

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth  
Legislature*

OF THE

STATE OF MAINE

Volume II

May 9, 1969 to June 17, 1969

KENNEBEC JOURNAL  
AUGUSTA, MAINE

ORDERED, that no new centers shall be authorized until the State Department of Education has made a thorough study of the regional center program and reported its findings and recommendations to the 105th session of the Legislature. (S. P. 493)

Came from the Senate read and passed.

The SPEAKER: The Chair recognizes the gentleman from Monmouth, Mr. Chick.

Mr. CHICK: Mr. Speaker and Members of the House: I would like to offer House Amendment "A" to Senate Joint Order S. P. 493 and speak to the motion.

House Amendment "A" under (H-511) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. CHICK: Mr. Speaker and Members of the House: It is apparent that somewhere in typing up this order they had the wrong SAD. The Order reads SAD 7, Farmington, when it should have been SAD 9, and that is the purpose of the amendment, to correct the error in the original order.

Thereupon, House Amendment "A" was adopted and the Joint Order was passed as amended in non-concurrence and sent up for concurrence.

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

The following Order:

ORDERED, the House concurring, that Bill, "AN ACT Declaring Procedures for Acquiring and Protecting Antiquities on State Lands" (S. P. 389) (L. D. 1314) be recalled from the Legislative Files to the Senate (S. P. 495)

Came from the Senate read and passed.

On motion of Mr. Birt of East Millinocket, tabled pending passage in concurrence and specially assigned for tomorrow.

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

Bill "An Act relating to Welfare Assistance" (H. P. 687) (L. D. 918) which was indefinitely postponed in the House on May 19,

Came from the Senate passed to be engrossed as amended by Senate Amendment "B" as amended by Senate Amendment "A" thereto in non-concurrence (S. "B" S-224) (S. "A" to S. "B" S-240)

On motion of Mr. Birt of East Millinocket, retabled pending further consideration and specially assigned for tomorrow.

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

Bill "An Act to Provide for Taxation and Regulation of the Associated Hospital Service of Maine" (H. P. 885) (L. D. 1144)

On motion of Mr. Scott of Wilton, retabled pending passage to be engrossed and specially assigned for tomorrow.

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

Bill "An Act to Provide a More Equitable Method of Distributing School Subsidy" (H. P. 1254) (L. D. 1586)

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Fecteau.

Mr. FECTEAU: Mr. Speaker and Members of the House: I would like to make a motion for indefinite postponement of this bill, and I shall speak to my motion.

The SPEAKER: The gentleman from Biddeford, Mr. Fecteau, moves the indefinite postponement of L. D. 1586, and the gentleman may proceed.

Mr. FECTEAU: Mr. Speaker and Members of the House: I regret of a few days ago when I made a few remarks and Mr. JAlbert mentioned that my remarks should be reprinted and reproduced and distributed around to the members that I didn't take action at that time. Of course, this is my third term, but sometimes there are things that you don't know and I figured that probably the House would take action and have them distributed. And of course I am sorry about this.

The next thing that I am sorry of—before I make my remarks—is that I looked at the newspapers the next morning and I saw all

the remarks made by everybody else but my own remarks, which I really resent for the only reason that I am the only member of a town or a city where there are private schools, and I am going to tell you the reason why I am working to try to remedy the situation.

It isn't because I am 100% in favor of these schools. We are not having help from the diocese. They don't seem to care and I care less. I am fighting for the simple reason that this is a money saving for the State of Maine and for the cities and towns where these schools are. And this is for the simple reason that I am trying to have a little help. As far as I am concerned, if we don't take action this year, it will all go on the back on the towns and cities of the state and I don't care less.

As far as this bill here, they take all this a new subsidy, a new help. Well I am going to tell you a couple of inequities there is in that bill and it is still worse you know than the other subsidy.

The City of Portland—and I am not saying that because they are going to receive too much because they don't even have their fair share even at that—will receive by this new subsidy a half a million dollars more. The City of Portland is five times the school population that we have in the public schools. We are to receive \$37,000. If you will multiply five times 37, it will give us roughly \$160,000 more. This is one of the inequities.

