

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD  
OF THE  
*One Hundred and Twelfth*  
*Legislature*  
OF THE  
STATE OF MAINE

VOLUME I  
SECOND REGULAR SESSION  
January 8 - April 2, 1986

The House was called to order by the Speaker.  
Prayer by Reverend Nathan Garnett, South Liberty Baptist Church.  
The Journal of Monday, January 13, 1986, was read and approved.  
Quorum call was held.

At this point, a message came from the Senate, borne by Senator Violette of Aroostook of that body, proposing a Joint Convention to be held in the Hall of the House at 11:00 a.m. for the purpose of extending to Robert E. Boose, Commissioner, Department of Educational and Cultural Services, an invitation to attend and make such communication as he may be pleased to make.

Thereupon, the House voted to concur in the proposal for a Joint Convention to be held at 11:00 a.m. and the Speaker appointed Representative DIAMOND of Bangor to convey this message to the Senate.

Subsequently, Representative DIAMOND of Bangor reported that he had delivered the message with which he was charged.

#### COMMUNICATIONS

The following Communication: (S.P. 705)

112th Maine Legislature

January 10, 1986

Senator Judy C. Kany  
Representative Dan A. Gwadosky  
Chairpersons  
State Government  
112th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Wanda P. Calder of Turner for reappointment to the Finance Authority of Maine.

Pursuant to Title 10 M.R.S.A Section 110, this nomination will require review by the Joint Standing Committee on State Government and confirmation by the Senate.

Sincerely,

S/Charles P. Pray  
President of the Senate

S/John L. Martin  
Speaker of the House

Came from the Senate, Read and Referred to the Committee on State Government.

Was Read and Referred to the Committee on State Government in concurrence.

The following Communication: (S.P. 706)

112th Maine Legislature

January 10, 1986

Senator Michael E. Carpenter  
Representative Edward J. Kane  
Chairpersons  
Judiciary  
112th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Suzanne E.K. Smith of Woolwich for reappointment as Commissioner of the Workers' Compensation Commission.

Pursuant to Title 39 M.R.S.A Section 91, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/Charles P. Pray  
President of the Senate

S/John L. Martin  
Speaker of the House

Came from the Senate, Read and Referred to the Committee on Judiciary.

Was Read and Referred to the Committee on Judiciary in concurrence.

The following Communication: (S.P. 715)

112th Maine Legislature

January 13, 1986

Senator Thomas H. Andrews  
Representative Daniel B. Hickey  
Chairpersons  
Aging, Retirement and Veterans Committee  
112th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Jon A. Lund of Hallowell for reappointment to the Maine State Retirement System Board of Trustees.

Pursuant to Title 5 M.R.S.A Section 1031, this nomination will require review by the Joint Standing Committee on Aging, Retirement and Veterans and confirmation by the Senate.

BUREAU OF BANKING

January 14, 1986

Sincerely,

S/Charles P. Pray  
President of the Senate

S/John L. Martin  
Speaker of the House

Came from the Senate, Read and Referred to the Committee on Aging, Retirement and Veterans.

Was Read and Referred to the Committee on Aging, Retirement and Veterans in concurrence.

The following Communication: (S.P. 716)

112th Maine Legislature

January 13, 1986

Senator Edgar E. Erwin  
Representative John M. Michael  
Chairpersons  
Agriculture Committee  
112th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Andrew Berry of N. Whitefield for reappointment to the Pesticides Control Board.

Pursuant to Title 22 M.R.S.A Section 1471-B, this nomination will require review by the Joint Standing Committee on Agriculture and confirmation by the Senate.

Sincerely,

S/Charles P. Pray  
President of the Senate

S/John L. Martin  
Speaker of the House

Came from the Senate, Read and Referred to the Committee on Agriculture.

Was Read and Referred to the Committee on Agriculture in concurrence.

The following Communication:

DEPARTMENT OF BUSINESS,  
OCCUPATIONAL AND PROFESSIONAL REGULATION

The Honorable John L. Martin  
Speaker of the House  
State House Station 2  
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Title 9-B, Section 217, Maine Revised Statutes Annotated of 1975, as amended, the attached Annual Report on the Status of Maine's Financial Institutions is being submitted.

This report contains information on the number, types and legal structures of all regulated financial institutions in the State of Maine, the location of all offices and total deposits held by these institutions, and the steps taken by out-of-state financial institution holding companies, that have acquired Maine financial institutions, to meet the credit needs of Maine consumers and businesses.

Respectfully submitted,

S/H. Donald DeMatteis  
Superintendent

Was read and with accompanying report ordered placed on file.

PETITIONS, BILLS AND RESOLVES  
REQUIRING REFERENCE

The following Bills and Resolves were received and, upon the recommendation of the Committee on Reference of Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence:

Appropriations and Financial Affairs

Bill "An Act to Provide Additional Funding for the Newly Consolidated Maine Fire Training and Education Program as Administered by Southern Maine Vocational-Technical Institute" (H.P. 1318) (L.D. 1853) (Presented by Representative BEAULIEU of Portland) (Cosponsors: Senator PERKINS of Hancock and Representative McHENRY of Madawaska) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Provide Funding for Potato Variety Breeding and Development" (H.P. 1332) (L.D. 1869) (Presented by Representative LISNIK of Presque Isle) (Cosponsors: Representative AYER of Caribou, Senators McBREAIRTY of Aroostook and CARPENTER of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)  
Sent up for concurrence.

