

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fifteenth Legislature

OF THE

State Of Maine

VOLUME V

FIRST SPECIAL SESSION

July 11, 1991 to July 18, 1991

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FIRST CONFIRMATION SESSION

October 2, 1991

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SECOND SPECIAL SESSION

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SECOND REGULAR SESSION

House of Representatives

January 8, 1992 to March 9, 1992

STATE OF MAINE
ONE HUNDRED AND FIFTEENTH LEGISLATURE
SECOND SPECIAL SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Wednesday
December 18, 1991

In Compliance with a proclamation of Governor JOHN R. MCKERNAN, JR., the Senators will convene in the Senate Chamber at nine o'clock in the morning.
Senate called to Order by the President.

Prayer by the Honorable Georgette B. Berube of Androscoggin.

SENATOR GEORGETTE B. BERUBE: Let us put aside all animosity and teach us Lord to become gentle people. Amen.

The Secretary will read the Proclamation.

State of Maine
PROCLAMATION

WHEREAS, pursuant to 5 MRSA §1668, the Commissioner of Finance has reported to the Governor and the leadership of the 115th Legislature that the anticipated income and other available funds will not be sufficient to meet the expenditures authorized by the 115th Legislature in Fiscal Year 1992; and

WHEREAS, the imminent need to correct this insufficiency prior to the convention of the Second Regular Session of the 115th Legislature creates an extraordinary occasion within the meaning of Article V, Part First, Section 13 of the Constitution of Maine; and

WHEREAS, Article V, Part First, Section 13 of the Constitution of Maine authorizes the Governor upon extraordinary occasions to convene the Legislature;

NOW, THEREFORE, I, JOHN R. MCKERNAN, JR., Governor of the State of Maine, pursuant to Article V, Part First, Section 13, do hereby convene the 115th Legislature on Wednesday, December 18, 1991 at 9:00 A.M. in the City of Augusta.

In testimony whereof, I have caused the Great Seal of the State to be hereunto affixed GIVEN under my hand at Augusta this sixteenth day of December in the Year of Our Lord One Thousand Nine Hundred and Ninety-one.

S/JOHN R. MCKERNAN, JR.
Governor

S/Gary Cooper
Deputy Secretary of State
TRUE ATTESTED COPY

Which was **READ** and **ORDERED PLACED ON FILE**.

Senate at Ease
Senate called to order by the President.

At this point, a message was received from the House of Representatives borne by Representative GWADOSKY of Fairfield, informing the Senate that a quorum was present for the consideration of such business as might come before the House.

Calling of the Roll

The Roll being called, the following Senators answered to their name:

Senators BERUBE, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CARPENTER, CLARK, CLEVELAND, COLLINS, DUTREMBLE, ESTES, FOSTER, GOULD, LUDWIG, MCCORMICK, MILLS, PEARSON, RICH, THERIAULT, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

21 Senators having answered to the Roll, the President declared a quorum present.

Out of order and under suspension of the Rules, on motion by Senator **CLARK** of Cumberland, the following Senate Order:

ORDERED, that a message be sent to Governor John R. McKernan, Jr., informing him that a quorum of Senators is assembled in the Senate Chamber for the consideration of such business as may come before the Senate.

Which was **READ** and **PASSED**.

The President appointed the Senator from Cumberland, Senator **CLARK** to deliver the message to the Governor.

Subsequently, the Senator from Cumberland, Senator **CLARK** reported that she had delivered the message with which she was charged.

Out of order and under suspension of the Rules, on motion by Senator **DUTREMBLE** of York, the following Senate Order:

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

Which was **READ** and **PASSED**.

The President appointed the Senator from York, Senator **DUTREMBLE** to deliver the message.

Subsequently, the Senator from York, Senator **DUTREMBLE** reported that he had delivered the message with which he was charged.

COMMUNICATIONS

The Following Communication: S.P. 790

STATE OF MAINE

SPECIAL COMMISSION ON GOVERNMENTAL RESTRUCTURING

September 16, 1991

Governor John R. McKernan, Jr.
Senate President Charles P. Pray
House Speaker John L. Martin
Dear Governor McKernan, President Pray and Speaker Martin:

We are pleased to transmit the September 15 interim report of the Special Commission on Governmental Restructuring.

The report provides an overview of the approach the members of the Commission are taking to their assignment and the status of the work being done by the Commission and its Committees.

We continue to be impressed with the commitment Commission members are demonstrating in the time, effort and thought they are devoting to the work of the Commission. We also want to express our appreciation for the splendid support the members of the staffs of the State Planning Office and Legislative Office of Policy and Legal Analysis are giving the Commission.

The Commission has received extensive information, advice and assistance from members of the Legislative and Executive Branches of State Government and from individuals in the public and private sector. We hope this report will stimulate added contributions to our deliberations.

Sincerely,
S/Merton G. Henry S/Donald E. Nicoll
Co-Chair Co-Chair

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

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

The Following Communication:

**STATE OF MAINE
DEPARTMENT OF AUDIT
STATE HOUSE STATION 66
AUGUSTA, MAINE 04333**

July 30, 1991

Honorable Charles P. Pray
President of the Senate
State House Station 3
Augusta, Maine 04333

Dear President Pray:

I am pleased to submit the fourth Single Audit of the State of Maine, covering the fiscal year ended June 30, 1990.

We conducted the audit pursuant to Title 5, MRSA, Chapter 11, which authorizes the State Department of Audit:

To perform a postaudit of all accounts and other financial records of the state government or any department or agency thereof, including the Judiciary and the Executive Department of the Governor, except the Governor's expense account, and to report annually on this audit, and at such other times as the Legislature may require.

The audit was conducted as a condition of the state's receipt of more than \$701 million in federal financial assistance and to meet the requirements of the Single Audit Act of 1984, authorized under the United States Code, USC 31, Chapter 75 and the regulations established by the U.S. Office of Management and Budget (OMB) Circular A-128, Audits of State and Local Governments.

The objectives of our audit were:

To determine the fairness of the presentation of the state's financial statements in accordance with generally accepted accounting principles;
To assess the adequacy of the state's system and procedures for financial accounting and internal controls;

To determine the accountability for revenues, the propriety of expenditures, the extent to which funds have been expended in accordance with prescribed state and federal laws and regulations, and compliance with federal regulations pertaining to financial reports and claims for reimbursements;

To recommend appropriate actions to correct any deficiencies.

Our review of the system and procedures of the State of Maine related to financial accounting, internal control, and compliance revealed certain weaknesses which are included in the following reports:

Significant weaknesses are noted in the Schedule of Reportable Conditions and the letters on compliance and internal control.

Findings on federal compliance matters are included in the Schedule of Compliance Findings and Questioned Costs.

Other weaknesses are noted in the Management Letter.

We are again rendering a qualified opinion on the state's fiscal year 1990 financial statements. The qualifications contained in the Independent Auditor's Report are as follows:

The state does not record certain accruals as required by generally accepted accounting principles;

Revenues, expenses and inventory accounts of the Internal Services Fund are overstated as a result of overhead burden rates being applied to work performed on projects within the fund;

The state had not recorded an adequate allowance account balance for uncollectible sales tax receivables.

In addition, we do not express an opinion on the General Fixed Assets Account Group because of incomplete financial records.

We would like to express our appreciation to Richard J. Ogden, Regional Inspector General for Audit Services and his staff at the U.S. Department of Health & Human Services, our federal cognizant audit agency. With their invaluable assistance during the past four years, our department has successfully implemented the Statewide Single Audit process.

Also, I appreciate the contributions of the staff of the Department of Audit, whose professionalism and dedication made possible the preparation of this report. Through our efforts and the ongoing cooperation of the Maine Department of Finance and other state agencies, we will continue to provide financial information that serves the needs of governmental decision makers, federal regulators, credit rating agencies and interested citizens of Maine.

We would be pleased to respond to any of your questions or comments about the 1990 Single Audit Report.

S/Rodney L. Scribner, CPA
State Auditor

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

The Following Communication:

**DEPARTMENT OF PUBLIC SAFETY
STATE HOUSE STATION 42
AUGUSTA, MAINE 04333**

August 8, 1991

The Honorable Charles P. Pray
President of the Senate
State House Station 3
Augusta, Maine 04333

Dear President Pray:

Pursuant to 25 MRSA §1544, it is my privilege to present to you and the members of the House the 16th annual report on Crime in Maine.

Since the inception of the Uniform Crime Reporting Program in Maine in 1974, the Maine State Police and the Department of Public Safety have been proud to serve as the sponsoring agency for the collection, analysis and dissemination of our state's only source of reported crime data.

The information contained in this report is a tribute to the cooperative efforts of over 150 municipal, county and state police agencies who contribute crime data each month.

Crime in Maine 1990 reflects the challenges facing Maine's law enforcement agencies in their battle against crimes influenced by drug usage, domestic abuse and sexual assaults.

With the ever increasing pressures on state and local government to provide crucial services, it is hoped that the information contained herein will be a valuable informational tool to assist in the weighty decisions concerning the allocation of resources, creation of new laws and the adjudication of our legal system.

Should you like further information concerning Maine's growing crime challenge, please feel free to contact Stephan Bunker, Uniform Crime Reporting Supervisor, at 621-1204.

Respectfully submitted,

S/John R. Atwood

Commissioner

Department of Public Safety

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

The Following Communication:

**HEALTH CARE FINANCE COMMISSION
STATE HOUSE STATION 102
AUGUSTA, MAINE 04333**

August 8, 1991

The Honorable Charles P. Pray

President of the Maine Senate

State House

Augusta, Maine 04333

Dear Senator Pray:

I am pleased to transmit to you the Commission's Annual Report for 1990. My fellow Commissioners and I hope that our report will be helpful to you and other members of the Legislature in your efforts to formulate and implement health policy for Maine.

We have devoted a substantial portion of our time over the past year to the redesign of Maine's hospital payment system. The significant statutory changes enacted in 1989 required that new payment systems be in place by October 1, 1990. Balancing our obligation to establish several new payment systems with our ongoing responsibilities to administer the former system resulted in a very challenging year.

Throughout this period we worked closely with our Hospital, Payor and Professional Advisory Committees. Having concluded that health care consumers could provide an important and independent perspective, we also established a Consumer Advisory Panel and have recommended that this body be recognized in statute.

This past year also marked the beginning of the creation of an ambulatory data collection system, including both hospital and non-hospital providers. This new source of health care information represents an important complement to Maine's well-established inpatient data base. Given the increasing volume of health care services that are being shifted from inpatient to outpatient settings, this new source of information is likely to become invaluable for providers, payors, policy makers and consumers.

Over the past year, the limitations imposed by the federal government on payments to hospitals have continued to create problems for both hospitals and Maine's private payors. These governmental payment shortfalls must be underwritten through greater payments from Maine's private payors. We estimate that the payment shortfalls arising from public

insurance programs, charity care and bad debts may reach approximately \$138 million for 1990.

