

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Twelfth  
Legislature***

OF THE

**STATE OF MAINE**

**Volume II**

**FIRST REGULAR SESSION**

**December 5, 1984 - June 20, 1985**

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## HOUSE

Monday, June 17, 1985

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

Prayer by Reverend John Fickett, Buckfield Community Church.

Pledge of Allegiance.

Quorum called; was held.

The Journal of Friday, June 14, 1985 was read and approved.

## Messages and Documents

The following Communication:

State of Maine

One Hundred and Twelfth Legislature

Committee on Legal Affairs

June 14, 1985

The Honorable John L. Martin

Speaker of the House

112th Legislature

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Committee on Legal Affairs during the first regular session of the 112th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bill received	136
Unanimous reports	123
Leave to Withdraw	54
Ought to Pass	4
Ought Not to Pass	20
Ought to Pass as Amended	18
Ought to Pass in New Draft	26

Divided reports 13

Carry Over Bills

(Approved by the Legislative

Council) 1

Respectfully submitted,

S/ RICHARD L. TRAFTON S/ POLLY REEVES

Senate Chair House Chair

Was read and ordered placed on file.

## Orders

On motion of Representative BRODEUR of Auburn, the following Joint Order: (H.P. 1149)

ORDERED, the Senate concurring, by 4 p.m. on Monday, June 17, 1985, that the Joint Standing Committee on Taxation report out the Bill, H.P. 951, L.D. 1370, entitled "AN ACT to Expand and Continue Alcoholism Treatment, Education, Prevention and Research Programs" to the House.

Was read.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Jackson.

Representative JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning to oppose the Joint Order that is before us. I think it is important to realize that we have a legislative process here and I understand the gentleman from Auburn, Representative Brodeur's interest and his concerns. But the process here is a committee process. That is what I will address this morning.

The Taxation Committee heard the testimony that was presented on this bill, has deliberated on the information and material that was provided to us in the public hearing and in the work sessions. It became apparent, approximately two weeks ago, that with the information that was provided to us during these deliberations, that there was a question if we had information and material to make a decision which we could stand by. I don't believe that there is anyone on that Taxation Committee that disagrees with the concept or disagrees with the program, but there are several members of that committee who have questions, questions which have not been answered, and I don't believe can be resolved in the next seven hours.

The committee voted, approximately two weeks ago, to provide a letter to the Legislative Council requesting that L.D. 1370 be held over until the next session. The Legislative Coun-

cil has acted upon that request. Recognizing that this body, through a Joint Order has not allowed that committee to hold those requests over.

I understand what the gentleman from Auburn is trying to do this morning. He is trying to do a Joint Order in both bodies of this legislature to mandate the Taxation Committee report out L.D. 1370.

Since the vote of the Legislative Council to allow the Taxation Committee to hold 1370 over to the next session, the Taxation Committee has held several votes which have been, I won't say overwhelming, but they have been a majority to continue to hold that bill and hold it until the next session.

I don't feel that the Taxation Committee has taken this issue lightly. We have given it consideration, we have given it consideration several times. We would hope that you members of this House support the majority of the Taxation Committee in their request to hold this bill over until the next session until our questions have been answered, until material and data can substantiate and remove those questions of doubt which prevail today.

So, I would hope that you people in this body today consider the committee process. There are 13 members of that committee and 13 members of that committee have made a decision. The majority of those 13 members, on several occasions, have voted to continue to hold this bill until the next session. I plead with you this morning to honor that committee process.

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

Representative MAYO: Mr. Speaker, Men and Women of the House: There is no member of this body who respects the process more than I. I have served in this body for two years and I have always considered it a great honor. I am a member of the minority on this issue in the Taxation Committee. What we are asking you to do in the minority is to hear our case in a higher court, so to speak. The Constitution of this state calls for the State Legislature and calls for the House of Representatives and it provides that this body shall rule over issues before it. The Taxation Committee is simply just a creature of this Legislature and this Legislature shall have the final authority on all issues that are before that committee.

I ask you, why this bill, why is this bill being held over? There are other bills that have been held over in our committee but that had been the consensus and upon agreement of the sponsor in all cases, I believe.

The sponsor of this legislation presented it in good faith to this legislature, they expected to have action this session and they are taking this case to this higher court.

I urge this body to adopt this Order so that we can decide once and for all on this issue. It is the request of the sponsors who introduced that legislation, it is the request of the minority of the Taxation Committee and I urge you to support Representative Brodeur's Order.

The SPEAKER: The Chair recognizes the Representative from York, Representative Rolde.

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I, too, urge you to support this Order. I am really concerned about the process, and sort of a new process that may have evolved and that is holding over a bill to kill it.

In the morning that there was a vote of the Taxation Committee, and it wasn't overwhelming, it was a seven to six vote, I happened to overhear the lobbyist for the liquor lobby saying to someone in the halls: "well, I pulled that one off again."

I have talked to some members of the Taxation Committee who voted to hold it over based on the idea that, if the bill went through now, it would pass and these people were opposed

to it.

So, I really think that by a seven to six vote, holding a bill over in order to kill it, is a very bad precedent to start in this legislature. Therefore, I do urge you to give us a chance to put this bill before you. You can vote against it if you want, but let us have a chance to vote on it.

The SPEAKER: The Chair recognizes the Representative from Canton, Representative McCollister.

Representative MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: The previous two speakers said, give us a chance. What they are saying is, give us a chance to set tax policy. Granted the Committee on Taxation is a creature of this House. The duty was given to us to recommend tax policy for your consideration. We have not come up with a final recommendation on this tax policy.

As far as the seven to six vote, the last time it was taken, I believe, it was four to eight with one abstention. That is two thirds. I would say it was more a substantial majority. So, I would urge you not to force the Taxation Committee to defend or oppose a bill that they have not taken a firm position on.

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: I think on almost every Divided Report out of Taxation this session, Representative Jackson and I have been on opposite sides. As it turns out, we are on opposite sides on this issue. The seven to six vote to hold — as a matter of fact, we took four votes on this bill whether to hold it, they were all seven to six, Representative Jackson was one of the seven and I was one of the six.

I wanted to vote the bill out and I want to support the bill. But the fact is I lost. I am in the minority on the committee. The committee wants to hold the bill.

Representative Jackson is absolutely correct when he argues this morning because our committee does have a process. We hold bills and we vote to hold bills and the majority rules. It has been said here that others that are being held were held by consensus and that it was a different situation. I don't think that is the case. There are at least three bills that we have voted to hold up there and I think there were five members of the committee that didn't want to hold them. They lost the vote, they were in the minority, and the bills are being held.

This situation is exactly the same. The only difference is, on the other three bills, I was on the majority and I was very happy with the vote. This time I am in the minority, I would have rather had the vote go the other way.

I cannot, in good conscience, support a motion that circumvents a process simply because I lost. I like to win. I think Representative Jackson would be the first to tell you that. I am a very good winner, but I like to be a good loser as well.

It has been stated here this morning that the holding of this bill, the people who voted to hold this bill are holding it to kill it. I don't think it is proper to be questioning the motives of the people who voted to hold this bill, they have their reasons. Representative Jackson stated his reasons for voting to hold it. I think the other six members have reasons as well. I won't speak for them, I didn't vote with them. But I will not support this Joint Order simply because it is an end run around our committee because the vote in that committee did not go the way that the sponsors of this Joint Order wanted it to go.

I would move the indefinite postponement of the Order and would hope that you all would support me.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Brodeur.

Representative BRODEUR: Mr. Speaker and Members of the House: The first thing I would like to say is that the legislature is the one that sets policy on all matters and not committees. Committees are there to advise the legislature and give them their best opinion on what the issue is. If the vote were taken in committee today, there are six people that have consistently supported voting out the bill and will continue regardless of their position on this Order to support the bill in committee, at least six and possibly seven or eight.

It seems to me that if the majority of the legislative bodies would like to support this bill and, at this point, members of both legislative bodies have committed some people, the majority, that this bill ought to be enacted, it seems to me that the legislature has the right and the duty to see that their position is the position that we uphold, not necessarily a minority position of the committees.

I would also like to look at the committee that I chair, which is the Joint Select Committee on Alcoholism Services. At this point, we discussed this issue and, 12 of the members out of 13 of that committee, were clear that they wanted to go with the bill regardless of what the Taxation Committee did. The thirteenth member thought that wasn't necessarily a bad idea, he had another option. We are not looking at just one committee, we are looking at two committees that have looked at this issue.

I hope that you would not vote to indefinitely postpone this Order so this legislature will at least have a chance to vote on this issue. The questions that were alluded to are questions that we have answers to. I hope that we can debate those questions and those answers when this bill reaches the floor.

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

Representative MAYO: Mr. Speaker, Men and Women of the House: I won't belabor this point but I feel that this body is the higher authority to our committee and that this body, in its wisdom, feels that the Taxation Committee should act on this. The Taxation Committee can meet and we can set tax policy. This issue has been in our committee for a long time and there has been a lot of discussion on it. It is not, in my opinion, forcing the committee to set a specific policy but simply to force them to act on a piece of legislation that has been in this body for a period of time.

I urge you to vote against the motion to indefinitely postpone Representative Brodeur's Order so that we can proceed when that bill comes to the floor, if the order passes, to discuss the issues that are relevant to this question.

I want to remind this body of what the alcohol premium fund does do. It funds projects such as Project Graduation, we are planning to expand halfway houses for women, planning to do a lot in this state to help the alcoholic.

I urge this body, I plead with this body, to vote against the motion to indefinitely postpone so that we can discuss those issues and move ahead with this legislation.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Ingraham.

Representative INGRAHAM: Mr. Speaker, Ladies and Gentlemen of the House: To quote an ad on TV, "no wine will be served before its time." As far as the majority of our committee is concerned, this is not the time to debate or vote on the alcohol premium tax.

I would hope that you would respect our judgment, that there is more to learn about this before we make such an important decision. This, in no way, indicates lack of respect for the committee or the bill, but I do feel this isn't the time and I hope you would support the indefinite postponement.

The SPEAKER: The Chair recognizes the

Representative from St. George, Representative Scarpino.

Representative SCARPINO: Mr. Speaker, Men and Women of the House: Most of you know it is pretty hard to be much more anti-tax than I am. However, I stand here today in support of Representative Brodeur and his motion. To paraphrase my good friend from Houlton, this wine has been held so long, it is past its time, it is now vinegar, it has turned sour.

Quite simply, while technically we are going to call this a tax, the way I see it, it is a user fee. The only people that have the need of alcohol services, the people that need the rehab programs, the people that need the halfway houses, are people that consume alcohol. Why shouldn't those people have to pay for those services?

Now, this Order will at least bring it in front of the body this year for us to say that yes, the people that consume alcohol should pay for the services or no the people that consume alcohol shouldn't have to pay for the services. It is that simple. That is all I am asking you to do. Let's bring it in front of this body so we can say who we feel should support our much needed alcoholism services.

Representative Brodeur of Auburn requested a roll call vote.

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

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

The SPEAKER: The pending question before the House is the motion of Representative Cashman of Old Town that the Joint Order be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 201

YEAS:—Aliberti, Armstrong, Baker, A.L.; Begley, Bell, Bonney, Bott, Bragg, Brown, D.N.; Cahill, Callahan, Carter, Cashman, Chonko, Connors, Daggett, Davis, Dellert, Descoteaux, Diamond, Dillenback, Drinkwater, Farnum, Foss, Greenlaw, Gwadosky, Harper, Hayden, Hepburn, Hichborn, Higgins, L.M.; Hillock, Holloway, Ingraham, Jackson, Jalbert, Law, Lawrence, Lebowitz, Lisnik, Lord, MacBride, Martin, H.C.; Masterman, McCollister, McGowan, McHenry, McPherson, McSweeney, Michael, Moholland, Murphy, T.W.; Nicholson, Nickerson, Paradis, E.J.; Paradis, P.E.; Parent, Pines, Ridley, Rioux, Rotondi, Salsbury, Sherburne, Small, Smith, C.B.; Smith, C.W.; Sproul, Stetson, Stevens, A.G.; Stevenson, Strout, Swazey, Taylor, Telow, Vose, Walker, Warren, Webster, Wentworth, Whitcomb, Willey.

NAYS:—Allen, Beaulieu, Bost, Brannigan, Brodeur, Brown, A.K.; Carroll, Clark, Coles, Connolly, Cooper, Cote, Crouse, Crowley, Dexter, Erwin, Foster, Hale, Handy, Hickey, Hoglund, Kimball, Lacroix, Lander, Macomber, Manning, Matthews, Mayo, Melendy, Mills, Mitchell, Murphy, E.M.; Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, O'Gara, Paul, Perry, Pouliot, Priest, Racine, Randall, Reeves, Rice, Richard, Roberts, Rolde, Rydell, Scarpino, Seavey, Simpson, Soucy, Stevens, P.; Tammaro, Tardy, Theriault, Weymouth.

ABSENT:—Baker, H.R.; Boutillier, Carrier, Duffy, Higgins, H.C.; Jacques, Joseph, Kane, Michael, Ruhlin, Zirnkilton, The Speaker.

81 having voted in the affirmative and 58 in the negative with 12 being absent, the motion did prevail.

#### Orders of the Day Out of Order

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

An Act Making Authorizations and Allocations Relating to Federal Block Grants for the

Expenditures of State Government for the Fiscal Years Ending June 30, 1985, June 30, 1986, and June 30, 1987 (Emergency) (S.P. 222) (L.D. 585) (H. "A" H-378 to C. "A" S-250)

TABLED — June 14, 1985 by Representative CARTER of Winslow.

PENDING — Passage to be Enacted.

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two thirds vote of all the members elected to the House being necessary, a total was taken. 122 having voted in favor of the same and none against and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

#### Committee of Conference

Report of the Second Committee of Conference on the disagreeing action of the two branches of the Legislature on: Bill "An Act to Authorize an Award System to Aid in Coyote Control" (H.P. 858) (L.D. 1217) have had the same under consideration and ask leave to report:

That the House Recede from Passage to be Engrossed as amended by Committee Amendment "A" (H-224): Recede from Adoption of Committee Amendment "A" (H-224) and Indefinitely Postpone the same; Read and Adopt Committee of Conference Amendment "A" (H-424) and Pass the Bill to be Engrossed as amended by Committee of Conference Amendment "A" (H-424) in non-concurrence.

That the Senate Recede from Acceptance of the Minority "Ought Not to Pass" Report of the Committee on Fisheries and Wildlife; Accept the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-224) Report of the Committee on Fisheries and Wildlife; Read the Bill once; Read and Indefinitely Postpone Committee Amendment "A" (H-224); Under suspension of the rules read the Bill a Second Time; Read and Adopt Committee of Conference Amendment "A" (H-424) and Pass the Bill to be Engrossed as amended by Committee of Conference Amendment "A" (H-424) in concurrence.

(Signed) Representative SMITH of Island Falls, Representative DUFFY of Bangor, and Representative CONNERS of Franklin — of the House.

