

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eleventh  
Legislature***

OF THE

**STATE OF MAINE**

**SECOND REGULAR SESSION**

**January 4, 1984 to April 25, 1984**

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**FOURTH CONFIRMATION SESSION**

**(FIRST CONFIRMATION SESSION – SECOND REGULAR SESSION)**

**May 31, 1984**

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**FIFTH CONFIRMATION SESSION**

**(SECOND CONFIRMATION SESSION – SECOND REGULAR SESSION)**

**July 11, 1984**

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**THIRD SPECIAL SESSION**

**September 4, 1984 to September 11, 1984**

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## HOUSE

Tuesday, September 4, 1984

This being the day designated in the proclamation of the Governor for the meeting of the One Hundred and Eleventh Legislature in extra session, the members of the House of Representatives assembled in their hall at 7:00 o'clock in the evening and were called to order by the Speaker.

Prayer by Father Royal J. Parent, St. Theresa's Catholic Church, Brewer.

The members stood for the Pledge of Allegiance.

### Calling of the Roll

A roll call was taken. 151 members answered to their names and accordingly a quorum was found to be present.

On motion of Representative Mitchell of Vassalboro, the following Order:

ORDERED, that a Committee of ten be appointed to wait upon his Excellency, Governor Joseph E. Brennan, and inform him that a quorum of the House of Representatives is assembled in the Hall of the House for the consideration of such business as may come before the House.

The Order was read and passed.

The Chair appointed the following members: Representative Locke of Sebec  
Representative Brown of Gorham  
Representative Thompson of South Portland  
Representative Crouse of Washburn  
Representative Soucy of Kittery  
Representative Matthews of Caribou  
Representative Murphy of Kennebunk  
Representative Small of Bath  
Representative Randall of East Machias  
Representative Bott of Orono

Subsequently, Representative Locke reported that the Committee had delivered the message with which it was charged.

At this point, a message was received from the Senate, borne by Senator Carpenter of that body, announcing a quorum present and that the Senate was ready to transact any business that might properly come before it.

On motion of Representative Mitchell of Vassalboro, the following Order:

ORDERED, that a message be conveyed to the Senate that a quorum of the House of Representatives is present for the consideration of such business as may come before the House.

The Order was read and passed.

The Chair appointed Representative Mitchell of Vassalboro to convey the message.

Subsequently, Representative Mitchell reported that she had delivered the message with which she was charged.

At this point, a message came from the Senate, borne by Senator Pray of that body, proposing a convention of both branches of the Legislature to be held at 7:40 p.m. in the Hall of the House for the purpose of extending to his Excellency, Joseph E. Brennan, Governor of Maine, an invitation to attend and make such communication as he may be pleased to make.

Representative Mitchell of Vassalboro was charged with and conveyed a message to the Senate announcing that the House concurred in the above proposition for a Joint Convention.

At this point, Representative Mitchell reported that she had delivered the message with which she was charged.

The following Proclamation:

WHEREAS, there exists in the State of Maine a need to make improvements in the educational system of our State; and

WHEREAS, the Commission on the Status of Education in Maine has issued its report which makes a number of recommendations for im-

provements in the quality of our educational system; and

WHEREAS, it is desirable to take action in a timely fashion to enact and begin to implement these several recommendations so that Maine students and teachers can receive the benefit of these improvements as soon as possible,

NOW, THEREFORE, I, JOSEPH E. BRENNAN, Governor of the State of Maine, by virtue of the constitutional power vested in me as Governor, convene the Legislature of this State, hereby requesting the Senators and Representatives to assemble in their respective chambers at the Capitol at Augusta on Tuesday, the fourth day of September 1984 at 7:00 o'clock in the evening, in order to receive communications and enact legislation improving the quality of education in Maine.

Given at the Office of the Governor at Augusta, and sealed with the Great Seal of the State of Maine, this seventeenth day of August in the year of our Lord Nineteen Hundred and Eighty-four.

S/ JOSEPH E. BRENNAN

GOVERNOR

S/ LINWOOD F. ROSS

Deputy Secretary of State

A true copy.

Attest: S/ ELSIE I. BOWEN

Deputy Secretary of State.

Was read and ordered placed on file.

### Papers from the Senate

The following Communication:

The Senate of Maine

Augusta

May 31, 1984

The Honorable John L. Martin

Speaker of the House

111th Legislature

Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Aging, Retirement & Veterans, the Governor's nomination of Nathan W. Watson of Bath for reappointment to the Maine State Retirement Board of Trustees.

Sincerely,

S/ JOY J. O'BRIEN

Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

The Senate of Maine

Augusta

May 31, 1984

The Honorable John L. Martin

Speaker of the House

111th Legislature

Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Business Legislation, the Governor's nomination of H. Donald DeMatteis of South Windham for reappointment as Superintendent of the Maine Bureau of Banking.

Sincerely,

S/ JOY J. O'BRIEN

Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

The Senate of Maine

Augusta

May 31, 1984

The Honorable John L. Martin

Speaker of the House

111th Legislature

Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Fisheries and Wildlife, the Gov-

ernor's nomination of Carroll York of West Forks for reappointment to the Inland Fisheries and Wildlife Advisory Council.

Sincerely,

S/ JOY J. O'BRIEN

Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

The Senate of Maine

Augusta

May 31, 1984

The Honorable John L. Martin

Speaker of the House

111th Legislature

Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Business Legislation, the Governor's nomination of Irene L. R. Belanger of Weeks Mills for appointment to the Maine Real Estate Commission.

Ms. Belanger is replacing Patricia Early.