Business and Commerce

Bill "An Act to Regulate Funds Availability for Items Deposited in an Account with a Financial Institution" (H.P. 1319) (L.D. 1854) (Presented by Representative BRANNIGAN of Portland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Perfect the Maine Business Opportunity Sales Act" (H.P. 1320) (L.D. 1855) (Presented by Representative STEVENS of Bangor) (Cosponsors: Senator BUSTIN of Kennebec, Representatives RYDELL of Brunswick and TELOW of Lewiston) (Submitted by the Department of Business, Occupational and Professional Regulation pursuant to Joint Rule 24)

(Ordered Printed)  
Sent up for concurrence.

TABLED AND ASSIGNED

Bill "An Act Relating to Taking of Land Under the Coastal Island Registry Law" (H.P. 1321) (L.D. 1856) (Presented by Representative MAYO of Thomaston) (Cosponsors: Senator CHALMERS of Knox, Representatives ALLEN of Washington and KANE of South Portland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(The Committee on Energy and Natural Resources was suggested.)

On motion of Representative Mayo of Thomaston, tabled pending reference and tomorrow assigned.

Energy and Natural Resources

Bill "An Act to Regulate the Surface Discharge of Ground Water Withdrawn for Use in Heat Pumps" (H.P. 1322) (L.D. 1857) (Presented by Representative COLES of Harpswell) (Cosponsors: Senator USHER of Cumberland, Representatives HOLLOWAY of Edgecomb and MCGOWAN of Canaan) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)  
Sent up for concurrence.

Human Resources

Bill "An Act to Require that the Department of Human Services, when Reviewing Certificate of Need Applications from Health Facilities Located Near the State Border, Consider the Impact from Hospitals Located Outside the State" (H.P. 1323) (L.D. 1858) (Presented by Representative ROLDE of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Amend the Quarterly Reporting

Requirements for Municipalities not Receiving General Assistance Reimbursements" (H.P. 1333) (L.D. 1870) (Presented by Representative ROTONDI of Athens) (Cosponsors: Representatives LANDER of Greenville, TARDY of Palmyra and PINES of Limestone) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)  
Sent up for concurrence.

Judiciary

Bill "An Act to Resolve a Conflict in the Law Dealing with the Crime of Gross Sexual Misconduct" (Emergency) (H.P. 1324) (L.D. 1859) (Presented by Representative KANE of South Portland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Require Criminal History Record Information Prior to the Bailing of Certain Offenders" (H.P. 1325) (L.D. 1860) (Presented by Representative BRANNIGAN of Portland) (Cosponsors: Representatives COOPER of Windham, ALLEN of Washington and Senator TUTTLE of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Amend the Protection from Abuse Law" (Emergency) (H.P. 1334) (L.D. 1871) (Presented by Representative KANE of South Portland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Limit the Liability of Property Owners Relative to Snowmobiles and ATVs" (H.P. 1338) (L.D. 1875) (Presented by Representative GREENLAW of Standish) (Cosponsors: Representative ALLEN of Washington, Senators USHER of Cumberland and BLACK of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)  
Sent up for concurrence.

Legal Affairs

Bill "An Act Concerning the Open Time for Polls on Election Day" (H.P. 1326) (L.D. 1861) (Presented by Representative STEVENSON of Unity) (Cosponsors: Representatives WHITCOMB of Waldo and CROWLEY of Stockton Springs) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)  
Sent up for concurrence.

State Government

Bill "An Act to Permit Administration of Home Winterization Programs on an Optional Basis Through Local Municipalities" (H.P. 1327) (L.D. 1862)

(Presented by Representative DAVIS of Monmouth)  
(Cosponsors: Representatives MURPHY of Kennebunk,  
TARDY of Palmyra and Senator PEARSON of Penobscot)  
(Approved for introduction by a majority of the  
Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Change Martin Luther King Day  
from a Special Observance Day to a State Holiday"  
(Emergency) (H.P. 1335) (L.D. 1872) (Presented by  
Representative BOST of Orono) (Cosponsors: Senators  
ANDREWS of Cumberland, KANY of Kennebec and  
Representative HANDY of Lewiston) (Approved for  
introduction by a majority of the Legislative Council  
pursuant to Joint Rule 26)

(Ordered Printed)  
Sent up for concurrence.

#### Taxation

Bill "An Act to Remove Maximum Annual Limits on  
the Captured Assessed Values within Tax Increment  
Financing Districts" (H.P. 1328) (L.D. 1863)  
(Presented by Representative MURRAY of Bangor)  
(Cosponsors: Representatives CASHMAN of Old Town,  
JACKSON of Harrison and MASTERMAN of Milo) (Approved  
for introduction by a majority of the Legislative  
Council pursuant to Joint Rule 26)

Bill "An Act to Encourage Employers to Assist  
their Employees in Meeting Their Child Care Needs and  
Expenses" (H.P. 1329) (L.D. 1864) (Presented by  
Representative DIAMOND of Bangor) (Cosponsors:  
Senator CLARK of Cumberland, Representatives MAYO of  
Thomaston and NELSON of Portland) (Approved for  
introduction by a majority of the Legislative Council  
pursuant to Joint Rule 26)

Bill "An Act Permitting Municipalities to Require  
that a Payment on Taxes be Applied Toward the Oldest  
Outstanding Taxes" (H.P. 1336) (L.D. 1873) (Presented  
by Representative RIOUX of Biddeford) (Approved for  
introduction by a majority of the Legislative Council  
pursuant to Joint Rule 26)

(Ordered Printed)  
Sent up for concurrence.

