

# MAINE STATE LEGISLATURE

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**Legislative Record**

OF THE

**One Hundred and Seventh Legislature**

(First Special Session)

OF THE

STATE OF MAINE

**1976**

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Tuesday, February 10, 1976

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

Prayer by the Reverend Curtis Beach of Blue Hill.

The journal of yesterday was read and approved.

**Papers from the Senate  
Study Report — Education**

Committee on Education to which was referred the study relative to Revise Statutory Provisions Relating to Dropouts, pursuant to S. P. 600 of the 107th Legislature, have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill "An Act to Revise Statutory Provisions Relating to Dropouts" (S. P. 686) (L. D. 2195) be referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

Came from the Senate with the Report read and accepted and the Bill referred to the Committee on Education and ordered printed.

In the House, the Report was read and accepted and the Bill referred to the Committee on Education in concurrence.

**Study Report — Education**

Committee on Education to which was referred the study relative to Encourage the Development of Career Education Programs in Maine Public Schools, pursuant to S. P. 600 of the 107th Legislature, have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill "An Act to Encourage the Development of Career Education Programs in Maine Public Schools" (S. P. 685) (L. D. 2194) be referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

Came from the Senate with the Report read and accepted and the Bill referred to the Committee on Education and ordered printed.

In the House, the Report was read and accepted and the Bill referred to the Committee on Education in concurrence.

**Messages and Documents**

The following Communication: (H. P. 2025)

STATE OF MAINE  
ONE HUNDRED AND SEVENTH  
LEGISLATURE  
COMMITTEE ON LIQUOR CONTROL  
February 9, 1976

Legislative Council  
107th Legislature  
State House  
Augusta, Maine  
Gentlemen:

In accordance with H. P. 1499 which directed the Legislative Council, "through the Joint Standing Committee on Liquor Control to study the procedures, regulations and statutes governing the issuance of liquor licenses and the qualifications of liquor licensees," I enclose herein the final report of the Committee.

Respectfully submitted,

Signed: LINWOOD E. GRAFFAM  
Senate Chairman

Signed: SIDNEY D. MAXWELL  
House Chairman

The Communication was read and with accompanying papers ordered placed on file.

**Petitions, Bills and Resolves  
Requiring Reference**

The following Bills and Resolution were received and upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

**Judiciary**

Bill "An Act to Revise the Laws Relating to the Maine Traffic Court" (Emergency) (H. P. 2023) (Presented by Mr. Hughes of Auburn) (Cosponsor: Mrs. Miskavage of Augusta)

Bill "An Act Relating to the Initiative and Referendum Processes" (Emergency) (H. P. 2027) (Presented by Mr. McKernan of Bangor)

(Ordered Printed)  
Sent up for concurrence.

**State Government**

Bill "An Act to Establish a Division of Travel Information" (Emergency) (H. P. 2022) (Presented by Mr. Palmer of Nobleboro)

(Ordered Printed)  
Sent up for concurrence.

**Taxation**

RESOLUTION, Proposing an Amendment to the Constitution to Provide for the Assessment of All Real and Personal Property on the Basis of Current Use (H. P. 2028) (Presented by Mrs. Clark of Freeport)

(Ordered Printed)  
Sent up for concurrence.

**Referred to Committee on  
Liquor Control**

Mr. Maxwell from the Committee on Liquor Control to which was referred the study relative to the Liquor Laws of Maine, pursuant to H. P. 1499 of the 107th Legislature, have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill, "An Act to Revise the Liquor Laws of Maine" (H. P. 2024) (L. D. 2199) be referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

Report was read and accepted, the Bill referred to the Committee on Liquor Control and sent up for concurrence.

**Orders**

Mr. Laffin of Westbrook presented the following Joint Resolution and moved its Adoption: (H. P. 2026) (Cosponsor: Mr. Usher of Westbrook)

**IN MEMORIAM**

Having Learned of the Death of Carl B. Jensen of Westbrook, Maine

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

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

The Resolution was read.  
The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Usher.

Mr. USHER: Mr. Speaker and Members

of the House: Carl Jensen was known to educators as a driving force to vocational education. He was the leader of the program that led to Maine's first regional high school vocational center. He received recognition from the Director of Vocational Education of the Maine State Department of Education. In 1971, he retired after 44 years of teaching. He was also instrumental in a home building program for students, a first of its kind in the nation. Carl Jensen was very active in community affairs; he will be missed.

Thereupon, the Resolution was adopted and sent up for concurrence.

At this point, a message was received from the Senate, borne by Senator Speers of that body, proposing a Joint Convention of both branches to be held in the Hall of the House at 1:00 P.M. for the purpose of extending to His Excellency, Governor James B. Longley, an invitation to attend the Convention and make such communication as he may be pleased to make.

Thereupon, the House voted to concur in the proposal for a Joint Convention and the Chair appointed Mr. Rolde of York to convey a message to the Senate to that effect.

On Motion of Mr. Albert of Limestone, it was

ORDERED, that Douglas Curtis of Rockland be excused February 10th thru February 24th for personal reasons.

**House Reports of Committees  
Leave to Withdraw**

Mr. Smith from the Committee on Appropriations and Financial Affairs on Bill "An Act to Appropriate Funds to the Community Industrial Building Fund under the Maine Guarantee Authority" (H. P. 1827) (L. D. 1992) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

**Ought to Pass with  
Committee Amendment**

Mr. Maxwell from the Committee on Liquor Control on Bill "An Act Concerning the Purchase of Liquor" (H. P. 1884) (L. D. 2062) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-874)

Report was read and accepted and the Bill read once. Committee Amendment "A" (H-874) was read and adopted and the Bill assigned for Second Reading tomorrow.

**Consent Calendar  
Second Day**

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

Bill "An Act to Clarify Provisions for County Jail and District Court Facilities in the County of Hancock" (Emergency) (C. "A" H-872) (H. P. 1819) (L. D. 1977)

No objections being noted at the end of the Second Legislative Day, the above item was passed to be engrossed as amended by Committee Amendment "A" and sent up for concurrence.

At this point, Mr. Rolde of York reported that he had delivered the message with which he was charged.

**Passed to Be Engrossed**

Bill "An Act Concerning the County Commissioner District in Penobscot,

Kennebec, Lincoln, Franklin and Knox Counties" (Emergency) (H. P. 2011) (L. D. 2186)

Bill "An Act Relating to Monthly School Tax Payments by Municipal Treasurers to the Treasurer of State" (Emergency) (H. P. 2018) (L. D. 2187)

Were reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed and sent to the Senate.

#### Passed to Be Enacted Emergency Measure

An Act to Appropriate Funds for Expenditures of the First Special Session of the 107th Legislature and to Provide for the Reduction and Transfer of Funds in Other Accounts (S. P. 617) (L. D. 1949) (H. "C" H-868 to C. "A" S-393)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 125 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Emergency Measure

An Act Relating to Holding of Property by the Home for Aged Women in Bangor (H. P. 1931) (L. D. 2118)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 125 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Passed to Be Enacted

An Act Relating to Movement of Overwide Farm Equipment (H. P. 1857) (L. D. 2025) (S. "A" S-397)

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

The SPEAKER: The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: The other day I guess I didn't give a clear picture on this particular bill. This morning, I have three questions I will ask, and then if the membership of this legislature wants to pass this bill, I will have no more arguments pertaining to this.

The number one question I have, should we legislate that farming equipment should be required to have lights and reflectors any different than any other piece of equipment on the highway? Number two, as the bill is written and amended, it says in Section 1702 of the State Laws on motor vehicles, the first and third sentences, and I will read to you what the first sentence says: "No vehicle, engine, contrivance or object shall be moved upon or over any way or bridge upon wheels, rollers or otherwise in excess of the length or width or heights or weights prescribed in this title without obtaining a permit in accordance with Section 1703." The way I read that, you would have to have a permit to have an escort rather than lights and reflectors. That is one thing that bothers me.

The other thing pertaining to the widths under Section 1702, it reflects back to Section 1701, which says that equipment

over 8½ feet wide shall have to have these lights and reflectors.

You go a little bit further, and pertaining to the headlamps, it refers you to Section 1366 and in essence with the amendment, it says that lights on front and rear of vehicles over 7 feet wide, and you go a little bit further in Section 1366, it says, "This section shall not apply to unregistered farm tractors." My question here is, if unregistered tractors are exempt, you go back and look at the section that says "When a vehicle is used in conjunction with another vehicle or vehicles, only the last of such vehicles shall be required to carry such lamps." My question here is, if you attach a piece of equipment to a tractor, where are you going to put the lights and reflectors? The tractor that is unregistered is exempt, are you going to put lights and reflectors on the piece of equipment — it says the last vehicle, so I would say that you would put it at the rear, but I still have questions where there is an unregistered tractor, how are you going to enforce this law?

Mr. Speaker, I move the indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: If you ever got a whitewash, you are getting it now. I am from Aroostook where we have this farm equipment and where we see it every day.

The gentleman speaking before me mentioned something about other vehicles not having lights. For several years, I was tied in with pulp trucks. Our pulp trucks from behind looked like a Christmas tree, they had so many lights, and they were compulsory.

These pieces of equipment that travel in the daytime don't bother us whatsoever, it is in the early morning in the fall of the year. And as far as the diamond shaped reflector, it is the greatest thing we ever had. If you come up behind one of them on a straight strip of road, you can see them for two miles. It is much better than meeting a set of headlights all of a sudden in front of you.

It is peculiar that up in Aroostook we have never had the Farm Bureau or anyone mention this to us. In fact, several years ago in this legislature, the Farm Bureau tried this same bill and it didn't pass. Now, we are not asking for headlights and reflectors both, we are just asking for one or the other. Maybe putting them on the extreme is a little out of the way and maybe not, but as far as most farmers owning their own welders, in most cases you would only have to drill one hole and use one bolt, put on a reflector that would only cost you \$2.50.

I hope this morning you will vote against the indefinite postponement and maybe save one or two lives or one or two people from being crippled.

Again I say, I am from the place where this farm equipment is, from Aroostook County. We probably have more in one day than the rest of the state has in a whole year. I think we need this and I don't think any farmer is objecting. It seems odd — we have never had any objection, I haven't, and I don't know whether the gentleman from Perham, Mr. McBreairty has or not, but I haven't, and the Farm Bureau is in favor of this. It seems rather odd that we should indefinitely postpone a bill like this. I hope you will go along and vote against the indefinite postponement.

Mr. Speaker, when the vote is taken, I request a roll call.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Corinth, Mr. Strout, that this Bill and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bagley, Berry, P. P.; Birt, Blodgett, Bowie, Byers, Connors, DeVane, Doak, Durgin, Dyer, Henderson, Higgins, Hunter, LeBlanc, Leonard, Lewis, MacLeod, McBreairty, McKernan, Palmer, Peakes, Pearson, Perkins, S.; Peterson, P.; Pierce, Rideout, Sprawl, Strout, Stubbs, Talbot, Tozier, Walker.

NAY — Albert, Bachrach, Bennett, Berry, G. W.; Berube, Boudreau, Burns, Bustin, Call, Carey, Carpenter, Carter, Chonko, Churchill, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Dam, Davies, Dow, Drigotas, Dudley, Farley, Farnham, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Hennessey, Hinds, Hobbins, Immonen, Ingegneri, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelleher, Kelley, Kennedy, Laffin, LaPointe, Laverty, Lewin, Littlefield, Lizotte, Lovell, Lunt, Lynch, MacEachern, Mahany, Martin, A.; Martin, R.; Maxwell, McMahon, Mills, Miskavage, Mitchell, Morin, Mulkern, Nadeau, Najarian, Norris, Pelosi, Perkins, T.; Post, Powell, Quinn, Raymond, Rolde, Rollins, Saunders, Shute, Silverman, Smith, Snow, Snowe, Spencer, Susi, Tarr, Teague, Theriault, Tierney, Torrey, Truman, Twitchell, Tyndale, Usher, Wagner, Webber, Wilfong, Winship.

ABSENT — Ault, Carroll, Curtis, Faucher, Gauthier, Hewes, Hughes, Hutchings, Mackel, Morton, Peterson, T.

Yes, 33; No, 106; Absent, 11.

The SPEAKER: Thirty-three having voted in the affirmative and one hundred six in the negative, with eleven being absent, the motion does not prevail.

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

On request of Mr. Rolde of York, by unanimous consent, unless previous notice was given to the Clerk of the House by some member of his or her intention to move reconsideration, the Clerk was authorized today to send to the Senate, thirty minutes after the House recessed for lunch, all matters passed to be engrossed in concurrence and all matters requiring Senate concurrence; and that after such matters had been so sent to the Senate by the Clerk, no motion to reconsider would be allowed.

#### (Off Record Remarks)

Mr. McMahon of Kennebunk was granted unanimous consent to address the House:

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: Just very briefly, I want to call your attention to this reproduction of an editorial that was

placed on your desks by the gentle lady from Brunswick, Mrs. Bachrach.

Basically, this editorial is a reproduction of the comments that the editor made when he appeared before a subcommittee of the Judiciary Committee that is presently studying the question of expungement laws. I would urge you to read it and read it very carefully. The gentleman's presentation to our subcommittee was a fascinating one, very intellectual and very enjoyable, and the comments contained in this editorial were equally fascinating. I am hopeful that the Judiciary Committee will soon be reporting out something on this subject for this body to consider.

On motion of Mr. Palmer of Nobleboro,  
Recessed until 12:45 in the afternoon.

**After Recess  
12:45 P.M.**

The House was called to order by the Speaker.

At this point, the Senate entered the Hall of the House and a Joint Convention was formed.

**In Convention**

The President of the Senate, Joseph Sewall, in the Chair.

On motion of Senator Merrill of Cumberland, it was

ORDERED, that a Committee be appointed to wait upon the Honorable James B. Longley, Governor, and to inform him that the two branches of the Legislature are in Convention assembled in the Hall of the House of Representatives, and extend to him an invitation to attend the convention and present such communication as he may be pleased to make.

The Chair appointed:

Senators:

SPEERS of Kennebec  
CONNOLLY of Cumberland  
CUMMINGS of Penobscot

Representatives:

SMITH of Dover-Foxcroft  
JALBERT of Lewiston  
CARTER of Winslow  
GOODWIN of Bath  
LeBLANC of Van Buren  
MacLEOD of Bar Harbor  
GARSOE of Cumberland

Senator Speers, for the Committee, subsequently reported that the Committee had attended to the duty assigned to it, and the Governor was pleased to say that he would forthwith attend the Convention.

Whereupon, Governor James B. Longley, attended by the Executive Council, entered the Convention Hall amid prolonged applause, the audience rising.

The Governor then addressed the Convention as follows:

Mr. President, Mr. Speaker and Honorable Members of the 107th Maine Legislature:

Thank you very much for allowing me this time to visit with you in person. As I think many of you know, with the exception of one of your members, as an Independent Governor, I stand before you without a party, without the benefit or advantage of caucus and, yet, I am very much aware of your attempts to be fair and. I am most appreciative.

I appreciate this opportunity on fairly short notice to visit with you and because we have been working on the matters that I want to discuss with you today, up until

this very morning, our bills and the details are presently at the printers and will be delivered as expeditiously as possible.

First of all I asked for this opportunity to meet with you approximately two weeks earlier than planned because:

1. I felt I had a responsibility to provide you with my budgetary plans and priorities in order to cooperate and hopefully help this Legislature develop its own.

2. I became very much aware and concerned about the reported confusion and potential division among the Legislature as to the best solution to the education deficit and funding questions.

3. Even though your leadership agreed to defer budgetary and fiscal questions until later in the session, I have become aware within the past few days that there is an increasing possibility that the revenue estimates problem, combined with the supplemental budget problem, exceed the seven million dollars contingency reserve we've already undertaken as a safety measure.

Therefore, I felt I had a responsibility to come before you as soon as possible and address this problem. This is the bad news. However, I also feel I have some good news as we also have a solution to the problem.

However, before addressing the specifics of the problem and our specific solution allow me to:

1. Briefly review where I feel this Legislature and this Governor have come together.

2. What we have accomplished to date together.

3. What I hope we're able to accomplish together this session and for the balance of the fiscal year as well as the biennium.

First of all, since assuming office nearly 14 months ago we have attempted to adopt and implement a practice of managing state government on the basis of funds coming in and have in every way attempted to live within our means, and as you well know, it is not easy to stop a runaway freight train of spending. With the help of the 107th Legislature I believe that we have been able to bring together to Maine state government a currently needed philosophy that says:

1. Government must first attempt to provide every service possible with existing dollars.

2. Government must avoid deficit spending if it is to avoid eventual bankruptcy.

3. Government must decide what it can and cannot be and that it must operate under the basic premise that government cannot give more than it takes.

Secondly we've accomplished a balanced budget without a tax increase to date.

To accomplish these goals of fiscal responsibility which we told the people of Maine we would try to attain, we have, with the help of this Legislature, also taken the following steps.

1. We have attempted in every way possible within the Executive branch to make certain the people of Maine are getting a dollar's worth of service for every dollar spent. We have instituted programs to control out-of-state travel, purchasing and hiring and we have undertaken a study of the cost effectiveness of certain programs and projects and we now stand ready to join with the Legislature to do more in this area.

2. We asked this Legislature over a year ago to give us time to get government

headed in the right direction and time to see if the economy was going to stabilize. We asked the Legislature to work with us for a balanced budget without a tax increase. Even though we were left without the adequate reserve that we hoped would be available, the Legislature cooperated. I continue to be profoundly grateful for this cooperation because I am convinced that was one of the most important decisions ever made in Maine state government. In effect, we mutually shunned predictions that we would have to vote a tax increase. . . we committed to absorbing deficits caused by education overspending. . . and we collectively told the people of Maine that government would tighten its own belt before coming to them for more money.

3. We knew that the budget approved in the regular session was a tight one. The Legislature also knew this and it was made even tighter by adoption of the supplemental budget.

Thirdly. . . I now hope we can come together and solve our problems without mandating a tax increase from this Legislature on the people of Maine at least without allowing the people in the towns and cities of Maine the basic American right to make that decision for themselves. Because we knew the budget was tight for the biennium and that revenues could come in a few percentage points above or under estimates, we committed to restoring a reserve by calling on departments and agencies of state government to implement a seven percent or \$1 million a month expenditure reduction plan to help guard against any possible shortfall and no Governor, no business person could ever witness more dedication from outstanding officers and State employees in State government in instituting this million dollar a month reduction which we already have under way.

Although preliminary indications show that the revenue picture is still unfavorable in the January report, it is still impossible to predict whether revenues will be on target until we have the benefit of the April income tax returns. However, as I've already said, in fairness to this Legislature and the people of Maine, we cannot wait even until these tax returns are received sometime in mid-April to address our problems.

I want you to know that we have made a continuing analysis of our revenue situation, our budget and new appropriations requests. I say to you today that it is our conclusion that the budget can be balanced for the remainder of this fiscal year and for the second year without a tax increase and without seriously curtailing or hampering state services.

With the help of this Legislature, we commit to doing just that.

The easiest thing this Governor and this Legislature could do at this point would be to throw up their hands and vote a tax increase. I state unequivocally that I do not think that would be fair to the people of this state at this time because I do not feel we have done everything possible to live within our present means.

I believe if this Legislature and this Governor will work together we can live within our present budget. At the very least, we owe it to the people of Maine to say we tried and avoid mandating a tax increase on the people of Maine, that given the right to vote and act on their own in the cities and towns of Maine, can make their own determinations whether or not taxes go up or stay the same or go down.

We can always come back together if the economy does not improve as predicted and if the revenue situation merits it. However, I say to you that nothing can undo the harm that would be done to present and future generations of Maine people if we act in haste to impose a tax increase at this time. We are already paying the price for hastily enacted legislation in the past and let's not add this type of burden to a future Legislature and Governor.

Sure, we might temporarily still the loud voices of any special interest, wanting to spend more money, by simply taking the easy route and voting a tax increase. . . but I say to you that unless we in state government continue to hold the line on spending we are not going to be able to stem the continuous out-flow of many of our young people who are forced to leave Maine to find quality jobs.

As Governor I have already had my share of pressure from those who want to spend more, and I am sure the pressures have been even greater on you. These pressures are going to increase as the session goes forward. It is important for each of us to keep in mind that we also must represent the people who are not in the hallways and who are not pressuring us to spend.

After a year of trying to find industries to come to Maine, I can say to you with complete certainty that we will have lost a major advantage if we vote a tax increase at this time.

Let's be willing to make tough decisions for the people of Maine. If there is a need for someone to take the blame or if they are not the right decisions, then I stand willing to take the blame.

I have already submitted to this Legislature proposals to resolve our education deficit and for a new education funding law. If this Legislature does not have a better plan, then I plead with it to adopt those which we have submitted. I assume the responsibility for what we have advocated and I'll take the blame if it is not right.

Today I will outline to you our plan for keeping the budget balanced without a tax increase. If this Legislature has a better plan, then I am willing to listen. If it does not then I again plead with it to approve what we will submit and, as Governor, I will assume the responsibility.

#### The Revenue Picture

As I said earlier, it is not possible to predict whether revenue estimates will be on target come June 30. However, as early as last December we instituted a program to restore dollars we lost in the supplemental budget and so with the additional adjustments I am sharing with you today, we will be on target at year end.

As it relates to the second year, we still feel confident that our 1977 estimates will hold: The anticipated improvement in the economy convinces us that the 1977 revenues could even exceed our estimates. Available forecasts indicate that there will be a considerable improvement here in Maine as well as throughout the nation in real personal income and unemployment. The latest forecast of the New England Economic Project predicts that Maine's total personal income will rise eight-point-six percent or from \$5.1 to \$5.6 billion dollars. The same report predicts that total employment in Maine will rise gradually from the recent low of 349,400 persons during the third quarter of 1975 to 357,000 persons in the last period of 1976.

Even though we will commit our cost

savings to guard against any first year revenue shortfall and even though we are convinced second year revenue estimates will hold or exceed expectations. There are problems which must be addressed in both years of the current biennium.

#### First Year

In the first year we are faced with a potential need of \$10.3 million dollars to:

1. Provide \$675,000 for the operations of the Legislature.
2. Cover an unanticipated \$1.5 million shortfall in federal revenue sharing funds.
3. Provide a maximum contingency fund of \$8 million for potential general fund shortages.
4. Provide an additional \$50,000 necessary appropriation for the Chief Medical Examiner.

