

# MAINE STATE LEGISLATURE

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**Legislative Record**

OF THE

**One Hundred and Seventh Legislature**

(First Special Session)

OF THE

STATE OF MAINE

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say a dangerous area. I have my ideas as to where these things belong, and before we are done, I hope we will accomplish what my idea would be.

I would suggest and urge you very strongly — I have not made one motion at the last session or this session to indefinitely postpone with this motion, and I want to thank the gentleman from Durham, my colleague, Mr. Tierney, for making the motion for me.

I certainly hope very strongly that the reconsideration motion would be tabled for one legislative day.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Silverman.

Mr. SILVERMAN: Mr. Speaker, I move we table the reconsideration motion for one day.

Mr. Farnham of Hampden requested a vote on the tabling motion.

Whereupon, Mr. Dam of Skowhegan requested a roll call vote.

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

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Calais, Mr. Silverman, that this matter be tabled pending the motion of Mr. Tierney of Durham to reconsider and tomorrow assigned. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Berry, G. W.; Berry, P. P.; Berube, Birt, Bowie, Burns, Bustin, Byers, Call, Carey, Carter, Chonko, Clark, Connors, Cote, Curran, P.; Curran, R.; Dam, DeVane, Doak, Dow, Drigotas, Durgin, Dyer, Faucher, Goodwin, K.; Gould, Gray, Greenlaw, Hall, Hennessey, Hewes, Higgins, Hinds, Hunter, Immonen, Jackson, Jacques, Jalbert, Kelley, Laffin, LaPointe, Laverty, Leonard, Lewis, Lizotte, Lovell, Mackel, MacLeod, Maxwell, McBreairty, McKernan, McMahon, Mills, Morin, Palmer, Peakes, Perkins, T.; Peterson, P.; Raymond, Rideout, Shute, Silverman, Snowe, Sprowl, Tarr, Teague, Theriault, Torrey, Tozier, T r u m a n, T w i t c h e l l, Usher, Walker, Wilfong, Winship.

NAY — Ault, Bachrach, Bagley, Bennett, Blodgett, Boudreau, Connolly, Cox, Davies, Farnham, Fenlason, Flanagan, Fraser, Garsoe, Goodwin, H.; Henderson, Hobbins, Hughes, Ingegneri, Jensen, Joyce, Kany, Kelleher, Kennedy, LeBlanc, Lewin, Lunt, Lynch, MacEachern, Martin, A.; Martin, R.; Miskavage, Mitchell, Morton, Nadeau, Najarian, Norris, Pearson, Pelosi, Peterson, T.; Pierce, Post, Powell, Quinn, Rolde, Saunders, Smith, Snow, Spencer, Strout, Stubbs, Susi, Tierney, Tyndale, Wagner.

ABSENT — Carpenter, Carroll, Churchill, Cooney, Curtis, Dudley, Farley, Finemore, Gauthier, Hutchings, Kauffman, Littlefield, Mahany, Mulkern, Perkins, S.; Rollins, Talbot, Webber.

Yes, 77; No, 55; Absent, 18.

The SPEAKER: Seventy-seven having voted in the affirmative and fifty-five in the negative, with eighteen being absent, the motion does prevail.

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

HOUSE DIVIDED REPORT — Majority (10) "Ought to Pass" in New Draft (H. P. 2020) (L. D. 2196) — Minority (1) "Ought Not To Pass" — Committee on Education on Bill, "An Act to Revise the Laws Relating to Funding of Public Schools" (Emergency) (H. P. 1844) (L. D. 2011)

Tabled — February 9 by Mr. Lynch of Livermore Falls.

Pending — Motion of the same gentleman to Accept Majority "Ought to Pass" Report.

Thereupon, the Majority "Ought to pass" Report was accepted and the New Draft read once. Under suspension of the rules, the New Draft was read the second time.

Mrs. Najarian of Portland offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-877) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I happen to feel that our present law, L. D. 1452, is not that bad except for a couple areas, and one is, it calls for an increase in the property tax to 14¾ mills and, secondly, I think there are a few areas that need to be tightened up in the language as it relates to special ed.

What my amendment attempts to do is to lower the mill rate to 13 mills, which will be of benefit to every community in this state. And, secondly, it restores to 2196 some of the principles of 1452 that I feel have been taken out, and I would just speak briefly to those few areas in a general way rather than in a specific way.

I have mentioned that I have lowered the property tax to 13 mills. In addition, I have put on this an income tax to fund it. It is not the best income tax structure, because the present state income tax structure is not that equitable but it is what I have to live with because I have nothing else to work with. It increases no one's taxes under \$15,000, and it will raise the \$10 million necessary to pay for the revisions that I am making in this law.

One of the first things I am doing to 2196 is to take out all reference to proration, but to protect the state from being caught short, what my amendment says is that estimates in special ed and other areas will be given to the commissioner and prevent them from overestimating. He can revise them downward if he thinks they are unreasonable. Then the legislature can, again, raise or lower those estimates. But the point is, every community, every school district, will know before they spend the money how much it is they have to spend in these various areas and if it is less than they estimated, then they can cut back on their spending before it is spent.

One of the problems I have with proration is that if my community, for example, overestimates this special education, then Aroostook County, which has kept within their estimates, has to pick up for our bad judgment, and I don't think that is right. If we overestimate or exceed our estimates, then our community should bear that responsibility, and that is what I have done by taking out the references to proration.

I have also restored full funding for transportation, special ed and vocational education, because these are programs mandated by the state and I think it is very unfair to ask local communities to pick up 10 percent of something we have mandated. Besides, in some areas it would be a terrific hardship for communities or

school districts to pick up 10 percent. In Aroostook County, say, it would be a great hardship and a lot more money for them to pick up 10 percent of transportation than it would for us in Portland. On the other hand, 10 percent of special education in Portland, where we have so many children in our schools, it would be a harder burden on us. We have already been prorated \$140,000 for special ed this year.

The bill takes out maintenance of effort, and I have restored that because I have put the ceiling back on education spending. I think if you take the ceiling off, there is a possibility that every community again will have unequal educational opportunities plus a very unequal uniform tax.

I have accepted the new leeway, 2 mills for \$95, so that reduces the total cost about \$3 million, and I have also accepted the method in which they repay that, which would be in December. But I have also taken out the provision where we deferred this year's spending for leeway until next December.

I don't address the payment of the leeway that we owe this year in this bill, because I did not figure that was part of next year's school funding. That is a problem that we have within this year's school funding and we also addressed that separately, as well as the deficit separately. It has nothing to do with the school funding for next year, so I have taken that out, any reference to that.

The spending ceiling, the categorical areas, generally I think that covers all the major areas where I have changed the law. I have put back in what was in 1452, the maintenance of effort.

In the previous bill, the community that was spending below the state average was brought up to that level by one-third increment. The committee changed that that they would be brought up to two fifths or 40 percent, and I accept that and this will allow them to get up to the median average level a little bit sooner.

What I think I have done is restored the principles of 1452, reduced the spending somewhat without hurting, I don't think, educational programs in the schools. I have lowered the property tax for all the communities in the state and I have put an income tax on it to fund it, which I think most everybody feels is the proper way that this should be done.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I sympathize with Representative Najarian. I have gone this route before, to my sorrow, changing a little here and a little there and without realizing the impact across the state of what these small changes mean.