Senator USHER of Cumberland and Senator WEBSTER of Franklin — of the Senate.

Committee of Conference Report was read and accepted.

The House voted to recede from passage to be engrossed as amended by Committee Amendment "A" (H-224).

The House voted to recede from adoption of Committee Amendment "A" (H-224).

Committee Amendment "A" (H-224) was indefinitely postponed.

Committee of Conference Amendment "A" (H-424) was read by the Clerk and adopted.

Committee of Conference Report was passed to be engrossed as amended and sent up for concurrence.

#### (Off Record Remarks)

The SPEAKER: The Chair would rescind the appointment on the Committee on Taxation of the Representative from Portland, Representative Higgins, and replace him with the Representative from Bangor, Representative Diamond. Serving as Chair will be the Representative from Old Town, Representative Cashman.

At ease until the sound of the gong.

(After At Ease)  
(11:00 a.m.)

The House was called to order by the Speaker.

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

**Passed to Be Enacted  
Emergency Measure**

An Act to Establish Age 21 Years as the Legal Age to Purchase or Consume Alcoholic Beverages and to Deter Drinking and Driving by Minors (S.P. 332) (L.D. 820) (S. "A" S-140; S. "C" S-284 to C. "A" S-118)

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

Representative Beaulieu of Portland requested a roll call.

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

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

The SPEAKER: The pending question before the House is passage to be enacted. This being an emergency measure, a two-thirds vote of all the members elected to the House is necessary. Those in favor will vote yes; those opposed will vote no.

**ROLL CALL No. 202**

YEAS:—Aliberti, Armstrong, Baker, A.L.; Begley, Bell, Bost, Bragg, Brannigan, Brodeur, Brown, A.K.; Carroll, Cashman, Chonko, Clark, Coles, Connolly, Cooper, Cote, Crouse, Crowley, Daggett, Davis, Dellert, Descoteaux, Dexter, Diamond, Dillenback, Drinkwater, Farnum, Foss, Foster, Gwadosky, Hale, Harper, Hayden, Hepburn, Hickey, Higgins, L.M.; Hillock, Hoglund, Holloway, Ingraham, Jacques, Jalbert, Kimball, Lacroix, Lander, Law, Lawrence, Lebowitz, Lisnik, Lord, MacBride, Macomber, Manning, Martin, H.C.; Masterman, Matthews, Mayo, McPherson, McSweeney, Melendy, Michaud, Mitchell, Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, Nicholson, Nickerson, O'Gara, Paradis, E.J.; Paradis, P.E.; Parent, Paul, Pines, Pouliot, Priest, Randall, Reeves, Rice, Richards, Ridley, Rioux, Roberts, Rolde, Rotondi, Rydell, Salsbury, Seavey, Sherburne, Simpson, Small, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stetson, A.G.; Stevens, P.; Stevenson, Strout, Tammaro, Tardy, Taylor, Vose, Walker, Warren, Webster, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

NAYS:—Allen, Beaulieu, Bott, Brown, D.N.; Cahill, Callahan, Carter, Erwin, Greenlaw, Handy, Jackson, Joseph, McCollister, McGowan, McHenry, Mills, Moholland, Perry, Racine, Scarpino, Swazey, Telow, The Speaker.

ABSENT:—Baker, H.R.; Bonney, Boutillier, Carrier, Connors, Duffy, Hichborn, Higgins, H.C.; Kane, Michael, Ruhlin, Theriault.

116 having voted in the affirmative and 23 in the negative with 12 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Emergency Measure**

An Act Establishing a Commission to Study Family Matters in Court (S.P. 504) (L.D. 1364) (C. "A" S-291)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 125 voted in favor of the same and 9 against and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Emergency Measure**

An Act Amending the Charter of Farmington Village Corporation (S.P. 629) (L.D. 1647) (C. "A" S-288)

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

ing an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 122 voted in favor of the same and 3 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 Taxation of Aircraft (H.P. 671) (L.D. 954) (C. "A" H-419)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 105 voted in favor of the same and 17 against and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Emergency Measure  
Later Today Assigned**

An Act to Authorize Franklin County to Raise \$800,000 for Renovations and Additions to the Franklin County Court House (H.P. 1140) (L.D. 1648) (C. "A" H-416)

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

On motion of Representative Carter of Winslow, tabled pending passage to be enacted and later today assigned.

**Referred**

An Act Relating to Shares of Stock of Asti-Kim Corporation (H.P. 1144) (L.D. 1651)

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

On motion of Representative Brannigan of Portland, was referred to the Committee on Business and Commerce.

**Emergency Measure**

RESOLVE, Creating a Joint Select Committee on Economic Development (H.P. 74) (L.D. 95) (H. "B" H-412 and S. "A" S-277 to C. "A" H-344)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 117 voted in favor of the same and 5 against and accordingly, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

An Act to Amend the Probate Code to Improve Guardianship and Conservatorship Proceedings (S.P. 218) (L.D. 577) (H. "A" H-361 and S. "A" S-285 to C. "A" S-176)

An Act to Establish a Spent Nuclear Fuel Disposal Trust Fund (S.P. 370) (L.D. 1004) (C. "A" S-286)

An Act to provide a procedure to Petition for Standing and Intervenor Status for Foster Parents in Child Protection Proceedings (S.P. 450) (L.D. 1253) (S. "A" S-289 to C. "A" S-271)

An Act to Allow the Department of Human Services to Investigate and Provide Information on Community Health Issues (S.P. 535) (L.D. 1436) (H. "A" H-393; C. "B" S-283)

An Act to Regulate Recovery of Costs of Canceled or Abandoned Electric Generating Facilities (S.P. 570) (L.D. 1506) (C. "A" S-287)

An Act Relating to the Establishment of a Maine Children's Trust Fund (H.P. 832) (L.D. 1176) (C. "A" H-415)

An Act Concerning Employment of Certain Individuals in Contact with Children (H.P. 963) (L.D. 1384) (H. "A" H-421; C. "A" H-389)

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

**Later Today Assigned**

An Act Relating to the Income Tax Checkoff for Political Parties (H.P. 1077) (L.D. 1567) (C. "A" H-414)

Was reported by the Committee on Engrossed

Bills as truly and strictly engrossed.

On motion of Representative Diamond of Bangor, tabled pending passage to be enacted and later today assigned.

An Act to Adjust Bridge Capital and Maintenance Responsibilities (H.P. 1128) (L.D. 1637) (C. "A" H-413)

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

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

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

**Papers from the Senate**

**Ought to Pass in New Draft**

Report of the Committee on Audit and Program Review on Bill "An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Laws" (Emergency) (S.P. 141) (L.D. 395) reporting "Ought to Pass" in New Draft (Emergency) (S.P. 637) (L.D. 1653)

Came from the Senate, with the report read and accepted and the New Draft passed to be engrossed.

Report was read and accepted, the New Draft read once.

Under suspension of the rules, Second Day Consent Calendar notification was given, the Senate Paper was passed to be engrossed in concurrence.

**Divided Report**

**Later Today Assigned**

Majority Report of the Committee on Business and Commerce on Bill "An Act to Clarify the Authority of Nonprofit Hospital and Medical Service Organizations to Make Incidental Indemnity Payments" (S.P. 230) (L.D. 592) reporting "Ought to Pass" in New Draft (S.P. 611) (L.D. 1604)

Signed:

Sensors:

DANTON of York  
BUSTIN of Kennebec

Representatives:

BRANNIGAN of Portland  
MURRAY of Bangor  
ALIBERTI of Lewiston  
RYDELL of Brunswick  
BAKER of Orrington  
TELOW of Lewiston

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-120) on same Bill.

Signed:

Senator:

SEWALL of Lincoln

Representatives:

MARTIN of Van Buren  
ARMSTRONG of Wilton  
STEVENS of Bangor  
HILLOCK of Gorham

Came from the Senate with the Bill and Accompanying Papers Indefinitely Postponed.

Reports were read.

On motion of Representative Brannigan of Portland, tabled pending acceptance of either report and later today assigned.

**Non-Concurrent Matter**

**Later Today Assigned**

An Act to Amend the Reapportionment Law (S.P. 619) (L.D. 1630) (H. "A" H-377)

— In House, Passed to be Enacted on June 13, 1985.

— In Senate, Passed to be Enacted on June 13, 1985 in concurrence.

— Recalled from the Governor's Desk pursuant to Joint Order (S.P. 638)

Came from the Senate passed to be engrossed

in non-concurrence.

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

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

#### **Passed to Be Enacted**

An Act to Provide for Cost Sharing for Maintenance of Railroad Grade and Highway Bridge Crossings and the Allocation and Appropriation of Funds for Transportation Purposes (H.P. 1138) (L.D. 1644) (C. "A" H-418)

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

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

#### **Reports of Committees**

##### **Unanimous Ought Not to Pass**

Representative CASHMAN from the Committee on Taxation on Bill "An Act to Repeal the Sales Tax on Test Books and Require a Sales Tax on Certain Magazines" (H.P. 843) (L.D. 1193) reporting "Ought Not to Pass"

Representative CASHMAN from the Committee on Taxation on Bill "An Act to Provide the Sales and Use Tax Exemption for Community Action Ministries" (H.P. 540) (L.D. 767) reporting "Ought Not to Pass"

Representative CASHMAN from the Committee on Taxation on Bill "An Act to Permit the Interstate Commerce Exemption on Sales Tax to Apply to Persons who Lease Vehicles which are Placed in Interstate Commerce" (H.P. 25) (L.D. 23) reporting "Ought Not to Pass"

Representative CASHMAN from the Committee on Taxation on Bill "An Act to Exempt from State of Maine Sales Tax Meals Prepared and Served in the Field by Licensed Guides and Whitewater Outfitters" (H.P. 289) (L.D. 359) reporting "Ought Not to Pass"

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

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

On motion of Representative Diamond of Bangor, the following was removed from the Tabled and Unassigned matters:

Bill "An Act to Create the Newcastle-Damariscotta Water District" (H.P. 1116) (L.D. 1626)

— In House, referred to Committee on Utilities on May 28, 1985.

— In Senate, Passed to be Engrossed without reference to a Committee in non-concurrence on May 29, 1985.

— In House, House receded on May 30, 1985. TABLED — May 31, 1985 by Representative Diamond of Bangor.

PENDING — Further Consideration.

Representative Vose of Eastport offered House Amendment "A" (H-425) and moved its adoption.

House Amendment "A" (H-425) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" in non-concurrence and sent up for concurrence.

(Off Record Remarks)

On motion of Representative Crowley of Stockton Springs.

Recessed until two-thirty in the afternoon.

(After Recess)  
(2:30 p.m.)

The House was called to order by the

Speaker.

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

#### **Consent Calendar**

##### **First Day**

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

(H.P. 969) (L.D. 1386) Bill "An Act to Protect Abused Children" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-426)

Under suspension of the rules, Second Day Consent Calendar notification was given, the House Paper was passed to be engrossed as amended and sent up for concurrence.

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

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

#### **Messages and Documents**

The following Communication:

State of Maine

One Hundred and Twelfth Legislature

Committee on Utilities

June 14, 1985

The Honorable John L. Martin

Speaker of the House

112th Legislature

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Committee on Utilities during the first regular session of the 112th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	41
Unanimous reports	40
Leave to Withdraw	20
Ought to Pass	2
Ought Not to Pass	2
Ought to Pass as Amended	11
Ought to Pass in New Draft	3

Divided reports	1
Carry Over Bills	
(Approved by the Legislative Council)	2

Respectfully submitted,

S/ JOHN E. BALDACCI

Senate Chair

S/ HARRY L. VOSE

House Chair

Was read and ordered placed on file.

#### **Reports of Committees**

##### **Unanimous Leave to Withdraw**

Representative BROWN from the Committee on Education on Bill "An Act to Implement Recognition Grants for Teachers, Establish a Minimum Salary for Teachers and Provide Money for School Administrative Units to Operate Preschool Programs for Handicapped Children" (H.P. 1088) (L.D. 1581) reporting "Leave to Withdraw"

Representative BROWN from the Committee on Education on Bill "An Act to Implement Teacher Recognition Grants, Establish a Summer Grants Program for Teachers and Establish a Minimum Salary for 1986-87" (H.P. 1089) (L.D. 1582) reporting "Leave to Withdraw"

Representative CASHMAN from the Committee on Taxation on Bill "An Act Providing for a Study of the Unorganized Territory" (H.P. 1029) (L.D. 1481) reporting "Leave to Withdraw"

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

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

#### **Papers from the Senate**

#### **Unanimous Ought Not to Pass**

Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Provide a Sales and Use Tax Exemption for Certain Organizations Providing Support to Alcoholics" (S.P. 186) (L.D. 504)

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

#### **Unanimous Leave to Withdraw**

Report of the Committee on Audit and Program Review reporting "Leave to Withdraw" on Bill "An Act to Establish a Fund Concerning the Excavation, Repair, Maintenance and Cleanup of Underground Gasoline Storage Tanks" (S.P. 272) (L.D. 730)

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

#### **Consent Calendar**

##### **First Day**

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

(S.P. 579) (L.D. 1521) Bill "An Act to Provide for Greater Tax Expenditure Accountability" Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-294)

Under suspension of the rules, Second Day Consent Calendar notification was given, the Senate Paper was passed to be engrossed as amended in concurrence.

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

#### **Messages and Documents**

The following Communication:

State of Maine

One Hundred and Twelfth Legislature

Committee on Education

June 6, 1985

The Honorable John L. Martin

Speaker of the House

112th Legislature

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Committee on Education during the first regular session of the 112th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	82
Unanimous reports	68
Leave to Withdraw	25
Ought to Pass	6
Ought Not to Pass	17
Ought to Pass as Amended	14
Ought to Pass in New Draft	6

Divided reports	13
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Carry Over Bills	
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(Approved by the Legislative Council)	1
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Respectfully submitted,

S/ LARRY M. BROWN

Senate Chair

S/ ADA K. BROWN

House Chair

Was read and ordered placed on file.

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

#### **Messages and Documents**

The following Communication:

State of Maine

One Hundred and Twelfth Legislature

Committee on State Government

June 12, 1985

The Honorable John L. Martin

Speaker of the House

112th Legislature

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Committee on State Government during the first regular ses-

sion of the 112th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	105
Unanimous reports	90
Leave to Withdraw	37
Ought to Pass	9
Ought Not to Pass	4
Ought to Pass as Amended	25
Ought to Pass in New Draft	15
Divided reports	9
Carry Over Bills	
(Approved by the Legislative Council)	6
Respectfully submitted,	
S/ JUDY C. KANY	
Senate Chair	

S/ DAN A. GWADOSKY  
House Chair

Was read and ordered placed on file.

#### (Out of Order)

By unanimous consent, the Chair laid before the House the third tabled and today assigned matter:

An Act to Amend the Wood Measurement Laws (Emergency) (H.P. 960) (L.D. 1381) (C. "A" H-272)

— In House, Passed to be Enacted on June 4, 1985.

