

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

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FOURTH CONFIRMATION SESSION

(FIRST CONFIRMATION SESSION – SECOND REGULAR SESSION)

May 31, 1984

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FIFTH CONFIRMATION SESSION

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July 11, 1984

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THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

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COMMITTEE REPORTS**House****Ought to Pass in New Draft**

The Committee on EDUCATION on Bill "An Act to Implement the Recommendations of the Commission on the Status of Education in Maine" H. P. 1879 L. D. 2482

Reported that the same Ought to Pass in New Draft under same Title H. P. 1895 L. D. 2492

Comes from the House, the Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "D" (H-755) and HOUSE AMENDMENT "E" (H-757) and HOUSE AMENDMENT "J" (H-763).

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

House Amendment "D" (H-755) was READ.

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

SENATOR PRAY: Mr. President, I move that this amendment be Indefinitely Postponed.

THE PRESIDENT: The Senator from Penobscot, Senator Pray, now moves that House Amendment "D" (H-755) be Indefinitely Postponed.

The Chair recognizes the Senator from Somerset, Senator Redmond.

SENATOR REDMOND: I request a Division.

THE PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Penobscot, Senator Pray to Indefinitely Postpone House Amendment "D" (H-755), please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

21 Senators having voted in the affirmative, and 6 Senators having voted in the negative, the motion to INDEFINITELY POSTPONE House Amendment "D" (H-755), in NON-CONCURRENCE PREVAILED

House Amendment "E" (H-757) was READ and ADOPTED, in concurrence.

House Amendment "J" (H-763) was READ.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

SENATOR MINKOWSKY: Mr. President and Members of the Senate, before this Body adopts House Amendment "J" I just want it stated for the Record, as my own personal feelings, that it appears to me that in adopting House Amendment "J" we are putting the cart before the horse.

It says very clearly that we are agreeing, tacitly, to a funding mechanism even before the Taxation Committee has reported out its particular strategies for taxation in various categories. It's saying, also, that the commission that is to be setup in this particular House Amendment, basically should have been setup prior to the funding by the taxpayers of the State of Maine for this huge amount of revenue.

I just want to be sure that the Record states very clearly that if I vote for House Amendment "J" that in the final stages when the taxation mechanism is encompassed into the entire education bill that I'm still allowed the flexibility of possibly voting against the entire package, and hopefully this may have been referred to the One-hundred and Twelfth Legislature in Regular Session instead of the present time.

House Amendment "J" (H-763) was ADOPTED, in concurrence.

THE PRESIDENT: Is it now the pleasure of the Senate that under suspension of the rules, that this Bill be given its Second Reading at this time by Title Only?

It is a vote.

Under suspension of the rules, the Bill READ A SECOND TIME.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Sewall.

SENATOR SEWALL: I present Senate Amendment "B" (S-446) and move its Adoption. I

would like to speak to my motion.

THE PRESIDENT: The Senator from Lincoln, Senator Sewall, presents Senate Amendment "B" (S-446) and moves its Adoption.

Senate Amendment "B" (S-446) was READ.

THE PRESIDENT: The Senator has the floor.

SENATOR SEWALL: Thank you, Mr. President and Members of the Senate. Since the new proposal of the stipend has come out in the public, I've asked virtually everyone I've seen, at the gas station, in the grocery store, any place I've been what they thought of it? No one liked it.

I guess my first position would have been to say, "let's go ahead with the rest of the recommendations of this Committee, which I happen to agree with. I think we are heading in the right direction in the "search of excellence" which has been something that I've spoken on for years in various other forums; but this stipend has been a problem. I know what happened to the amendment in the House presented by Representative Brown to remove the stipend, go ahead with the things that we agree on and get rid of this one bugaboo which won't take effect, by the way, until well after we're into the next session.

So I came up with a sort of a compromise measure that addresses two things. I hope this idea (if you will excuse the pun) has some merit. I hope that it also addresses local control.

I know being a survivor from the long and bitter fights that we had on L. D. 1994 when I was first in the Legislature the 107th, and the times that we lost and lost and lost, and finally had to go to referendum to win. I know that the public has a feeling about these things.

My amendment tries to address in a reasonable way and surely an experiment—surely an experiment in merit pay, one that hasn't been tried, it tries to address all the things that I think we want. It also saves money.

The idea is, first that we try to address giving this stipend to those who for whatever reason a local community might decide merits it. Therefore, my proposal gives the stipends to one-third of the teachers of every administrative district. It's an arbitrary figure. It's a trial. It's an experiment. It saves quite a lot. This will cost instead of \$27 million, cost \$9 million.

How do we do it? There's been a tremendous opposition to the premise that was put forth to me at the meetings that I went to in my district, that premise being that really the school boards in the districts should have the money and then decide who they're going to give it to. Well the teachers didn't like that a whole lot and maybe because they have been in that kind of a situation; they didn't want to deal with it.