Over the past year we have administered the newly created Hospital Uncompensated Care and Governmental Payments Shortfall Fund. Although this fund represents a recognition of the "shortfall" problem, it is unlikely in a period of severe economic stress that the financial support for the "Fund" will be sufficient to provide meaningful relief either to hospitals or to private payors. As a result, it is important that active consideration be given to any alternative approaches to this continuing problem.

In our last Annual Report we noted a concern about the difficulties that might be encountered in the transition from one payment system to another and offered the hope that our experience with the current system might ease that passage. Although the transition has not been without disagreements and difficulties, we have been pleased with the level of cooperation and the quality of the contributions that all interested parties have brought to this task.

We look forward to working with you to assure that quality hospital care is available to all Maine citizens at an affordable cost.

Sincerely,

S/Rosalynne S. Bernstein

Chairman

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

The Following Communication:

**DEPARTMENT OF CONSERVATION
STATE HOUSE STATION 22
AUGUSTA, MAINE 04333**

August 14, 1991

The Honorable John L. Martin

Speaker of the House

Maine House of Representatives

State House Station 2

Augusta, Maine 04333

The Honorable Charles P. Pray

President of the Senate

Maine Senate

State House Station 3

Augusta, Maine 04333

Senator Bonnie L. Titcomb, Chair

Joint Standing Committee on

Energy and Natural Resources

State House Station 3

Augusta, Maine 04333

Representative Paul F. Jacques, Chair

Joint Standing Committee on

Energy and Natural Resources

State House Station 2

Augusta, Maine 04333

RE: Amendments to the Commission's Standards Regarding Deer Wintering Areas

Dear Speaker Martin, President Pray, Senator Titcomb and Representative Jacques:

Please find enclosed a copy of final amendments to the Maine Land Use Regulation Commission's Standards regarding the deer wintering area program that were adopted by the Commission on June 20, 1991. These changes will provide improvement in the manner the Commission's 20-year-old program for deeryards in unorganized areas of Maine is administered.

By way of background, in 1988 in response to concerns raised by landowners, the Commission initiated a comprehensive assessment of the deer

wintering area program. To assist it in this assessment, the Commission convened a committee comprised of representatives of landowners, sportsmen, environmental interest groups and the Department of Inland Fisheries and Wildlife. That group was very helpful in identifying issues and needs, reviewing materials, and offering suggestions for an improved program.

Following this 2 1/2 year evaluation, the Commission concluded the fundamental structure and function of the program was necessary and appropriate. Although it found no cause to change the basic principles of the program, it did identify opportunities to improve the program by better defining its scope, improving the basis for decision-making through expanded information requirements, equalizing opportunities for evaluating biological requirements for a zone change, and clarifying criteria related to removal of past deer yards from Fish and Wildlife Protection (P-FW) zoning.

This work culminated in proposed amendments to Chapter 10; Land Use Districts and Standards which were the subject of a public hearing held in Bangor on February 20, 1991. After considering the comments received, the Commissions adopted revisions to Chapter 10 on June 20, 1991, thereby concluding this assessment.

Key provisions of the revised Standards include: Establishment of a limit, or cap, on the number of acres the Commission intends to place in (P-FW) Fish and Wildlife Protection Subdistricts for protection of deer wintering habitat. The limit establishes that zoned deeryard acreage within any Deer Management District not exceed 3.5% of the Deer Management District.

Expanded information requirements for P-FW petitions in order to allow the Commission to assess a petition in the context of the overall deer management program. These revised information requirements will result in consistency among petitions and assure that successful petitions meet core criteria.

Limited expansion (until May 1 of each year) of the period during which ground surveys of interim deer wintering areas (P-4's) and potential new areas may be conducted by the Department of Inland Fisheries and Wildlife staff. This change should allow completion of these assessments in a more timely manner.

Refined criteria for removal of P-FW designations in areas where it is no longer needed to protect wintering areas. In certain situations, removal of P-FW designation is appropriate and this revision provides clarification of the mechanism and basis for making a change.

Formal opportunity for potentially affected landowners to evaluate in the field whether an area meets the biological criteria of a P-FW Subdistrict. This opportunity is provided by either allowing a landowner to accompany Inland Fisheries and Wildlife biologists and observe their ground survey of the area or by providing a two-year "reconsideration" period following zoning, during which time a landowner may independently assess the area to verify or refute earlier information.

Provisions to allow by plan agreement mineral extraction for road purposes affecting one acre or less within P-FW Subdistricts.

In total, these changes will strengthen the deer wintering area program and maintain the Commission's mandate to maintain an appropriate balance between the multiple uses of natural resources in its jurisdiction. As such, it provides for continued protection of the white-tailed deer, a highly valued public resource, while accommodating other uses of woodland areas which are important to the State as well.

In addition to the final amended Standards, I have enclosed the Commission's "Policy Statement on Deer Wintering Areas", accepted by the Commission concurrent with the rule changes.

12 M.R.S.A. §685-A(8) specifies that amendments to the Commission's land use standards, upon adoption, shall become effective immediately but shall be submitted to the next regular or special session of the Legislature for approval or modification. If the Legislature fails to act, such standards shall continue in full force and effect.

This submission is to fulfill the Commission's requirements under 12 M.R.S.A. §685-A(8).

If you have any questions regarding the revised Standards, please do not hesitate to contact me at 289-2631.

Sincerely,
S/David E. Boulter
Director
Maine Land Use
Regulation Commission

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

The Following Communication:
**DEPARTMENT OF CONSERVATION
STATE HOUSE STATION 22
AUGUSTA, MAINE 04333**

August 14, 1991

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

The Honorable Charles P. Pray
President of the Senate
Maine Senate
State House Station 3
Augusta, Maine 04333

Senator Bonnie L. Titcomb, Chair
Joint Standing Committee on
Energy and Natural Resources
State House Station 3
Augusta, Maine 04333

Representative Paul F. Jacques, Chair
Joint Standing Committee on
Energy and Natural Resources
State House Station 2
Augusta, Maine 04333

RE: Amendments to Chapter 10; Land Use Districts and Standards Regarding Classification of Certain Lakes.
Dear Speaker Martin, President Pray, Senator Titcomb and Representative Jacques:

Please find enclosed a copy of the final rule relating to the management classification of three lakes that was adopted by the Maine Land Use Regulation Commission on March 21, 1991.

This rule reclassified portions of Grand Falls Flowage within the Commission's jurisdiction to Management Class 4 and reclassified and rezoned Third Machias Lake and portions of Big Benson Pond within

its jurisdiction to Management Class 2 and the Accessible Lake Protection (P-AL) Subdistrict.

This rule is consistent with the Commission's adoption of a comprehensive lakes management program. The reclassifications and rezoning were based on information that was part of the hearing record associated with the Commission's original lakes rule-making proposal. Information developed by the Maine Department of Inland Fisheries and Wildlife, and additional information subsequently gathered by the Commission staff, indicated Grand Falls Flowage meets the criteria for Management Class 4 and Big Benson Pond and Third Machias Lake each meet the criteria for Management Class 2.

Accordingly, this rule places those waterbodies into the appropriate classes to guide their future uses.

12 M.R.S.A. §685-A(8) specifies that amendments to the Commission's land use standards, upon adoption, shall become effective immediately but shall be submitted to the next regular or special session of the legislature for approval or modification. If the Legislature fails to act, such standards shall continue in full force and effect.

This submission is to fulfill the Commission's requirements under 12 M.R.S.A. §685-A(8).

If you have any questions as you review the amendments, please do not hesitate to call me at 289-2631.

Sincerely,
S/David E. Boulter
Director
Maine Land Use
Regulation Commission

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

The Following Communication:
**DEPARTMENT OF CONSERVATION
STATE HOUSE STATION 22
AUGUSTA, MAINE 04333**

August 15, 1991

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

The Honorable Charles P. Pray
President of the Senate
Maine Senate

State House Station 3
Augusta, Maine 04333
Senator Bonnie L. Titcomb, Chair
Joint Standing Committee on
Energy and Natural Resources
State House Station 3
Augusta, Maine 04333

Representative Paul F. Jacques, Chair
Joint Standing Committee on
Energy and Natural Resources
State House Station 2
Augusta, Maine 04333

RE: Metallic Mineral Exploration and Mining Rules
Dear Speaker Martin, President Pray, Senator Titcomb
and Representative Jacques:

Please find enclosed a copy of final rules relating to metallic mineral exploration and mining that were adopted by the Maine Land Use Regulation Commission on July 31, 1991.

These rules were in response to P.L. 1989, c. 874, legislation that charged the Commission with developing, jointly with the Department of Environmental Protection, comprehensive rules for metallic mining activities in Maine. In addition, the Commission undertook rule development to integrate its zoning requirements for unorganized areas of Maine into a comprehensive approach to mining regulation.

In developing these rules, the Commission, along with the Department, held informational workshops and meetings with the regulated community, environmental interest groups and interested members of the public to discuss technical, processing and policy issues. In April, 1991, public hearings were held in Presque Isle and Augusta to solicit formal review and comment. This process culminated in the adoption of these rules on July 31, 1991, by unanimous votes of both the Commission and the Board of Environmental Protection.

Chapter 12; Land Use District Requirements for Metallic Mineral Mining and Level C Mineral Exploration Activities and amendments to Chapter 10; Land Use Districts and Standards relate to zoning components of land use activities proposed to occur in unorganized areas of Maine. These rules locate metallic mines in Planned Development Subdistricts, a district that allows for large scale, well-planned developments that are separated from existing developed areas because they depend upon a particular natural feature or location present at a site (the ore body). This approach is intended to provide flexibility and recognize the site-specific nature of mining, while maintaining sufficient regulatory control to ensure a high quality development, protective of existing uses and natural resources.

In addition, the rules:

Specify use of a (D-PD) Planned Development Subdistrict zone for Level C mineral exploration activities. Level C activities are large scale exploration operations that involve the excavation of an area greater than two acres in size or removal of more than 10,000 cubic yards of material. Typically this would occur when bulk sampling of ore or the establishment of a small mine is proposed to confirm the extent and quality of an ore deposit prior to full scale mining operations;

Allow Level A and B exploration activities to occur in other existing zones without requiring rezoning to D-PD designation;

Specify the key information the Commission will require in considering a rezoning proposal for a mine site, including short and long-term socioeconomic benefits and impacts to the site and area communities, demands for primary and secondary services, potential impacts to existing uses and natural resources, and alternatives to mitigate adverse impacts. This approach should provide sufficient guidance to an applicant as to the scope of information needed for a rezoning proposal to be considered by the Commission; and Provide for a public hearing on a rezoning petition before it is decided by the Commission.

Chapter 13; Rules Relating to Metallic Mineral Exploration, Advanced Exploration and Mining, is the major technical rule relating to exploration and mining activities. It establishes application and technical data gathering requirements, performance standards and minimum design, operational and closure requirements for proposed mining activities.