— In Senate, Failed of Passage to be Enacted in non-concurrence.

TABLED — June 14, 1985 by Representative MICHAUD of Medway.

PENDING — Further Consideration.

On motion of Representative Michaud of Medway, the House voted to insist.

#### (Out of Order)

By unanimous consent, the Chair laid before the House the sixth tabled and today assigned matter:

An Act to Amend the Maine Certificate of Need Act to Require More Timely Decision Making on the Part of the Department of Human Services (S.P. 214) (L.D. 572) (C. "A" S-270)

— In House, Passed to be Enacted on June 14, 1985.

— In Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-270) as amended by Senate Amendment "A" (S-293) thereto in non-concurrence.

TABLED — June 14, 1985 by Representative DIAMOND of Bangor.

PENDING — Further Consideration.

On motion of Representative Rolde of York, the House voted to recede.

Senate Amendment "A" (S-293) was read by the Clerk.

On motion of the same Representative, Senate Amendment "A" (S-293) to Committee Amendment "A" (S-270) was indefinitely postponed.

The same Representative offered House Amendment "B" (H-429) to Committee Amendment "A" (270) and moved its adoption.

House Amendment "B" to Committee Amendment "A" was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from York, Representative Rolde.

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, let me give you some background on this. The Senate Amendment that I just killed was one that we overwhelmingly defeated in the House the other day.

A funny thing happened on Friday when I wasn't here. The Department, which has put in this amendment or tried to get it put on, suddenly discovered, without this amendment, the bill had to have a fiscal note and they arrived with the fiscal note — the Legislative Finance Office really did not have the time to dig into this and really did not get very accurate information from the Department. This is a real problem that has concerned me all session, the idea of departments coming in here

with fiscal notes to try and kill bills and it is one that I really hope will be addressed by the leadership when they look at revising the rules during the next session.

Anyway very briefly, what I am trying to do here is to amend that particular amendment to make it clear. What the amendment does is it sets up a category where new information or changes in circumstances by an applicant are alleged. The way it is written it just says alleged and doesn't say by who. My amendment just says it would be alleged by the applicant or other person aggrieved by the decision. I suspect probably after we put this on, the Department will come roaring back with another fiscal note but let's try them out.

Subsequently, House Amendment "B" to Committee Amendment "A" was adopted.

Committee Amendment "A" as amended by House Amendment "B" thereto was adopted.

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

Representative MELENDY: Mr. Speaker, Ladies and Gentlemen of the House: I spoke on this bill last week and I asked that we defeat it because we are studying the Certificate of Need process this summer. As you can see this bill is in trouble, we had to amend it, renamed it, and again, I ask that you please vote to defeat it. Let us study it. Thank you.

The SPEAKER: The Chair will order a vote. The pending question before the House is passage to be engrossed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

90 having voted in the affirmative and 5 in the negative, the Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "B" thereto in non-concurrence and sent up for concurrence.

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

The Chair laid before the House the following matter: An Act to Authorize Franklin County to Raise \$800,000 for Renovations and Additions to the Franklin County Court House (H.P. 1140) (L.D. 1648) (C. "A" H-416) which was tabled earlier today and later today assigned pending passage to be enacted.

On motion of Representative Dexter of Kingfield, under suspension of the rules, the House reconsidered its action whereby L.D. 1648 was passed to be engrossed.

On motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-416) was adopted.

The same Representative offered House Amendment "A" (H-430) to Committee Amendment "A" (H-416) and moved its adoption.

House Amendment "A" (H-430) to Committee Amendment "A" (H-416) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

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

The Chair laid before the House the following matter: Bill "An Act to Clarify the Authority of Nonprofit Hospital and Medical Service Organizations to Make Incidental Indemnity Payments" (S.P. 230) (L.D. 592) reporting "Ought to Pass" in New Draft (S.P. 611) (L.D. 1604) which was tabled earlier in the day and later today assigned pending acceptance of either report.

(Comes from the Senate with the Bill and Accompanying Papers Indefinitely Postponed.)

On motion of Representative Brannigan of Portland, the House voted to indefinitely postpone L.D. 592 in concurrence.

The Chair laid before the House the following matter: An Act to Amend the Reapportionment Law (S.P. 619) (L.D. 1630) (H. "A" H-377)

— In House, Passed to be Enacted on June 13, 1985.

— In Senate, Passed to be Enacted on June 13, 1985 in concurrence.

— Recalled from the Governor's Desk pursuant to Joint Order (S.P. 638) which was tabled earlier in the day and later today assigned pending further consideration.

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

The House voted to recede and concur.

The Chair laid before the House the following matter: An Act Relating to the Income Tax Checkoff for Political Parties (H.P. 1077) (L.D. 1567) (C. "A" H-414) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Handy of Lewiston, under suspension of the rules, the House reconsidered its action whereby L.D. 1567 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-431) and moved its adoption.

House Amendment "A" (H-431) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Mars Hill, Representative Smith.

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

Does this do away with all the deductions that we are presently under subject to the income tax for the State of Maine?

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

The Chair recognizes the Representative from Lewiston, Representative Handy.

Representative HANDY: Mr. Speaker, Members of the House: No, it does not.

Whereupon, House Amendment "A" was adopted.

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

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

#### Orders

On motion of Representative CARTER of Winslow, the following Joint Order: (H.P. 1150)

ORDERED, the Senate concurring, that Bill, "AN ACT to Create the Maine Rainy Day Fund," H.P. 521, L.D. 741, be recalled from the Governor's desk to the House.

Was read and passed and sent up for concurrence.

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

#### Reports of Committees

##### Unanimous Leave to Withdraw

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide Funds to Operate the Marine Laboratory Public Aquariums and Seal Pool at Boothbay Harbor" (H.P. 1148) (L.D. 1654)

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

The following items appearing on Supplement No. 17 were taken up out of order by unanimous consent:



### Reports of Committees Ought to Pass as Amended

Representative CASHMAN from the Committee on Taxation on Bill "An Act to Provide a Sales Tax, Trade-in Credit for Loaders and Chain Saws used to Harvest Lumber" (H.P. 72) (L.D. 93) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-434)

Report was read and accepted and the bill read once.

Committee Amendment "A" was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (H-434) and sent up for concurrence.

### Ought to Pass as Amended

Representative CASHMAN from the Committee on Taxation on Bill "An Act to Exempt Lobster Feed and Medication Necessary for the Lobster Pound Business from the State Sales Tax" (H.P. 206) (L.D. 240) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-435)

Report was read and accepted and the bill read once.

Committee Amendment "A" was read by the Clerk and adopted.

Under suspension of the rules, the bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (H-435) and sent up for concurrence.

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

### Papers from the Senate Unanimous Leave to Withdraw

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act to Require Equal Treatment for Taxpayers in the Unorganized Territory" (S.P. 163) (L.D. 430)

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act Concerning the Administration of the Unorganized Territory Education and Services Fund" (S.P. 316) (L.D. 805)

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act to Reimburse the Unorganized Territory Education and Services Fund for Overcharges from 1978 to 1983" (S.P. 221) (L.D. 584)

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

### Consent Calendar

#### First Day

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

(S.P. 94) (L.D. 292) Bill "An Act Concerning Minimum Ordinary Death Benefits" Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (S-184)

(S.P. 565) (L.D. 1493) Bill "An Act Amending the Maine Juvenile Code to Allow for Access to Records by Criminal Justice Agencies" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-295)

Under suspension of the rules, Second Day Consent Calendar notification was given, the Senate Papers were passed to be engrossed as amended in concurrence.

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

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

### Reports of Committees Divided Report

Majority Report of the Committee on Educa-

tion reporting "Ought to Pass as Amended by Committee Amendment "A" (H-427) on Bill "An Act to Implement Teacher Recognition Grants and Establish a Minimum Salary for Teachers" (H.P. 1087) (L.D. 1580)

Signed:

Senators:

BROWN of Washington  
GAUVREAU of Androscoggin

Representatives:

CROUSE of Caribou  
BOST of Orono  
ROBERTS of Farmington  
O'GARA of Westbrook  
HANDY of Lewiston  
BROWN of Gorham  
MATTHEWS of Caribou

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-428) on same Bill.

Signed:

Senator:

HICHENS of York

Representatives:

SMALL of Bath  
FOSS of Yarmouth  
LAWRENCE of Parsonsfield

Reports were read.

Representative Brown of Gorham moved acceptance of the Majority "Ought to Pass" Report.

Representative BROWN: Mr. Ladies and Gentlemen of the House: I am pleased to present to you the Majority Report of the Education Committee on L.D. 1580, "An Act to Implement Teacher Recognition Grants and Establish a Minimum Salary for Teachers."

I will begin by briefly describing some background for this bill and the majority's rationale for its recommendations. I will then describe the bill in more detail.

In recent years, there have been numerous studies, nationally and within Maine, on the status of public elementary and secondary school education. The national studies indicated that the quality of education in this nation's public schools has been declining. Those studies also pointed out the important role that teachers play in the quality of the education offered to public school students. An important element, though admittedly not the only one, is the attraction and retention of qualified people in the teaching profession is the adequacy of teacher pay in relation to the responsibilities that we, as a society, ask them to perform.

At about the same time, the national studies for issuing their reports, Maine was conducting its review of public education in Maine. One year ago, the Commission on the Status of Education in Maine issued its final report. The Commission's recommendation consisted of educational reforms to maintain and where necessary improve the quality of education in Maine.

Regarding teachers' salaries, the Commission found our Maine teachers to be poorly paid, compared with other teachers nationally and when compared to other Maine workers. The Commission concluded that to stem the loss of good teachers from Maine public schools and to attract bright, young people into teaching so that the future excellence of our schools will be assured, the antiquated salaries schedule contained in present law, should be repealed and be placed with an up to date minimum starting salary. The Commission recommended \$15,000 per year as a minimum starting salary for the 1985 - 1986 school year. The Commission's recommendations were presented to the 111th Legislature in Special Session last September. Many of the reform measures were enacted at that time. In effort to enhance the teaching profession, two \$1,000 teacher recognition grants were to be awarded in the 1985 - 1986 school year. The long term issue of teacher salaries, however, were to be studied further by the Special Commission to

study the implementation of educational reform established as part of the reform act. That Special Commission issued its final report in March of this year. The Majority Report of the Special Commission agreed that Maine teachers are uniformly underpaid. The report recommended awarding the two \$1,000 teacher recognition grants in 1985 - 1986 and raising the minimum starting salary for teachers to \$14,500 in 1986 - 1987 and to \$16,000 in 1987 - 1988.

Two other factors should be mentioned as background here. First, recent national studies have forecasted teacher shortages in the near future especially in math, science, special ed and industrial arts. To assure that teacher openings in those and other critical fields are filled, it is essential to take steps now to provide a professionally, competitive salary to teachers. Unless we attract and retain qualified teachers, all the other educational reforms will fall short.

The second factor is that with all the attention focused on education in the past year, other states have not been standing still. In order to maintain and improve Maine's competitive standings with respect to quality education, which is the key element in any measure of the state's business climate, we need to keep pace with the reforms being enacted in other states.

With these events as background, the Education Committee considered L.D. 1580 and several other bills relating to teacher salaries this session. We spent several weeks hearing bills, meeting with interested parties, discussing the matter among ourselves and pouring over information on this issue.

I wish to thank the committee members for their hard work and patience and all of those people, particularly in the Department of Education, who honored our requests for informational materials.

Committee Amendment "A" which I present today is supported by the majority of the committee. Although not all of us are pleased with each element of the package, we uniformly support the compromise embodied in our report. We feel the Majority Report is reasonable, fair, and workable. It is supported by the Governor's Office, the Department of Education, school management officials and teacher representatives.

The Majority Report has three basic elements. First, it provides for immediate recognition of current teachers through payment of two \$1,000 dollar grants in 1985-86.

Second, it provides for a permanent solution to the teacher salary problems by establishing a target, non-mandatory minimum starting salary for teachers in 1986-87 and a required starting salary in 1987-88.

Finally, the Majority Report provides for increased state participation in the effort which will be necessary to reach the minimum salary levels.

We have decided to retain the teacher recognition grants for several reasons. First, that is the law. The recognition grants were an integral part of the educational reform package enacted last Fall. Teachers have had their expectations raised by the act of the legislature. It is up to us to live up to those expectations.

Second, the grants serve as a recognition of the regard in which we hold teachers, a key element if we are to attract and retain quality teacher while providing a temporary bridge to a more permanent solution.

The grants for one year provide extra time for local communities to plan administratively and financially for the minimum salary requirement which comes later.

Finally, to renege on the recognition grants now would send exactly the wrong message to our teachers, current and potential. Such action would indicate a lack of commitment on the part of this legislature to raising the quality of the teaching profession. In order to more



equitably implement distribution of the teacher recognition grant, some amendments are proposed for part-time teachers and teachers who job share would be eligible for the grants as long as they are employed for the whole semester. Teachers on sabbatical leave during the year would also be eligible.

Of course teacher recognition grants are not the whole answer to the teacher compensation problem. The Majority Report proposes a recommended minimum starting salary of \$13,500 a year in 1986-87 and a required minimum salary of \$15,500 in 1987-88. We feel such action is necessary to establish professionally competitive salaries for all Maine teachers.

In all other regards, aside from establishing the minimum starting salary for 1987-88, teacher compensation issues will remain locally determined. The structure of the salary schedule above the starting level, the distribution of teacher salary dollars provided by the state, all future minimum starting salaries as well as other compensation related items will continue to be negotiated locally.

In order to meet the minimum starting salaries, state funds will be distributed directly to the school units in the form of block grants in 1986-87 and in 1988-89. In subsequent years, state dollars will flow to the units through the finance formula because the problem we are addressing is the under-payment of teachers and because state funds have been set aside for that purpose, the Majority Report provides for distribution of those block grants to units based on number of teachers in each unit and the amount they are below the minimum. To distribute it on any other basis would not directly address the problem we are trying to resolve.

Some units will be at or above the recommended 1986-87 and require 1987-88 minimums. Those units will be awarded \$400 and \$800 per teacher in those years respectively to be used for locally determined salary issues or not used at all. That is so as not to penalize units which have been making an effort to raise teacher salaries right along. Other units will receive up to \$1,800 in 1986-87 to move toward the recommended \$13,500 minimum and in 1987-88, the amount necessary to reach the required \$15,500 minimum.

Detailed instructions are contained in the bill on how the Commissioner of Education is to calculate the amount of the block grants.

The third element of the Majority Report concerns the funding of the cost associated with increasing teacher salaries. The amount of the second teacher recognition grant issued in August in 1986 shall be included in determining local operating costs and will be eligible for reimbursement through the finance formula. The amount of that recognition grant and of the two block grants for salary increases issued in 1986-87 and 1987-88 will be included in determining the state percentage share to be paid from the general fund. That will cause the state's percentage to increase and limits the local share on a statewide basis to what it would have been without the payment of the grants.