To end the present fiscal year with a balanced budget and to avoid the imposition of additional taxes on the people of Maine, we propose that the \$10.3 million be realized by:

1. Utilizing the \$7 million we have already undertaken in expenditure reductions.
2. Utilizing \$1.6 million in additional lapsed balances which will result from improved management practices, including the improved management of personnel, printing and capital purchasing.
3. Utilizing \$200,000 allocated in the Highway Fund for amortization of the transportation building but not anticipated in General Fund Revenues.
4. Utilizing \$250,000 from the Governor's Contingency Account. The Executive Council should be commended for the fiscal responsibility it has displayed in allowing these additional funds to be available.
5. Utilizing \$300,000 which has been spent in previous years to encumber fuel allocations. We are informed that that practice is no longer desirable under present pricing systems.
6. Utilizing \$250,000 in unanticipated Medicare Funds.
7. The remaining \$700,000 needed to keep the first year budget balanced will be made up by the reallocation of funds for lower priority capital programs in parks, airports and at Stevens Schools. These funds were appropriated in 1973 but have not been committed because they have not been considered high priorities.

Even though we are convinced that second year revenues will hold there are some additional problems directly related to existing programs, which we must address.

Basically, we feel we must come up with the following additional appropriations:

1. \$2.6 million for continuation of supplemental appropriations included in L. D. 1937.
2. \$106,000 for the court system and the Chief Medical Examiner.
3. \$1.3 million for Human Services.
4. \$300,000 for Mental Health and Corrections.
5. \$400,000 for reimbursement to municipalities for the Inventory Tax Exemption.

In addition, we have said repeatedly that we wanted to do something for underpaid state employees. The Legislature has shared this concern and mutually we directed a study to be made of the classification and compensation system. That study has been completed and we commit in the second year to the implementation of that plan to the maximum extent possible consistent with

our financial condition and our other obligations.

Bills regarding our pay plan and all other budget proposals will be presented shortly to this Legislature, but basically we will propose the following for state employees:

I am recommending a salary adjustment plan for underpaid state employees to be effective with the first pay period in July of 1976. As I said, the basis of the salary adjustment should be the reclassification effort and compensation levels recommended by Hay Associates in their recently completed study. I am suggesting implementation in such a way that no employee will receive a reduction in take-home pay and also that no employee will receive more than a ten percent increase upon implementation unless necessary to reach the first step in the new range and this Governor and this Legislature can indeed pride in the fact that other Governors and other Legislatures have had to address employee cutbacks of five percent and in some instances, even more. I think this is very significant. Our approach has been almost totally through attrition.

Hay Associates reviewed nearly 950 classifications in a relatively short time frame so that this information would be available for this special session. Because of the extent of this review we believe that an appeal process for individual employees, employee groups and departments is an essential ingredient in the implementation process and I am suggesting such a procedure in the legislation to follow.

In order to fund the estimated General Fund cost of \$3,750,000, to implement the pay plan I am proposing the following:

- A. Provide for the initiation of an improved merit system by including only sufficient funds for 60 percent of those eligible for an annual increment in fiscal 1977 as recommended by the Hay report.
- B. Eliminate payment of most noon meals for state employees.
- C. Institute a bi-weekly payroll system.
- D. Utilize a portion of the 1976 reserve for Health Insurance not required by departments.

These steps will create a pool of approximately \$1,000,000 to assist in small General Fund Agency implementation needs and will improve the overall effectiveness of state government. The remaining funds required can be made available from agency personnel savings and other accounts as a result of the reduction in employees and other savings that have been achieved by our administration. The number of General Fund supported employees has been reduced in the past year and we are convinced that we can achieve additional employee reductions through attrition in those areas where overstaffing still occurs. To assist us in these reductions, I am asking and also suggesting improved control and administration of vacation and sick leave benefits to assure more available productive time by state employees.

The pay plan we have advocated and the other second year programs we feel are necessary will cost an estimated \$7.5 million from the General Fund. Because we believe these programs are essential, we are proposing to withhold a four percent reserve from 1977 allotments to assure their financing. We believe this is the maximum across-the-board reduction in General Fund expenditures which can

be accomplished without seriously affecting existing programs.

We sincerely believe this need for a reduction in allotments will be a temporary measure as a result of:

1. The improving economy which should increase revenues above estimates in the second year of the biennium.

2. A commitment on the part of this administration to continue its spending reduction program into the second year so that these reductions in expenditures will be occurring automatically within individual program areas.

In a letter to members of this Legislature earlier this week I stressed the importance of resolving the education deficit separate and apart from our other financial problems. I think we are all aware of the need to solve that problem as quickly as possible so we can effectively deal with the other pressing problems of this special session.

The budget proposals we have made for the remainder of this fiscal year and the second year cannot be placed in proper perspective without looking ahead to our plans for the immediate future. In that regard:

1. If our proposed solution to our second year problems appear to be falling short and cannot wait until the January regular session to be addressed, we commit to calling this Legislature into a fall special session to address them.

2. Although I would personally like to consider reducing the heavy reliance on the property tax for education funding, I do not believe this special session is the time and place to attempt to transfer this to a more broad based tax source. Therefore, I commit with the Legislature to a complete and full examination of this state's total tax policy in next January's regular session. We can, at that time, give full considerations to the recommendations of the tax policy committee. I will, at that time, consider a tax shift for education funding as well as any other changes that will make Maine's individual tax burdens more equitable. I will not, however, commit in the regular session, or any other session, to taxing Maine people beyond their ability to pay in relation to their per capita incomes for any purpose because I still believe state government in Maine is too large and too expensive.

3. This Legislature, to its great credit, has suggested that we take a look at programs throughout state government with an eye toward eliminating low priority programs and programs no longer serving a useful purpose. In that regard, I would ask this Legislature to join with us in a joint effort to make a complete examination of programs between now and the regular session.

I appeal to this Legislative Body, as a whole, that we, in the Executive Branch of Government, identify waste and overlaps and over-staffing, recognize on occasion and in addition to the spenders, there are those legislators well intentioned and well-meaning whose only concept of government services is spend, spend, spend and who fight every move to produce savings including analysis of well prioritized programs.

I plead with this legislative body, to plead with those among you whose concept of state service is spend more money, to join together with the Executive and Legislative branches and let's get government back to the people because we will never get government back to the

people as long as the Legislature and the Governor are fighting on fiscally responsible programs to save them when we are being taken apart frequently by low priority programs not serving the people.

I welcome and appreciate the suggestion that the Legislature join with the Governor an analysis and study of low priority programs so that we better together can serve the people of Maine.

I believe we can mutually recommend programs that could be immediately cut and recommend a monitoring system for the future whereby programs are automatically analyzed on a regular basis.

I stand here convinced and say to this Legislature and the people of Maine that if we adopt this pay as you go budget approach we have advocated, take the steps we have proposed for the future and realize what we believe will be an improved economy that by this time next year Maine state government could be leading the way and we could be in the best position of any state in this country to move forward with a fiscally sound government.

So to President Sewall and Speaker Martin and to each of you members of the Legislature, I pledge my complete cooperation and my full time and attention to placing the State of Maine in a very important position.

At the conclusion of the Governor's address, the Governor and his suite withdrew amid applause, the audience rising.

The purpose for which the Convention was assembled having been accomplished, the Chairman declared the same dissolved and the Senate retired to its Chambers, amid applause of the House, the members rising.

#### In the House

The House was called to order by the Speaker.

On motion of Mr. Rolde of York, the House moved into a committee as a whole and Mr. Martin of Eagle Lake was appointed Chairman of the Committee.

The CHAIRMAN: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Chairman, Ladies and Gentlemen: Before we enter into the heart of our debate, I would like to address a few remarks of an introductory nature.

First of all, speaking as the Democratic Majority Leader, I want to emphasize, and it is perhaps unnecessary to say it, that there is not a partisan bone in the body of the beast that we are about to tackle today. I am sure that my opposite member in the opposite corner shares my view, that we are speaking today neither as Democrats nor Republicans nor even our lone Independent as an Independent, but all of us are speaking independently as representatives of our communities and of what we perceive to be the interest of our communities. Yet I believe, too, that the school debate today will also differ somewhat from school funding debates of the past and that the problems are so immense that they dwarf the often parochial concerns that have motivated us in the past. And in that regard, I believe that we will be acting here not only for the best interest of the particular communities that we represent but genuinely struggling to reach a consensus that is in the best interest of the people of our entire state.

Education is under fire today. The Governor publicly bemoans the fact that if it were not for education, he would not be having budgetary difficulties. He explains those difficulties by blaming them on the actions of a previous legislature and a previous Governor in creating the school funding law that we have now. Yet, education is an inescapable responsibility of the state. The necessity of dealing with it goes with the job of Governor. It is rooted in our Constitution in Article VIII, Part First, and the author of that portion of our Constitution, as many of you know, was none other than Thomas Jefferson, who wrote it at the request of Governor William King. Attempts to make education the whipping boy and scapegoat for our financial ills are to be deplored. Reports that the Governor and his supporters would go among the people trying to stir up their anger against education are, I trust and hope, untrue.

That is not to say that we should avoid asking hard questions about the type of education we are providing. The cry of those who declaim that more spending and more money will not alone buy quality education has a certain validity. But the logical and unspoken extension of their argument that a cut in funds for education will bring better quality is, of course, absurd. In a poll that I have conducted, at least, in the First Congressional District, I have found much to my surprise that those who responded by a two to one majority do not feel we are spending too much money on education. The words of one blue collar worker I met in York County that, "We can never spend enough on education" are no doubt extreme, but they do express a continuing public faith in the value of education in a country that has developed the greatest and most extensive system of public education that the world has ever seen.

It is too bad that what we are debating here today is really not more intimately connected with the quality of the education that our children are receiving. In a way, we are actually more concerned here with a tax policy for the state, and the smoke and fire of all the controversy we have had over school funding laws has diverted our basic attention from the content of the education in our state, but pocketbook issues are always the issues that generate the most attention. So now we find ourselves locked once more in a struggle

between communities over the most equitable distribution of educational funds. And furthermore, we seem to be caught on the horns of an excruciating dilemma where any move we make will mean an increase in taxes.

Moving one way, or not moving at all, means that one broad-based state tax, the uniform state property tax, will be increased. Moving another way may mean an increase in another broad-based state tax, the income tax. Faced with this choice, some people will say, "Don't raise any tax; just cut educational spending." Yet cutting may have to be done, too, over and above any of the increases that I have mentioned, because the magnitude of our funding problems are so great. A few people have even half-seriously suggested that our basic solution would be to close the schools of Maine for a year. Of course, we will not do that. Instead, we will labor long and hard to come up with a solution to our current difficulties. It will not be a perfect solution. Future legislatures no doubt will continue to have to grapple with the

problems of school funding just as they were grappled with by many, many of our predecessors. It is a continually evolving process.

Before I close, I would like to take this chance to commend the members of the Education Committee for their many hours of hard work and the promptness with which they have acted to deal with these dismayingly complicated matters. I would also like to commend the members of the Education Finance Commission for their tireless efforts. Having served on a similar commission, I appreciate what they have gone through in attempting to fashion concrete recommendations for solving our current educational troubles.

Behind all the discussion that will take place here in the next few days, behind all of the heated arguments and the impassioned rhetoric lies a single factor and one that I hope we never lose sight of — that factor is the school children of Maine. It is about them that we are really talking; it is their future that we are shaping today.

The CHAIRMAN: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Chairman, Ladies and Gentlemen: I am not quite sure what is going on or if we are about to play games or not, but there seems to be a general reluctance to step up and speak, and I am sure that does not apply to many members of this House who have very firm convictions in the direction in which they ought to move.

I think we ought to recognize that to approach the funding of education statewide on an equitable basis is extremely difficult. To have almost 500 communities involved, with almost 300 school systems, it presents a problem with which the Finance Commission labored from August until after the legislature had convened, and the Legislative Education Committee struggled hard and long.

We considered the education of the children in the State of Maine our primary concern. We tried to tailor a law that would live within the appropriations made at the regular session, approximately \$265 million, the same base which the Governor started with his proposal for education funding.

I think we have come up with a good solution. It does not solve all the problems across the State of Maine. It relieves some of the pay-in communities, it attempts to protect the low valuation small school units that were our concern when the funding law was developed originally.

We have closed the doors to any possible deficit in the funding of education. We have tried to bring into play more local concern. There seems to be outcries across the state that they have lost local control of education. But when you look at the cost of education in the State of Maine, it is local control that has determined the cost of education in the state. We have mandated a special education program, we have mandated vocational education, but it is local control that determines the operating costs in the school units across the state. It is local control that determined the level of spending on special education. It is local control that determines the spending level on vocational education. It is local control that determines the spending on transportation, both operating costs and bus purchasing and leasing. It is local control that determines where the capital construction is initiated, although the final decision rests with the legislature and the State Board of Education.

The state, by its funding law, has opened the door to local and state sharing of some costs to enable the communities to bring their level of spending back up to prior years. There has been recognition that some school units are geographically isolated and therefore ought to be given some consideration and additional dollars.

There has been concern for increasing enrollment and of course you are all well aware of Raymond, and this has been addressed in the committee bill. There were 300,000 last year; the committee has recommended 800,000. Communities like Raymond were only able to get 25 percent of what they ought to have had under the increasing enrollment solution. Under the law, we take care of decreasing enrollment problems, giving them a year to phase down their educational programs and adjust to the decreasing enrollments.

We have gone to a 90-10 solution to bring more local control into special education, local programs, vocational ed and transportation, and I think this has to be the concern of everyone in the legislature. We have seen special education go from four to six to nine million dollars. There is no question that the State of Maine is making more than a good-faced effort to educate its handicapped students. I think we have gone overboard. I think we have neglected one of the greatest resources that the state has in the talented, gifted student who is not challenged in the educational system. These are the children that we ought to be directing some of our money toward.

We have closed the loopholes to any future deficits. We have lived within the roughly \$265 million. There is one concern that I am greatly troubled by. The \$4.7 million deficit which the Governor says ought to be deferred for the next year is a deficit that is mainly caused by the use of leeway dollars within the state funding law by many of the school units in the state, and this year we have approximately 140 out of 170-odd school units that are attempting to follow the dictates of the legislature and move to a uniform fiscal year of July 1. In doing so and using the present law of leeway of 2½ mills, \$125, exposes the state to a just under \$3 million exposure. If it were all used, there would be an additional \$3 million deficit.

I think the state has a moral obligation to live up to its commitment. I think the proposition of forgetting that \$3 million and saying to the 140-odd units, you cannot have the use of leeway during the first six months of this fiscal year because we don't have the dollars and at the same time turn around and say to these same communities, you are going to have to live with a lowered funding of education because we have \$4.7 million that has been an increased deficit by the other school units. So you are not only penalizing the 140 units by preventing them to use leeway, you are asking them to pick up the tab for the school units that did use it.

How do you handle that deficit? It is a one-time problem. My suggestion is, you handle it in a one-time solution. You either put a surtax on the income tax to expire December of 1976 or you put a sales tax on for four months in the summer to pick up some tourist money, but you fund it in a way that expires when the deficit is met.

Now, the committee bill recommends that we go from the 14½ mills that would be required to fund education at the level at which the regular session appropriated money for. The committee recommends that we decrease the uniform property tax

from 14½ to 13½ mills, and that would transfer \$9.8-plus million from the uniform property tax to a broad-based tax of some sort. That helps the pay-in communities. It does hurt the small valuation, low school unit, and while that has been questioned, I am working on a representative group of towns that are affected by this uniform property tax reduction of one mill to point out to you graphically the impact on these school units on the allocation side.

I think we have come up with a responsible bill, responsible to the education system of the State of Maine. I think we are responsible to the needs of the state and its short-fall in revenue at the present time. I think we have come up with a solution that ought to be politically palatable to the majority and I hope two-thirds of the legislature.

The CHAIRMAN: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Chairman, I wonder whether or not it would not be in order if we took right now these three bills and accept the reports, give them their readings, put them in a position for amendments right now. I mean, rhetoric is fine, but I think we ought to do something and I think we ought to do it right now. I am just asking.

The CHAIRMAN: The Chair would answer in the negative. We will do that when we move from the committee as a whole.

The Chair recognizes the gentleman from Wells, Mr. Mackel.

Mr. MACKEL: Mr. Chairman, Ladies and Gentleman: I would like to discuss my bill, L. D. 2101, cosponsored by Representative Greenlaw of Stonington and Representative Perkins of Blue Hill.

Before discussing this bill, I should explain its origin. I feel that this is necessary because on several occasions I have heard speakers say that the School Finance Commission reported out only two bills. Of course, this is incorrect. L. D. 2101 was conceived as a product of the School Finance Commission. It is one of three bills reported out by this commission, and I am very sorry to say at this point that the only surviving bill reported out by the School Finance Commission.

This bill, L. D. 2101, had and continues to have the support of three public figures and two legislative members of that commission. It reflects a simple and reasonable concept, which recognizes and provides needy communities while at the same time returns to local communities the right of self determination insofar as education is concerned. And it has an added advantage — it removes the device of pay-in provision that has torn this state apart and which will continue to tear this state apart as long as this provision exists.

In looking at the printout, and I should add at this point that there is a second printout relative to this bill that is being prepared, and it was actually due during the noon hour, so I expect it will become available in the near future. One thing that the new printout will do that this bill does not do is show the addition of the leeway to the funds allocated to each of the municipalities shown in the table. Currently, that leeway is not shown; therefore, these figures are not comparable to the Education Committee bill.

On the first page of this printout, you will notice that I have used a basic allocation of \$729 per elementary pupil and \$1,068 per high school pupil. I should caution you that these are assumed figures, these are figures based on the actual cost of the current school year and they are assumed

for the purpose of computation. The bill that I have, 2101, basically provides the mechanism of procedure for actually funding education; it does not provide the actual funding. The legislature would have to, as a separate legislative act, establish this allocation which I have used as assumed figures in order to arrive at totals which could be compared to other bills.

Also on the first page, you will notice that I show, in a column of figures below, local option property tax of  $14\frac{1}{2}$  mills, and that is about \$125 million. I label this optional because it is optional. No community has to raise that  $14\frac{1}{2}$  mills. My bill, 2101, would eliminate the uniform property tax. Therefore, it is an optional tax that may be raised by the communities. I also have, of course, the 6.6 leeway at a reduced level of \$90 maximum to be subsidized by the state and I do have in there provision for geographic isolation, unusual enrollment and private school transportation that amounts to \$800,000. The total cost to the state would be about \$142 million.

In order to satisfy this requirement of \$142 million, I am assuming and I have been assured that the \$128 million shown on the Governor's bill, or the bill sponsored by Representative Lewis, that \$128 million represents the highest that you can go without an increase of state tax. So the difference between my bill, the \$142 million and \$128 million, is nearly \$14 million which would be required to be raised as additional taxes from a broad-based tax. I am telling you this so you will be aware that there is a substantial tax increase involved.

That \$14 million that I mentioned does not provide for any of the deficits. If you recall, we did have a bill that Representative Palmer sponsored, a \$2.6 million bill, which went 17-A. That \$2.6 has not been resolved; \$4.7 is another, and it is suggested by the Governor that that be deferred, and there is another \$1.3, a total of \$8.6 million that I do not provide for within this bill.

Generally speaking, within the back pages are shown the municipalities or school units and it is shown in the first column the local share that each unit would raise with a  $14\frac{1}{2}$  mill effort, if they made that  $14\frac{1}{2}$  mill effort. The second column shows the amount of state aid that they would receive. In some cases, of course, they would receive none. For example, in the case of Acton, Acton, with a  $14\frac{1}{2}$  mill effort, actually they could do it with less, but with  $14\frac{1}{2}$  mill effort it would raise the \$163,000 necessary to educate their children on a basis of the allocation that I had assumed; that is, \$729 per elementary school student and \$1,068 for secondary students. So, Acton would receive no state aid.

What I am doing in effect, because this is in a sense — I am not using the average computations that go with the current bill where the state is serving to guarantee a specified amount of money involved, that any community or any school unit below average would realize a very substantial benefit, they would be raised up to what the current average as of right now. Any community that is currently above the state average would be lowered and brought down to that \$729 and \$1,068, unless they chose to use local money exclusively to raise themselves above that, which the bill authorizes.

Some people would say that to bring the below average school units up suddenly like this would provide them with more

money than they can use constructively. I don't believe this, because if you will consider that most of them are currently using maintenance of effort and leeway money in addition to their basic allocations. So I feel that they can use this money and use it constructively.

I would like to explain a few more characteristics of my bill. I am taking a good deal of time because up until this time my bill has not been explained to anyone. We have had several caucuses and we have had discussions of printouts, various printouts of various bills, but this bill was not explained and the printouts, of course, were not discussed.

The net effect of this provision that I am using, the  $14\frac{1}{2}$  mills, is merely to identify the capability of the town to raise a basic allocation that is set by the legislature. If they can raise that allocation, they receive no money. If they cannot raise that allocation, they receive the difference from the General Fund. That is basically all that the  $14\frac{1}{2}$  mills is used for. It is not used to collect any tax. The net effect of this provision would be to eliminate the use of the uniform property tax for funding education. It would reduce property taxes by \$6 million and transfer this cost to the General Fund. It would return to local communities responsibility for funding education to the extent that they can with a  $14\frac{1}{2}$  mill effort.

Now, other characteristics of the bill, it is more simple in language, although the laymen may still have some difficulty in understanding it. It restricts the use of minor capital outlay, that is \$10 per student, to repair equipment and buildings and prohibits purchase of land and construction of buildings. It reduces leeway to \$90 per pupil, as opposed to the \$125 per pupil and thereby reducing the maximum state commitment to a \$6.6 million per year. I believe this is a constructive step. I don't see any purpose in offering someone \$125 when we can't provide it as has been shown under our current legislation. I think it is much more advantageous to offer them \$90 that we can fully fund.

The changes in reimbursement for special ed from current to prior year basis — in other words, school units must wait a year for reimbursement. It protects towns and SAD's against over collection on local leeway — that is, no town must raise more than \$90 per student whether in a SAD or not. It prohibits the borrowing through issuance of bonds for school construction. Money must be appropriated from the General Fund for construction or we just don't build. It eliminates subtraction of special or vocational ed students from the average resident pupil count and establishes a three-step process for the allocation of funds, one which would provide for the Commissioner of Education to make recommendations based on prior-year costs, these recommendations to go through the Governor, who would in turn make his recommendations and finally they would be presented to the legislature and the legislature would establish the basic allocation. Finally, it removes the ceiling on spending of local funds at local option.

Mr. Chairman, on previous occasions, I have stood before you to talk about school funding bills as a representative of one poor town, North Berwick, and one so-called wealthy town, Wells. Under those conditions, my motives for attempting to repeal L. D. 1994 were perhaps suspect. I am sure that some of you thought that Ed

Mackel is only attempting to save Wells the \$400,000 pay-in provided by Wells and perhaps there was no other underlying principle or issue involved.

