

# **118<sup>th</sup> Legislature LD 1137 HP0832**

## **Appropriations and Financial Affairs**

**An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1998 and June 30, 1999. (GOVERNOR'S BILL).  
Presented By: Representative KERR of Old Orchard Beach  
Cosponsored By: Representative POULIN of Oakland, Senators: BENNETT of Oxford, MICHAUD of Penobscot.  
Public Hearing: 01/13/97. Majority (OTP-AM) Accepted 03/20/97.  
Amended By: CA H-15, HFF/CA H-73, HHH/CA H-75, HKK/CA H-108.  
Final Disposition: Enacted, Signed 03/26/97, PUBLIC LAWS, Chapter 24.**

**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**  
**SECOND SPECIAL SESSION**  
**September 5, 1996 to September 7, 1996**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**  
**FIRST REGULAR SESSION**  
**December 4, 1996 to March 27, 1997**  
**FIRST SPECIAL SESSION**  
**March 27, 1997 to June 20, 1997**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 26, 1997**

**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 1997**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1997**

establish a subsidiary to engage in a closely related activity and a financial institution holding company controlling a Maine financial institution may engage in a closely related activity in Maine or acquire or establish a subsidiary in Maine to engage in a closely related activity without the prior approval of the superintendent subject to all of the following conditions:

A. Before and immediately after the proposed transaction, the acquiring financial institution and the financial institution holding company are well-capitalized, as determined by the superintendent;

B. At the time of the transaction, the acquiring financial institution and the financial institution holding company are well-managed, which means:

(1) The institution received a CAMEL composite rating of 1 or 2 in connection with its most recent examination; and

(2) The institution received at least a satisfactory rating for management;

C. The proposed activities are permissible under section 1014;

D. The book value of the total assets to be acquired does not exceed 15% of the consolidated total risk-weighted assets of the acquiring institution;

E. The consideration to be paid for the securities or assets to be acquired does not exceed 15% of the consolidated Tier 1 capital of the acquiring institution;

F. During the 12-month period before the proposed transaction, the acquiring financial institution and the financial institution holding company have not been under an enforcement action and there is no enforcement action pending; and

G. The acquiring institution must provide written notification to the superintendent not later than 10 business days after consummating the transaction.

See title page for effective date.

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## CHAPTER 23

S.P. 249 - L.D. 818

### An Act to Amend the Small Claims Court Laws

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 14 MRSA §7482, first ¶,** as amended by PL 1993, c. 401, §3, is further amended to read:

A "small claim" means a right of action cognizable by a court if the debt or damage does not exceed \$3,000 ~~\$4,500~~ exclusive of interest and costs. It does not include an action involving the title to real estate.

See title page for effective date.

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## CHAPTER 24

H.P. 832 - L.D. 1137

### An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1998 and June 30, 1999

**Be it enacted by the People of the State of Maine as follows:**

#### PART A

**Sec. A-1. Appropriations and allocations.** In order to provide for necessary expenditures of State Government and other purposes for the fiscal years ending June 30, 1998 and June 30, 1999, the following sums as designated in the following tabulations are appropriated or allocated out of any money not otherwise appropriated or allocated.

**Sec. A-2. Allotments required.** Upon receipt of allotments duly approved by the Governor based upon work programs submitted to the State Budget Officer, the State Controller shall authorize expenditures of these funds, together with expenditures for other purposes necessary to the conduct of State Government on the basis of these allotments and not otherwise. Allotments for Personal Services, Capital Expenditures and amounts for All Other departmental expenses may not exceed the amounts shown in the budget document or as they may be revised by the joint standing committee of the Legislature having jurisdiction over these appropriations and allocations, unless recommended by the State Budget Officer and approved by the Governor in accordance with established law.

**Sec. A-3. Personal Services funding.** The amounts provided for Personal Services in

**PART U**

**Sec. U-1. 36 MRSA §655, sub-§1, ¶P,** as amended by PL 1995, c. 476, §1 and affected by §2, is further amended to read:

P. All items of individually owned personal property with a just value of less than \$1,000, except:

- (1) Items used for industrial or commercial purposes; and
- (2) Vehicles and camp trailers as defined in section 1481 not subject to an excise tax; and

**PART V**

**Sec. V-1. Transfer of funds; Department of Economic and Community Development.** Notwithstanding any other provision of law, the State Controller is authorized to transfer \$126,000 from the Economic Opportunity Program, Other Special Revenue account in the Department of Economic and Community Development to General Fund undedicated revenue no later than June 30, 1998.

**Sec. V-2. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Part.

	<b>1997-98</b>
<b>ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF Administration - Economic and Community Development</b>	
All Other	\$126,000
Provides funds for the Maine Development Center to be used to provide technical assistance to companies statewide.	

**PART W**

**Sec. W-1. General Purpose Aid for Local Schools; lapsed balances.** Notwithstanding any provision of law, \$3,600,000 of the fiscal year 1996-97 appropriation that remains in the General Purpose Aid for Local Schools account lapses to the General Fund at the close of fiscal year 1997-98, but no later than June 30, 1998.

**PART X**

**Sec. X-1. Essential programs study.** Beginning July 1, 1997 the State Board of Education shall develop for the Legislature an implementation plan for funding essential programs and essential services. The plan must be based on the criteria for student learning developed by the Task Force on Learning Results and established in Public Law 1995, chapter 649 and in rules adopted by the board and the Department of Education. The plan must include establishment of a system to measure and ensure that schools are held accountable for student learning results. The board shall present its plan and implementing legislation to the joint standing committee of the Legislature having jurisdiction over education matters by January 1, 1998. The committee may report out a bill based on the proposal.

**Sec. X-2. Joint Standing Committee on Education and Cultural Affairs to report.** The Joint Standing Committee on Education and Cultural Affairs, by June 30, 1997, shall report out a bill in which a schedule and process for studying the school funding formula is established.

**Sec. X-3. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Part.

	<b>1997-98</b>
<b>EDUCATION, STATE BOARD OF State Board of Education</b>	
All Other	\$75,000
Provides funds to the State Board of Education for the development of an implementation plan for funding essential programs and essential services.	
<b>STATE BOARD OF EDUCATION TOTAL</b>	<b>\$75,000</b>

**PART Y**

**Sec. Y-1. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Part.

	<b>1997-98</b>	<b>1998-99</b>
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# PART I BUDGET - FISCAL YEARS 1998-99

"Enacted with amendments H-15, H-73, H-75 and H-108 as P.L. 1997, ch.24"

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"The Essential Programs and Services Study was introduced by amendment H-15 and amended by amendment H-75"

## 118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1137

H.P. 832

House of Representatives, February 20, 1997

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1998 and June 30, 1999.

(EMERGENCY)

Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.

*Joseph W. Mayo*  
JOSEPH W. MAYO, Clerk

Presented by Representative KERR of Old Orchard Beach. (GOVERNOR'S BILL)  
Cosponsored by Representative POULIN of Oakland, Senators: BENNETT of Oxford,  
MICHAUD of Penobscot.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

### PART A

Sec. A-1. Appropriations and allocations. In order to provide for necessary expenditures of State Government and other purposes for the fiscal years ending June 30, 1998 and June 30, 1999, the following sums as designated in the following tabulations are appropriated or allocated out of any money not otherwise appropriated or allocated.

Sec. A-2. Allotments required. Upon receipt of allotments duly approved by the Governor based upon work programs submitted to the State Budget Officer, the State Controller shall authorize expenditures of these funds, together with expenditures for other purposes necessary to the conduct of State Government on the basis of these allotments and not otherwise. Allotments for Personal Services, Capital Expenditures and amounts for All Other departmental expenses may not exceed the amounts shown in the budget document or as they may be revised by the joint standing committee of the Legislature having jurisdiction over these appropriations and allocations, unless recommended by the State Budget Officer and approved by the Governor in accordance with established law.

Sec. A-3. Personal Services funding. The amounts provided for Personal Services in appropriated and allocated accounts are subject to the provision that the total number of positions and the costs thereof in any account may not, during any fiscal year, vary from either the positions included in computing the total dollars appropriated or allocated for Personal Services or in the specific cost of each position upon which the appropriations and allocations are based. The State Budget Officer shall take the

MAJORITY

L.D. 1137

DATE: March 17, 1997

(Filing No. H- 15 )

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APPROPRIATIONS AND FINANCIAL AFFAIRS

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
118TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 832, L.D. 1137, Bill, "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1998 and June 30, 1999"

Amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to H.P. 832, L.D. 1137

Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

PART A

**Sec. A-1. Appropriations and allocations.** In order to provide for necessary expenditures of State Government and other purposes for the fiscal years ending June 30, 1998 and June 30, 1999, the following sums as designated in the following tabulations are appropriated or allocated out of any money not otherwise appropriated or allocated.