I urge you to accept the Majority "Ought to Pass" as amended Report in order to put this last piece of educational reform in place.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Crouse.

Representative CROUSE: Mr. Speaker, Men and Women of the House: I would like to begin just by prefacing my remarks by saying that I am not a teacher or never will be a teacher. I plan on never entering the teaching profession, although some of you here may feel that I am tied sometimes too tightly into the teaching profession. I never have been a teacher and never plan to become a teacher.

My interests began in the teacher education

area and the teaching profession back when I was working in the Admission's Office at one of the University of Maine campuses. I worked there as a Director of Admissions and saw some of the students coming into the teaching profession decline over the years, in fact decline dramatically over the three years that I was Director of Admissions.

The last year I was the Director of Admissions at the local campus, we saw the number of students coming into the teaching profession drop from a number of 15 to approximately three coming out of high school into teacher education. The quality of that student coming into the teaching profession at that time, and that was 1982, was very, very low. We were accepting students into teacher education that had SAT scores in the 220, 240, 260 range in both verbal and math areas, which is scary to me, and I am sure is scary to some of you sitting here today, to have these people coming into the profession, graduating from our teacher education institutions and teaching our children in our local school systems. That is where my interests began and that is where I really looked at and focused on what we could do for our teachers or people looking at the teaching field.

I began last Fall looking at what we could do overall for education and we mandated last Fall the accountability factors for teachers. What are we going to ask from those people coming into teaching in order to enter the profession? We mandated on a statewide level teacher testing. A teacher in order to be certified in 1988 will have to pass a teacher qualifying exam. That is one component. The other component is that we increased teacher certification standards to the point where, in order to enter the teaching profession, after the initial two years, are going to have to perform in a local school system; if not, that teacher will not be able to continue teaching and teaching in that local unit.

Two big hurdles for teachers or potentials teachers to jump over in order to enter the teacher profession. The public has demanded accountability. We have put forth that accountability and without teacher compensation increase at this point.

That is my chief argument. If we are going to mandate from the state level those accountability factors, we must come through and mandate a teacher salary that is going to be attractive for those students coming out of high school looking at a possible profession.

Let me just read to you briefly from a Rand Corporation Report, probably the most conservative think tank in the country, what is happening as far as nationwide trends as far as quality of teachers. "Most teacher recruits are now drawn from the bottom group of SAT scores. Most of the few top scorers who are recruited to education leave the profession quickly. That is one very important factor for you to keep in your mind and see what is going to be happening to us in the future.

The hurdles that are going to be put in place for accountability and that accountability causing the teacher pool to dry up in the State of Maine, what are we going to be able to offer to that teacher as far as compensation? If we don't do it now, we certainly will have to do it in 1986-87 and 1987-88 at the local level and that is what I think a lot of people here today have to look at in the full scope, whether we are looking at an Eastport or Cape Elizabeth or a Lubec or a town that is now having some difficulty drawing teachers. What do you think the possibility or the number of applications will be in 1986-87 and 1987-88, if we don't have any increased compensation for teachers that is mandated from the state level and at an increased minimum?

We will have a situation in Eastport and some of our smaller towns, more isolated towns of the state with no applications for teaching positions, with no possibility of filling that posi-

tion. That is what we are going to have to look to down the road. I think it is very, very important that we look at that today.

To continue with the Rand Corporation Report, it does say: "Can academically able students be reattracted to the teaching profession in a labor market that offers more attractive choices? The current salary structure of the teaching profession will surely not provide strong motivation. Beginning salaries for teachers are lower than those virtually in any other field requiring a Bachelors Degree."

I think that is the key. If we are going to have the best and the brightest in the teaching profession, we are going to have to have the salaries to attract those people from the very beginning. The key is, when a student is looking, when they are a senior in high school, what is attractive out there? We obviously know whether you want to argue back and forth that salaries are not important, we obviously know they are very, very important. A perspective student, particularly a bright student, looking at a profession is going to look at the salaries. What the state policy is on salaries, what we are willing to pay for a particular profession, the priority for education in the State of Maine. We are going to be sending a strong signal here today of what priority we have for education in the State of Maine.

The one point I do want to make is the Majority Report as opposed to the Minority Report. The Majority Report has two goals in mind, attraction and retention. I hope you will retain in your mind today that the Minority Report does not have the goal of attraction in it. If you look at it very closely, it will not attract, if it will retain, but it will not attract any more teachers into that profession, that is 50 percent of the goals that we have here today. What you have in the Minority Report is a proportionate move up the scale. You have people moving up the scale percentage wise where the haves will be making out very, very well; where the have-nots will remain where they are and proportionately move up the scale. It does nothing for attraction to the teaching profession.

Can you imagine a local that makes a two percent increase in the minimum based salary and they are delivered monies from the state to provide incentives, we are providing incentive at the state level for a local to raise their minimum base two percent? I think that is a bad policy for the State to become involved with. If we are going to provide incentive for two percent, and then some people will say, we are only going to move one percent up the scale for minimum based salary and we are still rewarding that local for moving one percent of their minimum base. I think that is not the state signal, that is not my signal, and I hope it will not be the signal we want to send from this legislature.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Matthews.

Representative MATTHEWS: Mr. Speaker, Men and Women of the House: I hope today you will think educationally and not politically. I support L.D. 1580, Amendment "A", and I urge you to support its passage.

For too long Maine teachers have been undervalued and under-paid. The following statistics will bear me out. The average teachers salary in Maine is 49th among the states in the country with only South Dakota and Mississippi paying the average teacher a lower salary. Washington D.C. is included in the statistics of the states. Maine's average teacher salary for the past five years if as follows 1984, \$18,935; 1983, \$17,880; 1982-83, \$16,771; 1981-82, \$15,605; and 1980-81, \$14,501. These are the average teachers salaries.

The average teacher's salary in Maine, compared to the rest of the country, has been declining. In 1980-81, Maine's average teacher salary ranked 46; 1981-82, 46; 1982-83, 47;

1983-84, 48 and this year 49. While Maine's average teacher salary is 49th in the country, Maine's per capita income is 39th in the country. There is a clear signal given to perspective teachers and persons already teaching, that even though society expects more from teachers in the areas of teacher preparation, examination for perspective teachers and other requirements, that teachers worth is not what it should be. This attitude has been reflected in the salaries paid to Maine teachers.

Now to a few remarks about the Minority Report. The Minority Report does not provide for a full thousand grant for teachers but proposed up to one thousand. Since there are more than 13,500 full-time teachers and part-time teachers on a full-time equivalent basis, teachers would receive less than one thousand. The legislative commitment is for the full stipend of one thousand each payment as enacted into law last Fall.

The Majority Report, reimburses school districts based on the number of teachers and based on where salaries are at the present time from the \$13,500 recommended figure in 1986-87.

Communities which are furthest away from the \$13,500 target will receive the maximum amount of \$1,800 per teacher while the school systems, at or above the \$13,500 salary, will receive the least amount of \$400. The Minority Report bases its figures on students, not teachers, and provides a direct payment to the school system of a maximum of \$51.60 in 1986-87 and possibly considerably less.

The Minority Report referred to teacher compensation. Teacher compensation is distinct from the Majority Reports teacher salary reference. Compensation refers to insurances, hiring of teacher aides and a host of other compensation matters which are not necessarily salaries. In fact, the teacher might not receive any direct benefits at all under the teacher compensation form. Teacher salaries refer to direct salary benefits to teachers, although it might be in the form of career ladders, extended school year and the like.

The Minority Report does not provide an appeal process for teachers who do not receive the teacher recognition grants, even though the failure to award a teacher the grant might have been purely inadvertent.

The Minority Report refers to encouraging an increase in base salary. The Majority Report mandates an increase to \$15,500. It is not intended that the state through legislature will continue to mandate beginning salaries for teachers. The minimum salaries are built into the law on a temporary basis only.

The steps that have been taken through the Majority Report of teachers salaries are our signal, societies signal, that we recognize a serious problem and that we, as a legislative body, are willing to do something about it. I urge you strongly to vote for the Majority Report.

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

Representative SMALL: Mr. Speaker, Men and Women of the House: Mr. Speaker, since no motion has come before the House yet, I move acceptance of the Minority Report.

The SPEAKER: The pending motion is the motion of the Representative from Gorham, Representative Brown to accept the Majority Report.

The Chair recognizes the same Representative.

Representative SMALL: Okay, Mr. Speaker. I hope you will reject the Majority Report so that you can go on and accept the Minority Report.

There is quite a difference between the two proposals. Both of the proposals, the Majority and the Minority Report contain two stipends. The two bills each ask for an additional \$650,000 to fully fund the first \$1,000 stipend.

The Majority Report must have the appropriation because it says in the law that future stipends of \$1,000 each will be paid in 1985-86. Our proposal asks for the additional money to fully fund the first stipend but leaves in the language stipend of up to \$1,000, so that if the Appropriations Committee does not fully fund the \$650,000 the grant will be prorated.

If it is the wish of the House to guarantee the first full \$1,000 stipend, that could be put on as an amendment in second reader.

Both bills do guarantee to have a full \$1,000 stipend in the second year.

The majority puts in their bill an appeals process which opens up again the whole debate of what is a teacher. Although in both bills seven categories are listed to define teacher, under the Majority report it reads; "Appeal: Teachers may appeal the assigned teacher recognition grant in writing to a grant review panel for panels by March 15, 1986 for the grants assigned February 15 and by September 15, 1986 for the August 15th grant. The panel or panels shall be composed of one representative of teachers, one representative of school management and one member of the public, and shall be reimbursed for their expenses incurred in carrying out their responsibilities of school management and one member of the public and shall be reimbursed for their expenses incurred in carrying out their responsibilities under this subsection. The panel or panels shall be established by the commissioner. The cost of administration of the panel or panels shall be deducted from the funds available for block grants established in Section 13509."

Conceivably this review panel could rule that someone was a teacher who is not included in the seven categories in the law. Once again, we seem to be in doubt as to what a teacher is and who should get the grants.

The greatest difference between the two bills is how the \$27 million is sent back to the districts in 1986-87 and 1987-88. Here is the real division in philosophy and mechanics. The Majority Report attempts to equalize teacher salaries across the state. The grants are distributed according to cost per teacher to reach the mandated \$15,500 in the year 1987-88. The Minority Report gives every school district a chance to increase its salaries by providing incentives to increase local effort in raising base pay.

The problems I have with equalizing the pay across the state are several. Salaries will begin to separate again within a few years after setting the minimum. Will the legislature be back setting them again in five years? Even if we mandate a standard for salaries, the disparity and costs will continue to exist.

A teacher living in Portland will have a higher cost of living than in teacher in South Paris or Machias. The grants are set up very differently in the two reports. In the Majority Report, grants are doled out according to how much a district needs to bring its salaries to \$15,500 in 1987-88. If you are now paying way below average, you will receive the larger grants. Towns near or at the base figure will receive a minimum grant amount.

The grants will get you to \$15,500 in the third year providing you have increased salaries six percent in each year. The problem comes when the switch is made from per teacher grants to the per student formula in the Finance Act. In 1988-89, many towns will be forced to pick up a considerable cost to maintain the \$15,500 minimum salary.

In the Minority Report, grants are based on local effort. For every percentage point you raise your base salary, we match it with a block grant based on the number of students in the district. In the first year of the grants, our formula is based on the number of percentage points a district raises its pay up to six percent times the number of students, times \$8.60 or a maximum of \$51.60 per student. So, the sec-

ond year the formula is the same but the dollar amount increases because we no longer need \$14.3 million for stipend.

The second year is the number of percentage points you increase times the number of students, times \$18.30 or a maximum of \$109.80 per student. This money is then sent back to the school district to be used for increasing base pay further, creating master teacher positions, extended school year for teachers, or any other teacher compensation, which is negotiated at the local level.

The greatest problem I have with the Majority Report occurs in the third year, 1988-89 when the grants end and the \$27 million is turned into the Finance Act Formula. The money which the Majority Report sent out on a per teacher basis is now going to be distributed on a per pupil basis. This leads to great disparity between what a unit received under the grant and what it receives under the formula.

Some districts and a good many of them will not receive enough money to maintain the \$15,500 minimum salary. They will then be forced to raise taxes, eliminate programs, or reduce their number of teachers.

Now, all of you got a handout today on the proposed grants and I thought if you were willing to pick it up and look at it, I would explain to you how to read the handout.

To understand what your district of town would receive in grants, look at you handout that is entitled: "Increasing Teacher Compensation for Block Grants, the School Funding Formula." On the left hand column is the school name and then the number of teachers. The 1986-87 block grant and the 1987-88 block grant and the 1988-89 subsidy formula. Under the Majority Report, your unit will receive monies listed under 1986-87 and 1987-88 block grants. The problem for many units arise when we reach the 1988-89 column under the Majority Report. If your district has a larger figure in the 1987-88 column than the 1988-89 column, you will probably be facing a local property tax increase. Under the Minority Report, the 1988-89 column will reflect a deficit only if the unit chooses to increase the base pay higher than it can afford. As examples, I have selected two districts, one which receives more money under the Minority plan, and one which receives less. Twelfth down on the list is Bangor. Under the majority plan, Bangor receives \$116,120 the first block grant and \$232,000 the second block grant. The third year they receive \$481,000 under the finance formula. Under our plan, Bangor would receive \$213,000 the first year, \$453,000 the second block grant and the same total for the formula, \$481,000.

Number 88 on your list, Limestone on the other hand, does better in the first two years under the Majority Report. They would receive \$128,000 and \$225,000 compared to our grants of \$82,000 and \$179,000. They do benefit from our plan in the third year out. Instead of having a \$40,000 deficit to raise through taxes under the Majority plan, Limestone would show a surplus of \$10,000. Limestone could still raise its salaries to \$15,500 but it would do so, understanding in the third year, that it would be assuming the costs not borne by the state.

Under our proposal, transitions from grants to the finance formula is much easier because our grants were already distributed on a per student basis. Where there is a disparity, a unit which will not receive as much money under the formula as it received in grants, the school unit has the option of not raising its basic salary above what it can afford.

When you vote today to accept the Majority or Minority Report, I hope you will think long and hard about the full ramifications of our actions here today. The issue is not whether we raise teacher salaries. Both reports do so roughly with the same dollar amount. The question we must ask ourselves is, how best

we do this; through mandates or incentives? With a property tax increase or without one? Favoring some low paying districts or allowing districts to compete equally? Taking the control away from local boards or trusting them to meet the responsibility and raise salaries with monies provided? If you believe in the centralization of education policy, then you must accept the Majority Report for this is another of a long list of bills this session which attempted to take control of local school policy and put it in the hands of the state. I assure you if we enact this today, we will be called on again and again and again to enact similar legislation in the future. I hope you will not support the Majority Report.