You know, I have told you in some of the caucuses that we have had that by dropping the uniform property tax you are hurting some of the units in this state, you are not benefiting them. Let me give you an example; Arundel has a valuation of \$9,100,000. Under the committee's bill, with a drop in the uniform property tax of one mill, Arundel will experience a net loss of \$14,543. You see what you get into when you drop the uniform property tax? Auburn has a property state valuation of \$166 million. Auburn, under the committee revision bill, will lose \$134,165. The total of allocation and state leeway is \$341,665 less. They save \$207,500 on the uniform property tax reduction. Bradley has a state

valuation of \$5,700,000. Moving from the present law to the committee's revision, Bradley will lose \$17,366, and the same thing goes for towns such as, Caribou, Chelsea, Dresden, Eastport, Glenburn, Harmony, Marshfield, Medway, Richmond, Sabattus, Woodland and these are just representative.

So when you start dickering and finagling and switching around, a change here and a change there, they may not seem significant but the impact, you can only find out through a study and a printout. You have to analyze this thing, you cannot do it simply by adjusting a formula.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: None of this language in my amendment is my own. What I have put back in the amendment was in 1452, which had been working, and what I have kept was the committee's own bill and the changes they have made in the law. I really don't understand the point that Representative Lynch was just making. Of course, they would lose money if their property tax went from 13.5 to 13 mills. That means they have to raise less on their local property tax but I am making up with the state income tax, so I don't see how they can lose.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: The comparison I gave you was a savings of  $\frac{1}{4}$  mills on the uniform property tax — from 14% as needed under the present law to 13½ as proposed by the committee's revision. Now, under the amendment you are proposing another half mill drop. This is not an exact trade for dollar for dollar on both sides of the equation. What you are doing is swapping dollars in uniform property tax for dollars on an income tax or some broad-based tax; that is one side of the equation, but you have not addressed yourself to the other side of the allocation side, and that is affected by the drop in the uniform property tax.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker, I would like to pose a question through the Chair to Mr. Lynch. I have been grappling with this problem and I don't seem to be able to understand it. Can you explain the computation in the allocations which results in the loss of these communities, because to me, if you lower the uniform property tax and make it up with an income tax, I don't see where that affects the allocations? And could you go through the computations which result in that difference?

The SPEAKER: The gentleman from Standish, Mr. Spencer, poses a question through the Chair to Mr. Lynch of Livermore Falls, who may answer if he wishes.

The Chair recognizes that gentleman.

Mr. LYNCH: If you go through your printout, Arundel, at 13½ mills, would raise \$548,189; at 2 mills \$95, full exposure of state dollars would be \$11,301, if they exercise it, giving a total of \$559,490. The reduction of a one mill uniform property tax would only reduce the burden in Auburn of \$9,100; at 1¼, it would be \$11,375, so the reduction on one side at one mill would be \$9,100.

I am sorry I don't have the printout sheet I had the other day, I could go through it step by step, but you start with your average per pupil cost, and Auburn is a below average community, so they would have the benefit of using both the maintenance of effort and the leeway. In using that, they are going to use more state dollars and more of their own money than they are getting in a reduction in the uniform property tax.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker, I would like to pose a followup question through the Chair. If the dollars that are lost when you reduce the uniform property tax by one mill or two mills or whatever, if those dollars are made up by an increase in the income tax, why does the locality end up paying more? I can understand if you said that we would reduce the uniform property tax and throw those costs back onto the local property tax that a low valuation community would have to raise several mills to make up what they lost but I don't understand why they lose on the allocation if you make up the dollars that are lost by lowering the uniform property tax with an income tax increase?

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, suppose you start with the funding of education at \$260 million. Does it make any difference to the figure of \$260 million whether you raise half of that on uniform property tax or whether you raise 60 percent on a broad-based tax? The \$260 million is on that side of the equation, isn't it? Now, you take a drop in uniform property tax, you are altering the other side of the equation, you are dropping the burden on the community of \$9,000 or \$10,000, in the case of Auburn, right?

Arundel was \$9,100, yes. You are dropping the effort that Arundel has to carry by \$9100, but you are affecting the allocation side by the use of leeway and maintenance of effort. That is the only two things they have that that has the state's sharing of dollars involved. Beyond that, it is all through local dollars.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: To add somewhat to the confusion, the figures that I have here — let's take the town of Arundel, which would have to raise 13 mills, that is \$118,300. If we go to what they would have to raise at 14¼ mills, it would be \$134,225, which is a difference of \$16,000. If we went at 13½, that would be a difference or a drop from \$122,850. So actually, at 13 mills, Arundel would be \$16,000 less than the original figure on the bill of 14¼ and it could be some \$4,000 less than the committee redraft bill.

I still don't understand the principle where they would actually lose funds on this.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to say that I have ordered a printout on showing the effect of my amendment on the towns, the total state dollars and how much will be raised locally and how much will come from the state, but they tell me it won't be ready until tomorrow. I feel

somewhat at a disadvantage in that you don't have that before you so you can see what this amendment would do to your communities, but it will be ready tomorrow and that is all I can tell you.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: Up until the last statement that the gentlelady from Portland made, my very good friend Mrs. Najarian, I could conceivably have bent a little bit, merely because of my personal feelings for her, but when she mentioned printout, boom, all I can think of is printouts of 1973, 1974 and 1975 and that is when you lose me completely.

If we had the money, this might be a fine thing, but when I read to provide for an income tax increase of \$10,500,000 to fund the reduction of the uniform property tax provided in this amendment, this is what I have been fighting on the floor this afternoon, out in the corridor, days on end, two years ago last year. This becomes, and I, for one, want to commend my dear friend and colleague from my county, the Chairman of the Education Committee, Mr. Lynch; however, this now becomes purely and simply a tax measure. Nobody here has come up with an idea — are you positive, are you sure, is there a certainty that this thing won't reoccur again?

We were told that 1994 was beautiful. What happened to it? 1452 was a cureall.

I would like to put this thing in the same position as the previous bill was in and I would liked to have made the same motion on the Mackel bill but everybody knows that was gone and would never have any hopes, and because of the fact that I don't think, with all due respect to the gentlelady from Portland, whose intentions I know are sound and sincere and honest, I spoke to her about it last night and I spoke to her again about it this morning, it doesn't alter the fact that in my opinion this is not a good amendment, the timing is bad besides that, and for that reason, Mr. Speaker, I move the indefinite postponement of this amendment and when the vote is taken, I ask for a roll call.

Mrs. Mitchell of Vassalboro offered House Amendment "A" to House Amendment "B" and moved its adoption.

House Amendment "A" to House Amendment "B" (H-885) was read by the Clerk.

The SPEAKER: The Chair would inform the members of the House that obviously the motion to amend takes precedence over the motion to indefinitely postpone.

The Chair recognizes the gentlewoman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: This almost seems not germane, considering the previous discussion; however, I would like to address one part of Mrs. Najarian's amendment, and that part is the reinstatement of a ceiling of expenditures on a local level. I must admit that this is a full circle for me as an Education Committee member. However, I have come to philosophically have difficult problems with the ceiling on local expenditures. The arguments I have heard in favor of a ceiling are these: one that would abandon the philosophy and we will be right back where we started. First, that can't happen, because we are hoping to bring up the towns that have been behind through sharing of state resources and they will never go back, I hope, as far as they were.