Sincerely,

S/ JOY J. O'BRIEN

Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

The Senate of Maine

Augusta

May 31, 1984

The Honorable John L. Martin

Speaker of the House

111th Legislature

Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Business Legislation, the Governor's nomination of Robert A. Burgess of Augusta for reappointment as Superintendent of the Maine Bureau of Consumer Credit Protection.

Sincerely,

S/ JOY J. O'BRIEN

Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

The Senate of Maine

Augusta

May 31, 1984

The Honorable John L. Martin

Speaker of the House

111th Legislature

Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Business Legislation, the Governor's nomination of Theodore T. Briggs of Augusta for reappointment as Superintendent of the Maine Bureau of Insurance.

Sincerely,

S/ JOY J. O'BRIEN

Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

The Senate of Maine

Augusta

May 31, 1984

The Honorable John L. Martin

Speaker of the House

111th Legislature

Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on State Government, the Governor's nomination of Elizabeth T. Greenstein of Portland for appointment to the Maine State

Housing Authority.

Ms. Greenstein is replacing John Sevigny.

Sincerely,  
S/ JOY J. O'BRIEN

Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

The Senate of Maine  
Augusta

July 11, 1984

The Honorable John L. Martin  
Speaker of the House  
111th Legislature  
Augusta, Maine 04333  
Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Judiciary, the Governor's nomination of Sidney W. Wernick of Portland for appointment as an Active Retired Justice of the Maine Supreme Court.

Sincerely,

S/ JOY J. O'BRIEN  
Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

The Senate of Maine  
Augusta

July 11, 1984

The Honorable John L. Martin  
Speaker of the House  
111th Legislature  
Augusta, Maine 04333  
Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Judiciary, the Governor's nomination of Nicholas C. Scaccia of West Lebanon for appointment as a Workers' Compensation Commissioner.

Mr. Scaccia is replacing Edward Gaulin.

Sincerely,

S/ JOY J. O'BRIEN  
Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

The Senate of Maine  
Augusta

July 11, 1984

The Honorable John L. Martin  
Speaker of the House  
111th Legislature  
Augusta, Maine 04333  
Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Judiciary, the Governor's nomination of David A. Nichols of Lincolnville for reappointment to the Supreme Judicial Court of the State of Maine.

Sincerely,

S/ JOY J. O'BRIEN  
Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

The Senate of Maine  
Augusta

July 11, 1984

The Honorable John L. Martin  
Speaker of the House  
111th Legislature  
Augusta, Maine 04333  
Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Agriculture, the Governor's nomination of Thomas W. Kerrigan of Lewiston for appointment to the Maine Harness Racing Commission.

Mr. Kerrigan is replacing Joseph Kenneally.

Sincerely,

S/ JOY J. O'BRIEN

Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

The Senate of Maine  
Augusta

July 11, 1984

The Honorable John L. Martin  
Speaker of the House  
111th Legislature  
Augusta, Maine 04333  
Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Agriculture, the Governor's nomination of Dr. Laurent J. Beauregard of Brewer for appointment as the Medical Community Representative of the Pesticides Control Board.

Dr. Beauregard is replacing Dr. Frank Lawrence.

Sincerely,

S/ JOY J. O'BRIEN

Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

The Senate of Maine  
Augusta

July 11, 1984

The Honorable John L. Martin  
Speaker of the House  
111th Legislature  
Augusta, Maine 04333  
Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Agriculture, the Governor's nomination of William J. Ginn of Pownal for reappointment as a Public Member of the Pesticides Control Board.

Sincerely,

S/ JOY J. O'BRIEN

Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

The Senate of Maine  
Augusta

July 11, 1984

The Honorable John L. Martin  
Speaker of the House  
111th Legislature  
Augusta, Maine 04333  
Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Agriculture, the Governor's nomination of Dolores Colburg of Machias for reappointment as a Public Member of the Pesticides Control Board.

Sincerely,

S/ JOY J. O'BRIEN

Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

The Senate of Maine  
Augusta

July 11, 1984

The Honorable John L. Martin  
Speaker of the House  
111th Legislature  
Augusta, Maine 04333  
Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Education, the Governor's nomination of Barbara H. Sanford of Bar Harbor for appointment to the University of Maine Board of Trustees.

Ms. Sanborn is replacing Ellen W. Platz.

Sincerely,

S/ JOY J. O'BRIEN

Secretary of the Senate

Was read and ordered placed on file.

### Messages and Documents

The following Communication:

Office of the Governor and Council

Penobscot Indian Nation

Community Building

Indian Island

Old Town, Maine 04468

June 19, 1984

Honorable Rodney S. Quinn

Secretary of State

State House Station #101

Augusta, Maine 04333

Dear Mr. Quinn:

This is to inform you that I, D. LORRAINE DANA, Tribal Clerk of the Penobscot Indian Nation, was designated as the officer to certify the Nation's approval (or disapproval) of Legislation of the State of Maine affecting Indians, to the Secretary of State of the State of Maine when required to do so by the provisions of the United States Code, Title 25, Section 1725(e).

Pursuant to the above, I wish to inform you that Two General Meetings have been held in the Community Building at Indian Island to consider legislation affecting Indians.

The two meetings considered and approved the following pieces of Legislation passed by the Legislature at its Second Regular Session.

1. Resolves 1983, Chapter 52—L. D. 1820

Resolve, to authorize the Conveyance of Certain Property to the Penobscot Nation —approved at a General Meeting held April 9, 1984.

2. P.L. 1983, Chapter 676—L. D. 1821

An Act Relating to Penobscot Nation Trust Land Designation—Approved at a General Meeting held June 18, 1984.

