

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

One Hundred and Twelfth

Legislature

OF THE

STATE OF MAINE

VOLUME II

SECOND REGULAR SESSION

April 3 - April 16, 1986

Index

SECOND SPECIAL SESSION

May 28 - May 30, 1986

Index

THIRD CONFIRMATION SESSION

July 15, 1986

Index

FOURTH CONFIRMATION SESSION

August 29, 1986

Index

THIRD SPECIAL SESSION

October 17, 1986

Index

FIFTH CONFIRMATION SESSION

November 24, 1986

Index

Bill "An Act to Establish the Maine Vocational-Technical Institute System" (Emergency) (S.P. 860) (L.D. 2174) (C. "A" S-465)

Was reported by the Committee on Bills in the Second Reading and read a second time.

On motion of Representative Ayer of Caribou, the House reconsidered its action whereby Committee Amendment "A" (S-465) was adopted.

The same Representative offered House Amendment "A" (H-680) to Committee Amendment "A" and moved its adoption.

House Amendment "A" (H-680) to Committee Amendment "A" was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Ayer.

Representative AYER: Mr. Speaker, Ladies and Gentlemen of the House: My amendment simply provides that in the selection of the appointment of the trustees of the VTI systems of which seven are appointed by the Governor from the field of business and industry, labor, education and the general public, that at least one member be from the geographical area of each institute within the Maine Vocational Technical Institute System. In essence, all I am asking is that we have representation on the board from each area where there is a VTI.

This does not in any way diminish the ability of the Governor to appoint the people who properly should be appointed to this type of trustee's board. It does not restrict the category of people that he will utilize -- it simply asks that of these seven people -- we have six VTI's -- that he appoint at least one of the seven from each of the geographical areas of the VTI's.

This will provide for broader representation throughout the State of Maine on this very important board. It additionally will provide for a trustee from each of the geographical areas some further input on that board from the individual VTI's. While students come from all over the state to go to all of the VTI's, there is, at least in Aroostook County's case, 85 percent of the people that go to NMVTI are people from the immediate area.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Men and Women of the House: I would like to move indefinite postponement of House Amendment "A" and I would like to speak to that motion.

It is my understanding that this amendment before actually being proposed was run by the members of the Joint Select Committee. It was our intent, our understanding, our decision that this would be an inappropriate amendment at this time because it would probably cause parochialism on the board as we go through our deliberations, no one from any segment -- Board of Education or the current VTI board or anyone else for that matter -- thought it was a major deal to have specific representation on the board. As you probably already know, there are six Vocational Technical Institutes throughout the State of Maine. There is one in the Auburn area, one in the Machias area, one in the Fairfield area, one in the great county of Aroostook, one in Cumberland County and one in Washington County. All of these VTI's are represented on the board. The directors, who are essentially the top deans, the administrators of the individual campuses, are already on the board. We

feel there is ample representation, if representation is what is intended by the gentleman from Caribou.

The SPEAKER: The Chair recognizes the Representative from Eastport, Representative Vose.

Representative VOSE: Mr. Speaker, Ladies and Gentlemen of the House: I just heard this amendment for the first time this morning and in thinking about it, I concur 100 percent, I think it is a good amendment, it does assure representation for those of us in the rural areas with not a heck of a lot of political clout actually. Even though at this time, as the last gentleman said, we may be represented on the board, this is simply an assurance that representation will continue. I think it is a good amendment and it certainly doesn't do any harm. It assures representation for those of us that have schools in our area and particularly, as I pointed out, in the rural areas that we come from. I hope that you will support this amendment this morning.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadlosky.

Representative GWADOSKY: Mr. Speaker, Men and Women of the House: I hope you will support the motion of the Representative from Saco, Representative Nadeau, to postpone this amendment.

This amendment is to the bill which creates the Maine Vocational Technical Institute System. In other words, it creates the separate autonomy for the VTI's which we have all worked so hard for over the last two or three years. This bill is actually a result of the legislation we passed last year which set the gears into operation. As you might remember, last year we passed a bill which created a separate Board of Trustees for the VTI's and we charged them with putting together the implementing legislation which you now have before you in this bill form.

It was a mixture on that board of members -- the State Board of Education, members of private industry, members of the state departments, members of organized labor and they have spent the last six months going over it with a fine tooth comb, the implementing legislation which finally provides us the autonomy for the VTI's and pulls them out of the Department of Education. It gives them the flexibility they need and really breathes some fresh new life into the VTI's and how we treat them and how we will support them. The Board of Trustees had studied this particular issue on the makeup of the existing Board of Trustees extensively.