**Sec. A-2. Allotments required.** Upon receipt of allotments duly approved by the Governor based upon work programs submitted to the State Budget Officer, the State Controller shall authorize expenditures of these funds, together with expenditures for other purposes necessary to the conduct of State Government on the basis of these allotments and not otherwise. Allotments for Personal Services, Capital Expenditures and amounts for All Other departmental expenses may not exceed the amounts shown in the budget document or as they may be revised by the joint standing committee of the Legislature having jurisdiction over these appropriations and allocations, unless recommended by the State Budget Officer and approved by the Governor in accordance with established law.

**Sec. A-3. Personal Services funding.** The amounts provided for Personal Services in appropriated and allocated accounts are subject to the provision that the total number of positions and the costs thereof in any account may not, during any fiscal year, vary from either the positions included in computing the total dollars appropriated or allocated for Personal Services or in the specific cost of each position upon which the appropriations and allocations are based. The State Budget Officer shall take the action necessary to assure compliance with this section except as provided for in section 6 of this Part and as follows.

An appointing authority shall comply with the Civil Service Law, rules and regulations and collective bargaining agreements pertaining to the hiring, promoting, demoting and bumping of state employees. The Legislature shall act upon any recommendation for additional appropriations or allocations in order to fund additional requirements created by complying with this paragraph.

Except as indicated below, savings accruing from unused funding of employee benefits may not be used to increase services provided by employees. Except as indicated below, accrued salary savings generated from vacant positions within an appropriation

COMMITTEE AMENDMENT

DEVELOPMENT, DEPARTMENT OF

Administration - Economic and Community Development

All Other \$126,000

Provides funds for the Maine Development Center to be used to provide technical assistance to companies statewide.

PART W

Sec. W-1. General Purpose Aid for Local Schools; lapsed balances. Notwithstanding any provision of law, \$3,600,000 of the fiscal year 1996-97 appropriation that remains in the General Purpose Aid for Local Schools account lapses to the General Fund at the close of fiscal year 1997-98, but no later than June 30, 1998.

PART X

Sec. X-1. Commission established. There is established the Blue Ribbon Commission on Essential Programs and Essential Services and School Funding, referred to in this Part as the "commission," to study and recommend a policy response to the urgent issues of adequacy, predictability and equity of school funding.

Sec. X-2. Membership. The commission consists of 5 members who are appointed as follows:

- 1. Two members appointed by the Speaker of the House;
2. Two members appointed by the President of the Senate; and
3. One member appointed by the Governor.

Sec. X-3. Appointments. All appointments must be made no later than 30 days following the effective date of this Act. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. When the appointment of all members is complete, the Chair of the Legislative Council shall call and convene the first meeting of the commission no later than August 15, 1997. The commission shall select a chair from among its members.

Sec. X-4. Staff assistance. The commission shall request staffing assistance from the Legislative Council and from the Department of Education. The commission may also contract for necessary professional assistance.

Sec. X-5. Reimbursement. The members of the commission who are not state employees may receive the legislative per diem and may receive reimbursement for expenses upon approval of the chair of the commission and application to the Executive Director of the Legislative Council.

Sec. X-6. Report. The commission shall submit a report outlining its findings, together with any necessary implementing legislation, to the Second Regular Session of the 118th Legislature no later than January 15, 1998.

Sec. X-7. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

1997-98

LEGISLATURE

Blue Ribbon Commission on Essential Programs and Essential Services and School Funding

Personal Services \$10,000
All Other \$5,000

Provides funds to the Blue Ribbon Commission on Essential Programs and Essential Services and School Funding for the per diem and expenses of members, to contract for professional services and for miscellaneous commission expenses.

LEGISLATURE TOTAL

\$75,000

PART Y

In Part D, the Maine Court Facilities Authority will require additional General Fund appropriations once the additional \$2,500,000 in authorized securities are sold. The amounts will depend on the actual amount issued and the timing of that issuance.

Part E and Part S will decrease the amount available in the Unappropriated Surplus of the General Fund in fiscal years 1997-98 and 1998-99 by amounts that can not be determined at this time.

Part F authorizes a tax anticipation note in fiscal year 1997-98 up to \$100,000,000 to assist the General Fund cash flow. The additional General Fund revenue in fiscal year 1997-98 from interest earnings of \$4,500,000 is offset by an appropriation of \$4,500,000 to pay the interest on the note.

Part DD, section 3 permits the Department of Human Services to expand General Fund appropriations to provide medical assistance to certain legal immigrants. The department has determined that the estimated General Fund cost of approximately \$1,200,000 in fiscal years 1997-98 and 1998-99 is available within the current services appropriations in the Medical Care - Payments to Providers program.

Part EE authorizes the members of the Joint Standing Committee on Appropriations and Financial Affairs to receive per diem when they attend monthly meetings when the Legislature is not in session. These additional costs can be absorbed by the Legislature.

Part SS, section 3 constitutes a mandate as prescribed by the Constitution of Maine, Article IX, Section 21. Requiring counties to be responsible for the first 48 hours of physically restrictive juvenile detention will create additional costs. The amount can not be determined. Pursuant to the Mandate Preamble, the 2/3 votes of all members elected to each House exempts the State from the constitutional requirement to fund 90% of these additional county costs.

SUMMARY

This amendment is the majority report of the Joint Standing Committee on Appropriations and Financial Affairs.

PART A

Part A makes "unified" appropriations and allocations of funds.

PART B

Part B does the following:

1. Makes appropriations from the General Fund representing reduction proposals or adjustments;
2. Makes allocations from the Highway Fund to support the General Fund reduction proposals or adjustments;
3. Makes allocations from the Federal Expenditure Fund to support the General Fund reduction proposals or adjustments;
4. Makes allocations from Other Special Revenue to support the General Fund reduction proposals or adjustments;
5. Makes allocations from Federal Block Grant funds to support the General Fund reduction proposals or adjustments; and
6. Makes allocations from the Marine Ports Fund to support the General Fund reduction proposals or adjustments.

PART C

Part C does the following:

1. Establishes that the State shall pay 100% of the employee's share of the individual premium for a standard plan identified and offered by the State Employee Health Commission. If the commission should offer more than one plan, the State shall pay 100% of the employee's share of the individual premium for the standard plan or an equivalent amount for any other plan selected by the employee;
2. Amends the law to authorize a transfer from the General Fund to the Contingent Account at the close of each fiscal year;
3. Amends the law to allow unclaimed lottery prize money to be transferred to the General Fund;
4. Amends the law by removing the provision that allows the State to reimburse municipalities on a prorated basis in the tree growth tax reimbursement program if the sum of all approved claims exceeds the funds appropriated;
5. Amends the law to extend the opportunity to carry forward any unused solid waste reduction investment tax credit until December 31, 2004;

COMMITTEE AMENDMENT "A" to H.P. 832, L.D. 1137

2 Protection to General Fund undedicated revenue in fiscal year  
3 1997-98.

4 PART P

6 Part P does the following:

8 1. Makes appropriations and deappropriations from the General  
9 Fund for programs originally proposed for funding from Petroleum  
10 Violation Escrow (PVE) funds;

12 2. Deallocates a position from the Federal Expenditure Fund  
13 in order for it to be transferred to the General Fund;

14 3. Makes allocations and deallocations from PVE funds in  
15 order to support capital construction projects in state  
16 facilities that will yield energy efficiencies;

18 4. Authorizes unexpended PVE balances at the end of fiscal  
19 year 1997-98 to be transferred to the State Planning Office in  
20 order to transfer these sums to the Maine State Housing  
21 Authority; and

24 5. Allocates \$350,000 from PVE funds to the Maine State  
25 Housing Authority for the Keeping Seniors Home program.

28 PART Q

30 Part Q repeals the June 30, 1997 sunset of the Maine Public  
31 Drinking Water Commission.

32 PART R

34 Part R increases the revenue bond limit that the University of  
35 Maine System can issue from \$27,000,000 to \$100,000,000.