Chapter 52 of the Resolves not being part of the Maine Implementing Act, does not require the Approval of the Tribe, but it is hereby given because of a one word Amendment to the Bill, as originally drafted and also because it concerns lands included in the Penobscot Indian Reservation by the Claims Settlement.

Very truly yours,

S/ D. LORRAINE DANA

Tribal Clerk

Penobscot Indian Nation

I, the Secretary of State of the State of Maine do hereby Certify that the paper to which this is attached is a true copy from the records of this office.

In Testimony Whereof, I have caused the Great Seal of the State to be hereunto affixed. GIVEN under my hand at Augusta, this twenty-first day of June in the year of our Lord one thousand nine hundred and eighty-four.

S/ RODNEY S. QUINN

Secretary of State

Was read and with accompanying papers ordered placed on file.

The following Communication:

State of Maine

Supreme Judicial Court

Portland, Maine 04112

July 19, 1984

The Honorable Gerard P. Conley

President of the Senate

State House

Augusta, Maine 04333

The Honorable John L. Martin

Speaker of the House

State House

Augusta, Maine 04333

Dear Mr. President and Mr. Speaker:

I am pleased to transmit herewith a copy of the "Administrative Order in Regard to Judicial Employees Labor Relations," promulgated by the Supreme Judicial Court to be effective July 25, 1984, coincident with the effective date of the Judicial Employees Labor Relations Act

adopted by the Legislature as chapter 702 of the Public Laws of this year. The administrative order is the order recommended by the Advisory Committee headed by Dean Carignan, which also proposed the Judicial Employees Labor Relations Act, subject to those relatively minor modifications that were necessary to conform the proposed administrative order to the Act as finally passed by the Legislature. It is a source of great satisfaction to the Court, as I trust it is also to both of you and to the Senate and House Chairs of the Joint Committee on Labor, that the common goals of the legislative and judicial branches could be carried out through such a satisfactory process of cooperation. We particularly want to thank the legislative leadership and the leadership of the Labor Committee in bringing this result to pass.

With all best wishes,

Sincerely,  
S/ VINCENT L. McKUSICK

Was read and with accompanying papers ordered placed on file.

The following Communication: (H. P. 1878)  
State of Maine  
House of Representatives  
Augusta 04333  
August 27, 1984

John L. Martin  
Speaker of the House  
111th Legislature  
Gerard P. Conley  
President of the Senate  
111th Legislature

Dear Mr. Speaker and Mr. President:

On August 27, 1984, three Bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committee on August 27, 1984 as follows:

**APPROPRIATIONS AND FINANCIAL AFFAIRS**

Bill "An Act to Fund and Implement Certain Collective Bargaining Agreements and to Offset Salary and Benefit Costs for Employees of the Maine Maritime Academy" (Emergency) (H. P. 1875) (L. D. 2477) (Presented by Representative CARTER of Winslow) (Cosponsors: Representatives PARADIS of Augusta, HICKEY of Augusta and Senator BUSTIN of Kennebec)

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$12,900,000 for Capital Improvements, Construction, Renovations, Equipment and Furnishings for Vocational-Technical Institutes" (H. P. 1876) (L. D. 2478) (Presented by Representative HOBBS of Saco) (Cosponsors: Representatives JALBERT of Lewiston, BEAULIEU of Portland and MATTHEWS of Caribou)

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,035,000 for Construction and Renovation of Correctional Facilities" (H. P. 1877) (L. D. 2479) (Presented by Representative MANNING of Portland) (Cosponsors: Representatives COOPER of Windham, HICKEY of Augusta, and DRINKWATER of Belfast)

Sincerely,  
S/ EDWIN H. PERT  
Clerk of the House  
S/ JOY J. O'BRIEN  
Secretary of the Senate

Was read and ordered placed on file and sent up for concurrence.

The following Communication:  
Office of the Clerk

U.S. House of Representatives  
Washington, D.C. 20515  
June 12, 1984

TO: Secretary of State  
FROM: BENJAMIN J. GUTHRIE, Clerk  
U.S. House of Representatives  
SUBJECT: Journal of the United States House of Representatives

Pursuant to Rule III, Paragraph 3, of the Rules of the United States House of Representatives, directing the Clerk of the House to send at the end of each session of the Congress a printed copy of the Journal of the House to the Legislature of each state, I am forwarding, under separate cover, a copy of parts 1 and 2 of the Journal for the Second Session of the Ninety-seventh Congress for each branch of your Legislature.

Was read and with accompanying papers ordered placed on file.

The following Communication:  
State of Maine  
Department of Conservation  
State House Station 22  
Augusta, Maine 04333  
July 31, 1984

The Honorable John L. Martin  
Speaker of the House  
State House  
Augusta, Maine 04333  
Dear Mr. Speaker:

The enclosed report summarizes the 1983 Spruce Budworm Suppression Project and other activities of the Budworm Management Program.

Should you have any questions about the report, or if you wish to learn more about the Spruce Budworm Program, feel free to call or write the Maine Forest Service, State House Station #22, Augusta, Maine 04333 (Tel. 289-2791).

Sincerely,  
S/ THOMAS RUMPF  
Forest Insect Manager

Was read and with accompanying report ordered placed on file.

The following Communication:  
State of Maine  
Legislative Council  
State House  
Augusta, Maine 04333  
August 21, 1984

The Honorable John L. Martin  
Speaker of the House  
House Chambers  
State House  
Augusta, Maine 04333  
Dear Mr. Speaker:

This is to inform you that the Legislative Council approved the establishment of a Special Select Committee to Study the Issue of Teacher Contributions to the State Retirement System at its meeting on April 25, 1984.

