

# MAINE STATE LEGISLATURE

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

**VOLUME II**

**FIRST REGULAR SESSION**

May 26, 1987 to June 30, 1987

Index

**ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE**

**FIRST REGULAR SESSION**

**82nd Legislative Day**

**Friday, June 5, 1987**

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

Prayer by Reverend Kenneth E. MacDonald, Lisbon Falls Baptist Church.

The Journal of Thursday, June 4, 1987, was read and approved.

Quorum call was held.

ORDERS

REPORTS OF COMMITTEES

Ought to Pass in New Draft

Tabled Unassigned

Representative MITCHELL from the Committee on Energy and Natural Resources on Bill "An Act to Establish a Compliance Schedule for Owners and Operators of Salt Storage Areas" (H.P. 296) (L.D. 382) reporting "Ought to Pass" in New Draft (H.P. 1273) (L.D. 1749)

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

Under suspension of the rules, the New Draft was read a second time.

On motion of Representative Diamond of Bangor, tabled Unassigned pending passage to be engrossed.

Ought to Pass in New Draft

Representative TARDY from the Committee on Agriculture on Bill "An Act Relating to the Payment of Dues to Grower Organizations by Handlers and Processors of Farm Products" (H.P. 169) (L.D. 213) reporting "Ought to Pass" in New Draft (H.P. 1280) (L.D. 1753)

Report was read and accepted, the Bill read once.

Under suspension of the rules, the new Draft was read a second time, passed to be engrossed and sent up for concurrence.

Ought to Pass in New Draft/New Title

Representative CROWLEY from the Committee on Economic Development on RESOLVE, Requiring the Governor to Develop a Plan to Provide for Greater Coordination of Human Resource Development Programs (Emergency) (H.P. 938) (L.D. 1254) reporting "Ought to Pass" in New Draft under New Title RESOLVE, Pertaining to the Implementation of a Plan for Greater Coordination of Human Resource Development Programs (Emergency) (H.P. 1277) (L.D. 1748)

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

Under suspension of the rules, the new Draft was read a second time, passed to be engrossed and sent up for concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 722) (L.D. 973) Bill "An Act to Improve Funding for Communicatively Impaired Maine Residents Served by Community-based, Private Nonprofit Speech and Hearing Centers" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-255)

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

FINALLY PASSED

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Insure the Preservation of the Right to Keep and Bear Arms (H.P. 484) (L.D. 651) (C. "A" H-230)

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

The SPEAKER: The Chair recognizes the Representative from Oakland, Representative Lacroix.

Representative LACRIOX: Mr. Speaker, Ladies and Gentlemen of the House: This is a Unanimous Report from the Committee on State and Local Government. I have a statement I would like to read into the Record.

The Constitution of Maine, Article 1, Section 16 currently reads: "Every citizen has the right to keep and bear arms for the common defense; and that right shall never be questioned."

In April of 1986, the Maine Supreme Court interpreted the phrase "for the common defense as pointing to service and a broadly based organized militia," meaning groups such as the National Guard. In effect, the court ruled that individual Maine citizens have no constitutional guarantee to keep and bear arms. In order to establish the individual right to keep and bear arms, thought by many to already be guaranteed in the Constitution, we are proposing to remove the words "for the common defense" from the current language and leaving the rest of the wording intact. It would now read: "Every citizen has the right to keep and bear arms; and that right shall never be questioned."

The intent of the legislature is to guarantee the right to keep and bear arms to every Maine citizen. It is also the intent of the legislature to preserve current statutes and ordinances pertaining to fire arms. In passing this amendment, we reserve to the legislature the authority to regulate the possession of firearms by convicted felons, minors, and the mentally infirm. We recognize the term arms to mean such arms as are commonly kept by the people, for example, rifles, shot guns and handguns. Laws pertaining to concealed weapons remain under legislative authority. Your municipalities may continue to regulate the discharge of firearms and waiting periods as allowed by statute. In some, the sole intent of this amendment is to ensure for each Maine citizen the right to keep and bear arms.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Anthony.

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: I also have a statement I wish to read into the Record.

I wish to state clearly on the Record why I have become comfortable in joining the majority seeking passage of this Resolution here today.

I have been assured by the sponsors and other proponents of this bill that passage of this measure will not, in any way, alter the existing state of gun regulations in this state.

The sole purpose of this bill, I have come to understand, is to establish a constitutional underpinning to protect against any absolute prohibition by this or any future legislature or any municipality for that matter, any absolute prohibition on the owning or bearing of guns, whether for hunting or out of interest as a collector or for

purposes in defending one's self and one's home against an intruder.

This bill, if accepted by the population as a whole, would clarify that the constitutional right to bear arms is not exclusively a collective right for the purpose of defending the state against an outside enemy or the people against a tyrannical dictator but that the constitutional right to bear arms is also a personal right.

However, passage of the constitutional amendment would not, in any way, in and of itself expand that personal right beyond the parameters placed upon it by prior legislatures, nor would it prevent any future legislature from placing additional or different restrictions on it. Its sole purpose is to prevent any legislature or municipality from establishing an absolute and total ban of that right. Thus, it will still be equally possible after enactment of this proposed constitutional amendment to restrict who may possess guns and exclude certain classes of individuals, including minors or ex-felons for example, or require permits or waiting periods prior to purchase or possession of firearms.

It will still be possible to restrict the types of weapons and ammunition that may be possessed such as sawed-off shotguns or hollow-tipped bullets. It will still be possible to restrict places that arms may be kept and borne such as by prohibiting their possession in game preserves or at civic functions.

It will still be possible to limit by legislation and court decision the circumstances under which arms can be used for the defense of self, home, family, friends, livestock or other possessions of property.

It will still be possible to limit the manner of bearing arms including laws regulating the possession of concealed weapons.

In short, if this bill is passed and the proposed constitutional amendment is adopted by the people of this state, all reasonable regulation of the right to keep and bear arms including restrictions not yet contemplated by any of us, but which may be necessary for future generations of Mainer's in dealing with future arms not yet even conceived of by us, will be constitutionally permissible in this state. What will be impossible will be an outright and total ban on the keeping and bearing of arms, a total ban on collecting guns, a total ban on hunting or a total ban on the usage of firearms for defense of self and home. I don't want that and I believe neither do any of the rest of us.

It is with these understandings of the purpose of this bill that I have come to join in the Majority Report and seek passage of this bill.