#### Transportation

Bill "An Act to Require Motorcycle Driver  
Education for First-time Operators of Motorcycles"  
(H.P. 1330) (L.D. 1865) (Presented by Representative  
RANDALL of East Machias) (Cosponsors: Representatives  
CAHILL of Woolwich, MILLS of Bethel and THERIAULT of  
Fort Kent) (Approved for introduction by a majority  
of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Provide for the Motor Vehicle  
Division to Purchase and Maintain Software Equipment  
Independent of any Other Provider and Related  
Hardware" (H.P. 1331) (L.D. 1866) (Presented by  
Representative STROUT of Corinth) (Cosponsors:  
Representatives THERIAULT of Fort Kent, MACOMBER of  
South Portland and CALLAHAN of Mechanic Falls)  
(Approved for introduction by a majority of the

Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)  
Sent up for concurrence.

#### Energy and Natural Resources

Bill "An Act to Permit State Regulation of Dam  
Impoundment Areas" (H.P. 1337) (L.D. 1874) (Presented  
by Representative DAVIS of Monmouth) (Cosponsor:  
Representative JACQUES of Waterville) (Approved for  
introduction by a majority of the Legislative Council  
pursuant to Joint Rule 26)

(The Committee on Utilities had been suggested.)

On motion of Representative Vose of Eastport, was  
referred to the Committee on Energy and Natural  
Resources, Ordered Printed, and sent up for  
concurrence.

#### ORDERS

##### TABLED AND ASSIGNED

On motion of Representative DIAMOND of Bangor,  
the following Joint Order: (H.P. 1317) (Cosponsor:  
President PRAY of Penobscot)

Ordered, the Senate concurring, that Joint Rule  
11 be amended to read:

11. Employees. The salaries of all officers and  
employees of the Senate and House of Representatives  
shall be established by the President of the Senate,  
the Speaker of the House and the Majority Floor  
Leaders of both the House and Senate. The Secretary  
of the Senate is authorized and directed to certify  
vouchers of the officers and employees of the Senate  
and the Clerk of the House is authorized and directed  
to certify vouchers of the officers and employees of  
the House in conformance with this Rule to the State  
Controller and said salaries shall be paid at such  
intervals as the President of the Senate, the Speaker  
of the House and the Majority Floor Leaders of both  
the House and the Senate may determine. The salaries  
of each committee clerk shall terminate when all  
bills have been reported out by the committee. The  
~~Legislative/Administrative/Executive~~ Director is  
authorized and directed to certify vouchers of the  
committee clerks.

; and be it further

Ordered, that Joint Rule 15, subsection 5, be  
amended to read:

5. Ought to Pass as Amended. When the changes  
voted by the committee are minor and not  
substantive the ~~Director~~ Revisor of Statutes, with  
the approval of the President of the Senate and the  
Speaker of the House may prepare a committee  
amendment to the original bill and the committee  
report shall be Ought to Pass as Amended.

; and be it further

Ordered, that Joint Rule 19, subsection 2, be amended to read:

2. Committee study order reports shall be submitted to the Legislature within 14 days after the convening or reconvening in January of the session to which the report is required and any legislation accompanying the study order requests shall at the same time be submitted to the Director of Legislative Research/Revisor of Statutes.

; and be it further

Ordered, that Joint Rules 21, 24, 25, 26, 27, 29, 30, 32 and 32-A be amended to read:

21. Committee Fiscal Impact Statements. Every bill or resolve affecting revenue or appropriations which has a committee recommendation other than "Ought Not to Pass" shall include a fiscal impact statement. This statement shall be incorporated in the bill before it is reported out of committee. The Director of Legislative Research/Office of Fiscal and Program Review shall have sole responsibility for preparing those fiscal notes.

24. Cloture for State Department, Agency or Commission Bills or Resolves.

1. No request for a bill or resolve may be submitted to the Director of Legislative Research/Revisor of Statutes on behalf of any state department, agency or commission after the first Wednesday in December. If the Governor has been newly elected in November preceding the convening of the first regular session, any bill or resolve introduced on behalf of a state department, agency or commission shall be submitted within 30 days after the Governor is administered the oath of office.

2. Each bill or resolve submitted for preparation under this rule shall clearly designate, under the title, the department, agency or commission upon whose behalf the bill or resolve is submitted.

3. Any request for a bill or resolve submitted under this rule after the first Wednesday in December in either the first or second regular session shall be considered an after cloture request and shall be transmitted to the Legislative Council by the Director of Legislative Research/Revisor of Statutes. The Legislative Council shall consider the facts supporting introduction notwithstanding cloture. If two-thirds of the Legislative Council approve the request for the bill or resolve, it shall be accepted for introduction. Notice of that action shall appear on the calendar of the appropriate House.