This committee shall be comprised of 8 members, 4 of whom shall be members of the joint standing committee having jurisdiction over education and 4 of whom shall be members of the joint standing committee having jurisdiction over aging, retirement and veterans. The President of the Senate, the Speaker of the House, the Minority Leader of the Senate and the Minority Leader of the House shall each appoint 2 members to the special select committee.

It is the intent of the Council that the Committee report its findings and recommendations, together with all necessary implementing legislation in accordance with the Joint Rules, to the Legislative Council for submission in final form at the First Regular Session of the 112th Legislature.

Sincerely,  
S/ CHARLES P. PRAY  
Chairman

Was read and ordered placed on file.

The following Communication: (H. P. 1880)  
State of Maine  
House of Representatives  
Augusta 04333  
August 30, 1984

John L. Martin  
Speaker of the House  
111th Legislature

Gerard P. Conley  
President of the Senate  
111th Legislature

Dear Mr. Speaker and Mr. President:

On August 30, 1984, one Bill was received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, this bill was referred to the Joint Standing Committee on August 30, 1984 as follows:

**EDUCATION**

Bill "An Act to Implement the Recommendations of the Commission on the Status of Education in Maine" (H. P. 1879) (L. D. 2482) (Presented by Representative MITCHELL of Vassalboro) (Cosponsors: Senators CLARK of Cumberland, HAYES of Penobscot and Representative HIGGINS of Scarborough)

Sincerely,  
S/ EDWIN H. PERT  
Clerk of the House  
S/ JOY J. O'BRIEN  
Secretary of the Senate

Was read and ordered placed on file and sent up for concurrence.

The following Communication:  
111th Maine Legislature  
August 24, 1984

Honorable Edwin H. Pert  
Clerk of the House  
111th Legislature  
State House  
Augusta, Maine 04333  
Dear Clerk Pert:

On August 15, 1984, under Chapter 84, Resolves of 1984, we appointed the following to serve on the Task Force on Head Injuries:

Senator Larry M. Brown of Washington  
Representative Thomas H. Andrews of Portland

Mr. Don Sanders of Augusta, Ms. Betty Adams of Livermore Falls, Mr. Paul Roane of Bath, Ms. Joan Jordan of Wiscasset, Ms. Priscilla Dalton of Kittery, as representatives of the Maine Head Injury Foundation.

Mr. Ronald Welch, Designee of the Commissioner of Mental Health and Mental Retardation

Meg Gardiner, Designee of the Commissioner of Human Services

Michael Opuda, Designee of the Commissioner of Educational and Cultural Services

Lt. Dale Harrington, Designee of the Commissioner of Public Safety

Mary Z. Skorapa, M.D., Representative of the Maine Medical Association

Ms. Kathy Goodwin, Representative of community-based, consumer-oriented providers of care.

Sincerely,  
S/ GERARD P. CONLEY  
President of the Senate  
S/ JOHN L. MARTIN  
Speaker of the House

Was read and ordered placed on file.

The following Communication:  
111th Maine Legislature  
August 24, 1984

Honorable Edwin H. Pert  
Clerk of the House  
111th Legislature  
State House  
Augusta, Maine 04333  
Dear Clerk Pert:

Pursuant to Chapter 85 of the Resolves of 1984, we appointed the following persons to serve as legislative members of the Select Committee Concerning Forest Practices in the State:

Honorable Charles Dow of Kennebec  
Honorable Judy Kany of Kennebec  
Honorable Robert MacEachern of Lincoln  
Honorable Paul F. Jacques of Waterville  
Honorable Patrick K. McGowan of Pittsfield  
Honorable Michael Michaud of East Millinocket, Maine

Sincerely,  
S/ GERARD P. CONLEY  
President of the Senate  
S/ JOHN L. MARTIN  
Speaker of the House

Was read and ordered placed on file.

The following Communication:  
State of Maine  
House of Representatives  
Speaker's Office  
Augusta, Maine 04333

August 29, 1984

Honorable Edwin H. Pert  
Clerk of the House  
111th Legislature  
Augusta, Maine 04333  
Dear Clerk Pert:

On May 14, 1984 pursuant to Chapter 498 of the Public Laws of 1981, I appointed Paul L. McCann of Millinocket to the State Compensation Commission.

On July 30, 1984 I appointed Representative Kenneth L. Matthews of Caribou and Representative Raynold Theriault of Fort Kent to the Special Select Committee to Study the Issue of Teacher Contributions to, and Benefits From, the State Retirement System, Based on Overtime and Extra Pay.

Sincerely,  
S/ JOHN L. MARTIN  
Speaker of the House

Was read and ordered placed on file.

The following Communication: (H. P. 1883)  
State of Maine  
House of Representatives  
Augusta 04333

August 30, 1984

John L. Martin  
Speaker of the House  
111th Legislature  
Gerard P. Conley  
President of the Senate  
111th Legislature  
Dear Mr. Speaker and Mr. President:

On August 30, 1984 one Bill was received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, this bill was referred to the Joint Standing Committee on August 30, 1984 as follows:

#### **ENERGY AND NATURAL RESOURCES**

RESOLVE, Authorizing the Exchange or Sale of Certain Public Reserved Lands (H. P. 1881) (L. D. 2483) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsors: Senator KANY of Kennebec and Representative HALL of Sangerville)

Sincerely,  
S/ EDWIN H. PERT  
Clerk of the House  
S/ JOY J. O'BRIEN  
Secretary of the Senate

Was read and ordered placed on file and sent up for concurrence.