Representative Murphy of Kennebunk 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 final passage. This being a Constitutional Amendment, a two-thirds vote of the members present and voting is necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 108

YEA - Aliberti, Allen, Anderson, Anthony, Armstrong, Bailey, Begley, Bickford, Bost, Bott, Boutilier, Bragg, Brown, Callahan, Carter, Chonko, Clark, H.; Clark, M.; Coles, Cote, Curran, Davis,

Dellert, Dexter, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Greenlaw, Gurney, Gwadosky, Hale, Hanley, Harper, Hepburn, Hichborn, Hickey, Higgins, Hoglund, Holloway, Holt, Hussey, Ingraham, Jackson, Jacques, Jalbert, Ketover, Kilkelly, Kimball, Lacroix, LaPointe, Lawrence, Lebowitz, Lisnik, Look, Lord, MacBride, Macomber, Mahany, Manning, Marsano, Martin, H.; Matthews, K.; Mayo, McGowan, McHenry, McPherson, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murphy, E.; Murphy, T.; Nadeau, G. G.; Nadeau, G. R.; Nicholson, Norton, Nutting, O'Gara, Paradis, E.; Paradis, J.; Paradis, P.; Parent, Paul, Perry, Pines, Pouliot, Racine, Rand, Reeves, Rice, Ridley, Rolde, Rotondi, Rydell, Salsbury, Scarpino, Seavey, Sheltra, Sherburne, Simpson, Small, Smith, Soucy, Stanley, Stevens, A.; Stevenson, Strout, B.; Strout, D.; Swazey, Tamaro, Tardy, Taylor, Telow, Thistle, Tracy, Tupper, Vose, Walker, Warren, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey, Zirkilton, The Speaker.

NAY - Baker, Conley, Handy.

ABSENT - Carroll, Cashman, Crowley, Hillock, Joseph, Priest, Reed, Richard, Ruhlman, Stevens, P.

Yes, 136; No, 3; Absent, 10; Vacant, 2; Paired, 0; Excused, 0.

136 having voted in the affirmative and 3 in the negative with 10 being absent and 2 vacant, the Resolution was finally passed, signed by the Speaker and sent to the Senate.

FINALLY PASSED  
Emergency Measure

RESOLVE, Concerning the Testing of School Buildings for Radon (H.P. 1148) (L.D. 1563) (H. "A" H-238; C. "A" H-218; S. "A" S-122)

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. 121 voted in favor of the same and 1 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

FINALLY PASSED  
Emergency Measure

RESOLVE, That the Secretary of State Prepare a Revision of the State's Motor Vehicle Laws (S.P. 582) (L.D. 1726)

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. 121 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 Increase the Appropriations to the Maine Student Osteopathic Loan Program (S.P. 94) (L.D. 241) (C. "A" S-126)

An Act Concerning the Boundary Between the Towns of Machias and Machiasport (S.P. 421) (L.D. 1301) (C. "A" S-120)

An Act to Amend the Law Concerning Activation of State Military Forces by the Governor in Human Health Emergencies (S.P. 492) (L.D. 1500)

An Act to Clarify Capital Reimbursements (S.P. 515) (L.D. 1558)

An Act to Encourage Investment in the Development of Potato Varieties (H.P. 678) (L.D. 911) (S. "B" S-123 to C. "A" H-183)

An Act to Amend the Insurance Code Regarding Rates and Rating Organizations (H.P. 1160) (L.D. 1586) (C. "A" H-226)

An Act Relating to Refusal to Appear and Taxable Wages under the Employment Security Law (H.P. 1161) (L.D. 1587) (C. "A" H-227)

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.

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

PASSED TO BE ENGROSSED

AS AMENDED

Emergency Measure

An Act to Authorize the Increase of the Maximum Speed Limit to 65 Miles Per Hour (H.P. 547) (L.D. 734) (C. "A" H-212)

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

On motion of Representative Clark of Millinocket, under suspension of the rules, the House reconsidered its action whereby L.D. 734 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-212) was adopted.

The same Representative offered House Amendment "B" (H-252) to Committee Amendment "A" (H-212) and moved its adoption.

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

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

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

ORDERS OF THE DAY

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

The Chair laid before the House the first item of Unfinished Business:

An Act to Improve the Teacher and Administrator Certification Law (H.P. 1195) (L.D. 1629) (S. "A" S-78)

TABLED - June 4, 1987 (Till Later Today) by Representative DIAMOND of Bangor.

PENDING - Reconsideration. (Returned by the Governor without his approval)

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

Representative BOST: Mr. Speaker Ladies and Gentlemen of the House: Today is the day that we must ask ourselves many difficult questions, questions that each of us must grapple with before we vote.

Fortunately, the issue here is not a partisan issue, it is not a Republican issue or a Democratic issue, it is not an administrator issue or exclusively a teacher issue, it is not a labor versus management issue, the issue here and the

criteria that we must use in our decision today is that of what is best for our young people. They, in the final analysis, will be impacted most by our decision. They and not us must feel the direct impact of a divided teaching force of good teachers in their classrooms who were overlooked for the master teacher designation and must ask why they and not us will sit in a master teacher's classroom for several days out of a week and wonder why the person teaching them is not a master teacher but a substitute. They and not us will feel the impact when the parent says, I want my child taught only by a master teacher and Mrs. Smith has not been granted master teacher status.

The kids that will be impacted by our decision today are not out in the halls lobbying on this issue, they haven't been writing their legislators or testifying at public hearings. In fact, I am afraid they have been largely overlooked in this entire debate.

Ladies and gentlemen, the bipartisan majority of the Joint Standing Committee on Education, in its weeks of deliberations on this issue, did not overlook the kids. Rather than being an afterthought, the kids were our bottom line. Let us not lose sight of that bottom line when we cast our vote today.

The Governor's decision to veto the overwhelming sentiment of this body on the third tier of certification would indicate to me that he did not ask himself these tough questions. He did not consider the morale of the teaching force that is the backbone of the educational system he claims as his highest priority.

He appears not to have considered the pay disparity between those that are granted the master teacher certificate and those who are not. Nor could he have seriously considered the divisiveness created by such a designation among teachers who must now, more than ever, pull together to make the entire teacher certification process work. Nor did he recognize that his decision to embrace the master teacher concept flies in the face of what statewide certification is intended for and not intended for.

Ironically, this Governor, who advocates local control, local decision making, and deplores statewide mandates has in effect told us that this is in fact still his position unless, of course, we are referring to teachers.

Nor do I believe the Governor examined the manner in which virtually identical programs in other states have failed and failed miserably. Nor did the Governor apparently read the Carnegie Commission Report, which he claimed as a basis for his decision for, if he had, he would have discovered it clearly calls for master or lead teachers to be implemented locally.

What questions did he ask himself? One can only speculate. Who did he listen to in order to make his decision to veto? He did not listen to this legislature and he most certainly did not listen to the overwhelming majority of teaching professionals in this state. If the vast majority of those in the banking industry or the insurance industry or the tourism industry rose up and said that pending legislation would hurt them far more than would help them, would the decision on that legislation not consider their sentiments? The answer, I believe we all would agree, is no.

If a vast majority of fishermen or hunters or woodsmen or small business owners said that particular legislation was only supported by 11 percent of those out in the field working for a living and that 85 percent of their profession

opposed the legislation, would they be ignored? I don't think so.

Somehow, the standard for which teachers' opinions are judged, is different. They are only looking out for their own interests. They don't know what is truly best for them, their motives are suspect. This very notion, ladies and gentlemen, is precisely the reason why teaching remains a profession which so many talented college graduates are discouraged from entering. They are looked at as second-class citizens, not able to participate fully in the decision making process and certainly not deserving of a salary commensurate with their peers in other professions. I am sorry to say that I believe this veto endorses that mind-set.