Also, once a community has paid its fair

share to the uniform property tax for the upkeep of schools across the state, then I can't see how the state has further claim to its own local resources.

The other problem is that people refer to is only to Cape Elizabeth and only the rich towns. I represent Windsor, I spoke of it earlier, Windsor also supports having the ceiling removed. If you look at the poor people expenditure in Windsor, I am embarrassed to say it is the very bottom on your list, I think it is \$300 plus per elementary pupils and this town also would like to see the ceiling removed.

The SPEAKER: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: Would a motion to table both of these amendments be in order? I make that request, primarily, due to the confusion over Mrs. Najarian's amendment in that there seems to be some disagreement over the effect that this would have on all the communities. I hope we could have this material before us tomorrow. Since this is an amendment that Mrs. Mitchell has offered to Representative Najarian's amendment, I hope that we could have it tabled, have them both tabled.

The SPEAKER: The Chair would inform the gentlewoman that the motion to table is in order but the gentlewoman debated the motion and therefore is not in order.

The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker, I move indefinite postponement of House Amendment "A" to House Amendment "B". I am one of those towns that is so-called rich. I have the hopes of the lady from Vassalboro, Mrs. Mitchell, but we also had the hopes of everybody two years ago and four years ago that this thing would not get out of hand.

The SPEAKER: The gentleman from Waterville, Mr. Carey has moved indefinite postponement of House Amendment "A" to House Amendment "B" and the Chair will order a vote. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mrs. Mitchell of Vassalboro requested a roll call.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. Those in favor of a roll call will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Waterville, Mr. Carey, that House Amendment "A" to House Amendment "B" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bachrach, Bennett, Berry, G. W.; Berube, Birt, Blodgett, Boudreau, Bowie, Burns, Call, Carey, Carpenter, Carter, Chonko, Cote, Cox, Dam, Drigotas, Durgin, Farnham, Faucher, Fenlason, Flanagan, Fraser, Garsoe, Goodwin, H.; Gray, Hall, Hennessey, Hinds, Hobbins, Hunter, Immonen, Jacques, Jalbert, Jensen, Joyce, Kany, Kelleher, Kennedy, Laffin, Laverty, LeBlanc, Lewin, Lizotte, Lunt, MacEachern, Martin, A.; Martin, R.; McBreairty, McMahon, Mills, Miskavage, Morin, Morton, Nadeau,

Najarian, Norris, Peakes, Pearson, Pelosi, Peterson, P.; Pierce, Quinn, Raymond, Rideout, Rolde, Saunders, Shute, Silverman, Smith, Snow, Snowe, Strout, Stubbs, Tarr, Teague, Theriault, Torrey, Tozier, Truman, Twitchell, Tyndale, Usher, Walker, The Speaker.

NAY — Ault, Bagley, Berry, P. P.; Bustin, Byers, Clark, Conners, Connolly, Curran, P.; Davies, DeVane, Doak, Dow, Dyer, Goodwin, K.; Gould, Greenlaw, Henderson, Hewes, Higgins, Hughes, Ingeneri, Jackson, Kelley, LaPointe, Leonard, Lewis, Lovell, Lynch, Mackel, MacLeod, Maxwell, McKernan, Mitchell, Palmer, Perkins, T.; Peterson, T.; Post, Powell, Spencer, Sprowl, Susi, Tierney, Wagner, Wilfong, Winship.

ABSENT — Albert, Carroll, Churchill, Cooney, Curran, R.; Curtis, Dudley, Farley, Finemore, Gauthier, Hutchings, Kauffman, Littlefield, Mahany, Mulkern, Perkins, S.; Rollins, Talbot, Webber.

Yes, 86; No, 46; Absent, 19.

The SPEAKER: Eighty-six having voted in the affirmative and forty-six in the negative, with nineteen being absent, the motion does prevail.

The pending question now before the House is the motion of the gentleman from Lewiston, Mr. Jalbert, that House Amendment "B" be indefinitely postponed.

The Chair recognizes the gentlewoman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: Before you vote on the indefinite postponement of my amendment, because there is a \$10 million tax increase on it, I would just like to point out that the committee bill itself has a \$9 million fiscal note on it. It will also increase the property tax in addition. Any bill we have before us, if you kill my amendment, if you kill the committee bill, we are left with 1452 which increases the property tax by 1½ mills, so that is your choice. Besides, I think my amendment restores, if you believe in the original philosophy of 1994, that philosophy and it only has to raise one million more than the committee bill itself.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Susi.

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make my attempt of an analysis of where we will be at if this amendment is indefinitely postponed.

I believe there is another amendment floating around, or will be, that Maine Municipal has been involved in that would reduce the mill rate to 12 mills but would require an income tax increase of up around \$20 million. The committee bill, as Representative Najarian has indicated, calls for \$9,500,000, but I don't know of any amendment that is afloat as of now that would finance that need to would bridge the gap of the \$9,500,000. If we knock out the Najarian amendment, we are back to the Maine Municipal and possibly one that someone is considering putting in to cover the \$9,500,000 on the committee bill. I believe this is so, if I have made an error, I wish someone would correct me.

The SPEAKER: The Chair recognizes the gentleman from Danforth, Mr. Fenlason.

Mr. FENLASON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to address the 90-10 arrangement on vocational education on special education and on transportation. It is very difficult to refute the statements made by Representative Najarian, but I would like

to point out a fact or two that was brought out in committee and I stand behind it very firmly. I am a great advocate of education, I am also an old Scotchman and I am tight and I hate to see waste. I feel that with a 100 percent reimbursement of these items to the towns, there is a chance for abuse and waste. It is my feeling, and I feel pretty certain it was the feeling of the committee, that if we put 10 percent of that spending back on the local unit, the towns would be much more responsible and would spend much less money chasing kids all over the state of Maine in buses under the mistaken apprehension that it 'don't cost nothing.'

The SPEAKER: The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Smith.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: Through most of the debates on L.D. 1994 and 1452, I have held my peace and said nothing, as I wasn't involved in the drafting of the bill or the committee work, but I have had long-time interest in the basic concepts that have been embodied in L.D. 1994, principally, the equal educational opportunity part of it and the attempt at least, in the original bill, to achieve some sort of tax equity. I never agreed with the way L.D. 1994 attempted to achieve that tax equity, namely, by imposing a state property tax.

It has been said here today that what we have before us is really a taxation measure, and I agree with that analysis. I have, over the years I have been in the legislature, always attempted to address the basic imbalance in the total tax structure in this state. Several studies, recently, have confirmed what many of us felt for a long time, that the imbalance is caused by overdependence on property tax and of all the measures that we have before us to vote on, I can see only one that even begins to address that imbalance, and that is the one we have before us today.

I know that income tax increases are distasteful to everybody, but to me they are no where near as distasteful as the alternative of increased property taxes that every other measure has attached to it.