The other day I gave you for comparison Fort Kent. I don't hold anything against my good friend here, Mr. Bourgoin, right next to me. Good, if they are having all this money, good for them. But on this subsidy, if I took them as an example. Now under this new subsidy they are going to receive \$100,000 more. So how do you think we are going to stand in this new subsidy?

I feel that we should indefinitely postpone this bill and when the bloc grant comes back here, enact the bloc grant so that we can receive a few thousand dollars in order to be able to hold onto these schools and save the State some

money. That is right, share and share alike.

I want to tell you that when this bill comes out for new taxes I hope that you won't blame me if I go the other way and go against any extra taxes if nothing is done to help us.

One thing that I would like to mention too is that we are all talking about saving money. Last night I was running around thinking of what I was going to say today and I drove around the capitol here and I wonder if they don't have a switch to put out these lights. This thing here is decorated just like a Christmas tree. I wish that I could save half of this money so that we could have help for our schools for all the extra kilowatt-hours that they are using here.

I am not mad. I might sound like this, but I hope that my friends from these cities and towns that have private schools will support my motion. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: Certainly at this stage I hope to beg the indulgence of the House so you will not indefinitely postpone this document as indicated by the gentleman from Biddeford, Mr. Fecteau. And I am assuming that the gentleman's remarks are based that he certainly doesn't want to increase the taxes or raise additional taxes to pay for services as indicated by his voting records on tax measures up to this date in this session.

However, I judge by his remarks that he has just indicated that he would support a bloc grant formula for distribution of monies to the different localities. It just occurs to me as to how this money is going to be raised so that we can equitably distribute the monies to the local municipalities, knowing fully well that the gentleman in Biddeford has a problem and the same problem exists in many other communities where they are concerned with both private and parochial schools.

The motion to indefinitely postpone this bill is certainly not go-

ing to help correct that problem and I don't think that the amount of money that is going to be raised or that is proposed in the bloc grant proposal is going to be raised at this session to help the City of Biddeford and many other cities. So therefore I hope that you will vote against the motion to indefinitely postpone this bill. It is a unanimous committee report and at this session of the Legislature when I find that the Education Committee comes out unanimously for a report there must be something that is good in it. It may not be entirely good but certainly what we have passed for the first year of the biennium wasn't exceptionally good either. So if they have been able to arrive at a compromise or somewhat of a compromise for the second year of the biennium I think we ought to give them an A for effort. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker and Members of the House: I too arise to oppose the motion of my very good friend from Biddeford, Mr. Fecteau. If the gentleman will look at the list of the monies to be returned to the community he will find that his community does get a marked increase. The 103rd Legislature also provided that if parochial school youngsters, if a parochial school does close that the youngsters would be counted in the year that the school closes so that the local community would not have to absorb the cost for two years before being reimbursed.

I would submit that a 20% increase which is what he receives would be a very great help. In my own district, you can check the figures on the sheets before you, we will lose 10%, but I am going to support the bill anyway because I am convinced that it is a very fair treatment of communities, of all of the communities in Maine. This is a compromise as Mr. Levesque from Madawaska pointed out. It is a measure that tries to include basically the best of all that we have studied for the past five or six months and I would certainly hope that we would not go along with the motion to in-

definitely postpone and when the vote is taken I request that it be taken by the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Snow.

Mr. SNOW: Mr. Speaker, Ladies and Gentlemen of the House: We have before us today two methods for providing state revenues to municipalities and school units. These methods are the so-called "new equitable method of distributing school subsidies" and the compromise bloc grant program.

The bloc grant program has been criticized by many as being proposed too late in the session and needing more study. Ladies and gentlemen of the House, only yesterday, June 9, the Education Committee reported out L. D. 1586, a completely new method of providing school subsidies. I happen to know that the proposal was only completed by the Education Committee last week. Now, let's be serious. L. D. 1586, before today, has had no public hearing and in fact, will not be reviewed by the school superintendents until today. My question is, which proposal needs more study?

The Education Committee comments on the new proposal indicate that an attempt has been made to incorporate some of the best features of the so-called Kellam, Richardson and bloc grant proposals. The fact is, however, that L. D. 1586 fails to provide any funding for the so-called tax effort pool. Is this incorporating the best features of the several proposals?