38 PART S

40 Part S does the following:

42 1. Public Law 1993, chapter 410, Part L, section 27 required  
43 employers to pay to the Maine State Retirement System the  
44 additional actuarial and administrative costs of early retirement  
45 incentives offered to employees. Part S authorizes the transfer,  
46 after the transfer required in Part E of this Act but prior to  
47 transfers for any other statutory obligation, of up to \$2,100,000  
48 from available General Fund balances at June 30, 1997 to pay the  
49 Maine State Retirement System for the cost of the early  
50 retirement incentives offered by the school administrative units  
of Jay, Scarborough, York, S.A.D. 25, S.A.D. 52, S.A.D. 56,

**COMMITTEE AMENDMENT**

COMMITTEE AMENDMENT "A" to H.P. 832, L.D. 1137

2 School Union 29 and School Union 30. It further specifies that  
3 if the amount transferred to the retirement system is less than  
4 the full obligation, the transferred amount satisfies any past  
5 obligations and the unpaid balance will be prorated among the 8  
6 school units and repaid over the remainder of the 10-year period  
specified in Public Law 1995, chapter 541;

8 2. Authorizes the transfer of an amount not to exceed  
9 \$2,000,000 to the Department of Transportation toward the  
10 purchase of Sears Island from remaining balances at the end of  
11 fiscal year 1996-97; and

14 3. Authorizes the transfer of an amount not to exceed  
15 \$2,000,000 to the University of Maine System toward the Maine  
16 Economic Improvement Strategy at the end of fiscal year 1997-98.

18 PART T

20 Part T increases the hospital assessment in fiscal year  
21 1997-98 from 3.56% to 5.27%.

22 PART U

24 Public Law 1995, chapter 476 exempted from taxation certain  
25 personal property with a just value greater than \$1,000. Part U  
26 repeals that exemption and returns the Maine Revised Statutes,  
27 Title 36, section 655, subsection 1, paragraph F to the language  
in effect prior to the enactment of Public Law 1995, chapter 476.

30 PART V

32 Part V does the following:

34 1. Authorizes the transfer of \$126,000 from the Economic  
35 Opportunity Program, Other Special Revenue accounts to General  
36 Fund undedicated revenue in fiscal year 1997-98; and

38 2. Makes appropriations from the General Fund in fiscal year  
39 1997-98 to support the Maine Development Center.

42 PART W

44 Part W lapses \$3,600,000 from the General Purpose Aid for  
45 Local Schools to the General Fund in fiscal year 1997-98.

48 PART X

50 Part X establishes and funds the Blue Ribbon Commission on  
Essential Programs and Essential Services and School Funding.

**COMMITTEE AMENDMENT**

DATE: 3/20/97

(Filing No. H- 75 )

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
118TH LEGISLATURE  
FIRST REGULAR SESSION

HOUSE AMENDMENT " <sup>HH</sup> " to COMMITTEE AMENDMENT "A" to H.P. 832, L.D. 1137, Bill, "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1998 and June 30, 1999"

Amend the amendment by striking out all of Part X and inserting in its place the following:

**PART X**

**Sec. X-1. Essential programs study.** Beginning July 1, 1997 the State Board of Education shall develop for the Legislature an implementation plan for funding essential programs and essential services. The plan must be based on the criteria for student learning developed by the Task Force on Learning Results and established in Public Law 1995, chapter 649 and in rules adopted by the board and the Department of Education. The plan must include establishment of a system to measure and ensure that schools are held accountable for student learning results. The board shall present its plan and implementing legislation to the joint standing committee of the Legislature having jurisdiction over education matters by January 1, 1998. The committee may report out a bill based on the proposal.

**Sec. X-2. Joint Standing Committee on Education and Cultural Affairs to report.** The Joint Standing Committee on Education and Cultural Affairs, by June 30, 1997, shall report out a bill in which a schedule and process for studying the school funding formula is established.

**Sec. X-3. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Part.

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1997-98

4

**EDUCATION, STATE BOARD OF**

6

**State Board of Education**

8

All Other

\$75,000

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Provides funds to the State Board of  
Education for the development of an  
implementation plan for funding essential  
programs and essential services.

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**STATE BOARD OF EDUCATION  
TOTAL**

\$75,000'

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Further amend the amendment by relettering or renumbering  
any nonconsecutive Part letter or section number to read  
consecutively.

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**FISCAL NOTE**

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This amendment will have no net effect on General Fund  
appropriations and revenue and a balanced budget is maintained  
for fiscal year 1997-98 and fiscal year 1998-99.

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**SUMMARY**

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This amendment strikes Part X of the committee amendment,  
which established a Blue Ribbon Commission to Study Essential  
Programs and Essential Services and School Funding.

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The amendment instead directs the State Board of Education  
to develop an implementation plan for essential programs and  
essential services and provides a General Fund appropriation to  
the board to support its work.

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This amendment requires the Joint Standing Committee on  
Education and Cultural Affairs to report out a bill by June 20,  
1997 in which a schedule and process is established to study the  
school funding formula.

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SPONSORED BY: *George J. Kerr*  
(Representative KERR)

48

TOWN: Old Orchard Beach

50

overcome the Appropriations Committee policy making. I am not a member of the Appropriations Committee. I am a member of the House of Representatives. I am a member of the Judiciary Committee and I will come to you and tell you how I feel about the policy decisions before the Judiciary Committee and I will put it out to you to vote on the policy, just as Human Services will come to you and just as Criminal Justice will come to you, but there has not been a public hearing. You cannot gage the level of public support. You cannot gauge the support of this body. You are going to take weeks because, no matter what I say, I have to live with your budget. I know that and everybody here knows that. The people of the State of Maine know that. We have to live with that budget. The children with special needs have to live with your budget and your decisions because the minute it comes out of here, you can hold up a roll call all you want, but we are all tarred with the same brush. We all suffer from the public image of us and sometimes as my uncle says, "Somebody just has to be the big man and stop."

Maybe this is the amendment. Personally, I thought the education one was good along with several other ones, but boy, when the rubber hits the road, this is the one that I cannot understand. All partisanship aside, everything aside, I know that I am not getting anywhere because I see heads shaking and people laughing and grinning because it doesn't matter. Well, to me, it matters. It is going to matter to the people in my district and to the people all over the State of Maine who have emotionally handicapped children and mentally handicapped children that a partisan battle to save a program nobody has ever heard of or espoused, that has been offered up for sacrifice, is going to be turned down because you can. If you are proud, God love you.

The SPEAKER: The Chair recognizes the Representative from Naples, Representative Thompson.

Representative THOMPSON: Madam Speaker, Men and Women of the House. I am touched by the outpouring of caring I am hearing here tonight. If I thought for a moment that the passing of one of these amendments would get the votes of the Republican Party on this budget, I would start thinking about it. Let's tell the truth all around the room. What we have here is a series of amendments to get roll call votes and nothing more.

If I thought that voting against the Indefinite Postponement of this amendment would result in the passage of Committee Amendment "A," I would be right there with you, but I know and you know, it is not going to happen. Let's call it what it is. Thank you Madam Speaker.

The Chair ordered a division on the motion to indefinitely postpone House Amendment "L" (H-45) to Committee Amendment "A" (H-15).

Representative BARTH of Bethel requested a roll call on the motion to indefinitely postpone House Amendment "L" (H-45) to Committee Amendment "A" (H-15).

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "L" (H-45) to Committee Amendment "A" (H-15). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 24**

YEA - Ahearne, Bagley, Baker CL, Baker JL, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bull, Bunker, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Green, Hatch, Jabar, Jones KW, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Mailhot, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Perry, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe,

Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler GJ, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Buck, Bumps, Campbell, Carleton, Chick, Cianchette, Clukey, Cross, Dexter, Donnelly, Fisk, Foster, Gerry, Gieringer, Goodwin, Gooley, Honey, Jones SL, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, McElroy, Meres, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Waterhouse, Wheeler EM, Winglass, Winn, Winsor.

ABSENT - Bruno, Cameron.

Yes, 78; No, 71; Absent, 2; Excused, 0.

78 having voted in the affirmative and 71 voted in the negative, with 2 being absent, House Amendment "L" (H-45) to Committee Amendment "A" (H-15) was indefinitely postponed.

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The House recessed until 7:00 p.m.

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(After Recess)

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The House was called to order by the Speaker.

Representative DONNELLY of Presque Isle presented House Amendment "N" (H-50) to Committee Amendment "A" (H-15) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Donnelly.

Representative DONNELLY: Madam Speaker, Men and Women of the House. House Amendment "N" simply removes the language from the budget that establishes a blue ribbon commission to study the last blue ribbon commission and the last blue ribbon commission on the funding of education from the budget. That is as simple as it gets. That is what it does. There is a study in this budget that asks for a commission to read the report of the former commissions and this removes that. Thank you.

Representative STEVENS of Orono moved that House Amendment "N" (H-50) to Committee Amendment "A" (H-15) be indefinitely postponed.

The Chair ordered a division on the motion to indefinitely postpone House Amendment "N" (H-50) to Committee Amendment "A" (H-15).