As of the end of this school year, I will not be representing any wealthy towns; I will be representing two poor receiving towns, North Berwick and Wells. Wells will drop from the dubious position of being the third highest pay-in town to become a receiving town. We won't be receiving much initially, but just give us time. We have just learned the name of the game — that is, to spend, to spend and spend more on education. This way, the buck stops in Wells and doesn't go to Augusta. It doesn't go to Cape Elizabeth, to Falmouth or to any other poor town. Wealthy towns like Raymond and Cranberry Isles will begin supporting our school system.

You might ask, how could a wealthy town such as Wells become a poor town? We did it in the same manner as wealthy people become poor people. We learned to live beyond our means. Instead of building an addition to our existing high school, we built a new high school and we went first class, over \$3 million worth. Our debt service costs are over \$400,000, equivalent to the amount we were sending to Augusta. We discovered the advantages of special ed — \$65,000 worth of advantages. We pay our teachers better and we don't bargain as hard with the contractor who provides transportation. With our continued increase in enrollment, we are going to be one of the poorest towns in the State of Maine, and in spite of this, if our current school finance law isn't repealed, we are going to be equal to everyone else in the State of Maine. Unfortunately, this attempt to keep up with the Joneses is costing us dearly.

For the current year, our local taxpayers raised over \$1.4 million, \$400,000 of which was sent here to Augusta. If the current law is not repealed, our taxpayers must raise \$1,563,000, an increase of \$163,000. Under the Education Committee revision, we would raise \$1,554,000, an increase of \$154,000 over the current year. One advantage, of course, is that all that money will stay in Wells.

My point is that we don't need nor want this kind of assistance and, truthfully, we don't want money from the taxpayers of Raymond. They obviously need it more than we do and Raymond needs it worse than Cape Elizabeth and much worse than Falmouth. We will gladly trade this monetary bonanza in return for control of our own destiny. It may be that we will be a little less equal than other towns, but at least we will have our pride and our self respect restored.

The CHAIRMAN: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Chairman, Ladies and Gentlemen: I am sorry, I was out of the room and I didn't know that we were acting as a committee as a whole. I think probably when we do reconvene, and it might be your thinking anyway, but if I may, Mr. Chairman, make an observation while I am on my feet, I have listened to three fine gentlemen and friends make remarks, and all I have heard when they made their remarks was the word "taxation." The first time I heard this bill debated back in 1973, the word taxation rang in my ear. When we amended it this year, 1452, the word taxation rang in my ear, and now these versions, the three of them we have before us, the word taxation rings in my ear, whether it is on this level

or whether it winds up back home. The word taxation rings in my ear and should ring in your ear.

I am not going to philosophize because I am not a philosopher, but I am going to make a prediction to you — unless and until you refer this bill to the proper committee, and that is the Committee on Taxation, there are two things that are going to happen. We are either going to be here until June or you have got about as much chance of getting 101 on that board as I have got of going to Moscow, and I don't intend to go to Moscow. It is as simple as that.

This bill never did belong before the Education Committee, and I am not going to stand up here and come out and commend the committee for their good work and this and that. I will tell you what I will do, I will say that I feel sorry for the Committee on Education for having gotten themselves involved for the third time in a bill that didn't concern them in the first place. It was to be the philosophy of education that we were going to discuss. What philosophy of education have we heard any of the speakers make? We are talking taxation. Wildlife bills are referred to that committee; legal affairs bills go before the Legal Affairs Committee; appropriation bills go before the Appropriation Committee, and these bills, which are nothing but taxation bills, should go before the Taxation Committee.

You can argue these things for three, four, five days or two weeks, but you will wind up without getting anywhere at all, you won't get the 101 votes on that tote board, I can assure you that, and then you may decide to go to the proper committee or else you will be back here later on and do just that.

The CHAIRMAN: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Chairman, I don't know whether the gentleman from Lewiston was here this morning, but there was a statement made, and I made it, that this bill or any other bill for funding education would not be enacted unless it was accompanied by a taxation measure. The two have to go hand-in-hand in order to get 101 votes, and that has been the stand of many members of the legislature.

Why hasn't this been taken over by Taxation prior to this? It was dumped on Education and nobody wants to step into a bad situation. It is a tax measure, and I would think it would have been addressed in the years that we have been trying to deal with education.

Mr. Chairman, if I may, I would like to ask Mr. Mackel a couple questions. He is abandoning the uniform property tax and he says the municipalities shall raise 14½ mills if they need it for their education system. Because it is not a uniform state property tax, there is no compulsion that the local municipalities will raise 14½ mills or any part of it. He has an appeal procedure that says "25 or more parents of students in attendance at the unit school may appear to the State Board of Education." Can you imagine what is going to happen to the State Board of Education if many communities in the state do not raise an adequate sum of money to fund their level of education? You only have to have a very small minority in any community to start raising problems of this sort. The State Board is involved in enough without getting involved in this.

The gentleman has said that he solved

the problems in Wells, but look what a flat grant does to communities around the state. With his own figure of \$729 on the elementary level, it underfunds 99 school units. At \$1,068 on a secondary level, it underfunds 116 school units. If you take the averages that are used in the committee's bill and the Governor's bill of \$755, it underfunds 81 school units if you go to the flat grant approach. At \$1,110 on a flat grant approach, it underfunds 89 school units. Now, who are these units? Rangeley, geographically isolated. You have all had the printouts. Take a look at the first 99 or 116, 99 on elementary and 116 on the secondary level. That is the difficulty of armchair approach to school funding without scrutinizing unit by unit across the state to see just what any procedure does to them. You can solve one school's problems by compounding problems for many other districts.

The CHAIRMAN: The Chair recognizes the gentleman from Wells, Mr. Mackel.

Mr. MACKEL: Mr. Chairman, I think a valid question was raised relative to the 14½ mills in that it is not required that it be raised, it is an optional item. We feel that this returns responsibility right to the local unit. If the local government, the local voter, in his own judgment decides he does not want to fund it at 14½ mills, we feel that that is his prerogative. He may want to choose to fund it at a higher level as well as at a lower level. But in addition, though, we are having an amendment prepared and that amendment would require that a school unit must make the 14½ mill effort prior to being eligible for any state assistance. Others who are carrying their own weight without state money would go their own way.

Relative to the second comment that was made, we do provide for — in effect it is not a flat grant, but we do provide for, in effect, a flat grant, and I will venture to say that there are some schools that may find it difficult, but we feel that that \$729 and \$1,068 — let me first say that that is an assumed figure, that is not a firm figure. In the case of this computation, that figure was used just for the purpose of comparison with other bills. If, in the judgment of this legislature and the Commissioner of Education and the Governor, if they all were to agree that a higher amount is required, then, certainly, it is a legislator's prerogative to establish a higher level of allocation.

The CHAIRMAN: The Chair recognizes the gentleman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Chairman, Men and Women: I have so much to say, I hardly know where to begin, but in response to the question raised by Mr. Jalbert a moment ago, I went back this weekend and read the original debate on 1994 and it was apparent throughout the entire debate, by proponents and opponents alike, that 1994 was going to require a tax increase, if not in the next special session, certainly in the 107th. Everybody knew that. The figures tossed around was that that would cause a deficit of around \$50 million. Well, we got by the special session of the 106th: we didn't pass a tax on it in the regular session of the 107th, and now our deficit has been only \$30 million in the two years that it has been operating, and they were anticipating a \$50 million deficit even before we had passed the special education law, and they weren't counting the expansion of vocational education.

I think it is really apparent, if you look at

the facts, that there has not been overspending in education but there has definitely been underfunding or underfinancing at the state level. The \$20 million deficit in the first year was entirely because there was no way to predict what special education was going to cost because we had no historical data on which to base it. This year, our deficit is not in special education but is in leeway, which we knew in advance what our costs could be under that, but we only appropriated half of the sum that was necessary. I think they can be very well justified that the education community has done very well with the added responsibilities placed on them and still keeping it within one percent of the inflationary factor.

Mr. Jalbert said we hadn't talked much about educational philosophy, and I want to talk about all three of these bills before us, because I think all three of them have abandoned the original concept of 1994. The flat grant approach, I think, is very obvious in how they have abandoned the concepts of 1994 with the uniform property tax and distribution based on the needs of the various communities. But the committee bill is a little more clever and a little more acceptably written, but it, too, abandons the concept of the equal cost of education throughout the state. It abandons the concept, also, of the uniform property tax for education and it abandons the concept of equality of educational opportunity; it even abandons the concept of the state picking up 50 percent of the cost. If that weren't bad enough, it increases both the property tax and the income tax in order to reduce the funding of education \$12 million.

There may be some merit to the idea that education must draw back, that they are taking too much of the total state tax money, but \$12 million is an awful lot for these communities to absorb around the state, especially some of the poorer communities. Either they will have to cut back drastically on current programs or else they will have to raise their property tax to a terrible burden somewhat comparable to what it was before. And there goes out the window the concept of equal taxation, because some communities will not need to raise any additional money and others will have to tax themselves two, three, four, six, eight mills, you name it, just to keep what they have got.

This bill removes the ceiling on education, and not primarily because of the belief that the state shouldn't dictate what a community should not spend and not because of trying to avoid educational mediocrity. I know some members believe strongly in that. But primarily the reason the ceiling was removed in L.D. 2196 was because of \$12 million that we are not funding at the state level and not providing for at the local level and that will have to be picked up by the communities somehow, so they have got to take the ceiling off the property tax in order for those communities to make up that \$12 million as they choose to, or else cut back their programs.

Besides that, in L.D. 2196, we are asking the communities to pick up 10 percent of the cost of transportation, vocational education and special ed. These are programs the legislature has mandated, and this would be an additional 10 percent in each of these three areas that these communities will have to make up from their regular educational programs in

addition to the \$12 million that was taken off the top.

Then we say in this bill, if we don't have enough money to meet the cost of all these three programs, we are going to prorate them, and it seems to me that proration is a worthless term that has come around just during this legislature. While it may be a good business practice, I don't think it makes good government because it has nothing to do with fairness or equity. If one community overspends, everyone else is penalized for living within their budget.

Also, this bill defers payment of the \$3.8 million that we are obligated to pay these communities for using leeway from January to June. It defers it until next December. That is another business term that we have come to use quite freely in this legislative session, deferring payments of obligations we have promised, and I don't think that is the right way for this legislature to go about doing its business. I don't think it is good government, it has nothing to do with equity and fairness, which I think is what government is all about.

I don't know why the committee, or many of its members whom I know believe very strongly in the concept of 1994, I suppose they had many pressures on them from the Governor, some coastal communities, that they have abandoned all these things. I would hope, and I have an amendment to offer to L.D. 2196 which will address some of the objections that I find to it now as well as including keeping some of the good things that I think they have done in that bill, but I would hope, too, as we debate these bills, that we will not be influenced by statements the Governor has made that he is going to veto anything that has a tax increase. I think we have a very good rule that we not allow ourselves to be influenced by what is going on down in the Senate, or what we think they might do, but consider each bill on its own merit, and I hope we would include the Governor and his statements within that sort of unwritten code that we have and not consider what he might do if we do such and such.

The CHAIRMAN: The Chair recognizes the gentleman from Pittsfield, Mr. Susi.

Mr. SUSI: Mr. Chairman, Ladies and Gentlemen: I have been very concerned about the lack of direction we have. We are faced up with something that we all recognize to be a very serious problem and we are right close onto the wire and frankly, along the lines of the gentleman from Lewiston, Mr. Jalbert, I haven't seen either any indication that we are going to hang up 101 on anything.

I would like to commend about the most recent speech by Representative Najarian. I feel that is the most thoughtful analysis of this problem that I have heard in hours of discussion. I, again, don't want to seem ungrateful to the Education Committee for the tremendous number of hours that they have spent on this problem, but I do feel that they have over-reacted to outside forces, that they have given grounds they didn't need to give and have abandoned principles that we have studied in previous sessions of this legislature and have, after long, serious consideration, adopted as principles that we wanted embedded in educational finance for Maine. There has been much attack on this program that we have been using here in Maine for two or three years, mainly budgetary. I would like to point out just one thing, that usually the deficits run something like six or seven million,

something on a program that runs up \$250 million-plus and the spotlight is always kept right on the \$6 million, so it seems like that is all the money in the world, but I would like you to consider that we embarked on a new program, we had no history to work on. Our staff people in the Department of Education, I believe, gave us the best information they had in the estimates of what the cost might be and that percentage wise, it is just amazing that they came within a couple percent of what actually the expenditures were. So when we hear these remarks about wild spending and the inference that there has been a conspiracy in certain areas to spend us into bankruptcy here in Maine, I would like for you to use your judgment and to discount this and consider that this is a new program, it is still new, and we are still feeling along.

I just hope that when this is all over, it may be days or it may be weeks, I don't know how long it is going to take because I still don't see clear direction, but I hope that we don't panic and run off in all directions here and abandon what I still firmly believe is a sound educational finance program for Maine which provides equal educational opportunity at an equal cost to the people of Maine. So I hope that you will pay a lot of attention to what Representative Najarian said, I think that what she said is an excellent analysis of a very complex problem that we are faced with.

The CHAIRMAN: The Chair recognizes the gentleman from Brunswick, Mrs. Martin.

Mrs. MARTIN: Mr. Chairman, I just heard Mr. Susi, and for a very conservative man, he has given me a boost in my morale and how I am going to vote. I think if Mr. Susi is satisfied, I think I am going to be satisfied.

The CHAIRMAN: The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Chairman, Men and Women: I think I feel like a lot of you, I could speak for hours on this issue. Certainly the amount of information we have before us is voluminous and I have tried to put together some thoughts of mine in as concise and brief manner as I possibly can and would like to offer those thoughts for your consideration this afternoon.

I would like to address what I consider to be three issues in this education funding bill that is before us this afternoon, those three issues being taxation, local control, education opportunity and education assessment.

This bill has been predicated upon the basis of a uniform property tax, which I feel, because of the communities I represent, is unfair and inequitable and I feel simply that to be the fact because we know the uniform assessment practices across the state are in fact not uniform. This tax cannot be uniformly applied until those assessments are greatly approved.

Property reform, it seems to me, was not meant to increase property taxes in the communities — they have. It was meant to bring about a change in the distribution of subsidy to our communities through an increase in the income tax, and for a number of reasons, this legislature had not seen fit to raise the income tax to properly fund this particular bill.

The property tax in the State of Maine should not be a measure of wealth, but it certainly is under the uniform property tax which we have to deal with now.

The people of Maine, like the people of

many states, have been telling us very clearly that they want less government control from our State Capitol here in Augusta and other cities across the nation and also from our federal government in Washington. Yet, in this particular bill, we persist in telling the people of Maine how much tax they must raise on their property for educational purposes. We persist in telling the people of Maine just exactly how much they must expend on their educational programs, and I say that and realize that it is somewhat of a generalization, but keep in mind that we tell each and every school unit within some leeway of let's say ten or fifteen percent exactly how much they can spend for their school programs. With the exception of geographical isolation, we take very little into account whether or not a unit is a large or a small unit and whether or not the money we appropriate meets the particular situations that they see on the local level.

I think the overwhelming problem with this particular bill is that the people of our state perceive that they have lost control. Local control, many people are telling us, implies the power to tax and we have, in fact, taken that away from the residents of our cities and towns.

I think Mr. Mackel described to you what reaction perhaps has taken place in a number of towns across the state when people perceive that the money is being spent on education is state money. They don't also always realize that the state money is in fact still their money. So I think the temptation that exists, which is human to all of us, which is something that we as legislators come to Augusta to try and bring back to our communities, as many services and as many benefits as we can, is to spend perhaps more money. The temptation is to appropriate and approve money under our present system because it is coming from Augusta rather than the local community and somehow there is a feeling that that community will be cheated if they don't get the maximum amount of dollars that they possibly could under this law.

Let me address, please, perhaps the most important issue of this whole debate, as a number of the previous speakers have indicated, that of the educational assessment in educational opportunity.

As the gentleman from York, Mr. Rolde, indicated, the most important aspect of the whole issue is in fact the equality of education of our children. It has, in fact, been clouded by taxation issues, and I think this is most regrettable and I think it is something that we all must try and address much more fully and much more completely than we have to date.

There is no doubt in my mind that there have been programs instituted in many school units across this state which have in fact improved the educational opportunity for those systems, and I am grateful for that, very grateful. But I am also concerned about the programs in some communities that have had to be reduced as a result of the taxation issues that have forced considerable increases in taxation on the property level.

I think the gentleman from Pittsfield, Mr. Susi, a few minutes ago, indicated that he was not convinced that there has in fact been wild spending across the state. And I think, as I take a look at what has taken place in the past two years under this law, I would concur with him. I think we have to take into account that in this law we have two programs that were mandated by the legislature, that being special education,

vocational education. I think we have to take into account the inflationary situation that our economy is in today.

This issue that I hope we will address more fully than we have is to begin to develop a system of assessing our educational goals and achievements for our children. Have additional dollars that we have actually spent on education improved the quality of education?

There is one comment that the gentlelady from Portland, Mrs. Najarian, made reference to that I would like to disagree with, and that concerns whether or not the fact that we do not appropriate or approve the maximum amount of dollars that the Commissioner of Education thinks we should, whether that will in fact mandate a property tax increase. I think that is something that the local voters in the towns and communities across the State of Maine will make for themselves. I am not convinced in my own mind that the \$12 million or the \$8 million, whatever figure it is in fact to be that we do not appropriate is in fact requiring an increase in the property tax.

We include the language of proration because we find that it is in the best interest to fund the special education tuition on a current year basis, and we have not developed an accurate mechanism of forecasting how much money to appropriate for those programs.

I think we all agree that it is undesirable that we not have continuing deficits in this law, and I think the Education Finance Commission tried to make some recommendations that would produce a law that would not allow us to have continuing deficits.

Our Legislative Education Committee decided that special education tuition should be reimbursed on a current year basis, and so I think if that is the route we shall go, that the language of proration is in fact important so that we don't accumulate a huge deficit.

In conclusion, let me suggest three courses of action that I think would be helpful for us to take here today. One, I would request you to support the Mackel bill, which repeals the property tax and still distributes adequate dollars for the education of our children. Two, with that bill, we return to our local communities the power to tax and determine the fate of our school systems. Three, begin the most important task of evaluating the quality of education which we offer to our children of Maine.

The CHAIRMAN: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Chairman, I hadn't intended to get up now, but I just wanted to remind you all of the first several sentences in the section of the State's Constitution on Education and the State's Constitution requires that "a general diffusion of the advantages of education being essential to the preservation of the rights and liberties of the people; to promote this important object, the Legislature are authorized, and it shall be their duty to require the several towns to make suitable provision, at their own expense, for the support and maintenance of public schools." The only reason I read that now is that it seems to me that if local control, basically, over the property tax level to fund public school education is desired, perhaps the proper way to go about it would be through an amendment to the State's Constitution.

The CHAIRMAN: The Chair recognizes

the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Chairman, I am not sure why I am getting up here, just to say that I am still pretty confused with what we have got before us. At this point in time, I am still not ready to vote for any of the bills. I really don't feel that I can support any of the bills that we have, the committee revision, Mr. Mackel's bill or the Governor's bill, and I still can't even support the existing law.

What I would like to do, I would like to hear a little bit of discussion or debate on some of the issues that we are facing and perhaps not so much discussion on each individual bill. For instance, I would like to know why the revision bill has set the figure of \$265 million for the school funding and the Governor wants \$260 million and the Commissioner says, from his estimates, it is \$272 million. I would like to have a little bit more idea on the amount that we are talking about before we try and decide the individual bill, and then I would like to see it discussed a little bit about the various mill rates, because I think this is what the real question comes down to in terms of property taxes vs. income tax, and then I think we should discuss them. Once we have that in mind, I think only then can we really and honestly discuss each individual bill on its merits. Until we do this, I, for one, am not going to vote for any bill, until I know exactly what these particular — the amount of money we are going to be raising and what the mill rates are going to be and what effect it is going to have on the individual towns.

The CHAIRMAN: The Chair recognizes the gentlewoman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Chairman, Ladies and Gentlemen: I know I can't possibly answer all the questions that Representative Goodwin raised, but I would maybe offer an explanation of why we are dealing with \$260 million, \$265 million, \$272 million.

In the regular session of the legislature, we passed a budget which would require funding of education at the level of \$265 million for next year. We have a \$4.7 million deficit in leeway this year. The Governor wants to take care of that deficit by reducing the \$265 million that we have appropriated for next year, by reducing that by \$5 million. That gives us the \$260 million which the committee was trying to work with.

The \$272 million is what the commissioner has certified as the actual cost of education, which would have been \$7 million more than we have appropriated for next year. So those are the reasons why we are working around those three figures.

The CHAIRMAN: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Chairman, I guess my point is, and I thank Representative Najarian, I think more so my point is, I am not particularly satisfied with the \$260 or the \$265 million, and maybe the \$272 is a little higher, but in my particular case, I would like to get some justification as to these figures. I may want to go on to \$270 million, if I feel it is justified, and I would like to get an idea. Maybe we should go to \$255 million. But I don't see how we can just sit here and vote on these bills with these figures in here without any idea of what we are doing, what the figures mean, how much money is going to what districts. I am sorry, I have been reading these bills over and trying to figure them out, and I am still confused.

The CHAIRMAN: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Chairman, Ladies and Gentlemen: In response to some of the questions Mr. Goodwin has asked, the budget appropriated in the regular session had, under operating costs for elementary and secondary grades, \$201,987,807. Under the present law, the commissioner recommends \$200,430,481. It is proposed that this be \$197,133,676. Under special education local programs, \$6,600,000 was appropriated in the regular session. The present law, the commissioner estimates and recommends \$8,826,611. The committee revision bill, on a 90-10 basis, proposes \$7,929,770. Special education is a brighter picture. The tuition program, \$5,520,000 appropriated in the regular session. The commissioner recommends \$3,550,000 and the committee revision bill does the same. Vocational education — the regular session we appropriated \$8,080,000. The commissioner recommends \$6,630,920 as the needs for this year, and the committee revision bill, on a 90-10 basis, recommends \$5,967,828.

Before I go any farther, I would like to ask, is this the type of information that Mr. Goodwin is asking for?

The CHAIRMAN: The Chair would answer in the affirmative.

Mr. LYNCH: Transportation operation — in the regular session, we appropriated \$14,850,000. The commissioner, in his recommendations, sets the total as \$15,478,221. The committee revision bill, on a 90-10 basis, has \$13,903,400. Transportation — purchase and leasing — the appropriation in the regular session was \$3 million. The present law recommendation by the Governor has a figure of \$1,965,668, and the committee revision bill uses the same figure.

Capital outlay, leases and insured value — the regular session appropriation was \$1 million. The commissioner recommends, under present law, \$710,164 and the revision bill estimates \$1,240,000.