Key provisions of this rule include: Financial assurance provisions to ensure adequate funds are available to properly close and reclaim a mine site following operation and to undertake any necessary corrective actions; Standards and operating procedures for exploration and advanced exploration activities; Baseline and ongoing groundwater monitoring requirements for mine sites; Design and siting standards for mine waste units, while maintaining flexibility in recognition of the unique aspects of a particular mine site; Mine waste treatment and management standards; and Preparation of an Environmental Impact Report (EIR) designed to comprehensively assess potential adverse impacts resulting from a mining activity. The objectives of the EIR are to encourage early public input and participation, provide a useful informational assessment as part of the application that will identify any potentially significant adverse impacts, identify and evaluate reasonably available alternatives, and identify methods of mitigating adverse impacts.

These rules represent a comprehensive and coordinated approach to metallic mining and I am confident they are workable, while remaining protective of natural resources and existing uses. 12 M.R.S.A. §685-A(8) specifies that amendments to the Commission's land use standards, upon adoption, shall become effective immediately but shall be submitted to the next regular or special session of the Legislature for approval or modification. If the Legislature fails to act, such standards shall continue in full force and effect.

This submission is intended to fulfill the Commission's requirements under 12 M.R.S.A. §685-A(8). If you have any questions regarding these rules, please do not hesitate to contact me at 289-2631.

Sincerely,
S/David E. Boulter
Director
Maine Land Use
Regulation Commission

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

The Following Communication:
WORKERS' COMPENSATION COMMISSION
STATE HOUSE STATION 27
AUGUSTA, MAINE 04333
August 19, 1991

Honorable Charles P. Pray
President of the Senate
State House Station 3
Augusta, Maine 04333
RE: Quarterly Report for the Second Quarter of Calendar 1991
39 M.R.S.A. §92(3)
Dear President Pray:

This letter and statistical attachments are the second quarterly report of Commissioner caseload and progress mandated by 39 M.R.S.A. §92(3).

The Commission received 3,619 petitions in the second quarter of 1991 and disposed of 3,871 by decision or dismissal. Commissioners reduced the number of pending petitions from 10,123 at the end of March to 9,871 as of June 30, 1991. We are also continuing to make progress at reducing the number of petitions undecided more than two years.

The Commission is beginning the rulemaking process to carry out recently enacted changes to the workers' compensation statute. Applications are being received for the new job of Medical Coordinator. There have been no formal complaints or filings concerning the 30 day decision rule of 39 M.R.S.A. §99-B as implemented by Commission Rule 22.11.

A summary of caseload and dispositions is presented in the attached tables. I would be happy to discuss this report further if you wish.
Sincerely,
S/Ralph L. Tucker
Chairman

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

The Following Communication:
STATE OF MAINE
DEPARTMENT OF THE SECRETARY OF STATE

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

In Testimony Whereof, I have caused the Great Seal of the State to be hereunto affixed. GIVEN under my hand at Augusta, this Twenty-Eighth day of August in the year of our Lord one thousand nine hundred and Ninety-One.
S/G. William Diamond
Secretary of State

RESOLUTION
NUMBER 8-7-91-01
OF THE PENOBSCOT INDIAN NATION

Whereas, the Penobscot Nation is a federally recognized Indian Tribe; and
Whereas, the Penobscot Tribal Governor and Council is the duly authorized and elected governing body of the Penobscot Nation; and
Whereas, the Penobscot Nation held a General Meeting August 7, 1991, for the purpose of approving or disapproving legislation that has been submitted to the 115th Legislature of the State of Maine; Therefore be it resolved, that the Penobscot Nation approved P.L. 91, c. 484, sec. 8 "An Act to Improve Implementation of the Maine Indian Claims Settlement Laws".

CERTIFICATION

I, Lorraine Dana, hereby certify that I am the Tribal Clerk and Official Custodian of certain records, including Minutes of the Meetings of the Penobscot Indian Nation, a Federally recognized and sovereign Indian Tribe duly organized and existing under the Laws of the United States, and that the foregoing is a true, accurate and compared transcript of a Resolution contained in the Minute Book of the Nation, adopted at a General Meeting of said Nation duly held on the 7th day of August, 1991, and that the proceedings of said Nation, and that the said Resolution has not been amended or revoked and is in full force and effect.

In Witness whereof, I hereunto set my hand as Tribal Clerk of the Penobscot Indian Nation and affixed it's Tribal Seal; on 8/19/91.

S/Lorraine Dana
Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

**STATE OF MAINE
DEPARTMENT OF THE SECRETARY OF STATE**

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

In Testimony Whereof, I have caused the Great Seal of the State to be hereunto affixed. GIVEN under my hand at Augusta, this Tenth day of September in the year of our Lord one thousand nine hundred and Ninety-One.

S/G. William Diamond
Secretary of State

**RESOLUTION OF THE JOINT TRIBAL COUNCIL OF THE
PASSAMAQUODDY TRIBE, ADOPTED AT A MEETING
HELD AT INDIAN TOWNSHIP, MAINE
ON AUGUST 26, 1991**

Be It Resolved

That, in accordance with Title 3, Section 602 of the Maine Revised Statutes, the Joint Tribal Council of the Passamaquoddy Tribe hereby designates its elected Representative to the Maine Legislature, Madonna M. Soctomah, as the Certifying Officer of the Passamaquoddy Tribe designated to provide certification to the Secretary of State of the State of Maine when approval of legislation amending the Maine Indian Claims Settlement Act (the "Maine Implementing Act") is required of the Passamaquoddy Tribe by the provisions of Title 25, Section 1725(e) of the United States Code as a condition precedent to the consent of Congress to such legislation.

CERTIFICATION

I, the undersigned Clerk of the Joint Tribal Council of the Passamaquoddy Tribe do hereby certify that a meeting of the Joint Tribal Council of the Passamaquoddy Tribe was held at the Tribal Offices in Indian Township, Maine on August 26, 1991, and do further certify that the presence of a quorum of the Joint Tribal Council of the Passamaquoddy Tribe consisting of not fewer than eight voting members, including at least four members from each Reservation, was determined by a roll call taken and recorded at the beginning of the meeting, and that the foregoing Resolution was circulated in writing to all members of the Joint Tribal Council present at the said meeting prior to the foregoing Resolution being voted upon at the meeting, and that the foregoing Resolution was duly moved, seconded and adopted by the affirmative vote of 10 members who at the time of the vote constituted a majority of the 10 voting members of the Joint Tribal Council then present and voting.

Dated: Sept 3, 1991

ATTEST: S/Mary J. Lola
Clerk
Joint Tribal Council

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

**STATE OF MAINE
DEPARTMENT OF THE SECRETARY OF STATE**

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

In Testimony Whereof, I have caused the Great Seal of the State to be hereunto affixed. GIVEN under my hand at Augusta, this Sixth day of September in the year of our Lord one thousand nine hundred and Ninety-One.

S/G. William Diamond
Secretary of State

**RESOLUTION OF THE JOINT TRIBAL COUNCIL OF THE
PASSAMAQUODDY TRIBE, ADOPTED AT A MEETING
HELD AT INDIAN TOWNSHIP, MAINE
ON AUGUST 26, 1991**

Be It Resolved That

Whereas, the Legislature of the State of Maine has passed "An Act to Improve Implementation of the Maine Indian Claims Settlement Laws," which was approved by the Governor of Maine and designated P.L. 1991, c. 484, and which includes an amendment to the Maine Indian Claims Settlement Act (the "Maine Implementing Act");

Whereas, Section 9 of P.L. 1991, c. 484 provides that it will not become effective unless it is approved by the Joint Tribal Council of the Passamaquoddy Tribe and a certification thereof is filed with the Maine Secretary of State within 60 days of the adjournment of the Maine Legislature;

Whereas, Title 25, Section 1725(e) of the United States Code grants the consent of Congress to any amendment of the Maine Implementing Act affecting the Passamaquoddy Tribe when the amendment relates to "the enforcement or application of civil, criminal, or regulatory laws of the Passamaquoddy Tribe ... and the State within their respective jurisdictions," or to "the allocation or determination of governmental responsibility of the State and the tribe ... over specified subject matters ... , including provision of concurrent jurisdiction between the State and the tribe ..." provided the amendment is made with the agreement of the Passamaquoddy Tribe;

Whereas, P.L. 1991, c. 484, makes changes in the law of criminal jurisdiction that will enhance the exercise of criminal jurisdiction by the Passamaquoddy Tribal Court;

Whereas, P.L. 1991, c. 484, also conforms the state Human Rights Act to the federal Equal Opportunity Employment Act, by specifying that Indian-preference employment policies utilized by employers on or near the reservation do not constitute unlawful employment discrimination; and

Whereas, these legislative changes were enacted in response to legislation initiated by the Passamaquoddy Tribe, and are deemed beneficial to the Passamaquoddy Tribe,

Now Therefore, Be it Resolved:

That, pursuant to the provisions of Title 3, Section 601 of the Maine Revised Statutes and Section 9 of P.L. 1991, c. 484, the Joint Tribal Council of the Passamaquoddy Tribe hereby agrees to and approves the provisions of P.L. 1991, c. 484, enacted by the Maine Legislature, including specifically the portion thereof amending Title 30, Section 6209, subsection 2, and further directs that a written certification to that effect be prepared, executed and submitted to the Secretary of State of the State of Maine in accordance with the provisions of Title 3, Section 602 of the Maine Revised Statutes forthwith.

CERTIFICATION

I, the undersigned officer designated by the Joint Tribal Council of the Passamaquoddy Tribe pursuant to Title 3, Section 602 of the Maine Revised Statutes, do hereby certify that a meeting of the Joint Tribal Council of the Passamaquoddy Tribe was held at the Tribal Offices in Indian Township, Maine on August 26, 1991, and do further certify that the foregoing Resolution was duly adopted by the Joint Tribal Council.

Dated: 9/3/91

ATTEST: S/Madonna M. Soctomah
Certifying Officer

Which was **READ** and **ORDERED PLACED ON FILE**.

The Following Communication:

115TH MAINE LEGISLATURE

BLUE RIBBON COMMISSION ON CHILDREN AND FAMILIES

September 13, 1991

Honorable Charles P. Pray
President of the Maine Senate
State House Station 3

Augusta, Maine 04333

Honorable John L. Martin

Speaker of the Maine House of Representatives
State House Station 2

Augusta, Maine 04333

Dear Mr. President and Mr. Speaker:

We are pleased to submit the report of the Blue Ribbon Commission on Children and Families. This is the product of lengthy discussions, reviews, rewrites, and further deliberations on the part of the members, the staff, and interested parties. We commend the work of those individuals.

This report should be seen as part of a continuing process. The Commission designed a schematic plan, not a detailed plan. We provide a foundation for an appointed Commissioner to use when moving forward into the more detailed ingredients for implementation. The end result should be a more efficient and focused approach to meeting the needs of children with problems, but more importantly, an approach which emphasizes prevention and early intervention as a means for reducing those problems.