The SPEAKER: The Chair recognizes the Representative from Northport, Representative Lindahl.

Representative LINDAHL: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative LINDAHL: Thank you Madam Speaker. I don't recall having had any debate on this blue ribbon commission on the floor of the House. Could I have an explanation of some sort? Was this heard through committee? Has the committee voted on it or is this just included in the budget with no input in the matter?

The SPEAKER: The Representative from Northport, Representative Lindahl has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Madison, Representative Richard.

Representative RICHARD: This is a very difficult issue. There are some wordings here that were not worded exactly as it was meant to be and some things that weren't exactly as they were meant to be. I don't really know how to explain all of this. We have been working on another amendment that I think will cover all of this satisfactorily. It would actually cover everything. I think the problem that is trying to be covered in this particular amendment, but it will do some other things too, but I can't talk about that because it is not before us. I would urge you to defeat this amendment and feel assured that the concern that you are expressing in this amendment will be taken care of later.

The SPEAKER: The Chair recognizes the Representative from Harland, Representative Stedman.

Representative STEDMAN: Madam Speaker, Men and Women of the House. In answer to Representative Lindahl's question, no, this did not come before us on Education. We did include in our original budget the amount of money that was set aside for this particular item as a direct funding for the study that we wanted done. It did not include a blue ribbon commission wording. That money was taken out of that particular presentation and put into this item. Thank you.

Representative STEDMAN of Harland requested a roll call on the motion to indefinitely postpone House Amendment "N" (H-50) to Committee Amendment "A" (H-15).

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement House Amendment "N" (H-50) to Committee Amendment "A" (H-15). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 25**

YEA - Ahearne, Bagley, Baker CL, Baker JL, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bull, Bunker, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, LaVerdiere, Lemaire, Lemke, Mailhot, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Perry, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler GJ, Winn, Wright, Madam Speaker.

NAY - Barth, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Buck, Bumps, Campbell, Carleton, Chick, Cianchette, Clukey, Cross, Dexter, Donnelly, Fisk, Foster, Gerry, Gieringer, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, McElroy, Meres, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Waterhouse, Wheeler EM, Winglass, Winsor.

ABSENT - Belanger DJ, Bruno, Cameron, Dutremble, Kontos, Saxl JW.

Yes, 78; No, 67; Absent, 6; Excused, 0.

78 having voted in the affirmative and 67 voted in the negative, with 6 being absent, House Amendment "N" (H-50) to Committee Amendment "A" (H-15) was indefinitely postponed.

Representative WATERHOUSE of Bridgton presented House Amendment "P" (H-52) to Committee Amendment "A" (H-15) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative WATERHOUSE: Madam Speaker, Ladies and Gentlemen of the House. Like a lot of people in here, I had this budget document put on my desk yesterday morning. I went through it as fast as I could before we went into committee so I could read as much of it as I could to see what was in it. I happened to come upon this item which funds the Family Law Court Division. It is a new program that we just happened to be having a hearing on that afternoon at 1:30. I thought that was quite amazing. I couldn't understand why it was already funded when we hadn't even had the public hearing. We haven't had the work session. We haven't voted on it. The House hasn't debated it. The other body hasn't debated it. Usually the process, this is my second term in the 117th, we set a policy that the committees of jurisdiction would have an input into the budget process. This, I feel, circumvented that. When we had bills that had fiscal notes, as I mentioned earlier today, those bills went on the Appropriations Table and competed with other worthy projects or legislation that we later on decided were worth funding.

There was a lot of people up there during the public hearing, some for this bill and some against this bill. We have not had the work session on it yet. We have not voted on it yet. What this amendment will do is cut this money out. It will be \$453,264 in General Funds over two years that will be allocated to surplus revenues. This money could go on the Appropriations Table and compete with the other bills that we have before us that will be on the Appropriations Table with that \$300,000 some odd dollars to compete for this money. That is the way it should be as far as I am concerned. If we decide not to vote for this Family Law Court Division legislation, we can put that money into the surplus revenue fund and use it to bring down the tax burdens on the citizens of the State of Maine. So, not only is it a process situation, I think it is a fiscal, prudent and responsible way to do business. I hope you vote for my amendment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Enfield, Representative Lane.

Representative LANE: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative LANE: Thank you Madam Speaker. Could I ask someone from the Judiciary Committee to explain this bill? I think they heard it yesterday. Could I have someone explain that to me please?

The SPEAKER: The Representative from Enfield, Representative Lane has posed a question through the Chair to anyone who may care to respond.

Representative THOMPSON of Naples moved that House Amendment "P" (H-52) to Committee Amendment "A" (H-15) be indefinitely postponed.

The same Representative requested a roll call on his motion to indefinitely postpone House Amendment "P" (H-52) to Committee Amendment "A" (H-15).

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative O'Brien.

Representative O'BRIEN: Madam Speaker, Ladies and Gentlemen of the House. I just have to say, personally, I am very, very interested in the idea of the Family Law Court. For several years, I have followed, I have thought about this concept and I have read a lot on it. I think it has some real potential to deal with many of our issues regarding domestic abuse, divorce and child abuse, but I have to go on record as saying that I will vote against the motion to Indefinitely Postpone because, as my esteemed colleague, Representative Waterhouse has said, I have a real problem with the process. I think that this did not get the full hearing and full work. Many of these issues haven't and I have a real problem with that. Although I fully support the study

of the Family Law Court, I need to go on record as saying that I can't support this amendment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative WATERHOUSE: Madam Speaker, Men and Women of the House. I want to go on record, too. I am not saying that I am against this legislation. I don't know yet. I heard the public hearing the other day. We have not had the work session. That is the whole point. Until we have the work session and have done the research on this legislation to see if one, we can afford it, two, if it's necessary, three, if it is redundant and so forth and so on. It has nothing to do with whether this legislation is good or bad. We haven't found out yet. Those of you who support this and have done the research, before it came to our public hearing, you know about this proposal. Some of us don't and that is the crux of the situation. Thank you.

The SPEAKER: The Chair recognizes the Representative from Enfield, Representative Lane.

Representative LANE: Madam Speaker, Ladies and Gentlemen of the House. I, too, am very interested in such a system being set up. I know our judicial system is very much overcrowded and I am sure most of you know too. I am very sad that it has to happen this way because it is a piece of legislation that I would have loved to have followed, sat in the work sessions and asked a lot of questions. There is an awful lot of questions that I am not being allowed to ask. Again, it certainly isn't because this is a bad idea. I think the idea that the concept of it is a very good one. I am not sure who is going to be appointed, who they are accountable to, how much it is going to cost and where they are going to be assigned. I am not sure if DHS is going to hire them. I don't know about you, but I have heard a lot of complaints about DHS since I have been in this office. I think probably more complaints concerning DHS than anything else. This piece of legislation is a crucial piece of legislation that needs very careful, thorough review. I ask you to defeat the impending motion, which is to Indefinitely Postpone this amendment. Thank you.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Plowman.

Representative PLOWMAN: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose her question.

Representative PLOWMAN: Thank you Madam Speaker. This is an honest to goodness quandary I am in. If we don't pass these, can you tell me where the money in the budget goes to. Does it go to the table or are we committed to implementing these, even if we don't pass them on the floor here? I am really confused about the process. Could someone explain it to me? Thank you.

The SPEAKER: The Representative from Hampden, Representative Plowman has posed a question through the Chair to anyone who may care to respond.

A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "P" (H-52) to Committee Amendment "A" (H-15). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 26**

YEA - Ahearne, Bagley, Baker CL, Baker JL, Berry RL, Bigl, Bolduc, Bouffard, Brennan, Brooks, Bull, Bunker, Chartrand, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Mailhot, McKee,

Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Perry, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler GJ, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Berry DP, Bodwell, Bragdon, Buck, Bumps, Campbell, Carleton, Chick, Chizmar, Cianchette, Clukey, Cross, Dexter, Donnelly, Fisk, Foster, Gieringer, Goodwin, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, McElroy, Meres, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Waterhouse, Wheeler EM, Winglass, Winn, Winsor.

ABSENT - Bruno, Cameron, Dutremble, Lemke.

Yes, 78; No, 69; Absent, 4; Excused, 0.

78 having voted in the affirmative and 69 voted in the negative, with 4 being absent, House Amendment "P" (H-52) to Committee Amendment "A" (H-15) was indefinitely postponed.

Representative BARTH of Bethel presented House Amendment "Q" (H-53) to Committee Amendment "A" (H-15) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Barth.