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

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: I had a multi, multi page critique to make available to you. The report contained a strong appeal, it addressed areas of responsibility, it addressed a crisis approach, the financial and future implications that we face today. The critique would put the report that started it all, the Special Presidential Commission's Report, "A Nation At Risk," that would be delegated to the minor leagues now compared to the new report that faces us, "Maine a State in Crisis" and its educational needs. You must stand up and be counted. Do we progress, stagnate, or recede and concur? The State of Maine and its responsible leaders must assume the role of benevolent despots. We cannot toy around with our educational responsibilities. The need begins with massiveness, you cannot turn your back.

Let's get the program off the ground and support with enthusiasm the Majority Report and vote down the Minority Report.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Roberts.

Representative ROBERTS: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will permit me to reminisce just a bit. As some of you know, I was in the business of preparing teachers for 43 years and had a hand for good or ill in the preparation of somewhat over 4,000 teachers, most of whom are teaching now in the State of Maine. Although I must confess that those I taught my first few years seem a little old now when I see them.

As I look back over those years, there are two or three things that strike me. In the first place, when I started my first year on a temporary job at half pay, we had sort of a captive group that went to the normal schools. What was there for a young lady in a small Maine town to do that was respectable except to become a nurse or become a teacher? We had some very devoted teachers during those years who went into the field and very often stayed for many years.

The contrast was brought home to me three or four years ago. A young woman whom I knew as very outstanding, highly personable, bright, great in mathematics, was going to take a high school teaching job, she had a contract already to sign. Then she was offered a job with the telephone company to use her mathematic ability at a salary almost exactly twice the salary she was going to get for teaching in high school.

This is a different sort of ball game, a different kind of combination of fact that we have now. In this building, I have run across two young women both of whom are working as attorneys, whose mothers both were in my classes preparing for teachers. The thought of being attorneys never occurred to them, it wasn't one of the things open to them. They have so many more choices now.

Since I retired in 1983, I have visited a great many alumni groups and had a chance to see a great many graduates. One fact began to hit home to me that somehow or other the

graduates of the early middle 1960's seem very outstanding compared to any other group we ran into. I mulled this over a great deal and I couldn't come to any answer. I finally had the answer, I think, when I got talking to a young lady who works in this building who went to Farmington for one year. She planned to be a teacher. Then she got married and did not wind up teaching. But I said, we had some awfully good people going into teaching in those days. Why? And she said, everyone told us it was a good time to go into teaching, salaries were going up. Now at that point, I have no idea when Maine passed its first statewide minimum salary law. So I asked the legislative research to look it up. I found the date, our first statewide minimum salary law went into effect in the summer of 1958. This boost that they got the increased salaries that brought the young people, outstanding young people, into the college to prepare for teaching, I think, had a great deal depending upon this minimum salary law throughout the state.

We all know what "A Nation At Risk" says. We all want somehow to attract bright young people into teaching. The speaker for the minority said the bill is very fair, all you have to do is raise certain amount of money and the state will equal it up to a certain percentage. It reminds me of that French author who said, "The law is very fair, both the poor and the rich are forbidden from stealing bread and sleeping under bridges." I think we have many towns in the state, we have many towns that do very well without too much effort, we have many towns that have great difficulty in raising salaries and it seems to me what the Majority Report does is to give encouragement to young people going in to know that there will be a minimum salary they can count on when they go into teaching, to give education the same kind of a boost that it got back in 1958 with the first statewide minimum law which we have passed.

Now, to me the salary is the important thing. The phrase used by the Minority Report is to supplement teacher compensation and for other teacher compensation related purposes as a local attempt. That is a great phrase, for other teacher compensation related purposes. It could include a great many things. It can include teacher aids, it can include innovative grants. We have many wonderful innovative grants. We have many innovative grants which I have seen pass across my desk that weren't worth the paper they are written on. I think that if we want to attract bright young people into teaching to fill the great gap caused by the present situation and demonstrated in that book, "A Nation at Risk," we should be sure that we have a salary they can count upon receiving, that if they are living in a small town, my impression is that — when I grew up in Brownville, Maine and graduated with my class of nine students from Brownville High, I wasn't very much impressed when someone said, you know there are really great jobs down there in Portland, because I knew what the teachers were getting in Brownville.

I think if we pass the Minority Report, we are going to say we are going to give to the richer towns, to those who can afford to add more and more money to their salary schedule; we aren't going to do anything for the poorer towns who find it very difficult to raise their pay. I believe we should, as I suggested a moment ago, give education again, in this two year period, the sort of a boost it got after 1958 by raising salaries, by setting a minimum salary law. I therefore urge you very strongly to vote for the Majority Report as moved by Chairman Brown.

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

Representative SPROUL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question though the Chair.

I would like to address this to any signer of the Majority Report. I would like to know, when figuring the block grants under the Majority Report, what person personnel are included? Are they figured on just the original seven categories of teachers or are other categories included also?

The SPEAKER: Representative Sproul of Augusta has posed a question through the Chair to any member of the Majority Report who may respond if they so desire.

The Chair recognizes the Representative from Lewiston, Representative Handy.

Representative HANDY: Mr. Speaker and Members of the House: The seven original categories are the seven categories that we have included in this report. We were faced with pieces of legislation that would have expanded upon those however we saw fit to retain the original.

I support the passage of the Majority Report of L.D. 1580. In fact, I would support a higher starting salary equal to that recommended by the commission to study the implementation of education reform which recommended a starting salary of \$14,500 in 1986-87 and \$16,000 in 1987-88. I could recommend the highest starting salaries for teachers because I believe that teachers are underpaid and that salaries are insufficient to retain and attract people to teaching.

The Majority Report is a compromise of several parties. The signers of the Majority Report, the Maine Teachers Association, the Maine School Management Association, the Maine School Superintendents Association, along with the Department of Education, have agreed on the components of the Majority Report, each giving ground to reach a compromise that is acceptable to all parties.

This bipartisan support maintains integrity with the actions taken by the legislature last Fall. The teachers will receive the full two \$1,000 grants. In addition, the part-time teachers will receive prorated grants, and teachers who are in shared teaching assignments or those on sabbatical leaves will also receive the grant.

There is also built into this legislation, contrary to the Minority Report, an appeals process. In the event that a teacher has been mistakenly left off as a recipient of the grant, the teacher has the right to appeal to the Commissioner of Education and to an appeals panel. The law is crystal clear on who is eligible.

I expect that the appeals process might not have to be used but it is extremely important that this process be included as part of the any proposal addressing this issue. The Minority Report, as I stated, does not contain an appeals process at all nor does it provide for teachers who are in shared teaching positions.

Much more important to me is the Majority Report doing something about the long term salary enhancement of teachers salaries. In 1987-88, teachers starting salaries will have to be \$15,500. There is a minimum salary schedule on the books now with a starting yearly salary of \$5,000 which was enacted in 1967. I mentioned this fact to show that the setting of a minimum salary into the law by the legislature is nothing new but it has not been done for quite some time. A minimum starting salary of \$15,500 is not really sufficient. The average starting salary for graduates at the University of Maine at Orono is substantially higher than the starting salary for teachers. But the present starting salary for teachers of \$11,596 on the average is a disincentive for anyone to want to go into the teaching profession.

One district in Maine has a starting salary of \$10,325, which is the lowest in the State. Many school systems are paying beginning teachers only minimally above that figure. After ten years of teaching in this particular district, a teacher with a Bachelor's Degree can expect to

earn \$15,000. These are not figures that encourage people to remain in the teaching profession, to have the experience to inculcate into the youth of this state the knowledge that they need to be prepared as citizens to enter a society in a thinking, caring, knowledgeable manner, able to cope.

The Minority Report does not establish a minimum salary at all. This failure will do very little for those districts with unreasonable low beginning salaries. The Majority Report will go a long way toward providing the financial resources necessary from the state to relieve the property tax, while at the same time, putting a financial foundation under teachers salaries that will attract and retain teachers to teaching.

The job market for persons who could be teachers is too competitive. Women no longer have to look at teaching or nursing in order to become professionals. The full job market is available to them and the low salaries being paid to teachers is not attracting them. More importantly, we need to attract and retain the best and the brightest people into teaching. In order to do this, we need to provide the financial incentives. This should be a major goal of the state policy. The Majority Report starts us in that direction and I would urge you to support that report.

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

Representative SMALL: Mr. Speaker, Ladies and Gentlemen of the House: I just wanted to correct two errors in the previous testimony. Under part-time teachers, our grants will be given to job share teachers. It says here: "the grant shall be prorated to teachers whose assignments are less than full-time or who job share a single position. No individual teacher may receive more than \$1,000 as a teacher recognition grant."

Also in answer to the other question that was asked on what the category of teachers will be used when they are accessing the block grant, it is not the seven teachers that we put in the law, it is the number of teachers to be used in computing block grant payments in 1986-87 shall include the number of full-time equivalent teachers eligible to receive the February 1986 teacher recognition grant in each unit or qualify in private schools plus any additional certified teachers whose local employment responsibility includes an assignment to work directly with students in an instructional or counseling relationship on a regular basis, excluding teachers whose salaries are paid from federal funds. The number of teachers to be used in computing block grant payments for 1987-88 shall be based on the local staff information data supplied to the department in October of 1986.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Bost.

Representative BOST: Mr. Speaker, Men and Women of the House: It is very difficult to try and follow some of the testimony from proponents of Report A tonight but I would like to share a few thoughts. You have before you two reports right now, both of them quite similar at first glance and both contend, I stress contend, to do the same thing. That is to attract and retain teachers.

I would ask everyone in this House tonight to look very closely at those two reports because on closer inspection they are very, very different. Both reports include the \$2,000 stipend as has been mentioned several times to night, which is indicative of the unanimous sentiment of the committee to keep faith with the promise made last Fall. But there ends the similarities.

The Minority Report has no appeals process for teachers who, for whatever reason, are legitimately eligible for the stipend but did not receive it. I am sure that if you had a particular,

say full-time teacher in your district, any district, who met all the criteria, but did not receive his or her money, that you would feel that there should be a simple grievance procedure. As Representative Small has elaborated, the Minority Report has taken that appeals process out. The Majority does quite simply the following: it established a targeted minimum salary of \$13,500 in 1986-87 and a mandated minimum salary of \$15,500 in 1987-88. The third year out, the state's share of the cost of education will rise from the present 55 percent to 58 percent to assist the local unit in providing that salary. Contracts that have been negotiated would be reopened so that the school committee and teacher associations could negotiate over the new money from salaries and salary related items for teachers. Money would be distributed to local school systems in the form of block grants, based on the number of teachers in the school system and based on a minimum of \$400 and a maximum of \$1800 in 1986-87, per teacher, again depending on how far the teacher salaries schedule is away from the \$13,500 targeted figure. This is a gray area that has not really been discussed in terms of the figures that are before you.

The block grants in 1987-88 would be a minimum of \$800 per teacher. But lest we get lost in the myriad of figures and comparison charts, which are basically a comparison as far as I am concerned of apples and oranges, this House should be cognizant of the two distinctly different philosophies that work here. The Majority Report, and I must add that the Majority Report is supported by such groups of the Maine Teachers Association and Maine School Management, uses as its premise the need to attract and retain intelligent teachers by establishing an achievable minimum salary by 1988 and increasing the state's share in the school formula from 55 to 58 percent to help pay for it as I previously mentioned.

Along that vein to respond to Representative Small, with regard to the alleged plight of the Bangor school system for instance, under the Majority Plan, and has to ask why the superintendent of the Bangor School System, after working with the committee through some process, fully supports the Majority Report?

The Minority Report does not set any goals, specific or otherwise. The rich get richer and the poor get poorer. We are in a period of crisis with regard to teacher salaries. Let's do something substantive here today. The comparison figures which have been given to all members here, I believe, are deceptive. They compare apples to oranges, literally. The figures before you are there to distract you from the real issue and that is salary equity for the teachers in this state and our goal to bring them up to a competitive wage, not an excessive wage by any standard, but simply a competitive wage.

The issue is attraction and retention. We can ask about our business climate rating and despair sometimes at what is perceived as our taking a back seat to our neighbors, but as Representative Brown point out at the beginning of this debate, the fact remains that education is one of the keys to taking that lead role. Teachers are one of the keys to that education. Equitable salaries are one of the keys in attracting and retaining good teachers. At the very heart of this whole spectrum are the kids and providing a decent quality education for them. Let's not lose sight of that, please.

I urge you to accept the majority of nine "Ought to Pass" Report on Committee Amendment "A".

The SPEAKER: The Chair recognizes the Representative from Mt. Desert, Representative Zirkilton.

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair if I

may.

What would happen to non-receiving towns in 1988-89? We will take the town of Mt. Desert, which I represent just as an example. They would have to make up \$76,000. My question is, would they simply raise that amount of money from property tax or what would be the options available to them?

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

The Chair recognizes the Representative from Bath, Representative Small.

Representative SMALL: Mr. Speaker, Ladies and Gentlemen of the House: I guess since nobody else wants to answer it, I will. Under the Majority Report, they would have to either raise that through local property taxes in order to meet the \$15,500 base salary or they would have the option of cutting teacher positions or taking it from the top part of the salary scale.

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

Representative FOSS: Mr. Speaker, Members of the House: I totally agree with Representative Bost that we should focus in on the philosophical differences in the two reports. The members of the Minority Report have provided you with extensive data to contrast for you the two compensation reports out of committee. I don't think we need to deride facts.

The basic issue in this debate is, who is in charge of setting teacher salaries, the local unit or state government? The issue for you to decide is centralization versus local initiative and local independence. The majority proposal is simply statewide bargaining in disguise.

There was a proposal in the legislature this session for state wide collective bargaining for teachers and it was withdrawn. I submit that it was withdrawn because it is not needed if we pass the majority proposal. That plan even includes the onsetting and mandating of minimum statewide salary for 1987-88 of \$15,500, a stipulation that the Commissioner of Education may recommend minimum salary and other changes for 1988-89 and future years.

The majority proposal almost completely bypasses the collective bargaining process. Supporters of that proposal use the rationale that there is a law on the books established in the 1950's setting a minimum salary of \$5,000. This minimum salary on the books preceded the introduction of collective bargaining in 1969 and should have been repealed at that time.

I would like to read from the written testimony of Mr. Butera, the Executive Director of Maine Teachers Association, which was given to the Education Committee. He was testifying at this point against a bill which allows a performance base pay outside the bargaining process. I quote, "Maine's teachers have a 16 year history of negotiating wages, hours and working conditions with school boards. This negotiation's history should not be abandoned on such volatile issues as wages." How does that statement mesh with his support of the Majority Report?

Some argue that collective bargaining has failed because the base salary remains low. Base salaries have remained low because the teaching force has become more veteran and therefore is more interested in increasing salaries at the top of the scale rather than at the bottom.

Much has also been said about how the average base pay in Maine is low, somewhere between \$11,000 and \$12,00 but very little is being said about the average teacher salary in Maine for 1984-85 at almost \$19,000.

