

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**  
OF THE  
**One Hundred And Thirteenth Legislature**  
OF THE  
**State Of Maine**

**VOLUME I**  
**FIRST REGULAR SESSION**  
December 3, 1986 to May 22, 1987

On motion by Senator THERIAULT of Aroostook, ADJOURNED until Monday, March 23, 1987, at 10:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE  
FIRST REGULAR SESSION  
35th Legislative Day  
Monday, March 23, 1987

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

Prayer by Reverend Kenneth Okkerse, St. Andrews Episcopal Church, Millinocket.

National Anthem by the Greenville High School Band.

The Journal of Friday, March 20, 1987, was read and approved.

Quorum call was held.

At this point, a message came from the Senate, borne by the Majority Floor Leader, Senator CLARK of Cumberland, proposing a Convention of both branches of the Legislature to be held at 10:30 a.m. in the Hall of the House for the purpose of extending to the Honorable Eve M. Bither, Commissioner of Educational and Cultural Services, an invitation to attend the Convention and to make such communication as she may be pleased to make.

Thereupon, the House voted to concur in the proposal for a Joint Convention to be held at 10:30 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.

The SPEAKER: The Chair is pleased to recognize in the gallery a number of businessmen who are here participating in the Maine Development Foundation Program. Jack Daigle, who is here at the rostrum and will be accompanying me while I work, is the co-chair of the Maine Development Foundation Program. (applause)

SENATE PAPERS

Bill "An Act to Provide an Accident and Sickness or Health Insurance Program to Retired Teachers" (S.P. 293) (L.D. 843)

Came from the Senate, referred to the Committee on Aging, Retirement and Veterans and Ordered Printed. Was referred to the Committee on Aging, Retirement and Veterans in concurrence.

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$2,750,000 for Acquisition and Development of State Parks, Historic and River Access Sites" (S.P. 296) (L.D. 846)

Came from the Senate, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Was referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act Relating to Disclosures When Selling Used Cars" (S.P. 295) (L.D. 845)

Came from the Senate, referred to the Committee on Business Legislation and Ordered Printed.

Was referred to the Committee on Business Legislation in concurrence.

Bill "An Act to Establish a State Business Advocate in the Governor's Office" (S.P. 298) (L.D. 848)

Came from the Senate, referred to the Committee on Economic Development and Ordered Printed.

(The Committee on Reference of Bills had suggested reference to the Committee on State and Local Government.)

Was referred to the Committee on Economic Development in concurrence.

Bill "An Act to Assure Access to Legal Assistance by Residents of Rural Areas" (S.P. 294) (L.D. 844)

Came from the Senate, referred to the Committee on Judiciary and Ordered Printed.

Was referred to the Committee on Judiciary in concurrence.

Bill "An Act Concerning Access Fees" (S.P. 297) (L.D. 847)

Came from the Senate, referred to the Committee on Taxation and Ordered Printed.

Was referred to the Committee on Taxation in concurrence.

Unanimous Ought Not To Pass

Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act to Limit the Duplication of Benefits Under the Workers' Compensation Act" (S.P. 121) (L.D. 320)

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

Refer to the Committee on Banking and Insurance

Report of the Committee on Aging, Retirement and Veterans on Bill "An Act to Afford Consumer Protection in Retirement Communities which Offer Continuing Care" (S.P. 241) (L.D. 672) reporting that it be referred to the Committee on Banking and Insurance.

Came from the Senate with the report read and accepted and the bill referred to the Committee on Banking and Insurance.

Report was read and accepted and the bill referred to the Committee on Banking and Insurance in concurrence.

Non-Concurrent Matter  
Later Today Assigned

Bill "An Act Relating to the Social Services Transportation Review Committee" (Emergency) (H.P. 99) (L.D. 109) which was passed to be engrossed in the House on March 17, 1987.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-9) in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act to Limit the Party Size to 12 Persons for all Groups Operating with a Guide on Inland Waters" (Emergency) (H.P. 599) (L.D. 812) which was passed to be engrossed in the House on March 17, 1987.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-7) in non-concurrence.

The House voted to recede and concur.

COMMUNICATIONS

The following Communication: (S.P. 299)  
113th Maine Legislature  
March 19, 1987

Senator Ronald E. Usher  
Representative Michael H. Michaud  
Chairpersons  
Joint Standing Committee on Energy and Natural Resources  
113th Legislature  
Augusta, Maine 04333  
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Leo Robichaud of Caribou and E. Christopher Livesay of Brunswick for appointment to the Board of Environmental Protection.

Pursuant to Title 38, M.R.S.A. Section 361, this nomination will require review by the Joint Standing Committee on Energy and Natural Resources 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 Energy and Natural Resources.

Was Read and Referred to the Committee on Energy and Natural Resources in concurrence.

PETITIONS, BILLS AND RESOLVES  
REQUIRING REFERENCE

The following Bills 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:

Banking and Insurance

Bill "An Act to Implement Civil Penalties for Passing Worthless Instruments" (H.P. 652) (L.D. 880) (Presented by Representative DELLERT of Gardiner) (Cosponsors: Representatives STANLEY of Cumberland, TELOW of Lewiston and Senator DILLENBACK of Cumberland)

Ordered Printed.  
Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act Relating to Local School Costs and the Local Subdivision Law" (H.P. 655) (L.D. 883) (Presented by Representative WARREN of Scarborough) (Cosponsors: Representatives RIDLEY of Shapleigh, SOUCY of Kittery and NADEAU of Saco)

Ordered Printed.  
Sent up for Concurrence.