The master teacher concept is fatally flawed. It simply will not work as it is written or as it has been piloted. One of the glaring examples of those flaws was highlighted this week as we made the determination in this House not to upgrade standards for substitute teachers or to increase their compensation or to allow them representation. Those issues are now behind us in the legislative context not to reappear this session. But that very issue will be ever more prevalent, if we go along with this veto, for when the classroom is vacated three or four days a week, while the master teacher is involved in curriculum development or administrative tasks, guess who will be in that classroom filling in? A substitute teacher.

What is a master teacher? In all of the debate in this House over the past two weeks, I have yet to hear one solid tangible definition. There is a reason for that, there is no definition, certainly none that could or should be placed in law.

The bipartisan majority of the Education Committee said it should be a locally determined item, locally defined if it is to work at all. Apparently, the Governor does not agree.

I believe we are committed to educational excellence and to recognizing and rewarding good teachers. We do not believe this is the way to do that. I hope you will carefully examine the objections of the Governor, the impact on the teachers in each and every one of your districts and, most importantly, the impact on the school children in those very classrooms and then decide as I have to override this veto.

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

Representative SMALL: Mr. Speaker, Ladies and Gentlemen of the House: I am going to sustain the Governor's veto today for the very same reasons I opposed the bill to eliminate master teacher. In his veto message the Governor states: "The master teacher level stands for the recognition of highly qualified teachers and will be an incentive to raise professional aspirations and keep our best teachers in the profession." If this bill passes and the teachers wishes to make career advancements, he or she must either go into administration, thereby taking that teacher out of the classroom or the teacher must leave teaching and begin another career with advancement opportunities.

The third level will allow teachers to accept the challenge to move up one more step and this will help us retain our experienced and more ambitious teachers.

Another reason the Governor opposes this bill and I quote, "This bill fails to recognize the important role the pilot sites have played to date and the necessity for them to complete their work. This bill would terminate prematurely the orderly study process set up by the 111th Legislature to

examine, in part, whether the third level of certification is workable."

We, as a legislature, set up a process to study and implement all three levels of certification. Two levels have been accepted and will become the law. The State Board wishes to complete the process, to evaluate the final pilot projects, and to make their recommendations to the legislature. To allow anything less diminishes us as a legislature committed to education reform.

As a member of the 111th Legislature, I served on the Education Committee which enacted the certification legislation. I did not begin our deliberations as a proponent of master teacher. I had to be convinced by the state board members, by my former superintendent, a strong advocate for staff development, by Governor Brennan's Commissioner and Education Department and yes, by the MTA. All of them were unanimous in their support for three levels of certification and I was convinced, I became a supporter.

We passed out a bipartisan unanimous committee report and it was passed in both Houses and it was signed by Governor Brennan. Now the State Board has asked us to give them one more year to complete what we began in 1984, one more year to test the validity of the third level of certification, one more year to make recommendations to this legislature whether or not to keep the third tier.

The case has not been made to eliminate all study of the master teacher concept. I have not been convinced to alter my original vote in 1984. I hope you will vote no on the pending motion and sustain the Governor's veto.

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

Representative MATTHEWS: Mr. Speaker, Men and Women of the House: May I first say that I respect the opinions of our Governor and agree with him on many of his decisions. Because of my unwavering position on many issues, my colleagues accuse me of having my feet in cement, others are less complementary and say it is my head.

On the issue of master teacher or professional two level, I have carefully examined the reasoning, pro and con, and have drawn the following conclusions. After two years of piloting, almost everyone agrees on the successes of this new law. Staff development training for classroom teachers to work in support teams with beginning colleagues is of utmost importance and benefit. Veteran teachers have experience, knowledge, and expertise that can be made available through support teams that will aid the entry of beginning teachers into the teaching profession and help keep them in teaching.

The pilot sites have demonstrated that after two years of experimenting, the master teacher category has not worked. Two years is long enough to test and to experiment.

One of the major problems with the three tier certification law is that, in addition to being expensive and taking good teachers out of the classroom, it creates an atmosphere of mistrust among staff. Nine out of ten teachers in the State of Maine are not in favor of the master teacher level. In view of the negative feeling concerning master teacher, I shall vote to override the Governor's veto and hope you do the same.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative MURPHY: Mr. Speaker, Men and Women of the House: I was very pleased to see that the gentleman from Orono defined what this is not. Primarily what we are dealing with is a research

project that is incomplete. As someone who taught for 13 years, I am very much aware that teaching is a very lonely profession. It used to be in the past that you shut your door, you had very little contact with your fellow teachers. I think these pilots, whether two level or three level, properly in terms of what we did in the previous legislature and what is being piloted now, could be called the Sunshine Certification Research Projects.

I would have to be very frank to admit that if I was in teaching today, I would be a little nervous about opening that door -- that door sometimes can be a security blanket. What we found when we talked with teachers throughout the state that had been involved in, whether it is the first two levels or the third level as well, is that the peer support, the opening the door, bringing in fellow professionals, has been very positive and it has been supportive.

I think the teachers in the field with this practice of peer review and support have proven that they are professionals. To the point, in several communities such as Wells-Ogunquit, where they made a decision to concentrate on the first two levels because they had many new teachers in that system, teachers that could have qualified as master teachers decided to concentrate on the new teachers, thinking that after they gave them that support, brought them into the system, helped them become effective teachers, they would have another year in which to then meet their own aspirations of working toward master teacher. If we override that decision, that opportunity for them has been taken away.

This is a research project, it is incomplete, but there are some facts that are available. This is geared toward local control. The pilots are tailored to the uniqueness of a school system, a school building, and even just a particular classroom.

There is no doubt that they are innovative because the rest of the nation is watching these pilots. We are in the forefront of providing national leadership in teacher certification. We cannot escape the fact that the cap or the keystone, the final step, the third tier and the Governor identified it, it is called the key to the certification component of education reform.

We have seen steps taken this year to make the pilots more successful. The new Commissioner of Education has taken steps to expedite paperwork that those teachers that make that decision in terms of time, paperwork and money, can see the results of that dedication, the results of that work.

The Governor has proposed in his budget monies to go back to the local communities in terms of paying the cost of meeting certification. The Governor shares with each and every member of this House that we need to have, as he said in his message, "the highest quality teachers possible in Maine's classrooms." If we sustain this veto today, we will be taking a positive step along the continuing path of Maine education reform. A vote to sustain today will show that school reform is still alive and on track. A vote to sustain will be a clear vote that we are not going to step backward away from reform.

Everyone, the legislature, the Executive Branch, the teaching profession, school administrators, local school board members and parents, are committed to quality education in the State of Maine. If we vote to sustain today, let's pledge to work together to give these pilots for the next year a chance so that, a year from now when the facts are

in, we can make that decision based upon facts and not emotion. I think the challenge is, if we sustain, the good will and to work together so that we can make that decision.

We clearly are dedicated to having our children have aspirations and to meet those aspirations. Let's vote today so our teachers can have those aspirations as well.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Nicholson.

Representative NICHOLSON: Mr. Speaker and Members of the House: The previous speaker, I believe, is a professional in education and I have the utmost respect for those comments. As far as education is concerned, I am a layman. Also, as far as I am concerned, teachers are first-class citizens, no question in my mind about it.