Representative BARTH: Madam Speaker, Ladies and Gentlemen of the House. What does this amendment do? It deletes the blue ribbon commission from the Committee Amendment "A" language in that document, which is under discussion tonight. That includes language that gives people the impression that we are doing away with learning results and the assessment of learning results and that certainly is not the intent. We are taking that language out of the budget bill so that it will avoid confusing the facts. What it does is it restores \$75,000 for the study of essential services, which is already begun by the state board at the direction of the 117th Legislature. That committee has not been able to meet for a long time now and myself being a member of it, I know that because of the lack of funding. Most of that money will go for the research necessary and the data necessary to establish exactly what essential services are that every school unit should provide across the State of Maine so that we will be able then to fund essential services across the state to ensure or to help ensure that every child has an equal opportunity for their education. In doing that, this will necessarily impinge on the funding formula and the amount of money that we put into the formula.

For those of you who have concerns about the funding formula, it will be addressed in part by the study of essential services. Why is this language in here and why do need another blue ribbon commission to study such things as essential services, I have already said that is already being done, and the funding formula? My feeling is that it is in there solely for political purposes. Now, in terms of the formula, we will get to that. The Education Committee is committed to looking at that and we will have an answer for you fairly shortly on whether or not that is flawed or not. That is another issue and we need real data in order to allow us to make that assumption. My biggest objection to having this kind of language in the budget that this amendment takes out is that we are putting into a budget document educational policy that the committee of jurisdiction has not yet had the opportunity to explore fully. We are committing ourselves to educational policy without the review of the committee of jurisdiction. For that reason, ladies and gentlemen, I hope you will support this amendment. Thank you.

Representative BERRY of Livermore moved that House Amendment "Q" (H-53) to Committee Amendment "A" (H-15) be indefinitely postponed.

The same Representative requested a roll call on his motion to indefinitely postpone House Amendment "Q" (H-53) to Committee Amendment "A" (H-15).

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Madison, Representative Richard.

Representative RICHARD: Madam Speaker, Men and Women of the House. This is that same issue that I spoke about just a few minutes ago. Once again, it is a difficult issue. It is a difficult issue for me to oppose because this is not something we discussed in committee. The whole thing has kind of got a little bit out of hand. During the break, we tried to come up with something that would put it back in hand. I would urge you to defeat this motion and wait for that one that I keep saying is coming. This deletes the blue ribbon commission. That is not bad. This also deletes some other things and that is not good. I would urge you to defeat this motion.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "Q" (H-53) to Committee Amendment "A" (H-15). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 27

YEA - Ahearne, Bagley, Baker CL, Baker JL, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bull, Bunker, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Mailhot, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Perry, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler GJ, Winn, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Buck, Bumps, Campbell, Carleton, Chick, Cianchette, Clukey, Cross, Dexter, Donnelly, Fisk, Foster, Gerry, Gieringer, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, McElroy, Meres, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Waterhouse, Wheeler EM, Winglass, Winsor.

ABSENT - Bruno, Cameron, Dutremlle.

Yes, 80; No, 68; Absent, 3; Excused, 0.

80 having voted in the affirmative and 68 voted in the negative, with 3 being absent, House Amendment "Q" (H-53) to Committee Amendment "A" (H-15) was indefinitely postponed.

Representative MURPHY of Kennebunk presented House Amendment "R" (H-54) to Committee Amendment "A" (H-15) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative MURPHY: Madam Speaker, Men and Women of the House. I want to assure members of the House that this amendment is not a game. As I have come to know many of you over the last few weeks as I have talked with the folks on Appropriations, Education, the driving force in my life is education. For the last month in every conversation I have been talking about school construction. What does the amendment

do? I guess if we are looking for a handle on this amendment, it would be get them out of the trailers. The first step to take is to close state liquor stores. It takes the school construction account, which has been flat funded for the last four to five years and the state begins to make a commitment to move this gridlock forward. An expert on this issue likened it in a very effective analogy, I thought, the effects of this flat funding. I teach in a trailer. It would be very easy to get up and talk about the failure to meet our obligations and what that has done to Maine school children. We are looking for solutions, not confrontation.

The money from the liquor stores would be applied, \$1.2 million in 1998 to increase the legislative cap. In 1999, increase the legislative cap by another \$3 million. In the year 2000, an additional \$4.5 million. The analogy that was used by that expert on school construction was that we have a bridge, and an oversized trailer that he has tried to get through that bridge and it has jammed. It can't back up and it can't get through and all the traffic is piling up behind it. We have gridlock. If we do not do anything in this session, we will not be funding, shared funding, of school construction until the next century. In my school district, 25 percent of all children, K-12, go to school in a trailer. You can drive out back behind almost every school building in this state and all these trailers are kept out in back. They are not put out on the front law. They are put out back in the parking lot. Maine school children troop off by the tens of thousands to trailers, temporary classrooms because we haven't met our obligation.

If we don't act on this this evening and the \$3.5 billion budget moves through, there will be no additional monies for school construction to meet that obligation. One superintendent has testified that he can no longer guarantee the parents in his district that a youngster in his high school during their four years at that high school will ever spend a day in a real classroom. He is looking to buy two-story modular interlocking units because he doesn't have enough room to spread the trailers out for his entire school.

We talked about common ground and issues that we share. I think in our campaigns we talked about education and we also talked about economic development. I think for many of us they are interrelated. I learned about governing from an old-time selectman. I didn't say politics, I said governing. That gentleman said that when politicians begin to talk about what they are going to do, ignore them. When they give you campaign literature about what they promise to do, tear it up. He said that what you do is you follow the money. You will find out where the heart is on how they vote and where their priorities are. Your priorities this evening, on one hand, as we heard the other night, are maintaining state liquor stores. Ladies and gentlemen of the House, this is history. That is the past. In the other hand, you probably have 120,000 or 125,000 students in this state who are in a trailer at some part of their school days. I am asking you to weigh that. The path, maintaining 100 jobs that have gone by and you know that or putting Maine kids into a real classroom. If you pass this amendment, we will begin to move through the process and most of the construction won't start until the next century because we delayed too long.

I am unblocking that jammed up bridge with this amendment. It will benefit SAD #20, Fort Fairfield; SAD #21, Dixfield; SAD #15, Gray; SAD #60, Berwick; Raymond; SAD #51, Bridgton; Westbrook, SAD #34, Swanville; SAD #5, Rockland; SAD #40, Warren; SAD #75, Topsham; Orrington; Westbrook; Bucksport; Falmouth; Maranacook; Winthrop; Winslow; Deer Isle; Stonington; Camden and Rockport. Kennebunk is not on that list. This amendment is not for my constituents. We are so far down the list that if this got unblocked tonight, we wouldn't see approval probably until 2007 or 2008. One out of four children in

ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
FIRST REGULAR SESSION  
25th Legislative Day  
Thursday, March 20, 1997

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

Prayer by Reverend Evelyn S. Hale, The North Wayne Church.

National Anthem by the Great Salt Bay Wind Ensemble, Great Salt Bay Community School, Damariscotta.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

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

**SPECIAL SENTIMENT CALENDAR**

In accordance with House Rule 519 and Joint Rule 213, the following items:

Recognizing:

Susan Buckland, of Great Salt Bay Community School, who has been nominated as the 1998 Teacher of the Year, and who will be honored by a ceremony in the Hall of Flags in the State House by Governor Angus King. We extend our congratulations and best wishes to her; (SLS 42)

Was read.

The SPEAKER: The Chair recognizes the Representative from Bremen, Representative Pieh.

Representative PIEH: Madam Speaker, Ladies and Gentlemen of the House. What I would like to tell you is that Susan Buckland is now the midcoast finalist for the Teacher of the Year along with nine other distinguished and excellent teachers from Maine. She is also a member of today's band. Thank you.

Was passed and sent up for concurrence.

The House recessed until 10:00 a.m.

(After Recess)

The House was called to order by the Speaker.

The following item was taken up out of order by unanimous consent:

**UNFINISHED BUSINESS**

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 House Rule 502.

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1998 and June 30, 1999" (EMERGENCY) (H.P. 832) (L.D. 1137) (Governor's Bill)

PENDING - Adoption of Committee Amendment "A" (H-15)

Doctor of the day, Mark W. Fourre, M.D., Cape Elizabeth.

Representative KERR of Old Orchard Beach presented House Amendment "HH" (H-75) to Committee Amendment "A" (H-15) which was read by the Clerk and adopted.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Madam Speaker, Men and Women of the House. This deals with the State Board of Education. It provides funds for the State Board of Education for the development of the implementation plan for funding essential programs and essential services to the tune of \$75,000. Thank you.