Judiciary

Bill "An Act to Establish an Adoption Alternative Act" (H.P. 656) (L.D. 884) (Presented by Representative WARREN of Scarborough) (Cosponsors: Representatives PARADIS of Augusta and COTE of Auburn)

Bill "An Act Relative to Notification of Adoption Finalizations" (H.P. 648) (L.D. 876) (Presented by Representative McPHERSON of Eliot) (Cosponsor: Representative ROLDE of York)

Ordered Printed.  
Sent up for Concurrence.

Labor

Bill "An Act to Increase the Family Allowance of the Unemployment Compensation Law" (H.P. 647) (L.D. 875) (Presented by Representative PRIEST of Brunswick) (Cosponsors: Representatives MICHAUD of East Millinocket, CLARK of Millinocket and Senator USHER of Cumberland)

Ordered Printed.  
Sent up for Concurrence.

Transportation

Bill "An Act to Require the Use of Seat Belts for Children 12 Years of Age and Younger" (H.P. 649) (L.D. 877) (Presented by Representative PINES of Limestone) (Cosponsors: Representatives MacBRIDE of Presque Isle, REEVES of Pittston and Senator GAUVREAU of Androscoggin)

Bill "An Act Relating to Historic Bridges" (H.P. 650) (L.D. 878) (Presented by Representative McPHERSON of Eliot) (Cosponsors: Senator ESTES of York, Representatives SWAZEY of Bucksport and ROLDE of York) (Submitted by the Department of Transportation pursuant to Joint Rule 24.)

Bill "An Act to Make Technical Adjustments to the Truck Overweight Law" (Emergency) (H.P. 651) (L.D. 879) (Presented by Representative McPHERSON of Eliot) (Cosponsors: Representative POULIOT of Lewiston, Senators THERIAULT of Aroostook and CAHILL of Sagadahoc) (Submitted by the Department of Transportation pursuant to Joint Rule 24.)

Bill "An Act to Amend the Experimental Vehicle Law" (H.P. 653) (L.D. 881) (Presented by Representative MOHOLLAND of Princeton) (Cosponsors: Representatives McPHERSON of Eliot, MILLS of Bethel and HARPER of Lincoln) (Submitted by the Department of Transportation pursuant to Joint Rule 24.)

Bill "An Act to Amend the Truck Size and Weight Law" (H.P. 654) (L.D. 882) (Presented by Representative POULIOT of Lewiston) (Cosponsors: Representatives MACOMBER of South Portland, SALSBURY of Bar Harbor and Senator CAHILL of Sagadahoc) (Submitted by the Department of Transportation pursuant to Joint Rule 24.)

Ordered Printed.  
Sent up for Concurrence.

ORDERS

On motion of Representative McSWEENEY of Old Orchard Beach, the following Order:

ORDERED, that Representative B. Carolyne T. Mahany of Easton be excused March 10 and 11 for legislative business and March 20 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Walter E. Whitcomb of Waldo be excused March 12 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Polly Reeves of Pittston be excused the week of March 9th and March 16, 17, and 19 for health reasons.

AND BE IT FURTHER ORDERED, that Representative James Reed Coles of Harpswell be excused March 16 for the duration of his illness.

AND BE IT FURTHER ORDERED, that Representative Genette M. Ingraham of Houlton be excused March 19 and 20 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Ernest C. Greenlaw of Standish be excused March 19 and 20 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Neil Rolde of York be excused March 20 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Marge Kilkelly of Wiscasset be excused March 19 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Mona Walker Hale of Sanford be excused March 20 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Nathaniel J. Crowley, Sr. of Stockton Springs be excused March 20 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Priscilla Taylor of Camden be excused March 18, 19, and 20 for legislative business and March 23 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative William O'Gara of Westbrook be excused March 23 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Leland C. Davis, Jr. of Monmouth be excused March 19, 20, 23, 24 and 25 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Donnell P. Carroll of Gray be excused March 27 for legislative business.

AND BE IT FURTHER ORDERED, that Representative John Jalbert of Lisbon be excused April 2 and 3 for personal reasons.

Was read and passed.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative SOUCY from the Committee on Transportation on Bill "An Act Concerning Seasonal Ways under the Highway Laws" (H.P. 149) (L.D. 190) reporting "Ought Not to Pass"

Representative JALBERT from the Committee on Legal Affairs on Bill "An Act Concerning the Criteria for State Licensed Liquor Stores" (H.P. 301) (L.D. 387) reporting "Ought Not to Pass"

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

Unanimous Leave to Withdraw

Representative JALBERT from the Committee on Legal Affairs on Bill "An Act to Improve Flexibility in the Counting of Ballots" (H.P. 164) (L.D. 205) reporting "Leave to Withdraw"

Representative MADEAU from the Committee on Taxation on Bill "An Act to Make Property Owned by Consumer-Owned Utilities Tax Exempt" (H.P. 325) (L.D. 424) reporting "Leave to Withdraw"

Representative GREENLAW from the Committee on Fisheries and Wildlife on Bill "An Act to Require all Licensed Guides to have Cardiopulmonary Resuscitation First Aid Certification" (H.P. 179) (L.D. 223) reporting "Leave to Withdraw"

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

Divided Report  
LATER TODAY ASSIGNED

Majority Report of the Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-32) on Bill "An Act to Repeal the Authority of County Commissioners to Order the Repair of Ways Maintained by a Municipality" (H.P. 68) (L.D. 71)

Signed:  
Senator: GOULD of Waldo  
Representatives: CARROLL of Gray  
WENTWORTH of Wells

STROUT of Windham  
 LOOK of Jonesboro  
 HUSSEY of Milo  
 BOUTILIER of Lewiston

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

Signed:  
 Senators: BALDACCI of Penobscot  
 TUTTLE of York

Representatives:  
 LACROIX of Oakland  
 ROTONDI of Athens  
 ANTHONY of South Portland  
 BICKFORD of Jay

Reports were read.