Other states which have moved to the separate state agency approach have tended to develop agencies to serve special problem children, adolescents, and their families. The enclosed report outlines an approach which addresses children in general, with a coordinated approach to not only treating already established problems, but to reducing future problems. This is an approach which has the potential to be a national model.

Our major recommendations include the establishment of a Department for Children and Families, a list of existing entities to be transferred into such an agency, a time frame and process for the more detailed planning and implementation phase, a Joint Select Committee of the Legislature to address children's issues, a permanent Commission to assist with monitoring and advising state government, a Family Foundation to support the Department by conducting research current to the needs of children and being involved in training, planning, and advocacy activities, a summary of revenue sources to support a transition to and operation of the Department, and principles and guidelines for its establishment.

It should be emphasized that the purpose of this recommended approach is to provide a new focus and efficiency in conducting services for children and

families. It should not be seen as a lack of recognition for those State employees who have toiled long and hard in support of Maine's children within the present structure.

Due to the establishment of the Special Commission on Governmental Restructuring, we have made the assumption that this report will move to that body prior to any legislative action. Therefore, we have not prepared legislation as part of the content of this report. We have printed a number of the enclosed report for distribution, while the more detailed addendum which contains supporting materials will be printed in very limited quantities. It was felt that the cost of printing at this time should be reduced by proceeding in this manner.

We are available to respond to any questions or to participate as a part of any future deliberations related to the content and goals of this report. Attached is a copy of the full 31 page report, and a copy of the 11 page Executive Summary.

Sincerely,

S/Rep. Ruth Joseph

S/John Rosser

Legislative Co-Chair Chair

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

The Following Communication:

**MAINE TURNPIKE AUTHORITY
430 RIVERSIDE STREET
PORTLAND, MAINE 04103**

September 24, 1991

Sen. Charles P. Pray

101 Morgan Lane

Millinocket, Maine 04462

Dear Sen. Charles P. Pray:

I am pleased to submit to you in accordance with Section 1966 paragraph 4, of Title 23, M.R.S.A. the Maine Turnpike Authority's Legislative Report, which will serve as the semi-annual report to the Transportation Committee.

I trust that you have had an enjoyable summer. I look forward to working with you during the coming legislative session. If you have any concerns regarding the Turnpike and its programs please let me know.

With best wishes.

Sincerely,

S/Paul E. Violette

Executive Director

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

The Following Communication:

**STATE OF MAINE
DEPARTMENT OF AUDIT
STATE HOUSE STATION 66
AUGUSTA, MAINE 04333**

September 26, 1991

Governor John R. McKernan, Jr.

Senator Charles P. Pray, President of the Senate

Representative John L. Martin, Speaker of the House

of Representatives

Attorney General Michael E. Carpenter

Gentlemen:

Pursuant to 5 MRSA 244, I am notifying you of the apparent improper practice of financial administration at the Maine Research and Productivity Center in Presque Isle, Maine.

We are in the process of conducting an audit at the present time. We will keep you informed promptly of any significant developments which come to our attention in the future.

Yours truly,
S/Rodney L. Scribner, CPA
State Auditor

Which was **READ** and **ORDERED PLACED ON FILE**.

The Following Communication:
WORKERS' COMPENSATION COMMISSION
STATE HOUSE STATION 27
AUGUSTA, MAINE 04333

October 22, 1991

Honorable Charles P. Pray
President of the Senate
State House Station 3
Augusta, Maine 04333

RE: Quarterly Report for the Third Quarter of Calendar 1991

39 M.R.S.A. §92(3)

Dear President Pray:

This letter and statistical attachments are the third quarterly report of Commissioner caseload and progress mandated by 39 M.R.S.A. §92(3).

The Commission disposed of 3,341 petitions by decision or dismissal in the third quarter of 1991. 3,917 petitions were received and the caseload grew from 9,871 at the end of June to 10,447 as of September 30, 1991. The backlog of petitions pending more than two years grew from 166 to 223. We think this setback is the product of the state government shut down during July. Over the longer term, the prospects for reducing backlog would be reasonably good, except for continuing furlough days and the continuing budget crisis.

There have been no formal complaints or filings concerning the 30 day decision rule of 39 M.R.S.A. §99-B as implemented by Commission Rule 22.11.

Sandra J. Hayes, the newly appointed Medical Coordinator will assume her duties in early November. Proposals for rules to carry out critical sections of the new law are specifically the responsibility of this position. We are optimistic that rules will be rapidly proposed and promulgated once Ms. Hayes is on board.

A summary of caseload and dispositions is presented in the attached tables. I would be happy to discuss this report further if you wish.

Sincerely,
S/Ralph L. Tucker
Chairman

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

The Following Communication:
WORKERS' COMPENSATION COMMISSION
STATE HOUSE STATION 27
AUGUSTA, MAINE 04333

October 31, 1991

Honorable Charles P. Pray
President
Office of the Senate
State House Station 3
Augusta, Maine 04333
RE: Study of Early Pay System
Dear President Pray:

I am pleased to transmit to the Maine Legislature, for the Committee on Audit and Program Review and the Committee on Labor, the following report mandated by the Committee on Audit and Program Review in their 1988-1989 report on the Workers' Compensation Commission.

The Committee's report included a recommendation directing the Commission to study the value of the early pay system, a major administrative reform, enacted in 1983. The enclosed report summarizes our investigation of the issues raised by the Joint Committee on Audit and Program Review.

Sincerely,
S/Ralph L. Tucker
Chairman

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

The Following Communication:
STATE OF MAINE
OFFICE OF THE PRESIDENT
AUGUSTA, MAINE 04333

October 2, 1991

Honorable Joy J. O'Brien
Secretary of the Senate
State House Station 3
Augusta, Maine 04333

Dear Madam Secretary:

Please be advised that pursuant to my authority under Senate Rule 36, I have made the following appointments:

Senator Zachary Matthews of Kennebec as Chair of the Joint Standing Committee on Housing and Economic Development. He will also continue to serve as a member of the Joint Standing Committee on Business Legislation.

Senator Michael Pearson of Penobscot as Chair of the Joint Standing Committee on Fisheries and Wildlife. He will also continue as a member of the Joint Standing Committee on Appropriations and Financial Affairs.

Senator Ruth Foster of Hancock to the Joint Standing Committee on Appropriations and Financial Affairs.

Sincerely,
S/Charles P. Pray
President of the Senate

Which was **READ** and **ORDERED PLACED ON FILE**.

The Following Communication:
STATE OF MAINE
OFFICE OF THE PRESIDENT
AUGUSTA, MAINE 04333

November 4, 1991

Honorable Joy J. O'Brien
Secretary of the Senate
State House Station 3
Augusta, Maine 04333

Dear Madam Secretary:

Please be advised that I have made the following appointments:

Toxics Reduction Advisory Council, pursuant to M.R.S.A. 5, §12004-I:

Allan Ayotte of Millinocket. He will replace David Tudor, whose term has expired.

Whitewater Safety Committee, pursuant to M.R.S.A. 12, §7367:

William Brunette of Millinocket
Advisory Committee on Home Health, pursuant to M.R.S.A. §2150:

Senator Dale McCormick of Kennebec

Maine Commission for Women, pursuant to M.R.S.A. §7021:

Michelle Luce of Augusta

Medical Specialty Committee on Radiology, pursuant to Chapter 319 of the Public Laws of 1991:

Edward Kane of South Portland

Advisory Committee on Improving Outdoor Recreational Opportunities for Persons with Disabilities, pursuant to Chapter 370 of the Public Laws of 1991:

Senator Beverly Miner Bustin of Kennebec

Maine Criminal Justice Commission, pursuant to Chapter 417 of the Public Laws of 1991:

Senator N. Paul Gauvreau of Androscoggin

Senator Beverly Miner Bustin of Kennebec

Study of Potential Improvements to the Motorcycle Driver Education Program, pursuant to Chapter 522 of the Public Laws of 1991:

Senator Raynold Theriault of Aroostook

Commission to Study Maine's Oil Spill Clean-up Preparedness, pursuant to Chapter 530 of the Public Laws of 1991:

Senator Harry Vose of Washington. He will replace Senator Brannigan who is no longer able to serve.

Primary Care Residency Advisory Committee, pursuant to Chapter 545 of the Public Laws of 1991:

Senator Gerard P. Conley, Jr. of Cumberland

Senator Zachary Matthews of Kennebec

Mary Herman of Brunswick as a public member

Commission to Study State Permitting and Reporting Requirements, pursuant to Chapter 606 of the Public Laws of 1991:

Senator Bonnie Titcomb of Cumberland

Special Commission to Study the Workers' Compensation Commission, pursuant to Chapter 615 of the Public Laws of 1991:

Ralph Coffman of Old Town

Dr. Moshe Myerowicz of Bangor

Philip Merrill of Hallowell

Special Commission to Study Regulation of the Insurance Industry, pursuant to Chapter 615 of the Public Laws of 1991:

Cheryl Harrington of Winthrop

Edward Gorham of Randolph

Trish Riley of Brunswick

Maine Committee for Global Education, pursuant to Chapter 34 of the Resolves of 1991:

Senator Stephen C. Estes of York

Terry McCabe of Waldoboro

Jim Drinkwater of Milo

Pearley A. Lachance of Augusta

William Seretta of Yarmouth

Commission to Investigate Census Data Irregularities, pursuant to Chapter 36 of the Resolves of 1991:

Earla J. Parks of Veazie

Merle Nelson of Falmouth

Commission to Study the History, Status, Impact and Role of Independent Higher Education in Maine, pursuant to Chapter 44 of the Resolves of 1991:

Senator John Cleveland of Androscoggin

John Nicolas Ruf of Augusta

Michael Orenduff of Farmington

Commission on Comprehensive Energy Planning, pursuant to Chapter 50 of the Resolves of 1991:

Senator John Cleveland of Androscoggin

Senator Bonnie Titcomb of Cumberland

Senator David Carpenter of York

Please be advised that I have made the following reappointments:

Maine Canadian Legislative Advisory Commission, pursuant to M.R.S.A. §227:

Senator Dennis Dutremble of York

Maine Commission for Women, pursuant to M.R.S.A. 7021:

Theresa Mudgett of Milo

Sincerely,

S/Charles P. Pray

President of the Senate

Which was READ and ORDERED PLACED ON FILE.

Off Record Remarks

The Following Communication:

115th LEGISLATURE

November 4, 1991

Honorable Joy J. O'Brien

Secretary of the Senate

State House Station 3

Augusta, Maine 04333

Dear Secretary O'Brien:

This is to notify you that pursuant to our authority we have appointed the following:

Adjunct members on the Committee to Study the Feasibility of a Statewide Health Insurance Program, pursuant to a vote of the Legislative Council on August 22:

Senator Dale McCormick of Kennebec

Representative Charlene Rydell of Brunswick

Representative Richard Gould of Greenville

The members of the Joint Standing Committee on Banking and Insurance will constitute the remainder of this Committee.