I hope today that we will not indefinitely postpone this amendment. I am not convinced that it is perfect by any stretch of the imagination but I am certainly convinced that it has more good for more of us, including pay-in and pay-out towns, than any of the other bills or amendments that we are going to be discussing. I hope that at least today that we will keep this amendment alive and, Mr. Speaker, when the vote is taken, I request a roll call.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert has already requested a roll call.

The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I have several questions I would like to ask members of the Education Committee in regards to the 90-10 section that Representative Najarian's bill would eliminate. Under that 90 percent section, as I read the bill, let's take vocational education, reimbursement shall be limited to 90 percent of the estimated cost or 90 percent of the actual expenditures, whichever is less. What happens if a school district is able to cut their voc costs down so that they are only so they cut their 10 percent amount so they are only paying

about 91 percent, let's say next year's figures, they get 90 percent of that and correspondingly each year they are going to be going down, as I read this, because it is whichever is less. In other words if this year they figure they can't raise that 10 percent local, so they go on the 90 percent the state is going to give them and then the next year their estimates are 10 or 15 percent higher than what they spent this year, the state reimburses them only what they actually spent minus 10 percent of that. I don't know if I am making myself clear, but each year, as I read this, under the 90-10 of the original bill, the district is going to get less and less if they try to save money.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: The gentleman from Dover-Foxcroft, my colleague on the Appropriations Committee, said that he has held his peace on L. D. 1994 and 1452. I held my peace on 1452, but I sure didn't hold my piece on 1994, and there are even members of the Education Committee in this room today who were on the committee when 1994 was passed who would be delighted today to speak against 1994 if it was before them today. And they were then on the Committee on Education, and I am not going to let go easy on this one. It is one thing if you can afford something and it is another thing if you can't afford it.

My good friend from Pittsfield, Mr. Susi, fully knows that any amendment that comes up, if it had a billion dollars on it, could be cut down to five cents if he so wishes.

It would be my intention that we would defeat, as my motion indicated, this amendment and then table this measure so it would be in the same position as the other one that you reconsidered so kindly a few minutes ago. Please, I beseech you, I practically got on my knees in 1973, I am doing it again now. I am interested, as all of us, in good government. I am interested in doing things as they should be done. But believe me, we have been bitten twice and I am not going to go plunging into something a third time without knowing where I am going. I sure as heck, at five thirty in the evening, do not want to pass a tax bill under the guise of an education bill. I certainly beseech you and hope that you will defeat this amendment, as the motion was made to indefinitely postpone it and a roll call was asked for, and I hope you do not table this thing, defeat it now. There are other days that will come after this evening and we can work from there. That is the only way you will ever arrive somewhere along the line at a compromise.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to try and put things in perspective if I could. One of the reasons I will support the gentlewoman from Portland's amendment is that while this would cause an increase in one of our state taxes, the income tax, it would cause a corresponding decrease in the statewide property tax. If you defeat the amendment and you go to the bill as it is and you vote for that bill, you would be voting for an increase in two state taxes, in the income tax and in the uniform property tax. That is what the committee bill calls for. Mrs. Najarian's amendment calls for an increase in only one state tax, and that is the state income tax.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, I would ask a question of the good lady from Portland, Mrs. Najarian. Your bill in the fiscal note points out the fact that it does not address the problem of the \$3 million for the towns which are attempting to change over to the uniform fiscal year in this six months we are now in. Did I miss it or did you tell us how you plan to handle that?

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker and Members of the House: No, I did not address that. I did not think that was part of the problem of next year's school funding, and having talked with members of the Education Department and our Finance Office, they, too, did not think the present deficit, the \$3 million that we now have for the conversion to leeway this year, should be a consideration of this bill for funding next school year. That is a separate problem. I, personally, am in favor of somehow paying that this year and not deferring the cost until next December. It is not a part of the school funding problem for next year, which is what this bill and the amendments before us are doing.

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

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that House Amendment "B" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLLCALL

YEA — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Blodgett, Boudreau, Bowie, Bustin, Byers, Chonko, Connolly, Cox, Curran, P.; Curran, R.; Davies, Doak, Dow, Drigotas, Farnham, Fenlason, Flanagan, Fraser, Garsoe, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Handerson, Hennessey, Hobbins, Immonen, Jackson, Jensen, Joyce, Kany, Kelleher, Kennedy, Laffin, Laverty, LeBlanc, Leonard, Lewin, Lunt, Lynch, MacEachern, Mackel, Martin, A.; Martin, R.; Maxwell, Mills, Miskavage, Mitchell, Morin, Morton, Nadeau, Najarian, Peakes, Pearson, Pelosi, Peterson, T.; Pierce, Post, Powell, Quinn, Rideout, Rolde, Saunders, Shute, Smith, Snow, Spencer, Strout, Stubbs, Susi, Theriault, Tierney, Usher, Walker, Wilfong, Winship, The Speaker.

NAY — Berry, P.P.; Berube, Birt, Burns, Call, Carey, Carpenter, Carter, Conners, Cote, Dam, DeVane, Durgin, Dyer, Faucher, Gould, Gray, Hewes, Higgins, Hinds, Hunter, Jacques, Jalbert, Kelley, Lewis, Lizotte, Lovell, MacLeod, McBreairty, McKernan, McMahon, Palmer, Perkins, T.; Peterson, P.; Raymond, Silverman, Snowe, Sprowl, Tarr, Teague, Torrey, Tozier, Truman, Twitchell, Tyndale.

ABSENT — Carroll, Churchill, Clark, Cooney, Curtis, Dudley, Farley, Finemore, Gauthier, Hughes, Hutchings, Ingegneri, Kauffman, LaPointe, Littlefield, Mahany, Mulkern, Norris,

Perkins, S.; Rollins, Talbot, Wagner, Webber.

Yes, 84; No, 46; Absent, 20.

The SPEAKER: Eighty-three having voted in the affirmative and forty-six in the negative, with twenty being absent, the motion does prevail.

Mr. Greenlaw of Stonington offered House Amendment "H" and moved its adoption.

House Amendment "H" (H-888) was read by the Clerk.

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

Mr. GREENLAW: Mr. Speaker and Members of the House: I will take just a very brief minute trying to explain this amendment.

It seems to me that the Mackel bill contains two major differences from the bill that is presently before the House at this time; number one, to repeal the uniform property tax and, number two, it changed the allocation system based on a flat grant system, which is different from the present system and also the system that is in the Education Committee bill.

This bill would repeal the uniform property tax and the money that would not accrue to the state would be made up as an addition to the income tax.

I have found a great deal of sentiment in this legislature about the way the uniform property tax is assessed and the burdens that are placed upon many communities, both coastal and inland, in this state. I would ask at this time for this legislature to support this amendment which does in fact abolish and repeal the uniform property tax and have that money made up by a broad-based tax; namely, the income tax, which many people seem to support.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker, I know there are several amendments that have been distributed, and while I speak on amendment "H" as presented by the gentleman from Stonington, Mr. Greenlaw, I would like to, if I may, Mr. Speaker, without getting too far afield, also like to refer to House Amendment "A" which covers the very same subject.