Many are undoubtedly going to say that the new subsidy formula provides approximately the same amounts of money to communities as the compromise bloc grant program. In certain instances this is in fact the case. However, I would not suggest that this makes L. D. 1586 an equitable plan.

The new subsidy approach has one major fault — it assumes that a community with a high per pupil state valuation has greater ability to finance education for its students. This is one of those half truths. What the program fails to recognize is the other services which the city or town may have to provide on the same tax base. Again, I suggest what is appro-

priated for other municipal services has a relationship to what is appropriated to education.

The other major difference between L. D. 1586 and the bloc grant compromise is the fact that the compromise starts to get away from the concept of dedicated revenue for education.

The bloc grant monies cannot be used for any specific municipal program, but must be used to reduce the property taxes to be assessed on the property.

Ladies and gentlemen of the House, I urge you to vote against the new school subsidy proposal. I suggest you vote for the passage of the compromise bloc grant program which continues the existing school subsidy formula for the next biennium and initiates bloc grants with only the new revenues the Legislature plans to appropriate for municipalities. I then suggest that the Legislative Research Committee be directed to study in much greater detail the school subsidy program and the bloc grant concept and present recommendations to the 105th Legislature.

The SPEAKER: The Chair recognizes the gentleman from Dixmont, Mr. Millett.

Mr. MILLETT: Mr. Speaker, I would like to attempt to answer some of the questions that have been brought up in previous debate which have been somewhat either critical or apprehensive in relation to the new subsidy proposal which is before you. I do feel a great deal of good has come out of this debate both this morning, last week and the debate on the bloc grant proposal and in previous get-togethers and discussions over the present existing subsidy law and what has gone into this proposal which is before you this morning.

The first thing I would like to attempt to answer is the question of how much study has gone into this particular proposal as contained in L. D. 1586. I would go back to the end of the 103rd Legislature when, as I gather, a Joint Order directed the Maine Education Council to study an interim—to make an interim study of the entire subsidies situation as it existed under the present law and

come up with a recommendation. This recommendation was made, a very lengthy, a very objective, a very factual and a document containing many good points. It was contained in the so-called Kellam bill, L. D. 535. This was studied a great deal along with a municipal overburden feature which it contained. I would further say that the L. D. which this serves as a redraft from, L. D. 683, was the result of a good deal of study prior to the convening of this session in January.

I would further say that since the convening of the Legislature I personally have looked at over a hundred print-outs from computer to germinations of subsidy distributions. I have spent hours and hours, both prior to the introduction of a bloc grant theory and since the matter came on the horizon.

I think it is very ill conceived and very poor criticism to make at this time that this document before you has had no study whatever. I challenge anyone to actually stand behind such a contention.

Without going into this point any further, I think the gentleman from Biddeford, Mr. Fecteau has brought up a further point, one which we also looked into, one which has been taken up in previous legislatures and in which a certain amount of action has already been taken in this session. I am referring to the question of the parochial school child. Now I believe in the 103rd Legislature, as Mr. Richardson has referred to, those of you who were here, and other members, adopted a plan whereby the parochial school closing which normally occurs in the spring of the year, and I am referring to and the timing is very good, over the weekend five parochial school closings occurred in the State of Maine.

Now under existing subsidy laws, April 1st enrollments are the key to the determination of money. This action, which was enacted in the 103rd, provided that whenever a parochial school closed out during a given calendar year those students who became the property or the responsibility of the public school system upon usually the start of the new school

year in September would be counted for full subsidy purposes for the entire period of the subsidy distribution. I have felt this was not only a good law but a very fair and equitable law.

In this session of the Legislature, in two bills introduced by the gentleman from Lewiston, Mr. Jalbert we have taken further consideration of the parochial school problem. I refer to one bill, I don't have the number available which called for the same treatment when a part of a parochial school was closed, namely, one grade, one room or some combination, but less than the entire building.

Third, a bill, which we heard even after cloture date and gave a unanimous "ought to pass" report on, provided for the lease of school facilities owned by parochial, either church organizations or private organizations, for the use of the public school children when situations of this emergency nature were brought about. I am sure that any measure which attempts to distribute money on the basis of educational support has to take into concern pupils and pupils alone as far the actual number of individuals being considered under this distribution.