25. Cloture at the First Regular Session. During any first regular session all other requests for bills and resolves shall be submitted to the Director of Legislative Research/Revisor of

Statutes not later than 1:00 p.m. of the last Friday in December following the convening of the session in December and such measures in complete final form shall be introduced into the appropriate ~~House~~ House not later than 1:00 p.m. of the last Friday in January.

Exception. This rule shall not apply to bills or resolves reported by any joint committee in the regular course of business, nor to such bills and resolves as are intended only to facilitate the business of the Legislature.

26. Cloture at the Second Regular or Special Sessions. The Legislative Council shall establish procedures for submission of legislation to the Director of Legislative Research/Revisor of Statutes at any second regular or special session. Procedures established for any second regular session shall ensure compliance with the requirements of the Maine Constitution, Article IV, Part 3rd, section 1.

Any vote of the Legislative Council to accept or reject a bill or resolve proposed for introduction under the procedures established under this Joint Rule shall be taken by the yeas and nays, and that vote shall be recorded and made available for public inspection.

27. Filing after Cloture. Any request for a bill or resolve submitted to the Director of Legislative Research/Revisor of Statutes by a Legislator after the cloture date shall be transmitted to the Legislative Council. The Council shall ascertain from the presenter the facts supporting the request notwithstanding cloture. If a majority of the Council approves, notice of that approval shall appear on the calendar of the appropriate House.

29. Requirements for Drafting. All requests for bills and resolves filed with the Director of Legislative Research/Revisor of Statutes shall be considered as received for drafting, provided such bills and resolves shall be properly titled and accompanied by sufficient information and data required for their preparation.

30. Use of Copies. The Director of Legislative Research/Revisor of Statutes shall not accept any request for drafting of bills or resolves from material submitted in any generation or reproduction or other than the original unless in his discretion it is not practicable to obtain such material in any other manner.

32. Form. All bills and resolves, including initiated bills, shall be corrected as to matters of form and allocation to the Revised Statutes by the Director of Legislative Research/Revisor of Statutes before printing.

32-A. Removal of Signed Bills or Resolves. The presenter and any cosponsor of a bill or resolve shall sign the complete and final form of the bill or resolve in the Office of Legislative Research/the Revisor of Statutes. The presenter and any cosponsor shall not remove that signed bill or resolve from the Office of Legislative Research/the Revisor of Statutes. The Director of

Legislative/Research Revisor of Statutes shall transmit the signed bill or resolve to the Clerk of the House or Secretary of the Senate for introduction.

Was read.

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

Representative DIAMOND: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, the Order before you deals with bringing into conformity the rules with the statutory and administrative changes made during the past six months by the Legislative Council. As you can see, they deal with name changes to the various offices and positions that were changed by the Council and the changes which were distributed to you during November and revised and distributed in December. Because Joint Rule 54 requires that this be presented to you with one days notice, I would ask that my seatmate table this so that it can be voted on tomorrow.

On motion of Representative Hayden of Brunswick, tabled pending passage and tomorrow assigned.

#### TABLED AND ASSIGNED

On motion of Representative DIAMOND of Bangor, the following Order:

Ordered, that House Rules 15 and 42 are amended to read:

15. Every member shall make out and deliver to the clerk or to the Legislative/Research/Office of the Executive Director of the Legislative Council a statement of the number of miles usually traveled in going from his residence to the seat of government.

42. All bills in their Second Reading, and resolves in their Second Reading, shall be committed to the standing Committee on Bills in the Second Reading, to be by them examined and corrected. The Director/Office of the Legislative/Research Revisor of Statutes shall be the clerk of the Committee on Bills in the Second Reading.

Was read.

On motion of Representative Martin of Eagle Lake, tabled pending passage (pursuant to House Rules) and tomorrow assigned.

#### REPORTS OF COMMITTEES Unanimous Leave to Withdraw

Representative BRANNIGAN from the Committee on Business and Commerce on Bill "An Act Relating to Shares of Stock of Asti-Kim Corporation" (Emergency) (H.P. 1144) (L.D. 1651) reporting "Leave to Withdraw"

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

#### CONSENT CALENDAR Second Day

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

(H.P. 1184) (L.D. 1681) Bill "An Act Authorizing Payment of Child Care Expenses for Foster Children" (Emergency)

No objections having been noted at the end of the Second Legislative Day, the House Paper was Passed to be Engrossed and sent up for concurrence.

The SPEAKER: The Chair would like to make an announcement at this point, which may be of some interest to those of you who are interested in history.

Since 1821, the Constitution of Maine has specified the proceedings of the House to be published. A verbatim record of the proceedings was published in newspapers from 1821 to 1897 (First in Portland, then in Augusta). From 1897 to 1985 the House staff has typed the record of all debate and action, sending it to the Kennebec Journal where type was set to print the Horseblanket -- the Legislative Record Proof. This was corrected and subsequently the bound and indexed Legislative Record was published.

Maine is one of only five states in the country to publish a verbatim record which is circulated essentially to legislators, libraries and to the courts.

Costs of printing have escalated. In 1983 Legislative Council voted to enter full-scale into the age of computers; word processing equipment became a common sight in legislative offices.