For over 200 years, these first-class citizens in our country have produced, through our educational systems, the professionals in all fields, the scientists, the businessmen, and continue to prepare our students for the further development of the Maine economy, the arts and the cultures.

Teachers are recognized as professionals and certification is needed. This will recognize the teachers to carry out their responsibilities, meaning additional dollars. When a person does the job in business, he is recognized for more responsibility and that doesn't necessarily mean taking all of the teachers out of the classroom because it is the better and the best teacher we have to influence and encourage to stay in the classroom, and at the same time, receive additional dollars.

I urge you to vote for the veto.

The SPEAKER: The Chair recognizes the Representative from Greenville, Representative Gould.

Representative GOULD: Mr. Speaker, Ladies and Gentlemen of the House: It is not an easy decision to decide to override the Governor's veto. While I was reviewing my decision to do so, I remembered a conversation I had with a good friend a few days earlier. That conversation centered upon my vote on a civil rights issue. My friend allowed that my position on that vote appeared to be based upon prejudice. I realized that my friend had a valid point, that I must search my soul to seek out and remove the prejudice which we all have. I must be conscious of the fact that I do have these prejudices. So, I wrote down each major point of the master teacher debate, then I debated with myself on the issue (that can be an interesting conversation, especially when you end up losing.) I will not discuss all of the questions but I will share a few of them with you.

Will teachers have enough time to be certification officers and still perform their major functions as educators of children? For me, the answer is no. Teaching is a full-time task and the more time that you take the teacher away from his job, the less quality you will have in education.

The second point is, have pilots had enough time to complete the process? The pilots have completed the testing process set up by the certification act of 1984. The proponents want more time. Even if we gave them unlimited time and money, it would not help because time and money will not turn a bad idea into a good one.

Will the elimination of the third tier be the downfall in our search of excellence? Only if we want it to be. Only if we are so prejudiced, through our own opinion, that we are not willing to



compromise with those who differ from us. We can continue to strive for excellence if we are willing to set aside our differences and work together for the sake of our children.

Some of you will have different answers for these questions and that is as it should be. As long as each of us vote our conscience, we will come out with a solution that is the best for all of our children.

I pledge to you that I will continue to strive for excellence in education no matter what happens here today. I strongly feel that a proper step towards that excellence is the elimination of the third tier. Our children are worth it and they are more important than our pride. I strongly urge you to override the veto.

The SPEAKER: The Chair recognizes the Representative from Wiscasset, Representative Kilkelly.

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: This morning, I would like to pose a question to all of you that are considering a vote to sustain this veto. The question is very simple, do you know what you are buying? If you think you are voting to continue the pilot sites by sustaining this veto, you are wrong. If you think that you are voting to complete an experimental process, you are mistaken. If you think that you are voting to improve education, you are incorrect.

If you vote to sustain this veto, you will put into place the original certification law, passed in 1984. This law requires that all pilot projects shall terminate on July 1, 1987. Effective July 1988, all schools will need to implement a master teacher certification program. Every school in your district, ladies and gentlemen, will be mandated to assume this responsibility.

What are the costs? The pilot sites reported between \$158 to \$3,000 per teacher. One can assume that schools with a progressive staff development program and a larger staff, able to share the additional work load, would have the lower costs. But what about the majority of the schools in this state, the rural small schools? What about their costs? The Governor's budget proposes \$100 per teacher, \$100 to buy materials, to pay for training and courses, \$100 to reimburse staff and teachers for the hundreds of hours that will be required to plan for this program during the 1987-88 school year, and implement it in 1988-89. There is, my friends, an enormous fiscal note on this veto. It is not a fiscal note that you and I are going to see in the state budget for at least two years. It is, however, a fiscal note that all of the taxpayers in this state will see next spring at their town meetings and in their property tax bills.

The costs of educational reform bills are high. However, these costs are an investment in the next generation, they deserve the best we have to offer. I ask you, in all honesty, is this the best? The implementation of an experimental program that pits teacher against teacher, has not developed standardized criteria.

Are we, as legislators, willing to mandate that our local taxpayers pick up the check for this when there are areas that have been proven to be successful in the certification process such as the provisional, the professional certification and recertification? This ladies and gentlemen is the real decision before you today. It is a legislative decision in which you are charged with representing each and every school in your district, each and every teacher, and each and every taxpayer. If this

veto is sustained, those same folks will be looking to you in September of 1988 for answers, I am sure I don't have.

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

Representative HOLT: Mr. Speaker and Members of the House: Some years ago, when this master teacher idea first surfaced, I was privileged to serve as Chairman of the Education Subcommittee of the Democratic Platform Committee, for this idea came from within the Brennan Administration. After much discussion with teachers and students, and remembering our own experiences as teachers and students, we came to the conclusion that it would be an unfortunate establishment of a needless pecking order in schools to bring this to force, this master teacher idea. It might even make it less likely that all teachers might eventually be paid commensurate with their importance in shaping the citizenry of a free society. We did not include it in our platform.

It is not a partisan issue, obviously. An inspired teacher, who recently died in her 90's in Bath, told me when I went to ask her in her last illness what she thought were the reforms most needed in education. She said, and I agree with her and I think most of us do, "The reform in education we most need is the encouragement and support of people to come into the teaching profession and stay in it, who genuinely like the young, and who are enthusiastic learners who enjoy helping young, not so young, and old, find joy and self-discipline in the lifelong process of education. The master teacher concept, I fear, is a way to keep school systems from keeping pace with the needs of a rapidly changing society." I hope we will override the Governor's veto.

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

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: I seldom put my credentials before the House to justify my position but I have been involved a good many years in administration and teaching and the training of teachers -- even this statement is an apology to Representative Matthews. I want you to understand why I have taken the position I have to ask that you sustain the Governor's veto because I believe that this issue provides opportunities that develop excellence in teachers. I, who have been responsible for the development of curriculum and the development of teachers, believe that this is one avenue that can help to develop excellence in teaching. It is a challenge for those to aspire to a higher level of licensing. It serves as a foundation for developing instructional and leadership skills. It gives teachers a responsible role in education decision making. It provides a vehicle for collaboration and communication between teachers and administrators. It provides positive approaches to develop an improvement of skills. It provides the individual teacher the option to seek the third level of certification. It reaffirms certification as a licensing process and it acknowledges that many teachers may not exercise this option. It promotes on-going inservice and it places greater weight on peer recognition.

I urge you to uphold the Governor's move.

The SPEAKER: The Chair recognizes the Representative from Dover-Foxcroft, Representative Thistle.

Representative THISTLE: Mr. Speaker, Ladies and Gentlemen of the House: I am pleased this morning



to hear Representative Kilkelly turn this discussion to an economic consideration. I believe too little has been said about that consideration and that fact in our deliberations on this subject, the master teacher certification in the third level.

As many of you know, I have served a number of years on the school board at SAD #68. Two years ago, I was the chief negotiator when we renegotiated salary contracts. I also attended a Maine School Board Association annual convention two years ago. At that convention, former Commissioner Sawin Millett, received an honor. Also at that convention, we had a number of workshops. One of them was conducted by the Cape Elizabeth School Board with their superintendent. They were very pleased to share with us at this convention their career ladder which was unique to the state and which would reward teachers handsomely. They were pleased to tell us at that time that it was in its final stage of negotiation and six of their teachers would soon be designated "master teachers."