My bill says that, that amount of money for a third of their teachers in their administrative district goes to a board made up of: the school board, the superintendent, who's mostly advisory and so it is one vote, and the teachers. On the school board, you'd have the majority (the school board would have to agree with the slate of recipients) and so would the teachers have to agree with the majority. There would be no pressure on the property tax because it is still coming from the fund that we're setting up. So, there's no problem with the usual problem you've had. There's no problem with that any more with the property tax that's been going from this fund. Naturally, I think they could come to an agreement on those teachers who should have it. Perhaps you can argue the fact that all teachers should have it. Yet you know, you go back to your people at home and they say, "the problem with it is. The major problem with this is that all the teachers are getting it—not the ones that I think are great. The ones that were miserable to my children and the ones that were good with my children."

Then you've got to look at merit pay. Do you believe in merit pay? If we don't, let's say so right now. Hey, we don't believe in it, we're going to deal the same way we deal with every other

union in the State and there's no merit pay. Anyone within a certain organization gets the same amount of raise. Then you look at it and you say, what's the school board there for? I know that here we've said school boards, oh well, you know, they don't know anything and the teachers know everything, and the superintendents know everything. You know, those school board people donate their time! They think they know something, and by the way, they pick up the tab.

I hope you consider this. I'm quite serious about it and I'm hoping that if you don't consider it, you can go back to your people and say, "hey, I'm perfectly happy to give a stipend across the board regardless of any merit, regardless of anything else, because if it is in the 'name of education', no matter what the cost, it's okay."

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

SENATOR HAYES: Mr. President, Ladies and Gentlemen of the Maine Senate, I would move to Indefinitely Postpone Senate Amendment "B" and would ask to briefly speak to my motion.

The stipend enclosed in this proposal to take a look and a very important look at the education process in the State of Maine is clearly not a perfect solution to the problem of under compensation for the teachers in the State of Maine. This particular proposal or amendment, however, runs contrary to the recommendations of the Commission on the Status of Education in Maine that met for nearly one year in many communities throughout the State, talking with school teachers, with citizens, superintendents and students. It is inconsistent with the Governor's bill which tries to provide some recognition through a temporary stipend for teachers in the State. It is entirely in conflict with the unanimous report of the Committee on Education which has just reviewed this bill.

There is no feeling in the Committee on Education nor I believe in the Commission on the Status of Education that a stipend of \$2,000 for a school year for teachers is sufficient. The problem is: not compensating one-third of the teachers in Maine; not deciding whether one-third of the teachers in Maine deserve some compensation through merit. The problem in Maine goes far beyond that. The problem in Maine is that all school teachers in Maine are grossly underpaid. What we in the Legislature must do at this time is to begin to examine how to develop a permanent program for providing a solid base for a profession that deserves dignity and ought to have adequate funding.

What we see in the present stipend in the package is a bridge to a more permanent solution on how to handle the problem of a grossly underpaid, but meritorious group of people in our State. These are the people who provide the education to our young and to our future citizens of the State. They deserve better.

We have an opportunity to make a token improvement in their standard of living. It is only the beginning. This is not enough. It is not enough to say that one-third of the teachers in this State should be receiving it.

It is not a sum technique for providing merit it should be the basis of administering. You talk about merit after one has an adequate base. That's the problem, there is no adequate base for the salary structure for the teachers in Maine. That's the issue and that's why we should Indefinitely Postpone this amendment. Thank you.

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

SENATOR COLLINS: Mr. President, I rise in support of the amendment offered by the Senator from Lincoln, Senator Sewall.

The Senator from Penobscot, the good Chairman of the Education Committee, has pointed out the need for better compensation for our teachers, and I agree with him. What

amazes me is that since he is so firmly convinced of that, that his Committee has rejected the recommendation of the Commission on which he served and thrown out the \$15,000 minimum. In fact, the Governor's own bill that came in, I think at \$10,500 minimum, or something like that. I don't see that there any more. If it's there, I've missed it!

The two best ways, the two recommendations that came from strong authority from the Governor, himself and from his own Commission, the two best ways of upping teachers' salaries all up and down the line have been discarded. In place of that we have a stretched-out special Legislative Commission that will work apparently over two or three or more years to try to figure out a better way of raising teachers' salaries.

The fact that the Committee on Education spent fifty-five hours or more struggling with this whole problem, a good part of it on this very feature, tells us very graphically that this is not an easy problem. It's a tough one and many of us who support 95% of this Bill are most concerned about the relationship between money and motivation. We want to motivate better people to stay in the profession; there are a lot of good ones there now and we don't want them to leave. We want to motivate new people with ability to come into the profession to teach our children.

Like many of us. I have talked with a number of teachers, with superintendents, with school board members, with former teachers, people who have no personal stake in the matter any more but have a very strong interest in education as a professional life interest. Almost without exception, they have said to me there must be a better way to reward teachers for good work and ability.

I don't say that this particular amendment is the only answer. Hopefully, some better answers will be developed by the Commission, but I do say that even the teachers who are going to benefit many of them are saying to me, "I don't understand why you want to hand out \$2,000 to everybody without distinguishing between those who have better claims to it, as compared to those who do not have such good claims to it, in terms of merit."