We have considered parochial school children, we have to consider them. At this time, however, if you subscribe to the separation of church and state I don't feel that you can directly subsidize those children who are getting a parochial school education. Now if this matter could be studied, certainly this is something which anyone with an objective mind would not disagree with.

The third criticism is that of wealth and I think it has been brought out by the gentleman from Biddeford, Mr. Fecteau, that in a case of Portland, which has a substantial number of private school children in comparison to his own City of Biddeford, but they received a much greater proportionate increase due to this program than his town. The only reason for this is found very obviously in their comparisons of wealth. Now the actual statistics which I will give you and I know are meaningless, show that Biddeford has a per pupil valuation of

19,150. The City of Portland, our largest city, has a per pupil valuation of 14,546. This difference is the primary reason for the proportionate difference in the new subsidy law.

Now notwithstanding per pupil valuation, which is the proposed measure of wealth that you have contained in this L. D., we have studied many ways of determining the actual wealth of a community to support both school and municipal services. We have considered excise tax receipts as one approach. We have come back to the idea of personal income in terms of per capita income as a good measure of actual wealth within a community.

I think in the future any measure which can be equitably proven to be more objective and more factual than what we have here would certainly not fall upon deaf ears.

Now I think the subsidy plan before you does deserve some explanation. I don't want to bore you. I think the charges that have been brought about should be answered and I have tried to do so. But I think before we embark upon anything new, you as individual legislators should seek to get the answers to your own individual questions, to your own geographic questions, and your own philosophical questions. I think you will find members of the Education Committee receptive.

I hope you will oppose the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Snow.

Mr. SNOW: Mr. Speaker and Members of the House: I feel as if I should attempt to answer the good gentleman from Madawaska, Mr. Levesque, the question that he posed in regards to where the money is coming for the bloc grant proposal that is tabled until tomorrow.

There is a \$1,175,000 less in the bloc grant proposal than is proposed under this L. D. before us now. This \$1,175,000 is that much less than is in the Part II budget.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, I have a question of the Education Committee. I have before me legislative document 1586 and previous documents in relation to distribution of educational funds as they have forwarded a chart showing what each community and each school district would get. I wonder if there is anything like that available to support this document? If there is, I don't seem to have one.

The SPEAKER: The gentleman from Enfield, Mr. Dudley poses a question through the Chair to any member who may answer if they choose.

The Chair recognizes the gentleman from Stonington, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker, on the desks the other day was a complete print-out of just exactly what each community would get and each School Administrative District. I hope that answers the gentleman's question.

Mr. Speaker, while I am on my feet if I may, my good friend, Mr. Snow referred to the fact that this proposal doesn't, that the bloc grant proposal doesn't have as much money in it as this one. I would submit that the original bloc grant proposal which was the one that was so rosily sold to the House has \$50 million in it by their own admission, and I think if you worked the bloc grant over without the \$50 million in it that it wouldn't look as pleasant to all of the Legislators.

Secondly, he raised the question of the Maine superintendents meeting today. I can tell you they came to Augusta prepared to take issue with the new plan of State subsidy but that before the meeting was over they passed a resolution supporting the new subsidy plan, 1586 with only two voting against it.

The SPEAKER: For the Chair to order the yeas and nays it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken and more than one fifth having ex-

pressed the desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Biddeford, Mr. Fecteau, that Bill, "An Act to Provide a More Equitable Method of Distributing School Subsidy," House Paper 1254, L. D. 1586, be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

### ROLL CALL

YEA — Bedard, Carey, Casey, Chandler, Coffey, Durgin, Fecteau, Good, Hall, Lee, Marquis, McNally, Nadeau, Noyes, Pratt, Sheltra, Snow, Starbird.