The career ladder concept was fascinating to me, it was the first I had heard of it. The price tag for the positions they were considering at that time, two years ago, were exorbitant, certainly far beyond the capacity of Dover-Foxcroft and the small towns included in SAD #68. They were envisioning paying these master teachers in the order of \$35,000 a year. In Dover-Foxcroft, we pay some of our administrators those salaries and we have a very advanced teacher corp, a lot of people with a Master's Degree. Most of our faculty are serving in their 18th to 24th year, but we still only pay them in the order of \$22,000 a year average pay.

Over the last couple of days, we have been concerned in this body with saving our school districts some financial burden by voting against increasing the compensation for substitute teachers. I would like to ask you to consider for a moment the relative impact of that as opposed to the relative impact of the cost of the master teacher certification if we are to further study it and eventually adopt the three tier system. Believe me, I am convinced it is an impossibility for my school district to afford this level, to afford this amount of money, this amount of compensation, though I admire the ends that we are trying to achieve. I think we have to look realistically at the budget that we have.

I have been told this morning outside in the corridor that Cape Elizabeth is not the only school district that has already negotiated a three tier system, one other being Farmington, and there may be others in the state already and I would welcome comments from any Representatives who could speak to the amount of salaries being paid in those districts.

I would ask us this morning, ladies and gentlemen, to be consistent as we voted and discussed over the last two days relative to substitute teacher compensation, let us also consider compensation for what we might bring into being and certainly will further with our vote here this morning. Master teachers may be an admirable end in our system but they will exhaust the resources of our local communities. Dover-Foxcroft pays two-thirds of its budget presently for teacher salaries and fringe benefits. Believe me, we cannot afford much more.

So, I would ask you to look to your local communities pocketbooks as well as to your desires for educational excellence when you consider whether you will vote to support or override the Governor's veto. I am choosing to vote to override.

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

Representative BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: I have discussed this subject at length with many people. I have listened to the debate since the issue came before this body as I have other issues. There is usually some information brought forth that makes sense or serves to explain the issue in more detail. On the issue before us, I have not heard any information that would change my mind for a fundamental reason. We have in this state a board of education, a commissioner, local school boards, and superintendents. These elected and appointed officials are charged with the responsibility of educating our children. As far as I can determine, the majority of these officials are in favor of retaining the master teacher program for one more year, a chance to make revisions, make improvements to the program -- if at the end of the year, the program still has flaws and problems and is unacceptable by educators, at that time, the vote should be taken.

My good friend from Winthrop makes a point by suggesting this program be facilitated through a staff development program and that may be the answer but not until the pilot programs have been completed.

We have in this state 238,000 adults without a high school diploma. These people, for a variety of reasons, have not fit the system or have not graduated in our school system. Each one of these people have a talent or a skill. A good teacher can find that talent or skill. In order to accomplish that task, a teacher needs a good background, needs to continue to build that background, and this master teacher concept may help that process. Therefore, my point is to support the people who are elected or appointed and have the responsibility to educate our children. The legislature approved the tool to improve the education in Maine through the Educational Reform Act. Now we are trying to interfere by not allowing the research to go forward and gain any information or concepts that may improve the educational process.

I am going to support the people who are charged with the responsibility of educating our children. I urge you to vote to sustain the veto.

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

Representative SMALL: Mr. Speaker, Men and Women of the House: I just wanted to clear up some misinformation here. First of all, in the Governor's budget before the Appropriations Committee, there is \$250 per teacher for certification. That is to deal with the training and staff development that will be necessary for, not only the master teacher aspect of that, but for all three levels of certification. I think that it is very good that we are taking up the cost beforehand and making that attempt to cover the local's expenses rather than waiting two years to reimburse the districts.

If we sustain the veto today that a master teacher will automatically go into effect, that is certainly not my intention and that is not the state board's intention. If I could read... "The State Board of Education and the Commissioner of Educational and Cultural Services shall study the results of the pilot projects on professional level two, which is the master teacher certification, and the state board shall report to the Joint Standing Committee of the Legislature having jurisdiction over education by January 15, 1989. That report

shall address appropriate qualifications, methods of selection and duties for professional level two teachers, and shall include draft rules for the implementation of professional level two certification. It shall also include projected costs of implementing the professional level two certificate on a statewide basis. The Joint Standing Committee on Education shall review the report of the state board, conduct its own review of the professional level two teacher certification concept, and issue its report to the legislature by April 1, 1989."

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

Representative HANDY: Mr. Speaker, Men and Women of the House: Today I would like to talk to you about convictions. Throughout the whole legislative process, we are barraged with information from all kinds of groups and individuals. In this case, teachers, superintendents, school board members, commissioners, state boards of education, our colleagues and members of this body and also the Chief Executive Officer of the coequal branch of government. When we make a decision, we should listen to all of these constituencies, sort out the factual information and make our decision based on factual information. When other additional information comes to light, we should consider that as well.

My point here today is that our decision should be based on facts and not on who is presenting the information. We make a decision based on our conscience and it should follow through on that basis and not simply because one individual or a group of individuals believes a particular way.

Earlier in the debate today, the Representative from Kennebunk, Representative Murphy, referred to renaming the pilot's "The Sunshine Certification Research Projects" or SCRIP. To me, that spells Scrap and that is what we should do with master teacher. Let's scrap it today.

The SPEAKER: The pending question before the House is "Shall this Bill become a law notwithstanding the objections of the Governor?" This requires a vote of two-thirds of the members present and voting. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 109V

YEA - Aliberti, Allen, Anthony, Baker, Bost, Boutillier, Carroll, Carter, Chonko, Clark, H.; Clark, M.; Coles, Conley, Cote, Curran, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Gould, R. A.; Gurney, Gwadosky, Hale, Handy, Hepburn, Hickey, Hوجلund, Holt, Hussey, Jacques, Joseph, Ketover, Kilkelly, Lacroix, LaPointe, Lisnik, Macomber, Mahany, Manning, Martin, H.; Matthews, K.; Mayo, McGowan, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; Norton, Nutting, O'Gara, Paradis, J.; Paradis, P.; Parent, Paul, Perry, Pouliot, Rand, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Sheltra, Smith, Stevens, P.; Strout, D.; Swazey, Tammaro, Tardy, Telow, Thistle, Tracy, Vose, Walker, Warren, Weymouth, The Speaker.

NAY - Anderson, Armstrong, Bailey, Begley, Bickford, Bott, Bragg, Brown, Callahan, Davis, Dellert, Dexter, Farnum, Farren, Foss, Foster, Garland, Greenlaw, Hanley, Harper, Hichborn, Higgins, Holloway, Ingraham, Jackson, Kimball, Lawrence, Lebowitz, Look, Lord, MacBride, Marsano, McPherson, Murphy, E.; Murphy, T.; Nicholson, Paradis, E.; Pines, Racine, Rice, Salsbury, Scarpino, Seavey, Sherburne, Simpson, Small, Soucy,

Stanley, Stevens, A.; Stevenson, Strout, B.; Taylor, Tupper, Webster, M.; Wentworth, Whitcomb, Willey, Zirkilton.

