

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Eighth Legislature

OF THE

STATE OF MAINE

1978

Second Regular Session

January 4, 1978 — April 6, 1978

INDEX

Senate Confirmation Session

June 14, 1978

INDEX

First Special Session

September 6, 1978 — September 15, 1978

INDEX

Second Special Session

October 18, 1978

INDEX

Third Special Session

December 6, 1978

INDEX

APPENDIX

tion in Proportion to Use Under the Unemployment Compensation Laws" (H. P. 1957) (L. D. 2039) reporting "Leave to Withdraw"

Mr. Spencer from the Committee on Judiciary on Bill "An Act to Revise the Maine Juvenile Code and Related Statutes" (Emergency) (H. P. 1974) (L. D. 2060) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Ought to Pass

Pursuant to Joint Order H. P. 1986

Mr. Henderson from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the year 1978 (Emergency) (H. P. 2122) (L. D. 2152) reporting "Ought to Pass" - pursuant to Joint Order H. P. 1986)

Report was read and accepted, the Resolve read once and assigned for second reading, tomorrow.

Divided Report Tabled and Assigned

Majority Report of the Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1054) on Bill, "An Act to Clarify Procedures for Emergency Admission to Hospitals for Mentally Ill" (H. P. 1997) (L. D. 2078)

Report was signed by the following members:

Mr. GREELEY of Waldo
Mrs. SNOWE of Androscoggin — of the Senate.
Mrs. PRESCOTT of Hampden
KANE of Augusta
Messrs. BRENERMAN of Portland
KERRY of Old Orchard Beach
Mrs. NELSON of Portland
TRAFTON of Auburn
Messrs. GOODWIN of South Berwick
FOWLIE of Rockland — of the House.

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

Report was signed by the following member:
Mr. PRAY of Penobscot — of the Senate.

Reports were read.

On motion of Mr. Goodwin of South Berwick, the Majority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-1054) was read by the Clerk.

On motion of Mr. Goodwin of South Berwick, tabled pending adoption of Committee Amendment "A" and tomorrow assigned.

(Off Record Remarks)

By unanimous consent, unless previous notice was given to the Clerk of the House by some member of his or her intention to move reconsideration, the Clerk was authorized today to send to the Senate, thirty minutes in concurrence and all matters that required Senate concurrence; and that after such matters had been so sent to the Senate by the Clerk, no motion to reconsider would be allowed.

On motion of Mr. Tierney of Lisbon Falls, Recessed until the sound of the gong.

After Recess 12:10 P.M.

The House was called to order by the Speaker.

Divided Report Tabled and Assigned

Majority Report of the Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1055) on Bill, "An Act Relating to the Funding of Education" (Emergency) (H. P. 1943) (L. D. 2022)

Report was signed by the following members:

Messrs. PIERCE of Kennebec
KATZ of Kennebec
USHER of Cumberland — of the Senate.
Messrs. CONNOLLY of Portland
WYMAN of Pittsfield
Mrs. BEAULIEAU of Portland
LEWIS of Auburn
Messrs. FENLASON of Danforth
BAGLEY of Winthrop
BIRT of East Millinocket
Mrs. MITCHELL of Vassalboro
Messrs. PLOURDE of Fort Kent — of the House.

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

Report was signed by the following member:
Mr. LYNCH of Livermore Falls — of the House.

Reports were read.

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

Mr. LYNCH: Mr. Speaker, I move we accept the Minority Report of the committee and ask for a roll call and would speak to my motion.

The SPEAKER: The gentleman from Livermore Falls, Mr. Lynch, moves that the House accept the Minority "Ought to pass" Report.

The gentleman may proceed.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: Friday, you were given two fact sheets. You were given the majority report in detail so that you could see what was taken out of the law and what was being put in under the majority report. You have on your desks today a printout that applies to the majority report, L.D. 2022 as amended. You also have a paper that the Governor has put on your desks today. I think we have had a long four days and if you are not prepared to vote today, I don't think you have done your homework.

The SPEAKER: The Chair recognizes the gentleman from Wells, Mr. Mackel.

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: I feel that I should speak on this bill and speak in favor of it. I believe that L.D. 2022 is not a perfect bill by any means, but I do think that it represents a major step towards responding to the results of the repeal referendum. This bill, I believe represents the beginning of a trend toward returning control of education to the local committees, but I don't see it as the final objective. I think we have much to do in the years ahead.

