out-of-hospital. At the federal level right now there has been a long debate about health care savings accounts. This catastrophic plan can be bought in the State of Maine today as an excellent example of where a health care savings account will work. For that lower cost plan, which is at the same price, or lower price, than the in-hospital plan, an employer or employee can also start a savings account to meet that higher deductible, and they can get care in hospital and out of hospital.

In reference to Representative Guerrette's question before, just if one person gets better access I think that that makes a difference. I agree, in studies throughout this country and in states throughout this country, according to the study by Families U.S.A., although a number of states waive mandates and authorize development of a bare-bones plan, these states have had a negligible impact on the number of uninsured. These plans don't insure people who haven't been insured in the past. They don't insure people who have injuries and need care out of the hospital. They don't sell, and what they are is a mandate on insurers. That's why Harvard Pilgrim doesn't want it. That's why NYLCare doesn't want it. That's why Healthsource Maine doesn't want it. Insurers in Maine don't want this product because it is a mandate on them to create a product that doesn't sell. It's not good for

insurers. It's not good for consumers, and it's not good for the State of Maine. Please, when the vote is taken, Mr. Speaker, I ask for the yeas and nays. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House: I happen to think this is a great idea. I didn't hear it from small business, or an insurance company, actually I heard it, believe it or not, this very morning, from my wife. We were sitting at the coffee table before I came up here. We were talking about health care mandates, and she, every so often, I think it's every 18 months or whatever, redesigns her healthcare plan. She has a chart with all the services that she can pick and choose from, there are mandates on there that she doesn't have any choice. She thinks it would be a great idea if she could buy an inexpensive insurance policy that just covered in-hospital care. She said, "I'll pay the rest out of my pocket." I think this policy will increase access to health care and give the people a chance to do that so they can buy a Chevrolet instead of buying a Cadillac. I will tell you, if that plan becomes available, my wife will be the first one to buy it. Thank you.

Representative SAXL of Portland requested a roll call on the motion to accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Lumbra.

Representative LUMBRA: Mr. Speaker, Men and Women of the House: There is something very important that we forgot to mention here. We keep comparing this to catastrophic care. Representative Saxl from Portland said compare this to a catastrophic insurance policy of \$1000 or \$2000. Ladies and Gentlemen, that is not catastrophic care. That is, most times, not affordable insurance. That's how high our insurance premiums have become. I have a friend right now who is a single mom who pays for two \$2,500 deductibles for her and her son, and she is paying over \$300 a month for that policy. She is barely hanging on with it. Let me tell you why we really believe in this. We are assuming that the people who pick this up are picking it up for a choice, number one. As Representative Saxl said, maybe people will pick this up hoping to save money on the side in choosing their own, and to pay for their own care and decide who they want to go to. But, let's assume that this policy will be for people who can't afford anything else. Why will it be good? Because as long as they have this policy, which this policy is still under community rating laws, still is under continuity of coverage laws, still is under guaranteed insurance laws, if they have this policy versus nothing, and they go into the hospital, and they have one of the horrid things like cancer, and they come out of the hospital with their bill paid under this policy, but know they have to go into chemotherapy, et cetera, if they can scrape enough money together and get on a regular plan, they will have no pre-existing conditions. They will be able to go on that plan from day one, covered. If they had no insurance, and this catastrophic event happened, they would have a huge hospital bill to pay and, if they could scrape enough money together to get on a plan, they would have six months of pre-existing conditions. So, I



would say that this is the best option and it's choices, Ladies and Gentlemen, choices for the people.

The SPEAKER: The Chair recognizes the Representative from Naples, Representative Thompson.

Representative THOMPSON: Mr. Speaker, Men and Women of the House: As the newest member of the Banking and Insurance Committee, I had an interesting experience jumping into the middle of this bill, as well as a number of others. But, it's important to note in this debate that this is not a concept that was ever brought to the Legislature, it was created within the Legislature. No one presented this idea in a bill. This was an issue of looking at the Maine Health Care Reform Reports, the bills that were created, the concept of a purchasing alliance was in that bill, and both of the reports before you have adopted that concept. The concept of the alliance is to offer a situation, a voluntary alliance, where businesses and individuals can go, and as a larger group than they currently have, purchase health insurance at a lower cost because they are part of a larger group. Out of the blue this came in the Majority Report. We received no public testimony on this issue, and it was not in any of the legislation. We hear a lot about choice and competition and all of that, but the truth is this plan is only offered in this particular alliance. It's not offered to anyone else. To get this plan you would have to be in the alliance. This plan, if it is not bought by anyone, would cost the insurance companies money and would cause your insurance rates to rise. They have to prepare, under this legislation, they have to prepare a new type of policy and offer it to this alliance. It is a mandated offer. They have to offer this plan, even if nobody buys it we are telling them they have to offer it. Then ask yourself, is this a method of gaining new people entrance into the insurance market, or also an option for people to buy down in the insurance market? It is not the employee that gets the choice, often, of what plan is offered. So, if a lower plan is offered, maybe that's all they will get. I urge you to defeat this pending motion and support the Minority Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Stone.

Representative STONE: Mr. Speaker, Ladies and Gentlemen of the House: I guess life is full of decisions that we all have to make on a day-to-day basis. The company that I am with currently offers three choices of life insurance, called the good, better and best, and we explain all three choices to every employee. The good, better, and best all come with three different deductibles. We have 22 and 23 year old fearless young pups who work for us who have all chosen the good plan, didn't take the better or the best because they chose to have the lower deductible so they could spend money on motorcycles, motorboats, and whatever else they wanted to spend it on. The point is, they had the choice. We explained the differences to them, and they made the decision. Life is full of decisions. Thank you.

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

Representative BENEDIKT: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative BENEDIKT: I would like to know if the in-hospital plan includes the services of physicians associated with that admittance?

The SPEAKER: The Representative from Brunswick, Representative Benedikt has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Pittston, Representative Guerrette.

Representative GUERRETTE: Mr. Speaker, Men and Women of the House: In response to the Gentleman's question, yes, it covers all services while hospitalized.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Vigue. Having spoken twice now requests unanimous consent to address the House a third time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: It seems that we are focusing on the catastrophic plan as if it was the only part of this plan that was involved here. We are looking at numerous plans that will be offered by the alliance. The purchasing alliance is what we are dealing with here. This is going to allow whether or not the catastrophic plan is included. This is going to allow small businesses to group together and buy through this purchasing alliance, therefore providing them coverage at a lower rate. There will be a number of plans at a number of different prices. Representative Stone said that his company offered this. This is what would happen, through the alliance you could buy a plan with a \$50 per month or per week cost, another one at \$25, and another one that would be free, which would probably be the catastrophic plan that the company decides to offer, so it has numerous possibilities. Don't look at it as just the one plan. The Majority Report offers the catastrophic plan and I feel this one here is the one we should support, so I urge your support. Thank you.

The SPEAKER: The Chair recognizes the Representative from Durham, Representative Fitzpatrick.

Representative FITZPATRICK: Mr. Speaker, Ladies and Gentlemen of the House: I'll be very brief. As the House Chair of the other Committee that looks at health care issues, I want to tell you this provision that would require health care purchasing alliance to sell catastrophic hospitalization only health care plan is absolutely perplexing. My Committee sat through the same hearings, but didn't work this part of the legislation. I am sort of stunned tonight because I have been very busy looking at other issues, other than this one, to see this one before us. I am stunned only because the notion of providing hospitalization only health care insurance really flies in the face of any trends in health care, clinical or financial work, and that comes from the experience I have had before my Committee, where we tend to get the hospital CEOs and we tend to get the health care professionals talking with us about their problems and what they see as the trends over the next ten years. The reality is that the trends will be more towards preventative care, and more towards out-patient care and away from hospitals. Hospitals tell us that in the very near future charity care will be something of the past. The managed care companies are going to be dictating financing in the health care industry. The notion of providing hospitalization only insurance as a way to

drive down costs would seem, again, to absolutely fly in the face of the testimony my Committee has heard over the past two years. Frankly, I think it is a hoax on the Maine consumer. I would ask you to oppose the Majority Report. Thank you.