Debt service — the appropriation in the regular session was \$21,500,000. The commissioner recommends under present law the need for \$26 million and the committee revision bill has the same figure.

Leeway, which is state sharing, in the regular session the appropriation was \$5 million, which was an estimate that only 40 percent of the school units in the state would exercise leeway. Actually, about 70 percent of the units in the state used leeway, and the commissioner recommends, in order to be sure of no exposure to future deficits, a level of \$10,594,640. The committee revision bill, on a \$90, 2-mill leeway reduction from \$125, 2½, is \$3,800,000.

Private school transportation was \$300,000 in the appropriation level, the present law and the committee revision bill.

Geographic isolation was \$200,000 under all three bills.

Unusual enrollment increases — the appropriation level was \$300,000. The present law needs, the commissioner says, \$300,000 and the committee revision bill recommends \$300,000.

I think that is a breakdown that compares the appropriation level that we made in the regular session compared to the financial needs under the present law and the proposed needs under the revised committee bill.

The CHAIRMAN: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Chairman, I would like to address a question to the gentleman from Livermore Falls, if I may. Number one, does the total that Representative Lynch gave us add up to any one of the three totals that we are concerned with — 160.6, the 165 or the 172? Is there any relationship between the figures that you just listed off and those maximums? That is the first question.

The next one, I flagged this figure of \$3,800,000, which is the 6 month leeway, and I frankly do not understand and I did not understand the other day when you asked the question, why this is not funny financing, because we are only talking about a 6-month provision in a one year situation. Somewhere along the line we are dropping 6 months of leeway with the committee bill, it seems to me.

The CHAIRMAN: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Chairman, in regard to leeway, leeway under the present law is paid in the last month of the school fiscal year. There are all sorts of fiscal years at the present time. The committee recommends that leeway be paid in December annually, and we have recommended \$3.8 million to fund leeway for the last six months of this calendar year. Does that answer that question?

The CHAIRMAN: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Chairman, yes, I understand that; however, the year is going to continue, the state's fiscal year is going to continue after December 31, and it seems to me that we normally take care of the state's fiscal year problems all at once. We don't wait until after to figure out something that is going to come in January 1.

The CHAIRMAN: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: I think we are going ahead on the assumption that the 108th will fund the leeway needs for December. Now, that could be called "funny money" or it could be called "gimmickry", it could be called almost anything. But I think this is typical of all the bills and I think it is typical of much that is going on in the state right at the present time.

The CHAIRMAN: The Chair recognizes the gentleman from Bangor, Mr. Ingegneri.

Mr. INGEGNERI: Mr. Chairman, Ladies and Gentlemen: It is very flattering to me to have all those bells ringing. I had intended to say something very briefly, mostly for the benefit of Representative Morton. I think in the bill there is a regular mechanism for the setting of the budget. The commissioner has an opportunity to get all the budgets from all the units and go over them and then the Governor has an opportunity to look at those, and the legislature, by April, has to set all of the allocation. So I think that would answer your question that the leeway would not be eliminated permanently; it would be considered in the next fiscal year and that would be by December, so they do not get done out of anything, really. That has bothered me very much in our committee work sessions and I finally got it straight and I can certainly sympathize with anybody getting a bit confused. That isn't only one of the things that confuse you about all of these bills, there are many things.

I think if I am not getting too far from

what is germane to the whole issue, many people have philosophized and I reserved the privilege to myself of doing likewise. Somebody said this is a taxation bill. It is a taxation bill only because money is the required tool. It is still a bill which gets to the heart of what is education and what is the obligation of the total citizenry towards education.

You will recall that there were two very famous decisions handed down in Texas and in California which made it very clear that the quality of education would not depend on two very inequitable things — one, the accident of geography, where you lived; two, the accident of your birth. It is as simple as all that. That is what the 106th Legislature, perhaps they were quixotic, perhaps they tried more than they could have accomplished, but that is how government and that is how society moves forward.

Somebody said that the great goals of liberalism became diluted because they were simple, straightforward facts, and when they got into the machinery of bureaucracy, nobody recognized what the original idea was. But the important point is, you have to have that original idea. You have to be moved by something other than your own strictly parochial selfishness, your own pocketbook. We all do not keep everything that we think we deserve because we got it by the sweat of our brow and our genius or our intellect. Everything in our society depends on giving back something.

I sat and I listened to Mr. Mackel, who made a very fair presentation from his major premise, and I was told in college, never give them that major premise unless they prove it, and his major premise was, the local communities have always done right, they have always used the money right. Well, I submit that that major premise is as false as a three dollar bill. The local community never uniformly used their funds from the property tax or any other sources in the most equitable fashion. We know that there were all kinds of pressures put on them. Why is there a problem with the pay-in communities — because they had the high valuation, they have got more residents, they had more money and they would like to keep that money, and it depended on them whether to spend \$300, \$400, \$500 or \$600, and in some cases, they kept the taxes down for the newcomers or the summer residents, and even within their generosity, had more than they needed, according to the criteria.

The struggle of the Education Committee, and I don't claim that we have come up with a great success, I claim that we have done what any group of honest citizens would have done, we have listened to all arguments, we have agonized, we have compromised, we have fought among and between ourselves and we have come up with what we think is something that is workable, not forever, but at least for a decent part of the future.

We have heard talks about the mill rates. If a reduction from 14½ to 13½ is a very nice situation, a very delectable thing to contemplate, why not go to 12½, why not go to 12, and I say, why not go to zero and then we all get the best of everything.

We have talked about an income tax. As many of you know, an income tax has never bothered me because I don't put it in the form of an income tax increase. I put it in the form of a much needed, much delayed income tax revision and income tax reform. And even though I have my

ideas about where that extra revenue should come from, and I am not going to bleed for those brackets, but I will tell you one thing, I am not going to fight for twenty, twenty-five or thirty million dollar income tax increase and see it sponged up by only one segment of the state's entire problem, and that would be the educational community. And if we went down to 12 mills and we needed \$27 million, that would go mostly toward the benefit of one particular group, the high valuation communities, and where would all our other problems be?

We heard the Governor address himself to a need for a wage increase. He kind of had an idea he was going to do it by some kind of calculations, computations, which came near to magic. I believe it is going to have to be done by some kind of a sacrifice. But if \$27 million is sponged up by only one sector, then what about the wage increase, what about welfare reform, what about all the other agencies who have had their services cut?

Perhaps I have been way out of line and I beg your forgiveness, but when you get down to talking specifics and you get these amendments flying around like leaves before an autumn wind, I want you to remember, the maximum that you could possibly get and to think of how that pie is going to be cut.

The CHAIRMAN: The Chair recognizes the gentlewoman from Newcastle, Mrs. Byers.

Mrs. BYERS: Mr. Chairman, Men and Women: I believe the previous speaker was referring to a case either in California or Texas, and it was the Rodriguez case. I believe it did pass within the state limits and I believe it was overthrown by our federal courts, so that decision was overthrown.

Regardless of the facts and figures and who pays what and to whom, there has been one major change. I think we have had the whole problem laid before us. Before L. D. 1994 and 1997, the taxpayers raised money, gave it to the school administration and the school superintendents and so forth, and they spent it on education. Now the school administrators and superintendents and the state tax assessors tell the taxpayers how much they need and the taxpayer has to raise it.

I agree with Mr. Jalbert, that this bill has little to do with education and a lot to do with taxation.

The CHAIRMAN: The Chair recognizes the gentlewoman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Chairman, Ladies and Gentlemen: As the sponsor of Governor Longley's bill, L. D. 2031, I feel I should make a few remarks. I am not going to go into the specifics of the bill, although I would be glad if anyone wants me to.

You have heard about all the education subsidy bills in great detail in the various caucuses. This bill presents us with some very hard decisions to make. It is the only education subsidy bill which does not call for an increase in any of the state's broad-base taxes. It does, however, acknowledge that increased burdens, combined with increased decision making will be placed on the shoulders of local people. By staying within the state's budget of \$260.2 million, it does not allow for any special help for geographically isolated communities, for communities suddenly faced with tuition costs for handicapped children, for those communities faced with increased

enrollment, nor for those communities that have been getting state help in transporting parochial and other school children who are attending private, nonprofit schools, nor does it allow the state to participate in any leeway help.

The bill could be amended to provide for the above mentioned categories, not including leeway, by decreasing the per pupil allocation by \$4. I didn't do any figuring on what the decrease per pupil would be if leeway help was added, but this, too, could be figured if you would like to so amend the bill.

What the bill does acknowledge is that times have changed since the 105th Legislature with great hopes enacted a bill which we thought would be a realistic answer to funding public school education. It was with great hopes that we said we would provide an opportunity for every handicapped child to have access to a free public education, and it is absolutely essential that we live up to this commitment, and we believed also in vocational education to the extent there was truly a proliferation of vocational educational opportunities. These programs cost money. Then came double-digit inflation, and although inflation is slowing down, it seems as though to some extent it is here to stay.

Now we are faced with a crowning tax. Our tax structure is not working in a shrinking economy and the demands of what could be done, or what compassion dictates should be done, are ever with us.

Do we provide adequate welfare for our poor, aid for our elderly, jobs for our unemployed or education for our children? There isn't any question, and the facts are there to prove that state and local sources together are spending more and more dollars each year for education.

In 1969 and 1970, state and local expenditures for the general purpose aid program were \$158.5 million. By 1973-74, this had increased to \$225.4 million, or an increase of more than 40 percent. An increase of 20 to 25 million dollars is again anticipated in the current fiscal year, and then there is the fiscal year ahead that this bill and the others are concerned with.

There can be no winners in this debate. Our days are filled with insoluble problems and hard decisions. Whether this bill is accepted as is, whether it is accepted and amended or whether one of the other bills is accepted, I can assure you, not one is faultless. They all create harsh problems, but it is time for us to have the courage to honestly face up to these problems.

The CHAIRMAN: The Chair recognizes the gentleman from Blue Hill, Mr. Perkins.

Mr. PERKINS: Mr. Chairman, Ladies and Gentlemen: I must confess that my approach to this problem is much less learned than those you have heard before this afternoon and you will hear later on in the week.

I, too, appreciate the work that has been done by the Educational Finance Commission, the Educational Study Commission and particularly by the Special Committee on Education of this Legislature. A year ago, I stood before you debating similar problems as this and the year ago I cosponsored a bill which was a repeal bill. This year I must again express my appreciation more so than a year ago, because we got one vote this year, and for this I want to thank the gentleman from Kennebunkport, Mr. Tyndale.

This bill, which we did not repeal last

year, which we were left with, now has created more problems, none of which seem to have been solved.

A year ago, I think I said something about the geographic accident of birth, which the gentleman from Bangor addressed, and I also addressed it because my constituency has this geographic accident, only our accident is that of a pay-in community. Our accident is also this — by this bill we have two grades of poor. I asked if there were any grades of poor a year ago and felt there were none. We now create two grades of poor — there are the poor when they start, and they receive the pay, and there are the poor when they finish because they pay in.

I think another thing that we in Augusta must face up to is that we can no longer, if we expect to have local control, mandate from Augusta rules on education. These must stop. If we expect to get control of the financial burdens of education, they must start at the local level and we cannot start them here. All the knowledge of education did not originate or does not focus itself in the City of Augusta through this legislature or any bureaus that form here.

I ask you, have the three R's become outdated? I think not. I think the three R's are still in fashion and will always be in fashion. I think the extra frills that we have on top of the three R's are causing our problems, not the installation of the three R's.

Let us return the choice of the frills and the extras that we add to our educational community back to the people who have to pay for those, back to the local community. Because of these, I ask you to support the bill by Mr. Mackel.

The CHAIRMAN: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Chairman, I guess I am just trying to keep this going so I can get as much information as possible, but one thing that bothers me is some of the things I have heard, and it is not really a criticism, it is just that it bothers me, when you hear this bit about the local control and getting the decisions back to the people in the towns. I have attended some of my school board meetings and I have attended some of their budget meetings, and I feel that the school boards in the towns now have more than enough local control over what is going on in those schools. All you have to do is sit through a couple meetings. But the thing that bothers me the most is to hear legislators, and every one of us are elected by the people that we represent, every one of us lives in our district, we go back there weekends, we live there most of the year, and I don't feel that I am some bad guy that just lives here in Augusta and mandates things to the people in my two towns.

I come up here to represent those people, and I feel that my representation is their local control. I think that we should not forget that we are representatives of those people, just as our school board members are representatives of those people. The decisions we make up here are local decisions, collectively local decisions.

The CHAIRMAN: The Chair recognizes the gentleman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Chairman, Ladies and Gentlemen: On this question of local control — there has been no loss of local control with the passage of 1452 as far as education is concerned. The state has always set minimum standards for

education. The only thing we have added is to put a ceiling on school construction and put a ceiling on school bus purchases. But the local decisions on educational programs have always been made at the local level and still are. That is made through the election of your school committees and through the superintendents and the teachers that they appoint. The only thing that has been lost, as far as local control goes, is the ability to set your own tax rate, and that ability that was taken away from local communities has been of benefit to 426 communities in this state, and the only ones that did not benefit are those ones who are for the first time being asked to pay the same tax as everyone else for education.

The CHAIRMAN: The Chair recognizes the gentleman from Ellsworth, Mr. DeVane.

Mr. DeVANE: Mr. Chairman, we have spoken of cabbages and sealing wax, and the discussion becomes subjective. I move that this committee as a whole be dissolved and that we begin to vote.

Thereupon, the committee as a whole was dissolved.

#### In the House Orders of the Day

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

House Divided Report — Majority (10) "Ought Not to Pass" — Minority (1) "Ought to Pass" as Amended by Committee Amendment "A" (H-873) — Committee on Education on Bill "An Act to Return to Local Control of Funding of Public Schools" (Emergency) (H. P. 1915) (L. D. 2101)

Tabled — February 9 by Mr. Lynch of Livermore Falls.

Pending — Motion of the same gentleman to Accept Majority "Ought Not to Pass" Report.

Thereupon, Mr. Lynch of Livermore Falls withdrew his motion to accept the Majority "Ought not to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, I move we accept the Minority "Ought to pass" Report to put it in a position to be amended if there are any amendments to be offered.

Thereupon, the Minority "Ought to pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-873) was read by the Clerk.

Mr. Blodgett of Waldoboro offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-875) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry to see this amendment come in at this time, because I would at least like to see whether the philosophy of the bill that we are presently considering is acceptable to the House.

I think the transfer of \$13 million from the property tax to the income tax. With any other possible costs that might be involved in this bill, it is going to so overload the cost of this bill that it is going to make it unacceptable. I, frankly, would prefer not to see this amendment in and I would move for its indefinite postponement.

The SPEAKER: The gentleman from

East Millinocket. Mr. Birt, moves the indefinite postponement of House Amendment "A" to Committee Amendment "A".

The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: This amendment refers to going from 14½ mills down to 13 mills. Mr. Mackel's amendment, which put on the fiscal note, recommended a 14½ mill figure, and I would ask through the Chair, if I may, a question of the gentleman from Wells, Mr. Mackel. Do his figures now become void by the adoption of the Blodgett amendment?

The SPEAKER: The gentleman from Waterville, Mr. Carey, has posed a question through the Chair to the gentleman from Wells, Mr. Mackel, who may answer if he so desires, and the Chair recognizes that gentleman.

Mr. MACKEL: Mr. Speaker, yes, that would void the fiscal note.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. DeVane.

Mr. DeVANE: Mr. Speaker, I would direct a question to the gentleman from Waldoboro through the Chair, if I might. The amendment that has been distributed, House Amendment "A" to Committee Amendment "A", with House filing 875, was drafted to L. D. 1915. Does the gentleman intend it for L. D. 2101?

The SPEAKER: The Chair would inform the gentleman from Ellsworth that the amendment is prepared to L. D. 2101. It is House Amendment "A" to Committee Amendment "A" (H-875).

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from East Millinocket, Mr. Birt, that House Amendment "A" to Committee Amendment "A" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

83 having voted in the affirmative and 36 having voted in the negative, the motion did prevail.

Thereupon, Committee Amendment "A" was adopted.

Under suspension of the rules, the Bill was read the second time.

The SPEAKER: The Chair recognizes the gentlewoman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: I am sure that many of you may be caught unaware, as I am, but I would like to present House Amendment "A" to L. D. 2101, and the filing number is H-878.

House Amendment "A" (H-878) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentlewoman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: While this may seem a rather mundane matter after some of the issues we have been discussing, I wanted to prevent any future problems in terms of the definition of vocational education. Since the Education Committee felt a need to define vocational education in that it could include the education agricultural matters, I wanted to make sure the same thing was done with matters in fishing. That is essentially what it does and I assume that it presents no problem.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, a parliamentary inquiry. If this amendment is adopted and attached to L. D. 2101 and L. D. 2101 is defeated, does that eliminate the possibility of this amendment being attached to any other piece of legislation?

The SPEAKER: The Chair would answer in the negative, unless it had been defeated by the other body as well. The Chair would answer in the affirmative as far as this body is concerned.

Mr. LYNCH: Mr. Speaker and Members of the House: I think it is a desirable piece of legislation. I would hate to see it lost as we go along.

Thereupon, House Amendment "A" was adopted.

Mr. Mackel of Wells offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-879) was read by the Clerk and adopted.

Mr. Kelleher of Bangor moved the Bill and all accompanying papers be indefinitely postponed.

Mr. Tyndale of Kennebunkport requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The Chair recognizes the gentleman from Wells, Mr. Mackel.

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: I do believe that we have presented here a bill which was thought up, well conceived within the School Finance Commission, one which enjoys the support of several members of that commission and many members of this legislature. It presents a departure from the present concept as contained in 1994 and 1452. It presents a concept which I think is a reasonable concept. It provides and recognizes that we do have needy communities, and this bill provides for meeting the needs of these communities and at the same time without throwing undue burdens upon all the other communities which we have within the state.

I have heard statements made to the effect that most people in the state, 94 percent or so, actually benefit by 1994 and 1452. If that is the case, I would like to ask why so many, approximately 50 percent of the town officials who responded to the questionnaire distributed by the MMA, why did 50 percent of those people indicate that the uniform tax should be repealed and thereby return the control of our schools back to our local communities, to the local school board, to those who are familiar with the existing situation at the local level? This bill would provide that. This bill would return to the local communities their responsibility for the education of their children. This is where it belongs, it belongs in the home, in the school, at the local level, it does not belong up here.

We have attempted, through 1994 and 1452, to resolve all the difficulties, to provide what we have called equal opportunity, and we have failed to do this, it is an impossibility. We here in the legislature and the Department of Education can't do it. It can be done better at our local level.

This bill, I tried to point out through the illustration of my own town of Wells, this bill does not provide for any incentive for

efficiency at our school levels. It provides, on the contrary, an inducement to spend more and more money so that you may qualify to receive aid from the state. I wonder just how many other towns are doing the same thing, spending more and more in order to qualify for additional funds and hurting themselves in the process of doing it?

I mentioned that our taxes have gone up, they have gone up in this one year alone \$163,000, and this is done only so that we can keep that money within the town. I believe that this is no incentive at all.

It has been mentioned that the high valuation towns have more money and are able to pay, and yet they want to renege on paying in. I think it has been proven without a doubt that many of these so-called wealthy towns are not in fact wealthy, these are poor towns. They may be land poor. By virtue only of the fact that the Bureau of Taxation says that their land is more expensive, they are determined to be wealthy. They are in fact not wealthy. They do not have the income. Many of those towns are below average insofar as per capita is concerned within this state, and we are not doing a thing for education.

These two L. D.'s, 1994 and 1452, as evidenced by the drop in our SAT scores, they continue to drop. They are doing it nationally and they are doing it within Maine. In the last 25 years the federal government has appropriated \$54 billion alone for public schools; \$27 million, or half of that, has been spent during the last five years. And in spite of its efforts, the scores on our scholastic aptitude tests have continued to decline. So money is not the answer, and the continuation on the present course will lead us eventually to the brink of bankruptcy in this state, as the State of New York has found itself, as the State of Massachusetts is finding itself.

I say that we are really spending an awful lot of money for no purpose at all.

My bill, 2101, does provide for a basic, simple, understandable concept, and I repeat, it provides for the needy communities and it does eliminate the element provided by the pay-in provision. I think it is a good bill, it is a sound bill. This is not my bill alone, if you will remember. This is the product of the Finance Commission. I ask you to vote against the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I support the move for indefinite postponement. Mr. Mackel's bill is a very simple bill. It relieves the problems in the pay-in communities and passes the burden on to the majority of the towns in the State of Maine. It provides a flat grant that underfunds over a hundred communities in the State of Maine on the elementary and secondary levels.

Very simply, it provides more local control, local control to reduce their education spending and give priorities to other areas. I am not sure that overspending throughout the State of Maine is typified by what has been done in Wells. I have countless letters that tell what some of these small school units, how they are conducting their education system in the buildings that they have. Some of them have benefit. Century old buildings that you could toss a cat through the door or the window frame have been replaced, but there are a lot of old buildings.

I tried to find the correspondence here a moment ago where there are children in the basement, in a boiler room, in the food preparation area with a lavatory upstairs leaking down in the food preparation area, and Mr. Mackel's bill would not relieve this for the community, it would create further problems for them.

I think the present funding of education, while it is not the best that we could probably do, I think it is the best that we can come up with at the present time. Money is the answer, and somehow or other, we have to equalize the burden on all communities, including the pay-in communities, and the move by the Education Committee was a step in that direction by the reduction in the uniform property tax.

I firmly believe that we have come up with a reasonable solution to the problem, and when accompanied by a tax measure will serve to close the loopholes and fund education adequately in the State of Maine.

I hope you support the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I have here a book that was written by Dr. Conant, former President of Harvard University, who probably had a good deal to do with the development of school districts. In there, he explains the need for enlarging the size of schools. I think much of that has been quoted a great deal, but he also has in here one excellent article on "The Child, the Parent and the State." I would like to just take out of it one sentence.

I wish more people, when they had gone into the development of centralized funding of education had taken this into consideration. It says, "For the state to take over entirely the financing of each school district would be, of course, to move far in the direction of a system of state schools. Unless the local communities, through its school boards, has some control over the purse, there can be little real feeling in the community that the schools are in fact local schools." I think that sums up very well exactly what is the direction of intent that the so-called Mackel bill, the bill we are debating right now, L. D. 2101, is attempting to do.

I hope you oppose the motion for indefinite postponement and support this bill.

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mr. Leonard.

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: This is the first time I have spoken this year. Hopefully, for your sake, it will be the last, but I feel compelled to say something about this bill, the Mackel bill.