On motion of Representative LINDAHL of Northport, the House reconsidered its action whereby House Amendment "HH" (H-75) to Committee Amendment "A" (H-15) was adopted.

The SPEAKER: The Chair recognizes the Representative from Northport, Representative Lindahl.

Representative LINDAHL: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative LINDAHL: Thank you Madam Speaker. I am sorry about not jumping up a little sooner. I am not trying to do this to delay the process or anything, but I am curious. Is this the same \$75,000 that we were talking about to fund this commission to look at the roster report and other such reports?

The SPEAKER: The Representative from Northport, Representative Lindahl has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Madison, Representative Richard.

Representative RICHARD: Madam Speaker, Ladies and Gentlemen of the House. This is the same \$75,000 that the Education Committee originally had in the budget for this purpose. This is just restoring that and that was put in with a blue ribbon commission later on. The blue ribbon commission has been eliminated. This is the same \$75,000 that was in the budget. This does not add to the budget. This does do what the Education Committee asked for it to do in the first place.

Subsequently, House Amendment "HH" (H-75) to Committee Amendment "A" (H-15) was adopted.

Representative KERR of Old Orchard Beach presented House Amendment "FF" (H-73) to Committee Amendment "A" (H-15) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Madam Speaker, Men and Women of the House. This amendment provides for the allocation of funds for a grant to the Northeast Dairy Council for the sum of an appropriation of \$100,000 each of this biennium. This comes from other special revenues and it was at the request of the good Representative Spear, who will be more than willing to answer any questions dealing with the Northeast Dairy Council. Thank you.

The SPEAKER: The Chair recognizes the Representative from Nobleboro, Representative Spear.

Representative SPEAR: Madam Speaker, Ladies and Gentlemen of the House. Back about three years ago, the courts, when we had the Agriculture Stabilization Act go into affect, there was money when the court struck down the act, at that time, there was money coming in and there is somewhere between \$350,000 and \$400,000 sitting in an account that technically belongs to the farmers here in the State of Maine, but by the courts it can't be touched. We feel by taking some of this money and letting the Northeast Dairy Compact, which is trying to get off the ground right now, which is to enhance all the milk prices here in New England. It will be of a big benefit. We feel that there is no better way because this money, by the courts, cannot be distributed to the farmers, where it belongs. You can

**NAYS:** Senators: AMERO, BENNETT, BENOIT, BUTLAND, CASSIDY, FERGUSON, HARRIMAN, KIEFFER, LIBBY, MACKINNON, MILLS, MITCHELL, SMALL

**EXCUSED:** Senators: ABROMSON, HALL

20 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator MICHAUD of Penobscot, to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-15) Report, in concurrence **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (H-15) **READ**.

House Amendment "FF" (H-73) to Committee Amendment "A" (H-15) **READ**.

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator Amero.

Senator **AMERO:** Thank you Mr. President. When the motion to adopt House Amendment "FF", I ask for a Roll Call.

**THE PRESIDENT:** The Senator from Cumberland, Senator Amero has requested a Roll Call. In order for the Chair to have a Roll Call it must have the expressed desire of one-fifth of the members present. All those in favor of a Roll Call will rise in their places and remain standing until counted. Obviously more than one fifth of the members present are in favor of a Roll Call, a Roll Call is ordered. The pending question before the Senate is the motion of the Senator from Penobscot, Senator Michaud, that the Senate Adopt House Amendment "FF" to Committee Amendment "A".

**THE PRESIDENT:** The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Thank you Mr. President. I would ask if anyone could explain the substance of Amendment "FF" from the House, I don't seem to have a copy immediately available to me and I'd like to know the import of the Amendment please, if anyone can answer?

**THE PRESIDENT:** The Senator from Somerset, Senator Mills poses a question through the Chair to anyone who may be able to answer. The Chair recognizes the Senator from Lincoln, Senator Kilkelly.

Senator **KILKELLY:** Thank you Mr. President. With apologies to Senator Mills I would ask you to repeat the question, I'm sorry.

**THE PRESIDENT:** The question posed by the Senator from Somerset, Senator Mills was an explanation of House Amendment "FF" to Committee Amendment "A".

Senator **KILKELLY:** Thank you Mr. President. The Amendment has been presented in the other Body to provide

money for supporting the Northeast Dairy Compact, which is extremely important to stability for dairy farmers in this State.

**THE PRESIDENT:** Is the Senate ready for the question? The question is Adoption of Amendment "FF" to Committee Amendment "A", a Roll Call having been ordered

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

#### ROLL CALL

**YEAS:** Senators: BENNETT, CAREY, CASSIDY, CATHART, CLEVELAND, DAGGETT, FERGUSON, GOLDTHWAIT, JENKINS, KILKELLY, LAFOUNTAIN, LIBBY, LONGLEY, MICHAUD, MILLS, MITCHELL, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

**NAYS:** Senators: AMERO, BENOIT, BUTLAND, HARRIMAN, KIEFFER, MACKINNON, SMALL

**EXCUSED:** Senators: ABROMSON, HALL

Senator Ferguson of Oxford requested and received leave of the Senate to change his vote from NAY to YEA.

Senator Libby of York requested and received leave of the Senate to change his vote from NAY to YEA.

Senator Mitchell of Penobscot requested and received leave of the Senate to change her vote from NAY to YEA.

Senator Bennett of Oxford requested and received leave of the Senate to change his vote from NAY to YEA.

Senator Cassidy of Washington requested and received leave of the Senate to change his vote from NAY to YEA.

26 Senators having voted in the affirmative and 7 Senators having voted in the negative, with 2 Senators being excused House Amendment "FF" (H-73) to Committee Amendment "A" (H-15) **ADOPTED**, in concurrence.

House Amendment "HH" (H-75) to Committee Amendment "A" (H-15) **READ**.

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator Amero.

Senator **AMERO:** Thank you Mr. President, men and women of the Senate. House Amendment "HH" proposes to establish a new study of the whole issue of how we fund and distribute general purpose aid to education. We have had, over the course of the last decade, at least six study commissions on how to distribute funds for general purpose aid to education, certainly in the advocate of all of those studies, if somebody were willing, a case could be made for possible changes in the school funding formula. But, the most recent study, which was just completed in 1995, with so-called blue ribbon commission shared by Jack

Rosser, and probably better known as the Rosser Commission, spent several thousand dollars studying this item over a long period of time. Many people and many consultants were brought in, paid very well, that commission worked very hard, made several recommendations, many of which have not yet been considered by either Body. It seems foolhardy, to me, at this time to be investing seventy-five thousand dollars, in yet another study of how we distribute general purpose aid to education. Thank you Mr. President.

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

Senator **MICHAUD:** Thank you Mr. President, men and women of the Senate. I hope you do support "HH". When the Committee on Appropriations dealt with this issue the seventy-five thousand dollars was a tax to defining what essential programs were for Education that we originally voted that in; Later on through our work sessions, a few days later, it was suggested that maybe the Joint Standing Committee on Education ought to report out a bill to look at setting up a study. There was no additional money attached when we added that extra burden in the budget. So I hope that you would support "HH".

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Off Record Remarks

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**THE PRESIDENT:** The Chair recognizes the Senator from Sagadahoc, Senator Small.

Senator **SMALL:** Thank you Mr. President, men and women of the Senate. I believe that the good Senator from Cumberland was speaking to the original provision in the budget bill, that did have seventy-five thousand for a study. As the Chair of the Appropriations Committee said this amendment would just fund the essential program study which I think is essential. However, there is still a provision in that amendment that will be setting up another study which I do have a great deal of concern about, but I will be offering an amendment, further on in the process that will offer the option of eliminating that study and putting that decision back in the Committee where I believe it should be. But, I think it is important that we do change the bill from the original which was to have a seventy-five thousand dollar on the school funding formula and essential services which was bad policy and had no purpose being in the budget. I think it's important that we do fund the essential program study and then I will be offering an amendment that will eliminate yet another study on the funding formula that will just come out and surgically remove that part and not take the essential programs portion out so, I would support this amendment with the proviso that there'd be another amendment offered that will take out the new study, same old, same old. Thank you very much.

**THE PRESIDENT:** The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Thank you Mr. President, men and women of the Senate. I have a question for anyone who might care to answer it, if they can. Would I be correct in assuming then that the seventy-five thousand dollars that is the line item in this amendment is to be spent only on the study of what constitutes

the essential educational services and that there is no allocation of money within this amendment or within the Committee amendment to fund still another study of the school funding formula?

**THE PRESIDENT:** The Senator from Somerset, Senator Mills poses a question through the Chair. The Chair recognizes the Senator from Sagadahoc, Senator Small.