On motion of Representative Diamond of Bangor,  
 tabled pending acceptance of either report and later  
 today assigned.

CONSENT CALENDAR

First Day

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

(H.P. 49) (L.D. 52) Bill "An Act Regarding Motor  
 Vehicle Accident Reports" Committee on  
Transportation reporting "Ought to Pass" as amended  
 by Committee Amendment "A" (H-36)

(S.P. 106) (L.D. 279) Bill "An Act to Clarify the  
 Law Regarding Expedited Charter Conversions, Mergers  
 and Consolidations" Committee on Banking and  
 Insurance reporting "Ought to Pass"

(S.P. 97) (L.D. 244) Bill "An Act Concerning the  
 Purchase of School Buses" Committee on Education  
 reporting "Ought to Pass" as amended by Committee  
 Amendment "A" (S-4)

There being no objections, the above items were  
 ordered to appear on the Consent Calendar of Tuesday,  
 March 24, 1987, under the listing of Second Day.

CONSENT CALENDAR

Second Day

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

(S.P. 135) (L.D. 371) Bill "An Act to Amend the  
 State Employees Labor Relations Act by Allowing  
 3-year Labor Contracts" (Emergency)

(H.P. 465) (L.D. 632) Bill "An Act to Clarify the  
 Benefits under State Group Life Insurance"

(H.P. 367) (L.D. 481) Bill "An Act to Extend  
 Certain Privileges to Disabled American Veterans"

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

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Recodify the Liquor Laws" (H.P.  
 129) (L.D. 155) (H-23)

Was reported by the Committee on Bills in the  
 Second Reading.

Representative Brown of Gorham offered House  
 Amendment "A" (H-35) and moved its adoption.

House Amendment "A" (H-35) was read by the Clerk  
 and adopted.

The Bill was passed to be engrossed as amended by  
 House Amendment "A" (H-35) and Committee Amendment  
 "A" (C. "A" H-23) and sent up for concurrence.

FINALLY PASSED

Emergency Measure

RESOLVE, for Laying of the County Taxes and  
 Authorizing Expenditures of Lincoln County for the  
 Year 1987 (H.P. 549) (L.D. 736)

Was reported by the Committee on Engrossed Bills  
 as truly and strictly engrossed. This being an  
 emergency measure, a two-thirds vote of all the  
 members elected to the House being necessary, a total  
 was taken. 119 voted in favor of the same and none  
 against and accordingly the Resolve was finally  
 passed, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Provide Funding for Potato Variety  
 Breeding and Development (H.P. 180) (L.D. 224) (C.  
 "A" H-16)

An Act to Establish an Alien Trapping License  
 (H.P. 550) (L.D. 737)

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.

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.

The Joint Convention was called to order by the  
 Chair.

On motion of Senator CLARK of Cumberland, it was  
 ORDERED, that a Committee be appointed to wait  
 upon the Honorable Eve M. Bither, Commissioner of  
 Educational and Cultural Services, to inform her that  
 the two branches of the Legislature were in  
 Convention assembled ready to receive such  
 communication as she may be pleased to make.

The Chairman appointed:

Senators: ESTES of York  
 KANY of Kennebec  
 RANDALL of Washington

Representatives:  
 BOST of Orono  
 HANDY of Lewiston  
 O'GARA of Westbrook  
 GOULD of Greenville  
 KILKELLY of Wiscasset  
 PARADIS of Frenchville  
 MATTHEWS of Caribou  
 SMALL of Bath  
 LAWRENCE of Parsonsfield  
 NORTON of Winthrop

Senator ESTES, for the Committee, subsequently  
 reported that the Committee had delivered the message  
 with which it was charged and that the Honorable Eve  
 M. Bither, Commissioner of Educational and Cultural  
 Services, was pleased to say that she would forthwith  
 attend the Convention.

At this point, the Honorable Eve M. Bither,  
 Commissioner of Educational and Cultural Services,  
 entered the Convention Hall, amid the applause, the  
 audience rising.

The Honorable Eve M. Bither, Commissioner of  
 Educational and Cultural Services, then addressed the  
 Convention as follows:

Mr. President, Mr. Speaker, Distinguished Members of the 113th Legislature, Honored Guests:

It is an honor, a privilege, and an incredible opportunity for me to speak to this Joint Session of the Legislature and to share with you my vision, my assessment, and my action plans for education in the State of Maine. In addition to my address, a printed report of the activities of the Department will be distributed later today. In thinking of my vision, as Commissioner of Education, I was reminded of earlier visions I held in the course of my career in my various roles as a parent, a classroom science teacher, as a superintendent, and now as Commissioner. As a parent, I hoped for personnel in the schools who would accept my children for their uniqueness, who would foster their potential and awaken in them a love for lifelong learning.

As a classroom science teacher, I hoped to be treated as a professional, to be given time to talk to my colleagues; I hoped for parents who would encourage their children to work hard, for administrators who would recognize my worth through adequate supplies and reasonable working conditions, for time to prepare for lessons and to share with my colleagues those ideas which made us better teachers.

As a superintendent, I hoped for an enlightened school committee which would support reasonable increases, due to inflation, and to provide for educational improvement. I hoped for principals who were skilled in the performance of their jobs and who supported their teachers in doing the very best with their students. I hoped for teachers who were scholars in their own right and who had empathy and understanding for their students, and who would willingly continue to accept the many tasks which society expects our schools to accept.

