

MAINE STATE LEGISLATURE

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

VOLUME II

FIRST REGULAR SESSION

May 26, 1987 to June 30, 1987

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The estimate of the state funding one hundred percent of the health insurance for retired state teachers, at the current price of the insurance group rates, is around \$6 million a year. This 10 percent is obviously the compromise that was worked out this year. Most people believe, I think, that there will be other requests coming along to fully fund this over the next few years. The bill asks for 10 percent now, I think it is reasonable to assume that, since this request has come in a number of times in past years, that this will be followed by a request in the next biennium to increase this funding from 10 percent to 40 or 50 percent or what have you. As I said, based on the current costs, this is around \$6 million a year.

The bill that I am asking for indefinite postponement of only addresses a select group of teachers. So to me, the bill as it stands is basically unfair by any yardstick. We are talking, roughly, about half of the retired teachers as I understand it. The other half of the retired teachers are not included because somebody said, "It is too expensive." Well to me it is either fair or it isn't fair. If we are going to fund health insurance benefits for retired teachers, it should be an open playing field and we should be able to fund them all. One, the bill is unfair, I believe. Two, it is an expensive proposition.

I certainly have great compassion for people who have given their lives, dedicated their lives, to the teaching profession. However, at this particular point in time, the public perceives us as being unable to adequately fund the education reforms that we passed two years ago. You have seen a lot in the paper saying that we have mandated benefits and passed the cost back onto the school districts, and onto the property tax, and we failed to meet our commitments. This is not the time to start a new \$6 million program.

There has been a lot said about the tree growth tax and our failure to properly reimburse towns for the loss of revenues because of all the acreage in tree growth. I can name program after program that the general public out there perceives that we have failed to meet our financial commitments. Here we are at the birth of a new program. The fiscal note, if you carried it out to 100 percent, is \$6 million at this point in time. I don't think we can afford it. I think it is strictly a matter of dollars and cents. Look in the state pockets and see where we are going to come up with the money to fund this program. I repeat, the bill is unfair, it only addresses half of the retired teachers, it is expensive, and I think we must have other priorities at this time.

I would request your support in indefinitely postponing this bill and all its accompanying papers. I would ask for a Division, Mr. Speaker.

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

Representative HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: I ask you to oppose the indefinite postponement of this bill. In my recollection, this is the third time this bill has come before us in the legislature. At other times, we were never able to fund it, and in view of the fact that most of these people who are likely recipients of this bill are people who retired 15 and 20 years ago, when their retirement check was probably \$300 or \$400 a month, it seemed logical to us to try to face the bill in some manner and to be of assistance to these people who are living in a very escalating economy age and probably badly in need of assistance.

I ask your support in voting against the indefinite postponement.

The SPEAKER: The Chair recognizes the Representative from LaGrange, Representative Hichborn.

Representative HICHBORN: Mr. Speaker, Ladies and Gentlemen of the House: I am always impressed by the fairness of argument and I would like to pose a question through the Chair to the good gentleman from Wilton.

I would like to know what percent of the legislators' health insurance is paid for by the state?

The SPEAKER: The Representative from LaGrange, Representative Hichborn, has posed a question through the Chair to the Representative from Wilton, Representative Armstrong, who may respond if he so desires.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: This is just a question of what is equitable. Each and every state employee, when they retire (of which I am one) their insurance is paid for by the state, but for some reason, nobody ever took care of the retired teachers. When a teacher retires, that is the end of it. Maybe it is paid for by the municipality when they are working but when they retire, they must cough up the insurance for themselves.

I realize that there may be inequities where not all teachers are covered because the open enrollment issue has not been settled. Instead of \$8 million, we compromised and we came up to only 10 percent of what the premiums are. This means if the premiums are \$60 or \$70 a month, all the state will pay will be \$7 or 10 percent.

I would ask at this time that you do not support the motion for indefinite postponement. This issue was brought up in the committee, we argued it right up to the last minute, we tried to find something to help the retired teachers. All I ask at this time is to bring the teachers up to the same category and benefits that each and every retired state employee gets.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Wilton, Representative Armstrong, that L.D. 1637 and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

18 having voted in the affirmative and 98 in the negative, the motion did not prevail.

Subsequently, the bill was passed to be enacted, signed by the Speaker, and sent to the Senate.

PASSED TO BE ENACTED

An Act to Extend Maine's Bottle Bill (H.P. 662) (L.D. 895) (S. "A" S-89; S. "E" S-94)

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

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

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: I would like to make these remarks for the Record only.

It is not my intent at this time to challenge the mandate of the vote taken on this bill. It was my God-given right to disagree, and I did so amicably. However, I offer the following to the suggestion box.

One - to the Sportman's Alliance of Maine and the Department of Fisheries and Wildlife -- get your act together. I strongly urge you to further educate

your membership and your constituents to clean up the litter they claim existed in debate and testimony in our woods and forests and lakes, reactivate the program of respect -- capital R-E-S-P-E-C-T, that has been inactive for years. I totally agree to support the written statement to the other body by the Sportman's Alliance. "As you may know, study after study, has shown litter to be the chief cause of land posting. Farmers have spent thousands of dollars replacing tires damaged by broken bottles. Farm animals have been cut and injured. Roadsides and lover's lanes have turned into dumps. It is no wonder that landowners get fed up and post the very land that supports our hunting and fishing recreation opportunities.