1984 was the first milestone for the House -- production of the House Calendar on the Wang Word Processor by House staff.

This eliminated a complete step -- no longer was it necessary for the House staff to type up the calendar and then for the printer to retype the calendar setting it in type. The computer generated copy of the calendar could go to the printer, be photographed and printed, eliminating a complete step in the process.

The House Chamber Staff has distributed the Legislative Record for the first day of the Second Regular Session. This is a historical first, that is why I want to make note of it. It is the first time that the House computer has generated a "camera ready" copy that went directly to the printers for publication eliminating a whole costly step in the process.

The cost savings implication of this process are enormous. For example, the initial cost per page of the Legislative Record is reduced by 50 percent.



Such transitions in the legislative process cannot take place without commitment, dedication, time, effort and skill.

I'd like to recognize, first of all, the technical support people in the rear of the House:

John Bailey, Information Systems Manager

Sandy Mayer, Office Support Coordinator

Deborah Bedard Wood, Assistant Clerk of the House and Word Processing Coordinator for the House.

Down front we have the three people who are primarily responsible for providing the Legislative Record and I would ask all the members of the House to join me in recognizing their contributions in this historic transition.

Karen Hubbard

Kay Olehowski

And our long-time and dedicated employee of the House Reporters' Office - Peg Lerette.

It is obvious when we can reduce the cost of government, we ought to be willing to do so and I think without their efforts, we would not have been able to accomplish what we did. (applause, members rising.)

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(At Ease)

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The House was called to order by the Speaker.

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

#### IN CONVENTION

The President of the Senate, Charles P. Pray, in the Chair.

On motion of Senator Violette of Aroostook, it was

ORDERED, that a Committee be appointed to wait upon the Honorable Robert E. Boose, Commissioner of the Department of Educational and Cultural Services to extend an invitation to this convention and make such communication as pleases him.

Was read and passed.

The Chairman Appointed:

Senators:

Brown of Washington  
Gauvreau of Androscoggin  
Hichens of York

Representatives:

Brown of Gorham  
Bost of Orono  
Handy of Lewiston  
O'Gara of Westbrook  
Roberts of Farmington  
Matthews of Caribou  
Small of Bath  
Foss of Yarmouth  
Lawrence of Parsonfield  
Soucy of Kittery

Senator Brown, for the Committee, subsequently reported that the Committee had discharged the duty assigned it, and Commissioner Boose would forthwith attend the convention.

Whereupon, Commissioner Boose entered the Convention Hall, amid applause, the audience rising.

Commissioner Boose then addressed the Convention as follows:

COMMISSIONER BOOSE: Mr. President, Mr. Speaker, Distinguished Members of the 112th Legislature, members of the State Board of Education and Honored Guests:

A new duty of the Commissioner of Education under the Education Reform Act of 1984 is the preparation and delivery to the Governor and to the Legislature of an annual report. That report shall cover the status of public education in the state including suggestions and recommendations for its improvement. This report will be distributed to you later today.

I would like to highlight from my written speech the progress of implementing that major educational reform package. We can justly be proud of the educational reforms, this massive commitment to improve the quality of public education has initiated a process for developing new and higher standards for increasing the revenues to our schools.

Of the many themes, I will outline some of the major components in the progress to date.

#### BASIC SCHOOL APPROVAL

School approval regulations were developed by a field-based task force. The rules have been distributed to all school units.

School improvement plans are designed as an integral component of basic school approval. The attempt is to create a process to promote educational excellence through long-range planning. Each administrative unit is required to adopt a plan by July 1, 1986.

Over 200 meetings were conducted giving an overview of the school improvement process. School improvement teams in school districts, regional groups and school boards were talked to. Parochial and private schools were also given information. Many of the meetings were conducted by the instructional support group. These are eleven

teachers and administrators who are on a one-year leave from local units to work with us on this effort.

School accreditation is another major theme that all schools will participate in, specifically our secondary schools beginning with the 1989-90 school year.

A committee of 32 educators representing different organizations is now in the process of developing rules and regulations for both elementary and secondary accreditation.

In the area of Early Elementary Education accreditation, over \$250,000 in projects have been awarded. Such projects for example, as in Waterville, where they are implementing a program to improve the oral language of their first-grade students. Bath is undertaking a comprehensive redevelopment of their kindergarten through third grade program. Training in effective teaching strategies (Hampden), and early success in school (Freeport and other units) using that same theme.

Portland, Windham and Biddeford, have developed local approaches to the two-year kindergartens. Orono continues with its program in which parents construct materials for classroom use.

#### HEAD START

You will recall in the package, \$1.75 million dollars was appropriated to provide a comprehensive head start program. This year we have served over 665 low income children in Maine. Over 30 new centers were established to give families educational, social, nutritional, and health-screening opportunities. A local match of 25 percent was met.

Almost 25 percent of the eligible children statewide are being served. This is a great improvement. The national average is one in six. As you can see, we made a great stride there.

One of the heart and major cores of the Education Reform Act is the statewide assessment program. If you recall, all students in grades 4, 8, and 11 will be required to go through this program. The tests were developed with input from many of our teachers and curriculum specialists. It will provide us with a comprehensive description of student achievement and progress. It will become a tool for curriculum improvement.