I have a newsletter out to my towns and also a small questionnaire trying to find out how they felt about the shift from the property tax to the income tax for funding this so-called local share. I have had very, very few people come back to me and say, regardless of what town they come from, say that they thought it was unfair. They felt it was the fairest way of attacking the particular problem we have. People in Richmond, people in Woolwich, people in Bowdoin, they are convinced that putting the emphasis on the property tax in the so-called rich communities for funding this deficit we have, with the amount of money we feel is necessary to reimburse the poor

communities, is faulty, is not correct, it is not the fair way of doing it, and they feel that we should put the tax on the people who are best able to pay, and those people come not only from Georgetown, but they come from Richmond. In Richmond, for example, the per capita income is over a thousand dollars greater than it is in Georgetown; yet, Georgetown pays in an astronomical amount of money to the state and Richmond receives an astronomical amount of money from the state.

The property tax for funding education is fair if you contain it solely within that municipality, but when you take it out and you start distributing it to the so-called poor municipalities, it is no longer fair. You have to have a balance, and probably ultimately there will be a balance. I was hoping for a bill to come in this year that would take and not only treat the property tax as one of the determining factors in a town or a townsman's ability to pay but also his income. You have to take the two things together in order to determine his true ability to pay. Surely, the Mackel bill doesn't address that total problem, but it is a step in the right direction. It will give the people in Georgetown and Phippsburg, other pay-in communities, it would give them the chance of going into their town meeting and for the first time in two or three years, at least, of raising their hand and being able to raise the amount of money they feel is necessary for education in their community. That is what they are asking to do. They want that right.

I am a local control man, you know that. I have been a selectman for a few years, and I have been very upset, and one of the reasons I ran for this esteemed body is because I have been sick and tired of seeing the state come in and take away the townsman's right to manage his own affairs. L. D. 1994, 1452 and amendments thereto have certainly taken a good portion of the townsman's right to manage his own affairs away.

I think it is time this legislature started to think about that and to listen to the people, because I think if you had gone out and had listened to the people you would have found they don't object to an income tax. If there is a shift of the burden, they don't want a tax increase per se, and I don't blame them, I don't either, but I stand here and I am an advocate at this time of shifting the emphasis from the property tax to the income tax and I say the people are willing to do that. That is what this bill will do, and I support it.

The SPEAKER: The Chair recognizes the gentlewoman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: I think there has been a lot of discussion over local control and the point was made earlier that communities still do have control over their education and they have, indeed, not lost any of that control. Perhaps it is true that school boards can still decide what route their bus is going to take and how much their football team is going to get and perhaps whether he is going to offer a business education course or he is going to offer a home economics course, but what they have lost, I think, and what they would lose even more under some of these proposals is the loss on their local taxation, which is perhaps even more important. What I mean by this is that under the present bill, right now, a community might pay, or under another bill that has been proposed, a community might pay in, say,

\$168,000 and get back for that only \$126,000 for their own communities.

Right now, if we are to keep the present school finance act the way it is in our community, that amount might double. What we have, while we have perhaps not a loss of local control over what kind of programs are going to be actually presented in the schools, when we do have towns told that they have to pay into the state more in taxes than they will ever get back from the state, pay into the state more in property taxes than they will ever get back from the state in property taxes, then there is a loss of control over taxation.

All Mr. Mackel's bill does essentially is to say that a local community can decide whether or not it wants to raise, for its own educational purposes, up to 14½ mills. If that 14½ mills does not provide sufficient enough money for education which the legislature has deemed necessary, then they will get a subsidy from the state. No rich towns will get subsidies from the state under Mr. Mackel's bill. The communities in my district that are paying in now will not get a subsidy from the state under Mr. Mackel's bill. It just says that they will be able to make their own decisions on how much money they raise.

I would also like to take issue with the statement that was made in terms of the fact that this bill will not help people when we have some very poor, overcrowded, unsafe, unsanitary situations. I want to take issue with that. In fact, Mr. Mackel's bill will bring up some of those communities which are now paying very low rates in education and will bring them up much more quickly. I urge you to take a very good look at the computer printouts which are available on this and compare some of those to not only the computer printouts which are available on the other bill but the one which is available on exactly what the total amount that your town will have to pay in under these bills.

This particular bill does not just help those high valuation, although not necessarily rich or wealthy communities, it also can help some of the school communities which are now paying under the state average.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Mills.

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: When L. D. 1994 was enacted, it created a committee down in Washington County, and this committee is composed of the first selectmen, town managers and city managers of Washington County. They appealed to me at that time and I set up a program whereby they received each and every bill that was brought to the floor of the House. They have had a meeting down there as of yesterday, and I got a phone call this morning wanting me to support the Mackel bill. That is the one they want, it is the one they feel is the fairest of them all. That is the way I will vote, against indefinite postponement.

The SPEAKER: The Chair recognizes the gentlewoman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker, I would like to address one point raised by Mrs. Post and speaking to the block grant. It would be very easy for me, representing the Town of Windsor, which was even singled out for publication in the MTA's article, getting a \$93,000 windfall, to vote for that bill. We would certainly come out very well. But I look at that as short-range financing. There are many schools above the state average, spending above the

state average, who do not have that nice tax base to fall onto when we have cut them to a lower grant. That is only one point.

The other point is, it is a philosophical problem that I have had as I have sat in on committee hearing after committee hearing, I have heard the coastal people, I have been troubled by the uniform property tax, but I keep coming back to this one question — why is it fair for an individual in one town to pay three or four times as much as an individual in another town to finance a public school of approximately the same quality?

I would like to ask Mr. Mackel a question about his bill and possibly stating the obvious. Is it true that if a town can finance their schools for approximately 3 to 4 mills effort on their valuation, this is fine, if a poor town wants to get state subsidy, they have to go all the way up to 14.5 before they get any subsidy from the state?

The SPEAKER: The gentlewoman from Vassalboro, Mrs. Mitchell, has posed a question through the Chair to the gentleman from Wells, Mr. Mackel, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. MACKEL: Mr. Speaker, in all fairness, I should at least attempt an answer.

I am not sure what happened to the amendment that was to be circulated, but unless that amendment is on there now, unless the amendment has been passed, no, they would not have to go to 14½. If that amendment were to be passed and put on, then we were going to prorate the cost or the state aid on a basis of the contribution of the community. Quite honestly, I don't know where that amendment is or what the status is, but we would, in all sincerity, put that amendment on that would prorate the state share and relate it to the amount raised by the community. But as the bill stands now without the amendment, then I would have to say that they do not have to make that 14½ mill effort. They would get state aid without it.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I think we have had an illustration within the last few minutes that points up the difficulty of sitting down at a table or sitting in an armchair and trying to derive a funding bill.

Now, the gentleman from Washington County said he supports the Mackel bill. Let me show you what happens or what has happened under the present funding law. The Town of Franklin has a valuation of \$5,100,000. Let me read what they have for a school system. The present school building contains four rooms at ground level and two basement rooms. The structure was originally Franklin High School, consisting of two rooms in a basement with the addition of two rooms built with used lumber many years ago. The building sets on a six-acre site of marine clay with large jagged boulders protruding from the playground. Because a spring drains across the playground, the area has been covered with rough gravel. For years, Franklin pumped raw sewerage into the bay because the soil is not adequate for sewerage disposal. The four rooms house grades one through eight, two grades to a room, there is no room for a kindergarten program and classroom numbers often exceed 30. Thirty students is not excessive in one room and

one grade, but 30 in one room over two grades brings out immeasurable problems.

The basement area is split into two rooms — and listen to this — one is a furnace storage area and the other is a cafeteria-kitchen — basement area. The tables from which the children eat are home-made affairs also used for remedial reading. Because there is no wall between the kitchen and cafeteria, children in reading must compete with people working on food preparation. The cooking unit is a black stove heated by oil. The kitchen is directly under the boy's toilet and backs up and spillage in the boy's toilet area seeps down through the ceiling into the food preparation area. This is no joke, this is an existing school condition within the State of Maine.

The school furniture consists largely of furniture discarded from the Winter Harbor school and purchased by Franklin. Students cannot move from three of the four classrooms to the basement without either going out of doors or through another classroom. The odor in the school stairwell is terrible. It has been suggested that it is due to an earlier rat poisoning project.

Custodial services have always been at a minimum. A physically handicapped, hard working custodian-bus driver tries to transfer children to school, transport secondary students to Sumner High School, clean the overcrowded building and take care of custodial duties around the kitchen area.

Prior to 1994, the community felt it could raise only a minimal amount of money for school repairs. The school did receive better lighting, ceilings, a new furnace and storm windows. It still does, however, remain as a monument to a society that once felt every community should go it alone. A suggestion is made that next time you visit the Hancock-Washington County area, it would be interesting for you to visit the school, then contemplate whether or not this new CSD Middle School, which will permit a kindergarten, uncrowded classrooms, less sewerage, less children on the site and the closing of the present kitchen isn't worth more than the additional operating cost so bitterly complained about.

This is the type of remedial activity that is taking place throughout the state because of the present funding law, and the Mackel bill will turn us backwards, not a little step, but for all the Franklins in the State of Maine, it is going to be a giant step.

The SPEAKER: The Chair recognizes the gentleman from Franklin, Mr. Connors.

Mr. CONNORS: Mr. Speaker, Ladies and Gentlemen of the House: I think I know who wrote this and I think it was written some time ago, because there has been some changes, we have a new sewage system and we have taken care of several of the items that he mentioned in there and I would gladly have any of you here come down and visit me and we will go up and go over the school. Just because we have homemade tables that the pupils eat from at noontime is no sign that the food isn't clean and the nutrition there just the same and that doesn't interfere in any one way with education of our students. They still get the basic education and I think a lot of the people in town feel this way and that is what we have strived to do. It is true that we have a new school coming up and we have problems with this.

The one thing I would like to say is that there is no pay from the state that comes into the town of Franklin but, yet, we are right on the borderline, there is about \$400 that we either pay in or we receive but that is it. There has been no improvement from the state to the school in Franklin.

While I am on my feet, I support the Mackel Bill. I represent 19 towns and I have made eight or nine calls this morning and last night and everyone I have talked with, I told them I was concerned with an income tax and every one of them told me that if I could get rid of the uniform property tax in the State of Maine, to vote for an increase in the property tax to be able to assist in getting the Mackel bill through. There is a lot more I would like to say but I will let somebody else speak.

The SPEAKER: The Chair recognizes the gentleman from Rangeley, Mr. Doak.

Mr. DOAK: Mr. Speaker, Ladies and Gentlemen of the House: Perhaps today I shouldn't say anything because what I am about to tell you may seem to point to me or my community as rip-off artists.

I come from the town of Rangeley. We are a pay-in community; we are geographically isolated, and we have a few other problems which we would like to cure ourselves rather than having someone dictate to us how to do it.

As to Franklin's problems, I think this is some reflection, perhaps, upon the Department of Education in the State of Maine for taking no steps to correct this. They pushed Rangeley pretty hard, wanting us to do something about our poor school buildings, and we have something there that I think is quite a lot better than what I heard described.

However, what happened was that we were pushed into working towards new school buildings and in the agony of that, we were in that process when 1994 came about. I am probably talking out of order in a sense that I am telling you now that as a pay-in community, Rangeley has benefited a great deal under 1994 for the simple reason that prior to 1994, we were costing this state approximately \$4,000 per year subsidization. Since that time, however, 1994 came into effect, we are a pay-in, we pay \$20,000 in per month, we would receive \$18,000 back per month, which means we pay in \$24,000. All right, we came down, we got the geographically isolated grant of \$34,000. We gained \$10,000 on you. On top of that, we were granted \$1,840,000 to build a new complex K-12. We are costing this State a great deal of money that we shouldn't be costing them. That money that is coming from this rich town in which I live is not going to help education in any other communities in the state, we are reaping the benefit of all of these things.

I just believe that uniform funding was premature, for one thing, because the uniform property tax, there is no such thing in the State of Maine as a uniform property tax. Look at it, it should have been studied and equaled out before this came into effect and perhaps then we would have had something we could have lived with. Each year we come down and we argue this point out and we cost the towns money because we don't get back in time so they can figure their budgets and set their taxes. It cost my community more money this year because we were delayed.

I guess what I am trying to tell you, ladies and gentlemen, is that this 1994 wasn't all that it was cracked up to be, its intent is good but it didn't work out.

I am going to say that I think the Mackel bill is the best bill we could come up with at this point and I would certainly support it and my supporters would also. The plantations around Rangeley — they tuition their children into schools; Carrabassett Valley, they tuition their children into SAD 58 and it costs them approximately \$18,000 to \$20,000 to \$36,000 tuition; they raised approximately \$160,000. That is the other end of the spectrum where the state is getting some money from these things, but by the same token, when you have several children going to school, it seems quite a lot to raise, a \$160,000, to put into the state, into this fund.

I just think we better go with the Mackel bill.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I don't rise to speak directly on the bill. I rise for another reason. I am referring to a letter that was read in testimony of a school that was read just a few minutes ago.

I would hope that the House would disregard some of these letters because they are outdated and they are highly emotional letters. I think when a letter such as that is read into the record of the legislature of this state, it puts a very poor reflection on the departments which we are funding, especially the Department of Health and Welfare, which is charged with the inspections of our schools and our public buildings. I can assure you, I have worked closely with that department over the years and if any conditions such as this was existing, it would not have existed for very long, because when someone writes in and says that their sewerage is falling into the food of the children of a public school, the minute the department made an inspection or the minute this was noted, that would have been corrected or the facility would have been closed down. I think that when people write letters, maybe, they should date back and say this happened in 1960 or 1962 or 1964 and not make it happen as something that happened today or yesterday.

I personally think that we have good departments of inspection in this state and I don't think these conditions are existent and if they are known to those departments or made known to those departments, during the inspection then that condition would be remedied.

I also don't think it speaks very well for the municipal officers in that town where this facility is located, because they are charged with the duty of the inspection of facilities when they appoint their inspectors locally. I think that from now on when these letters are written, maybe before they read the letters they should check into the date of these happenings and not make them happenings of today or yesterday.

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I think the conditions that apparently existed at one time, if they were in fact true, in Franklin were unfortunate, and I would suggest to members of this House that those conditions could have existed in many communities in this state, both high and low valuation communities.

I would like to further suggest that those conditions will continue to exist in the high valuation towns just as long as we had the

pay-in provisions. These conditions have existed in towns in the State of Maine over the years because these towns have been income poor and valuation rich. They reflect the ability of people to pay both income and property taxes and I hope, very prayerfully, that the gentlewoman from Portland, Mrs. Najarian, or the gentleman from Pittsfield, Mr. Susi, or any other member of this legislature, never, ever has to represent a pay-in community and feel the frustration that those of us feel as a result of the pay-in provision that is created by high valuations in the cities and towns across this state.

I hope that before this legislature adjourns it will realize the situation that exists and that it will show the compassion that it has on so many other issues, and that it will realize that just because a town may be valuation rich doesn't mean that it is income rich and the people can pay taxes as a result of this uniform property tax. It is a frustration that perhaps denies description, as I indicated a few minutes ago, to represent these pay-in communities and I ask you, as you consider this bill, to please keep that in mind.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. MacLeod.

Mr. MacLEOD: Mr. Speaker, Ladies and Gentlemen of the House: I would like to concur with the last speaker, the gentleman from Stonington, and I would just illustrate at this particular time from one of the printouts, which I don't think everybody has but has been compiled by a statistical report from Bowdoin College, which was given to us as we were working trying to resolve some of the thoughts that have gone into this bill and trying and lend our support to the Mackel bill.

Does it seem possible today that we have piece of legislation on the books which — I will take one of these towns that the gentleman has just referred to, which I believe is in his district, which is the town of Brooklin, Maine, which has a median family income of \$5,273 and a per pupil pay to the state of \$727, this is pay-in. Then I will just skip over here to another page, and I don't want to bore you, the hour is getting late, but we go down to one of those wealthy communities, Cape Elizabeth, which has a median family income of \$13,516, they receive pay from the state of \$637.30.

The SPEAKER: The Chair recognizes the gentlewoman from Old Orchard Beach, Mrs. Morin.

Mrs. MORIN: Mr. Speaker, Ladies and Gentlemen of the House: Before we finish voting on this bill, are we going to be allowed to see that amendment that Mr. Mackel mentioned? Is it going to be coming in?

The SPEAKER: The Chair knows nothing about any amendment.

The Chair recognizes the gentlewoman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: In response to Mrs. Morin, I thought I sent you a note but maybe there was a mixup, but the amendment is being prepared and if in case indefinite postponement does fail, hopefully the amendment will be ready by that time as the debate goes on. If not, I ask for it to be tabled for a short time so the amendment can get here. It is in the drafting area or it has gone down to printing or it is in between at this point, but it is on its way.

Essentially what the amendment does is

to insure that the towns, in order to get at least some of the allotment that they would be allowed by the state, would have to make the mill rate effort on their own. They wouldn't, for instance, only be able to make an effort of say 10 mills on their own valuation and still get the total amount of basic allocation that they would be allowed by the state. The other thing that it would do is give protection to communities in school districts in high valuation communities when the same school district as low valuation communities. That bill is on its way and if the indefinite postponement does fail, as I hope it will, then we will be discussing that.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Carpenter.

Mr. CARPENTER: Mr. Speaker, Ladies and Gentlemen of the House: First, I guess I should apologize to my good friend from Wells, Mr. Mackel, because I cannot support his bill.

I think the point I want to make is, I guess I was particularly touched by the letter that the gentleman from Livermore Falls, Mr. Lynch, read. I have no idea if these conditions presently existed in the town of Franklin, I have never been to the town of Franklin, however, I can speak from my own experience and I want to impress upon the people of this House that these conditions do exist in the State of Maine, make no doubt about it.

I went to a school that would make the school that Mr. Lynch just described seem like a palace. I went there for eight years; that school still stands. Fortunately, this community is now part of the school district, so the big towns are helping the little towns, this type of thing. However, were this not the case, this little school would still be standing there with one teacher and eight grades in one room and conditions would be, if anything, five times worse than the one that Mr. Lynch described.

We talk about local control, we talk about pay-as-you-go and go-it-on-your-own. Many communities in this state cannot afford to go it on their own. It is simply a fact of life.

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: There are two comments I would like to make before we vote on this bill. First of all, I am rather sorry that the letters are being read describing despicable conditions here in Maine and that we are now on the subject of school construction. I think we all know that this is one subject which has been agreed upon already, that there is going to be a moratorium on school construction, I guess at least until the 108th Legislature. At least that is the agreement we have heard at all the informational meetings here. So if we are tying ourselves down today in the course of the debate on the Mackel bill on how many new schools need to be built, or what the health and safety conditions may be in our schools throughout Maine, we are talking about the wrong issues. That issue will still be addressed in the future and as far as I know, with what I have been told, both in the commission and members of the Education Committee, that we are just going to have a freeze on this situation. So we should discard the emotionalism of the building problem right now and talk about simply the Mackel bill.

Secondly, I would like to make the

observation that when this legislature passed 1452, which was the result of the work of the previous subsidy commission in which I had the opportunity to work along with the majority leader over there, along with that bill which was passed, there was an order passed in this House and the Senate which called for the creation of a committee to study property tax valuation in the State of Maine. At the time, I recall the Senate Chairman of the Committee of Education said that that was just as important as was the passage of 1452.

I am going to stand here now and say that I, as one of the leadership, probably am partly to blame for the fact that that order has never had anything done to it yet. It was referred, I believe, to the Committee on Taxation and they, because of the work they have had to do, did not have time, apparently, to deal with this study order. I think many of us here believe, and I am sure that many in leadership do, that actually it never should have gone to Taxation in the first place, it should have gone to a joint select committee, which would be just as blue ribbon in nature as was the Education Finance Commission, which has just finished its deliberation. Certainly, whenever we talk about 1994 or 1452, we inevitably get back to property tax assessing practices in the State of Maine. It doesn't make any difference when we finish our deliberations on these bills, if the following fall, the state increases property values in this state by 20, 30 or 40 percent, we will exacerbate the problem again. We would be hearing the same thing over and over again so we are talking about two problems that are tied very, very closely together, our ability to assess properly. It is not attacking any one department but I am saying that I believe that our assessing practices in Maine have not caught up yet with the impact of our environmental laws, and that is why we are feeling along the coastal areas and why we are feeling inland where there is water, because the environmental laws, in many instances, have devalued the land not increased the value of the land.

In order for us to address that problem, a joint select committee to study it must be selected and must do some work. And in all probability, it is true that this should have been going on all the time we were discussing the education problems. It has not been going on and because of that I do hope that today we will not indefinitely postpone the Mackel bill. I hope we will keep this bill alive. It is the only vehicle we have here now which addresses the problem of the uniform property tax. It is the only bill which does away with the uniform property tax and maybe it needs to be until we know better how to uniformly tax property.

The SPEAKER: The Chair recognizes the gentleman from Danforth, Mr. Fenlason.

Mr. FENLASON: Mr. Speaker, Ladies and Gentlemen of the House: As you all know, I live down in the county, Washington County, and also in Aroostook County and I can't let this go without reminding you that Washington County is a big county. You go from Danforth to Steuben, it is a long trip, and I know on one day I spent the whole day traveling in Washington County. I would like to remind you that there are towns in Washington County which have profited greatly from 1452 or its predecessor 1994, and I assure you that I talked to many people in the

area who are entirely sold on 1452 and who really would like to see it stay as it is.

I have listened with interest to stories about schools and conditions and I have my little story. I will preface it by another one. I went to the City of Calais, which is in Washington County, ought to be pretty happy with their school developments, I am sure they are. I talk with their superintendent from time to time but that is not the story. My story is of the town of Topsfield. You probably never heard of it, it is a little bit of a town in Washington County. It has a school, K-8, and that school is somewhere between 50, 75 or 80 years old and it is a dump, no doubt about it, but it is not going to survive for very long because we already have a brand new school approved going into that town at the princely sum of \$200,000 and those people are tickled to death. They are going to have a beautiful little school for the elementary students, and this is the result of 1452. Without a law of that sort, this school would never have been built.

I do think that every child in the State of Maine is entitled to some sort of equal education. I hope that you will vote to indefinitely postpone Mr. Mackel's bill.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond briefly to the criticism of the letter; it was dated February 3, 1976. It was from a man who had been superintendent of the school system, and I read it only to reflect that these are conditions that could be found in many schools throughout the State of Maine and they are being remedied by the present funding law.

The SPEAKER: The Chair recognizes the gentleman from Wells, Mr. Mackel.

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: I feel that I should respond to Representative Carpenter and Mr. Fenlason. They seem to indicate that this bill that I am sponsoring does not provide any assistance to anyone. This bill does not require anyone to go it alone, there are very substantial sums involved to make these sums available to all the communities, all the communities that need it. There is more money involved in there than perhaps even the bill that the Committee on Education has sponsored.

We are not asking any community to go it alone. We are asking that communities come to the state and ask for the assistance that they cannot provide for themselves.