Mr. Greenlaw's amendment would raise 13½ mills at the local level and it would be an additional cost to the state of some \$5,452,000. House Amendment "A" would raise only 13 mills at the local level, which would indicate that obviously the state would have to come up with even more money, because there is a half mill less that is being raised at the local, but House Amendment "A" says it would only cost us \$4,540,000. Are the figures transposed in the two amendments or is there such a confusion here that maybe we would be better off to table this to get some more accurate figures?

The SPEAKER: The gentleman from Waterville, Mr. Carey, has posed a question through the Chair to anyone who may care to answer.

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

Mr. GREENLAW: Mr. Speaker, could I ask one of the Pages to take to Mr. Carey a copy of House Amendment "A" and further ask him if it is an amendment to L.D. 2196 or an amendment to L.D. 2101.

The SPEAKER: The Chair would answer that the amendments are both to 2196.

The Chair recognizes the gentleman from Winthrop, Mr. Bagley.

Mr. BAGLEY: Mr. Speaker, I ask for a division.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, I still have a problem with this appeals procedure — 25 parents. You only have to have 13 families that can raise the devil with any school unit in this state, and I think the State Board of Education would be drowned under the appeal procedure.

Thereupon, Mr. Carey of Waterville moved the indefinite postponement of House Amendment "H".

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Waterville, Mr. Carey, that House Amendment "H" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

85 having voted in the affirmative and 19 having voted in the negative, the motion did prevail.

Mr. MacLeod offered House Amendment "G" and moved its adoption.

House Amendment "G" (H-886) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. MacLeod.

Mr. MacLEOD: Mr. Speaker and Members of the House: It was brought to my attention that under this bill the transportation costs for all transportation are reimbursable, including extracurricular transportation. I think this would be a good time to get a handle on some of the transportation costs in this state, with gasoline being what it is and the soaring cost of buses and everything. This amendment would simply restrict the reimbursable portion to transporting students to and from school from their residences and not include the extra curricular.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker, we have finally reached one amendment which I feel I can support. We have some 20-odd teams traveling throughout the state in different activities, both boys and girls. If the community wants to participate in this, then the community should also have to pay the cost. I would support the gentleman from Bar Harbor, Mr. MacLeod.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Silverman.

Mr. SILVERMAN: Mr. Speaker, before I vote on this, I would like to say something. Does this mean that transporting a basketball team and bands throughout the state so they can attend their functions, this will be a cost to the municipalities and will not be part of the transportation costs that we passed when we passed 1994? If it is, I definitely would favor continuing to guarantee that those children may attend the affairs, whether it is basketball, baseball or whatever activity that is a part of going to school, and I certainly oppose this amendment.

The SPEAKER: The gentleman from Calais, Mr. Silverman, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Bar Harbor, Mr. MacLeod.

Mr. MacLEOD: Mr. Speaker, I think we have heard a lot of talk here about local control and control on the local level. This cost would be borne by the town.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I didn't intend to get involved in this debate, but you want to remember that this bill only allows for 90 percent of the transportation to begin with. The local communities are involved with 10 percent in this bill, which is that much away from the present law. So, it is the same old story of putting it back on the property taxpayer. Any little way that we can fire it back to them, why, we do it in order to make the figures come out right, but you are already taking 10 percent away from them in the law as it is written right now.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Silverman.

Mr. SILVERMAN: Mr. Speaker, I would like to move the indefinite postponement of this amendment and ask for the yeas and nays on a roll call vote.

The SPEAKER: The gentleman from Calais, Mr. Silverman, moves the indefinite postponement of House Amendment "G" and requests a roll call vote.

The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I hope that we do go along with the indefinite postponement of this amendment today.

While in past sessions I have supported limited school bus transportation usages, I don't think this is the bill to write it into. It is true, all over the state there have been abuses of transportation using school buses, but in previous sessions, as well as this session, we will have our opportunity to address that problem when we get the bill in to define the words "school bus." Then, and then alone, is the time to talk about what we are going to use school buses for, but pass something like this saying that school buses can only be used to transport children to and from the school that they are attending, that is cutting out the band program, basketball, all sporting events. That could cut out any buses that you have running late, as we have in some of the SAD's, for slow learners and for children that stay after school and the teachers stay to help them with their education problems. This would be one of the worse things we could do to the children of this state if we were to pass this amendment today.

I would hope, if you have any problems with transportation, that you would wait, because we will have a vehicle later on in this session where we can address the problems of transportation. It is at that time that we should take care of it and not with this bill that is before us now. Again I ask you to support the indefinite postponement of this amendment.

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, I would like to ask a question through the Chair. The gentleman from Skowhegan made the statement that this would even preclude buses transporting slow learners in the morning and afternoon. I don't read it in this amendment and I would like to have someone clarify it for me.

The SPEAKER: The gentleman from Nobleboro, Mr. Palmer, has posed a

question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker, the reason I said that was for one reason and one reason alone. In a school district, this is an extracurricular activity, actually, and you vote it at your district budget meeting whether you are going to allow this or not and you raise the funds. Some school districts, the Board of Directors vote it. We did in the school district where I sit on the board of directors, but it also appeared in our budget whether the people would fund this cost or not. I think that by passing this today, it would leave a very good vehicle open to the people that were opposed to the extra buses running around after school, and that is the reason I made that statement.

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

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Calais, Mr. Silverman, that House Amendment "G" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bachrach, Bennett, Berry, G. W.; Berube, Birt, Blodgett, Bowie, Burns, Bustin, Call, Carpenter, Carter, Chonko, Connolly, Cox, Curran, P.; Dam, Davies, DeVane, Doak, Dow, Drigotas, Durgin, Farnham, Faucher, Flanagan, Fraser, Goodwin, K.; Gray, Hall, Henderson, Hennessey, Hobbins, Hughes, Hunter, Immonen, Ingegneri, Jackson, Jalbert, Joyce, Kany, Kelleher, Kelley, Kennedy, Laffin, Laverty, LeBlanc, Lewin, Lewis, Lunt, Lynch, MacEachern, Martin, A.; Martin, R.; McBrairry, McKernan, Mills, Mitchell, Morin, Morton, Nadeau, Najarian, Norris, Peakes, Pearson, Pelosi, Peterson, P.; Peterson, T.; Post, Powell, Quinn, Raymond, Rideout, Rolde, Saunders, Shute, Silverman, Smith, Snow, Snowe, Spencer, Sprowl, Strout, Stubbs, Susi, Tarr, Teague, Tierney, Tozier, Twitchell, Tyndale, Usher, Wagner, Walker, Wilfong, Winship, The Speaker.

NAY — Bagley, Berry, P. P.; Boudreau, Byers, Carey, Clark, Conners, Dyer, Fenlason, Garsoe, Gould, Greenlaw, Hewes, Higgins, Hinds, Jensen, LaPointe, Leonard, Lizotte, Lovell, Mackel, MacLeod, Maxwell, McMahon, Miskavage, Palmer, Perkins, T.; Pierce, Theriault, Torrey, Truman.

ABSENT — Albert, Ault, Carroll, Churchill, Cooney, Cote, Curran, R.; Curtis, Dudley, Farley, Finemore, Gauthier, Goodwin, H.; Hutchings, Jacques, Kauffman, Littlefield, Mahany, Mulkern, Perkins, S.; Rollins, Talbot, Webber.

Yes, 97; No, 31; Absent, 23.