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 members present and voting. All 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 pending question before the House is the motion to Accept the Majority "Ought to Pass" Report. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 367

YEA - Aikman, Ault, Bailey, Barth, Bigl, Buck, Cameron, Carleton, Chick, Clark, Clukey, Cross, Damren, Donnelly, Farnum, Gieringer, Gooley, Greenlaw, Guerrette, Hartnett, Jones, S.; Joy, Joyce, Joyner, Keane, Kneeland, Labrecque, Lane, Layton, Libby JD; Libby JL; Lindahl, Look, Lovett, Lumbr, Madore, Marshall, Marvin, McAlevey, McElroy, Meres, Murphy, Nass, Ott, Peavey, Pendleton, Perkins, Pinkham, Poirier, Poulin, Reed, G.; Reed, W.; Rice, Robichaud, Savage, Simoneau, Spear, Stedman, Stone, Strout, Taylor, True, Tufts, Underwood, Vigue, Waterhouse, Wheeler, Whitcomb, Winglass, Winsor.

NAY - Adams, Ahearne, Benedikt, Berry, Bouffard, Brennan, Bunker, Chartrand, Chase, Chizmar, Cloutier, Daggett, Davidson, Desmond, DiPietro, Dore, Etnier, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gould, Green, Hatch, Heeschen, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Kerr, Kilkelly, Kontos, LaFountain, Lemaire, Lemke, Martin, Mayo, Mitchell EH; Mitchell JE; Morrison, Nadeau, O'Gara, O'Neal, Pouliot, Povich, Richard, Richardson, Ricker, Rosebush, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Stevens, Thompson, Townsend, Treat, Tripp, Tuttle, Tyler, Volenik, Watson, Winn, The Speaker.

ABSENT - Birney, Campbell, Carr, Dexter, Driscoll, Dunn, Heino, Lemont, Luther, Nickerson, Paul, Plowman, Truman.

Yes, 70; No, 68; Absent, 13; Excused, 0.

70 having voted in the affirmative and 68 voted in the negative, with 13 being absent, the Majority "Ought to Pass" Report was accepted.

The Bill was read once. Senate Amendment "A" (S-553) was read by the Clerk and adopted. Senate Amendment "C" (S-561) was read by the Clerk and adopted. The Bill was assigned for second reading later in today's session.

The Chair laid before the House the following item which was tabled earlier in today's session:

Bill "An Act to Amend the Laws Relating to Harness Racing" (H.P. 868) (L.D. 1218) which was tabled by Representative TRUE of Fryeburg pending further consideration.

-In House Bill passed to be engrossed as amended by Committee Amendment "A" (H-891) in the House on March 30, 1996.

-In Senate Minority "Ought Not to Pass" Report accepted in non-concurrence.

Representative KERR of Old Orchard Beach moved that the House Recede.

Representative GATES of Rockport requested a roll call on the motion to Recede.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Chizmar.

Representative CHIZMAR: Thank you Mr. Speaker. I move that we Recede and Concur and I would like to speak to my motion.

The SPEAKER: The Chair would inform the Representative from Lisbon that the motion to Recede would take precedence over that motion. The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Thank you, Mr. Speaker, Men and Women of the House: The reason why I moved to recede is so that I could put an amendment onto 1218. I can't discuss the amendment, but I would hope that you would go along so that I could offer this amendment to 1218 and then we can discuss the bill. Thank you.

Representative GATES of Rockport withdrew his request for a roll call.

Subsequently, the House voted to Recede.

Representative KERR of Old Orchard Beach presented House Amendment "A" (H-907) to Committee Amendment "A" (H-891) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Mr. Speaker, Men and Women of the House: L.D. 1218, as amended, I would like to discuss the amendment before I get into the details of the bill. What this amendment does is reduces the number of video lottery machines that may be operated. Commercial racetracks have been reduced from 150 to 75 video lottery terminal machines. At the off-track betting parlors the number has been reduced from 50 to 25. It removes the provision in the Committee Amendment that would have permitted the Penobscot Nation and the Passamaquoddy Tribe to operate lottery terminals. That provision, again, is removed. It also bans the use of the word "casino" to describe any video lottery terminal as the name, or part of the name, of a licensed premise, or a portion of the premise where the video lottery terminal is located. This bill, as amended, reduces the number of the percentage of the net terminal income to which licensees are entitled from 23 percent to 22 percent, and designates one percent of the net terminal income to the Office of Substance Abuse for treatment of compulsive gambling. Many states do this currently now when they sell their lottery tickets or instant tickets. Maine is one of the few states that does not provide any funding for compulsive gambling. We do have gambling in this state, and we should make sure that the resources are available if needed. It also reduces the percentage of the net terminal income to which distributors are entitled to from 22 percent to 21 percent, which will increase the state's share by one percent. It requires that the net increase in General Fund revenue from video lottery terminals be deposited in the Maine Rainy Day Fund. I think this is very important.

In developing this bill I must first of all thank the Legal and Veterans Affairs Committee, this is a carry over bill. We worked this bill hours on end and I think that every member of the Committee was skeptical about video lottery terminals. I think



that many of us are still skeptical. I also worked with Gaming Laboratories International Incorporated in developing this bill. This is a company out of New Jersey. The President is James R. Mader. He handles and he works with about 44 other states and in developing this language I felt that if the State of Maine, and this Legislature, were to develop these types of entertaining games that we must have the proper regulatory aspects in place. That's why I went and worked with Gaming Laboratories.

The beauty, and I think what is intriguing about this bill, is that other states depend on gaming, such as we do with the lottery, to fund various programs. The reason why I added the net general funds after expenses to State Police and to the Lottery Commission, that the surplus money go into the Rainy Day Fund, because if, in fact, some of the concerns that people may have come to play, that the budget is not predicated on any of those new revenues. I think that's a safety net. As the sponsor of L.D. 1218, which amends the laws relating to harness racing, I believe there are two major thrusts on this bill. First it addresses the issue of illegal video gaming practices in the State of Maine, and provides for procedures to regulate and control these practices. Second it addresses what I believe is a proud heritage in this State, that's the harness racing industry in Maine. It provides opportunities for additional revenue for this important industry. I would like to address the first issue, illegal gambling practices in the State of Maine. Maine's current video gaming machine practice include the following problems. One, currently gaming machines are unlicensed and are not under the control of state licenses. The machines are being used as gambling devices even though they are advertised for entertainment only. Since they are completely unregulated, players have no guarantee of the percentage or their payout. This type of gaming detracts from legitimate gaming in Maine, such as nonprofit beano games, lottery and harness racing. Since these machines are unregulated, and operate illegally, they provide no tax revenues for their operations, no license fees, no sales tax on the operators revenues, and tax income revenues on winnings. L.D. 1303 was a bill that came before both bodies and failed. I want you to know that bill never addressed the 6,000 illegal machines in the State of Maine. We would have all walked out of here, those 6,000 machines would have stayed in existence. They were never addressed in L.D. 1303. Representative Buck from Yarmouth introduced an amendment to L.D. 1303 that is incorporated in this bill, L.D. 1218. Those illegal machines will be gone with the passage of L.D. 1218.

Just to summarize, there is illegal gaming going on in the State of Maine. The gaming may or may not be conducted fairly. There is no way of telling because we have got these illegal machines. There is no way we know how much money is being generated, but, with the expertise of the State Police, and Lieutenant Harriman and Colonel Skolfield, both came before the Committee and testified that there was about 6,000 illegal machines out there and that they were generating close to 100 million dollars in this state. To me that raised some concern. The Committee allowed me, along with the two other bills, time to make these bills better. That's why I bring forth this amendment. I think, as I said, this bill does take care of those illegal machines.