Each of us can read into the results of the repeal referendum whatever we wish, but I believe it is valid to say that the people, that is the public, have indicated dissatisfaction with what we have been spending on education.

Enrollments — I would like to cite just a few statistics — have been going down since 1972, when it peaked at over 247,000, and they have gone down to 243,451 in 1977. Birth rates have been going down from 23,553 in 1961 to 15,046 in 1977. Our school expenditures, on the other hand, have been going up continually. Back as far as the 1957, 1958 school year, \$45 million total was spent on education. Fourteen years later, in 1972, we spent \$192 million. That is an increase of \$147 million. 1972 was, as I have indicated, the peak year of our enrollment. From 1972 up to 1977, we went up to \$295 million, an increase of \$113 million over the 1972 figure. These are statistics that obtained from the Department of Education and I believe are quite accurate.

I would remind you and remind myself, for that matter, that the Commissioner of Education has certified that the \$169 million is adequate. These both represent a very substantial increase over the amount of money that is being spent this year. This year, we are spending from state funds \$161 million, which represents an increase of \$7 million to \$8 million, depending on whose certified figures you would

accept — the Governor's at \$168 million or the Commissioner's at \$169 million.

I personally don't see any reason for going beyond this increase. I think it is a very substantial increase and I believe that we would be funding education very, very adequately if we accepted L.D. 2022 without any amendment.

Even the figures that were presented by the commissioner for the last year, I would point out that we had a surplus of about \$3.5 million, which indicates that we are doing pretty well as far as education is concerned.

Any increase in school funding will result in the reduction of funds available for any tax rebate or a refund. I think this is something we should bear in mind. I would prefer providing \$5 million to the taxpayer in the form of a rebate, tax rebate or a refund, and let them spend it on education if they wish or let them spend it any way that they wish.

Ladies and gentlemen, I am supporting L.D. 2022.

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 Livermore Falls, Mr. Lynch, that the Minority "Ought to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Alopis, Austin, Berry, Burns, Carter, D.; Carter, F.; Churchill, Conners, Cunningham, Devoe, Dexter, Durgin, Goodwin, K.; Gould, Higgins, Huber, Hunter, Hutchings, Jackson, Kany, Littlefield, Lynch, Mackel, Masterman, Masterton, Maxwell, McMahon, McPherson, Morton, Najarian, Norris, Palmer, Perkins, Post, Sewall, Silsby, Smith, Sprowl, Stover, Tarbell, Tarr, Valentine, Whittemore

NAY — Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berube, Biron, Birt, Blodgett, Boudreau, P.; Brennerman, Brown, K. C.; Bustin, Carey, Carroll, Chonko, Clark, Connolly, Cox, Curran, Davies, Diamond, Dow, Drinkwater, Fenlason, Flanagan, Fowle, Garsoe, Gill Gillis, Goodwin, H.; Green, Greenlaw, Hall, Henderson, Hickey, Howe, Hughes, Immonen, Joyce, Kane, Kelleher, Kerry, Kilcoyne, Laffin, Lewis, Lizotte, Locke, Lougee, Lunt, MacEachern, Mahany, Martin, A.; McHenry, Mitchell, Moody, Nadeau, Paul, Pearson, Peltier, Peterson, Plourde, Prescott, Quinn, Raymond, Shute, Spencer, Strout, Talbot, Teague, Theriault, Tierney, Torrey, Tozier, Trafton, Truman, Twitchell, Violette, Wood, Wyman, The Speaker

ABSENT — Ault, Boudreau, A.; Brown, K. L.; Bunker, Carrier, Cote, Dudley, Dutremble, Elias, Gray, Hobbins, Jacques, Jalbert, Jensen, LaPlante, Marshall, McBreairey, McKean, Mills, Nelson, M.; Nelson, N.; Peakes, Rideout, Rollins, Stubbs, Tyndale, Wilfong

Yes, 43; No, 81; Absent, 27.

The SPEAKER: Forty-three having voted in the affirmative and eighty-one in the negative, with twenty-seven being absent, the motion does not prevail.

Thereupon, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-1055) was read by the Clerk.

On motion of Mr. Tierney of Lisbon Falls, Tabled pending adoption of Committee Amendment "A" and tomorrow assigned.

Consent Calendar First Day

In accordance with House Rule 49, the fol-