I feel fortunate in being able to tell you that I saw these hopes met in my prior roles.

As the new Commissioner, my vision can best be expressed as a set of goals for the 200,000 students who make up 20 percent of Maine's population and whose advocate I am today and intend to be for the future.

The job is large. It will require the cooperation of the education community, the parents, the citizens of our beautiful state, the business community, the new administration and, perhaps primarily, the support of the members of this policy-making body.

Let me be specific and mention to you seven broad goals for education in Maine.

1. An Increase in Student Academic Achievement

For the first time, Maine has an accurate picture of the achievement of its students in grades 4, 8, and 11 through the first round of testing in the Maine Assessment Program which tested almost 45,000 Maine students in reading, mathematics, writing, science, social studies, and the humanities. What did we learn through these tests? We found that our students performed better than the national average in reading, some areas of mathematics and science. They were able to compute in mathematics but they had difficulty in solving problems. In general, they need to do much better in writing in almost all categories tested: persuasive, expository or narrative. I add to this finding my personal conviction that good writing leads to clear thinking. Hence, a program in which students write, rewrite, and write again will lead to better critical thinking, to clearer analysis, and to more synthesis. Critical thinking is the necessary underpinning of a representative form of government.

What action is indicated for the state's schools? Many districts already are using the test

results to examine their curricular for needed revisions; a few districts did extremely well and can provide curricular or instructional models for others. We need to close the so-called gender gap: the finding that boys outperformed girls in math and science and that girls outperformed boys in writing and the humanities and this is a cause for concern and for action.

This year's results in the Scholastic Achievement Test (SAT) for college-bound seniors showed improved scores on the verbal tests, the highest since 1976; a higher score in reading comprehension for the fifth consecutive year, and an improved vocabulary score for the third consecutive year. Significant in this context is the fact that 55 percent of Maine's graduates took the test, compared to 39 percent on the national level.

Scores on tests like the Maine Assessment and the SAT's are single indicators for educational achievement, but not the only ones. Commissioners of Education who cite these statistics or publish wallcharts are criticized for giving oversimplified view of the performance of the school system or the student. There is, of course, truth in such protest but, until now, test results have provided the only tangible, easily understood measure of accountability. A more complete, informative, and accurate account of a school system's effectiveness is now needed.

I will convene in the coming weeks a Task Force of representatives of various educational constituencies for the purpose of designing a report card of individual school systems as outlined by Governor McKernan. These report cards would reflect for their communities, not only students' test scores, for the growth of our children is not only in the academic arena. Indicators of personal, social, and vocational growth should also be considered. Other factors could also be reflected, such as graduation rates, attendance rates, per student expenditures by level, and other statistical information readily available from data.

In addition, these report cards could provide information on the training and background of a system's teachers and administrators, the number and types of courses offered and the major accomplishment as identified by the school community.

I will use a similar format to report on the many successes of Maine's schools to a wider audience for I believe that Maine's Reform Act is a visionary and comprehensive initiative. Its conception and implementation are exemplary, far reaching, and encompass most, if not all, reforms initiated in other states. Yet, Maine has largely been ignored by national publications. I think that this is wrong, I intend to see to it that this changes and I plan to put Maine on the national map. (applause)

2. Raising Aspirations.

The second goal is closely related to the first and concerns the need for higher aspirations of Maine's students, combined with higher expectations for those of us working in higher education.

Experience and research tell us that, if a school operates on the principle that all children can learn, students learn. We know that effective schools don't focus on failure, so they don't get failure. They expect success; they usually get success.

We must help all of our schools to adopt such a posture and to encourage all schools to reach out to parents to form an alliance among school, home, and community, which will provide an environment that nurtures, protects, and educates all children. We must turn attention to those children the system has

not previously reached. Our recently established position within the Department for a dropout and truancy prevention will generate some methods to meet those children's learning needs. Our graduation rate, at almost 78 percent, is considerably above the national norm. I think we can do better. Working with the Department personnel and with local districts, our aim will be to increase the graduation rate to 90 percent within the next five years. (applause)

But working with high school truants is not enough. Intervention, at this level, may be too little and too late. We know from existing research that the 16 year old dropout has typically a long history of school failures, going back to a lack of reading in the third grade.

Early elementary teachers tell us that language experiences -- being read to, talked to and being played with -- are essential if students are to learn to read and write. Most of our children have such experiences before they come to school. Those who do not often experience failure in school since most of the child's language ability is developed by the time they reach age 5. We must examine the purpose and scope of early childhood education for these children if we are committed to raising their aspirations and their options for a productive life. Similarly, school districts and the Department of Education should examine ways in which remedial education programs, such as Chapter I, Migrant Education, and Special Education could shift their focus from remediation at a late age to prevention and intervention at an early age.

If we are interested in raising the aspirations of our students, we should also place more importance on programs at our middle level schools, the grades 5 through 8, when students experience the most profound physical and developmental changes. It is at this stage that we probably have the last opportunity to combat sex stereotyping, to direct students toward appropriate careers, and to raise their aspirations. The state has failed to pay special attention to this very special age group. Much is now known about the needs of these "children in the middle." I suggest to you that the time has come for the state to assume a leadership role in providing technical assistance in this area.

Nothing improves performance as much as praise. This is true for individuals, for groups of people, for teachers, students, and schools. Our efforts to raise aspirations should include recognition programs of all kinds for a job well done by students and their schools. The Governor's reception for the eleven highest-achieving juniors in Maine -- including Representative John Lisnik's son (applause) -- was a wonderful example of such an occasion where achievement and success were recognized and the students, their parents, their principals, and teachers felt special and knew that the entire state joined in this celebration of achievement.