Parents, for the first time, will receive a report of their child's performance in reading, writing and mathematics. Schools will receive extensive summary reports of their students' performance.

Students in grade 8 were tested. The results will be known by the end of this month.

State assessment is a massive effort. The scoring of two essays for each of the 17,000 eighth graders was done twice by 140 teachers or the equivalent of reading 68,000 essays. Grade 4 will be tested in February and grade 8 in April.

#### HIGH SCHOOL GRADUATION REQUIREMENTS

High school graduation requirements is another major theme for which the seniors of the class of 1988-89 will graduate under or our current freshmen.

#### TEACHER CERTIFICATION

Teacher Certification, though not part of the major reform package, it is still a major reform initiative.

This last January of 1985, twenty school sites (13 funded, through the state appropriation and 7 that were funded locally) began piloting that law. The primary focus was the establishment of support systems for three levels of certification. It has been viewed nationally and it is going to be studied nationally. We have conducted many meetings. To date, over 516 teachers, 110 administrators, and 35 school board members and consultants, are part of that approach. 132 provisional candidates have been identified, 33 professional level candidates have been identified, and 135 master level candidates have been identified.

#### THE TEACHER QUALIFYING EXAM

All applicants, since September 1 of this year, for teacher certification have been required to take the national teacher exam.

I am happy to report to you, of over the 400 results that we have received to date and we will be receiving more from a recent test, of the over 400 results the applicants who took that exam have scored higher on all three sections of that test than the national average. I feel very confident that the three year study that we are collecting, this information will help us establish the kind of test. The test falls into three categories in the area of communications skills, listening, reading and writing, general knowledge and professional knowledge which includes classroom management. We will set and establish a qualifying score by July 1 of 1988.

#### ADMINISTRATOR CERTIFICATION

That law required the piloting and we are piloting with seven school units and the University of Maine system through a collaborative project, the Kennebec Valley Administrator Certification Pilot Project (KVACP), where we are studying ways of building certifying building level management. Thirty-four people, right now, will become certified in that pilot.

#### INNOVATIVE EDUCATION GRANTS

Maine's educators responded enthusiastically from 1,200 applications, 192 classroom-based grants and 88 school-based grants were awarded. A sampling of some of the grants demonstrates diversity. A technical writing program for vocational education students in SAD #25 (Sherman Station) which appeared, by the way, in a most recent Sunday paper; a school-business partnership program in Kingfield; a pilot pre-school program; a curriculum enrichment program for high school students in Union #104 (Eastport); and an

environmental education program in SAD #48 (Newport). Last week I had a chance to talk to the two teachers who were the driving force behind that, Ken Smith and Don McDougal. They have engaged their students in research for the Department of Marine Resources where the students actually went out and they surveyed Maine's rivers as their laboratory. Enthusiastic teachers such as these and motivated students that we see throughout these projects tell the story of the true success of the story of this investment called the innovative education grants.

#### THE TEACHER RECOGNITION GRANTS

Lists of teachers are being verified and today, January 15th, is the cut-off date for the verification of the first payment. The stipend will be paid February 15, 1986. An appeals panel will be used to decide eligibility of any of the appeals.

#### THE BLAINE HOUSE SCHOLARS

A very important program to us and very successful. 349 awards were made to outstanding students, including 93 teachers. Some examples of these students: Sharon Carter from Pembroke is maintaining a perfect 4.0 academic average at the University of Maine, Machias; Jane Wallace from Norridgewock, a student at the University of Maine at Farmington majoring in special education has a 3.9 average; and William Girard from Westbrook, a pre-service science student at Colby is maintaining a 3.89 academic average. The average high school senior entering a pre-service training was in the upper 94th percentile of the class and had an average combined S.A.T. score of 1080 and had an average high subject area S.A.T. of 580.

The average of all grades for returning Blaine House Scholars for this next year is 3.68. Have we attracted some of the "Best and the Brightest Students through the Blaine House Scholarship Program?" - Yes, I think so!

#### VOCATIONAL EDUCATION

Vocational Education has experienced a year of challenge.

The Carl D. Perkins Vocational Education Act late in 1984 presented a new set of federal rules to us. Among other things, these ground rules prohibited the use of Federal Vocational Funds for the maintenance of existing instructional programs, and limited the amount of federal money that could be spent on administration and other state-level activities.

In programmatic terms, the most dramatic new initiatives have been developed by the division of secondary vocational education. A series of intensive discussions over the last few months has led to the development of a comprehensive new approach to educating for employment at the secondary level.

The past year and a half has seen the passage of a \$12.9 million bond issue for new construction on the six VTI campuses; the passage of another \$2.2 million Bond Issue for new equipment, building renovations, and land purchases for the VTIs; and

the establishment of a new board of trustees which will govern the VTIs beginning July 1, 1986.

Adult education programs have also witnessed a year of growth, innovation, and excitement. Title 20-A, Chapter 315 of the laws of the State of Maine states that "Since education is a lifelong process, it is declared to be the policy of the state to provide and encourage the growth of educational opportunities for all adults." During 1985, the state has done exactly that:

--enrollment in adult education programs now exceeds 100,000;

--4,000 adults receive high school credentials annually;

adult education programs are available in 157 different locations across the state;

through special projects in Waldo and Somerset County, DECS has become a full-fledged partner in the economic development process, serving on planning committees and providing industry-specific training;

--a special training program was developed for laid-off workers at Saco Defense, including basic education, GED preparation, and hands-on skill training.