I submit that the minimum salary has been kept artificially low because the attention of the teacher negotiator has been elsewhere.

Last year, the Massachusetts Legislature, which is known for its liberalism, rejected a



mandated statewide salary because of its interference with local decisionmaking. This year in Massachusetts, a suggested minimum salary has been introduced but subject to local approval. If the local school districts exercises its option, the state will then contribute the money to the local.

Two people are clearly not represented in the majority proposal, the students and the taxpayers. As for the students, the Minority Report allocated our block grants based on the number of students, not on the number of teachers as in the Majority Report. A per student allocation also provides continuity with the basic calculations in the school finance formula.

As for the taxpayers, they are being saddled in the 1988-89 school year with paying for part of the State mandate out of the local property tax. Numbers fly back and forth here but a significant statistic is that, while the Maine teacher is 48th or 49th, if you count Washington D.C. in the country in average salary, the average state wage for all taxpayers to the State of Maine is also 48th in the country.

The issue here is, who is in charge of setting teacher salaries in a collective bargaining, the local units or state governments? We firmly believe that the majority proposal is an end run around collective bargaining and is a serious and irreparable intrusion into local decision-making.

We have been consistent in our philosophy of protecting local decisionmaking which most of you have also supported on other issues. Both of these proposals before you today encourage higher teacher salaries and the same amount of money will be disbursed. The Majority Report is a state mandate. Ours allows for local decisionmaking and the preservation of collective bargaining and we hope you will be consistent in your support of decisions at the municipal level. You do have a very clear choice in philosophies between state control and local control. I urge you to reject the Majority Report so you can vote for the Minority Report.

Mr. Speaker, I request a roll call.

The SPEAKER: The Chair recognizes the Representative from Kittery, Representative Soucy.

Representative SOUCY: Mr. Speaker, Ladies and Gentlemen of the House: I seldom rise and speak on the floor. Today, I rise to support the Majority Report. I reject completely the Representative from Yarmouth's accusations that this is a doing away or bypassing local control. You looked at all the figures and they are deceiving, there are a lot of them missing. An example, I think if someone were to analyze this, you would find approximately 49 percent of either SAD districts, schools, unions, unorganized territories, you name them, will lose money under this majority proposal.

About 18 and half percent of the communities listed here, there wouldn't be any effect on. They wouldn't lose or they wouldn't gain. About 32 percent of the communities would gain money. So, you can play games with the figures.

I think one of the things that has not been mentioned here and the only thing I can relate it to is my own community in that three years ago we were a 28 percent community in the school formula with revisions a couple of years ago, we are now at 41 percent. I would ask all of you, do you know what percentage you are on the percentage that you get from the state in the school formula? My estimation, quick calculation, will be, if we spend a little over \$500 million, one percent would be roughly \$500,000. If it is going to increase by two and half percent, we are going to have approximately an increase of \$12.5 million in state aid somewhere in that year we have been talking about, 1989.

I think the real issue is, do we want to attract and keep good teachers? Are the students

in Princeton entitled to the same kind of teacher as the students in Kittery or Portland or in South Portland? I think they are. I would encourage you to support the Majority Report.

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

Representative SPROUL: Mr. Speaker, Men and Women of the House: I would like to briefly comment on the report which the Representative from Kittery, Representative Soucy, just talked about as he waved this paper. I would like to talk to you from the perspective of a Representative from one of those towns that quote "loses" under the Minority Report. If you look at those numbers, my city, the City of Augusta, is ninth on the list and it would appear at first glance that the City of Augusta is \$82,000 better off in the Majority Report. Well, let's look at it a little bit closer. I believe the base pay in Augusta currently is \$12,800 and assuming a six percent increase per year, which I believe both reports do, that would bring the base pay in Augusta to \$14,336. Under the Majority Report, there is a mandated base pay of \$15,500. Again, that word is mandated at \$15,500. That is \$1,164 more than what Augusta would normally be paying. So at a minimum, the City of Augusta will have to come up through the local property tax with \$255,000. That is minimum, that is if every single teacher in the City of Augusta was a first year base salary teacher.

So, when you look at the Majority Report, where the City of Augusta receives \$222,000 one year and \$393,000 the next year and then you subtract out that \$255,000 which is the minimum cost of that mandated program, the net gain for the City of Augusta is \$360,000. That compares to \$533,000 reimbursement under the minority plan, the minimum difference of \$173,000, that is from a perspective of a town that is a loser under the minority program.

I would also like to briefly address the comment that the Representative from Orono, Representative Bost made. He said, if it is so bad for Bangor, why did the superintendent of the Bangor school system support it? I think the answer is obvious. The superintendent of the Bangor school department is like the superintendent of Augusta's School Department, he doesn't have to send out the tax bills. They are going to be sitting with the money they get from the state with a mandated increase in property taxes that the city council will have to give to the board of education. They are going to be winners; unfortunately, the taxpayers are going to be losers. That is why I will be voting no.

At this point, Representative Gwadosky of Fairfield assumed the Chair to act as Speaker pro tem.

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

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

Representative BEGLEY: Mr. Speaker, Ladies and Gentlemen of the House: Since I believe that both reports have the objective of wanting to attract and retain quality teachers by raising teachers salaries, I also do believe though and believe very strongly in not mandating the minimum teachers salary at the state level and since the Minority Report leaves the collective bargaining process to our school boards and negotiating teams, I will be supporting the Minority Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Parsonsfield, Representative Lawrence.

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: I have voluminous notes and some would be a repetition of

what has been said. I have difficulty in resisting the opportunity to reminisce because I have had 51 years in the business of education. I have always been for the improvement of teacher salaries. I have worked with school boards. I have trained teachers. I have had responsibility for developing the curriculum for the development of teachers.

In relying on that experience, I would like to remind you that these young people have to work in the communities in which you are mandating the salary. If you force upon the community the kind of salary that it feels it cannot support or it is forced by the requirement to keep the 12 percent increase in order to qualify for the block grants, they will find themselves in a tax situation that will be more than they can handle or at least it will bring them to a situation where, instead of having the kind of cooperation between the school boards and the school communities, you will have the kind of resistance and division that will do more harm to the children than the children that you are trying to do something for. Behind all of this, I have serious reservation about the mandating of salaries because I believe if this kind of a step is being made it is one step closer to collective bargaining on a state level. I believe that it is a challenge, in addition to that, to the concept of local decision. I believe it erodes local control and I urge you to oppose the Amendment "A" and support Amendment "B."

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

Representative RICHARD: Mr. Speaker, Ladies and Gentlemen of the House: I guess I am the low man on the totem pole here. I only have 30 years in the field of education. The hour is late and it truly is a very, very late hour. The hour is late with respect to what we in this state should be doing to ensure that we have a better educational climate for all our youngsters throughout the width and depth of this entire State of Maine. We have a great deal at stake here today in this entire State of Maine. We have a great deal at stake here today in that we finally, and I want to take a moment to congratulate Representative Soucy, he is the first one whom I am have actually really heard make statements concerning the students, that teachers' compensation is important, when you put it in the light of what is going to happen for the students. He and I both agree that wherever this student may be located, through birth or for the reason of his parents living where they may be, he or she should certainly be entitled to the same outstanding teachers that we are trying to get in the State of Maine. I would say that basically all of our students, who are our most valuable resource, they are going to become our citizens of Maine.

Tonight we are standing here, we are operating as a state, this is a state legislature for the State of Maine. Some of us have to forget, perhaps even though we have a great deal of empathy for individual communities, we kind of have to forget this for a moment and try to think what is best for the State of Maine. What is best for those young students for the State of Maine. That is where we should be coming from. For that reason, I support the Majority Report.

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

Representative WHITCOMB: Mr. Speaker, Members of the House: I can agree with the Representative from Madison on one point of view and that is the emphasis on students and that is why I am leaning for the Minority Report which bases the funding formula on numbers of student instead of numbers of teachers.

I have a couple of concerns and maybe someone from the Majority Report can answer a

question of mine. I have heard referred to a couple of times in the discussion, reference to a mandated six percent increase each year, a total of 12 percent. I wondered what would be the effect if a school district or a town did not comply with that mandated 12 percent increase?

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

The Chair recognizes the Representative from Gorham, Representative Brown.

Representative BROWN: Mr. Speaker, Ladies and Gentlemen of the House: In answer to that question, I don't believe we have a mandated six percent or twelve percent in the Majority Report. It assumes a six percent.

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

Representative ROBERTS: Mr. Speaker, Ladies and Gentlemen of the House: This may clarify it or foul it up. I am very happy to respond to the question of the gentleman from Waldo, since his mother was one of those students I had in my class. The six percent is an assumed six percent for those schools that are below the minimum. So, in other words, they say they will try to bring it up to the minimum but they assume for those low schools that that school is putting in six percent itself. For instance, if a system were \$1800 below the \$13,500, the state wouldn't give the whole \$1800 but they would assume the towns puts in their six percent first. Then they would put in the rest of it to bring it up to \$13,500, as for the schools below the minimum in calculating how much help they get from the state not for those above the new minimum.

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

Representative O'GARA: Mr. Speaker, Ladies and Gentlemen of the House: Just a couple of comments in relation to comments by Representative Foss. In reference to the comment by Mr. Butera of the MTA, I think it is important to note and everybody should keep this in mind, that his statement was made before it became apparent that if anything truly significant was going to be done in this area, a compromise would have to be arrived at. To his credit and to the credit of the other representatives that were mentioned by Representative Handy in his comments, they really did work very hard with the Education Committee to develop the proposal that is before you here today.

Secondly, the Representative from Yarmouth commented on the students and the taxpayers. In my judgment, the students have been in the minds of all of us, at least they were in mine and I am quite sure I can speak for all of the members of the committee, the minority or the majority, at least I thought so, that the students have always been in our minds.

Secondly, as far as the taxpayers are concerned, it is clear from polls that have been taken around this state and around this country, that citizens of the United States and the citizens of Maine specifically do recognize that teachers salaries have to be increased and have to be addressed and not be put off any longer.

There are two major differences between the reports, one has to do with the stipends. The Majority Report clearly says that the \$1,000 stipend will be paid. The wording in the Minority Report, although it has been said that they are both guaranteeing them comment "up to" \$1,000.

In regard to the salaries, the purpose of the Majority Report is to provide a framework in which to permanently address the problem of teacher salaries. The Minority Report does not do that. To provide reasonable minimum goals for starting teacher salaries in order to adequately compensate them for the jobs that they

are asked to do, the Minority Report does not do this. To permanently enhance the status of Maine teachers in order to attract the best possible candidates into the profession, again, the Minority Report does not do this.

In my judgment, the Minority Report turns its back on what I thought the goal of the compensation reform was all about and that was to bring teacher salaries to a realistic level. How can we talk on the one hand about improving our educational system and even lightly consider not establishing a program that would bring salaries up to the minimum statewide that the Majority Report proposes.

Ladies and Gentlemen of the House, I respectfully request you to support the proposal before you at this time.

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

Representative CROUSE: Mr. Speaker, Men and Women of the House: I would like to clear up some of the information that is out here today on the floor of the House. There seems to be some desperation on the side of the minority in the sense of relaying information about what is happening, whether it be collective bargaining or whether it be Augusta school unit, how they would be impacted when this Majority Report goes into effect if it is accepted by the House and the Senate.

Augusta, as Representative Sproul has mentioned, and I will relay to you what my interpretation is. In 1986-87, it is \$222,000 under the Majority Report. In 1987-88, \$393,000, then it drops \$8,000 in 1988-89 to \$385,000, monies returned to Augusta school system for teacher salaries. So, the effort at the local level is going to have to pick up \$8,000. I am sure that at that period of time the percentage of increases at the local level will have covered that even before the school year 1988-89 rolls around. So I think that information is incorrect.

Representative Foss was talking about, lets leave it to collective bargaining. We look across the state today, we see what collective bargaining may have done to some of the minimums and that is one of the weaknesses of collective bargaining. Collective bargaining is for those teachers already in the system. They are collectively bargaining salaries for themselves, not for those teachers looking at the profession, not for those people that are seniors in high school, not for those people that are sophomores in college in teacher education programs; therefore, they are not going to collectively bargain for a higher base salary. That is the kink or the hole in their whole argument. If you are going to have any means to attract teachers, you are going to have to have a high minimum base salary to show what we are going to do as a state for salaries overall for the teaching profession. One problem in the State of Maine is that the minimum has never been collectively bargained to any great degree because obviously those people in the profession are not going to do that, they are going to bargain for themselves, for those people already in the unit.

The other smoke screen and inaccurate information is that this is the first step to statewide collective bargaining. I think this accusation is absurd and is incorrect. All of you understand this, I am sure, the smoke screen that it throws up and said, well maybe this is and maybe this isn't. When in fact, it is setting goals, setting minimums for two years.

In the minority initial report, they established a minimum base salary of \$14,500 in the second year in 1986-87. If they don't particularly believe in a minimum base salary, then why would they establish it in their initial proposal? So that kind of punches a hole in their argument also. That is just some of the information.

I would like to relay also to you what the Maine School Superintendents Association initial recommendation was in January of 1985. We think our proposal is somewhat dramatic.

This is a proposal that was put before our commission in January of 1985. Specific goals for 1986-87 - repeal the present minimum salary schedule and establish a \$14,000 minimum annual salary for all certified teachers. The next year - establish a \$15,000 minimum salary and in the school year 1988 - 89 establish a \$16,000 minimum annual salary for all certified teachers.

The proposal you have before you in the Majority Report is a very conservative proposal. It is going to do something for teachers, it backed away from the commission's recommendation of \$14,500 and \$16,000 minimum starting salary and also backed away from what the school superintendents association had recommended over three years, a very conservative proposal and I think it deserves all our support here in the House today.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Parsonsfield, Representative Lawrence.

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: It seems to me what this all comes down to is that we want to tell the local school boards that they haven't done their job or that is what Amendment "A" is. Since you have not done it, we are going to do it for you. We are going to take away that which they were elected to do in the first place, that is to handle the affairs of the school districts who think in terms of the local taxpayers and do the most with that which is at their disposal.

It seems to me that this Amendment "B" is placing to their disposal the kind of money and incentive that allows them make that judgment in behalf of the people that they represent. We are deciding here whether we are going to tell them to do it or whether they are going to give them the opportunity to do it and say that we recognize you and your responsibility and your right to do it.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I would just make one other point also. I think we should remember that the Majority Report spends the bulk of the money, same amount of overall money, on bringing up the low paying districts and gives only a token allocation per teacher to those communities like Portland, Brunswick, Brewer, Madawaska, Rumford, Millinocket and several others which have already made the tax effort to pay their teachers higher salaries. The money is spread more evenly under the Minority Report on a per pupil basis to encourage every town to raise its teacher salaries.