The SPEAKER: Ninety-seven having voted in the affirmative and thirty-one in the negative, with twenty-three being absent, the motion does prevail.

Mrs. Post of Owls Head offered House Amendment "C" and moved its adoption. House Amendment "C" (H-880) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentlewoman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker and Members of the House: As I have explained before when I presented this amendment for another bill, essentially what this does is to insure that vocational education includes the definition of fishing education.

Thereupon, House Amendment "C" was adopted.

Mrs. Post of Owls offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-882) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentlewoman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker and Members of the House: Essentially what this bill does is to have the amount that the state assesses from the uniform property tax, or either the percentage of a tax bill or the dollar amount appear on each property tax bill. I think it is important that as we are either passing legislation which increases the uniform property tax or lowers the uniform property tax or setting a uniform property tax, that people have a very clear understanding of what that means to them when they get their tax bill. One problem of confusion which comes up is that in many towns which are assessing at a lower than a one hundred percent rate, they may, for instance, be assessing at a 20 percent rate, when we are talking up here of a difference between a 13 mill rate and a 14 mill rate, if they are interpreting it to their own situation, they don't think about it as being that high, where actually, if you are going to raise 14 mills in a town that is valuing at 20 percent, you would have to increase their taxes by 60 mills, which is quite a difference.

Essentially, what we are doing is insuring that the people in the local communities are individually well aware of what is going on and how their schools are being funded.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker, I would like to pose a question through the Chair. I had supplied the Chair earlier with information that this very amendment, at least the subject matter of this amendment, had been proposed in the regular session and it ultimately met with defeat. Would it properly be before us?

The Chairman of the Local and County Government Committee may still have those figures if you want to direct this question through him.

The SPEAKER: The Chair would answer that he would have to direct the question in that fashion, since he no longer has possession of the paper that was supplied to him.

The Chair recognizes the gentleman from Skowhegan, who may answer the question posed by the gentleman from Waterville, Mr. Carey.

Mr. DAM: Mr. Speaker and Members of the House: We did, in the last session of the legislature, have a bill before us which would essentially have done the same thing as the amendment that is before us today by the Representative from Owls Head, Mrs. Post, as far as the subject matter is concerned. The amendment did address three other areas for those purposes, and I would read the amendment that was proposed on the bill at the regular session.

It says, "If a municipality gives written notice to persons liable to taxation of the amount of tax due or payable, such notice shall indicate the percentage of the tax

allocated for education, municipal services, county taxes and special district purposes." This was indefinitely postponed because of the opposition, one being the good lady from Owls Head, Mrs. Post, speaking into the record how she was opposed to this, putting the burden on the municipalities. It went down the drain quite severely, but it was before the regular session, so actually it was something that was indefinitely postponed in the regular session and is coming back to haunt us again today.

The SPEAKER: The Chair would respond to the question of germaneness, and the Chair would rule but make no comment on the merits or demerits of the measure, that it is germane, since this particular amendment deals only with the uniform property tax and the amendment presented during the regular session dealt with everything, and as a result would rule it is germane.

The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker, then I would move indefinite postponement of this for many reasons, and it is simply this, we are working on an emergency bill which would take effect immediately upon its passage. This means that those people who are putting out tax bills would be caught in an extremely short time situation in trying to get these things on tax bills they would be putting out this year. I would have preferred that possibly the young lady from Owls Head, Mrs. Post, would have put a time on this that this would have been effective next year. Therefore, I would move indefinite postponement.

The SPEAKER: The gentleman from Waterville, Mr. Carey, moves the indefinite postponement of House Amendment "D".

The Chair recognizes the gentlewoman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: I would like to respond both to Mr. Dam and Mr. Carey, if I could. I did oppose the legislation previously, and my reason for doing so is that those were locally assessed services and locally assessed taxes. This is quite another thing. In this case, what we are talking about is a uniform property tax assessed and levied by the state in which local people have no control over what they will pay. They have no vote in their locality on whether or not they will increase or decrease that uniform property tax. I see that as quite a different thing.

I would also like to point out that all that is required if a town does in fact decide to simply express the amount paid for by the uniform property tax in terms of a percentage, that is figuring on a one-time thing, that is one calculation for all the tax bills that they want to put out. If they want to show each taxpayer how many of his dollars are going into the uniform property tax, that is quite another thing. To my mind, it seems to give plenty of time to the towns to do this. However, if Mr. Carey is willing to support my bill with a later time limit on this for next year, then I would be willing to discuss that with him later. At this point, I would ask that you do not indefinitely postpone it.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker, I am delighted that Mrs. Post and I can meet later to discuss this matter; however, if it receives passage this evening and we

continue and get beyond the second reading stage, and as the order has been presented before that bills are not held up and will go immediately forthwith within thirty minutes after adjournment, then we could talk for the next month or so and still not affect the outcome of this particular bill.

I have been here for a few semesters, as the gentleman from Lewiston is fond of saying, so I appreciate her comments but they do not change the fact. The City of Waterville, for instance, has a computer and we can print anything on a tax bill that you ask for. The little town of Winslow is not that fortunate — I like to call it the little town of Winslow — the little town of Winslow happens to have bought tax bills well into the next several years, feeling that they never again will become a part of Waterville, so we are creating a hardship on my neighbors in Winslow, as well as over in maybe Winthrop and all the other communities.

Time is extremely important to these communities and as I recall, having talked to the Chairman of Local and County Government before, the thing that killed the amendment the last time was the fact that the timetable did not suit itself to those little towns that had bills well in an advanced stage.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: In the regular session when we had this before us, I supported it real strongly because I thought it was a good way to get the message out to the people, they could look at their tax bills. But since then, and I also at this time want to thank my good friend from Lincoln, Mr. MacEachern, because he took me over the hurdle in the regular session, too, with this, but I have to agree that he and Mrs. Post were right in the regular session, that the people didn't want this. As I went around the state for public hearings and what traveling I have done speaking to groups and listening to the Freedom Fighters, they have mentioned this bill that we had in the regular session, and they said, we don't want anymore programs mandated from Augusta telling us what to do.

Under the present law, if the municipal officer in Owls Head wants to put this information and any other information on their tax bill — and now I am almost quoting verbatim what Mrs. Post said in the last session — they have the right to do it. So why should we mandate that a town or a city that has their bills already printed well in advance have to send them back to the printer to print any additional information on them. If the towns wanted to do it, they could have done it before today, they could have done it before last year and before ten years previous to that. They have a right so I say, let's let each town make up its own mind whether they want to clutter up their tax bills with all this information and let's not mandate it from Augusta. I think that is what we are fighting here today, not school financing alone, but what we are mandating from Augusta. So I ask you to support the motion for indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, the reason that I rise is just to clarify the record. For some reason, Winslow was brought into this and I would like to clarify the air. Prior to the 1820's, an area west of the



Kennebec now known as Waterville was Winslow and we are very fond in Winslow to refer to that part today as West Winslow, not Waterville.

The SPEAKER: The Chair recognizes the gentlewoman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: I thoroughly enjoyed Mr. Dam's recitation, but the important point is that we were not talking about the same issues last session as we are this session in terms of exactly what I am asking to be on the tax bills.