Whatever one's personal conviction regarding the morality or appropriateness of open gambling, gambling does exist in this state, and in most other states. Under the present administration, I want you to know, gaming has increased and expanded. As you know, for example, the placement of 400 gaming machines to dispense lottery scratch tickets, the Chief Executive of this State put out these 400 machines. Many of you see them in your Dunkin' Donuts. The only difference between one of these new instant ticket machines and a video lottery terminal, or a slot machine, is there is no arm on the side. Those machines take \$1, \$5, \$10 and \$20 bills. The gaming machines accept \$1, \$5 and \$10 bills. The expansion of Maine's gambling opportunity is proposed in the biennial budget, also the Governor signed the bill that expanded the Wildlife Heritage Fund. That's a new instant ticket. The budget is predicated on about 3 million dollars from this Wildlife Heritage Fund. So, the question of do we have gambling in this State? Yes we do.

One of the bill's strengths is that gaming machines will be individually licensed and regulated, inspected to ensure hours of operation and in a desire to control the cost of regulation of these games will be located only in environments where gaming is already allowed and regulated. These locations include commercial race tracks, off-track betting parlors, nonprofit organizations, and fairs. Currently, under state law, the nonprofit organizations are allowed to have five machines. What we are doing is we are legitimizing those operations. The State Police, before the Legal and Veterans Affairs Committee, said, "Yes, we know those machines are paying out. We know that is happening. So, why should the nonprofit organizations always be looking over their shoulder? We should legitimize those operations if, in fact, we know they are paying out and we are doing nothing about it." These machines would not include locations such as taverns, bars, restaurants, convenience stores throughout the state, where they are commonly found today.

The second major thrust of this bill is the issue of harness racing. This is why I present this bill and sponsored this bill. The harness racing industry, it asked me if I would sponsor a bill so that they could remain competitive as they have done in other states. Other states, such as Delaware, that have developed video lottery terminals in their race tracks, their purses have gone up from a bottom of \$800 to almost \$3,000 in less than three months. You say, "Gee, that's not a whole lot." But Yonkers Race Track, a year ago, was a predominant race track in New York. Because Delaware has video lottery terminals, Yonkers Race Track purses have decreased and, in fact, have closed an additional day during the week. That's competition. The Governor of this State has indicated that it's time we should look into Powerball. He feels the State should be competitive. New Hampshire, as you all know, lottery sales are declining because Powerball was instituted in New Hampshire. I think that it's only fair that if we are looking into Powerball so states can be competitive, why shouldn't we do the same for the private sector. That's what this bill does. Harness racing, as you all know, is a long tradition in this state. It generates millions of dollars. Numbers have been thrown out anywhere between 300 and 500 million dollars. The industry supports or employees farmers, hay, grain, tack, keeps veterinarians and

breeders employed, trainers, and harness racing is successful in this state. It also creates a multitude of jobs.

We have seen many traditional Maine industries leave the state in the last 20 years. Do we dare quietly allow another traditional Maine industry to depart without thought or consideration? Harness racing has long been a Maine tradition that should be allowed to remain. I believe that gaming will continue to take place, with or without the passage of this bill, by continuing to ignore the thousands of illegal, unregulated and unlicensed machines presently in our communities, the State loses millions of dollars. The current State position on video gaming is crippling the harness racing industry's ability to remain competitive with other states and that, I believe, is unjust. I believe that everyone is entitled to their own opinion. The only point that I wish to make is that a traditional lottery product is a form of gaming, and I will not argue the morality of this issue.

There was, last week, towards the end of the week, the Chief Executive had a handout, and generally when something is put on our desks we look at that as being factual. This fact sheet, which I am now going to call the fiction sheet, about video poker and legalized gambling deals with a gentleman by the name of Robert Goodman. In the first paragraph I would like to bring your attention to, it says, "Competing for the gambling dollar." For those of you who don't have it I will read it to you. This is, again, from the Chief Executive's Office, on his stationery. "Rather than bringing new money and jobs, gambling operators tend to shift money away from other sectors of the economy. A study for South Dakota, after the state legalized electronic gaming machines, showed that only after a year there were significant declines in taxable retail sales for clothing stores, recreation services, business services, auto dealers and service stations." In a study that was done in New York it says, "Goodman cites Michael Madden's South Dakota study as saying the state showed significant declines from selected activities, such as clothing stores, recreational services, business services, and auto dealers. However, Mr. Goodman neglects to mention the author's conclusion that for the recreational service sectors it is likely that business within these classifications have experienced off-setting increases in business sales. Goodman is wrong in concluding that business service sectors showed significant declines, rather growth in business services occurred at a slower rate." The next line, it says about Atlantic City, the number of restaurants declined. That, again, is not true. What I found most intriguing in this report, this fact sheet, which I refer to as a fiction sheet, it says, "In the 1950s horse racing produced almost 10 percent of general fund revenues in New Jersey, but by 1986, after New Jersey legalized new forms of gambling, including a state lottery and casino in Atlantic City, horse racing accounted for only one percent of the state general fund. In 1988 New Jersey proclaimed that it offered more different forms of legalized gambling than any other state in the nation, yet all state gambling ventures combined provided only seven percent of state revenues, a figure that was further declined to about six percent today, less than when the state offered only horse racing." Since we are dealing back in 1950 I thought that it was only appropriate to compare apples to

apples. So, I went back to 1955, and the State of Maine's budget that year was 47.5 million dollars. The Commission on Parimutuel Wagering was \$639,000, which was about 1.3 percent of the total budget that year. Today, in 1993, the State budget is \$1,560,000. The Commission on Pari-mutuel Wagering is \$604,000. Almost 20 years later the gross is the same. The percentage of the budget is .04 percent.

The other aspects, on the next page of this fiction sheet, it states, "The American Insurance Institute estimates that 40 percent of white collar crime is attributed to gambling." Then it gives you a summary. Again, in this report, done in 1994 by the Senate in New York, I would like to read this to you. "A reference to a quotation by Bob Walsh, an Assistant Director of the F.B.I. in Chicago, who told the Chicago Metro Ethics Coalition, that organized crime had been continuously involved in gambling. It was also cited the mere quotation causes reflection upon Mr. Goodman's whole study. One, there is no Assistant Director of the F.B.I. for Chicago. Mr. Walsh is a field agent. Second, a quotation is used to give the appearance that there is involvement of organized crime in gaming today. What Mr. Walsh said was that organized crime had been continuously involved, not is involved. Whether the quotation was because Mr. Goodman was purposely misleading or merely sloppy in his research are both problematic and raise questions whether the whole study was conducted as such." In reading Mr. Goodman's report, it sounds like Mr. Goodman is an economist. I just want you to know, Mr. Goodman is hardly a renowned economist. His degree is in architecture and he teaches environmental design and planning at the University of Massachusetts at Amherst. I think what else is important is that in this study, and what was put out on our desks, especially, by the Chief Executive of the State of Maine, we look at this as being factual. I guess that's what upset me the most after reading it, because this same individual came three years ago to the Town of Old Orchard Beach and spoke. At that time he came as an individual that was supposed to be speaking neither for nor against gambling. I later found out in this report that it is a moral issue and he is opposed to gambling. Another example in this report done in New York, it says, "Goodman cites Connecticut as an example of a State that passed a state lottery in order to avoid a state income tax, but then went ahead and instituted an income tax anyway. What Mr. Goodman fails to mention is that two decades passed between those two events and the income from the state lottery did manage to stave off a state income tax for almost 20 years." I believe, and I'm sure that many of you know that gambling takes place in this State. It's going to continue, hopefully if it continues it will be regulated. In drafting this piece of legislation I thought it was very critical that people that want to gamble do it in an environment where gaming already takes place. I don't think it should be for me, or any one of us to judge how one spends their entertainment dollars. I think that's the major issue here. I would urge your support of L.D. 1218, because this is the only safety net that's left for us to control, regulate gaming in this state. We are all concerned, and I supported the State Police on L.D. 1303, but this new judge's ruling that allowed these PBA machines to go out. What that bill didn't do was remove the 6,000 machines that are on the street. I could not, and cannot in good conscience,

leave here knowing that those 6,000 machines are out there, uncontrolled and unregulated. I will not stick my head in the sand as if I was an ostrich. I am supporting 1218 because gaming is going to take place, gaming is going to continue. We need some type of mechanism or some tool to control it. If they depended on my dollar they would be broke. I ride home every night. I pass Route One in Scarborough. They opened up a beano hall that is open seven nights a week, and it is full every night. People play these games. People go out of state because they are looking for entertainment. This is a form of entertainment. As you all know, we have bus loads that leave this state to go to Connecticut and people who are over there, and they enjoy, that's entertainment for them. For one to think that, and I don't want to get into the issue of casinos, but other states that do have casinos have created a lot of jobs. People have gotten off welfare because they are employed, not unemployed. This bill, I'm not going to sell it to you as a jobs bill. This bill will create jobs. This bill will control and regulate gaming in this state. These machines will only be allowed where there is pari-mutuel wagering, nonprofit organizations and at fairs where there is parimutuel wagering. This bill will also help increase the purses for the men and women that are in this industry. It will keep our farms alive. The breakdown in percentages, money is distributed to revenue sharing, compulsive gambling, which we don't have and which many states already have with the lottery, the purse supplement for harness racing, the Sire Stakes Fund, agricultural support fund, and payments to race tracks. The controls and regulations in this bill are very stringent. I urge your support for 1218. Thank you.