I also want to mention in response to some earlier testimony on how much it is doing for some of the less affluent towns in Maine. Yes, the numbers are higher under the Majority Report for the first two years but it is a fact that Caribou will have a \$70,000 shortfall in 1988-89, which they will have to figure out how to pay. Eastport will have to make up \$80,000; Machias, \$113,000; SAD 24 Van Buren will have to make up over \$180,000 and another example, Lubec must make up \$40,000 on that year out.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Machias, Representative Randall.

Representative RANDALL: Mr. Speaker, Ladies and Gentlemen of the House: I have listened long now to the discussion and debate on the issue before us. There are some things that I would like to share with you this evening. The first comment that I would like to share is that in these past few days of being so hectically involved, I did find a moment or two to relax and pick up a book next door at the state library. I was very pleased when I discovered an issue that would be coming before us in this book that I picked up. It was a book by Howard Baker, a former Senator, a



gentleman who is very familiar with public issues in our country. I would like to read a moment from that book. The book was written, I might comment, in 1980. He observes in that book: "the fact is that American education needs a jolt, a renewal of vigor, if we are to continue as the leader in an age almost completely dependent on the acquisition of knowledge and the understanding of how to use it." Senator Baker goes on to write: "The new department of education in the 1980's can provide the leadership for a drive in which millions of young Americans will be rekindled on the hunger to learn. The unpleasant newspaper headlines that tell us about renewed evidence that Johnny can't read and that Jane can't count are headlines about one possible American future. We had better realize that if Johnny and Jane can't count, they are going to find it increasingly difficult to survive in a society based on complex technology. When we read statistics that tell us about declining scores in scholastic achievement tests, even as our Nobel Laureates have been picking up their prizes, something has gone wrong in the American classroom and in the home."

Ladies and Gentlemen, tonight we have before us an issue that is very complex, but we must realize that if we don't accomplish the ends to which we have set out in the task, the 80's here in Maine will become a decade in which the rich roots of past accomplishments begin to fall from the tree and the plantings for our future become increasingly sparse.

I had the pleasure this past year of serving on the commission to implement educational reform. As I observed the packages before us this evening, I must conclude that the Majority Report indeed addresses the concerns before us. Education has always been one of this country's principal values. It has been described as a way out, a way up, and a way in. As you think about those things before us tonight, I hope that you will support the Majority Report.

**THE SPEAKER PRO TEM:** The Chair recognizes the Representative from Eastport, Representative Vose.

**Representative VOSE:** Mr. Speaker, Ladies and Gentlemen of the House: I called up the superintendent of schools in Eastport just a short time ago to find out what teachers were making around \$15,500 and so on. I can assure you we are a poor town. We really are. The teachers, no question about it, are underpaid. Unfortunately, most everybody in the town is underpaid, it is the only way to look at it.

So, I question how many teachers are under \$15,500. He told me 34. One of the teachers was \$10,500. Some of the teachers had worked there maybe 10, some 15 years to achieve their income of around \$15,000. Now, when the young teacher gets a \$5,000 increase under the bill in a two-year period of time, which they rightly deserve by the way, I still support that, what are we going to do with the teachers that have worked 10 and 15 years to achieve \$15,000. It is not unreasonable to expect them to ask for a like increase. They would be right, absolutely.

I would like to pose a question through the Chair. Could somebody tell me in the third year that we are talking about, how much more tax money that the people in my district would have to raise, Eastport for example, but there is also Lubec and Perry? I would like to know what effect it is going to have upon the taxpayers in my town.

**THE SPEAKER PRO TEM:** Representative Vose of Eastport has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Lewiston, Representative Handy.

**Representative HANDY:** Mr. Speaker and Members of the House: I would like to have an answer for Representative Vose's last question.

I don't think anyone has the answer to that question for their own towns because that is far down the road. However, in the Majority Report, because of the block grants, the increase in the state's subsidy will go back to those towns and those monies may be used for enhancing those teachers salaries who are currently in the system. So, the Majority Report provides for both the teacher coming into the profession and those already in the profession.

Representative Small of Bath was granted permission to address the House a third time.

**Representative SMALL:** Mr. Speaker, Ladies and Gentlemen of the House: I would like to answer Representative Vose's question as best as I can. These are figures that we have from the department and I tried to circulate them to all the Representatives here. Under the Majority Report, you get a block grant of \$61,000 the first year and \$136,000 the second year to increase teacher salaries. Under the third year, under the subsidy formula, you will only receive \$57,000. So, in order to stay at the \$15,500 minimum, you are going to have to make up about \$80,000 difference. There are a number of ways that can be made up but obviously the first one that comes to mind is the property tax increase. Second could be getting rid of some teaching positions and third could be juggling some of the salaries at the top of the scale that are already above the \$15,500 in order to meet the \$15,500 on the bottom of the scale. But under that report, you will have about an \$80,000 deficit the third year out.

Now, under our report, you don't receive as much the first two years. You would receive \$25,490 the first year and \$54,000 the second year but in the third year, you would receive the same amount under the formula which is \$57,555 and you actually come out with a little bit ahead.

Our report, although it doesn't give you as much money as the Majority Report, does not prohibit you from then raising your salaries to \$15,500 or whatever amount that you feel that your teachers should be reaching. But what it does do is let you know how much is available and it lets you know down the line that you will be forced to pick up the cost of it the third year out and let you plan better on how much you feel that your property tax can hold.

At this point, Speaker Martin resumed the Chair.

The House was called to order by the Speaker.

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

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

**THE SPEAKER:** The pending question before the House is the motion of Representative Brown of Gorham that the House accept the Majority "Ought to Pass" Report.

Representative Lisnik of Presque Isle was granted permission to be excused from voting.

**THE SPEAKER:** The pending question before the House is the motion of Representative Brown of Gorham that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 203

**YEAS:**—Aliberti, Allen, Baker, H.R.; Beaulieu, Bost, Bott, Boutilier, Brannigan, Brodeur, Brown, A.K.; Carrier, Carroll, Carter, Cashman, Chonko, Clark, Coles, Connolly, Cooper, Cote, Crouse, Crowley, Daggett, Descoteaux, Diamond, Duffy, Erwin, Gwadnosky, Hale, Handy, Hayden, Hichborn, Hickey, Higgins, H.C.; Hoglund, Jacques,

Jalbert, Kane, Lacroix, Macomber, Manning, Martin, H.C.; Matthews, Mayo, McGowan, McHenry, McSweeney, Melendy, Michael, Mills, Mitchell, Moholland, Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, O'Gara, Paradis, P.E.; Paul, Perry, Pouliot, Priest, Racine, Randall, Reeves, Richard, Ridley, Rioux, Roberts, Rolde, Rotondi, Rydell, Simpson, Smith, C.B.; Soucy, Stevens, P.; Swazey, Tammara, Tardy, Telow, Theriault, Vose, Walker, Warren, The Speaker.

**NAYS:**—Armstrong, Baker, A.L.; Begley, Bell, Bonney, Bragg, Brown, D.N.; Cahill, Callahan, Conners, Davis, Dellert, Dexter, Dillenback, Drinkwater, Farnum, Foss, Foster, Greenlaw, Harper, Hepburn, Higgins, L.M.; Hillock, Holloway, Ingraham, Jackson, Kimball, Lander, Law, Lawrence, Lebowitz, Lord, MacBride, Masterman, McCollister, McPherson, Michaud, Murphy, E.M.; Murphy, T.W.; Nicholson, Nickerson, Paradis, E.J.; Parent, Pines, Rice, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.W.; Sproul, Stetson, Stevens, A.G.; Stevenson, Strout, Taylor, Webster, Wentworth, Whitcomb, Willey, Zirkilton.

**ABSENT:**—Joseph, Ruhlman, Weymouth.

85 having voted in the affirmative and 62 in the negative with 3 absent and 1 excused, the Majority "Ought to Pass" Report was accepted and the Bill was read once.

Committee Amendment "A" (H-427) was read by the Clerk.

Representative Nelson of Portland offered House Amendment "A" (H-436) to Committee Amendment "A" (H-427) and moved its adoption.

House Amendment "A" to Committee Amendment "A" was read by the Clerk.

**THE SPEAKER:** The Chair recognizes the Representative from Portland, Representative Nelson.

**Representative NELSON:** Mr. Speaker, Men and Women of the House: I will be brief. We have had a long session here today but I do feel it is very imperative that we talk about another class of teachers and another class of students. We are talking about students who are in the public school, who are paid with public money, who have gone through the PET program and are now going to special schools such as Spurwink, Sweetser, and Homestead. We are talking about the 54 teachers who teach them who are certified by the state and we are saying that these teachers also have a right to have a special stipend. So, I ask that this amendment be placed on this bill so that those teachers who teach these public school kids can have the same advantages as the other teachers who teach public school kids.

**THE SPEAKER:** The Chair recognizes the Representative from Farmington, Representative Roberts.

**Representative ROBERTS:** Mr. Speaker, Ladies and Gentlemen of the House: In all the deliberations on this question, we again and again heard people who represented the private schools, one kind or another. And again and again, they tried to get us to add new groups of private school teachers to the classification already established by law. We decided it was not wise to add private school people of any kind except those where they are taking public school students as a regular part of their program; therefore, I would urge you to reject this amendment.

**THE SPEAKER:** The Chair recognizes the Representative from Portland, Representative Manning.

**Representative MANNING:** Mr. Speaker, Ladies and Gentlemen of the House: When this was first brought up to my attention a couple of weeks ago, I had some concerns because the committee addressed an issue that I had in a bill dealing with social workers and people who would be dealing with probably a one on one or one on two students during the course of a day.

Coming from the area that I have been very closely associated in the last few years and that

is in the correctional area, I see this amendment by Representative Nelson as an important amendment because I have talked to many of the people in the correctional field and the people that Representative Nelson is trying to help are those students who someday may end up in that correctional field. That is the same attitude I took when I tried to debate the bill in committee that I had. I think we not only have to start looking at the students who are in the classroom today but those students who some day down the road are going to be at the Maine Youth Center costing us \$25,000. Now, which is more important—us looking at a teacher who is maybe going to get \$1,000 a year or is it going to cost us \$25,000 a year with a student at the Maine Youth Center?

If that student just happens to go on to post graduate work and ends up at the Maine Correctional Center and then maybe tries to get their Ph.D. and ends up at the Thomaston Center down in Representative Mayo's district, those two institutions are costing us \$17,000 to \$18,000 a year per student. Now, those students might be 16, 17 and 18 or they can be as high as probably in their late 60's. I think if there is any way that we can keep our students in school and out of the correctional institutions of this state, then we should be doing this. I think, with this amendment, it would help us tremendously. Remember, it is \$1,000 versus \$25,000 for a student at the youth center or \$1,000 versus \$17,000 for somebody at the correctional center.

I would hope that you would go along with Representative Nelson's amendment.

Representative Jalbert of Lisbon requested a roll call vote.

The SPEAKER: The Chair recognizes the Representative from Unity, Representative Stevenson.

Representative STEVENSON: Mr. Speaker and Members of the House: I would urge you to go along with my former teacher, the Representative from Farmington, Representative Roberts.

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

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

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Brown.

Representative BROWN: Mr. Speaker, Men and Women of the House: The committee had considered adoption of this amendment that included private schools many times and we decided that it was not a process that we should go through. The reform act clearly states that stipends are for state operated schools. The schools that you are considering here now are like Spurwink and Sweetser. If these teachers have a problem and want the stipend, they have a process to go through. In the Majority Report there is an appeals process that any teacher can go through. I think that we should not include them at this time in the report.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I would urge you all to vote against the position of my former principal, Representative Stevenson of Unity.

The SPEAKER: The pending question before the House is adoption of House Amendment "A" to Committee Amendment "A". Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL No. 204

YEAS:—Allen, Baker, H.R.; Boutillier, Brodeur, Carter, Chonko, Connors, Connolly,

Duffy, Higgins, H.C.; Jackson, Jacques, Kimball, Macomber, Manning, McGowan, Melendy, Mitchell, Murphy, E.M.; Murray, Nadeau, G.G.; Nelson, Parent, Pines, Reeves, Rolde, Rydell, Simpson, Vose.

NAYS:—Aliberti, Armstrong, Baker, A.L.; Beaulieu, Begley, Bell, Bonney, Bost, Bott, Bragg, Brannigan, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carrier, Carroll, Cashman, Clark, Coles, Cooper, Cote, Crouse, Crowley, Daggett, Davis, Dellert, Descoteaux, Dexter, Diamond, Dillenback, Drinkwater, Erwin, Farnum, Foss, Foster, Greenlaw, Gwadosky, Hale, Handy, Harper, Hayden, Hepburn, Hichborn, Hickey, Higgins, L.M.; Hillock, Hoglund, Holloway, Ingraham, Jalbert, Lacroix, Lander, Law, Lawrence, Lebowitz, Lisnik, Lord, MacBride, Martin, H.C.; Masterman, Matthews, Mayo, McCollister, McHenry, McPherson, McSweeney, Michael, Michaud, Mills, Moholland, Murphy, T.W.; Nadeau, G.R.; Nicholson, Nickerson, O'Gara, Paradis, E.J.; Paradis, P.E.; Paul, Perry, Pouliot, Priest, Racine, Randall, Rice, Richard, Ridley, Roberts, Rotondi, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stetson, Stevens, A.G.; Stevens, P.; Stevenson, Strout, Swazey, Tammara, Tardy, Taylor, Telow, Theriault, Walker, Warren, Webster, Wentworth, Whitcomb, Willey, Zirkilton.

ABSENT:—Joseph, Kane, Rioux, Ruhlin, Weymouth, The Speaker.

29 having voted in the affirmative and 116 in the negative with 6 being absent, the motion did not prevail.

Thereupon, Committee Amendment "A" (H-427) was adopted.

Under suspension of the rules, the Bill was read the second time, passed to be engrossed as amended by Committee Amendment "A", sent up for concurrence.

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

#### Reports of Committees Ought to Pass as Amended

Representative CASHMAN from the Committee on Taxation on Bill "An Act Relating to the Taxation of Trade-in Equipment" (H.P. 498) (L.D. 701) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-439).

Report was read and accepted and the bill read once.

Committee Amendment "A" (H-439) was read by the Clerk and adopted.

Under suspension of the rules, the bill was read the second time, passed to be engrossed as amended by Committee Amendment "A" and sent up for concurrence.

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

#### Papers from the Senate Unanimous Leave to Withdraw

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Fund Children's Programs of the Maine Coalition for Family Crisis Services" (S.P. 291) (L.D. 780)

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

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

By unanimous consent, House Rule 22 was suspended for the purpose of conducting business after 9:00 p.m.

#### (Out of Order)

The Chair laid before the House the Second Tabled and Today Assigned Matter:

An Act to Establish an Aroostook County

Budget Committee. (Emergency) (S.P. 310) (L.D. 799) (H. "A" H-396 to C. "A" S-98)

TABLED—June 14, 1985 by Representative DIAMOND of Bangor.

PENDING—Passage to be Enacted (Roll Call Ordered).

On motion of Representative McHenry of Madawaska, under suspension of the rules, the House reconsidered its action whereby L.D. 799 was passed to be engrossed.