What I think is important is that when we got these printouts on the committee bill telling how much each town was going to get and we got the printout on the Governor's bill telling exactly how much each town was going to get, the one factor that was very cleverly left off was how much each town is going to have to pay under the uniform property tax. I suppose that all of us have tried to ignore this second printout that came around and maybe a lot of the local communities will never recognize it, but I simply want to go on record as saying that when I am voting for a uniform property tax, I think the people who are not voting for it, I think the people in my community have a right to know exactly how much the state is assessing them and that it shouldn't be hidden behind or in around other bills and that is simply what I am asking for. This is a tax in which the local people have no control and the confusion is so great that most of them simply don't understand the difference between uniform property tax and what they are paying for schools.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: We have had uniform property tax before us when we passed L.D. 1994, we had inklings of it before us when we passed L.D. 1997 setting up tax districts and all I am saying today is that on this amendment, under filing number H-889 by the good Representative from Owls Head, Mrs. Post, it says "they shall do this" and I don't think we should mandate to any town how they are going to run their business or how they are going to send their forms out. I think if they want to do it, let them do it on their own but don't tell them what to do.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Waterville, Mr. Carey, that House Amendment "D" under filing number H-882 be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

95 having voted in the affirmative and 11 having voted in the negative, the motion did prevail.

Mr. Palmer offered House Amendment "E" and moved its adoption.

House Amendment "E" (H-883) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, earlier in this session, when we were discussing the Mackel bill, so-called, I alluded to the fact that when 1452 was passed, the Senate Chairman of the Education Committee at that time, made the statement that the order which was passed at the same time in that session

which mandated a study commission to look into the property tax evaluation of this state, how it is valued, the methods used, etc., it was very important that we have this commission.

Earlier, I told you that through some errors the commission has never functioned, the order is now before the Taxation Committee, I believe. I do know that leadership is going to make some move to try to reinstitute this order along the lines of a joint select committee. This doesn't have very much effect on any of bills we are discussing, but what it merely does is say that it defers that studying of any new state valuation until this commission has become operative and has given a report.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Nobleboro. I seriously raise the question as to whether this amendment is constitutional?

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, has posed a question through the Chair to the gentleman from Nobleboro, Mr. Palmer, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. PALMER: Mr. Speaker, I know that I have always held to the belief that anything I didn't agree with could be unconstitutional. Truthfully, to the gentleman from Bangor I would say that I had the same thoughts myself but messaging it as I did, I believe it is not, but if you care to have the Attorney General search it out, it is perfectly all right with me. But I do believe that it is not. It is perfectly legitimate because we do have an order to research what we are doing along the lines of state valuation and I believe it is perfectly legitimate to use the 1975 valuation until that committee has reported.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Bustin.

Mr. BUSTIN: Mr. Speaker, I raise the question of germaneness?

The SPEAKER: The Chair would rule in the affirmative, that it is germane, since on page 18 of the bill itself of the printed legislative document, it deals with the state valuation as determined by the State Tax Assessor.

The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I question the wisdom of this because I think there will be a leveling off on the 1977 valuations that may reduce some of the problems that we have under the present 1975 state valuation. I think the filing in the Registry of Deeds is going to affect many towns and communities throughout the state.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, I move indefinite postponement of this amendment.

The gentleman from Nobleboro, Mr. Palmer, requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes

the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I think perhaps we are making something out of this that wasn't intended and I don't believe that we should minimize the problems we might have in 1975 with a new state valuation.

I have always felt that 1994 had a lot of other things working against it besides some problems in the bill itself — outside influences, and certainly one of the great problems which hurt 1994, or the problems that it had, was the fact that right after the bill was passed we had this tremendous increase in state valuation. It certainly accentuated the problems and in many instances, I believe, put blame on 1994 which didn't belong there. I can see passage of a new education act, be it this one or any other one in this session, being passed and thinking we have nullified the situation out there and then only a few months later find that we have another increase in the state valuation of 30 or 40 percent. I think we will all have the same hue and cry we have had before.

This simply doesn't affect the funding of the bill at all, it just simply says that we should pursue the commission to study the methods we are using to arrive at a uniform property tax. It has nothing to do with the implementation of the bill. It just simply says that we should study that before we go ahead and have a new state valuation, so I hope we will not indefinitely postpone this amendment.

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. McBreaarty.

Mr. MCBREAIRTY: Mr. Speaker, I would like to pose a question through the Chair to Mr. Palmer. What effect would this have on a school district where one town has a new industry in it?

The SPEAKER: The gentleman from Perham, Mr. McBreaarty has posed a question through the Chair to the gentleman from Nobleboro, Mr. Palmer, who may answer if he so wishes.

The Chair recognizes that gentleman.

Mr. PALMER: Mr. Speaker, I believe it would have none, because I think as far as the biennium we are in, there would be no change, we would be using the 1975 valuation anyway. This simply goads us on to get this work done before it could take effect which would be at the beginning of the next biennium.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I hate to disagree with the good gentleman from Nobleboro, but in this instance I think that I must support the indefinite postponement of this particular amendment. I think it is just postponing the inevitable. The uniform pattern of the two-year reassessment of the state valuation has been with us for many years and I see no real purpose in this. It will just create inequities that would be different inequities if we don't adopt this. So I think the thing to do is leave things as they are, keep the status quo and put this down the drain.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of the gentleman from Bangor, Mr. Kelleher, that House Amendment "E" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bachrach, Bennett, Boudreau,

Bustin, Carter, Chonko, Clark, Connolly, Cooney, Cox, Curran, P.; Davies, Drigotas, Fenlason, Flanagan, Fraser, Goodwin, K.; Hall, Henderson, Hennessey, Hewes, Hobbins, Hughes, Immonen, Ingegneri, Joyce, Kany, Kelleher, Kennedy, Laffin, LaPointe, Laverty, LeBlanc, Lewin, Lunt, Lynch, MacEachern, Martin, A.; Martin, R.; McBreairty, McMahon, Mills, Miskavage, Mitchell, Morin, Morton, Nadeau, Najarian, Norris, Peakes, Pearson, Pelosi, Peterson, P.; Powell, Raymond, Rideout, Saunders, Silverman, Smith, Snow, Spencer, Strout, Stubbs, Susi, Theriault, Tierney, Tozier, Twitchell, Usher, Wagner, Walker, Wilfong, Winship.

**NAY** — Ault, Bagley, Berry, G. W.; Berry, P. P.; Berube, Birt, Blodgett, Bowie, Burns, Byers, Call, Carey, Carpenter, Connors, Dam, DeVane, Doak, Durgin, Dyer, Faucher, Garsoe, Gould, Gray, Greenlaw, Higgins, Hinds, Hunter, Jackson, Jalbert, Kelley, Leonard, Lewis, Lizotte, Lovell, Mackel, MacLeod, Maxwell, McKernan, Palmer, Perkins, T.; Peterson, T.; Pierce, Post, Rolde, Shute, Snowe, Sprowl, Tarr, Teague, Torrey, Truman, Tyndale.

**ABSENT** — Albert, Carroll, Churchill, Cote, Curran, R.; Curtis, Dow, Dudley, Farley, Farnham, Finemore, Gauthier, Goodwin, H.; Hutchings, Jacques, Kauffman, Littlefield, Mahany, Mulkern, Perkins, S.; Quinn, Rollins, Talbot, Webber.