At this point, the Speaker appointed Representative JACQUES of Waterville to serve as Speaker Pro Tem.

The House was called to order by the Speaker Pro Tem.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Fryeburg, Representative True.

Representative TRUE: Mr. Speaker, Men and Women of the House: 1218 is titled An Act to Amend the Laws Relating to Harness Racing, and I would like to speak predominantly about that. The Maine Association of Agricultural Fairs, which a previous speaker has already stated, is in support of L.D. 1218, which will allow the installation of video lottery terminals at Maine's pari-mutuel facilities. The rich history of harness racing at Maine's outstanding agricultural fairs reaches back more than 100 years. This year fairs will receive monies from the Agricultural Fairs Stipend. Maine's two commercial harness race tracks, and its OTBs contribute hundreds of thousands of dollars to our fairs through the fund. This particular letter comes from Fred Lunt, who is the President of this association. He, along with Mr. Crabtree, have discussed what exactly they feel is happening with the racing industry to the Committee of jurisdiction, the Legal and Veterans Affairs. This is what Mr. Lunt says, "Despite this rich and colorful history, harness racing throughout Maine, and especially at our fairs, needs your support. For a variety of

reasons Maine's harness racing has faced difficult economic times. The commercial track in Lewiston closed and the Bangor track has had to shorten its meet. As local commercial racing declines, our horse supply contracts. One of the factors that has caused this decline has been the rapid increase in forms of gambling that do not support this important agrarian industry." I wonder if you people realize what a large industry this is. This is the second leading industry in the State of Maine. I wonder how many of you know what industry is number one. It's the egg industry, and I'm sure if this was a short answer question quiz, many of you would have perhaps put potatoes and blueberries. "Gambling has proliferated, for example, in the Canadian provinces, which now have both casinos and VLTs," another shortened name for video lottery terminals, "because those new gambling opportunities are not associated with, and do not support harness racing, as we hope that it will here, harness racing is virtually dead in Canada. In state's where VLTs have been introduced in association with the racing industries, on the other hand, harness racing has flourished. We need 1218 to be able to compete with harness racing in these states. L.D. 1218 will provide additional subsidies to all our fairs and will afford a particularly exciting opportunity to these fairs that will actually have the VLTs. The added revenue is much needed. Just as important, the bill would preserve a rich, century-old tradition of fair racing. Please help us to preserve the color, pageantry and excitement by helping pass L.D. 1218. Sincerely, Fred Lunt." We have now approximately 25 fairs in the State of Maine, and only two are actually making money, Fryeburg and Windsor. I don't need to tell you if you have been to the fairs, just exactly how many people that there are there. There are thousands. I can speak of the one in my hometown, where our little town explodes from 3,400 people to 40,000 people. It is true, and approximately three years ago or four years ago, when I first was on the Legal and Veterans Affairs it was pointed out to us that there were 1,500 gray machines in our state. Now, in just four years of time, there are 6,000. We protect these because they are in commercial, nonprofit organizations, which certainly do a lot of help in the communities. Just recently, in the winter months, I read where Topsham Fair lost most of their grandstands. I wonder how a fair that isn't really on the so-called profit list of the fairs would replace this. They have, and will replace it, thanks to the donations of money from the other fairs. I can tell you that there are many, many people in the towns where the fairs are located that actually, during the week that many of these fairs are opened, they make enough money to pay for a portion or all of their taxes in town. So, this is a very, very important industry. It's important to the Granges because they show their wares and things, and receive prizes and cash prizes and ribbons, as well as the young people.

I have had, so far, four grandchildren in 4-H and they raise sheep. If they are lucky enough to catch a greased pig on Friday afternoon then they raise that and sell it the next year at the fair. This is very important to those particular people. I know that people are going to have their say as to gambling. I would like to remind you, and if you would remember Sir Edmund Hillary, who climbed the larger mountains in the world. Someone asked him

once why he did it. "Why do you climb those high mountains?" He said, "It is not the mountains we conquer, but we conquer ourselves." That's what I'm asking you to do tonight, to conquer yourselves and put aside some of the things that I'm sure you have in your minds relative to gambling. I, too, am not going to get into the religious connotations, but I have in front of me two or three things, one showing a woman in Louisiana that spent \$1,999 at a video machine. She may well have. Another telling about what happened in Minnesota, and that person may well have, but let me define for you what gambling is, if you haven't looked it up in the dictionary lately. There are three very important things. Gambling is a playing of a game of chance for stakes. Number two, it's an act having an element of risk. Number three, something very chancy. All three of these are actually correct, and they may well be associated with video gaming, but I want you to think tonight does the drinking of liquor, does the smoking of tobacco, and a couple of other quite prevalent things in the news, child abuse and infidelity, if you want to go that far. I say that all three of these fit just exactly what happens if you are going to drink, or if you are going to smoke, or what have you. It is my hope, and in all truth, I am glad that the Representative from Old Orchard did present his amendment because it started with about 600 machines to both of the commercial tracks, and the numbers were much larger for some of these others. I think it's down now to a reasonable number if it does the one thing which we hope it does, and that is to save this industry. I think it was one year or two years ago that we turned down the casino and the state government said to the people up north, "We will be there to help you and bring in all sorts of development." I asked the people from the Aroostook County section, have they delivered? I doubt very much if they have. I'm not saying that maybe a casino wouldn't have either, but it is a form of entertainment. I try not to be hypocritical. I have gone to the casinos, but my major reason for going is going one week on a Friday night when I could see Johnny Cash, and I also like Pavoratti, and he was there. I thought that I haven't found in Maine where I can go to see those particular things.

It all depends on what the person wants, and the values that they have had instilled in them that many Maine families have. Are we going to have some people that have an addiction to gaming? Probably, but I would like to have you remember those other things that I pointed out, that we certainly have some problems in those areas too, and I don't see us outlawing those. Thank you.

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Under suspension of the rules, members were allowed to remove their jackets.

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

Representative BUCK: Mr. Speaker, Men and Women of the House: I will speak for less than two minutes. If this bill were only about raising revenue our decision would be an easy one. However, this bill is more than about raising revenue. Indeed, it's about much more. This bill is about that undefined concept called "quality of life." Most of us choose to live here, and raise our

families in Maine, because of that concept. I'm not sure that we want to substitute the concept of individual responsibility to the roll of a dice. I'm not sure that we want to substitute a strong work ethic for an easy buck. We have heard some discussion this evening about illegal gambling machines, and how this bill is going to solve that problem. It reminds me of what happened up in Nova Scotia back in 1991, in fact it's interesting that this same debate this evening took place up there. The province, at that time, was faced with a deficit of several hundred million dollars, and there was a proposal brought forth for video gambling, and they sold it in their legislature, not for the revenue that it would raise, but for the fact that it was going to wipe out these illegal machines that existed in the province. They adopted the proposal and the revenues that they received went well beyond their expectations. In the two year period they saw state revenues increase by over 50 million dollars. Theoretically it wiped out the problem of the illegal gambling machines, but at the end of two and a half years the citizens rose up and demanded that those gambling machines be removed. They demanded it, not because the state was getting all this additional money into their treasury, because they really needed it, they demanded that they be removed because of the social cost involved in this kind of activity. There were stories of husbands losing their entire paycheck, families breaking up, white collar crimes increasing to feed the insidious habit that these kinds of activities promote. It's interesting that it's almost the same debate that's going on here this evening. It's being sold to us under the guise that we are somehow going to stop an illegal activity when, in fact, it's going to promote an activity that all of us know isn't in the best social interest of the state.