In a letter to the Senate Chair and the House Chair of the Business Legislation Committee, in a response to a request from Representative James Mitchell, I am forwarding the data compiled during the 1985 and 1986 beach cleanups. This information may be useful to members of the Committee on Business Legislation as you consider action on L.D. 1224, An Act to Ban the Use of Plastic Connectors for Containers." In that report, fishing gear -- the percent of litter -- 8.4 percent in 1985. In 1986, 11.4 percent of fishing gear was part of that litter. This is not a voice (if I may use the pun) crying in the wilderness. It is a reality that these departments and these organizations ought to do their part besides being a strong lobby.

Subsequently, the bill was passed to be enacted, signed by the Speaker, and sent to the Senate.

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

SENATE PAPER

Bill "An Act to Protect Existing Essential Public and Private Ground Water Supplies" (S.P. 573) (L.D. 1715)

Came from the Senate, referred to the Committee on Energy and Natural Resources and Ordered Printed.

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

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

SENATE PAPERS

The following Joint Resolution: (S.P. 574)

JOINT RESOLUTION MEMORIALIZING THE 100TH CONGRESS OF THE UNITED STATES TO TAKE ACTION TO ADDRESS THE CLAIMS OF THE AROOSTOOK BAND OF MICMACS AS A RESULT

OF THEIR OMISSION FROM THE MAINE INDIAN CLAIMS SETTLEMENT ACT OF 1980

WE, your Memorialists, the Senate and House of Representatives of the State of Maine in the First Regular Session of the One Hundred and Thirteenth Legislature, now assembled, most respectfully present and petition the members of the 100th Congress of the United States of America, as follows:

WHEREAS, the Micmac Tribe was part of the historic Wabanaki Confederacy of Tribes which functioned from the late 17th through the mid-19th centuries in Maine and to which the Penobscot, Passamaquoddy and Maliseet Tribes also belonged; and

WHEREAS, the Aroostook Band of Micmacs and its members are the sole remaining band of the Micmac Tribe now residing in the United States; and

WHEREAS, the Aroostook Band of Micmacs has always maintained a presence in Aroostook County, Maine; and

WHEREAS, the State of Maine has recognized the tribal status of the Aroostook Band of Micmacs

through the provision of free hunting and fishing licenses, the North American Indian Scholarship Program and other programs and benefits for tribal members which were provided through the State Department of Indian Affairs; and

WHEREAS, the Maine Indian Claims Settlement Act of 1980 recognized and included all of the tribal groups in Maine except for the Aroostook Band of Micmacs; and

WHEREAS, after 1980, the Aroostook Band of Micmacs was the only remaining tribe in Maine which did not have federal recognition of its tribal status and whose members were therefore not eligible for the programs and benefits of the Bureau of Indian Affairs; and

WHEREAS, the State Department of Indian Affairs was closed in January of 1981, ending most programs and benefits then available to the members of the Aroostook Band of Micmacs as a state-recognized tribe; and

WHEREAS, severe poverty and related problems confront the members of the Aroostook Band of Micmacs in a disproportionate manner to the rest of the populace in Aroostook County. Notwithstanding those problems, the Aroostook Band of Micmacs has worked to promote federal recognition of the band and to promote the economic self-sufficiency of its members through regular participation in meetings of the Northern Maine Regional Planning Commission, the Presque Isle Chamber of Commerce, the New England Indian Task Force and related activities; and

WHEREAS, many of the economic and recognition efforts now underway by the Aroostook Band of Micmacs may be jeopardized by language in the Maine Indian Claims Settlement Act of 1980, to which they were not party and under which they received no benefits; and

WHEREAS, the Aroostook Band of Micmacs is currently seeking a legislative reference of their claims against the United States as a result of their omission from the Maine Indian Claims Settlement Act. This legislative reference will not affect any other aspects of the settlement nor overturn the Act itself; and

WHEREAS, traditional principles of fairness and justice dictate that such action is warranted to allow the Aroostook Band of Micmacs to obtain a remedy for their omission from the Maine Indian Claims Settlement Act. This remedy is expected to include federal recognition of the tribal status of the Aroostook Band of Micmacs and sufficient funds to purchase a small land base in Aroostook County; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the 100th United States Congress take prompt action to make the legislative reference of claims of the Aroostook Band of Micmacs to the United States Claims Court; and be it further

RESOLVED: That suitable copies of this Resolution, duly authenticated by the Secretary of State, be transmitted to the President of the Senate and Speaker of the House of Representatives of the Congress of the United States and to each member of the Maine Congressional Delegation.

Came from the Senate, read and adopted. Was read and adopted in concurrence.

Unanimous Ought Not To Pass

Report of the Committee on Business Legislation reporting "Ought Not to Pass" on Bill "An Act to Require Notice of Possible Radon Exposure" (S.P. 195) (L.D. 552)