This year, when the bill came to the legislature, we created a Joint Select Committee on vocational education which was a committee made up of members of the Education Committee and members of the State Government Committee. We also discussed this particular issue on how we could best set up a Board of Trustees and what the makeup should be. I will say, during our discussions, we never had any concern of the various VTI's that we should have geographical representation from each VTI on this Board of Trustees. I think it is kind of an artificial restraint on the Governor to say that you have to pick this person from this area or this person from this area because the governor is free to choose right now from any particular area.

Representative Ayer has talked to us over the last couple of days about his concern that representatives from northern Maine not being on the board. There is currently a member from northern Maine on the board and will be throughout the next

year.

Representative Nadeau had indicated there is an administrative council which advises the VTI's. On that administrative council is a director of each VTI in the state. We are not saying this is necessarily a terrible idea but I think it is something that is really not needed. I think the system is working well and I think to say that one geographical area isn't going to be represented is kind of a slap in the face to the members of the Board of Trustees that are currently on the board. As I said, the VTI's throughout the six months in which the Board of Trustees has worked on this legislation, have been in attendance, the various directors. They also were in attendance at all our hearings and work sessions. This was never a concern brought forth to us that they needed to have this. They felt it was more important to pick the highest quality, the people who were really interested in the VTI's as a whole. We don't want it to get parochial. If there's been a problem in the past, it's because individuals have tried to do their best for their own VTI. I think what we want to do is create a system for the entire state.

I certainly would hope that you would support Representative Nadeau and indefinitely postpone this amendment.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Ayer.

Representative AYER: Mr. Speaker, Men and Women of the House: The last thing that I want to do with this amendment is slap anybody in the face, either here or on any of the boards that currently exist.

The other thing that I don't want to do in any way is diminish or restrict this legislation from going through. I don't think there is anybody in this room that is any greater supporter of the VTI system than I am. I am a member of the advisory committee of the NMVTI group and I have worked with the VTI programs up there. I think that this is one of the finest pieces of educational efforts that the state has been able to put together.

I do have a concern and I do not share the view of the Representative from Saco that representation is no big deal and I would like to give you just two out of very, very many boards in this state to make my point. At the same time, I am trying to make my point, let me remind you board memberships change as time goes on, and while some boards are adequately represented as the VTI board currently is from Aroostook County, it doesn't necessarily mean that will be the case five years down the road, ten years down the road etc. We must help our elected officials take care of the geographical representation within our state as it is necessary.

Two boards -- first the Pesticide Control Board which as several of you in this room know is quite dear to my heart. Probably eighty percent of the pesticides utilized in the State of Maine are utilized in Aroostook County. We are primarily an agriculture area and we also have a great deal of wood land up there. We do not have a single person representing our area on this board, which to a very large extent creates the situations which we must live by, and can, in fact, actually put us out of business in some cases. We do not have any representation on that board.

Let me just read to you another board which occasionally gets mentioned in this body, the Board of Environmental Protection. Let me just go over

very, very quickly with you the ten members and where they come from. William Blodgett, Waldoboro, Maine; Mr. Carr, Millinocket; Mr. Hapswell, Winslow, Maine; Ms. Jepson, Kennebunk. Without naming names -- Pittsfield, Milo, Cape Elizabeth, Portland, Falmouth, Biddeford. The last time I looked at a geography book, five of the ten members of the BEP are located in Portland or south, and yet the BEP, I think you will all agree, works their wisdom and lays their hand in every geographical corner of our state. Yet, Washington County and Aroostook County, pretty large areas where there is much impact from this type of board, are not represented on this board. So I think there is a need for geographical representation. I don't think that we are tying the Governor's hands in any way, shape or manner. If we cannot meet the criteria that are set out in the bill on the VTI's, that seven from the field of business, industry, labor, education and general public, if the Governor with help from us, cannot find one of these people that fits this criteria from each one of the VTI's -- remember they are strewed across the state -- then I think we have some far more serious problems than any of us are willing to admit.

I urge you to defeat the motion for indefinite postponement and go with me on this very important piece of legislation.

The SPEAKER: The Chair recognizes the Representative from Stockton Springs, Representative Crowley.

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: I will try not to be redundant here to save time. Since we debated this bill here last year and passed it on, even to the point of overriding the Governor's veto, since then it has had sixteen drafts written on it, but finally we got a piece of legislation, very difficult to write, but I think it is in excellent condition. I hope that it doesn't unravel here in the House.