Maine is a great place to live and raise a family. It's citizens have a long tradition of solving its problems through hard work and tenacity. Let's not substitute those strong traditions for the allure of a quick buck. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Kennebunk, Representative Libby.

Representative LIBBY: Mr. Speaker, Men and Women of the House: During this presentation the thing that came to mind, and was brought up two or three different times, was that we know from the State Troopers that we have 6,000 illegal machines out there, bringing in millions of dollars. My question, to anybody who would like to answer, is how come, if we know these are illegal machines bringing in millions of dollars, that action hasn't been taken on it? Thank you.

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

Representative BUCK: Mr. Speaker, Ladies and Gentlemen of the House: The answer to that question is there presently is a law on the book, but the law is written in such a way, and it is so weak, that when the State Police confiscate one of these machines the fine is very small. The police aren't even allowed to keep the machine, or its contents, and it goes back to its owner and is back within operation within 24 hours. It's my understanding that bills have come before this Legislature in the last three years to solve the problem of the gray machines, so-called, the illegal machines, but for

some unknown reason this Legislature has not had the will to increase the fine to solve the problem.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Fryeburg, Representative True.

Representative TRUE: Mr. Speaker, Men and Women of the House: I would like to ask Representative Buck a question if I may. As I read his article, which was in the Sunday Forum, and it's a very nice picture John, Representative Buck, and as I read what it says about the gaming in the place that you describe, is similar to what would have happened if L.D. 400 is passed, and he proliferates in such places as stores, as restaurants, and any other place that evidently could buy a license. Now, what we are proposing in L.D. 1218 is that we do this within the racing industry. I would ask if you could please give me two incidents which you can name which may have happened in the last couple of years in this industry in Maine that could be considered a crime. Thank you.

The SPEAKER PRO TEM: The Representative from Representative Fryeburg has posed a question through the Chair to the Representative from Yarmouth, Representative Buck. The Chair recognizes that Representative.

Representative BUCK: Mr. Speaker, Men and Women of the House: The answer, Representative True, is I'm not sure what the question was. A crime where, at a race track or at a restaurant?

The SPEAKER PRO TEM: The Chair recognizes the Representative from Fryeburg, Representative True.

Representative TRUE: Mr. Speaker, Men and Women of the House: I'm trying to associate why it, and what I'm asking is a crime in the racing industry in Maine that you would consider a crime, and this is where these particular machines will be.

The SPEAKER PRO TEM: The Representative from Representative Fryeburg has posed a question through the Chair to the Representative from Yarmouth, Representative Buck. The Chair recognizes that Representative.

Representative BUCK: Mr. Speaker, Men and Women of the House: I will respond that I still do not understand the question.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Freeport, Representative Hartnett.

Representative HARTNETT: Mr. Speaker, Men and Women of the House: I have been listening to some of the debate here, and one of the focuses of those people who believe in this amendment and this bill is that because so much of this activity is going on now the state is missing out on revenues, we should somehow license these machines and garner some of the revenues. I was thinking of some of the other economic activities which take place on a daily basis, perhaps are taking place right now, that we don't regulate, don't tax, don't somehow draw income off of. One of which is the underground economy, unreported income, cash economy, shoplifting. I imagine in my hometown of Freeport there is probably a shoplifter in L.L. Bean right now. Think of the lost revenues from that. We could have been collecting six cents on every dollar. Perhaps we should license shoplifting. Illegal drugs are sold on a daily basis and used, perhaps we should tax those too, since there is lost revenue for the state. Prostitution has now expanded, as we are all aware, in the State of Maine. If we don't license it I guess we are losing a lot of revenue, perhaps we should license prostitution. My point is that there

is a lot of economic activities that go on that we don't generate income from and I think perhaps it is best that it be that way. In 1994 a study was done on United States gambling by the Center for Economic Development at the University of Massachusetts at Amherst. I'm going to read a few very short sections, I promise you. It talks about the increased social cost. That communities can expect higher costs for such services as police, health inspectors, emergency medical teams, and for upgrading transportation facilities, water and sewer systems. If you look at this bill, municipalities which host these machines get the tiniest little smidgen of money, and yet they are the ones that are going to be sending emergency personnel responding to incidents and increased activity of people, negative effects on the economy. At least the good Representative from Old Orchard Beach admits no jobs will be created save those in state government which will regulate and keep track of this. A fellow from the Federal Reserve Bank of Boston described gambling expenditures as "money extracted from other consumer spending." When a person spends an extra \$20 for a keno ticket, he or she may not buy a \$20 shirt. You are just taking money from one area and putting it somewhere else. Money from gambling is usually diverted from people's discretionary expenditures. Not only are dollars diverted from other products and business services, but government also loses sales tax revenues. A fellow from the Boston Globe, writing on this very thing said, "There is only so much money around. Sucking it into casino, keno, slot machines, video lottery vortexes diminishes what is left for legitimate business, shopping, taverns, bowling alleys, gas stations." This will kill small business. There is a negative effect on our economy.

The addition of addiction, and we can see we are getting a little smidgen for addiction, isn't that funny, where ever the social problems are we give the least amount of money. In the same report it says, "Some forms of gambling are more problematic than others. Those that offer fast action and immediate pay off, for example, tend to be more addictive." That's interesting. On the issue of helping out the harness industry this report showed over and over again that while employment has increased in some gambling enterprises, others, like horse racing, are losing ground. I guess I get a little offended when we talk about our agricultural fairs and the great traditions of the Granges and bringing in the largest squash or the smallest carrot, or all those other areas that they award, that somehow we are going to preserve this great piece of America through gambling. I guess I would rather lose it than keep it that way. Another interesting impact of gambling like this is on charities. Again, the report goes on to say, "Charitable gambling operations provide financial support for religious organizations, medical research, social service agencies, community organizations, veteran groups," on and on an on, "and they become increasingly dependent for it. The expansion of state sponsored gambling appears to be having a substantial negative impact on charitable gambling revenues." Guess what happens when the charities can't meet those needs of people? They come to state government again. So, I just don't see where there is anything in it for the State of Maine. I can see it as a loss for us, and, as the good Representative from Yarmouth said, a loss of what we perhaps treasure most, a loss of the quality

of life in this great State of Maine. I hope you will vote against the amendment and I hope you will vote against the bill. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Township 27, Representative Bailey.

Representative BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: I rise today in opposition to this piece of legislation. When I went home last Saturday I didn't intend to get up and speak on this, and I probably would have pushed the green light to pass this, but on my way down here on Sunday evening, a long ride, three and a half hours, I happened to be listening to a radio station, and when the news came on it started talking about video gambling in Louisiana and the problems they are having with it. The Legislature now is in the process of wrestling with repealing video gaming in Louisiana because what they were saying on the news was that it had created a whole bunch of casinos, primarily in truck stops where large numbers of video gaming machines were allowed to be placed. They did go on to say that the locations where there was one or two machines were not much of a problem, it was the areas where large numbers of machines were allowed to be placed that created the problem. I supported the casino in Calais only because I had worked very diligently with the group for over a year to assure that there was a State Police presence there and that I felt comfortable that the criminal element was going to be kept out of that. I personally feel that by allowing 75 machines in one location we are just going to create a casino in that location and we are not going to have the law enforcement presence to deal with the criminal element this is going to bring. I urge you to join me and push a red light and oppose this L.D. 1218. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Houlton, Representative Clukey.