Not everyone can be a top student, not every school can be the top school in the state, but it is possible for every school to improve -- improve in school attendance and quality, in the graduation rate, in academic performance, in the offering of cultural and extracurricular events, and in having pride in itself, its students, and its community. (applause)

I invite the Legislature to consider designing a series of events in which individual students or schools would be recognized for their achievement. I would be happy to meet with regional representatives to organize these events or to discuss other

educational issues of interest with you at your request.

Vocational education must contribute to this effort as well. No longer can we be satisfied with a vocational curriculum which narrowly prepares students for their first job. Demographics tells us that we must restructure and redesign our vocational programs to prepare students for entry into their first four or five jobs by providing related academic skills, and by shifting to more generic forms of teaching.

Finally, we need teachers and administrators in our schools like Peggy Muir, who teaches history at Freeport High. One fine spring weekend last year, Peggy and another teacher loaded 12 students into a rented van, took them on a tour of seven New England colleges, to the battlefields of Gettysburg, and to downtown Manhattan. They took sleeping bags, their own food, and a very small sum of money donated by their school, and it was a very small sum, and they opened the world for their students. Peggy needs to know that her efforts are appreciated, that they can be duplicated by others, and are of immeasurable value to these students. We need more Peggys. (applause)

### 3. Using Research.

My third goal concerns research and its use. During the past 15 years, an enormous amount of valuable educational research has been conducted and published. We know more than ever before about how students learn best, which instructional strategies to use and which behaviors to avoid. We know about the various functions of the brain, how the brain grows and develops and how this relates to learning at various ages -- and much more. Yet our practices rarely reflect current knowledge. We quite routinely teach as we have always taught or as we were taught. We organize our schools in traditional ways. We focus on small changes over long periods of time. We should now move boldly forward and attempt to implement this knowledge gained from research. I would like to challenge three school systems, or an individual school from three different school systems, spread throughout the state, to restructure their school based on the latest research principles. Teachers, parents, and administrators could volunteer together to make their schools a model of the state-of-the-art methods for all its students offering an orderly, collegial environment for all students and adults at work in this setting. Pemetic School in Southwest Harbor has expressed interest; I expect there will be others. Since money will probably be needed for such an attempt, I am committed -- given interested schools -- to match state and local resources with funding from the private sector or through foundation support.

### 4. Strengthening Teaching as a Profession.

The fourth goal concerns our teachers -- their recruitment, retention, their pre-service and in-service training, and certification. Recent reports such as that by the Carnegie Task Force on Teaching as a Profession, as well as the results of our own teacher certification pilot sites, have provided insights about those aspects of their work that teachers most value and often find sadly lacking -- an opportunity to talk to other teachers about their work, to observe and learn from each other, to visit their colleagues' classrooms, and to participate in discussions stimulated by professional reading and teaching practices.

We are preparing to admit to the profession teachers who have received a different pattern of preparation from the customary. We plan to provide, at the local level, for these teachers, support teams



by colleagues for all new teachers through Maine's innovative teacher certification system.

Programs like USM's Teachers for Secondary Schools Program have demonstrated the great interest in entry into the teaching ranks by a new group of candidates from other professions. The University has demonstrated, through this program, a willingness to break out of traditional teacher preparation patterns. Creative approaches, increased flexibility, and continued commitment on the University's part will ensure future success.

#### 5. Schools Without Drugs.

A 5th goal is a program for guaranteeing schools without drugs. Maine's exemplary drug and alcohol education program has now been adopted by more than 50 percent of Maine's schools, 98 percent of Maine's high schools participated in Project Graduation. These programs are voluntary and highly successful. They are part of the national effort, which will bring additional federal funds to Maine in the near future. It is my hope and the Governor's that 100 percent of Maine's school districts will volunteer to accept the challenge to become schools without drugs in 1987. (applause)

#### 6. Improvement Plan for the Department.

In order to reach these goals, it will be necessary to examine closely procedures and structures within our Department. Among vitally needed initiatives are the development of a five year improvement plan for the Department to parallel local school improvement plans demanded of local school districts, joint goal setting practices, performance assessment for members of the administrative team, and the development of sound, flexible, and reliable data base.

The Department has three basic functions: leadership, technical assistance and regulations.

Its leadership role must be used to identify those issues needing public attention today as well to advocate courses of action for the school community and for education in a wider context. It is the most difficult and challenging role and that of greatest importance. It must be built on a sound base of information about the demographics of our state, on an understanding of the problems facing education, as well as the political realities at the local, state, and national levels.

The Department, in order to accomplish this function, must draw on its ability to forge partnerships with the University System, the VTI's, with other state government agencies such as the Departments of Labor, Human Services, the Office of Economic Development and with the private sector in order to broaden the horizons for Maine's young citizens.

The Department provides service and technical assistance in a variety of areas. Field consultants reviewed the process for writing a school improvement plan with local districts and helps to review and implement those plans.

Another vital service function is fulfilled by the State Museum, State Library, the work of the Arts Commission and the Historic Preservation Commission, together our cultural bureaus comprise a unique and important research for the people of this state. (applause)

Of the three departmental functions, that of regulation, is perhaps least appreciated and certainly most controversial since no one likes a regulator. It is also clear, however, that during a time of increasing state funding and statutorily-determined school reform mandates, compliance monitoring, the writing of rules and

similar regulatory activities require increasing attention.