I would like, as a little diversion, to talk a little bit about what the school money really buys. This is an article which I am sure most people have read in the Maine Sunday Telegram of February the 8th and written by Bill Caldwell. It indicates the trend of the cost of schools going from \$159 million in 1969 and 1970 and onto \$260 million or more that we are considering at the moment. Without boring you with a lot of statistics and a lot of talk, essentially, this article concludes that most of the money goes for salaries, for teachers' salaries, for superintendents' salaries, and for administration.

I contend that if the local communities had greater control over the expenditure of these funds, not so much of it would go to the overhead cost and perhaps more of this money would go directly to the student, to the benefit of the student, rather than in overhead. This article points out, for example, that principals' salaries

increased 15.6 percent last year, compared to 9 percent increase in teacher salaries. I would ask you, what are we doing about the state employees — the point I am trying to make is that I think we have a built-in escalation within this bill we are working with and I feel that the people at the local level are in a better position to practice economy and still provide a good level of education to our children.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I am breaking my vow of silence but I just want to remind this body that the figures just quoted by my good friend Mr. Mackel of an increase of 159 to 190 million took place under local control in 1969 and 1970, a much higher percentage than took place under this wild spending concept of L. D. 1994. I think we should avoid as much as possible getting into the rat's nest of the details of statistics, and, frankly, meaningless comparisons between what was and what is. But I do commend Mr. Mackel on his bill for focusing in on the uniform property tax as a target because I think it has got to be shot down. I think we have to reaffirm the fact, that the uniform property tax is the policy of the State of Maine and this is a chance to do it. I am glad we have a chance to vote on it today.

I liked what the gentleman from Bangor, Mr. Ingegneri said. I think he referred to the total citizenry involvement in this education system and that is exactly the phrase that I would like to have coined myself because I think what we are determining here is who are "we" and who are "they?" I think when it comes to public school education, we have said that "we" as the State of Maine are not going to let the cost of education ride on all the factors you have heard before, the accident of the location, the accident of the values and I agree that our assessing practices need to be upgraded, they are not perfect. There is very little else in this world today that is perfect and I am ready to stick with this.

The value, I think, that can come from this vote today is that you have had your day in court. Now, my dear friends that really support this bill and every one of them, I love them all, this is your day in court on the uniform property tax and I hope it is going down the drain. When it does, I am very hopeful that you won't then play the dog in the manger, you haven't had your way and now you are going to stymie anything else, because you are going to be left with an admittedly imperfect bill which we will call 1452. So let's view this as a chance to get this out of our system on the uniform property tax and then turn our attention to making a better bill out of what we have got today.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, I just happened to be reading Mr. Mackel's bill, and if you take a look at the first section, Section 2, paragraph 12, it is on the second page of the document, three-quarters of that paragraph states basically that if 25 parents of students in that district don't particularly like the way the district is running their schools, they can petition to the State Board of Education to hold hearings and then the Board of Education has the power to direct the district to raise an appropriation of sufficient sums for suitable elementary and secondary

education, not to exceed that which would be generated by the tax rate — this seems to me, if you are talking about local control, I am sure you can find 25 parents in any school district that aren't satisfied, and this right here would seem to be a much worse position than any of the things anybody has talked about so far.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that this Bill, L. D. 2101, and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berube, Boudreau, Burns, Bustin, Call, Carey, Carpenter, Carter, Chonko, Clark, Connolly, Cote, Cox, Curran, P.; Curran, R.; Dam, Davies, Dow, Drigotas, Dyer, Farnham, Faucher, Fenlason, Flanagan, Fraser, Garsoe, Goodwin, H.; Goodwin, K.; Henderson, Higgins, Hinds, Hobbins, Hughes, Immonen, Ingegneri, Jacques, Jalbert, Jensen, Joyce, Kany, Kelleher, Laffin, LaPointe, LeBlanc, Lewin, Littlefield, Lizotte, Lunt, Lynch, MacEachern, Mahany, Martin, A.; Martin, R.; McKernan, McMahon, Miskavage, Mitchell, Morton, Mulhern, Nadeau, Najarian, Norris, Peakes, Pearson, Pelosi, Peterson, P.; Peterson, T.; Pierce, Powell, Quinn, Raymond, Rideout, Rollins, Saunders, Shute, Silverman, Smith, Snow, Spencer, Strout, Stubbs, Susi, Teague, Theriault, Tierney, Tozier, Truman, Twitchell, Usher, Wagner, Wilfong, The Speaker.

NAY — Berry, P. P.; Birt, Blodgett, Bowie, Byers, Churchill, Conners, DeVane, Doak, Dudley, Durgin, Gould, Gray, Greenlaw, Hall, Hennessey, Hewes, Hunter, Jackson, Kauffman, Kelley, Kennedy, Laverty, Leonard, Lewis, Lovell, Mackel, MacLeod, Maxwell, McBreairty, Mills, Morin, Palmer, Perkins, T.; Post, Rolde, Sprowl, Tarr, Torrey, Tyndale, Walker, Winship.

ABSENT — Carroll, Cooney, Curtis, Farley, Finemore, Gauthier, Hutchings, Perkins, S.; Talbot, Webber.

Yes, 99; No, 42; Absent, 10.

The SPEAKER: Ninety-nine having voted in the affirmative and forty-two in the negative, with ten being absent, the motion does prevail.

Sent up for concurrence.

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

House Divided Report — Majority (11) "Ought Not to Pass" — Minority (1) "Ought to Pass" — Committee on Education on Bill, "An Act to Repeal and Replace the Present School Finance Law" (Emergency) (H. P. 1873) (L. D. 2031)

Tabled — February 9 by Mr. Lynch of Livermore Falls.

Pending — Motion of the same gentleman to Accept Majority "Ought Not to Pass" Report.

Mr. Lynch of Livermore Falls withdrew his motion to accept the Majority "Ought not to pass" Report.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. LYNCH: Mr. Speaker, I now move we accept the Minority "Ought to pass" Report for the purpose of providing amendments.

Thereupon, the Report was accepted and the Bill read once. Under suspension of the rules, the Bill was read the second time.

Mr. Lynch of Livermore Falls moved indefinite postponement of the Bill and all accompanying papers.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker and Members of the House: I would like to point out one feature of this bill that I think is the answer to the Governor's problems, and that is, it eliminates the leeway. It was not the intention, I feel, at the time of the passage of L. D. 1994, three years ago, that leeway would become practically a commonplace financial matter to be relied upon. Instead, it was intended that there would be something available in case of an emergency. One feature that this L. D. does have is, it eliminates the leeway provision which would save apparently \$10,594,000. I think that perhaps before we get done this week, elimination of the leeway provision will be the salvation.

The SPEAKER: The Chair recognizes the gentleman from Winthrop, Mr. Bagley.

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: It seems to me that this leeway provision has been used for an emergency. This constant increase in costs, this constant spiral of things can only be taken care of, have been taken care of, by leeway. Not only that, but leeway has been the salvation of the poor towns, the towns that couldn't raise enough under any other system, and the fact the state helped them a little has meant the most and the poorer towns have benefitted tremendously. I hope we do nothing to do away with leeway.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I would state, as one of my objections to this bill, the fact that there is an increase in the state's uniform property tax rate from 13½ to 14½ mills, which would necessitate a property tax increase throughout the state. So there is a very strong property tax increase in this bill.

I would also call for the yeas and nays when we do vote on this bill and would support the motion to indefinitely postpone.

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

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

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, I agree with the gentleman from York, it does impose a local property tax burden. But I would also like to point out that it overfunds those that are below average costs and underfunds the areas that are above average in cost. Look at the areas that are above average cost — Elliotsville, Isle au Haut, Lincoln Plantation, Islesboro, Cranberry Isle, Hanover, Rumford, Southport, Bar Harbor, Yarmouth, Wesley, Cooper, Brooklin, and that is on the elementary level. Isle au Haut, Cranberry Isle, Brooklin, up in Rumford, Cape Elizabeth, Wiscasset, South Portland, Portland, Hanover and Yarmouth, Falmouth, Islesboro, these are underfunded. There is no leeway in the Governor's bill. In order to get back their operating costs, they are going to have to raise this all on local

dollars on top of the increase in the uniform property tax.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Livermore Falls, Mr. Lynch, that this bill and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Blodgett, Boudreau, Bowie, Bustin, Byers, Chonko, Clark, Connolly, Cox, Curran, P.; Curran, R.; Davies, Doak, Dow, Drigotas, Farnham, Fenlason, Flanagan, Fraser, Garsoe, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hennessey, Hobbins, Immonen, Ingegneri, Jackson, Jensen, Joyce, Kany, Kelleher, Kennedy, Laffin, Laverty, LeBlanc, Leonard, Lewin, Lunt, Lynch, MacEachern, Mackel, Martin, A.; Martin, R.; Maxwell, Mills, Miskavage, Mitchell, Morin, Morton, Nadeau, Najarian, Norris, Peakes, Pearson, Pelosi, Peterson, T.; Pierce, Post, Powell, Quinn, Rideout, Rolde, Saunders, Shute, Smith, Snow, Spencer, Strout, Stubbs, Susi, Theriault, Tierney, Usher, Wagner, Walker, Wilfong, Winship, The Speaker.

NAY — Berry, P. P.; Berube, Birt, Burns, Call, Carey, Carpenter, Carter, Conners, Cote, Dam, DeVane, Durgin, Dyer, Faucher, Gould, Gray, Hewes, Higgins, Hinds, Hunter, Jacques, Jalbert, Kelley, Lewis, Lizotte, Lovell, MacLeod, McBreairty, McKernan, McMahon, Palmer, Perkins, T.; Peterson, P.; Raymond, Silverman, Snowe, Sprowl, Tarr, Teague, Torrey, Tozier, Truman, Twitchell, Tyndale.

ABSENT — Carroll, Churchill, Cooney, Curtis, Dudley, Farley, Finemore, Gauthier, Hughes, Hutchings, Kauffman, LaPointe, Littlefield, Mahany, Mulhern, Perkins, S.; Rollins, Talbot, Webber.

Yes, 87; No, 45; Absent 19.

The SPEAKER: Eighty-seven having voted in the affirmative and forty-five in the negative, with nineteen being absent, the motion does prevail.

The Chair recognizes the gentleman from Durham, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, having voted on the prevailing side, and I move we reconsider our action.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: I voted the way I did because I think we are locking ourselves real tight into a bad situation. I guarantee you one thing, if you take the other one up, and I think out of fairness to Mr. Mackel, out of fairness to Mrs. Lewis and his Excellency, I think the third bill ought to be taken up today and disposed of also — either passed or not passed. As a matter of fact, I would like to go so far as to have it come up for enactment. You are going to find yourselves a long ways from that 101 that you are going to need.

I haven't discussed this thing with my colleagues from Lewiston and I speak now as the senior member of that delegation, and I am delighted that we all stay as a unit. It is a very serious thing that I would like to bring to my community. All of us knew the fate, as well as the good gentleman from Wells, Mr. Mackel, and the others who supported very responsibly their proposal and went along in their beliefs. I think we now work ourselves down to one area, and in my opinion, it is a tight area and I could even go so far as to

say a dangerous area. I have my ideas as to where these things belong; and before we are done, I hope we will accomplish what my idea would be.

I would suggest and urge you very strongly — I have not made one motion at the last session or this session to indefinitely postpone with this motion, and I want to thank the gentleman from Durham, my colleague, Mr. Tierney, for making the motion for me.

I certainly hope very strongly that the reconsideration motion would be tabled for one legislative day.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Silverman.

Mr. SILVERMAN: Mr. Speaker, I move we table the reconsideration motion for one day.

Mr. Farnham of Hampden requested a vote on the tabling motion.

Whereupon, Mr. Dam of Skowhegan requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Calais, Mr. Silverman, that this matter be tabled pending the motion of Mr. Tierney of Durham to reconsider and tomorrow assigned. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Berry, G. W.; Berry, P. P.; Berube, Birt, Bowie, Burns, Bustin, Byers, Call, Carey, Carter, Chonko, Clark, Connors, Cote, Curran, P.; Curran, R.; Dam, DeVane, Doak, Dow, Drigotas, Durgin, Dyer, Faucher, Goodwin, K.; Gould, Gray, Greenlaw, Hall, Hennessey, Hewes, Higgins, Hinds, Hunter, Immonen, Jackson, Jacques, Jalbert, Kelley, Laffin, LaPointe, Laverty, Leonard, Lewis, Lizotte, Lovell, Mackel, MacLeod, Maxwell, McBreaarty, McKernan, McMahon, Mills, Morin, Palmer, Peakes, Perkins, T.; Peterson, P.; Raymond, Rideout, Shute, Silverman, Snowe, Sprowl, Tarr, Teague, Theriault, Torrey, Tozier, Usher, Walker, Wilfong, Winship.

NAY — Ault, Bachrach, Bagley, Bennett, Blodgett, Boudreau, Connolly, Cox, Davies, Farnham, Fenlason, Flanagan, Fraser, Garsoe, Goodwin, H.; Henderson, Hobbins, Hughes, Ingegneri, Jensen, Joyce, Kany, Kelleher, Kennedy, LeBlanc, Lewin, Lunt, Lynch, MacEachern, Martin, A.; Martin, R.; Miskavage, Mitchell, Morton, Nadeau, Najarian, Norris, Pearson, Pelosi, Peterson, T.; Pierce, Post, Powell, Quinn, Rolde, Saunders, Smith, Snow, Spencer, Strout, Stubbs, Susi, Tierney, Tyndale, Wagner.

ABSENT — Carpenter, Carroll, Churchill, Cooney, Curtis, Dudley, Farley, Finemore, Gauthier, Hutchings, Kauffman, Littlefield, Mahany, Mulkern, Perkins, S.; Rollins, Talbot, Webber.

Yes, 77; No, 55; Absent, 18.

The SPEAKER: Seventy-seven having voted in the affirmative and fifty-five in the negative, with eighteen being absent, the motion does prevail.

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

HOUSE DIVIDED REPORT — Majority (10) "Ought to Pass" in New Draft (H. P. 2020) (L. D. 2196) — Minority (1) "Ought Not To Pass" — Committee on Education on Bill, "An Act to Revise the Laws Relating to Funding of Public Schools" (Emergency) (H. P. 1844) (L. D. 2011)

Tabled — February 9 by Mr. Lynch of Livermore Falls.

Pending — Motion of the same gentleman to Accept Majority "Ought to Pass" Report.

Thereupon, the Majority "Ought to pass" Report was accepted and the New Draft read once. Under suspension of the rules, the New Draft was read the second time.

Mrs. Najarian of Portland offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-877) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I happen to feel that our present law, L. D. 1452, is not that bad except for a couple areas, and one is, it calls for an increase in the property tax to 14% mills and, secondly, I think there are a few areas that need to be tightened up in the language as it relates to special ed.

What my amendment attempts to do is to lower the mill rate to 13 mills, which will be of benefit to every community in this state. And, secondly, it restores to 2196 some of the principles of 1452 that I feel have been taken out, and I would just speak briefly to those few areas in a general way rather than in a specific way.

I have mentioned that I have lowered the property tax to 13 mills. In addition, I have put on this an income tax to fund it. It is not the best income tax structure, because the present state income tax structure is not that equitable but it is what I have to live with because I have nothing else to work with. It increases no one's taxes under \$15,000, and it will raise the \$10 million necessary to pay for the revisions that I am making in this law.

One of the first things I am doing to 2196 is to take out all reference to proration, but to protect the state from being caught short, what my amendment says is that estimates in special ed and other areas will be given to the commissioner and prevent them from overestimating. He can revise them downward if he thinks they are unreasonable. Then the legislature can, again, raise or lower those estimates. But the point is, every community, every school district, will know before they spend the money how much it is they have to spend in these various areas and if it is less than they estimated, then they can cut back on their spending before it is spent.

One of the problems I have with proration is that if my community, for example, overestimates this special education, then Aroostook County, which has kept within their estimates, has to pick up for our bad judgment, and I don't think that is right. If we overestimate or exceed our estimates, then our community should bear that responsibility, and that is what I have done by taking out the references to proration.

I have also restored full funding for transportation, special ed and vocational education, because these are programs mandated by the state and I think it is very unfair to ask local communities to pick up 10 percent of something we have mandated. Besides, in some areas it would be a terrific hardship for communities or

school districts to pick up 10 percent. In Aroostook County, say, it would be a great hardship and a lot more money for them to pick up 10 percent of transportation than it would for us in Portland. On the other hand, 10 percent of special education in Portland, where we have so many children in our schools, it would be a harder burden on us. We have already been prorated \$140,000 for special ed this year.

The bill takes out maintenance of effort, and I have restored that because I have put the ceiling back on education spending. I think if you take the ceiling off, there is a possibility that every community again will have unequal educational opportunities plus a very unequal uniform tax.

I have accepted the new leeway, 2 mills for \$95, so that reduces the total cost about \$3 million, and I have also accepted the method in which they repay that, which would be in December. But I have also taken out the provision where we deferred this year's spending for leeway until next December.

I don't address the payment of the leeway that we owe this year in this bill, because I did not figure that was part of next year's school funding. That is a problem that we have within this year's school funding and we also addressed that separately, as well as the deficit separately. It has nothing to do with the school funding for next year, so I have taken that out, any reference to that.

The spending ceiling, the categorical areas, generally I think that covers all the major areas where I have changed the law. I have put back in what was in 1452, the maintenance of effort.

In the previous bill, the community that was spending below the state average was brought up to that level by one-third increment. The committee changed that that they would be brought up to two fifths or 40 percent, and I accept that and this will allow them to get up to the median average level a little bit sooner.

What I think I have done is restored the principles of 1452, reduced the spending somewhat without hurting, I don't think, educational programs in the schools. I have lowered the property tax for all the communities in the state and I have put an income tax on it to fund it, which I think most everybody feels is the proper way that this should be done.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I sympathize with Representative Najarian. I have gone this route before, to my sorrow, changing a little here and a little there and without realizing the impact across the state of what these small changes mean.

You know, I have told you in some of the caucuses that we have had that by dropping the uniform property tax you are hurting some of the units in this state, you are not benefiting them. Let me give you an example: Arundel has a valuation of \$9,100,000. Under the committee's bill, with a drop in the uniform property tax of one mill, Arundel will experience a net loss of \$14,543. You see what you get into when you drop the uniform property tax? Auburn has a property state valuation of \$166 million. Auburn, under the committee revision bill, will lose \$134,165. The total of allocation and state leeway is \$341,665 less. They save \$207,500 on the uniform property tax reduction. Bradley has a state

valuation of \$5,700,000. Moving from the present law to the committee's revision, Bradley will lose \$17,366, and the same thing goes for towns such as, Caribou, Chelsea, Dresden, Eastport, Glenburn, Harmony, Marshfield, Medway, Richmond, Sabattus, Woodland and these are just representative.

So when you start dickering and finagling and switching around, a change here and a change there, they may not seem significant but the impact, you can only find out through a study and a printout. You have to analyze this thing, you cannot do it simply by adjusting a formula.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: None of this language in my amendment is my own. What I have put back in the amendment was in 1452, which had been working, and what I have kept was the committee's own bill and the changes they have made in the law. I really don't understand the point that Representative Lynch was just making. Of course, they would lose money if their property tax went from 13.5 to 13 mills. That means they have to raise less on their local property tax but I am making up with the state income tax, so I don't see how they can lose.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: The comparison I gave you was a savings of  $\frac{1}{4}$  mills on the uniform property tax — from 14 $\frac{1}{4}$  as needed under the present law to 13 $\frac{1}{2}$  as proposed by the committee's revision. Now, under the amendment you are proposing another half mill drop. This is not an exact trade for dollar for dollar on both sides of the equation. What you are doing is swapping dollars in uniform property tax for dollars on an income tax or some broad-based tax; that is one side of the equation, but you have not addressed yourself to the other side of the allocation side, and that is affected by the drop in the uniform property tax.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker, I would like to pose a question through the Chair to Mr. Lynch. I have been grappling with this problem and I don't seem to be able to understand it. Can you explain the computation in the allocations which results in the loss of these communities, because to me, if you lower the uniform property tax and make it up with an income tax, I don't see where that affects the allocations? And could you go through the computations which result in that difference?

The SPEAKER: The gentleman from Standish, Mr. Spencer, poses a question through the Chair to Mr. Lynch of Livermore Falls, who may answer if he wishes.

The Chair recognizes that gentleman.

Mr. LYNCH: If you go through your printout, Arundel, at 13 $\frac{1}{2}$  mills, would raise \$548,189; at 2 mills \$95, full exposure of state dollars would be \$11,301, if they exercise it, giving a total of \$559,490. The reduction of a one mill uniform property tax would only reduce the burden in Auburn of \$9,100; at 1 $\frac{1}{4}$ , it would be \$11,375, so the reduction on one side at one mill would be \$9,100.

I am sorry I don't have the printout sheet I had the other day, I could go through it step by step, but you start with your average per pupil cost, and Auburn is a below average community, so they would have the benefit of using both the maintenance of effort and the leeway. In using that, they are going to use more state dollars and more of their own money than they are getting in a reduction in the uniform property tax.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker, I would like to pose a followup question through the Chair. If the dollars that are lost when you reduce the uniform property tax by one mill or two mills or whatever, if those dollars are made up by an increase in the income tax, why does the locality end up paying more? I can understand if you said that we would reduce the uniform property tax and throw those costs back onto the local property tax that a low valuation community would have to raise several mills to make up what they lost but I don't understand why they lose on the allocation if you make up the dollars that are lost by lowering the uniform property tax with an income tax increase?

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, suppose you start with the funding of education at \$260 million. Does it make any difference to the figure of \$260 million whether you raise half of that on uniform property tax or whether you raise 60 percent on a broad-based tax? The \$260 million is on that side of the equation, isn't it? Now, you take a drop in uniform property tax, you are altering the other side of the equation, you are dropping the burden on the community of \$9,000 or \$10,000, in the case of Auburn, right?

Arundel was \$9,100, yes. You are dropping the effort that Arundel has to carry by \$9100, but you are affecting the allocation side by the use of leeway and maintenance of effort. That is the only two things they have that has the state's sharing of dollars involved. Beyond that, it is all through local dollars.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: To add somewhat to the confusion, the figures that I have here — let's take the town of Arundel, which would have to raise 13 mills, that is \$118,300. If we go to what they would have to raise at 14 $\frac{1}{4}$  mills, it would be \$134,225, which is a difference of \$16,000. If we went at 13 $\frac{1}{2}$ , that would be a difference or a drop from \$122,850. So actually, at 13 mills, Arundel would be \$16,000 less than the original figure on the bill of 14 $\frac{1}{4}$  and it could be some \$4,000 less than the committee redraft bill.