ABSENT - Cashman, Crowley, Hillock, Jalbert, Priest, Reed, Reeves, Richard.

Yes, 83; No, 58; Absent, 8; Vacant, 2; Paired, 0; Excused, 0.

83 having voted in the affirmative and 58 in the negative with 8 being absent and 2 vacant, the Governor's veto was sustained.

The Chair laid before the House the second matter of Unfinished Business:

RESOLVE, Authorizing Dorothy Gammon to Bring Civil Action Against the State and Cumberland County (H.P. 1235) (L.D. 1687)

TABLED - June 4, 1987 (Till Later Today) by Representative DIAMOND of Bangor.

PENDING - Final Passage.

On motion of Representative Diamond of Bangor, retabled pending final passage and later today assigned.

The Chair laid before the House the third matter of Unfinished Business:

Bill "An Act to Establish a Moratorium on Land Leases Affecting Tree Growth Classification" (Emergency) (H.P. 743) (L.D. 1006)

TABLED - June 4, 1987 (Till Later Today) by Representative DIAMOND of Bangor.

PENDING - Passage to be Engrossed.

On motion of Representative Michaud of East Millinocket, retabled pending passage to be engrossed and later today assigned.

The Chair laid before the House the fourth matter of Unfinished Business:

Bill "An Act to Refund County Fuel Taxes" (H.P. 1006) (L.D. 1353) (C. "A" H-246)

TABLED - June 4, 1987 (Till Later Today) by Representative MAYO of Thomaston.

PENDING - Passage to be Engrossed.

On motion of Representative Mayo of Thomaston, retabled pending passage to be engrossed and later today assigned.

The Chair laid before the House the fifth matter of Unfinished Business:

RESOLVE, Creating a Watershed District Commission (S.P. 261) (L.D. 742) (S. "A" S-118 to C. "A" S-65)

TABLED - June 4, 1987 (Till Later Today) by Representative DIAMOND of Bangor.

PENDING - Final Passage.

On motion of Representative Diamond of Bangor, retabled pending final passage and later today assigned.

TABLED AND TODAY ASSIGNED

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

An Act to Clarify the Organization of the Maine Sardine Council (Emergency) (S.P. 572) (L.D. 1707) (H. "A" H-223)

TABLED - June 4, 1987 by Representative MITCHELL of Freeport.

PENDING - Passage to be Enacted.

This being an emergency measure, a two-thirds vote of the members present and voting being necessary, a total was taken. 114 having voted in

favor of same and none against, accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

An Act to Amend the Sardine Tax (Emergency) (H.P. 1253) (L.D. 1711)

TABLED - June 4, 1987 by Representative MITCHELL of Freeport.

PENDING - Passage to be Enacted.

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

(Off Record Remarks)

The House was called to order by the Speaker.

The following items appearing on Supplement No. 1 were taken up out of order by unanimous consent:

SENATE PAPERS

The following Communication:

Maine State Senate  
Augusta, Maine 04333

June 4, 1987

Honorable Edwin H. Pert

Clerk of the House

State House Station 2

Augusta, Maine 04333

Dear Clerk Pert:

Please be advised that the Senate today Adhered to its former action whereby it accepted the Majority Ought Not to Pass Report on the Bill "An Act to Provide for Election of the Public Advocate" (H.P. 524) (L.D. 708).

Sincerely,  
S/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file.

Non-Concurrent Matter

Bill "An Act to Establish the State Bureau of Identification as an Independent Bureau within the Department of Public Safety" (S.P. 68) (L.D. 135) which was passed to be engrossed in the House on June 4, 1987.

Came from the Senate with the Bill and accompanying papers recommitted to the Committee on State and Local Government in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Relating to the Base for the State Excise Tax under the Motor Vehicle Laws" (S.P. 80) (L.D. 166) on which the Minority "Ought Not to Pass" Report of the Committee on Taxation was read and accepted in the House on June 4, 1987.

Came from the Senate with that Body having insisted on its former action whereby the Majority "Ought to Pass" as amended Report of the Committee on Taxation was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-133) in non-concurrence.

The House voted to adhere.

Non-Concurrent Matter

Bill "An Act to Change the Name of the Bureau of Civil Emergency Preparedness to the Maine Emergency Management Agency" (H.P. 1194) (L.D. 1626)

- In House, passed to be engrossed on June 2, 1987.

- In Senate, passed to be engrossed on June 3, 1987 in concurrence.

- Recalled from the Engrossing Department pursuant to Joint Order (S.P. 593)

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-135) in non-concurrence.

The House voted to recede and concur.

CONSENT CALENDAR

First Day

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

(S.P. 497) (L.D. 1514) Bill "An Act to Amend the Laws Governing Diagnostic Evaluations of Juveniles for Juvenile Court Proceedings" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-136)

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

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

SENATE PAPER

The following Joint Order: (S.P. 597)

Ordered, the House concurring that Bill "AN ACT to Reestablish the Vehicle Rental Agency in the Department of Conservation" H.P. 1078, L.D. 1465, be recalled from the Engrossing Department to the Senate.

Came from the Senate, read and passed.

Was read and passed in concurrence.

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

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 56 and Joint Rule 34, the following item:  
Recognizing:

Daniel J. Callahan and Myrtle V., of Mechanic Falls, on the 50th anniversary of their wedding June 5, 1937; a happy anniversary to 2 special people to whom we send best wishes for a wonderful day, a wonderful year and many wonderful memories; (HLS 521) by Representative McPHERSON of Eliot. (Cosponsors: Representative STROUT of Corinth, Representative PARADIS of Old Town, Representative MURPHY of Kennebunk)

On motion of Representative Strout of Corinth, was removed from the Special Sentiment Calendar.

Was read.

Subsequently, the Order was passed and sent up for concurrence.

(Off Record Remarks)

The SPEAKER: By unanimous consent, unless previous notice is given to the Clerk of the House or the Speaker of the House by some member of his or her intention, the Clerk is authorized today to send to the Senate, 30 minutes after the House recesses, all

matters passed to be engrossed in concurrence and all matters that require Senate concurrence. After such matters have been sent to the Senate by the Clerk, no motion to reconsider will be allowed.

On motion of Representative Martin of Van Buren, Recessed until 12:15 in the afternoon.

(After Recess - 12:15 p.m.)

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

SENATE PAPER  
Non-Concurrent Matter

Bill "An Act Relating to Adult Education" (H.P. 893) (L.D. 1194)

- In House, passed to be engrossed as amended by Committee Amendment "A" (H-201) and House Amendment "A" (H-243) on June 3, 1987 in non-concurrence.

- In Senate, Senate Receded and Concurred.

- Recalled from the Engrossing Department pursuant to Joint Order (S.P. 596)

Came from the Senate passed to be engrossed as amended by House Amendment "A" (H-243) and Senate Amendment "A" (S-137) in non-concurrence.

On motion of Representative Bost of Orono, the House voted to recede and concur.