If the Department is to improve its performance and successfully deal with its increasingly complex assignments, a realignment of functions and a change in some of its basic structures may be necessary. In a study of these possibilities during the coming months, we hope to draw on the joint expertise of department staff, prime constituents, and legislative leadership.

#### 7. School Funding Issues.

The seventh goal concerns the challenges presented by school funding issues. Since passage of the Reform Act, sizable additional efforts have been made by the state towards financing public education. Thus, starting with the Teacher Recognition Grants of 1987, \$13.5 million was expended in that year, a similar sum in block grants for the current year, and \$27 million is allocated in block grant form for the 1987-88 school year, the first year of the coming biennium. During FY '89, the second year of the biennium, \$27 million will be folded into the foundation formula as indicated at the time of passage of the Act. These sums were designed to help local districts reach the newly mandated minimum teacher salary levels. Smaller amounts funded other initiatives, such as our highly effective innovative grants program, which, for instance, funded outstanding successful local teacher grant programs in the communities of Millinocket, Eagle Lake and Freeport. (applause)

Our recommended funding level for 1987-88, based on 1985-86 costs, shows a 10 percent increase in education costs over the prior year, with an additional 10 percent increase anticipated for the second year of the biennium. These increases are approximately two and one half percent higher than the average for the preceding five years. Even with these additional monies, there exists an increased burden on the local property tax.

At the same time, the property valuations of many Maine communities, along the coast and near lakes inland, have risen dramatically and have driven up local property values, while decreasing drastically state education aid and, thus, requiring higher contributions from local taxes. These increased property taxes are a special burden to long-term residents whose greatly enhanced property valuation does not translate into greater ability to pay the higher local taxes. Concern about these financial pressures is widespread and has prompted some to question various aspects of the Education Reform Act. I urge you that we not falter for we dare not, cannot, and we must not retreat from the intent of these reforms. (applause)

The problem we have identified can only be addressed by all of us working together for a long-term solution. I am deeply impressed by the spirit of cooperation and the genuine willingness of the many legislators, policy makers and state and local school municipal officials to make a sincere effort at responding to these critical financial issues. I am very pleased and gratified to be able to announce today the nature, the direction, and the intent of Governor McKernan's commitments in response to this important financial matter. First, as you may already know, the Governor will shortly be announcing two separate but related analyses affecting future tax and cost sharing relationships involving state and local government: the first being a comprehensive analysis of present state tax policy with attention to the present and most desirable mix of taxes needed to fund governmental services and the second being an examination of the present school

finance law including a search for ways to reduce the "time lag" between local expenditures and state reimbursement.

However, in addition to long-term problems, we also have a short-term problem, which has been identified. In recent weeks, two analyses of the financial impact of education reforms on local school systems have been released, one report was prepared by an Advisory Committee on School Funding, the second by the University of Southern Maine Center for Research and Advanced Study. Both reports analyzed and projected estimated additional costs based on responses from local school superintendents to a Department survey sent out last September.

In reviewing the projected costs, several questions about the implementation of the Act were raised and about the flexibility in the rule-making process. Therefore, we intend to review the law and its rules and regulations in order to ensure that it adequately and accurately reflect the original legislative intent. The State Board of Education has scheduled a public hearing on April 28th, at which it will hear testimony regarding the various aspects of the law and the need for possible changes in rules.

Let me mention one such area, and as an example, the implied requirement required by that of an elementary guidance counselor. If it was the original intent of the legislation to hire an elementary guidance counselor for each school, then 98 guidance counselors might have to be hired by next fall. At the present time, only 10 to 15 such counselors are graduated each year from the entire university system; hence, making full implementation of this option impossible. If, however, it was the intent of the original legislation to provide additional support services to students and their families, in addition to that provided by the classroom teacher, then school systems may be able to use a variety of other arrangements to meet this need. In either case, considerably less than the projected \$2.6 million for this item alone would be required.

Other aspects of the Act need similar scrutiny in case by case determination. I intend to make it possible for school districts experiencing hardship to phase in reform mandates over a one or two year period, without giving up the underlying requirements and vision of the Act.

There is, however, no question about additional funding required for teacher and administrator certification. Certification is a state function and properly should be funded by the state. Since starting in 1988, local school districts must begin offering support teams for teachers, all systems in Maine must prepare for this event during the coming year by establishing teams, determining procedures, and devising local standards. In its report, the State Board of Education estimated these costs at \$250 per teacher for the percentage of teachers needing initial or recertification. A similar amount per person is also needed for administrative certification. We propose that these sums be made available to local districts for the coming school year through categorical grants.

Of even greater significance to me, to you as legislators, and to the many people at the local level, who are looking to us for leadership and direction, the Governor has authorized me to announce today, his support of and commitment to, a goal of increasing FY 1988 level of support for financing education. This commitment is in addition to the statutory requirements for funding both years of the upcoming biennium under the existing law. This additional funding will be made available to assist

local school systems in two broad areas: a portion will be targeted as block or categorical grants to assist all districts in the implementation of the Teacher and Administrator Certification Law while the second part will serve to assist districts in meeting targeted reform efforts.

The commitment to make additional monies available will be a difficult task and will require cooperation and collaboration between the administration and the legislature, if it is to be realized. It will require each Department of government, working with the legislature, to examine their priorities and to identify dollars from existing operations to contribute to this top priority. Those efforts may be enhanced by any revenue realized over current estimates but those are uncertain dollars at this time. The focus of our efforts to respond to this challenge will be to find ways to refocus the use of state dollars to a need its citizens and its Governor have identified as having a very high priority.

Governor McKernan will soon be announcing a process and a time table for identifying additional funds and the amount that can be targeted to help alleviate the financial impact of the mandates.