Within the adult education area, a particular priority for the department is attacking the problem of truancy, dropouts, and alternative programming. A task force is studying those issues - many of your colleagues, four to be exact, are working with Merle Nelson as the Chair, as an advisory committee to deal with the dropout problem. They will be presenting their initial recommendations shortly and working on long-range recommendations.

#### FUNDING

I recommended a state appropriation of \$314 million in state aid to local school units in 1986-87, an increase of 7 percent. This combined with \$28.8 million for teacher compensation stipend grants will bring the state's share of elementary and secondary education costs to nearly 58 percent.

I am proud of the effort and the initiative that this state (through the 112th legislature) has taken. Increased teacher compensation, a new teacher certification law, reduced class size, new graduation requirements, comprehensive plan for guidance services, science labs, libraries, etc., and school improvement plans are a few of the key elements undertaken to improve education. Special education costs continue to increase at a rapid rate. The funding formula will not accommodate added costs during the first two years because the state reimburses after the costs have occurred. An increase to at least 60 percent state share will help fund these added costs and reduce the burden on local units.

All of us knew and were openly aware that these initiatives in our Reform effort would require an increasing demand for adequate funding and resources. The architects of the Education Reform Act recognized this as they developed the funding plan for the teacher recognition grants and block grants for fiscal 1987-88.

It is my belief that the citizens of Maine want

quality education and are willing to pay their fair share. I look forward to working with the Legislature, Superintendents, School Board members and parents as we seek adequate and equitable funding of our educational programs.

#### STATEWIDE INVOLVEMENT

We have had meaningful involvement from all aspects of the educational community. Last year there were 216 Committee meetings, 11 regional information meetings, 6 Administrative Procedures Act hearings and 130 meetings of the Instructional Support Group (ISG) with local schools. Over 200 people served on our task forces. I publicly want to thank all those who assisted in our efforts.

This has been a period of rapid educational change. As with any change, there is always questioning and perhaps some apprehension as to the nature of that change. This is healthy and in a democracy it is necessary and expected. In times of changes, we should all recognize this as we work together. Let's nurture the program of the Reform Act and give them a chance to develop and be refined. The future looks bright. The way is becoming clearer as we continue to move along the road of educational improvement and enrichment.

#### RECOMMENDATIONS

##### NINE STEPS TO THE NINETIES

The final section of my Report deals with the next steps -- nine critical steps which I think we need to focus on over the next three to five years to insure the fullest implementation of the Education Reform Act of 1984, adequate funding of public education, and the overall effort of a stronger system of public education. The Nine Steps fall into six areas: Achievement, Improvement, Training, Recruitment, and Retention, Compensation, and Funding.

The First step is Student Achievement -- certainly, the investment in public education ought to yield results. "An effective school is...accountable to the state for such basic outcomes as literacy in language and numbers, but free to innovate in materials and methods..." (Doxey Wilderson, EDUCATING ALL OUR CHILDREN). An effective statewide testing program will need three to five years to develop the kind of data base that will enable us to diagnose and make the kinds of planning for making educational excellence possible. I want to caution our citizens that our schools should not be judged solely on one test score. I am reminded of Mary Dilworth's words about testing: "A test score seemingly has become more valuable and marketable than the education it represents."

We need to look at more ways to identify learning needs earlier, to reduce the dropout and truancy problem. Most of the symptoms of those types of educational diseases are the direct result of the student's inability to master reading and writing and mathematical concepts. Through higher achievement standards and a stronger focus on the assessment of student performance we will be able to work with those children earlier in order to identify areas in which the testing program suggests there needs to be

remediation. Remedial programs will be important. As we identify them in future annual reports, we will be able to know with a greater degree of confidence where our remedial programs need to take place. For those students who demonstrate to us that they are doing an outstanding job and have mastered basic skills, we will need to provide enrichment programs.

The Second major step is that of SCHOOL IMPROVEMENT -- School Improvement is not a one-shot deal, it is an on-going theme. Starting next year, we will have locally-developed school improvement plans which will identify what each school's needs are. Most important, the school improvement program is not state-mandated in terms of a specific theme, it is locally-developed and locally-designed. These plans will help me and future Commissioners in identifying statewide trends and problems areas which we then can report to you. Next year my Report will have the first read-out and review of those school improvement plans.

The Third Step is that of TEACHER TRAINING -- We need to be very concerned about strengthening our pre-service or undergraduate teacher training programs and be able to provide resources throughout the state for ongoing training of more teachers and administrators. I want to point out that a stronger elementary and secondary system of education will strengthen our state's higher education system. We need to strengthen the bond between local schools and the university's professional development centers and to work as partners in the educational enterprise. The State Board right now is exploring national accreditation standards from the National Council for Accreditation of Teacher Education (NCATE) as a process for improving pre-service of undergraduate teacher training. The State Board and I stand ready, willing, and able to continue to work with the University Board of Trustees to achieve this initiative already begun and to work on implementing any recommendations of the visiting committee regarding the coordination of educational efforts.