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

REPORTS OF COMMITTEES  
Unanimous Leave to Withdraw

Representative RAND from the Committee on Labor on Bill "An Act to Clarify the Definition of Independent Contractor for the Purposes of Workers' Compensation" (H.P. 1266) (L.D. 1732) reporting "Leave to Withdraw"

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

The Chair laid before the House the following matter: Bill "An Act to Refund County Fuel Taxes" (H.P. 1006) (L.D. 1353) (C. "A" H-246) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

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

Representative CASHMAN: Mr. Speaker: If I could inquire of the Chair, has this bill received its second reading?

The SPEAKER: The Chair would answer in the affirmative.

On motion of Representative Cashman of Old Town, the House reconsidered its action whereby Committee Amendment "A" was adopted.

The same Representative offered House Amendment "A" (H-249) to Committee Amendment "A" (H-246) and moved its adoption.

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

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

Representative MAYO: Mr. Speaker: I have just found out the fiscal note on my amendment is incorrect. Does that cause a problem with the amendment, could that be changed at a later date?

The SPEAKER: It is a problem.

Representative MAYO: I would hope that someone could table this until the appropriate amendment could be drafted.

On motion of Representative Gwadosky of Fairfield, tabled pending adoption of Committee Amendment "A" as amended by House Amendment "A" (H-249) and later today assigned.

The Chair laid before the House the following matter: "An Act to Amend the Sardine Tax" (Emergency) (H.P. 1253) (L.D. 1711) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Mitchell of Freeport, under suspension of the rules, the House reconsidered its action whereby L.D. 1711 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-258) and moved its adoption.

House Amendment "A" (H-258) was read by the Clerk and adopted.

Subsequently, the Bill was passed to be engrossed as amended by House Amendment "A" (H-258) in non-concurrence and sent up for concurrence.

(Off Record Remarks)

The House was called to order by the Speaker.

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

CONSENT CALENDAR  
First Day

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

(H.P. 581) (L.D. 779) Bill "An Act to Enhance Higher Educational Opportunities" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-259)

(H.P. 977) (L.D. 1324) Bill "An Act to Provide for the Issuance of Summonses" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-260)

(H.P. 912) (L.D. 1224) Bill "An Act to Ban the Use of Plastic Connectors for Containers" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-261)

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

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

CONSENT CALENDAR  
First Day

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

(H.P. 1023) (L.D. 1381) Bill "An Act to Strengthen the Laws Relating to Food Safety" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-262)

(H.P. 896) (L.D. 1197) Bill "An Act to Amend the Inflation Incrementing Provision in the Tax Laws" Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-263)

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

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

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

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on State and Local Government reporting "Ought Not to Pass" on RESOLUTION, Proposing Amendments to the Constitution of Maine to Provide for the Popular Election of the Attorney General, Secretary of State, Treasurer of State and State Auditor (H.P. 1031) (L.D. 1389)

Signed:

Senators: TUTTLE of York  
BALDACCI of Penobscot  
BOUTILIER of Lewiston  
ROTONDI of Athens  
LOOK of Jonesboro  
LACROIX of Oakland  
HUSSEY of Milo  
CARROLL of Gray  
ANTHONY of South Portland  
WENTWORTH of Wells

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Signed:

Senator: GOULD of Waldo  
Representatives: BICKFORD of Jay  
STROUT of Windham

Reports were read.

On motion of Representative Carroll of Gray, the House voted to accept the Majority "Ought Not to Pass" Report. Sent up for concurrence.

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

CONSENT CALENDAR

First Day

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

(H.P. 885) (L.D. 1186) Bill "An Act to Require the Members of the Maine Turnpike Authority to be Confirmed" Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-264)

On motion of Representative Carroll of Gray, was removed from the Consent Calendar, First Day.

Subsequently, the Committee Report was read and accepted, the bill read once.

Committee Amendment "A" (H-264) was read by the Clerk.

On motion of Representative Carroll, Committee Amendment "A" (H-264) was indefinitely postponed.

The Bill was assigned for Second Reading, Monday, June 8, 1987.

PASSED TO BE ENGROSSED

(H.P. 329) (L.D. 428) Bill "An Act to Establish the Maine Court Facilities Authority" Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-265)

(H.P. 1192) (L.D. 1624) Bill "An Act to Clarify the Authority for Recruitment and Retention Stipends" (Emergency) Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-266)

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

SENATE PAPERS

Ought to Pass in New Draft

Report of the Committee on Audit and Program Review on Bill "An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Laws" (Emergency) (S.P. 459) (L.D. 1406) reporting "Ought to Pass" in New Draft (Emergency) (S.P. 590) (L.D. 1743)

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

Reports were read.

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

Representative ROLDE: Mr. Speaker: I move that the House accept the Committee Report.

Ladies and Gentlemen of the House: I am aware that yesterday while I was at a work session of the Human Resources Committee, a question was asked about another bill that had come out of the Audit and Program Review Committee. It was really addressed to this particular bill which is the major bill that came out of the Audit and Program Review Committee. As you can see, it is a very heavy document. It encompasses about 100 of the 150 different recommendations made by the Audit and Program Review Committee, those 100 being the statutory changes necessary for those recommendations.

Just briefly for those of you who are not familiar with the process of the Audit Committee, all of those 150 plus recommendations were unanimous within the committee. At the same time, we also worked in areas that were touched by three other committees of the legislature, what we call the substantive committees -- namely Human Resources, Education, and Business Legislation. We have also met with those committees and they had representatives on our committee to go over the recommendations.

The question that was asked yesterday dealt with the Real Estate Commission and some changes that have been made concerning the licensing of real estate brokers and salesmen. There are some changes and they are fairly complicated and I have tried to deal with those who have had questions so that their questions could be answered.

I will briefly give you some general outlines. What I would suggest is, if somebody wants more specifics, I would be happy to meet with them before this bill reaches its second reading.

We have grandfathered everybody who is now presently in the real estate business as either a salesman or a broker. There will also be grandfathering until July 1, 1988 of those who are studying to enter the profession. There are some changes in the continuing education which is now twelve clock hours. The only basic change there is, is that the commission now will have a core education of six hours within those twelve hours. In some respects, we have made it easier to enter the profession, but it is more of a progression to move up to the status of broker.

So if anyone does have specific questions about these changes, I would be happy to answer them.

Subsequently, the Unanimous Committee Report was accepted, the New Draft read once.

Under suspension of the rules, the New Draft was read a second time, passed to be engrossed in concurrence.

Ought to Pass in New Draft

Report of the Committee on Economic Development on Bill "An Act to Provide Assistance to Development Organizations in Labor Market Areas Facing Sudden and Severe Economic Dislocation" (Emergency) (S.P. 288) (L.D. 815) reporting "Ought to Pass" in New Draft (Emergency) (S.P. 592) (L.D. 1747)

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

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

Under suspension of the rules, the New Draft was read a second time, passed to be engrossed in concurrence.

Ought to Pass in New Draft

Report of the Committee on Marine Resources on Bill "An Act to Establish an Exemption from the Waste Water Discharge Licensing Requirements for Owners and Operators of Marine Aquaculture Operations" (Emergency) (S.P. 476) (L.D. 1439) reporting "Ought to Pass" in New Draft (Emergency) (S.P. 594) (L.D. 1751)

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

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

Under suspension of the rules, the New Draft was read a second time, passed to be engrossed in concurrence.