The following Communication: (H. P. 1884)  
State of Maine  
House of Representatives  
Augusta 04333

August 31, 1984

John L. Martin  
Speaker of the House  
111th Legislature  
Gerard P. Conley  
President of the Senate  
111th Legislature  
Dear Mr. Speaker and Mr. President:

On August 31, 1984 one Bill was received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, this bill was referred to the Joint Standing Committee on August 31, 1984 as follows:

#### **EDUCATION**

RESOLVE, to Address Training and Employment Opportunities for Handicapped Persons Beyond School Age (Emergency) (H. P. 1882) (L. D. 2484) (Presented by Speaker

MARTIN of Eagle Lake)

Sincerely,  
S/ EDWIN H. PERT  
Clerk of the House  
S/ JOY J. O'BRIEN  
Secretary of the Senate

Was read and ordered placed on file and sent up for concurrence.

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

The following Joint Order: (S. P. 925)

ORDERED, the House concurring, that the Joint Standing Committee on Judiciary report out a bill, "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine."

Came from the Senate, read and passed.

Was read and passed in concurrence.

The following Communication: (H. P. 1887)  
State of Maine  
House of Representatives  
Augusta 04333

September 4, 1984

John L. Martin  
Speaker of the House  
111th Legislature  
Gerard P. Conley  
President of the Senate  
111th Legislature

Dear Mr. Speaker and Mr. President:

On September 4, 1984, two Bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committee on September 4, 1984 as follows:

#### **APPROPRIATIONS AND FINANCIAL AFFAIRS**

Bill "An Act Making Appropriations for Educational Purposes and to Adjust Appropriations for State Government for the Fiscal Year Ending June 30, 1985" (H. P. 1886) (L. D. 2486) (Presented by Representative KELLEHER of Bangor) (Cosponsors: Representatives CHONKO of Topsham, MASTERTON of Cape Elizabeth and Senator NAJARIAN of Cumberland)

#### **TAXATION**

Bill "An Act to Revise Certain Portions of the Tax Laws Relative to Income Tax Conformity, Sales Taxes, Real Estate Transfer Taxes and Cigarette Taxes" (H. P. 1885) (L. D. 2485) (Presented by Representative HIGGINS of Portland) (Cosponsors: Representatives KANE of South Portland, CASHMAN of Old Town and Senator WOOD of York)

Sincerely,  
S/ EDWIN H. PERT  
Clerk of the House  
S/ JOY J. O'BRIEN  
Secretary of the Senate

Was read and ordered placed on file and sent up for concurrence.

At this point, the Senate came in, and a Joint Convention was formed.

#### **In Convention**

The President of the Senate, Gerard P. Conley, in the Chair.

On motion of Senator Pray of Penobscot, it was

ORDERED, that a Committee be appointed to wait upon the Honorable Joseph E. Brennan, Governor of the State of Maine, to extend an invitation to attend the Convention and present such communication as he may be pleased to make.

The Chair appointed:  
Senators:

Hayes of Penobscot  
Clark of Cumberland  
Hichens of York

Representatives:

Locke of Sebec  
Brown of Gorham  
Thompson of South Portland

Crouse of Washburn  
Soucy of Kittery  
Matthews of Caribou  
Murphy of Kennebunk  
Small of Bath  
Randall of East Machias  
Bott of Orono

Senator Hayes, 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 Joseph E. Brennan, entered the Convention Hall amid prolonged applause, the audience rising.

The Governor then addressed the Convention as follows:

Mr. President, Mr. Speaker, Members of the 111th Maine Legislature, and fellow citizens of Maine:

This week, more than 200,000 Maine children return to school.

Those of us who are parents know that our children head out the door carrying more than new book bags and sharp pencils.

For they also carry with them our hopes.

It has been that way for more than two centuries.

When our early settlers came here, they cleared the land, they struggled to find a way to sustain life, they built modest villages, and secured them against attack.

When survival was assured, they could turn their attention to other matters.

Education was one of the first.

As early as 1701, the settlers of York voted in town meeting to hire a schoolmaster.

In turn, other early settlements—Berwick in 1714, and Wells two years later, and the rest—also began to provide for the education of their children.

Their expectations were modest.

They wanted their children to learn how to read, and to write, and to do something they called "ciphering."

Each generation of Maine people since then has increased its expectations of our schools.

And each generation has gone through the ritual we mark this week, each with its own set of hopes.

The hope that the new school year will be a time of challenge and growth, inspiration and achievement.

But we must wonder if our schools will present them with challenges that will truly prepare them for the years ahead.

Yes, we must wonder if the education they will receive is as good as we want it to be.

For a growing chorus of experts around the nation has raised grave doubts about the quality of education in the United States in the 1980's.

We have all heard of a national report on education bearing the title "A Nation at Risk."

And we have all heard that often-quoted phrase from the report describing America's education system as "a rising tide of mediocrity."

In fact, the Commission said that if a foreign power had somehow imposed today's educational standards on this nation, we would consider it an act of war.

We in State Government have read that report and others that have raised concerns.

And in response, last year I appointed a special Governor's Commission on the Status of Education in Maine.

It was certainly one of the most distinguished commissions ever established by a Maine governor.

But then, its mission was as important as any that has ever been given to a group of public-spirited Maine citizens.

For the quality of education means the future success and prosperity of the state.

And, indeed, the future health and security of the nation.

I posed challenging questions to the Commission.

How do we improve the quality of learning in Maine schools?

How do we assure quality teaching in Maine schools?

How do we pay for the kind of education we believe our children deserve?

And how do we get the public involved?

The members of the Commission visited schools at every level in every corner of Maine.