The Fourth Step is TEACHER RECRUITMENT AND RETENTION -- All the laws, all the standards will be useless if there is not a qualified teacher in front of the students. Compensation, career ladders, working environment, positive recognition that should be provided to our teachers need to be available if we are going to retain them. If the students who are aspiring to be teachers see that the recognition is there, they will be much easier to recruit. We also need to look at new avenues to bring people into the classroom. Let's look at our retirement law and how we can structure situations to allow some of those who may be recently retired to come back into the classroom. Let's look at ways in which we can take people who are retiring in other fields and may want to be a teacher and retrain them. We would have a more mature and experienced beginning teacher coming into the classroom. Perhaps teaching will be either a first or second career that people want to pursue on a professional basis that has the respect of the community -- more importantly because they want to be a teacher.

The Fifth Step is COMPENSATION AND WORKING CONDITIONS -- "Teaching often lacks a sense of wonder, a sense among the teachers working

together that the school is theirs, and that its future and their reputation are indistinguishable. Hired hands owe nothing, and are told what to do, and have little stake in their enterprises...not surprisingly...(teachers)...often act like hired hands" (Theodore Sizer, HORACE'S COMPROMISE). Recent newspaper articles in the state have noted that we are predicting a teacher shortage. A statement in one of the articles suggested that the decline in people entering the teaching profession has been due to low pay and the lack of professional recognition and the public perception of education is that it is not an attractive profession. There is a lot of feeling that teacher incentives in the areas of compensation, career ladders, and other forms of teacher recognition are vital to reestablishing the importance of the teacher in the public schools. The teacher certification pilot projects will be able to give us new ways in which a master teacher, and perhaps someday a mentor teacher, concept can be used (not necessarily mandated but as a local option) to identify and recognize excellence in classroom teaching as well as working on support teams for beginning teachers to carry out certification proposals.

The Sixth Step is VOCATIONAL TRAINING -- We need to make sure that academics are also considered as vocational skills and that our vocational students have the best in academic preparation. This doesn't mean that we should be developing an elitist academic-oriented vocational program. Major reports, most recently one done by the Research and Policy Committee for Economic Development, suggested that we need to make sure our students are trained in skill areas that will allow them to transfer these skills into related job areas (example: building trades versus being a carpenter) and not be limited to one occupation. So, we need to develop secondary vocational programs that are dynamic and provide ways for secondary students and adults to benefit from such training.

The Seventh Step is that of ADULT EDUCATION -- Over 238,000 of our state population, age 18 or over, have not completed a high school education. The data shows that many of our dropouts do tend to come back and complete, but the annual rate is not offsetting the dropout rate. We have a large population out there -- well over one-quarter of a million -- who need aggressive programs that will bring them back into the schools and upgrade their skills both educationally and vocationally. These statistics are reinforced by a recent Maine Department of Labor Task Force Study investigating the best utilization of dislocated workers funds. It reported to the Commissioner of Labor that many persons eligible for TAA benefits were not participating in training due to age, education and language barriers.

The latest census data indicated that approximately 40 percent of the shoeworkers in Maine were 40 years of age and older; and 46 percent of these workers did not have an 11th grade education. Approximately 20 percent did not even have a 9th grade education.

Another barrier that surfaced during the Task Force investigation was the problem faced by predominantly French speaking shoeworkers in Central

and Southern Maine not being comfortable in taking basic education courses in English. The language factor was a major reason in the reluctance of many shoeworkers in obtaining their GED. We need to develop programs to address such needs as these. The economic payoff of any society's investment in education is to have a tax-paying, not a tax-draining population.

The Eighth Step to Educational Excellence is ADEQUATE FUNDING -- We need to look very closely at the work that the Joint Select Committee on Property Tax Reform is doing to begin to rethink how the major portion of the revenue is driven to support public education. Hopefully, property tax will be the dinosaur of public education and we will begin to look at fairer, more creative, and equitable ways of providing the revenue for operating our schools.

The Ninth Step is to work towards a funding formula that has INCREASED STATE SUPPORT -- A goal of at least 60 percent for every dollar spent for public education would mean at least 60 cents would come from the state and 40 cents from the local unit on average. The Legislature may even want to consider increasing the state's share sooner than 1988-89, after this year's actual implementation costs become clearer.

In closing, I would like to commend my department staff, the State Board of Education, and the Education Committee for their ceaseless efforts in behalf of educational improvement during the past year. I would especially like to thank the Governor for his leadership and for the solid support that he has demonstrated for educational improvement.

To all of you, Legislator and citizen alike, let me leave you with an idea set down more than two thousand years ago, by Aristotle. "No one will doubt that the Legislator should direct his attention above all to the education of youth, or that the neglect of education does harm to State."

In the final analysis, educational improvement will take place teacher by teacher, classroom by classroom, school by school.

Thank you for your kind attention.  
(Prolonged applause, Convention rising).

At the conclusion of the Commissioner's address, the Commissioner withdrew amid applause, members rising.

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

(Off Record Remarks)

LEGISLATIVE RECORD - HOUSE, JANUARY 15, 1986

On motion of Representative Chonko of Topsham.

Adjourned until ten o'clock tomorrow morning in  
memory of Dr. Martin Luther King, Jr.

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