Mandated Benefits Advisory Commission, pursuant to M.R.S.A. 5, §2325-B:

Diana White of Farmington. She will replace Patrick McTeague who is no longer able to serve.

Primary Care Residency Advisory Committee, pursuant to M.R.S.A. 10, §1100-X:

Laird Covey of Lewiston

Affordable Housing Alliance Advisory Commission, pursuant to MRSA 30-A, §5041:

Richard Davies of E. Winthrop. He will replace James Sullivan whose term has expired.

Interagency Task Force on Homelessness and Housing, pursuant to M.R.S.A. 30-A, §5042:

Mary Anne Chalilia of Bangor

Affordable Housing Alliance Advisory Committee, pursuant to M.R.S.A. 30-A, §5045:

Reverend Norman A. Shaw of Bucksfield. He will replace Margaret Haynes who has resigned.

Special Select Commission on Access to Health Care, pursuant to M.R.S.A., §6071:

William C. Snow of Guilford. He will be that Commission's employer representative.

Cancer Prevention and Control Advisory Committee, pursuant to Chapter 380 of the Public Laws of 1987:

Bonnie Post of Manchester. She will replace Elizabeth Richards who has resigned.

Maine Commission on Mental Health, pursuant to Chapter 335 of the Public Laws of 1989:

Reynold Raymond of Eagle Lake. He will be replacing Marc Plourde who has resigned.

Cancer Prevention and Control Advisory Committee, pursuant to Chapter 380 of the Public Laws of 1989:

Annie Sutton of Westbrook

Mandated Benefits Advisory Commission, pursuant to Chapter 556 of the Public Laws of 1989:

Dr. George Chase of Orono

Maine Health Program Advisory Committee, pursuant to Chapter 588 of the Public Laws of 1989:

George Larson of Bethel
Bonnie Post of Manchester
Christine Haastedt of Augusta

Special Commission on Governmental Restructuring, pursuant to Chapter 9 of the Public Laws of 1991:

Richard Anderson of Freeport
John Lisnik of Presque Isle
They replace James Howaniec and Edward Laverty, who have resigned.

Commission to Study the Retirement Benefits Provided by the State, pursuant to Chapter 527 of the Public Laws of 1991:

Senator Dale McCormick of Kennebec
Representative Dorothy A. Rotondi of Athens
Representative John J. O'Dea of Orono
Anne Anctil (Maine Teachers Association)
Charles Sherburne (AFSCME)
Richard Trahey (Maine State Employees Association)

Commission to Study Maine's Oil Spill Clean-up Preparedness, Chapter 530 of the Public Laws of 1991:

Donald Grant of Searsport William Altvater of Eastport. He will be replacing Dr. Hugh Mitchell.

Commission to Study State Permitting and Reporting Requirements, pursuant to Chapter 606 of the Public Laws of 1991:

Dean Beaupain of Millinocket
Alton Cianchette of Pittsfield
Danny Levesque of Ashland
Luke Muzzy of Greenville
Lynn Ricker of Milo
Gary Patzlaff of Bath

Commission to Arrange for the Display of the Flags of Maine's Desert Storm Units in the Hall of Flags of the State House, pursuant to Chapter 35 of the Resolves of 1991:

Charles Michaud of Waterville
Arthur J. Roy of West Gardiner
Steve Gaudette of North Berwick
George Gagnon of Millinocket
Alan M. Winter of Lewiston
Everett Roberts of Fairfield. He will be representing the Disabled American Veterans, Department of Maine

Commission to Study the Feasibility of a Capital Cultural Center, pursuant to Chapter 48 of the Resolves of 1991:

Senator Beverly Miner Bustin of Kennebec
Representative Beverly Daggett of Augusta
Representative Patrick Paradis of Augusta
Christine York of Augusta

Commission on Comprehensive Energy Planning, pursuant to Chapter 50 of the Resolves of 1991:

Representative Michael Michaud of East Millinocket
Representative James Reed Coles of Harpswell
Senator Harry Vose of Washington
Senator Margaret Ludwig of Aroostook

Committee to Study the Campaign Finance Laws, pursuant to Chapter 50 of the Private and Special Laws of 1991:

Senator Jeffery Mills of Oxford
Representative Joseph Mayo of Thomaston
Representative Mark Lawrence of Kittery
Paul McCann of Surry
Philip Merrill of Hallowell

Pursuant to our authority we have reappointed the following:

State House and Capitol Park Commission, pursuant to M.R.S.A. 3, §901:

Don Cyr of Lille
Merle Nelson of Falmouth
Sally Rand of Freeport
Joan Woodcock of Bangor

Interagency Task Force on Homelessness and Housing, pursuant to M.R.S.A. 30-A, §5042:

Christiana Lynn Cote of Augusta
Charles Woodward of Leeds

Affordable Housing Alliance Advisory Committee, pursuant to M.R.S.A. 30-A, §5045:

Sister Lucy Poulin of Orland

Maine Commission on Mental Health, pursuant to Chapter 887 of the Public Laws of 1988:

Marc Nadeau of Hallowell

Maine Commission on Mental Health, pursuant to Chapter 335 of the Public Laws of 1989:

Thomas J. Kane of Saco
Joan C. Pederson of Bangor

Cancer Prevention and Control Advisory Committee, pursuant to Chapter 380 of the Public Laws of 1989:

Edward Miller of Augusta

Maine Health Program Advisory Committee, pursuant to Chapter 588 of the Public Laws of 1989:

Bonnie Post of Manchester
Christine Haastedt of Augusta
Susan Soucie of Eagle Lake

Commission to Study Maine's Oil Spill Clean-up Preparedness, Chapter 530 of the Public Laws of 1991:

Jeffrey H. Kaelin of Winterport

David Norton of Boothbay
Sidney Barht of Pembroke

James Lemmon of Casco

Representative Susan Farnsworth of Hallowell

Sincerely,

S/Charles P. Pray

President of the Senate

S/John L. Martin

Speaker of the House

Which was **READ** and **ORDERED PLACED ON FILE**.

The Following Communication:

**STATE OF MAINE
OFFICE OF THE PRESIDENT
AUGUSTA, MAINE 04333**

November 20, 1991

Honorable Joy J. O'Brien

Secretary of the Senate

State House Station 3

Augusta, Maine 04333

Dear Madam Secretary:

Please be advised that pursuant to my authority under Chapter 464 of the Public Laws of 1989, I have appointed Mr. Richard A. Johnson of Dover-Foxcroft to the State Emergency Response Committee.

Please let me know if you have any questions about this appointment.

Sincerely,

S/Charles P. Pray

President of the Senate

Which was **READ** and

ORDERED PLACED ON FILE.

The Following Communication:

**DEPARTMENT OF EDUCATION
STATE HOUSE STATION 23
AUGUSTA, MAINE 04333**

November 30, 1991

TO: Members of the 115th Legislature
Bureau of the Budget

FROM: S/Eve M. Bither, Commissioner

SUBJECT: Actual Education Costs for Base Year 1990-91
Pursuant to the provisions of 20-A MRSA section 15604, I am providing notification of the "actual education costs" as defined in subsection 1, of the 20-A MRSA section 15604 for the base year 1990-91.

A. Operating costs
(1) Elementary \$487,621,151
(2) Secondary 267,222,024
B. Special education costs for programs operated by administrative units 87,735,639
C. Special education tuition and board excluding medical costs 22,561,949
(1) Tuition and board for pupils placed by administrative units \$14,117,722
(2) Tuition and board for State Wards and direct State placement 3,022,088
(3) Adjustments under section 15612, subsection 6 (Special Education Hardship grants) 300,000
(4) Cost to the state for State agency clients (section 15613 subsection 5) 5,122,139
D. Vocational education costs 21,456,796
E. Transportation operating costs 55,520,229
F. Bus Purchases
(1) Purchase of Buses-Regular Approvals 4,287,422
(2) Purchase of Buses from Bond Issue 435,984
G. Debt Service Costs
(1) Principal and Interest 52,782,337
(2) Insured Value Factor 1,790,974
(3) Leased (approved) 5,428,291
(4) Other major capital costs 7,828,814
H. Cost of reimbursement for private school services

201,000 I. Cost of state expenditure for teacher retirement benefits 76,101,526

J. Early childhood educational programs 1,105,771

These expenditures are from state and local monies only, except that Federal P.L. 81-874 funds are included.

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
MAINE TECHNICAL COLLEGE SYSTEM
323 STATE STREET
AUGUSTA, MAINE 04330

December 5, 1991

The Honorable Charles P. Pray
President of the Senate
Maine State Senate
State House Station 3
Augusta, Maine 04333

Dear President Pray:

Enclosed you will find "A Report by the Commission to Study the Need for a Technical College in York County" as required by L.D. 1604. The Commission report and recommendation will be presented to the MTCS Board of Trustees at our December 13, 1991 meeting at Southern Maine Technical College. The

Board of Trustees and Commission held a workshop on December 2, 1991 to discuss the report. Based on the discussion, I fully expect that the Board will endorse the recommendation, which calls for SMTC opening a satellite center by January 1994 and transitioning to York County Technical College by the Fall of 1995. I believe that you will find the report compelling and that it builds a strong argument for the need for a seventh Technical College. The Trustees and/or Commission members would be glad to address any questions you may have concerning the report. Your request to study the need has been valuable as the Trustees are now more informed of the needs of York County's residents and employers, and will take this knowledge into account with future decisions.

Sincerely,
S/Michael W. Aube, Chair
MTCS Board of Trustees

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

The Following Communication:
STATE OF MAINE
COMMITTEE ON BANKING AND INSURANCE
STATE HOUSE STATION 115
AUGUSTA, MAINE 04333

December 6, 1991

The Honorable Charles P. Pray
The Honorable John L. Martin
Maine Legislature
State House
Augusta, Maine 04333

Dear President Pray and Speaker Martin:

We are pleased to send you this copy of the final report on the Public Advocate for Insurance Study. The report is a staff study completed by the Office of Policy and Legal Analysis for the Joint Standing Committee on Banking and Insurance pursuant to PL 1991, chapter 615.

Sincerely,
S/Sen. Judy C. Kany S/Rep. Elizabeth H. Mitchell
Senate Chair House Chair

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

The Following Communication:
BUREAU OF TAXATION
STATE OFFICE BUILDING
AUGUSTA, MAINE 04333
December 9, 1991

The Honorable Charles P. Pray
President of the Senate
Maine State Senate
State House Station 3
Augusta, Maine 04333
Dear President Pray:

The accompanying report of State-owned real estate is submitted in accordance with the provisions of Title 36 MRSA §1283.

This report includes ten properties or interests acquired through liens maturing since the last Regular Session of the Legislature.

Part A (the Resolve) includes a legal description of each property, the entire amount of outstanding tax, interest and costs which have accrued, and recommendation for disposition. Part B includes a narrative description of each property.