Senator **SMALL:** Thank you Mr. President. There is a provision in here that the Committee must report out a bill which very likely could have a price tag on it, should we be forced to do that but as I said, there will be an upcoming amendment that will address that.

**THE PRESIDENT:** The Chair recognizes the Senator from Aroostook, Senator Kieffer.

Senator **KIEFFER:** Thank you Mr. President. I've read this about three times and I guess I still am not clear as to what this exactly is for. Under section X-1 it makes mention of a fact that "the plan must include establishment of a system to measure and insure that schools are held accountable for student learning results" and yet, and it seems to be quite limited to that and yet over in the summary it makes mention of an implementation plan for essential programs and essential services and provides a general fund of Appropriation to the Board to support that work. Now, the two of those to me, don't seem to be consistent but perhaps they are. Could I pose a question through the Chair Mr. President to someone to clarify that for me please.

**THE PRESIDENT:** The Senator from Aroostook, Senator Kieffer poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Penobscot, Senator Cathcart.

Senator **CATHCART:** Mr. President, I would be glad to attempt to answer the question from the good Senator from Aroostook. The essential services study that is in this amendment is what was unanimously agreed to by the Joint Standing Committee Education and was referred to that way in the same language and I believe in our recommendations to the Appropriations Committee. This as I understand it, I was not in the 117th but as I understand it, this was already in the budget from the 117th but it was not funded and the State Board of Education was charged with doing this study which I believe they have slightly hummed away already. This is not a new study, it's been in the works for some time. Thank you Mr. President, I hope that answered the question.

**THE PRESIDENT:** Is the Senate ready for the question? The question before the Senate is the Adoption of House Amendment "HH" to Committee Amendment "A". The Chair will order a Division. The Chair recognizes the Senator from Cumberland, Senator Butland.

Senator **BUTLAND:** I request a Roll Call please.

On motion by Senator **BUTLAND** of Cumberland, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

**ROLL CALL**

**YEAS:** Senators: BENNETT, CAREY, CATHCART, CLEVELAND, DAGGETT, JENKINS, KILKELLY, LAFOUNTAIN, LONGLEY, MACKINNON, MICHAUD, MILLS, MITCHELL, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

**NAYS:** Senators: AMERO, BENOIT, BUTLAND, CASSIDY, FERGUSON, GOLDTHWAIT, HARRIMAN, KIEFFER, LIBBY

**EXCUSED:** Senators: ABROMSON, HALL

24 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 2 Senators being excused, House Amendment "HH" (H-75) to Committee Amendment "A" (H-15) **ADOPTED**, in concurrence.

House Amendment "JJ" (H-73) to Committee Amendment "A" (H-15) **READ**.

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator Amero.

Senator **AMERO:** Thank you Mr. President, ladies and gentlemen of the Senate. I'd like to have one of my colleagues please explain what the contents are of this amendment?

**THE PRESIDENT:** The Senator from Cumberland, Senator Amero poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Androscoggin, Senator Cleveland.

Senator **CLEVELAND:** Thank you Mr. President, men and women of the Senate. This amendment provides for tax relief for the citizens of the State of Maine, specifically for relief on income taxes. It does so in the following ways; It establishes a tax relief fund. That fund is capitalized, the money is provided for it in the following ways; Ten million dollars is provided by reductions in various accounts and departments from essentially surpluses of funds that are anticipated not to be needed. Those funds are enumerated within the amendment, they come from a variety of areas. Five million of that ten million is allocated for each of the two years of the fiscal year. Additionally the fund is further capitalized by funds that would come from surpluses after the fiscal year of 98' and the fiscal year of 99'. It requires that at a minimum the first ten million dollars of surplus would go into that fund after the end of each of those fiscal years, or if there is more than ten million dollars of surplus, then seventy-five percent of the total amount of surplus would go into those funds. But, I guarantee that if there is ten million dollars, at least ten million would go into the fund. Additionally what it does is cap the income tax projection lines for FY 98' at the projected rate by the administration and once they're projected they can't be changed, and then for FY 99' it does the same. Any additional income in the income tax line above those projections would go into this fund to fund income tax relief. The relief would come by

providing an increase in the individual exemptions in the current twenty-one hundred dollars up to the federal exemption, which is about twenty-five hundred dollars, and it would increase that at a rate of fifty dollar increments, so, every time there was enough money to increase that by fifty dollars, it would go up by another fifty dollars and it's also indexed as a federal exemption is so that inflation occurs that exemption continues to increase. It would provide tax relief directly and immediately in the first fiscal year by reducing the amount of taxes that needed to be paid by all income groups by increasing the amount of the personal exemption each family could take so it provides immediate and ongoing tax relief for the people of Maine.

**THE PRESIDENT:** Is the Senate ready for the question? The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Thank you Mr. President, men and women of the Senate. It appears to me from reading the amendment that the funding of the increase in the personal exemption. Because it comes only from either temporary funds or surplus funds, left over at the end of a fiscal year, but when you increase the personal exemption and thus reduce the tax to be realized from the income tax it would just appear to me that you're creating from year to year a built-in structural gap for a revenue shortage that is actually part of the structure of this proposal. And it is because there is no actual decrease in spending but only a plucking of stray funds from surpluses that are completely contingent. When you translate those occasional and stray surpluses into a permanent increase in the personal exemptions, and thus a permanent decrease in income taxes that you are building in a structural gap into the budget process that must be grappled with, even by this legislature, or the next. And for that reason I have very grave reservations about the mechanism that has been carpeted together in this amendment.

**THE PRESIDENT:** Is the Senate ready for the question? The Chair recognizes the Senator from Aroostook, Senator Kieffer.

Senator **KIEFFER:** Thank you Mr. President. Mr. President and members of the Senate. The first year portion of this seems to be funded for the most part by the appropriation of seven million dollars from the federal financial participation of providers specific gross receipts tax on nursing facilities. Has the State received confirmation from the federal government that that will not have to be repaid, or, exactly what is the current status on that. The last time I was made aware of this there was still some question as to whether that amount would have to be returned to the federal government. Is this an absolute amount now, free and clear of any repayment to the federal government.

**THE PRESIDENT:** The Senator from Aroostook, Senator Kieffer poses a question through the Chair to anyone who may be able to answer it. The Chair recognizes the Senator from Androscoggin, Senator Cleveland.

Senator **CLEVELAND:** Thank you Mr. President, men and women of the Senate. We have been advised by the administration that they feel very confident that those sums of money, about five million dollars, have been set aside for that possible payment. They feel very confident that that won't be required to be paid and that those funds will in actuality be excess. We have gone forward on the assurance of the

Senator CLEVELAND of Androscoggin moved to INDEFINITELY POSTPONE Senate Amendment "J" (S-38) to Committee Amendment "A" (H-15).

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

Senator CLEVELAND: Thank you Mr. President. I would ask the members of the Senate to support the indefinite postponement. What this amendment does is preempt the designation from any committee that has established work sessions for after the session to receive a per diem or expenses for the legislators for the time that they may attend those. A number of committees have been given additional responsibilities under our previous action, to do audit and program review functions, to do budget review functions, to look at significant amendments and rules, and to do other necessary work. It seems to me not inappropriate that if they're asked to be here, to take away from their own particular time and business, that it's not unfair to ask that at least they get a small per-diem and traveling expenses, particularly for the members who must come from long distances and travel a great deal, and perhaps even stay over night on some occasions, to stay here. I think it's a symbolic gesture and so I would ask that you would support the motion to indefinitely postpone.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Kieffer.

Senator KIEFFER: Thank you Mr. President ladies and gentlemen of the Senate. Certainly, I am very aware of traveling long distances and yet, I feel that with the time that we have and the flexibility that we have with this rapidly accelerated program that we are on, certainly, all of these different additional duties that have been assigned to the committees could very well be taken care of. This merely prohibits the legislature from becoming a year-round legislature and I think it is in our interest, as well as the interest of the children who are on these waiting lists for services, to use this money in that regard. Mr. President, when the vote is taken I ask for a Roll Call.

On motion by Senator KIEFFER of Aroostook, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

**ROLL CALL**

YEAS: Senators: CAREY, CATHCART, CLEVELAND, DAGGETT, GOLDTHWAIT, KILKELLY, LAFOUNTAIN, LONGLEY, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BUTLAND, CASSIDY, FERGUSON, HARRIMAN, KIEFFER, LIBBY, MILLS, MITCHELL, SMALL

ABSENT: Senators: JENKINS, MACKINNON

EXCUSED: Senator: HALL

19 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 2 Senators being absent and 1 Senator being excused, the motion by Senator CLEVELAND of Androscoggin to INDEFINITELY POSTPONE Senate Amendment "J" (S-38) to Committee Amendment "A" (H-15), PREVAILED.