I still don't understand the principle where they would actually lose funds on this.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to say that I have ordered a printout on showing the effect of my amendment on the towns, the total state dollars and how much will be raised locally and how much will come from the state, but they tell me it won't be ready until tomorrow. I feel

somewhat at a disadvantage in that you don't have that before you so you can see what this amendment would do to your communities, but it will be ready tomorrow and that is all I can tell you.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: Up until the last statement that the gentlewoman from Portland made, my very good friend Mrs. Najarian, I could conceivably have bent a little bit, merely because of my personal feelings for her, but when she mentioned printout, boom, all I can think of is printouts of 1973, 1974 and 1975 and that is when you lose me completely.

If we had the money, this might be a fine thing, but when I read to provide for an income tax increase of \$10,500,000 to fund the reduction of the uniform property tax provided in this amendment, this is what I have been fighting on the floor this afternoon, out in the corridor, days on end, two years ago last year. This becomes, and I, for one, want to commend my dear friend and colleague from my county, the Chairman of the Education Committee, Mr. Lynch; however, this now becomes purely and simply a tax measure. Nobody here has come up with an idea — are you positive, are you sure, is there a certainty that this thing won't reoccur again?

We were told that 1994 was beautiful. What happened to it? 1452 was a cureall.

I would like to put this thing in the same position as the previous bill was in and I would like to have made the same motion on the Mackel bill but everybody knows that was gone and would never have any hopes, and because of the fact that I don't think, with all due respect to the gentlewoman from Portland, whose intentions I know are sound and sincere and honest, I spoke to her about it last night and I spoke to her again about it this morning, it doesn't alter the fact that in my opinion this is not a good amendment, the timing is bad besides that, and for that reason, Mr. Speaker, I move the indefinite postponement of this amendment and when the vote is taken, I ask for a roll call.

Mrs. Mitchell of Vassalboro offered House Amendment "A" to House Amendment "B" and moved its adoption.

House Amendment "A" to House Amendment "B" (H-885) was read by the Clerk.

The SPEAKER: The Chair would inform the members of the House that obviously the motion to amend takes precedence over the motion to indefinitely postpone.

The Chair recognizes the gentlewoman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: This almost seems not germane, considering the previous discussion; however, I would like to address one part of Mrs. Najarian's amendment, and that part is the reinstatement of a ceiling of expenditures on a local level. I must admit that this is a full circle for me as an Education Committee member. However, I have come to philosophically have difficult problems with the ceiling on local expenditures. The arguments I have heard in favor of a ceiling are these: one that would abandon the philosophy and we will be right back where we started. First, that can't happen, because we are hoping to bring up the towns that have been behind through sharing of state resources and they will never go back, I hope, as far as they were.

Also, once a community has paid its fair

share to the uniform property tax for the upkeep of schools across the state, then I can't see how the state has further claim to its own local resources.

The other problem is that people refer to is only to Cape Elizabeth and only the rich towns. I represent Windsor, I spoke of it earlier, Windsor also supports having the ceiling removed. If you look at the poor people expenditure in Windsor, I am embarrassed to say it is the very bottom on your list, I think it is \$300 plus per elementary pupils and this town also would like to see the ceiling removed.

The SPEAKER: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: Would a motion to table both of these amendments be in order? I make that request, primarily, due to the confusion over Mrs. Najarian's amendment in that there seems to be some disagreement over the effect that this would have on all the communities. I hope we could have this material before us tomorrow. Since this is an amendment that Mrs. Mitchell has offered to Representative Najarian's amendment, I hope that we could have it tabled, have them both tabled.

The SPEAKER: The Chair would inform the gentlewoman that the motion to table is in order but the gentlewoman debated the motion and therefore is not in order.

The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker, I move indefinite postponement of House Amendment "A" to House Amendment "B". I am one of those towns that is so-called rich. I have the hopes of the lady from Vassalboro, Mrs. Mitchell, but we also had the hopes of everybody two years ago and four years ago that this thing would not get out of hand.

The SPEAKER: The gentleman from Waterville, Mr. Carey has moved indefinite postponement of House Amendment "A" to House Amendment "B" and the Chair will order a vote. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mrs. Mitchell of Vassalboro requested a roll call.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Waterville, Mr. Carey, that House Amendment "A" to House Amendment "B" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bachrach, Bennett, Berry, G. W.; Berube, Birt, Blodgett, Boudreau, Bowie, Burns, Call, Carey, Carpenter, Carter, Chonko, Cote, Cox, Dam, Drigotas, Durgin, Farnham, Faucher, Fenlason, Flanagan, Fraser, Garsoe, Goodwin, H.; Gray, Hall, Hennessey, Hinds, Hobbins, Hunter, Immonen, Jacques, Jalbert, Jensen, Joyce, Kany, Kelleher, Kennedy, Laffin, Laverty, LeBlanc, Lewin, Lizotte, Lunt, MacEachern, Martin, A.; Martin, R.; McBreairty, McMahon, Mills, Miskavage, Morin, Morton, Nadeau,

Najarian, Norris, Peakes, Pearson, Pelosi, Peterson, P.; Pierce, Quinn, Raymond, Rideout, Rolde, Saunders, Shute, Silverman, Smith, Snow, Snowe, Strout, Stubbs, Tarr, Teague, Theriault, Torrey, Tozier, Truman, Twitchell, Tyndale, Usher, Walker, The Speaker.

NAY — Ault, Bagley, Berry, P. P.; Bustin, Byers, Clark, Conners, Connolly, Curran, P.; Davies, DeVane, Doak, Dow, Dyer, Goodwin, K.; Gould, Greenlaw, Henderson, Hewes, Higgins, Hughes, Ingegneri, Jackson, Kelley, LaPointe, Leonard, Lewis, Lovell, Lynch, Mackel, MacLeod, Maxwell, McKernan, Mitchell, Palmer, Perkins, T.; Peterson, T.; Post, Powell, Spencer, Sprowl, Susi, Tierney, Wagner, Wilfong, Winship.

ABSENT — Albert, Carroll, Churchill, Cooney, Curran, R.; Curtis, Dudley, Farley, Finemore, Gauthier, Hutchings, Kauffman, Littlefield, Mahany, Mulkern, Perkins, S.; Rollins, Talbot, Webber.

Yes, 86; No, 46; Absent, 19.

The SPEAKER: Eighty-six having voted in the affirmative and forty-six in the negative, with nineteen being absent, the motion does prevail.

The pending question now before the House is the motion of the gentleman from Lewiston, Mr. Jalbert, that House Amendment "B" be indefinitely postponed.

The Chair recognizes the gentlewoman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: Before you vote on the indefinite postponement of my amendment, because there is a \$10 million tax increase on it, I would just like to point out that the committee bill itself has a \$9 million fiscal note on it. It will also increase the property tax in addition. Any bill we have before us, if you kill my amendment, if you kill the committee bill, we are left with 1452 which increases the property tax by 1½ mills, so that is your choice. Besides, I think my amendment restores, if you believe in the original philosophy of 1994, that philosophy and it only has to raise one million more than the committee bill itself.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Susi.

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make my attempt of an analysis of where we will be at if this amendment is indefinitely postponed.

I believe there is another amendment floating around, or will be, that Maine Municipal has been involved in that would reduce the mill rate to 12 mills but would require an income tax increase of up around \$20 million. The committee bill, as Representative Najarian has indicated, calls for \$9,500,000, but I don't know of any amendment that is afloat as of now that would finance that need to bridge the gap of the \$9,500,000. If we knock out the Najarian amendment, we are back to the Maine Municipal and possibly one that someone is considering putting in to cover the \$9,500,000 on the committee bill. I believe this is so, if I have made an error, I wish someone would correct me.

The SPEAKER: The Chair recognizes the gentleman from Danforth, Mr. Fenlason.

Mr. FENLASON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to address the 90-10 arrangement on vocational education on special education and on transportation. It is very difficult to refute the statements made by Representative Najarian, but I would like

to point out a fact or two that was brought out in committee and I stand behind it very firmly. I am a great advocate of education, I am also an old Scotchman and I am tight and I hate to see waste. I feel that with a 100 percent reimbursement of these items to the towns, there is a chance for abuse and waste. It is my feeling, and I feel pretty certain it was the feeling of the committee, that if we put 10 percent of that spending back on the local unit, the towns would be much more responsible and would spend much less money chasing kids all over the state of Maine in buses under the mistaken apprehension that it 'don't cost nothing.'

The SPEAKER: The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Smith.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: Through most of the debates on L.D. 1994 and 1452, I have held my peace and said nothing, as I wasn't involved in the drafting of the bill or the committee work, but I have had long-time interest in the basic concepts that have been embodied in L.D. 1994, principally, the equal educational opportunity part of it and the attempt at least, in the original bill, to achieve some sort of tax equity. I never agreed with the way L.D. 1994 attempted to achieve that tax equity, namely, by imposing a state property tax.

It has been said here today that what we have before us is really a taxation measure, and I agree with that analysis. I have, over the years I have been in the legislature, always attempted to address the basic imbalance in the total tax structure in this state. Several studies, recently, have confirmed what many of us felt for a long time, that the imbalance is caused by overdependence on property tax and of all the measures that we have before us to vote on, I can see only one that even begins to address that imbalance, and that is the one we have before us today.

I know that income tax increases are distasteful to everybody, but to me they are no where near as distasteful as the alternative of increased property taxes that every other measure has attached to it.

I hope today that we will not indefinitely postpone this amendment. I am not convinced that it is perfect by any stretch of the imagination but I am certainly convinced that it has more good for more of us, including pay-in and pay-out towns, than any of the other bills or amendments that we are going to be discussing. I hope that at least today that we will keep this amendment alive and, Mr. Speaker, when the vote is taken, I request a roll call.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert has already requested a roll call.

The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I have several questions I would like to ask members of the Education Committee in regards to the 90-10 section that Representative Najarian's bill would eliminate. Under that 90 percent section, as I read the bill, let's take vocational education, reimbursement shall be limited to 90 percent of the estimated cost or 90 percent of the actual expenditures, whichever is less. What happens if a school district is able to cut their voc costs down so that they are only so they cut their 10 percent amount so they are only paying

about 91 percent, let's say next year's figures, they get 90 percent of that and correspondingly each year they are going to be going down, as I read this, because it is whichever is less. In other words if this year they figure they can't raise that 10 percent local, so they go on the 90 percent the state is going to give them and then the next year their estimates are 10 or 15 percent higher than what they spent this year, the state reimburses them only what they actually spent minus 10 percent of that. I don't know if I am making myself clear, but each year, as I read this, under the 90-10 of the original bill, the district is going to get less and less if they try to save money.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: The gentleman from Dover-Foxcroft, my colleague on the Appropriations Committee, said that he has held his peace on L. D. 1994 and 1452. I held my peace on 1452, but I sure didn't hold my piece on 1994, and there are even members of the Education Committee in this room today who were on the committee when 1994 was passed who would be delighted today to speak against 1994 if it was before them today. And they were then on the Committee on Education, and I am not going to let go easy on this one. It is one thing if you can afford something and it is another thing if you can't afford it.

My good friend from Pittsfield, Mr. Susi, fully knows that any amendment that comes up, if it had a billion dollars on it, could be cut down to five cents if he so wishes.

It would be my intention that we would defeat, as my motion indicated, this amendment and then table this measure so it would be in the same position as the other one that you reconsidered so kindly a few minutes ago. Please, I beseech you, I practically got on my knees in 1973, I am doing it again now. I am interested, as all of us, in good government. I am interested in doing things as they should be done. But believe me, we have been bitten twice and I am not going to go plunging into something a third time without knowing where I am going. I sure as heck, at five thirty in the evening, do not want to pass a tax bill under the guise of an education bill. I certainly beseech you and hope that you will defeat this amendment, as the motion was made to indefinitely postpone it and a roll call was asked for, and I hope you do not table this thing, defeat it now. There are other days that will come after this evening and we can work from there. That is the only way you will ever arrive somewhere along the line at a compromise.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to try and put things in perspective if I could. One of the reasons I will support the gentlewoman from Portland's amendment is that while this would cause an increase in one of our state taxes, the income tax, it would cause a corresponding decrease in the statewide property tax. If you defeat the amendment and you go to the bill as it is and you vote for that bill, you would be voting for an increase in two state taxes, in the income tax and in the uniform property tax. That is what the committee bill calls for. Mrs. Najarian's amendment calls for an increase in only one state tax, and that is the state income tax.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, I would ask a question of the good lady from Portland, Mrs. Najarian. Your bill in the fiscal note points out the fact that it does not address the problem of the \$3 million for the towns which are attempting to change over to the uniform fiscal year in this six months we are now in. Did I miss it or did you tell us how you plan to handle that?

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker and Members of the House: No, I did not address that. I did not think that was part of the problem of next year's school funding, and having talked with members of the Education Department and our Finance Office, they, too, did not think the present deficit, the \$3 million that we now have for the conversion to leeway this year, should be a consideration of this bill for funding next school year. That is a separate problem. I, personally, am in favor of somehow paying that this year and not deferring the cost until next December. It is not a part of the school funding problem for next year, which is what this bill and the amendments before us are doing.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that House Amendment "B" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLLCALL

YEA — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W., Blodgett, Boudreau, Bowie, Bustin, Byers, Chonko, Connolly, Cox, Curran, P.; Curran, R.; Davies, Doak, Dow, Drigotas, Farnham, Fenlason, Flanagan, Fraser, Garsoe, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Handerson, Hennessy, Hobbins, Immonen, Jackson, Jensen, Joyce, Kany, Kelleher, Kennedy, Laffin, Laverty, LeBlanc, Leonard, Lewin, Lunt, Lynch, MacEachern, Mackel, Martin, A.; Martin, R.; Maxwell, Mills, Miskavage, Mitchell, Morin, Morton, Nadeau, Najarian, Peakes, Pearson, Pelosi, Peterson, T.; Pierce, Post, Powell, Quinn, Rideout, Rolde, Saunders, Shute, Smith, Snow, Spencer, Strout, Stubbs, Susi, Theriault, Tierney, Usher, Walker, Wilfong, Winship, TheSpeaker.

NAY — Berry, P.P.; Berube, Birt, Burns, Call, Carey, Carpenter, Carter, Conners, Cote, Dam, DeVane, Durgin, Dyer, Faucher, Gould, Gray, Hewes, Higgins, Hinds, Hunter, Jacques, Jalbert, Kelley, Lewis, Lizotte, Lovell, MacLeod, McBreairey, McKernan, McMahon, Palmer, Perkins, T.; Peterson, P.; Raymond, Silverman, Snowe, Sprowl, Tarr, Teague, Torrey, Tozier, Truman, Twitchell, Tyndale.

ABSENT — Carroll, Churchill, Clark, Cooney, Curtis, Dudley, Farley, Finemore, Gauthier, Hughes, Hutchings, Ingegneri, Kauffman, LaPointe, Littlefield, Mahany, Mulkern, Norris,

Perkins, S.; Rollins, Talbot, Wagner, Webber.

Yes, 84; No, 46; Absent, 20.

The SPEAKER: Eighty-three having voted in the affirmative and forty-six in the negative, with twenty being absent, the motion does prevail.

Mr. Greenlaw of Stonington offered House Amendment "H" and moved its adoption.

House Amendment "H" (H-888) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker and Members of the House: I will take just a very brief minute trying to explain this amendment.

It seems to me that the Mackel bill contains two major differences from the bill that is presently before the House at this time; number one, to repeal the uniform property tax and, number two, it changed the allocation system based on a flat grant system, which is different from the present system and also the system that is in the Education Committee bill.

This bill would repeal the uniform property tax and the money that would not accrue to the state would be made up as an addition to the income tax.

I have found a great deal of sentiment in this legislature about the way the uniform property tax is assessed and the burdens that are placed upon many communities, both coastal and inland, in this state. I would ask at this time for this legislature to support this amendment which does in fact abolish and repeal the uniform property tax and have that money made up by a broad-based tax; namely, the income tax, which many people seem to support.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker, I know there are several amendments that have been distributed, and while I speak on amendment "H" as presented by the gentleman from Stonington, Mr. Greenlaw, I would like to, if I may, Mr. Speaker, without getting too far afield, also like to refer to House Amendment "A" which covers the very same subject.

Mr. Greenlaw's amendment would raise 13½ mills at the local level and it would be an additional cost to the state of some \$5,452,000. House Amendment "A" would raise only 13 mills at the local level, which would indicate that obviously the state would have to come up with even more money, because there is a half mill less that is being raised at the local, but House Amendment "A" says it would only cost us \$4,540,000. Are the figures transposed in the two amendments or is there such a confusion here that maybe we would be better off to table this to get some more accurate figures?

The SPEAKER: The gentleman from Waterville, Mr. Carey, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, could I ask one of the Pages to take to Mr. Carey a copy of House Amendment "A" and further ask him if it is an amendment to L.D. 2196 or an amendment to L.D. 2101.

The SPEAKER: The Chair would answer that the amendments are both to 2196.

The Chair recognizes the gentleman from Winthrop, Mr. Bagley.

Mr. BAGLEY: Mr. Speaker, I ask for a division.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, I still have a problem with this appeals procedure — 25 parents. You only have to have 13 families that can raise the devil with any school unit in this state, and I think the State Board of Education would be drowned under the appeal procedure.

Thereupon, Mr. Carey of Waterville moved the indefinite postponement of House Amendment "H".

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Waterville, Mr. Carey, that House Amendment "H" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

85 having voted in the affirmative and 19 having voted in the negative, the motion did prevail.

Mr. MacLeod offered House Amendment "G" and moved its adoption.

House Amendment "G" (H-886) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. MacLeod.

Mr. MacLEOD: Mr. Speaker and Members of the House: It was brought to my attention that under this bill the transportation costs for all transportation are reimbursable, including extracurricular transportation. I think this would be a good time to get a handle on some of the transportation costs in this state, with gasoline being what it is and the soaring cost of buses and everything. This amendment would simply restrict the reimbursable portion to transporting students to and from school from their residences and not include the extra curricular.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker, we have finally reached one amendment which I feel I can support. We have some 20-odd teams traveling throughout the state in different activities, both boys and girls. If the community wants to participate in this, then the community should also have to pay the cost. I would support the gentleman from Bar Harbor, Mr. MacLeod.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Silverman.

Mr. SILVERMAN: Mr. Speaker, before I vote on this, I would like to say something. Does this mean that transporting a basketball team and bands throughout the state so they can attend their functions, this will be a cost to the municipalities and will not be part of the transportation costs that we passed when we passed 1994? If it is, I definitely would favor continuing to guarantee that those children may attend the affairs, whether it is basketball, baseball or whatever activity that is a part of going to school, and I certainly oppose this amendment.

The SPEAKER: The gentleman from Calais, Mr. Silverman, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Bar Harbor, Mr. MacLeod.

Mr. MacLEOD: Mr. Speaker, I think we have heard a lot of talk here about local control and control on the local level. This cost would be borne by the town.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I didn't intend to get involved in this debate, but you want to remember that this bill only allows for 90 percent of the transportation to begin with. The local communities are involved with 10 percent in this bill, which is that much away from the present law. So, it is the same old story of putting it back on the property taxpayer. Any little way that we can fire it back to them, why, we do it in order to make the figures come out right, but you are already taking 10 percent away from them in the law as it is written right now.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Silverman.

Mr. SILVERMAN: Mr. Speaker, I would like to move the indefinite postponement of this amendment and ask for the yeas and nays on a roll call vote.

The SPEAKER: The gentleman from Calais, Mr. Silverman, moves the indefinite postponement of House Amendment "G" and requests a roll call vote.

The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I hope that we do go along with the indefinite postponement of this amendment today.

While in past sessions I have supported limited school bus transportation usages, I don't think this is the bill to write it into. It is true, all over the state there have been abuses of transportation using school buses, but in previous sessions, as well as this session, we will have our opportunity to address that problem when we get the bill in to define the words "school bus." Then, and then alone, is the time to talk about what we are going to use school buses for, but pass something like this saying that school buses can only be used to transport children to and from the school that they are attending, that is cutting out the band program, basketball, all sporting events. That could cut out any buses that you have running late, as we have in some of the SAD's, for slow learners and for children that stay after school and the teachers stay to help them with their education problems. This would be one of the worse things we could do to the children of this state if we were to pass this amendment today.

I would hope, if you have any problems with transportation, that you would wait, because we will have a vehicle later on in this session where we can address the problems of transportation. It is at that time that we should take care of it and not with this bill that is before us now. Again I ask you to support the indefinite postponement of this amendment.

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, I would like to ask a question through the Chair. The gentleman from Skowhegan made the statement that this would even preclude buses transporting slow learners in the morning and afternoon. I don't read it in this amendment and I would like to have someone clarify it for me.

The SPEAKER: The gentleman from Nobleboro, Mr. Palmer, has posed a

question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker, the reason I said that was for one reason and one reason alone. In a school district, this is an extracurricular activity, actually, and you vote it at your district budget meeting whether you are going to allow this or not and you raise the funds. Some school districts, the Board of Directors vote it. We did in the school district where I sit on the board of directors, but it also appeared in our budget whether the people would fund this cost or not. I think that by passing this today, it would leave a very good vehicle open to the people that were opposed to the extra buses running around after school, and that is the reason I made that statement.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Calais, Mr. Silverman, that House Amendment "G" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bachrach, Bennett, Berry, G. W.; Berube, Birt, Blodgett, Bowie, Burns, Bustin, Call, Carpenter, Carter, Chonko, Connolly, Cox, Curran, P.; Dam, Davies, DeVane, Doak, Dow, Drigotas, Durgin, Farnham, Faucher, Flanagan, Fraser, Goodwin, K.; Gray, Hall, Henderson, Hennessey, Hobbins, Hughes, Hunter, Immonen, Ingegneri, Jackson, Jalbert, Joyce, Kany, Kelleher, Kelley, Kennedy, Laffin, Laverty, LeBlanc, Lewin, Lewis, Lunt, Lynch, MacEachern, Martin, A.; Martin, R.; McBreairey, McKernan, Mills, Mitchell, Morin, Morton, Nadeau, Najarian, Norris, Peakes, Pearson, Pelosi, Peterson, P.; Peterson, T.; Post, Powell, Quinn, Raymond, Rideout, Rolde, Saunders, Shute, Silverman, Smith, Snow, Snowe, Spencer, Sprowl, Strout, Stubbs, Susi, Tarr, Teague, Tierney, Tozier, Twitchell, Tyndale, Usher, Wagner, Walker, Wilfong, Winship, The Speaker.