Respectfully submitted,
S/John D. LaFaver
State Tax Assessor

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

The Following Communication:

MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333
COMMISSION TO STUDY MAINE'S OIL SPILL
CLEANUP PREPAREDNESS

December 9, 1991

The Honorable John L. Martin
The Honorable Charles P. Pray
Maine Legislature
State House
Augusta, Maine 04333

Dear Speaker Martin and President Pray:

The Commission to Study Maine's Oil Spill Cleanup Preparedness is pleased to submit its report to the Legislature pursuant to P.L. 1991, c. 530.

Sincerely,
S/Rep. Susan Farnsworth
Chair

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

The Following Communication:

DEPARTMENT OF EDUCATION
STATE HOUSE STATION 23
AUGUSTA, MAINE 04333

December 10, 1991
The Honorable Charles P. Pray
President of the Senate
State House Station 3
Augusta, Maine 04333
Dear President Pray:

In accordance with 20-A MRSA, section 15618-A, a report of all School Administrative Unit budgets for K-12 education for the FY 92 year has been compiled and a copy is provided for your use.

It should be noted that the amounts budgeted in the various categories may not be the same as actual expenditures for these categories, for the following reasons:

1. Some budgeted amounts may be unexpended and carried forward to the following year. The statewide balance forward, for all budget categories, is usually between 2% and 3%.
2. School Administrative Units which do not utilize a line item budget may transfer funds to other categories.
3. For certain types of funds that are transferred between school administrative units (for tuition costs and for transportation and other services provided to another school administrative unit), the amount is budgeted in both school administrative units, since each unit must appropriate these funds. Since these instances cannot be netted out in the State Total summary, the state totals will overestimate actual expenditures to some degree.

Sincerely,
S/Eve M. Bither
Commissioner

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

The Following Communication:

DEPARTMENT OF EDUCATION
STATE HOUSE STATION 23
AUGUSTA, MAINE 04333

December 10, 1991

TO: Joy O'Brien, Secretary of the Senate
Edwin Pert, Clerk of the House
G. William Buker, Bureau of the Budget

FROM: S/Eve M. Bither, Commissioner

RE: Certified Funding Level for Adult Education - FY93
Pursuant to the provision of Title 20-A, M.R.S.A., Chapter 315, Section 8606-A, I am required to certify prior to December 15, 1991 to the Legislature and to the Bureau of the Budget a recommendation for the funding level for the various program categories in Adult Education.

Please see the recommendation below:

EDUCATION: ADULT EDUCATION

FY93

All Other Category 6300 - Grants \$4,735,025.08 to cities and towns. (This includes grants to programs for high school completion, adult literacy, adult handicapped, adult vocational education, and administration)
Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

STATE OF MAINE
SPECIAL COMMISSION ON GOVERNMENTAL RESTRUCTURING
December 15, 1991

The Honorable Charles P. Pray
President, Maine Senate
State House
Augusta, ME 04333
Dear President Pray:

Pursuant to Public Law 1991, chapter 139, and on behalf of the members of the Special Commission on Governmental Restructuring, we have submitted our final report to the Joint Standing Committee on State and Local Government and the Joint Standing Committee on Appropriations and Financial Affairs.

The legislation resulting from this report is currently being drafted for submission to the 115th Legislature's Second Regular Session. Material on the cost implications of recommendations in the report is being prepared and will be supplied as soon as possible.

We hope you will find the Commission's final report helpful as you consider important issues facing Maine State Government.

Sincerely,
S/Merton G. Henry
Co-chair

S/Donald E. Nicoll
Co-chair
Which was READ and with Accompanying Papers
ORDERED PLACED ON FILE.

The Following Communication:

STATE OF MAINE
HEALTH POLICY ADVISORY COUNCIL
STATE HOUSE STATION 141
AUGUSTA, MAINE 04333

December 16, 1991

Senator Charles P. Pray
President of the Senate
State House Station 3
Augusta, Maine 04333
Dear President Pray:

I am pleased to transmit the fifth annual report of the Maine Health Policy Advisory Council. As you

are aware, 1991 has been a year of challenge for Maine and for health policy development. In this report, we attempt to identify fundamental principles that can be used for policy development in three broad issue areas: (1) access to health care, (2) the emergence of a chronic care model of service delivery, and (3) prevention. The seven sections of the report describe what we've accomplished in 1991, what we've learned about these issues and principles, what we see happening in the next five years, and an agenda for the state for 1992. We challenge the citizens of the State, health care providers, consumers, payors and government to take a close look at these seven agendas and to identify ways in which they can be achieved collaboratively and openly.

Proposals throughout the year to eliminate funding for the Council's staff have strained the Council's ability to work toward a positive vision of health for the people of Maine. Despite that, we believe this to be our best report ever. If it does nothing else, this report will make it clear that the Council's role has not been and should not be health planning. Rather, we have chosen to frame in broad conceptual terms our vision and what we believe should be the state's agenda in assuring that health care is both affordable and responsive to the needs of its citizens.

Sincerely,
S/Ronald G. Thurston
Chairman

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

The Following Communication:
STATE OF MAINE
OFFICE OF THE PRESIDENT
AUGUSTA, MAINE 04333

December 17, 1991
Honorable Joy J. O'Brien
Secretary of the Senate
State House Station 3
Augusta, ME 04333

Dear Madame Secretary:

On December 9, 1991, pursuant to my authority under Article IV, Part Third, Section 1 of the Constitution of the State of Maine and Joint Rule 12 of the 115th Legislature, I polled the members of the Legislature regarding their willingness to convene a special session.

The question presented was, "Shall the Legislature convene at 10:00 a.m., Wednesday, December 11, 1991, for the purpose of addressing the budget crisis which currently exists in Maine".

21 Democrats and no Republicans voted in the affirmative and 13 Republicans and 1 Democrat voted in the negative. When combined with the results from the House of Representatives's poll, the requirement for a majority of each political party was not met.

Sincerely,
S/Charles P. Pray
President of the Senate

Which was **READ** and **ORDERED PLACED ON FILE.**

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

PAPERS FROM THE HOUSE
Joint Orders

The following Joint Order:
.P. 1401

H

ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out a bill to the House to make certain emergency appropriations, deappropriations, allocations and deallocations and to change certain provisions of law necessary to revise the budget for fiscal years 1991-92 and 1992-93 and that the committee report out a bill to the Senate to revise the laws governing general purpose aid to education for fiscal year 1991-92.

Comes from the House **READ** and **PASSED.**

Which was **READ** and **PASSED**, in concurrence.

The following Joint Order:

H

.P. 1403

ORDERED, the Senate concurring, that the Joint Standing Committee on Aging, Retirement and Veterans report out a bill to the House to make the state retirement laws comply with federal law with regard to part-time, seasonal and temporary employees.

Comes from the House **READ** and **PASSED.**

Which was **READ** and **PASSED**, in concurrence.

Off Record Remarks

On motion by Senator **PEARSON** of Penobscot,
RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

The Chair noted the presence of Senator **WEBSTER** of Franklin, Senator **TWITCHELL** of Oxford, Senator **GILL** of Cumberland, Senator **BALDACC** of Penobscot, Senator **HOLLOWAY** of Lincoln, Senator **KANY** of Kennebec, Senator **ESTY** of Cumberland, Senator **BOST** of Penobscot, Senator **MATTHEWS** of Kennebec and Senator **CONLEY** of Cumberland.

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

COMMITTEE REPORTS

Senate

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Determine the Distribution Method of the Supplemental Reduction to General Purpose Aid for Local Schools for Fiscal Year 1991-92"

S.P. 789 L.D. 1986

Reported that the same **Ought to Pass** pursuant to Joint Order H.P. 1401.

Signed:

Senators:

BRANNIGAN of Cumberland
PEARSON of Penobscot
FOSTER of Hancock

Representatives:

FOSS of Yarmouth
CHONKO of Topsham
CARROLL of Gray
REED of Falmouth

The Minority of the same Committee on the same subject reported that the same **Ought to Pass** as **Amended by Committee Amendment "A" (S-478).**

Signed:

Representatives:

HICHBORN of Howland
 MICHAUD of East Millinocket
 RYDELL of Brunswick
 PARADIS of Frenchville
 POULIOT of Lewiston
 MACBRIDE of Presque Isle

Which Reports were READ.

Senator BRANNIGAN of Cumberland moved to ACCEPT the Majority OUGHT TO PASS Report.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Collins.

Senator COLLINS: Thank you Mr. President. Ladies and Gentlemen of the Senate. I urge you to reject the motion of the good senator from Cumberland, Senator Brannigan, so that you may consider the minority report. As most of you are aware, the majority report makes an across the board reduction of 3.4% and it adversely affects those communities and districts that are in the high receiver range. And, while I know they make a case for this type of a reduction, I would suggest that the damage that this will do in some cases to high receivers is one that is not very easy to correct. I think the other proposal is at least a compromise in that it would provide for a partial across the board reduction and utilize a reverse relationship of the formula to make the other part of the cut. It seems to me that if we believe in some basis of equality for Maine young people in attending the public school system, that we have to bear in mind that there has to be some uniformity in the procedures that occur in the school systems and it is very difficult for our communities with low valuations to compete with those with high valuations. The state has recognized this in its formula which favors those communities and districts that do not have the resources that the other communities do. It seems to me that the committee amendment in the minority report reflects that situation and is in keeping with the way Maine has decided to support public education much better than an across the board does. I would suggest that we reject the majority report and Mr. President I would ask for a division on the motion.

Senator COLLINS of Aroostook requested a Division.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator PEARSON: Thank you Mr. President. Ladies and Gentlemen of the Senate. I hate to throw a monkey wrench into everything, but I'm unclear about why we have this before us. I thought that the situation was that it was going to come out of the Education Committee and if we had failed to be unanimous. Maybe the question I ought to pose is, is there an amendment from the Education Committee that I could expect on this or what?

THE PRESIDENT: The Senator from Penobscot, Senator PEARSON, has posed a question to the Chair to any senator who may care to respond. The Chair recognizes the Senator from Cumberland, Senator Brannigan.

Senator BRANNIGAN: Thank you Mr. President. Ladies and Gentlemen of the Senate. When I explained last night how I felt this would probably work, I think I was in error at that time. We in the Appropriations Committee worked a long time on this issue as the Senator from Penobscot, Senator Pearson realizes. It was just at the end there was a discussion on how these two issues we'd worked on,

we'd never had the bills, we'd never had anything other than proposals, how they were going to be presented to the Legislature. The decision was that two bills would be prepared to be called out by the Legislature. One, the budget bill which would be called out by members into the other Body. And this would come to us for balance of work, if you can call it balance, this morning. When I said last night that the Education Committee, were they to reach a different decision, would come out with an amendment to our bill. What has happened, however, I believe, is they voted to really back our minority opinion, and therefore they don't need an amendment and I'm sure the Chairman of the Education Committee will explain to us what they came out with, but it's now obvious they didn't change anything. They didn't come out with any unique approach, which they had talked about in caucus previously. They just came out against the majority opinion, backing the minority opinion and there's no need for them to amend. There's a need for them, if they wish, to support the minority opinion and therefore go against the majority. So, if that's not clear I'll be glad to try to clarify it but as far as I'm concerned, as far as I know, this will be the amendment, this will be what we have to vote on. We vote up or down on the majority or the minority opinion unless somebody else has another amendment floating around we haven't seen.