Representative CLUKEY: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will defeat House Amendment "A" so that we can then go on and defeat Committee Amendment "A." This debate is not about harness racing, or about agricultural fairs. It's about gambling. It's a creative idea to try to tie it to those two things, because it might stand a better chance of passing. We have defeated these bills in the past. If we defeat this one I'm sure we will have them again. The State of Maine shouldn't be involved in institutionalized gambling, anymore than it should be involved in the liquor business. Last week we debated that and decided we can't figure out a way to get out of it. We are going to be in the same position with gambling pretty quick if we keep voting for bills that increase gambling in the State of Maine, I feel. What is a video gambling machine? It's on page four and five of your bill. What it is, actually, is a high-tech slot machine. It's like a video arcade machine. It mimics card games, such as poker, black jack. It whizzes and bangs and sometimes it will play the Hallelujah Chorus when you get a big win. It's similar to what you see in these video arcades. The only difference is it's much more addictive than the slot machine.

Robert Hunter, Clinical Director of the Chard Hospital in Las Vegas, which is one of the largest treatment centers for compulsive gamblers, says that 90 percent of his female patients are addicted to these machines. What he says is the reason they are so addictive is because you get immediate feedback.

You can play it fast. The game lets you increase the speed in which you bet. It provides you with the illusion of a skill factor.

We debated casinos back in 1993, and defeated it by a large margin. If we pass this bill you could have 75 of these machines in Scarborough Downs and 75 of these machines in Bangor. You are going to have too many casinos. That in and of itself should be a good reason not to pass this bill. As far as the racing industry goes, I come from a family of racing. My father was in harness racing, my grandfather was in harness racing. I had an uncle who was a big harness racer who had a stable in Maryland and held the world record for a pacer back in the 1950s. So, the last thing I would like to have happen to the racing industry would be for it to go under, but I think this is the wrong way to save it. We should be looking for other ways other than increasing gambling in the state. I have a series of articles, don't worry I'm not going to read them all, but I would be willing to provide any of you with a copy of them if you like. I will just read some of the headlines, "Video Gambling Aids Education - Ask the Losers." This one talks about addicts. "National Conference of State Legislators, Video Gambling is Highly Controversial and Much More Addictive than Other Types of Gambling." The New York Times, "Video Poker in Louisiana is a Mob Target." We have names here like Gotti, Carrillo, Lacillo. I could go on with these but I'm not going to. I will provide these to you if you would like to read them.

There are two glaring problems with this bill that haven't even been mentioned yet that I want to bring to your attention. Who is going to distribute these machines and where are they going to be distributed? These machines are going to be distributed by private vendors. They could come from anywhere. They could come from Rhode Island, Massachusetts, and these vendors, these distributors, are going to have 10 percent of the total share of these machines, so they are going to want to put these machines in places that will get a lot of business, like Portland, Lewiston, and Bangor. You could end up with turf battles, and there are all kinds of different things, such as coercion, robbery and those sorts of things that have gone on in other states. That's one of the problems. The other problem is the distributors are going to be the one's that collect the money out of these machines, put the money into their own bank accounts and write checks to where these payouts go. Tremendous opportunity there for money laundering and other types of fraud. We defeated casinos in 1993. Some of you were here at that time and voted against casinos and some of you voted against video gambling in the past. I hope you will continue to do that and defeat this amendment. Thank you.

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

Representative CHIZMAR: Mr. Speaker, Colleagues of the House: I have several concerns considering this legislation and also this amendment. In doing a study I find that in other states with video gaming their average loss of lottery sales was about 35 percent. I'm concerned about the loss that we are going to have with our lottery operations. I received some correspondence here from Lottery Operations. They feel that this legislation will undermine the present state lottery system and will adversely have an impact on the current line of



revenue production that they have. Not only the loss in lottery sales, I'm concerned about the loss in sales and excise taxes because the gamblers, which are our ordinary taxpaying citizens have less cash to spend on other taxable items. I'm afraid the money is going to come from rent money, food money, clothing and from the people who can least afford it. Several weeks ago we received a letter from the Maine Harness Horsemen's Association and it addressed several issues. One in particular, the industry was concerned that they were losing money because the profit from live wagering had been going down since 1993. In going back through legislation I find that the introduction of off-track betting parlors was exactly at the same time. I realize that there are just so many gambling dollars that can go around, but by adding more gambling options you do not necessarily add more dollars to the total, instead most of those dollars are diverted from other gambling activities, such as live wagering and the lottery, towards the new activity, which would be the video lottery terminals. Off-track betting wagering in 1995 was about 63 million dollars. Unfortunately, it seriously eroded the live handle at the race tracks. So the interaction of VLTs, regardless of whether or not a portion of the monies are dedicated to the industry, can also erode live wagering and cut into the monies that the horsemen receive from the OTBs. I feel that if we vote to enact this legislation today we will be creating in this state a new multimillion dollar plus industry. I don't know if we are prepared, as a state government or as a people, to have video gaming in our communities. It looks to me, and this is only my opinion, State Government, with this legislation, is being bought off with promises of high return in an area that I definitely consider to be bad public policy. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Rumford, Representative Cameron.

Representative CAMERON: Mr. Speaker, Men and Women of the House: I do apologize for even considering standing up. I have resisted in these protracted debates all day long, and it's ridiculously late at the moment. I will be voting for this and I will very quickly tell you why. Until somebody introduces a bill to get the State of Maine out of the lottery business and the churches out of the beano business, then we have no business standing here and criticizing somebody else for the way they want to gamble. I will continue to support it. I supported the casino, and I will support this one also. I think it's kind of arrogant of us to say we can do it. It's good for us. We will take the money of these people that you keep hearing about, but you can't do that. Thank you.

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

Representative DIPIETRO: Mr. Speaker, Ladies and Gentlemen of the House: Like the previous speaker, I don't know anything about this bill, but I will tell you that evidently the debate in here is boring everybody because look around. There is nobody here. Maybe it's time we move on. There are a few of us here, but we are loyal anyhow. I think it's time we move on Mr. Speaker. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lisbon, Representative Chizmar.

Representative CHIZMAR: Mr. Speaker, Ladies and Gentlemen of the House: I have one thing to add. The people of my district have communicated with me three to one to vote against L.D. 1218. In the past three weeks I have received political intimidation from vending machine distributors, and also from nonprofit organizations, but my people told me to vote no and that's how I'm going to vote. I intend to keep my word, maintain my integrity and do what is best for the people of my district and the State of Maine. Mr. Speaker, I request a roll call. Thank you.

Representative CHIZMAR of Lisbon requested a roll call on adoption of House Amendment "A" (H-907) to Committee Amendment "A" (H-891).

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 members present and voting. All 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 Old Orchard Beach, Representative Kerr.

Representative KERR: Mr. Speaker, Men and Women of the House: I think that this debate is healthy. As I said before, I brought this bill forth because of the harness racing industry asked me to. I think there has been some misinformation once again. Representative Clukey made reference that these vendors will be collecting the money. That is an inaccurate statement. If one were to read the bill, the State Police will control, the Lottery Commission will have a computerized terminal, and the money will be disbursed once every month. You put your coins in, or your bills in, and you get a ticket out, and you redeem that ticket. As far as the lottery, I want you to know that the lottery is on a decline because of what is happening in New Hampshire. As I said before, the Chief Executive of the State of Maine is looking at Powerball, and he feels that he needs to look at that so this State can be competitive with New Hampshire. Harness Racing industry has never asked for a tax credit. They are willing to work hard and try to keep their head above water. The lottery is instant gratification. The lottery cannibalizes Maine people. People go in, the State of Maine has put out 400 new machines, the only thing that's missing is an arm, and you could call it a slot machine. That's all that's missing on that machine. We have lottery games, types of games that we grew up playing, they are called Baseball, Maine's Lure, Winter Wonderland, Dynamite Dollars, Deuces are Wild, Instant Beano, Catch of the Day, Win Place and Show, Three Point Shot, just so you can remember basketball. I think the efforts to stamp out gambling in this State are entirely unrealistic. The only efforts that I believe can be successful are the control of it. I know that Representative Hartnett read from a study that was, again, done by Robert Goodman. I want to share with you the credibility of that study. It was done in 1994 and reviewed by the New York State Senate. They concluded, "We conclude, one or more of the following from Mr. Goodman's glaring omissions regarding economic development from his gaming studies: number one, he is an inexperienced, sloppy researcher attempting to earn



academic and national recognition by pretending to be an expert in a field in which he knows little or nothing about. He regards himself as a moral intellectual, superior to law makers and the general public and therefore feels obligated to play the role of paternalistic naysayer. He is morally opposed to gaming and using his position as an academic to attempt to convert others to the same conclusion."