I am very pleased and highly optimistic that this approach will enlist the continuing cooperation and collaboration between legislators, local and state officials, for the continuing excellence in Maine's education system. I look forward to working with you toward this goal. Thank you. (applause)

The Honorable Eve M. Bither withdrew amid the applause of the Convention, the members rising.

The purpose for which the Convention was assembled having been accomplished, the Chairman declared the same dissolved.

The Senate then retired to its Chamber, amid applause of the House, the members rising.

In the House

The House was called to order by the Speaker.

ORDERS OF THE DAY

Tabled and Today Assigned

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

Bill "An Act to Permit the Disclosure of Information on a Real Estate Transfer Tax Declaration of Value Form" (H.P. 553) (L.D. 740)

TABLED - March 20, 1987 by Representative DIAMOND of Bangor.

PENDING - Passage to be Engrossed.

Representative Norton of Winthrop offered House Amendment "D" (H-33) and moved its adoption.

House Amendment "D" (H-33) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Winthrop, Representative Norton.

Representative NORTON: Mr. Speaker, Ladies and Gentlemen of the House: This amendment represents an attempt to allow the governments of our local communities to determine how they can best carry out the intent of L.D. 740. It would prevent those communities which do not have available operating hours, personnel, or facilities, from further administrative burdens while it would allow other towns and cities the options of making the information available locally. I urge your positive consideration.

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

Representative MAYO: Mr. Speaker, Men and Women of the House: I would move that House amendment "D" be indefinitely postponed.

House Amendment "D" would require, if the municipal office did not disclose, that the Registry of Deeds disclose the information that we are trying to have disclosed on relative sales information. The Registry of Deeds presently do not have that information, we would have to make some further change, some other time I would assume, to make that information available to them. Presently the Declaration of Value form is held by the state and by the municipal office.

I would like to remind this House that we have debated this bill now for a full solid week. It was never my intention to make a career out of this one but it appears that other people want that to happen. I would remind this House why I originally introduced this legislation. I introduced it because I felt very strongly that we needed to do all we could in this legislature to aid in the assessment and appraisal of houses so that closings could be made much more quickly.

I would like to read, if I could, and you will have to forgive me if I pronounce this gentleman's name wrong -- two sentences from a letter from Mr. William VanTuinen from Skowhegan who is both an appraiser and an assessor -- kind of interesting, he is probably on both sides of this issue. He is very clear in what he says -- "Tax assessment would be able to include sales data in explaining and defending tax evaluations to taxpayers. At the present time, we are allowed to do this only when requested to provide such information to a taxpayer in the form of an appeal. More often, we are now in the situation of trying to explain to the taxpayer that the values have been updated in response to sales data but we are unable to offer any specific sales information. This is an uncomfortable situation at times for both the tax assessor and the taxpayer. The opening up of sales information would make this situation much better." He goes on to say: "Tax assessors could obtain information from other towns. Sales of certain types of property are rare, it is sometimes necessary to go outside of one particular town to obtain sales information that is needed to appraise certain types of property. Opening up the Declaration of Value would make this researching of such sales information easier and less time consuming for local assessors."

On your desks, ladies and gentlemen, you will find letters from the city of Presque Isle, the city of Brewer and various other people who participate in the assessment of real estate on the local level who feel quite strongly that this bill is appropriate and should be passed.

I would ask this House to go along with the motion to indefinitely postpone so we can finally send this bill down to the other body for passage.

The SPEAKER: The pending question is the motion of Representative Mayo of Thomaston that House Amendment "D" be indefinitely postponed.

The Chair recognizes the Representative from Greenville, Representative Gould.

Representative GOULD: Mr. Speaker, Ladies and Gentlemen of the House: I would like to urge you to oppose the postponement. I think this is a good amendment and I will give you the reasons why I think so.

First of all, Representative Mayo says that this would require a little more work as far as providing this information is concerned. Presently, there are two forms of the information that we are talking about. It doesn't appear to me that it would be a

great deal of difficulty to add a third form and, in addition to this, this would relieve the extra burden that would be placed on small communities. Many of our small communities have only part-time assessors, they are only in their offices maybe once a week or once every two weeks. I feel that the state is making another mandate upon the local governments and, if they are going to do this, they should give the local government the opportunity to determine whether they wish to do it or not. If they don't, they can pass it on to the Registry of Deeds. So, I urge you to oppose the indefinite postponement.

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

Representative JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I hate to rise and bore you again for the next five minutes. As the Representative from Rockland has already indicated, we have debated the bill for a week, there isn't much more that we can really add.

I would like to respond to the Representative from Greenville's statements. There is nothing in the bill that makes any demands on the assessors at the local level. They already provide a service, they already have a job, they already have to open their offices, if a person happens to make a request concerning the evaluation. So, we are not really making any more work for the local assessor. I am really concerned about that and their statement is that we have got to hang our hat on that -- it is the little communities, the local assessors, the small people that the demands are going to be made on. I disagree with that. I don't think that you can read anything in that bill that indicates that that is going to happen.