While I'm on my feet Mr. President, I would just like to tell the Senate why the majority of us voted in favor, others can tell why they voted in favor, but I know that we debated it enough so that I can speak, I believe, for many. The funding formula as you know, none of us knows how it really works but we do know that it assigns according to property values of towns and cities it assigns a certain amount of money across the state. It averages about 52% of paying of all school bills. But, in some places it covers as much as 90% of their school costs and some places it covers only 5%. That is a flaw that was established. We debated this a great deal. What seems to some, those of us in the majority, in order to preserve the formula you keep it exactly the way it is. The money was pumped through the formula out into all the communities. Some got a lot more, some got a lot less, but that's the way the formula works. Now, if you're going to cut that, you would cut it along the same lines. If the cut is required to be 4.4%, which it would have been had we stayed at the 21 million dollar figure in the original administration's proposal, we would have cut everybody 4.4 percent. Because we were able to lower that to 16.1 you'll cut it 3.4% across the board. Those of us who don't get a lot will be cut 3.4%, those of us who get a lot will be cut 3.4% and it just seems as though it is a way to preserve the formula. The formula is the way it goes out to towns and cities. If some has to come back in, then that's the way it should come back in. What if the Governor and the administration had decided in the beginning that not only were they going to flat fund but they had to subtract 21 million? Then wouldn't it have been that that would have been the cut for the towns and cities? That's what they would have got through the formula. So it just seems as though to us, in order to preserve the formula exactly the way it is is that you cut it fairly and equitably across the board and I hope you will support the majority opinion.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Foster.

Senator **FOSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I think if you would take your pencils out and look at two figures it will put in sight exactly the difference between the two reports and to show you how I think going the 3.4 reduction across the board would be the fairest way. The City of Portland would have had a subsidy of 5 million dollars, round figures. On the 3.4 reduction, they're gonna lose 171 thousand dollars. Caribou, Maine gets a subsidy of about 6 million dollars (\$6,116,000) and they're going to lose about 200 thousand dollars. But, if you then change to the millage or the 50/50, Portland, Maine, and I'm waiting for the figures that are slow coming, are going to lose probably 700 thousand dollars and Caribou might lose, I really hesitate but we don't have the figures, but it wouldn't be much more than 300 thousand dollars. Now, is that fair? If Portland is getting 5 million, Caribou is getting 6 million you across the board cut, isn't that the fair way?

My great fear is fooling with the formula. There is a ground swell of public support now to do away with it and this will add fuel to the fire. I also think this is a fair accessment to make. I guess when I talked to the Committee about this I said, where are the poor people, the homeless, aides victims, the street people, they're in Portland, Maine who are already overburdened with their problems. Why should Portland, Maine have to have their difference that much more than Caribou, Maine? I do not believe it's fair and I think in the sake of fairness that we should look at that. I think it's easy to look at your town and say my town gets 5,000 dollars, 10,000 and so forth. But, let's get over that because when you're here you represent the fair way. The fair way is that the low receivers over the years have sat back and watched millions of dollars go into high receiving towns that have been able to put on more administrators.

I tell you the story about bus service in the state of Maine. Right now, if you're living in some areas of the state, we pick up the transportation cost. But, if you're in a low receiver such as I am in some of my towns, we have to pay for the bus service locally. What do we do? We cut down on it, we car pool, different people take turns. Now I suggested that for the remainder of this year that we do away with bus service only for taking children back and forth to school not for extra curricular activity and you thought I was an evil person. But, if you're a low receiver you're already doing that. You're already cutting back on bus service. So that is my plea. My plea is to look at it as a fair issue. That if we have been low receivers all these years, have sat back and said we want the best education for everyone in the state of Maine and we're willing to do with less, that when the cuts are indeed made that you look at the situation and I think if you look at those two Cities it will show you that is the fair way to go. Thank you very much.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Collins.

Senator **COLLINS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I guess fairness is in the eyes of the beholder. I'm under the impression that when the state of Maine agreed that there was going to be some equity in education for

all of the people regardless of where they lived and made a formula that favored those areas of the state with the smaller resources, it seems to me that we then made a commitment for equity in education at least on a basic level. It seems to me that when you compare the mighty city of Portland with 65,000 people and its resources, its valuation against the city of Caribou who has just been reduced under the 10,000 mark to about 9,600 people with rather limited resources and the valuation that is many, many times less than the city of Portland, it's hard for me to subscribe to the argument that the fairest approach is an across the board reduction. 200 thousand dollars for the city of Caribou to swallow up in a period of six months out of its budget is an extremely difficult thing to do. As a matter of fact it will make major, major changes in the quality of education in that city, at least for the current year.

I understand and appreciate the fact that those folks that live in parts of Maine where valuations are high have felt that they have been cheated, if you will, for many years because they do in fact pay an increasing amount of their schools costs from local funds. I understand that argument and I suspect that if I lived in Bar Harbor, Maine or Ellsworth or Portland I perhaps might have a different position because I suppose we have all certain bias that we develop based on where we live and how we live and the people we represent. So I understand that, but it seems to me that if we really want to keep the commitment that we have in this state on how we fund education and the importance of all of the people in the state sharing in a basic education that we must remember in these times of cuts that there are those areas in the state, high receivers, that will have much more difficulty with an across the board cut. I would urge you to vote against the pending motion. Thank you Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator McCormick.

Senator **MCCORMICK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I too would urge you to vote against the pending motion so that we can take up the minority report. I would like to clear up a couple of things. The good Senator from Cumberland, Senator Brannigan mentioned that the Education Committee had taken up this question and indeed we did. The Education Committee voted 8 to 3 to 1. Eight in favor of the 50/50 method and that eight legislators represented a combination of people from high and low receiving towns. In other words, we were able to continue from the good work that the Appropriations Committee had done. Continue on to a more consensus position and that is the position that I urge you to adopt today. The fairest position, by definition, the fairest position.

There are three options before us basically, and I don't think it's useful for any of us to go off and try to think of a fourth, fifth, sixth, seventh option. The greatest minds in the state have been working for the last two months to figure out how we, if this cut goes forward, should delegate this cut. Option number 1 is the option that's best for the low receiving towns. That's an option of across the board cuts. Option number 3 is the option that's best for the high receiving towns. That's an option that delegates the cut according to the valuation of property and mill rate. Option number 2, the 50/50 option, is by definition, the exact middle ground. It is a political compromise that we must take today to solve this problem.

The 50/50 option suggests that we take whatever cut and we do half of the cut according to what's good for the low receiving towns and half of the cut according to what's good for the high receiving towns. What I want to tell you is that if I can agree to this option, I who represent, every single one, a high receiving town in the 70% range and up, if I can agree to the 50/50 option then I want to ask my fellow senators from low receiving towns to also make that compromise and agree to the 50/50 option.

If we want to talk about preserving the school funding formula we should not be talking about an across the board cut, that is fality number one. An across the board cut does not take money away according to the Maine School Funding Formula. The funding formula as we all now know is best at giving money out. It is not good at taking money back. There in lies our problem. If money was going to be taken out at the same ratio that it was given back, it would be done according to option number 3, the option that is actually best for the high receiving communities. And, might I point out that in the spirit of compromise which I want us all to sort of get in the spirit of at this time, last spring we all participated in cutting education, GPA, to the tune of 200 million dollars and which method did we use last spring? We used the method that was best for the low receiving towns. We used an across the board cut. Now maybe we of the high receiving persuasion should never have allowed that to go forward without a fight because now you hear people saying that this is the tradition, this is the way cuts in education are done now. Already we have a tradition, we've done it once and this is the way it has to be. It has to be according to the low receiving, across the board method. But, that is not fair to the higher receiving towns and I want you to remember that.

The other point that the good Senator from Aroostook raised is the whole issue of equity. And, this too is an issue that we can come together on, no matter if we're from high or low receiving communities. If you've been reading the papers, if you've been paying attention to the news media, what you've been hearing is that America is falling behind in our ability to compete economically with the rest of the world and the reason for that is that our kids are not being given the kind of technical and math and scientific education that's going to allow us to do. We're doing a great job educating the top fifth of the kids. We're doing a great job of doing that and those top fifth of the kids are doing a great job competing in the global economy because their skills are in demand. But, the kids that we're not paying attention to enough, the bottom two-thirds, that is where we have to as state policy makers put our attention or America is not going to be able to compete and this recessionary blip that we're having now, this temporary recession will become a permanent fixture if we do not make sure that our work force is able to compete and the way we do that, men and women of the Senate, is not to further decrease the disparity between high and low receiving towns. The way we do that is to say that we want the child in Caribou, Maine to be just as able to compete in the global economy as the child in Portland, Maine that has five foreign languages and advanced placement in college and all the things that any child could want to be able to compete. We've got to bring everybody up to that standard and the way we do that is to pay attention to equity as the good senator suggested.

So, in the interest of compromise I will not go through the neener-neener points, that what I call them, that would argue the point of the high receivers. I would like us to remain in a spirit of compromise and to understand that we must reach a decision. There's two decisions we must reach actually. First, do we want to cut General Purpose Aid to education? And if we reach that decision and decide that we do, then we must decide how to do it. We must and I urge you in the interest of time, in the interest of respect of this body, to choose the middle of the road compromise 50/50 option. So, please vote against the pending option so we can get to that issue of fairness. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Brawn.

Senator **BRAWN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. You keep hearing fair, fair. Everyone of us in here knows that life is not fair. If I could have my way and if it's almost Christmas and we could have our wish, noone in this room wants to cut education. I think that's one thing every one of us can agree on. We don't want any cuts in education. They've already been bad. We're bleeding and this is bad. We can all agree to that and we don't want to cut it. But, I can't help but sit here and think, here I am in the coast and we're one of these low receivers and listen, some of you may think that school funding formula is fair and the equity is there, I don't. I happen not to think it's fair. But, in the spirit of compromise, from my point, that's a battle for another day and that battle will come ladies and gentlemen. That battle is almost here. Petitions are being gathered, you know the ground swell that is coming. That battle will be here but I don't believe that's the battle that we're here today on.

I would like to ask you to support the Appropriations Committee who has been here and who has brought out this majority report. I'm not crazy about it, I don't want to vote for it, but I'm going to. I want to just read for the record from the dictionary what the definition of equity is. Equity is the giving to each man his due impartially; uprightness; a system of supplementary law founded upon precedence and established principles.