I just want to expand a little bit on parochialism -- as we worked on this bill down through the last three years, parochialism means limited in range, narrowness, pettiness, narrowness of opinion, narrowness of view. For example, in this situation, there are six VTI's and they are located in six counties. There are ten other counties that don't have VTI's but pay for this to send their children and adults to these same VTI's and they too have a vested interest in the VTI's. You take the five counties along the coast that don't have VTI's, we are concerned, -- take the five counties on the Canadian border down to York County, they too are concerned. I think that if we go with this parochialism route, we won't be getting the best people for the job and the VTI's certainly represents all sixteen counties.

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

Representative HICHBORN: Mr. Speaker, Men and Women of the House: I have visited every VTI in the State of Maine. I have talked with the directors of those VTI's and I have not heard any concern expressed by any of them that they felt slighted because of the representation on this board of directors. I can sympathize wholeheartedly with the gentleman from Aroostook regarding his concerns about appointments to committees, committees of studies, to special boards and I think he is right. If there were a bill before this House which would address the concerns for all the committees, I would support it

wholeheartedly. I think it is rather unfortunate that this bill that we have before us has a committee attached which would apply only to the VTI situation -- it seems there is no problem with the VTI. I sympathize with the gentleman from Aroostook and I would support his ideas but I think this is the wrong place to address that concern. I hope that you will support Mr. Nadeau's motion.

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

Representative HANDY: Mr. Speaker, Men and Women of the House: I, too, share the concerns of those people who would like to see some kind of geographical representation on various boards and commissioners in state government and I hope that the current chief executive and those that follow will hear the intent of this legislature that we hope to see a wider representation of individuals from throughout this state on the various boards and commissions.

I would like to point out to this body that if you look on Page 11 of the L.D. under Section 12706, Subsection 19, there is a provision there for advisory committees and these advisory committees are (I'll read from the L.D.) "to advise the Board of Trustees with respect to the vocational and technical and training policies and programs to procedures for modifying the programs of the institutes" and so forth.

I think this provides an excellent vehicle for that kind of geographical representation from the various campuses of the VTI's directly to the Board of Trustees. I think we can rest assured that if the Board of Trustees somehow are ignoring a very crucial issue at any one particular campus or region that that will be rectified very quickly.

I would hope that you would support the motion of the good Representative from Saco and the sentiments of the Chair of the Joint Select Committee, Representative Gwadosky, and indefinitely postpone this amendment.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Saco, Representative Nadeau, that House Amendment "A" to Committee Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

72 having voted in the affirmative and 45 in the negative, the motion to indefinitely postpone House Amendment "A" to Committee Amendment "A" did prevail.

Subsequently, Committee Amendment "A" was adopted, the bill passed to be engrossed as amended by Committee Amendment "A" thereto in concurrence.

ORDERS OF THE DAY

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

The Chair laid before the House the first matter of unfinished business:

RESOLVE, Creating a Maine Commission to Commemorate the Bicentennial of the United States

Constitution (Emergency) (S.P. 813) (L.D. 2045) (S. "A" S-459; C. "A" S-443)

TABLED - April 10, 1986 (Till Later Today) by Representative GWADOSKY of Fairfield.

PENDING - Final passage.

On motion of Representative Gwadosky of Fairfield, retabled final passage and later today assigned.

The Chair laid before the House the second matter of unfinished business:

An Act to Establish a Commission to Examine the Availability, Quality and Delivery of Services Provided to Children with Special Needs (H.P. 1652) (L.D. 2330)

TABLED - April 10, 1986 (Till Later Today) by Representative DIAMOND of Bangor.

PENDING - Passage to be Enacted.

On motion of Representative Diamond of Bangor, retabled pending passage to be enacted and later today assigned.

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

An Act Relating to Boards and Commissions (H.P. 1614) (L.D. 2269) (H. "A" H-657; S. "A" S-446; S. "B" S-448)

TABLED - April 10, 1986 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

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

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

SENATE DIVIDED REPORT - Majority (10) "Ought to Pass" as amended by Committee Amendment "A" (S-464) - Minority (3) "Ought Not to Pass" - Committee on Utilities on Bill "An Act to Establish a Universal Telephone Service Program" (S.P. 930) (L.D. 2317)

TABLED - April 10, 1986 by Representative VOSE of Eastport.

PENDING - Motion of same Representative to accept the Majority "Ought to Pass" as amended Report.

On motion of Representative Vose of Eastport, retabled pending motion of same Representative to accept the Majority "Ought to Pass" report and later today assigned.

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

PAPERS FROM THE SENATE

Non-Concurrent Matter