NAY — Allen, Baker, Barnes, Benson, Berman, Bernier, Binnette, Birt, Boudreau, Bourgoin, Bragdon, Brown, Burnham, Carter, Chick, Clark, C. H.; Clark, H. G.; Corson, Cote, Cottrell, Cox, Crommett, Crosby, Croteau, Cummings, Curran, Dennett, Donaghy, Dudley, Dyar, Erickson, Eustis, Farnham, Faucher, Finemore, Fortier, A. J.; Foster, Fraser, Gauthier, Gilbert, Giroux, Hanson, Hardy, Harriman, Haskell, Hawkens, Henley, Heselton, Hewes, Hichens, Huber, Immonen, Jalbert, Johnston, Jutras, Kelley, K. F.; Kelley, R. P.; Keyte, Kilroy, Laberge, Lawry, Lebel, Leibowitz, LePage, Levesque, Lewin, Lincoln, Lund, MacPhail, Marstaller, Martin, McTeague, Meisner, Millett, Mitchell, Moreshead, Morgan, Mosher, Norris, Ouellette, Page, Payson, Porter, Rand, Richardson, G. A.; Richardson, H. L.; Rideout, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Stillings, Susi, Temple, Thompson, Trask, Tyndale, Vincent, Waxman, Wheeler, White, Wood.

ABSENT — Brennan, Buckley, Bunker, Carrier, Couture, Curtis, Cushing, D'Alfonso, Dam, Danton, Drigotas, Emery, Evans, Fortier, M.; Hunter, Jameson, Kelleher, Lewis, McKinnon, Mills, Quimby, Ricker, Rocheleau, Ross, Santoro, Soulas, Tanguay, Watson, Wight, Williams.

Yes, 18; No, 102; Absent, 30.

The SPEAKER: Eighteen having voted in the affirmative and one hundred and two in the negative, the motion does not prevail.



Thereupon, the Bill was passed to be engrossed and sent to the Senate.

The SPEAKER: The Chair recognizes the gentleman from Manchester, Mr. Rideout.

Mr. RIDEOUT: Mr. Speaker, in deference to the good gentleman from Presque Isle, I will guarantee there will be an order in before we leave that this will be studied by Research.

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

Bill "An Act Creating Civil Liability to the State for Pollution of Waters" (H. P. 1255) (L. D. 1587)

On motion of Mr. Cox of Bangor, tabled pending passage to be engrossed and specially assigned for tomorrow.

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

Resolve Proposing an Amendment to the Constitution Affecting the Apportionment of the House of Representatives (H. P. 1256) (L. D. 1588)

On motion of Mr. Rideout of Manchester, tabled pending passage to be engrossed and specially assigned for tomorrow.

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

An Act to Create the Maine Land Use Regulation Commission and to Regulate Realty Subdivisions (H. P. 1234) (L. D. 1566)

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

Bill "An Act Providing for a State Pilotage System for the Penobscot Bay and River, Maine" (S. P. 338) (L. D. 1136) (In Senate, passed to be engrossed as amended by Committee Amendment "A" S-199 and Senate Amendment "A" S-221)

Tabled — June 6, by Mr. Rideout of Manchester.

Pending — Passage to be engrossed.

On motion of Mr. Dennett of Kittery, tabled pending passage to be engrossed and specially assigned for tomorrow.

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

Bill "An Act to Provide Protection for the Consumer Against Unfair Trade Practices" (H. P. 770) (L. D. 1003)

Tabled—June 9, by Mrs. Payson of Falmouth.

Pending — Passage to be engrossed.

On motion of Mr. Berman of Houlton, tabled pending passage to be engrossed and specially assigned for tomorrow.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker, with reference to item six on page four, we had a third reader this morning—Bill "An Act Establishing a Full-time Administrative Hearing Commissioner," House Paper 1242, L. D. 1577, I move that we reconsider our action whereby this had its third reading as amended this morning.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Hewes moves that the House reconsider its action of earlier in the day whereby L. D. 1577 was passed to be engrossed as amended by House Amendments "A" and "B".

The SPEAKER: The Chair recognizes the gentleman from Manchester, Mr. Rideout.

Mr. RIDEOUT: Mr. Speaker, at the risk of being repetitive, could I ask the gentleman for what reason he would like to have this reconsidered?

The SPEAKER: The gentleman from Manchester, Mr. Rideout poses a question through the Chair to the gentleman from Cape Elizabeth, Mr. Hewes, who may answer if he chooses.

Mr. HEWES: Mr. Speaker, in answer to the gentleman's question, this morning House Amendment "B" was offered and passed. It is under filing number H-506 and if we reconsider the bill itself, I have been asked if we reconsider House Amendment "B" with