My problem, people, is this, we have no way to control those illegal 6,000 machines that are out there. This bill controls, limits the numbers of machines to a maximum of about 1,100 machines that will be out there. No money is put in to support any new programs. Those dollars go into the Rainy Day Fund. Also, Representative Hartnett mentioned about Nova Scotia, which is what was on that fiction list on the Chief Executive's letterhead that was presented to us. That was a sole source in Nova Scotia. It wasn't done by distributors. That's what the State Police want you to believe is the correct way to go. That was proliferation, much of what we have here today. This bill doesn't want to see proliferation. If anyone has another way to harness these illegal machines out there, I welcome it. But, at this point I urge your support for 1218. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Houlton, Representative Clukey.

Representative CLUKEY: Mr. Speaker, Ladies and Gentlemen of the House: I just have to briefly respond to a remark that the good Representative from Old Orchard made. If you want to look at the bottom of page 20 on the bill, in case you don't have it in front of you I will read it. "Allocation of funds - distributor responsible. A video lottery terminal distributor shall collect and allocate funds from the video lottery terminals owned by the distributor in accordance with this section."

The SPEAKER PRO TEM: The Chair recognizes the Representative from Caribou, Representative Robichaud.

Representative ROBICHAUD: Mr. Speaker, Colleagues of the House: Thank you for sticking with us on this debate. Just to wrap up a few short points that we have been talking about gambling as a whole in this state, and those enterprises that we do have, like the lottery, it is not within our power right now with this bill before us to either revoke or expand the lottery system. Whether or not you agree with that, that is a separate issue from this bill. We are dependent on those revenues and even though I would rather personally love to see the lottery no longer be in this state. Re are, like I said, dependent on those revenues. The good Representative from Old Orchard mentioned the Robert Goodman study. I will tell you the study has come under some criticism, but that is part of the academic world. It is study versus study. It's an academic exercise. One thing that just showed up in the newspapers within the last few months is that U.S. Senator John Warner is citing some serious concern about the lack of what he calls "true academic studies" in this country, and the concern about the massive proliferation of gambling. He is trying to work through the U.S. Senate to get a comprehensive study. One of the concerns he raised is the fact that most of the studies on gambling that are done currently are done by the gambling industry, so of course they are going to have a certain level of expertise and they are going to have a certain level of interest. One other thing that was mentioned, the

situation in Nova Scotia, and some of the Canadian provinces and how they relate to gambling. There is a wonderful thing now in computer technology, called the Internet and I went surfing the other day and found that the Canadian provinces are having a real tough time now because of certain gambling enterprises that they have in place. Alberta is working to try to rein in their video lottery terminals which are becoming very serious problems. Sixty percent of the calls to a provincial gambling hotline are video lottery terminal related. We have the Yukon in the process of debating whether or not to put in video lottery terminals as a way to increase revenue and so far they are not having much success getting that through. Manitoba, 85 percent of Manitoba residents who seek treatment for compulsive gambling report problems with VLTs. New Brunswick did legalize VLTs in 1991, but they have subsequently reined that back significantly because of problems with proliferation, problems with teenagers accessing those machines. Saskatchewan has run into many, many problems with their video lottery terminals and Nova Scotia did massively restrict those machines in 1993. These are all neighbors closer to me than to many of you in this State, who have experienced problems with video lottery terminals. I think we have to look at those examples when we consider putting that in this State.

A final note, we all have a soft spot in our hearts for the harness racing industry. It is an integral part of Maine, along with our agricultural fairs, but we have to keep in mind that the live racing relies on live wagering to keep itself going. We have put in off-track betting parlors to help support the efforts to maintain live racing. In that process we have discovered that as OTBs profits increase we have seen some declines in the live wagering. That was mentioned both by the Maine Harness Horsemen's Association and the Agricultural Fair Association. They mentioned that since the time frame when OTBs were put in place the live wagering has gone down. There is only a finite amount of discretionary dollars for gambling, and it is my concern that if we put in video lottery terminals, and expect there to be additional money for the harness racing industry, we are going to end up with the same amount of money, a lot more problems, and our harness racing industry will be in the same boat they are now. Please vote against this measure.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A". All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 368

YEA - Ahearne, Barth, Berry, Bouffard, Cameron, Clark, Cloutier, Cross, Damren, Desmond, DiPietro, Fisher, Fitzpatrick, Gamache, Gooley, Gould, Green, Greenlaw, Hatch, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Joyce, Joyner, Keane, Kerr, Labrecque, Lemaire, Lemke, Martin, Mayo, Mitchell EH; Mitchell JE; Morrison, Murphy, O'Gara, O'Neal, Poirier, Poulin, Pouliot, Reed, G.; Ricker, Rosebush, Saxl, M.; Sirois, Spear, Stevens, Strout, Thompson, True, Tufts, Tuttle, Tyler, Underwood, Winn, Winsor, The Speaker.

NAY - Adams, Aikman, Ault, Bailey, Benedikt, Bigl, Brennan, Buck, Carleton, Chartrand, Chase, Chick, Chizmar, Clukey, Davidson, Donnelly, Etnier, Farnum, Gates, Gerry, Gieringer, Guerrette, Hartnett, Heeschen, Jones, S.; Joy, Kilkelly, Kneeland, Kontos,

LaFountain, Lane, Layton, Libby JD; Libby JL; Lindahl, Look, Lovett, Lumbra, Madore, Marshall, Marvin, McAlevey, McElroy, Meres, Nadeau, Nass, Ott, Peavey, Perkins, Pinkham, Povich, Rice, Richard, Richardson, Robichaud, Rowe, Samson, Savage, Saxl, J.; Shiah, Simoneau, Stedman, Stone, Taylor, Townsend, Treat, Tripp, Vigue, Volenik, Waterhouse, Watson, Wheeler, Whitcomb, Winglass.

ABSENT - Birney, Bunker, Campbell, Carr, Daggett, Dexter, Dore, Driscoll, Dunn, Heino, Lemont, Luther, Nickerson, Paul, Pendleton, Plowman, Reed, W.; Truman. Yes, 59; No, 74; Absent, 18; Excused, 0.

59 having voted in the affirmative and 74 voted in the negative, with 18 being absent, House Amendment "A" (H-907) to Committee Amendment "A" (H-891) was not adopted.

Representative ROBICHAUD of Caribou moved that the House Concur.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Houlton, Representative Clukey.

Representative CLUKEY: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will vote to Recede and Concur. The Committee Amendment we are voting on now puts 150 machines in Scarborough and 150 machines in Bangor and 50 machines in each of the Indian Reservations. So, I hope you will vote to Recede and Concur. Thank you.

Subsequently, the House voted to Concur.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

The following items were taken up out of order by unanimous consent:

#### ENACTORS

##### Emergency Measure

An Act to Require the Department of Human Services to Base Eligibility for Medicaid Reimbursement for Nursing Facility Care on a Person's Entire Medical Condition (S.P. 668) (L.D. 1730) (C. "A" S-557)

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. 118 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

##### Emergency Measure

An Act Redefining the Community Services Structure of the Mental Health System (S.P. 654) (L.D. 1704) (C. "A" S-562)

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. 119 voted in favor of the same and 2 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

##### Emergency Measure

An Act to Promote Choice and Quality in Long-term Care (S.P. 707) (L.D. 1806) (Governor's Bill) (C. "A" S-563)

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. 119 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act Regarding School Facilities and Debt Service Limits (H.P. 807) (L.D. 1124) (H. "A" H-888 to C. "A" H-882)

Was 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.

By unanimous consent, all matters having been acted upon were ordered sent forthwith.