The Senator from Penobscot has said that this amendment is in conflict with the Commission, with the Governor, and so on. Yet, this Legislature took a first step towards merit last spring when it passed a bill having to do with certification and career ladder which introduced a lot of pilot program experiments: not very well defined in my judgment—very loose; very much dependent on future regulation, future study, future experimentation between teachers, boards and superintendents and master teachers, and so on and so on. Nonetheless, a sincere attempt to deal with the problem of merit and career ladders.

I think that this proposed amendment is merely an extension of what we said as a Legislature last spring and it suggests another way of working at the same goals. We have to remember that we, as Legislators, answer to a great variety of people; some of them intensely interested in education and willing to be taxed and to pay the taxes to support it. Others, very much intent upon if they are going to pay more, finding something to show that improvement is to be involved for their payment and that's what this effort intends to do.

It is clear that the Bill that is before us as amended, looks upon the first-round stipend as an experiment because it says that the permanent solution is still ahead and to be worked out. That word "permanent" somehow strikes me very strangely. We who have been in the Legislature for awhile know that there is nothing permanent, that one Legislature can change things just as fast as the previous Legislature did something. So, the word "permanent" no matter how many times you put it in to a beautifully crafted amendment doesn't make it so.

I suggest to the Senate that this is a serious and worthwhile amendment for you to consider.

I'll not be taking very much time in the debate tonight on this total bill, but while I'm on my feet, I want to say two other things. The principal weaknesses in this whole measure are the failure to work in a careful system of motivation and reward for merit; and two the picture of the Bill, as I understand it, will finally come before us is one which clearly says to me that it is not adequately financed. That it will require down the road more taxes to keep going what we start today.

I do not like to wish upon those who come afterward the very difficult task of financing. The time to finance is when you establish the program. This program, in my judgment, is not adequately financed down the road. It has very grave implications for the property tax because a number of our districts are going to have to hire more people and they're going to have to build more laboratories and those things in part will come from the property tax. We ought not to deceive the people about that; we ought to tell them that that's what is going to happen unless we have another solution in the form of a major tax which will fill that gap and factor into formulas in a way that relieves the property tax. I hope that that will be addressed in our debate before the evening is over.

I hope that you will give to Senator Sewall's amendment the consideration that I have expressed and that on the pending motion to kill it that you will vote "No". I request a roll call.

THE PRESIDENT: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The pending question before the Senate is the motion by the Senator from Penobscot, Senator Hayes, that Senate Amendment "B" be Indefinitely Postponed.

A Yes vote will be in favor of the motion to Indefinitely Postpone Senate Amendment "B". A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS—Senators, Baldacci, Brown, Bustin, Carpenter, Charette, Clark, Danton, Dow, Du Tremble, Erwin, Hayes, Kany, McBrearty, Minkowsky, Najarian, Pearson, Pray, Trafton, Twitchell, Usher, Violette, Wood, The President—Gerard P. Conley.

NAYS—Senators, Collins, Emerson, Gill, Hichens, Perkins, Redmond, Sewall, Shute, Teague.

ABSENT—Senator, Diamond

23 Senators having voted in the affirmative and 9 Senators in the negative, with 1 Senator being absent, the motion to INDEFINITELY POSTPONE Senate Amendment "B" PREVAILED.

Senate at Ease

Senate called to order by the President.

Which was PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "E" (H-757) and HOUSE AMENDMENT "J" (H-763), in NON-CONCURRENCE.

Send down forthwith for concurrence.

Senate at Ease

Senate called to order by the President.

Senator PRAY of Penobscot was granted unanimous consent to address the Senate Off the Record.

Senator COLLINS of Knox was granted un-

animous consent to address the Senate Off the Record.

On motion by Senator CARPENTER of Aroostook, Recessed until the sound of the Bell.

RECESS

AFTER RECESS

Senate called to Order by the President.

(OFF RECORD REMARKS)

THE PRESIDENT: The Chair is pleased at this time to request that the Sergeant-at-Arms please escort the Senator from Androscoggin, Senator Charette to the rostrum where the Chair is extremely pleased to present him with a gavel for his outstanding performance as President Pro-Tem during the past session.

The Sergeant-at-Arms escorted the Senator from Androscoggin, Senator Charette to the rostrum, amid applause of the Senate, the members rising.

Thereupon Senator Charette of Androscoggin was presented with the gavel.

The Sergeant-at-Arms then escorted the Senator to his seat on the floor of the Senate.

Senator WOOD of York was granted unanimous consent to address the Senate On the Record.

SENATOR WOOD: Mr. President and Members of the Senate I think that in all fairness that since the hour is late I would briefly tell you what is in the three proposals that are coming down in the morning, so that you'll have some time to meditate and reflect on them this evening.

One of the packages is pretty much the Governor's package intact, the Cigarette Tax with minor modifications.

The second package is the Governor's package with a contingency clause which says that if the Federal government somehow in its wisdom decides to deny this State the 8¢ then an automatic 3.4% on everyone's income tax will go into effect.

The third package is ought not to pass.

On motion by Senator PRAY of Penobscot Adjourned until 10:30 a.m. tomorrow morning.