

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

(SECOND CONFIRMATION SESSION – SECOND REGULAR SESSION)

July 11, 1984

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THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

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HOUSE

Monday, September 10, 1984

The House met according to adjournment and was called to order by the Speaker.

Prayer by Father Mark Ouellette of St. Augustine's Catholic Church, Augusta.

The members stood for the Pledge of Allegiance.

The Journal of Friday, September 7, 1984, was read and approved.

The following papers were taken up out of order by unanimous consent:

**Passed to Be Enacted
Emergency Measure**

An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine (S. P. 931) (L. D. 2489) (S. "B" S-444).

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: The other night I attempted to make a statement on the Record to place into the Record what I presumed that the committee was trying to say relative to pay raises or the pay plan for constitutional officers. In an attempt to do so, I made one small error and I would like to correct that on the Record today. I said the other evening that the Attorney General would be at Step E of the pay scale—excuse me, I said that the Attorney General would start at Step G of the pay scale. What I meant to say was the Attorney General would start at Step E of the scale and would proceed up through Step G, but no higher. I say that today to correct that so that we don't end up in another state of confusion when the next Legislature convenes.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 104 voted in favor of the same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

**Finally Passed
Emergency Measure**

RESOLVE, to Address Training and Employment Opportunities for Handicapped Persons Beyond School Age (H. P. 1882) (L. D. 2484) (C. "A" H-749).

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 102 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Finally Passed

RESOLVE, Authorizing the Exchange or Sale of Certain Public Reserved Lands (H. P. 1881) (L. D. 2483) (C. "A" H-747).

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, finally passed, signed by the Speaker and sent to the Senate.

**Passed to Be Enacted
Emergency Measure**

An Act to Allow the Establishment of Generation and Transmission Cooperatives for the Purpose of Reducing Borrowing Costs for Ratepayers (H. P. 1891) (L. D. 2488) (C. "A" H-750).

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 105 voted in favor of the same and none against, and ac-

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

**Passed to Be Enacted
Emergency Measure**

An Act to Create the Downeast Correctional Facility within the Department of Corrections (H. P. 1889) (L. D. 2487) (C. "A" H-748)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 110 voted in favor of the same and 3 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

On motion of Representative Vose of Eastport, the following Joint Order: (H. P. 1896)

ORDERED, the Senate concurring, that the Joint Standing Committee on Taxation report out a bill "AN ACT to Ensure the Payment of Taxes Due on Watercraft" to the House.

Was read and passed and sent up for concurrence.

By unanimous consent, all matters acted upon were ordered sent forthwith to the Senate.

House at Ease

Called to Order by the Speaker.

Ought to Pass in New Draft

Representative Locke from 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) reporting "Ought to Pass" in New Draft (H. P. 1895) (L. D. 2492)

Report was read and accepted and the New Draft read once. Under suspension of the rules the New Draft was read the second time.

Representative Murphy of Kennebunk offered House Amendment "E" and moved its adoption.

House Amendment "E" (H-757) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. Murphy.

Mr. MURPHY: Mr. Speaker, Men and Women of the House: House Amendment "E" is purely a technical amendment. During the joint caucus it was explained that when the School Finance Act is rewritten, it has a one-year grandfather that no unit would receive less than it did the previous year in terms of no unit becoming a loser. It was the committee's intention, unanimous intention, that that grandfather be extended to a second year. In the drafting, the second year was omitted. This technical amendment extends the grandfather from the one year to the two years and has the unanimous support of the committee members.

Thereupon, House Amendment "E" was adopted.

Representative Michaud of East Millinocket offered House Amendment "G" and moved its adoption.

House Amendment "G" (H-759) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Michaud.

Mr. MICHAUD: Mr. Speaker, Ladies and Gentlemen of the House: The reason why I offered House Amendment "G" is, I think the only way you are going to get the teachers' salaries up there is to loosen up the collective bargaining agreement.

This bill deals with binding arbitration. The reason why I offered this one first is because I feel strongly that for binding arbitration, when you deal item by item, it is the best process, and the reason why is, when management and the union gets together to deal with the negotiations, if they deal with the last best offer I think it is going to bring both sides closer together to some type of an agreement.

The last best offer refers only to economic issues, which is wages, pensions and insurance, and I'll briefly explain what the last best offer means.

If management says that teachers are going to get a \$5 raise and the union says no, they want \$10 and they can't come to an agreement, then the arbitrator can come in after fact finding and look at both sides and he will either have to choose the five or the ten, he can't have in between. That's why I feel strongly that the last best offer is going to bring both sides closer together to come to some type of agreement.

I'm not against teachers getting a raise, but I am against them getting a bonus. I don't think you should give a bonus to all teachers. Granted, some deserve it; then again, some don't. To give you an example of where I'm coming from, I represent three schools in my district. Two of them have one of the highest paid teachers in the state; the other, their average is a little below. That one that was averaged a little below Katahdin High School was recognized as one of the top schools in the county and I am proud of that. So I don't feel that necessarily that \$2,000 bonus is going to give any better education for the students. I think if the Governor's Office is real concerned with increasing the teachers' salaries, they should have proposed this last best offer.

Mr. Speaker, when the vote is taken, I ask for the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Willey.

Mr. WILLEY: Mr. Speaker and Members of the House: I strongly recommend that you vote against this amendment because we have talked about binding arbitration in each of the two years that I have been here to a great extent both in the Labor Committee and on the floor of this House. We defeated a bill, I think it was last year, where binding arbitration was considered for our municipal employees. The same rules apply to this that does to municipal employees.

What it amounts to, if the people that you have hired, your school board and those people in the school district, cannot come to an agreement with the teachers, then you hire somebody completely removed from the local issues altogether and hand it to them and ask them to make the decision. That doesn't seem to be a fair way to go about it. You have already hired these people to represent you in the school district, and it even reflects to a greater extent on your pocketbook than it does to municipal employees, since a larger portion of the property taxes go to schools, and you're abrogating that part of the authority of the school district to somebody coming in from outside to decide the issue, which I thoroughly believe should be decided locally and not by somebody who is completely removed from the problem.

The SPEAKER: The Chair recognizes the gentlewoman from Sebec, Mrs. Locke.

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

The SPEAKER: The gentlewoman from Sebec, Mrs. Locke, moves the indefinite postponement of House Amendment "G".

The gentlewoman may proceed.

Mrs. LOCKE: Mr. Speaker, Men and Women of the House: Although the idea of binding arbitration may be acceptable to many people in the House, it was not a part of our process with this bill. We did not have a public hearing that it was included in. It was never mentioned, and I feel that it is an item that should be really dealt with separately. For that reason, I do move indefinite postponement and hope you will vote for it.

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

Mrs. BEAULIEU: Mr. Speaker, I would like to pose a question through the Chair. Is this amendment rightfully before us at this time?

The SPEAKER: Would the gentlewoman state why?