#### REPORTS OF COMMITTEES

##### Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit State Spending and Establish a Reserve Fund (H.P. 630) (L.D. 855)

Signed:

Senator:

Representatives:

BERUBE of Androscoggin  
KERR of Old Orchard Beach  
POULIOT of Lewiston  
DIPIETRO of S Portland  
TOWNSEND of Portland  
MORRISON of Bangor  
JOSEPH of Waterville

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-913) on same RESOLUTION.

Signed:

Senators:

Representatives:

HANLEY of Oxford  
BEGLEY of Lincoln  
SIMONEAU of Thomaston  
DONNELLY of Presque Isle  
AIKMAN of Poland  
OTT of York

Was read.

Representative KERR of Old Orchard Beach moved that the House accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Mr. Speaker, Men and Women of the House: As you see this is a constitutional amendment. Not to have a whole lot of dialogue here, it needs two-thirds vote for passage. The Appropriations Committee reviewed this bill. We thought it was probably a little before its time. As you all know, the Governor, in his biennial budget, tried to create a stabilization fund and we, in turn, declined that request and we put more money into our Rainy Day Fund than we have had in the past several years. Currently, we have 22 to 23 million dollars in our Rainy Day Fund, and frankly, the Committee just ran out of time on this constitutional amendment, L.D. 855. I think at a later date it may be something that we can all support. What this bill, as proposed, would do would just limit spending at the 98 percent level and the other two percent

would go into a Rainy Day Fund or a Stabilization Fund, which would accumulate over the biennium to about 70 million dollars. Again, I wish you to support the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Reed.

Representative REED: Mr. Speaker, Ladies and Gentlemen of the House: This original bill is a bill that I introduced last session, and the Appropriations Committee was kind enough to carry it over, and I thank them for that courtesy and consideration. I am disappointed of the report that is before you at the moment, and even more disappointed in that it appears, and I say appears, to have broken strictly along partisan lines. That's disappointing to me. I would hope that you might consider rejecting the Majority motion. The Minority amendment allows that if there should be an excess of revenue over projected revenues, and we all know that's not likely but possible, that 75 percent of that excess would go into a fund. The purposes of which would be: one, to defer coming revenue shortfalls, and those of us who have had the opportunity to serve through them know that they are unpleasant; two, to possibly pay off early bonds, which is unlikely because most of our bonds are not callable; three, to pay down the unfunded liability in the Retirement System where you get a four for one repayment for every dollar you repay early, a pretty good investment; and fourth, for major construction projects. I think that these are goals that we all ought to espouse, irrespective of our philosophy. I think they are worthy and I seriously ask you to consider defeating the pending motion so that we may go on to consider the alternative Minority Report. Mr. Speaker, when the vote is taken, I respectfully request the yeas and nays. Thank you.

Representative REED of Falmouth requested a roll call on the motion to accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Thomaston, Representative Simoneau.

Representative SIMONEAU: Mr. Speaker, Ladies and Gentlemen of the House: At this late hour I am not going to repeat what Representative Reed just said. Once again, we have an opportunity to give the people of Maine a chance to weigh the pros and cons of limiting spending and to make a decision and to put it into the Constitution and to get away from the Rainy Day Fund that we have today that can be played around with. Think about that and give them a chance. Thank you.

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 members present and voting. All 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 pending question before the House is Acceptance of the Majority "Ought Not to Pass" Report. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 369

YEA - Adams, Ahearne, Benedikt, Berry, Brennan, Chartrand, Chase, Chizmar, Clark, Cloutier, Davidson, Desmond, DiPietro, Dore, Etnier, Fisher, Fitzpatrick,

Gates, Gould, Green, Hatch, Heeschen, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Kerr, Kilkelly, Kontos, LaFountain, Lemaire, Martin, Mitchell EH; Mitchell JE; Morrison, Nadeau, O'Gara, O'Neal, Poulin, Pouliot, Richard, Richardson, Rosebush, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Stevens, Thompson, Townsend, Treat, Tripp, Tuttle, Tyler, Vigue, Volenik, Watson, Winn, The Speaker.

NAY - Aikman, Ault, Bailey, Barth, Bigl, Buck, Cameron, Carleton, Chick, Clukey, Cross, Damren, Donnelly, Farnum, Gerry, Gieringer, Gooley, Guerrette, Hartnett, Jones, S.; Joy, Joyce, Joyner, Kneeland, Labrecque, Lane, Layton, Libby JD; Libby JL; Lindahl, Look, Lovett, Lumbra, Madore, Marshall, Marvin, Mayo, McAlevey, McElroy, Meres, Murphy, Nass, Ott, Peavey, Perkins, Pinkham, Poirier, Povich, Reed, G.; Rice, Robichaud, Savage, Simoneau, Spear, Stedman, Stone, Taylor, True, Tufts, Underwood, Waterhouse, Wheeler, Whitcomb, Winglass, Winsor.

ABSENT - Birney, Bouffard, Bunker, Campbell, Carr, Daggett, Dexter, Driscoll, Dunn, Gamache, Greenlaw, Heino, Lemke, Lemont, Luther, Nickerson, Paul, Pendleton, Plowman, Reed, W.; Ricker, Strout, Truman.  
Yes, 63; No, 65; Absent, 23; Excused, 0.

63 having voted in the affirmative and 65 voted in the negative, with 23 being absent, the Majority "Ought Not to Pass" Report was not accepted.

Subsequently, the Minority "Ought to Pass" as amended Report was accepted.

The Resolution was read once. Committee Amendment "B" (H-913) was read by the Clerk and adopted.

Under suspension of the rules, the Resolution was given its second reading without reference to the Committee on Bills in the Second Reading.

Under further suspension of the rules, the Resolution was passed to be engrossed as amended by Committee Amendment "B" (H-913) and sent up for concurrence.

#### SENATE PAPERS

##### Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "B" (S-568) on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$5,500,000 for Major Improvements at State Park and Historic Site Facilities and for the Public Access to Maine Waters Fund and the Land for Maine's Future Fund" (S.P. 740) (L.D. 1848) (Governor's Bill)

Signed:

Senators:

Representatives:

BERUBE of Androscoggin  
HANLEY of Oxford  
KERR of Old Orchard Beach  
MORRISON of Bangor  
POULIOT of Lewiston  
DIPIETRO of S Portland  
TOWNSEND of Portland  
JOSEPH of Waterville  
OTT of York  
AIKMAN of Poland  
DONNELLY of Presque Isle  
SIMONEAU of Thomaston

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

Signed:

Senator:

BEGLEY of Lincoln

Came from the Senate with the Majority **"Ought to Pass"** as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "B" (S-568)

Was read.

On motion of Representative KERR of Old Orchard Beach the Majority **"Ought to Pass"** as amended Report was accepted.

The Bill was read once. Committee Amendment "B" (S-568) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was given its second reading without reference to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-568) in concurrence.

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#### **Non-Concurrent Matter**

Bill "An Act to Allow the Removal from Public Office of Certain Elected County Officials" (EMERGENCY) (H.P. 1240) (L.D. 1700) which was passed to be engrossed as amended by Committee Amendment "A" (H-803) and House Amendment "B" (H-904) in the House on April 1, 1996.

Came from the Senate with that Body having adhered to its former action whereby the Bill was passed to be enacted in non-concurrence. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-803))

On motion of Representative JACQUES of Waterville, tabled pending further consideration and later today assigned.

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#### **Non-Concurrent Matter**

Bill "An Act to Ensure the Continued Stability of Services for Persons with Mental Retardation" (EMERGENCY) (H.P. 1291) (L.D. 1773) which was passed to be engrossed as amended by Committee Amendment "A" (H-906) in the House on April 1, 1996.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-906) as amended by Senate Amendment "A" (S-566) thereto in non-concurrence.

The House voted to Recede and Concur.

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By unanimous consent, all matters having been acted upon were ordered sent forthwith.

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On motion of Representative JACQUES of Waterville, the House adjourned at 11:05 p.m. until 9:00 a.m., Tuesday, April 2, 1996.