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (S-98) was adopted.

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action whereby House Amendment "A" (H-396) to Committee Amendment "A" (S-98) was adopted.

On motion of the same Representative, House Amendment "A" was indefinitely postponed.

The same Representative offered House Amendment "B" (H-440) to Committee Amendment "A" (S-98) and moved its adoption.

House Amendment "B" to Committee Amendment "A" was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "B" thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "B" thereto and sent up for concurrence.

On motion of Representative Diamond of Bangor, the following was removed from the Tabled and Unassigned matters:

Bill "An Act Relating to Structures Located in Proposed Ways" (S.P. 265) (L.D. 708) (C. "A" S-74)

—In Senate, Passed to be Engrossed as Amended by Committee Amendment "A" (S-74).

TABLED—May 24, 1985 by Representative Diamond of Bangor.

PENDING—Passage to be Engrossed.

On motion of Representative Diamond of Bangor, recommitted to the Committee on Judiciary.

On motion of Representative Diamond of Bangor, the following was removed from the Tabled and Unassigned matters:

An Act Establishing Assessments to Defray the Expense of Maintaining the Bureau of Insurance. (S.P. 555) (L.D. 1501) (C. "A" S-192)

TABLED—June 6, 1985 by Representative Diamond of Bangor.

PENDING—Passage to be Enacted.

On motion of Representative Diamond of Bangor, retabled pending passage to be enacted and tomorrow assigned.

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

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

#### Reports of Committees Divided Report

##### Later Today Assigned

Majority Report of the Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-432) on Bill "An Act to Provide a Sales Tax Exemption on Railroad Track Equipment and to Include Long-term Freight Car Leases in the Definition of Operating Investment for Railroad Excise Tax Purposes" (H.P. 1137) (L.D. 1643)

Signed:

Senators:

TWITCHELL of Oxford

EMERSON of Penobscot

DIAMOND of Cumberland

Representatives:

CASHMAN of Old Town  
ZIRNKILTON of Mount Desert  
McCOLLISTER of Canton  
INGRAHAM of Houlton  
WEBSTER of Cape Elizabeth  
JACKSON of Harrison  
SWAZEY of Bucksport  
DIAMOND of Bangor  
NELSON of Portland

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-433) on same Bill.

Signed:

Representative:

MAYO of Thomaston

Reports were read.

Representative Cashman of Old Town moved acceptance of the Majority "Ought to Pass" Report.

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

Representative MAYO: Mr. Speaker, Men and Women of the House: As I said to you earlier today, there is no one in this House who respects this process more than I. I want you to know that I can read and I know you can too and that a 12 to one report probably doesn't stand much chance. But as a point of personal privilege, I ask your indulgence, I must make my peace on this issue. I will point out to you that there are two ought to pass reports on this L.D., the difference between the Majority Report and the Minority Report is some \$100,000 in fiscal impact. I ask you now to pause and think if you have any bills down on the Appropriations Table that might fit neatly into \$100,000, you might consider going along with me on this issue.

Report "B", the Minority Report, is basically identical to what the rail policy committee submitted to this Legislature a few weeks ago.

Report "B" provides for a sales tax exemption, it provides for the extension of the operating lease credit, just as was submitted to the Joint Standing Committee on Taxation.

Report "A" adds one additional item to that and that is a cap on the taxes of railroads. Now to my knowledge, in speaking with the state tax assessor and other experts in the taxation field, there is no tax in this state which is capped in any way. There are those that will say that this tax is inequitable. Well, that may be the case. The Taxation Committee is going to study that issue this summer. But I would submit to you that the railroad excise tax has its origins in the 1800's and if it has been inequitable, it has been inequitable for a long time.

I opposed in committee and oppose on this floor an amendment which I felt was not part of the original bill, that it should have been properly submitted in a separate piece of legislation.

The question in my mind tonight is, when is enough, enough? We have provided in this legislature special exemptions for different industries. Now, this railroad issue is an important issue to me because I feel that this state should take steps to preserve its rail system. My report does that. But I point out to you again that my report is a little less expensive and it does not take a step which I see as poor tax policy by establishing that cap on the railroad excise tax.

I would urge this body to reject the Majority Report and go on and accept the Minority "Ought to Pass" Report because I think it is the right thing to do.

Mr. Speaker I ask for a division on the motion to accept the Majority Report.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: As a sponsor of this bill for the sixth time in five years, I am quite familiar with the issue.

This amendment that Representative Mayo is talking about or this Minority Report was never brought up in the last four or five years. It was only brought up in this past year. The railroad that is really asking for this has been around for the last four years and all of a sudden I think feels that there is a gravy train out there and wants to get involved with it. I would hope that you would go along with Representative Mayo and vote for the Minority Report. Hopefully, we will help the industry in this state that is needed but I think, in this case here, the cap is not justified because they haven't, in the last four years, come into the Taxation Committee and asked for it. They just came in this year when the railroads started becoming a hot issue. So again, I would hope you would go along with Representative Mayo on the Minority Report.

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: Simply to explain what this cap is. Reference was made to the excise tax being around for 100 years and if it has been inequitable for the past 100 years, it should have been addressed. The provision that is trying to be addressed here is the provision that treats leased box cars differently for purposes of determining one's excise tax. That is a provision that provides a substantial tax advantage to one taxpayer.

The reason that it hasn't been addressed before is because the problem simply hasn't arisen until this past couple of years. The situation as it now exists has one railroad paying 63 percent of the railroad excise tax and operating less than 30 percent of the track in the state. The railroad excise tax was put in place so that the railroads would pay it in lieu of paying a personal property tax on their track lines. It doesn't seem to be a very equitable situation to have one railroad paying 63 percent of the tax when they only operate less than 30 percent of the line.

It is true that the Taxation Committee will be looking at the excise tax this summer, that is an exercise that we put off as long as I have been on the committee and I think the concerns of those who signed the Majority Report is, we don't want this inequity to grow even worse while we study the issue.

This is a cap that only applies to one year and if the Taxation Committee, through its study, can come up with an alternative excise tax that we deem to be more equitable, then that will be our recommendation in the second session. In the meantime, we don't want the situation to worsen. That is the reason for the cap.

I would urge you to vote to support the Majority Report.

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

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: In response to my good friend from Old Town, Representative Cashman, my report and his report treat leased boxcars in an identical manner. The cap that has been imposed is a cap on the total excise tax. The boxcar credit is part of that. As I said, the provision for credit is identical in our reports, contrary to what has been stated.

I would also point out that yes, one of the railroads in this state may be paying the lion's share of the tax but, in discussing that with the state tax assessor today, that is simply because their operating condition, their financial position, is better than the rest of the railroads in the state. That railroad is in the best financial position and a lot of our tax laws, I would point out to you, are based on ability to pay. That railroad is in the best ability to pay because they make more money. Their ratio of net operating income to gross receipts, which is the basis for the way the railroad excise tax is assessed, is better than the rest of the

railroads in the state. That is why they pay the lions share, that is why a corporation would pay the lions share of our corporate income tax if they are in a better financial position.

Simply a cap on any tax that is not subject to any sort of provision as a part of ability to pay does not reflect the financial condition of the net income and that operating income of any cooperation is unfair. I ask you, ladies and gentlemen, when we give exemptions such as this to one company or to one individual or one group of individuals, who makes up the difference? It is the rest of the individuals in the state. We are simply shifting the burden from one group to another and I think we are shifting that unfairly.

I would urge this body to reject the Majority Report and to accept the Minority Report.

The SPEAKER: The Chair recognizes the Representative from Mt. Desert, Representative Zirnkilton.

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to the Representative from Thomaston, Representative Mayo, if I may.

Do you or do you not feel that Canadian Pacific presently pays more than their fair share of the excise tax? If so, do you feel that it is wrong for this body to cap the present amount that they pay? If we acknowledge, first of all, that they are paying more than their fair share, we are not addressing the problem of making them pay less. We are going to study that issue as you mentioned. What we are doing is capping it so the problem of the unfair situation that they presently face doesn't become any worse than it already is. That is all we are trying to do.

The SPEAKER: Representative Zirnkilton of Mt. Desert has posed a question through the Chair to Representative Mayo of Thomaston, who may respond if he so desires.

The Chair recognizes that Representative.

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: As I stated previously, I do not feel that, based on the way this tax has been assessed, that it is inherently unfair. The excise tax in this state is based on a ratio of net operating income to gross receipts. That particular railroad has a favorable financial picture in that case. Therefore, to answer your question Representative Zirnkilton, would be no. I do not think that the Canadian Pacific Railroad is paying an unfair share. That ratio, once it is determined, is then applied to an additional ratio that is their percentage of tracks operated within this state.

In speaking with the state tax assessor, that was my understanding and that is how I feel on the issue.

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

Representative DUFFY: Mr. Speaker, Ladies and Gentlemen of the House: May I pose a question through the Chair to the sponsor of this legislation?

This cap, if it is put on, does that mean that if CP in itself increases its traffic, so on and so forth, will still remain — it is a cap on the total tax that they paid last year or estimated this year?

The SPEAKER: Representative Duffy of Bangor has posed a question through the Chair to Representative Cashman of Old Town who may respond if he so desires.

The Chair recognizes that Representative.

Representative CASHMAN: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the gentleman's question, the cap would be on the tax liability for this year. In 1984, they were assessed \$830,000 in taxes, this would place a cap for 1985 at \$1 million.

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

Representative DUFFY: Mr. Speaker, Ladies and Gentlemen of the House: What is apparent to me that if we cap CP this year and that the Maine Central Railroad has moved 60 percent of its traffic that used to come down from Calais to Bangor through to Brownville and out of the State of Maine through Canada, then they are going to increase their freight quite extensively. Now, if we turn around and we put a cap on 60 percent of what with trying to abandon these lines from Calais to Bangor, we are defeating what we are trying to do by bringing the railroad back. Take a minute and think about what I said. If it doesn't make sense to you not to put a cap when a company is increasing their business greatly at this time, then go ahead and vote for the Majority Report.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Old Town, Representative Cashman that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

72 having voted in the affirmative and 32 in the negative, the motion to accept the Majority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-432) was read by the Clerk.

On motion of Representative Cashman of Old Town, tabled pending adoption of Committee Amendment "A" and later today assigned.

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

#### **Bill Recalled from Governor**

(Pursuant to Joint Order — House Paper 1150)

An Act to Create the Maine Rainy Day Fund (Emergency) (H.P. 521) (L.D. 741) (C. "A" H-301)

— In House, Passed to be Enacted on June 5, 1985.

— In Senate, Passed to be Enacted on June 7, 1985.

On motion of Representative Carter of Winslow, under suspension of the rules, the House reconsidered its action whereby L.D. 741 was passed to be enacted.

On motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby L.D. 741 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-442) and moved its adoption.

House Amendment "A" (H-442) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-301) and House Amendment "A" (H-442) and sent up for concurrence.

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

#### **Passed to Be Enacted**

An Act Concerning Minimum Ordinary Death Benefits (S.P. 94) (L.D. 292) (C. "A" S-184)

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

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

The Chair laid before the House the following matter: Majority Report of the Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-432) on Bill "An Act to Provide a Sales Tax Exemption on Railroad Track Equipment and to Include Long-term Freight Car Leases in the Definition of Operating Investment for Railroad Excise Tax Purposes" (H.P. 1137) (L.D. 1643) which was

tabled earlier in the day and later today assigned pending adoption of Committee Amendment "A".

Representative Cashman of Old Town offered House Amendment "B" (H-445) to Committee Amendment "A" and moved its adoption.

House Amendment "B" to Committee Amendment "A" was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "B" thereto was adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "B" thereto and sent up for concurrence.

On motion Representative Diamond of Bangor, the following was removed from the Tabled and Unassigned matters:

Bill "An Act to Authorize Aroostook County to Raise \$2,100,000 for Renovations and Additions to the Aroostook County Jail." (S.P. 617) (L.D. 1628)

— In Senate, Passed to be Engrossed Without Reference to Committee.

TABLED — May 30, 1985 by Representative Diamond of Bangor.

PENDING — Passage to Be Engrossed Without Reference to Committee.

Representative McHenry of Madawaska offered House Amendment "B" (H-446) and moved its adoption.

House Amendment "B" (H-446) was read by the Clerk.

Representative Smith of Mars Hill requested a Division.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "B". Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

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

The Bill was passed to be engrossed as amended by House Amendment "B" in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

#### **Bill Recalled from Governor**

(Pursuant to Joint Order — House Paper 1147)

An Act to Clarify the Discretionary Authority of the Harness Racing Commission to License Pari-mutuel Meets and Assign Racing Dates (H.P. 790) (L.D. 1120) (C. "A" H-162)

— In House, Passed to be Enacted on June 3.

— In Senate, Passed to be Enacted on June 3.

On motion of Representative Michael of Auburn, under suspension of the rules, the House reconsidered its action whereby L.D. 1120 was passed to be enacted.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby L.D. 1120 was passed to be engrossed as amended by Committee Amendment "A".

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-162) was adopted.

The same Representative offered House Amendment "C" (H-448) to Committee Amendment "A" (H-162) and moved its adoption.

House Amendment "C" to Committee Amendment "A" was read by Clerk.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Michael.

Representative MICHAEL: Mr. Speaker, Ladies and Gentlemen of the House: This amendment handles the objections that the Governor had to L.D. 1120. It had to do with the setting concurrent race dates by the Harness Race Commission between tracks that are 50 miles away or closer. This amendment calls for concurrent race dates to be set, if the

Commission desires, by a vote of two-thirds of the Commission and also sets up the possibility of a trial concurrent race date on a one-time basis for 1986. The Commission may vote by majority upon being requested by the Commissioner of Agriculture. The Commissioner of Agriculture in conjunction with the Governor's Office will be studying the harness race industry and specifically studying the effects that concurrent racing would have on the industry before he makes a recommendation to the Commission on whether or not to have concurrent racing.

Whereupon, House Amendment "C" to Committee Amendment "A" was adopted.

Committee Amendment "A" as by House Amendment "C" thereto was adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

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

#### **Papers from the Senate Ought to Pass as Amended**

Report of the Committee on Taxation reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-298) on Bill "An Act to Exempt Leased Farm Equipment from Use Tax" (S.P. 190) (L.D. 508).

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-298).

Report was read and accepted and the bill read once.

Committee Amendment "A" (S-298) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" in concurrence.

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

An Act to Amend Certain Motor Vehicle Laws (Emergency) (S.P. 605) (L.D. 1599) (S. "A" S-200; H. "A" H-379) which was passed to be enacted in the House on June 13, 1985.

Came from the Senate passed to be engrossed as amended by Senate Amendments "A" (S-200) and "C" (S-297) and House Amendment "A" (H-379) in non-concurrence.

The House voted to recede and concur.

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

#### **(Off Record Remarks)**

On motion of Representative Rydell of Brunswick,

Adjourned until eleven o'clock tomorrow morning.