NAY — Bagley, Berry, P. P.; Boudreau, Byers, Carey, Clark, Connors, Dyer, Fenlason, Garsoe, Gould, Greenlaw, Hewes, Higgins, Hinds, Jensen, LaPointe, Leonard, Lizotte, Lovell, Mackel, MacLeod, Maxwell, McMahon, Miskavage, Palmer, Perkins, T.; Pierce, Theriault, Torrey, Truman.

ABSENT — Albert, Ault, Carroll, Churchill, Cooney, Cote, Curran, R.; Curtis, Dudley, Farley, Finemore, Gauthier, Goodwin, H.; Hutchings, Jacques, Kauffman, Littlefield, Mahany, Mulkern, Perkins, S.; Rollins, Talbot, Webber.

Yes, 97; No, 31; Absent, 23.

The SPEAKER: Ninety-seven having voted in the affirmative and thirty-one in the negative, with twenty-three being absent, the motion does prevail.

Mrs. Post of Owls Head offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-880) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentlewoman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker and Members of the House: As I have explained before when I presented this amendment for another bill, essentially what this does is to insure that vocational education includes the definition of fishing education.

Thereupon, House Amendment "C" was adopted.

Mrs. Post of Owls offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-882) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentlewoman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker and Members of the House: Essentially what this bill does is to have the amount that the state assesses from the uniform property tax, or either the percentage of a tax bill or the dollar amount appear on each property tax bill. I think it is important that as we are either passing legislation which increases the uniform property tax or lowers the uniform property tax or setting a uniform property tax, that people have a very clear understanding of what that means to them when they get their tax bill. One problem of confusion which comes up is that in many towns which are assessing at a lower than a one hundred percent rate, they may, for instance, be assessing at a 20 percent rate, when we are talking up here of a difference between a 13 mill rate and a 14 mill rate, if they are interpreting it to their own situation, they don't think about it as being that high, where actually, if you are going to raise 14 mills in a town that is valuing at 20 percent, you would have to increase their taxes by 60 mills, which is quite a difference.

Essentially, what we are doing is insuring that the people in the local communities are individually well aware of what is going on and how their schools are being funded.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker, I would like to pose a question through the Chair. I had supplied the Chair earlier with information that this very amendment, at least the subject matter of this amendment, had been proposed in the regular session and it ultimately met with defeat. Would it properly be before us?

The Chairman of the Local and County Government Committee may still have those figures if you want to direct this question through him.

The SPEAKER: The Chair would answer that he would have to direct the question in that fashion, since he no longer has possession of the paper that was supplied to him.

The Chair recognizes the gentleman from Skowhegan, who may answer the question posed by the gentleman from Waterville, Mr. Carey.

Mr. DAM: Mr. Speaker and Members of the House: We did, in the last session of the legislature, have a bill before us which would essentially have done the same thing as the amendment that is before us today by the Representative from Owls Head, Mrs. Post, as far as the subject matter is concerned. The amendment did address three other areas for those purposes, and I would read the amendment that was proposed on the bill at the regular session.

It says, "If a municipality gives written notice to persons liable to taxation of the amount of tax due or payable, such notice shall indicate the percentage of the tax

allocated for education, municipal services, county taxes and special district purposes." This was indefinitely postponed because of the opposition, one being the good lady from Owls Head, Mrs. Post, speaking into the record how she was opposed to this, putting the burden on the municipalities. It went down the drain quite severely, but it was before the regular session, so actually it was something that was indefinitely postponed in the regular session and is coming back to haunt us again today.

The SPEAKER: The Chair would respond to the question of germaneness, and the Chair would rule but make no comment on the merits or demerits of the measure, that it is germane, since this particular amendment deals only with the uniform property tax and the amendment presented during the regular session dealt with everything, and as a result would rule it is germane.

The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker, then I would move indefinite postponement of this for many reasons, and it is simply this, we are working on an emergency bill which would take effect immediately upon its passage. This means that those people who are putting out tax bills would be caught in an extremely short time situation in trying to get these things on tax bills they would be putting out this year. I would have preferred that possibly the young lady from Owls Head, Mrs. Post, would have put a time on this that this would have been effective next year. Therefore, I would move indefinite postponement.

The SPEAKER: The gentleman from Waterville, Mr. Carey, moves the indefinite postponement of House Amendment "D".

The Chair recognizes the gentlewoman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: I would like to respond both to Mr. Dam and Mr. Carey, if I could. I did oppose the legislation previously, and my reason for doing so is that those were locally assessed services and locally assessed taxes. This is quite another thing. In this case, what we are talking about is a uniform property tax assessed and levied by the state in which local people have no control over what they will pay. They have no vote in their locality on whether or not they will increase or decrease that uniform property tax. I see that as quite a different thing.

I would also like to point out that all that is required if a town does in fact decide to simply express the amount paid for by the uniform property tax in terms of a percentage, that is figuring on a one-time thing, that is one calculation for all the tax bills that they want to put out. If they want to show each taxpayer how many of his dollars are going into the uniform property tax, that is quite another thing. To my mind, it seems to give plenty of time to the towns to do this. However, if Mr. Carey is willing to support my bill with a later time limit on this for next year, then I would be willing to discuss that with him later. At this point, I would ask that you do not indefinitely postpone it.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker, I am delighted that Mrs. Post and I can meet later to discuss this matter; however, if it receives passage this evening and we

continue and get beyond the second reading stage, and as the order has been presented before that bills are not held up and will go immediately forthwith within thirty minutes after adjournment, then we could talk for the next month or so and still not affect the outcome of this particular bill.

I have been here for a few semesters, as the gentleman from Lewiston is fond of saying, so I appreciate her comments but they do not change the fact. The City of Waterville, for instance, has a computer and we can print anything on a tax bill that you ask for. The little town of Winslow is not that fortunate — I like to call it the little town of Winslow — the little town of Winslow happens to have bought tax bills well into the next several years, feeling that they never again will become a part of Waterville, so we are creating a hardship on my neighbors in Winslow, as well as over in maybe Winthrop and all the other communities.

Time is extremely important to these communities and as I recall, having talked to the Chairman of Local and County Government before, the thing that killed the amendment the last time was the fact that the timetable did not suit itself to those little towns that had bills well in an advanced stage.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: In the regular session when we had this before us, I supported it real strongly because I thought it was a good way to get the message out to the people, they could look at their tax bills. But since then, and I also at this time want to thank my good friend from Lincoln, Mr. MacEachern, because he took me over the hurdle in the regular session, too, with this, but I have to agree that he and Mrs. Post were right in the regular session, that the people didn't want this. As I went around the state for public hearings and what traveling I have done speaking to groups and listening to the Freedom Fighters, they have mentioned this bill that we had in the regular session, and they said, we don't want anymore programs mandated from Augusta telling us what to do.

Under the present law, if the municipal officer in Owls Head wants to put this information and any other information on their tax bill — and now I am almost quoting verbatim what Mrs. Post said in the last session — they have the right to do it. So why should we mandate that a town or a city that has their bills already printed well in advance have to send them back to the printer to print any additional information on them. If the towns wanted to do it, they could have done it before today, they could have done it before last year and before ten years previous to that. They have a right so I say, let's let each town make up its own mind whether they want to clutter up their tax bills with all this information and let's not mandate it from Augusta. I think that is what we are fighting here today, not school financing alone, but what we are mandating from Augusta. So I ask you to support the motion for indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, the reason that I rise is just to clarify the record. For some reason, Winslow was brought into this and I would like to clarify the air. Prior to the 1820's, an area west of the

Kennebec now known as Waterville was Winslow and we are very fond in Winslow to refer to that part today as West Winslow, not Waterville.

The SPEAKER: The Chair recognizes the gentlewoman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: I thoroughly enjoyed Mr. Dam's recitation, but the important point is that we were not talking about the same issues last session as we are this session in terms of exactly what I am asking to be on the tax bills.

What I think is important is that when we got these printouts on the committee bill telling how much each town was going to get and we got the printout on the Governor's bill telling exactly how much each town was going to get, the one factor that was very cleverly left off was how much each town is going to have to pay under the uniform property tax. I suppose that all of us have tried to ignore this second printout that came around and maybe a lot of the local communities will never recognize it, but I simply want to go on record as saying that when I am voting for a uniform property tax, I think the people who are not voting for it, I think the people in my community have a right to know exactly how much the state is assessing them and that it shouldn't be hidden behind or in around other bills and that is simply what I am asking for. This is a tax in which the local people have no control and the confusion is so great that most of them simply don't understand the difference between uniform property tax and what they are paying for schools.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: We have had uniform property tax before us when we passed L.D. 1994, we had inklings of it before us when we passed L.D. 1997 setting up tax districts and all I am saying today is that on this amendment, under filing number H-889 by the good Representative from Owls Head, Mrs. Post, it says "they shall do this" and I don't think we should mandate to any town how they are going to run their business or how they are going to send their forms out. I think if they want to do it, let them do it on their own but don't tell them what to do.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Waterville, Mr. Carey, that House Amendment "D" under filing number H-882 be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

95 having voted in the affirmative and 11 having voted in the negative, the motion did prevail.

Mr. Palmer offered House Amendment "E" and moved its adoption. House Amendment "E" (H-883) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, earlier in this session, when we were discussing the Mackel bill, so-called, I alluded to the fact that when 1452 was passed, the Senate Chairman of the Education Committee at that time, made the statement that the order which was passed at the same time in that session

which mandated a study commission to look into the property tax evaluation of this state, how it is valued, the methods used, etc., it was very important that we have this commission.

Earlier, I told you that through some errors the commission has never functioned, the order is now before the Taxation Committee, I believe. I do know that leadership is going to make some move to try to reinstate this order along the lines of a joint select committee. This doesn't have very much effect on any of bills we are discussing, but what it merely does is say that it defers that studying of any new state valuation until this commission has become operative and has given a report.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Nobleboro. I seriously raise the question as to whether this amendment is constitutional?

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, has posed a question through the Chair to the gentleman from Nobleboro, Mr. Palmer, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. PALMER: Mr. Speaker, I know that I have always held to the belief that anything I didn't agree with could be unconstitutional. Truthfully, to the gentleman from Bangor I would say that I had the same thoughts myself but messaging it as I did, I believe it is not, but if you care to have the Attorney General search it out, it is perfectly all right with me. But I do believe that it is not. It is perfectly legitimate because we do have an order to research what we are doing along the lines of state valuation and I believe it is perfectly legitimate to use the 1975 valuation until that committee has reported.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Bustin.

Mr. BUSTIN: Mr. Speaker, I raise the question of germaneness?

The SPEAKER: The Chair would rule in the affirmative, that it is germane, since on page 18 of the bill itself of the printed legislative document, it deals with the state valuation as determined by the State Tax Assessor.

The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I question the wisdom of this because I think there will be a leveling off on the 1977 valuations that may reduce some of the problems that we have under the present 1975 state valuation. I think the filing in the Registry of Deeds is going to affect many towns and communities throughout the state.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, I move indefinite postponement of this amendment.

The gentleman from Nobleboro, Mr. Palmer, requested a roll call vote.

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

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

The SPEAKER: The Chair recognizes

the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I think perhaps we are making something out of this that wasn't intended and I don't believe that we should minimize the problems we might have in 1975 with a new state valuation.

I have always felt that 1994 had a lot of other things working against it besides some problems in the bill itself — outside influences, and certainly one of the great problems which hurt 1994, or the problems that it had, was the fact that right after the bill was passed we had this tremendous increase in state valuation. It certainly accentuated the problems and in many instances, I believe, put blame on 1994 which didn't belong there. I can see passage of a new education act, be it this one or any other one in this session, being passed and thinking we have nullified the situation out there and then only a few months later find that we have another increase in the state valuation of 30 or 40 percent. I think we will all have the same hue and cry we have had before.

This simply doesn't affect the funding of the bill at all, it just simply says that we should pursue the commission to study the methods we are using to arrive at a uniform property tax. It has nothing to do with the implementation of the bill. It just simply says that we should study that before we go ahead and have a new state valuation, so I hope we will not indefinitely postpone this amendment.

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. McBreairty.

Mr. MCBREAIRTY: Mr. Speaker, I would like to pose a question through the Chair to Mr. Palmer. What effect would this have on a school district where one town has a new industry in it?

The SPEAKER: The gentleman from Perham, Mr. McBreairty has posed a question through the Chair to the gentleman from Nobleboro, Mr. Palmer, who may answer if he so wishes.

The Chair recognizes that gentleman.

Mr. PALMER: Mr. Speaker, I believe it would have none, because I think as far as the biennium we are in, there would be no change, we would be using the 1975 valuation anyway. This simply goads us on to get this work done before it could take effect which would be at the beginning of the next biennium.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I hate to disagree with the good gentleman from Nobleboro, but in this instance I think that I must support the indefinite postponement of this particular amendment. I think it is just postponing the inevitable. The uniform pattern of the two-year reassessment of the state valuation has been with us for many years and I see no real purpose in this. It will just create inequities that would be different inequities if we don't adopt this. So I think the thing to do is leave things as they are, keep the status quo and put this down the drain.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of the gentleman from Bangor, Mr. Kelleher, that House Amendment "E" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bachrach, Bennett, Boudreau,

Bustin, Carter, Chonko, Clark, Connolly, Cooney, Cox, Curran, P.; Davies, Drigotas, Fenlason, Flanagan, Fraser, Goodwin, K.; Hall, Henderson, Hennessey, Hewes, Hobbins, Hughes, Immonen, Ingegneri, Jensen, Joyce, Kany, Kelleher, Kennedy, Laffin, LaPointe, Laverty, LeBlanc, Lewin, Lunt, Lynch, MacEachern, Martin, A.; Martin, R.; McBreairty, McMahan, Mills, Miskavage, Mitchell, Morin, Morton, Nadeau, Najarian, Norris, Peakes, Pearson, Pelosi, Peterson, P.; Powell, Raymond, Rideout, Saunders, Silverman, Smith, Snow, Spencer, Strout, Stubbs, Susi, Theriault, Tierney, Tozier, Twitchell, Usher, Wagner, Walker, Wilfong, Winship.

**NAY** — Ault, Bagley, Berry, G. W.; Berry, P. P.; Berube, Birt, Blodgett, Bowie, Burns, Byers, Call, Carey, Carpenter, Conners, Dam, DeVane, Doak, Durgin, Dyer, Faucher, Garsoe, Gould, Gray, Greenlaw, Higgins, Hinds, Hunter, Jackson, Jalbert, Kelley, Leonard, Lewis, Lizotte, Lovell, Mackel, MacLeod, Maxwell, McKernan, Palmer, Perkins, T.; Peterson, T.; Pierce, Post, Rolde, Shute, Snowe, Sprowl, Tarr, Teague, Torrey, Truman, Tyndale.

**ABSENT** — Albert, Carroll, Churchill, Cote, Curran, R.; Curtis, Dow, Dudley, Farley, Farnham, Finemore, Gauthier, Goodwin, H.; Hutchings, Jacques, Kauffman, Littlefield, Mahany, Mulkern, Perkins, S.; Quinn, Rollins, Talbot, Webber.

Yes, 74; No, 52; Absent, 24.

The **SPEAKER**: Seventy-four having voted in the affirmative and fifty-two in the negative, with twenty-four being absent, the motion does prevail.

Mr. Rolde of York requested a roll call on passage to be engrossed.

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

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

The **SPEAKER**: The Chair recognizes the gentleman from Pittsfield, Mr. Susi.

Mr. **SUSI**: Mr. Speaker, Ladies and Gentlemen of the House: As of now, to my knowledge, we haven't attached any amendment which provides for income tax increase to bridge the gap of \$9.5 million which occurs as a result of the reduction in uniform property tax. So if we were to put this legislation through in its present form, it would create a real distress situation in the low valuation towns around the State of Maine to make up this \$9.5 million. I would like to have you keep that in mind.

The **SPEAKER**: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. **KANY**: Mr. Speaker, I move to table this item for one legislative day.

Mr. McKernan of Bangor requested a vote on the motion.

The **SPEAKER**: The pending question is on the motion of the gentlewoman from Waterville, Mrs. Kany, that this matter be tabled for one legislative day. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

19 having voted in the affirmative and 97 having voted in the negative, the motion did not prevail.

The **SPEAKER**: The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. **CAREY**: Mr. Speaker, following the line of reasoning of the gentlelady from Waterville, Mrs. Kany, the gentleman from Pittsfield, Mr. Susi, is it not a fact that if we have to have a tax increase of any kind, it has to originate in this House?

The **SPEAKER**: The Chair would answer in the affirmative and the Chair would further advise that once we have taken a vote either way, whether it passes or fails, we will reconsider and place it on the table for tomorrow.

Mr. **CAREY**: Mr. Speaker, in any event that the bill could come to us in non-concurrence if anything happens at the other end?

The **SPEAKER**: The Chair would answer in the affirmative, since all taxing measures must originate in this body under the Constitution.

The Chair recognizes the gentleman from Woolwich, Mr. Leonard.

Mr. **LEONARD**: Mr. Speaker, what is the advantage of putting this in the engrossing stage? Why can't we just leave it lay until tomorrow? You have one more parliamentary procedure tomorrow to reconsider.

The **SPEAKER**: The Chair would answer that what we are attempting to do is find out how many people would support this particular bill and where we are going and I think it is high time that we find out where the legislature wishes to go, and that is why we wish to have a vote.

The pending question before the House is on passage to be engrossed of L.D. 2196 as amended by House Amendment "C". Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

**YEA** — Bagley, Boudreau, Fenlason, Fraser, Garsoe, Lynch, MacEachern, Maxwell, McKernan, Norris, Palmer, Peterson, P.; Snow, Torrey.

**NAY** — Ault, Bachrach, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Blodgett, Bowie, Burns, Bustin, Byers, Call, Carey, Carpenter, Carter, Chonko, Clark, Conners, Connolly, Cooney, Cox, Curran, P.; Dam, Davies, DeVane, Doak, Drigotas, Durgin, Dyer, Farnham, Faucher, Flanagan, Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, Hewes, Higgins, Hinds, Hobbins, Hughes, Hunter, Immonen, Ingegneri, Jackson, Jalbert, Jensen, Joyce, Kany, Kelleher, Kelley, Kennedy, Laffin, LaPointe, Laverty, LeBlanc, Leonard, Lewin, Lewis, Lizotte, Lovell, Lunt, Mackel, MacLeod, Martin, A.; Martin, R.; McBreairty, McMahan, Mills, Miskavage, Mitchell, Morin, Morton, Nadeau, Najarian, Peakes, Pearson, Pelosi, Perkins, T.; Peterson, T.; Pierce, Post, Powell, Raymond, Rideout, Rolde, Saunders, Shute, Silverman, Smith, Snowe, Spencer, Sprowl, Strout, Stubbs, Susi, Tarr, Teague, Theriault, Tierney, Tozier, Truman, Twitchell, Tyndale, Usher, Wagner, Walker, Wilfong, Winship, The Speaker.

**ABSENT** — Albert, Carroll, Churchill, Cote, Curran, R.; Curtis, Dow, Dudley, Farley, Finemore, Gauthier, Goodwin, H.; Hutchings, Jacques, Kauffman, Littlefield, Mahany, Mulkern, Perkins, S.; Quinn, Rollins, Talbot, Webber.

Yes, 14; No, 114; Absent, 23.

The **SPEAKER**: Fourteen having voted in the affirmative and one hundred fourteen in the negative, with twenty-three being absent, the motion does not prevail.

On motion of Mr. Carey of Waterville, the House reconsidered its action whereby this bill failed of engrossment.

The **SPEAKER**: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. **LYNCH**: Mr. Speaker, Ladies and Gentlemen of the House: I hope that everyone in the House will do some hard thinking tonight. We are faced with a problem. We cannot dilly-dally for weeks on end. The communities across the state are waiting for a decision to come out of this body.

The **Governor** has placed us in a position where we are responsible for a quick or relatively quick action. He has called us into session to settle the funding of education and I don't think we can afford to play games and I hope you will take it seriously.

Thereupon, on motion of Mr. Rolde of York, tabled pending passage to be engrossed and tomorrow assigned.

Mr. Susi of Pittsfield was granted unanimous consent to address the House.

Mr. **SUSI**: Mr. Speaker, Ladies and Gentlemen of the House: I think we have come along this far, that we understand somewhat what the problems are and I believe that one matter that is concerning us is where the money is going to come from to bridge this \$9.5 million. The Education Committee, I think quite legitimately, has taken the attitude, well, taxation isn't our game, we recommend an educational finance program and then taxation should come up with the revenue sources and that responsibility hasn't been placed clearly on the Taxation Committee by leadership and so we are sort of in limbo right now and until this is resolved, I doubt that we are going to get a satisfactory resolution to this. I will leave it up to anyone who is following this show, who is to blame for it, I don't know that and I don't much care, but I think it does have to be resolved and I hope that someone would address it.

Mr. Henderson of Bangor was granted unanimous consent to address the House.

Mr. **HENDERSON**: Mr. Speaker, Ladies and Gentlemen of the House: Obviously, you didn't get the reading that you wanted and if it was to try to gauge support for this bill, and I would think that if there was an interest in doing this evening, if we reconsider our tabling motion and voted to indefinitely postpone this bill, we could then see how many people are interested in making the changes in terms of the tax provisions and others that have an interest in it.

Mr. Smith of Dover-Foxcroft was granted unanimous consent to address the House.

Mr. **SMITH**: Mr. Speaker, Ladies and Gentlemen of the House: I have been approached by several of my friends in the House who are interested in the Mackel bill still and since we have reconsidered two out of the three bills that we have discussed this afternoon, I have agreed, as a matter of courtesy, to ask for reconsideration of the Mackel bill, having voted on the prevailing side.

On motion of Mr. Smith of Dover-Foxcroft, Bill "An Act to Return to Local Control of Funding of Public Schools," House Paper 1915, L.D. 2101, was tabled pending his motion to reconsider whereby the Bill was indefinitely

postponed earlier in the day and tomorrow assigned.

Mr. McMahon of Kennebunk was granted unanimous consent to address the House:

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: It seems to me, and it should be very obvious to all of us, that the reading we just got on this first vote is due to several reasons, one obviously being that quite a few people have opposed the committee bill and another being that perhaps quite a few people will wind up supporting the Governor's bill. I think a third reason, that is most important and that has been stated by several members of this House, the tax question.

I have absolutely no doubt in my mind that if the committee bill passes without the tax thing attached to it, so that you are voting for both things at the same time, that will not be the only thing funded by a tax increase when we get to that point. In other words, what I am saying and what I am afraid of is that if we leave the question of raising the taxes until later on and don't tie them to the question of one of these bills, that if we pass a bill requiring a tax increase, then state employees are going to want their bills through — other special interest groups are going to want theirs through and we will not be in a position to say no at that point in time.

On motion of Mr. Jalbert of Lewiston,  
Adjourned until nine-thirty tomorrow morning.