They spoke to teachers, principals, superintendents, parents, and students.

They held public hearings.

And after they put out their final report, they went back to hold more hearings on the recommendations they had made.

Tonight, I want to thank the 17 members of the Commission for the dedication they showed over the past year.

I want to thank its very distinguished Chairman, President Thomas Hedley Reynolds of Bates College, for a job well done.

And I want to thank one of your own, the Vice-chair of the Commission, House Majority Leader Elizabeth Mitchell.

And their colleagues:

Former Mayor Linda Abromson of Portland

State Planning Director Richard Barringer

Education Commissioner Robert Boose

Senator Nancy Randall Clark of Freeport

Dolores Colburg of Machias

Marlene Day of Saco

Senator Kenneth Hayes of Veazie

Robert Masterton of Cape Elizabeth

University of Maine Chancellor Patrick McCarthy

P. Andrews Nixon of Brunswick

Sister Mary Norberta of Bangor

Deputy Commissioner of Education Richard Redmond

Elizabeth Russell of Mt. Desert

Marcella Violette of Van Buren

And Justice Sidney Wernick of Portland.

And tonight I want to share with you a list of recommendations I am placing before the Legislature.

First, I think we can take some pride in what the Commission found.

Their report said, and I quote, "Overall, Maine's educational system is doing the job we have asked it to do, and is generally doing it well."

But, the Commission continued, "We have determined, however, that the standards we have set for our educational system are not high enough if we are to meet the challenges and opportunities of Maine's changing economy and society."

I wish to report to you that, almost without exception, I endorse the recommendations of the Commission.

Working closely with the Maine Department of Educational and Cultural Services and the State Planning Office, I have shaped the Commission's recommendations into a set of legislative priorities.

I want to thank the members of the legislative leadership and the many individual members of the House and Senate of both parties who took the time to comment on these proposals, and to share with me their thoughts on Maine's educational needs and goals.

Tonight, I am proud to submit my education program, a program that I believe will significantly improve the quality of teaching and learning in Maine into the twenty-first century.

Tonight, I want to talk about what we will expect of our students, our schools, and our teachers, and how they will benefit from the reforms I am proposing.

#### STUDENTS

I will begin with students.

We will expect them to work harder, to learn more, and to meet higher standards.

So I am recommending that we increase the requirements for graduation.

I want a Maine high school diploma to be something more than a certificate of attendance.

We are going to require more work in science and math, and more exposure to social studies, history, and the fine arts.

We are going to expect each student to have a basic familiarity with computers.

In short, if we are going to ask more of our schools and our teachers, we must expect more of our students.

If they can compete, Maine can also compete.

But if we are going to ask more of our students, they will also get more from their schools.

And that will begin at the earliest moment in their education.

And so my program includes recommendations to devote greater attention to the preschool years and the early grades.

I am recommending a state appropriation of \$1.7 million to assist the Head Start Program.

Head Start helps disadvantaged youngsters, the ones who are most likely to fall behind in school.

About 1500 Maine children now participate in Head Start.

Unfortunately, they represent only a small fraction of all the children in Maine who are eligible.

With the appropriation I am recommending, we can bring more preschoolers into Head Start.

And that means more of our children will be at the starting line on the first day of school.

In addition, I am proposing an expansion of early childhood programs, including making kindergarten mandatory for those few school districts that do not yet have it available.

I believe money spent at this early stage can often be more effective, over a longer period of time, than money spent on programs at the higher grade levels.

Another important recommendation will help students when they have completed their secondary education.

My bill is proposing the creation of a Blaine House Scholars Program.

This program would make financial aid available to outstanding Maine high school graduates who wish to continue their education.

And those who choose to teach school in Maine after they graduate, would find part of their debt to the State reduced for every year they teach.

A portion of the funding would be available for teachers who wish to continue their education in subjects where more teachers are needed.

#### SCHOOLS

Our public schools serve a special role in our society.

It is their function to train our children for the future.

We can no longer be satisfied with the standards of the past.

Therefore, I am recommending a series of new standards for school approval, which must be met before a school can receive state funds.

There will be required courses and required course offerings, and disciplinary codes.

But most important of all, these standards will include a written school improvement plan which will clearly define school goals and measure progress toward those goals.

When members of the Commission visited the Auburn Middle School, they were very impressed by what they found.

The school, under the leadership of Principal Joseph Capelluti, has adopted a clear plan for itself.

Teachers work together as a team.

Rules of discipline are well-known and consistent.

There are clearly defined learning goals.

A major national magazine found much the same standards when it visited Katahdin High School up in the town of Sherman Station.

The magazine headlined its description of Katahdin High, and I quote: "mutual caring and respect."

Katahdin High and Auburn Middle are among nine Maine schools that have been honored in the past two years by the United States Department of Education as outstanding examples of what schools can be.

These schools demonstrate that good education flourishes in an atmosphere where the rules are clear, the goals are high, and the people are a community.

We also believe our schools must be more accountable to their students and to the parents, and to the community as a whole.

And accountability begins when our schools give every fourth grader from Eliot to Eastport the identical test.

It will measure their performance with every other fourth grader in their own school, and indeed every other fourth grader in the State.

And we'll repeat that same process in the eighth grade and the eleventh grade.

The test will measure how our students are doing, and, therefore, how our schools are doing.

These tests give us something we do not now have, a uniform means of evaluating Maine's educational system by the best yardstick I know, the achievement of our children.

And what that really comes down to is accountability.

With this knowledge, students and their parents can identify areas where more work is needed; schools will have more insight into the success of their curriculum; and educators will be able to identify and remedy weaknesses.