Ought to Pass in New Draft/New Title

Report of the Committee on Banking and Insurance on RESOLVE, to Study the Need for and Feasibility of Establishing a Self-insurance Fund and Reinsurance Funds in Maine (S.P. 194) (L.D. 551) reporting "Ought to Pass" in New Draft under New Title RESOLVE, to Study the Relationship between Nonprofit Service Agencies and Professional Liability and Other Hard-to-obtain Lines of Liability Insurance (Emergency) (S.P. 595) (L.D. 1752).

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

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

Under suspension of the rules, the New Draft was read a second time, passed to be engrossed in concurrence.

Non-Concurrent Matter

Bill "An Act to Reestablish the Vehicle Rental Agency in the Department of Conservation" (Emergency) (H.P. 1078) (L.D. 1465)

- In House, passed to be engrossed as amended by Committee Amendment "A" (H-251) on June 4, 1987.

- In Senate, passed to be engrossed as amended by Committee Amendment "A" (H-251) on June 4, 1987 in concurrence.

- Recalled from the Engrossing Department pursuant to Joint Order (S.P. 597)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-251) as amended by Senate Amendment "A" (S-138) thereto in non-concurrence.

On motion of Representative Norton of Winthrop, the House voted to recede and concur.

The Chair laid before the House the following matter: RESOLVE, Creating a Watershed District Commission (S.P. 261) (L.D. 742) (S. "A" S-118 to C. "A" S-65) which was tabled earlier in the day and later today assigned pending final passage.

On motion of Representative Carroll of Gray, under suspension of the rules, the House reconsidered its action whereby L.D. 742 was passed to be engrossed.

On motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (S-65) was adopted.

Representative Carroll offered House Amendment "B" (H-268) to Committee Amendment "A" (S-65) and moved its adoption.

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

On motion of Representative Carroll of Gray, the House reconsidered its action whereby Senate Amendment "A" to Committee Amendment "A" was adopted.

On motion of the same Representative, Senate Amendment "A" to Committee Amendment "A" was indefinitely postponed.

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

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

(At Ease)

The House was called to order by the Speaker.

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

SENATE PAPER

Non-Concurrent Matter

Bill "An Act to Amend the Laws Governing Statements Made to a Juvenile Caseworker" (H.P. 1279) (L.D. 1750) which was passed to be engrossed under suspension of the rules and without reference to a committee in the House on June 4, 1987.

Came from the Senate indefinitely postponed in non-concurrence.

The House voted to recede and concur.

The Chair laid before the House the following matter: Bill "An Act to Refund County Fuel Taxes" (H.P. 1006) (L.D. 1353) (C. "A" H-246) which was tabled earlier in the day and later today assigned pending adoption of Committee Amendment "A." as amended by House Amendment "A" (H-249) thereto.

Representative Mayo of Thomaston offered House Amendment "C" (H-267) to Committee Amendment "A" (H-246) and moved its adoption.

House Amendment "C" (H-267) to Committee Amendment "A" (H-246) was read by the Clerk and adopted.

Subsequently, Committee Amendment "A" as amended by House Amendment "A" and House Amendment "C" thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment

"A" and House Amendment "C" thereto and sent up for concurrence.

STATE OF MAINE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
FIRST REGULAR SESSION  
JOURNAL OF THE SENATE

In Senate Chamber  
Friday  
June 5, 1987

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

SENATE PAPERS  
Divided Report

Majority Report from the Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-125) on Bill "An Act to Establish the Railroad Employee Equity Act" (S.P. 505) (L.D. 1529)

Signed:  
Senator: THERIAULT of Aroostook  
Representatives: SOUCY of Kittery  
STROUT of Corinth  
POULIOT of Lewiston  
MACOMBER of South Portland  
MOHOLLAND of Princeton  
MILLS of Bethel  
REEVES of Pittston

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

Signed:  
Senators: DOW of Kennebec  
CAHILL of Sagadahoc  
Representatives: SALSBURY of Bar Harbor  
McPHERSON of Eliot  
CALLAHAN of Mechanic Falls

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-125) and Senate Amendment "A" (S-142) Reports were read.

On motion of Representative Moholland of Princeton, the House voted to accept the Majority "Ought to Pass" Report, the Bill read once.

Committee Amendment "A" (S-125) was read by the Clerk and adopted.

Senate Amendment "A" (S-142) was read by the Clerk and adopted.

Under suspension of the rules, the bill was read a second time.

The SPEAKER: The Chair recognizes the Representative from Eliot, Representative McPherson.

Representative MCPHERSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to just point out that this originally (as you can see) was a Divided Report, and after quite a bit of work at the other end of the hall, a compromise was reached. I guess you could now say that it is a Unanimous Report and I would urge your support.

Representative Joseph of Waterville offered House Amendment "A" (H-270) and moved its adoption.

House Amendment "A" (H-270) was read by the Clerk and adopted.

Subsequently, the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-125), Senate Amendment "A" (S-142) and House Amendment "A" (H-270) in non-concurrence and sent up for concurrence.

(Off Record Remarks)

On motion of Representative Aliberti of Lewiston, Adjourned until Monday, June 8, 1987, at six o'clock in the evening.

Senate called to Order by the President.

Prayer by the Honorable Pamela Cahill of Sagadahoc.  
SENATOR CAHILL: Today's prayer was first given by William Henry Channing, Chaplain of the United States House of Representatives in the mid 1800's. He reminded those Legislators to live content with small means, to seek elegance rather than luxury and refinement rather than fashion. To be worthy, not respectable and wealthy, not rich. To study hard, think quietly, talk gently, act frankly, to listen to the stars and birds, babes and sages with open hearts. To bear all cheerfully, do all bravely, await occasions, never hurry and a word to let the spiritual unbidden and unconscious grow up through the common. Amen.

Reading of the Journal of Yesterday.

Out of order and under suspension of the Rules, the Senate considered the following:

ORDERS

Joint Order

On motion by Senator DOW of Kennebec the following Joint Order: S.P. 597

Ordered, the House concurring that Bill "AN ACT to Reestablish the Vehicle Rental Agency in the Department of Conservation" H.P. 1078, L.D. 1465, be recalled from the Engrossing Department to the Senate.

Which was READ and PASSED.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

Off Record Remarks

COMMUNICATIONS

The Following Communication:

MAINE COUNCIL ON VOCATIONAL EDUCATION  
40 WATER STREET, UNIT 1  
HALLOWELL, MAINE 04347

June 4, 1987  
Member, Maine State Legislature  
State House  
Augusta, Maine 04333  
Dear Member:

I am pleased to present to you the Maine Council on Vocational Education's report on coordination between the Job Training Partnership Act and the Carl Perkins Education Vocational Act.

MCVE is required to research and comment on this coordination every two years.

We hope that you will contact us if you wish to discuss this report more fully or if you have any questions.

Sincerely,  
S/Christine Szigeti-Johnson  
Executive Director

Which was READ and with Accompanying Papers ORDERED PLACED ON FILE.

COMMITTEE REPORTS