Yes, 74; No, 52; Absent, 24.

The **SPEAKER**: Seventy-four having voted in the affirmative and fifty-two in the negative, with twenty-four being absent, the motion does prevail.

Mr. Rolde of York requested a roll call on passage to be engrossed.

The **SPEAKER**: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The **SPEAKER**: The Chair recognizes the gentleman from Pittsfield, Mr. Susi.

Mr. **SUSI**: Mr. Speaker, Ladies and Gentlemen of the House: As of now, to my knowledge, we haven't attached any amendment which provides for income tax increase to bridge the gap of \$9.5 million which occurs as a result of the reduction in uniform property tax. So if we were to put this legislation through in its present form, it would create a real distress situation in the low valuation towns around the State of Maine to make up this \$9.5 million. I would like to have you keep that in mind.

The **SPEAKER**: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. **KANY**: Mr. Speaker, I move to table this item for one legislative day.

Mr. McKernan of Bangor requested a vote on the motion.

The **SPEAKER**: The pending question is on the motion of the gentlewoman from Waterville, Mrs. Kany, that this matter be tabled for one legislative day. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

19 having voted in the affirmative and 97 having voted in the negative, the motion did not prevail.

The **SPEAKER**: The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. **CAREY**: Mr. Speaker, following the line of reasoning of the gentlewoman from Waterville, Mrs. Kany, the gentleman from Pittsfield, Mr. Susi, is it not a fact that if we have to have a tax increase of any kind, it has to originate in this House?

The **SPEAKER**: The Chair would answer in the affirmative and the Chair would further advise that once we have taken a vote either way, whether it passes or fails, we will reconsider and place it on the table for tomorrow.

Mr. **CAREY**: Mr. Speaker, in any event that the bill could come to us in non-concurrence if anything happens at the other end?

The **SPEAKER**: The Chair would answer in the affirmative, since all taxing measures must originate in this body under the Constitution.

The Chair recognizes the gentleman from Woolwich, Mr. Leonard.

Mr. **LEONARD**: Mr. Speaker, what is the advantage of putting this in the engrossing stage? Why can't we just leave it lay until tomorrow? You have one more parliamentary procedure tomorrow to reconsider.

The **SPEAKER**: The Chair would answer that what we are attempting to do is find out how many people would support this particular bill and where we are going and I think it is high time that we find out where the legislature wishes to go, and that is why we wish to have a vote.

The pending question before the House is on passage to be engrossed of L.D. 2196 as amended by House Amendment "C". Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

**YEA** — Bagley, Boudreau, Fenlason, Fraser, Garsoe, Lynch, MacEachern, Maxwell, McKernan, Norris, Palmer, Peterson, P.; Snow, Torrey.

**NAY** — Ault, Bachrach, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Blodgett, Bowie, Burns, Bustin, Byers, Call, Carey, Carpenter, Carter, Chonko, Clark, Connors, Connolly, Cooney, Cox, Curran, P.; Dam, Davies, DeVane, Doak, Drigotas, Durgin, Dyer, Farnham, Faucher, Flanagan, Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, Hewes, Higgins, Hinds, Hobbins, Hughes, Hunter, Immonen, Ingegneri, Jackson, Jalbert, Jensen, Joyce, Kany, Kelleher, Kelley, Kennedy, Laffin, LaPointe, Laverty, LeBlanc, Leonard, Lewin, Lewis, Lizotte, Lovell, Lunt, Mackel, MacLeod, Martin, A.; Martin, R.; McBreairty, McMahon, Mills, Miskavage, Mitchell, Morin, Morton, Nadeau, Najarian, Peakes, Pearson, Pelosi, Perkins, T.; Peterson, T.; Pierce, Post, Powell, Raymond, Rideout, Rolde, Saunders, Shute, Silverman, Smith, Snowe, Spencer, Sprowl, Strout, Stubbs, Susi, Tarr, Teague, Theriault, Tierney, Tozier, Truman, Twitchell, Tyndale, Usher, Wagner, Walker, Wilfong, Winship, The Speaker.

**ABSENT** — Albert, Carroll, Churchill, Cote, Curran, R.; Curtis, Dow, Dudley, Farley, Finemore, Gauthier, Goodwin, H.; Hutchings, Jacques, Kauffman, Littlefield, Mahany, Mulkern, Perkins, S.; Quinn, Rollins, Talbot, Webber.

Yes, 14; No, 114; Absent, 23.

The **SPEAKER**: Fourteen having voted in the affirmative and one hundred fourteen in the negative, with twenty-three being absent, the motion does not prevail.

On motion of Mr. Carey of Waterville, the House reconsidered its action whereby this bill failed of engrossment.

The **SPEAKER**: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. **LYNCH**: Mr. Speaker, Ladies and Gentlemen of the House: I hope that everyone in the House will do some hard thinking tonight. We are faced with a problem. We cannot dilly-dally for weeks on end. The communities across the state are waiting for a decision to come out of this body.

**The Governor has placed us in a position** where we are responsible for a quick or relatively quick action. He has called us into session to settle the funding of education and I don't think we can afford to play games and I hope you will take it seriously.

Thereupon, on motion of Mr. Rolde of York, tabled pending passage to be engrossed and tomorrow assigned.

Mr. Susi of Pittsfield was granted unanimous consent to address the House:

Mr. **SUSI**: Mr. Speaker, Ladies and Gentlemen of the House: I think we have come along this far, that we understand somewhat what the problems are and I believe that one matter that is concerning us is where the money is going to come from to bridge this \$9.5 million. The Education Committee, I think quite legitimately, has taken the attitude, well, taxation isn't our game, we recommend an educational finance program and then taxation should come up with the revenue sources and that responsibility hasn't been placed clearly on the Taxation Committee by leadership and so we are sort of in Limbo right now and until this is resolved, I doubt that we are going to get a satisfactory resolution to this. I will leave it up to anyone who is following this show, who is to blame for it, I don't know that and I don't much care, but I think it does have to be resolved and I hope that someone would address it.

Mr. Henderson of Bangor was granted unanimous consent to address the House:

Mr. **HENDERSON**: Mr. Speaker, Ladies and Gentlemen of the House: Obviously, you didn't get the reading that you wanted and if it was to try to gauge support for this bill, and I would think that if there was an interest in doing this evening, if we reconsider our tabling motion and voted to indefinitely postpone this bill, we could then see how many people are interested in making the changes in terms of the tax provisions and others that have an interest in it.

Mr. Smith of Dover-Foxcroft was granted unanimous consent to address the House:

Mr. **SMITH**: Mr. Speaker, Ladies and Gentlemen of the House: I have been approached by several of my friends in the House who are interested in the Mackel bill still and since we have reconsidered two out of the three bills that we have discussed this afternoon, I have agreed, as a matter of courtesy, to ask for reconsideration of the Mackel bill, having voted on the prevailing side.

On motion of Mr. Smith of Dover-Foxcroft, Bill "An Act to Return to Local Control of Funding of Public Schools," House Paper 1915, L.D. 2101, was tabled pending his motion to reconsider whereby the Bill was indefinitely