My legislative program recognizes that the quality of education is affected by many factors outside the classroom.

If our schools are to be more effective, we must be sure they are managed well.

The Commission expressed its strong opinion that today's requirements for school principals and superintendents are "insufficient for the demands of the future."

I am pleased to note that the State Board of Education has already decided to develop more rigorous requirements for principals and superintendents.

And I strongly support that effort.

But if we are going to ask our communities to place more demands on our schools, they will also get more in return.

For our program makes an historic new commitment to our cities and towns.

In the past, my Administration has been proud to maintain the State's share of the basic cost of local education at one of the highest levels in the Northeast.

But in the past, when a community was willing to make an effort beyond the state average per-pupil cost, a commitment to improve their standards of excellence, we have told them to go it alone, to pay for it themselves.

My legislative recommendation breaks with that tradition.

Now we will join with those communities as a partner, sharing the additional costs, as they strive for excellence in education.

And further, during the next two fiscal years, we will commit ourselves to returning to the local school systems an additional \$30 million by reforms in the school finance formula.

This will allow communities to have more money for educational purposes.

It won't add to the burdens of the local property taxpayer.

In fact, it will lessen the burden in many communities.

#### TEACHERS

I firmly believe that the teacher is the most important part of a good education program.

And because they are so important to the process of education, we will ask more of our



teachers.

In fact, the Legislature did just that earlier this year.

This Legislature enacted a bill I proposed to strengthen teacher certification, and to recognize our most outstanding teachers.

The law created new standards for certification.

It also created the beginnings of a career ladder in the teaching profession, which ultimately will elevate the best teachers in stature and pay.

I commend this Legislature for that action.

But I believe there is still more we can do to make sure that the people we send into the classrooms are the best.

Therefore, I am recommending an additional step in the teacher certification process.

I am proposing a requirement that all those who want to be teachers must achieve a minimum score on a statewide, standardized test.

We will test their ability to communicate with others, their general knowledge, and their understanding of classroom skills.

This requirement will, in time, set higher standards for new teachers.

And it will help local school officials better determine which candidates are best qualified to begin climbing our new career ladder.

The testing of teachers recognizes that teaching is a profession, and an important one, like medicine or the law.

So for the first time in the history of Maine, we're going to require them to pass a test to prove they are proficient.

Just like doctors and lawyers.

Yes, we will ask more of our teachers.

But they too will get more.

For I am recommending a program to encourage teachers to use their creativity to improve the classroom experience for our children.

My proposal would award grants to teachers who come up with innovative projects with the potential to improve the curriculum, the classroom, teacher training, and other goals.

In effect, this bill tells Maine teachers that we know they can generate exciting new ideas to improve education in our State.

For example, take Nancie Atwell over in Boothbay.

A few years ago, she began with the belief that elementary school children could reach much higher levels of writing skills, if they were encouraged to write more, and to read more.

By exposing her students to more reading, and expecting them to write more, she has helped many of them attain excellence.

Indeed, she has been recognized nationally for her success.

She created a writing program involving 18 teachers in Boothbay from kindergarten through the eighth grade.

Hers is the kind of creative approach to teaching we want to encourage through our incentive grant program.

Likewise, we will award incentive grants to schools which want to try out new ideas to meet school or district goals, such as, reducing the dropout rate, improving attendance, bringing in school volunteers, helping students with special needs, or raising standards of academic achievement.

In effect, this measure is a vote of confidence in our teachers and our schools.

It says to them: we believe there are many Nancie Atwells throughout the State, and we want to encourage them.

Now let's talk about teachers' salaries.

The first state education law, enacted in 1821, spelled out, among other matters, the responsibilities of local school committees.

The first duty on the list was to "examine schoolmasters and schoolmistresses proposing to teach school."

And later in the same bill, the Legislature ordered that teachers must be U.S. citizens of good moral character—and qualified for the

job.

Those early school committees may have had a small talent pool from which to choose their schoolmasters.

Today, we have a different problem.

Our problem is not one of finding people who can read and write and do arithmetic.

Our problem is attracting the best to be teachers.

As a former teacher in a Maine high school, I know that teaching is a complex and demanding profession.

We expect a great deal of our teachers.

And we expect them to do it for very little money.

I recall vividly a story told to me a year or so ago by Dick Redmond, our Deputy Commissioner of Education.

Dick had lunch one day with a group of Maine's very brightest high school seniors, the Presidential Scholars.

In the course of conversation, he asked if any of them were interested in going into teaching as a career.

Not one of them expressed any interest.

Then he asked if they'd consider teaching if the pay were better.

And suddenly several were interested.

That's the problem: we entrust our teachers with one of the highest responsibilities in all of society, but we don't pay them accordingly.

The average starting pay for a new teacher in our state is the grand total of about \$11,000 a year.

That's just above the federal government's poverty level for a family of four.

And in a few of our communities, a starting teaching job actually pays below the poverty line for a family of four.

In fact, a new teacher who's married with two children would be eligible for food stamps in every Maine community.

Maine ranks 48th in the nation in average teacher pay.

With the salaries we pay our teachers, it is truly a wonder that we are able to attract as many capable and dedicated teachers as we do.

And all of us know many outstanding individuals teaching our children.

We must do something significant to retain the excellent teachers in our system, and to attract new, highly qualified teachers.

Therefore, I am proposing a state program of Teacher Recognition Grants.

This means that the state—and not the local community—will pay teachers an additional \$2,000 a year, as a stipend to recognize the importance of their job, and to help our cities and towns compete with industry for talented people.