One thing that really hasn't been debated here and one of the reasons that I cosponsored the bill and feel very strongly about it is the housing market, particularly as it relates to the federal participation and some of your major banks. Today they are requiring greater accuracy in their appraisals. Why is this? Because the market is fluctuating so rapidly that if they don't have accurate data, then they are going to tend to require more money up front when individuals are purchasing these new homes or existing homes. This is one thing that concerns me because this is required in the state where the per capita income isn't what the national average is or isn't what some of the states to the immediate south of us is -- that these funds would not be made available for these people for these homes. So I am concerned that we provide the best, the quickest, the most accurate, information to these facilities. I am not only talking about lending institutions, or banks as we know them, but I am talking about the federal projects, the FMHA programs and the VA administration programs because they are going to require, folks, a greater degree of accuracy now. There are only two states in the nation that don't provide this information currently and Maine happens to be one of them. Currently, there is a committee in Congress that is working on the very things that I mention. They are going to require that appraisals be more accurate than they are currently and this is one way that we get that accuracy.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Stevens. Representative STEVENS: Mr. Speaker, Men and Women of the House: I was delighted to hear Representative Jackson's remarks again. However, I would like to remind the body that the amendment before us does not take away everything that Representative Jackson seeks. The information is still made public under

this amendment. FHA, VA, are still going to be able to get the information. The body has spoken on that, they think the information should be public. All this amendment does is give that option to local communities, whether they want to give the information out or whether they would prefer the Registry of Deeds to give it out.

There are conflicting letters on your desk. You have heard conflicting testimony for the last week over whether municipalities do or do not want to be responsible for the dissemination of this public information. All this amendment does is let it be a local decision. If some communities want to handle the public information, that is fine, let them do it. However, if they feel they can't handle it, they do not have the staff, the time, whatever, all they can do is send it over to the Registry of Deeds. This can be done many ways. Although there may not be currently a method of doing it -- like Representative Norton said, you can have another document, you could put them in a cardboard box and take the Declaration of Value over there or copies of them. All this amendment does is make it a local choice, it does not affect making the information public.

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

Representative MAYO: Mr. Speaker, Men and Women of the House: Representative Stevens from Bangor forces me to my feet one more time. I would urge this House to recall what was said last week in this body. The Committee on Taxation considered opening up the Declaration of Value form at the Registry of Deeds level and we decided against that in committee. Thirteen members of the committee thought it was not appropriate to do it there.

I would also point out to you a memo that I have received from Tony Neves, who is our State Tax Assessor, indicates that the current Declaration of Value form -- a more effective and efficient approach would be to allow public access to the municipal copies of the Declaration of Value form. That is the State Tax Assessor who is the chief administrator of taxes in the State of Maine. He feels that it is appropriate to do it at the municipal level. Of course, I agree with that.

I would urge this body to go along with my motion to indefinitely postpone this amendment.

The SPEAKER: The Chair recognizes the Representative from Winthrop, Representative Norton.

Representative NORTON: Mr. Speaker, Ladies and Gentlemen of the House: I certainly don't take committee reports lightly but I can't take lightly the request by all five of my municipal officers that this not come to them.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Mayo of Thomaston that House Amendment "D" be indefinitely postponed. Those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Representative Mayo of Thomaston 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 Mayo of

Thomaston that House Amendment "D" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 8

YEA - Aliberti, Allen, Anderson, Anthony, Baker, Bost, Brown, Carroll, Carter, Chonko, Conley, Connolly, Crowley, Dellert, Diamond, Dore, Dutremble, L.; Erwin, P.; Gurney, Gwadosky, Hale, Hepburn, Hichborn, Hickey, Hussey, Jackson, Joseph, Ketover, Lisnik, Macomber, Manning, Martin, H.; Matthews, K.; Mayo, McGowan, McSweeney, Melendy, Mitchell, Moholland, Murphy, E.; Nadeau, G. G.; Nadeau, G. R.; Paradis, J.; Parent, Paul, Perry, Priest, Racine, Reeves, Richard, Rolde, Rydell, Seavey, Sheltra, Simpson, Smith, Sproul, Stanley, Swazey, Tamaro, Tardy, Vose, Walker, Warren, Webster, M.; Weymouth, Zirkilton, The Speaker.

NAY - Armstrong, Bailey, Begley, Bickford, Bott, Boutilier, Bragg, Callahan, Clark, H.; Clark, M.; Cote, Curran, Dexter, Duffy, Farnum, Farren, Foster, Garland, Gould, R. A.; Greenlaw, Hanley, Harper, Higgins, Hoglund, Holloway, Holt, Jacques, Jalbert, Kilkelly, Lacroix, LaPointe, Lawrence, Lebowitz, Look, Lord, MacBride, Marsano, McHenry, McPherson, Michaud, Mills, Murphy, T.; Norton, Nutting, Paradis, E.; Pines, Pouliot, Rand, Reed, Rice, Ridley, Rotondi, Salsbury, Scarpino, Sherburne, Small, Soucy, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Telow, Tracy, Tupper, Wentworth, Whitcomb, Willey.

ABSENT - Cashman, Coles, Davis, Foss, Handy, Hillock, Ingraham, Kimball, Mahany, Nicholson, O'Gara, Paradis, P.; Ruhlin, Strout, D.; Taylor, Thistle.

Yes, 68; No, 67; Absent, 16; Paired, 0; Excused, 0.

68 having voted in the affirmative and 67 in the negative with 16 being absent, the motion did prevail.

Representative Brown of Gorham offered House Amendment "B" (H-26) and moved its adoption.

House Amendment "B" (H-26) was read by the Clerk and adopted.

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

Representative Gwadosky of Fairfield moved that the House reconsider its action whereby Bill "An Act to Assure Access to Legal Assistance by Residents of Rural Areas" (S.P. 294) (L.D. 844) was referred to the Committee on Judiciary.

On motion of the same Representative, tabled pending his motion to reconsider and specially assigned for Tuesday, March 24, 1987.

(Off Record Remarks)

On motion of Representative Dexter of Kingfield, Adjourned until Tuesday, March 24, 1987, at nine o'clock in the morning.