As most of you may know, I've always been one that believes in the per pupil basis. I think the state should be sending back to each community a certain amount per pupil period. People can decide where they want to live, what you want to do. To me that's my definition of equity. Others of you don't agree and that's why we're here and that's why this debate is good.

I do just want to point out that the Education Committee did vote 8 for this 50/50 but 3 voted against and I was the one who abstained because I could see both sides. I think today in the spirit of cooperation I hope that you will vote for this across the board cut but I want to end by saying again no one in this room wants to cut education. All of this is sad. We all feel like Scrooge and it isn't fun.

But, you know what has really hit home to me lately because my son has a degree in International Business and is fluent in languages and here we're looking at global economies and talking of those things. It may be true and it may be a fact that we are falling behind but why? Let's really look at the root. We've spent more money. Look at that curve of how much money has gone into education. Look at the

final product comes out the door. I was talking yesterday to someone who government wasn't even a requirement in high school. I think we need to look at the curriculums and what we're teaching people. I think we need to be sure we're giving them the very best basic we can. It's a tough world out there. It's a needy world with a lot of problems. Let's refocus on that restructuring in education. Let's be sure we don't lose a whole generation of people that we love and care about. You know my teaching background, I'll probably go back to it pretty soon, I miss because you know teaching is rewarding but let's be sure we're giving them the right things. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Theriault.

Senator THERIAULT: Thank you Mr. President. Ladies and Gentlemen of the Senate. I urge you to vote against the pending motion and I'd like to talk a little bit about us from rural Maine. I don't want to repeat what's already been said but there are a few things I can add to the discussion.

First of all, our effort towards education in rural Maine percentage wise is higher than it is in urban Maine. More of our tax dollar goes toward education than elsewhere. Many of our school systems up there are small systems and believe it or not in this day and age we have some school administrators that are frugal. There is no fluff. I have some schools that have strictly a classroom, a classroom teacher, the students, a part-time bus driver and that is it. There is nothing else. There is no fluff. Where are they going to cut? This is what is so bad with the proposal before us. There has been no consideration given to those who don't have anything to cut and there are many of those in northern Maine. So, I would urge you to vote against this pending motion and to continue the course that we have set in the past of equal education for all of the students in Maine regardless of where they live. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Estes.

Senator ESTES: Thank you Mr. President. Ladies and Gentlemen of the Senate, I almost don't know where to begin with my comments this morning. I'm a little troubled that we have this report before us at this point in time because we're talking about how we're going to be cutting General Purpose Aid to education when we don't know exactly how much we're going to be cutting. I say that because even though the original unanimous report out of the Appropriations Committee recommends a deappropriation of 16.1 million dollars, as I was thumbing through the various amendments that are going to be coming before the House and the Senate, I notice that there was a million dollars here and two million dollars there and a couple of hundred thousand dollars somewhere else that was going to be redirected back to General Purpose Aid and I really think this discussion, while we probably have nothing better to do, is a little premature at this point.

I would be less than frank if I were not to say to you that my position is not to cut General Purpose Aid and I think that there are some really good reasons why we shouldn't be doing that. People have made comments about the fact that the funding formula is going to be in jeopardy. The funding formula has been in jeopardy for a year.

If we go back to the actions that this Legislature has taken in the last biennium in FY90 we ended up cutting over 5 million dollars in education funding. In the last fiscal year we made a series of cuts which amounted to over 125 million dollars in less money going out to education and then when we were dealing with the 1.2 billion dollar shortfall for this current biennium, we put education funding through a major contortion. There was not only nearly 72 million dollars that was cut to General Purpose Aid but approximately another 4 million dollars in education funds either directly to the department or to various block grant programs. And, we also anticipated a cut for FY93 that was going to amount to around 136 million in General Purpose Aid and because of additional considerations that the Appropriations Committee made in regards to transportation and administrative salaries we're probably looking at another 20 million dollar loss.

Now, we've had school districts out there hanging in the wind for a year. They had the most difficult time trying to come up with a budget that they could present to their town councils or to their town meetings to get approved for this coming fiscal year and they held off and held off in good faith until we took our final action in July. And, now here we are six months into the fiscal year when monies have already been committed, contracts have already been signed with teachers, with custodians, with lunch workers, transportation contracts, fuel contracts, books and papers have been purchased and now we're saying to those school districts General Purpose Aid is such a big percentage of the budget, we're going to go back and we're going to take some more.

I was told on Sunday afternoon, it's not going to be the 21 that was originally proposed, it's only going to be 16. If you take a look at the budget document please make a notation that there's been about 7.8 million dollars in cuts that's outside of General Purpose Aid that education is not going to see. Between cuts that were made last June and cuts that were made in the decision on Saturday, amounts to about 2.4 million dollars just to the department alone. About 25.5 additional positions from what we took last year. They are anticipating, between an estimated surplus in bus purchases and ending balance, about 925 thousand dollars.

There's also a figure of about 4.6 million dollars that are direct hits to the local districts and you're probably not aware of that. There's 945 thousand dollars in home-school subsidies that the districts will not get. They budgeted for those, they anticipate those, they're not going to get them. There's 1.7 million dollars in certification block grants that they're not going to get that they budgeted for. They've got their support systems in place, they've got their support teams in place, they're working with teachers on recertification and certification and they're not going to get that money. That's \$100 per teacher and administrator that was supposed to go back to the school districts they're not going to get. And then there's another item that was a transfer and that was 1.9 million in out-of-district placement. Those are for the special education costs that the district cannot meet because they do not have the services and have to send the student out of the district. 1.9 million dollars, that was transferred to the departments obligation for state agency wards and clients. That totals 4.6 million dollars that they're not going to get outside

of the 16.1 that's in this budget document that we're saying they have to take on top of and school districts really don't know what to do. They don't know how they're going to make it up. Is it going to be forlough days? In the budget they're going to be allowed to take up to five forlough days. Is it going to be cuts in extra curricular programs for the spring? Is it going to be cuts in programs, is it going to be layoffs in staffs?

One of the real problems that we have is that we had the runs on what the various options would mean to individual school districts and this is the third time that I've heard the debate. It took place among the Appropriations Committee and they split based on whether they were high receivers or low receivers. It took place in the Education Committee on Sunday and again yesterday and they split based on how it was going to be impacting their districts and the discussion is now taking place here on basically what's best for me and what's best for my district. I'm going to tell you the funding formula has been in jeopardy, it is in jeopardy, it's fate is really hanging in the balance at this point in time. We have really done great harm to that formula but I also want to remind people that when you look at the minority report you're talking about a political compromise halfway through a budget year that is going to make it easier for everybody. We've done political compromises inside and outside the formula to satiate the concerns from either high receiving or low receiving districts, primarily it's been low receiving districts. We put in the hold harmless for low receiving districts. We had, for two fiscal years in a row, the low income student adjustment which was a direct dollar amount which was going back to the low receiving units. We spent 15 million dollars in two fiscal years to appease the low receiving districts. Because we're here in the month of December, halfway through the fiscal year, I think the only realistic thing we can do is a political compromise. If we were talking about an additional 16.1 million to take back in June then we could have done it across the board because they could have planned their budgets on it. I don't think we can talk about equity, I think we need to talk about fairness and there's a difference and we need to talk about fairness because of the situation that school districts are in halfway that fiscal year.

One other point that I want to make before I sit down is that over the last month and a half I've read it in the press, I've had accusations that have come to me from some legislators that education is a special interest group that's just making a lot of noise and it's a big percentage of the budget. Yeah, 42% of the budget but education in my book is a special interest of the State of Maine, not the Education Committee, not teachers in the legislature, not the Maine Teachers Association or the Department of Maine School Management, it's a special interest of the state. It's one of our top obligations to the citizens of this state and we're doing them a great disservice with the cuts that not only K-12 are taking but the cuts that the post secondary institutions are taking. Ladies and gentlemen, if we have to take a major cut in General Purpose Aid, and only if, then I think the fairest way is not the straight percentage across the board, it's the 50/50. I would urge you to support that, however, I would hope that we don't have to make that decision this

morning. I hope we'll know what the figure is if there is a figure for cutting General Purpose Aid. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator **KANY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I applaud the statesmanlike position of the chairman of the Committee on Education, the Senator from York and I urge you to go along with his proposal and that of the Senators from Aroostook, Senator Theriault and Senator Collins and Senator McCormick from Kennebec and that is to oppose the majority report of the Appropriations Committee and instead to go along with the majority of the Education Committee which is basically to support a true compromise. The motion before us would favor the low receiving districts of the state, those with high property valuation, a proposal that would favor the high receiving districts is not before us at all. Instead the alternative is for a true compromise because the school districts across the state need a decision now on the budget because if we in the Legislature are not willing to compromise and we come up with nothing the school districts will be hurt even more, much more. What then would happen? What would potentially happen more with the majority of the Appropriations Committee recommendation instruction time could be cut. Today school districts differ in the amount of teachers days they have in the school year, they differ in the amount of instruction days and as we cut and as we hurt the poorer school districts throughout the state the more likely we are to cut into that child, that students instruction time and as state's people, like the Education Committee Chair, we simply owe it to the people of Maine to prevent that loss in instruction time to our children, to the students of the State of Maine and I urge you to oppose the pending motion and to support the minority compromise position for the children of the State of Maine.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Dutremble.

Senator **DUTREMBLE:** Mr. President, members of the Senate, I think we're all looking for a degree of fairness when we approach this problem we're having today and listening to the good Senator from Kennebec, Senator Kany about fairness and fairness for the good children of the State of Maine, let me just give you a scenario of what happens to my community under this fairness proposal that you're talking about. Under the original proposal of 21 million dollars in cuts the Governor proposed I think my home town was going to lose 201 thousand and under your fair proposal at 15 million dollars it increases to 287 thousand. If we're talking about fairness let's talk about right around the board and there's only one way to make this fair and that is for all of us to wait and see what happens with the budget bill because we're putting the cart before the horse here. Some of us, or some of you may not even be supporting the cuts in General Purpose Aid at all and I wonder if we're tipping our hand here by asking to take a vote on an amendment like this without even first realizing if we're going to support it. Does that mean that if I go with report A that I support the cuts in General Purpose Aid, does that mean if I go with report B I support the cut in General Purpose Aid? Absolutely not. One of two things should happen with this bill. Either it should be tabled or should be indefinitely postponed.

On motion by Senator **ESTES** of York, Tabled until Later in Today's Session, pending the motion by Senator **BRANNIGAN** of Cumberland, to **ACCEPT** the Majority **OUGHT TO PASS** report (Division Requested).

Off Record Remarks

On motion by Senator **ESTES** of York, **RECESSED** until 2:00 in the afternoon.
After Recess
Senate called to order by the President.

Off Record Remarks

On motion by Senator **KANY** of Kennebec, **RECESSED** until 5:30 in the evening.
After Recess
Senate called to order by the President.

Off Record Remarks

On motion by Senator **BOST** of Penobscot, **ADJOURNED** until Thursday, December 19, 1991, at 11:00 in the morning.