The Commission also recognized that teachers are often called upon to do work only marginally related to teaching, chores like monitoring study halls, supervising lunch, and patrolling the playground.

Over in S.A.D. 58, which serves Kingfield and some neighboring towns, they've come up with a creative solution.

Vici Robinson runs a volunteer program that has grown to involve some 170 people.

More than half work directly with the students.

I have directed Commissioner Boose to develop a program to encourage more volunteers to come into our schools and help out.

Programs like these would enable teachers to make better use of their time.

And they would get more members of the community involved with their schools.

The major emphasis of my program falls in the elementary and secondary years.

But we have not ignored the needs of those students who wish to further their education.

Maine people have long recognized the value of higher education.

At the end of the Revolutionary War, at a time when the population of Portland was only

two thousand people, the residents of Cumberland County launched a campaign to establish a college in Brunswick.

By the time Maine became a State in 1820, both Bowdoin and Colby Colleges had already opened their doors.

Today, these and other fine private institutions have been joined by a large network of vocational-technical institutes and the University of Maine system.

The quality of education at these public institutions is critical to Maine's future.

How well we train students for careers in technical fields will directly translate into Maine's ability to attract industrial development.

Research by my Administration into the future of Maine's economy demonstrates all too clearly how the Maine economy is changing, and how much our educational system must adapt to meet the demands of this change.

From the skills needed by new high tech industries locating in our state to the needs of Maine's paper industry, Maine needs an educated, highly trained work force, with a solid grounding in basic skills.

If our Vocational-Technical Institutes or our University system are to meet the needs of our industrial base, they must have the facilities and the resources to train our students.

Therefore, I am proposing two bond issues.

The first will provide new buildings or expansion of existing buildings at each of the VTI's.

It will help make them more responsive to the changing educational needs of our technical students.

And I am proposing a bond issue for the University system.

It will provide for the construction of three building additions to expand the science and health care programs offered at Orono and Portland.

And it will provide for expanded computer facilities at all the campuses.

This means that our University students will have access to the most up-to-date computer technology available to us, whichever campus they attend.

I am sending up this University bond issue with a strong recommendation.

For the people of Maine have not passed a bond issue providing for new construction at the University in fifteen long years.

Tonight, I have outlined a vigorous program.

When it is implemented, it will move our school system into the twenty-first century.

When it is implemented, we will have a school system which is capable of giving our children the educational tools they need to function successfully in the society of the future.

But you may be wondering how much is this going to cost, and how are we going to pay for it?

Over the next three years, the price tag will be \$95 million.

It has been suggested that we increase the sales tax from five to six cents.

But I have ruled that out.

It has been suggested that we increase the personal income tax or the corporate tax.

But I have ruled that out.

Let me say right now, if the Legislature agrees, we can finance this package without the need for a major tax increase.

The cost next year, the first full year of this program, will be nearly \$40 million.

By trimming the budget, using our anticipated surplus, and the benefits of federal tax conformity, we can raise \$25 million of that cost.

To make up the difference, when the federal cigarette tax is decreased by eight cents next year, we will redirect those revenues into the state treasury.

That will raise another \$9 million.

We'll eliminate the sales tax exemption on



alcohol purchased in package stores for another \$2.5 million.

We'll fund the balance by a modest increase in the real estate transfer tax, and elimination of the sales tax exemption on cable television services.

With these measures in place, we will be able to fund this program in future years within the existing revenue structure.

I believe the benefits of this educational package far exceed the costs.

And I believe the people of Maine will be able to measure those benefits in the years to come.

They will be reflected in children who are better prepared even as they enter our school system.

They will be reflected in the progress they make in the early grades.

In the snapshots of their achievements that will be measured by the testing they take in the fourth, eighth, and eleventh grades.

In the higher standards they will have achieved in order to graduate.

In their ability to assume those technical jobs that now go all too often to people educated outside Maine.

In the contributions they make to our future prosperity.

And in our ability to compete in the world economy.

At the outset, I spoke of Maine's first settlers, and the way they assumed responsibility for teaching the children of their tiny communities.

They set a pattern.

Education then was purely a local matter.

But over the years, the state came to see that it too had a legitimate interest in the education of its children.

Today's educational system is the product of more than two centuries of trial and error, and the dedication of thousands of teachers and administrators.

The successes of Maine's educational system did not happen overnight.

Neither did its shortcomings.

And we cannot promise that the program I am submitting tonight is a miracle cure.

This Administration and this Legislature cannot solve in three or four days of work, problems that developed over many generations.

But we can lay the foundation of progress.

We can make our schools better.

We can create higher standards for our teachers.

We can raise our goals for our students.

Those are the challenges I place before this Legislature.

Tonight, I want to offer one last challenge.

This one is to the people of Maine.

We can write laws, create rules, and set mandates.

But ultimately, the quality of education in your city or town depends on you.

It depends on your involvement.

On whether you make sure that your schools are meeting the standards.

On whether you care enough to get involved in the decision-making of your school committee.

On whether you're willing to join with the principals and teachers and find out what you can do to make the school a better place to be.

To all of you, legislator and citizen alike, let me leave you with an idea set down more than two thousand years ago, by Aristotle.

Aristotle wrote:

"No one will doubt that the legislator should direct his attention above all to the education of youth, or that the neglect of education does harm to states."

Together, let our actions of the first week of a new school year mark the beginning of a new era of education in Maine.

An era of excellence.

Thank you, and Good Night.

At the conclusion of the Governor's address,

the Governor 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.

#### (Off Record Remarks)

On motion of Mrs. Ketover of Portland,  
Adjourned until nine o'clock tomorrow morning.