THE PRESIDENT: The pending question before the Senate is ADOPTION of Committee Amendment "A" (H-15) As Amended. The Chair recognizes the Senator from Sagadahoc, Senator Small.

On motion by Senator SMALL of Sagadahoc Senate Amendment "O" (S-45) to Committee Amendment "A" (H-15) READ.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Small.

Senator SMALL: Thank you Mr. President men and women of the Senate. This is the amendment that I alluded to last evening when we passed the study on essential services. This amendment simply takes out the language that reads, "the Joint Standing Committee on Education and Cultural Affairs by June 30, 1997, shall report out a bill in which the schedule and process for studying the school funding formula is established", and my amendment would eliminate that. I ask you to vote to eliminate the study provision because it clearly usurps the committee role in determining the outcome of their deliberations. It also predetermines a conclusion of committee process that will, on its own accord, look into the funding formula. We have no choice but to do that since there are a number of bills before us that change or tinker with the formula that we will be hearing and voting on. If we agree, as a committee, that the formula works, under this proposal that's already in the budget, must we still study it? If we change the formula through one of the pending bills, must we still study the funding formula? We have had five studies, that I'm aware of, in the last decade and each time we have had a conclusion and then there is a call for another study. When will the legislature stop hiding behind studies rather than face the fact that we underfund GPA? Some legislators signed a pact to vote against the budget if it didn't contain a 5% increase for GPA. I guess I'm not willing to be forced into yet another study to placate their constituencies who are upset because they didn't get the increase that we would all love to have the money to fund. 2 sessions ago we had the study to end all studies; this was to be the answer, the end, the final solution. Indeed, the Chair of the Education Committee, now Speaker Mitchell, promised her committee, if we would just put the formula out to an impartial group of citizens appointed by the Senate President, the Speaker of the House and the Governor, we would not have to deal with.

**THE PRESIDENT:** The Senator will defer. During debate it is inappropriate to speak to actions of another Body or of a Committee, only the actions of this Body.

Senator **SMALL:** Thank you Mr. President. I was just trying to let the Senate know that there have been studies done in the past. We have done studies, and if I may speak to the fact that just 3 years ago we did vote, as the Senate and the House and the other Body, to fund yet another study and that was the Rosser Commission. We did that and it came back as a Report. We passed legislation implementing the recommendations and now, 2 years later, we are being told we must have another study. I am not going to vote for a conclusion before the committee has even examined the issue. A vote against this amendment is a vote for another study of the funding formula, before the committee has even had a chance to deliberate on that issue. Mr. President, I request the yeas and nays.

On motion by Senator **SMALL** of Sagadahoc, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

Senator **CLEVELAND** of Androscoggin moved to **INDEFINITELY POSTPONE** Senate Amendment "O" (S-45) to Committee Amendment "A" (H-15).

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

Senator **CLEVELAND:** Thank you Mr. President. As the men and women of the Senate are aware, this original amendment to the budget has already been changed and so it separates the essential study services and funds that essential study service at the requested \$75,000 level. The other piece simply asks and directs the Education Committee to report out a bill regarding a scheduled process for studying the school funding formula. I would remind members of the Senate not to read more into that than you should. It does not require the committee to report out any particular report. The report can be as brief or as limited as the committee thinks it deserves, regarding that circumstance and it provides a huge latitude for the committee's jurisdiction to report out a bill that it thinks is appropriate in regards to this review of the funding formula. And, I trust that the Education Committee, in their good judgment, will report out the appropriate kind of legislation that's needed for this subject.

**THE PRESIDENT:** The Chair recognizes the Senator from Sagadahoc, Senator Small.

Senator **SMALL:** Mr. President, I'd like to pose a question through the Chair.

**THE PRESIDENT:** The Senator may pose her question.

Senator **SMALL:** To anyone who'd like to answer; if the language says, "Shall report out a bill in which a schedule and process for studying the school funding formula is established", is in the law and the committee unanimously votes not to do that, are we in violation of this language in the budget?

**THE PRESIDENT:** The Senator from Sagadahoc, Senator Small poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Penobscot, Senator Michaud.

Senator **MICHAUD:** Thank you Mr. President, men and women of the Senate. The answer would be yes, like the legislature has been in violation of other laws when we set deadlines to make reports and we do not meet those deadlines.

**THE PRESIDENT:** The Chair recognizes the Senator from Sagadahoc, Senator Small.

Senator **SMALL:** Thank you Mr. President, men and women of the Senate. I apologize for rising a third time. But, if we would be in violation, but it's okay to be in violation, than perhaps it would be prudent not to put this in, in the first place and to allow the committee to make that determination when they deal with the onslaught of bills that we have pending before us to change or to study the funding formula.

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

Senator **CATHCART:** Thank you Mr. President, men and women of the Senate. I rise to ask you to vote for Indefinite Postponement of Senate Amendment "O" (S-45). While Senator Small, the good Senator from Sagadahoc and I certainly agree on paragraph one of this amendment, we have already dealt with that issue in House Amendment "HH", which does restore the essential services study to be done by the State Board of Education. As to paragraph 2, in that same amendment, I am one member of the Education Committee who believes that further study of the school funding formula would be beneficial to the schools in our State. And, I believe that giving this power to the Joint Standing Committee on Education is the right way to go and that's why I supported that amendment. I think that gives us the leeway. In the committee of jurisdiction, to decide how this study should be handled. Thank you Mr. President.

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

Senator **CLEVELAND:** Thank you Mr. President. I'd also, men and women of the Senate, would like to remind you that that amendment does not direct members of the Education Committee to vote in any particular way for that study. All of us are free to vote in any way we want on a committee report that comes out. And, so that any member could choose not to support the recommendation of the Education Committee if that's not what they think ought to be reported out. Secondly; it has to come back to vote for ratification and each one of us are free to vote any way we wish, on that report, this will allow us to go forward. So, I think there's plenty of opportunity to draft it exactly the way people think it ought to be appropriately done and doesn't pre-determine any particular outcome at this point.

On motion by Senator **SMALL** of Sagadahoc, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

**ROLL CALL**

**YEAS:** Senators: CAREY, CATHCART, CLEVELAND, DAGGETT, KILKELLY, LAFOUNTAIN, LONGLEY, MICHAUD, MURRAY, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

**NAYS:** Senators: ABROMSON, AMERO, BENNETT, BENOIT, BUTLAND, CASSIDY, FERGUSON, GOLDTHWAIT, HARRIMAN, KIEFFER, LIBBY, MILLS, MITCHELL, NUTTING, SMALL

**ABSENT:** Senators: JENKINS, MACKINNON

**EXCUSED:** Senator: HALL

17 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 2 Senators being absent and 1 Senator being excused, the motion by Senator CLEVELAND of Androscoggin to INDEFINITELY POSTPONE Senate Amendment "O" (S-45) to Committee Amendment "A" (H-15), PREVAILED.

**THE PRESIDENT:** The pending question before the Senate is ADOPTION of Committee Amendment "A" (H-15) As Amended. The Chair recognizes the Senator from Oxford, Senator Bennett.

On motion by Senator BENNETT of Oxford Senate Amendment "H" (S-36) to Committee Amendment "A" (H-15) READ.

**THE PRESIDENT:** The Chair recognizes the Senator from Oxford, Senator Bennett.

Senator BENNETT: Thank you Mr. President fellow members of the Senate. I rise to offer this amendment, essentially as an outgrowth of a question, a simple question I asked the Chancellor of the University of Maine System, when he was before the Committee of Appropriations and Financial Affairs discussing a work session, the issue of research and development money, and the issue of funding for the essential charge of the University of Maine System which is the education of people of the post-secondary environment in Maine. As we all know, there is up to \$3 million in research and development money appropriated in this budget to the University of Maine System. I asked, when this idea came before the Committee of Appropriations, I asked specifically, the Chancellor, "Which would you prefer, given that we're living of a time of tight budgetary constraints, which would you prefer? Would you prefer to get funding at the 3% and 3% level that was recommended by the policy committee involved or would you prefer to get the research and development money, which at the time, under consideration, was \$12 million?" Notwithstanding the amount, the Chancellor said, "Without question, I want to make sure we get maximum funding, preferably the 3 and 3 level for the University of Maine System, because that's what helps keep tuition down and that's what we're here to do and that's

what our essential mission is." So, with that in mind, I'm offering this amendment which would allow the University of Maine System to get close to the 3% and 3% level by following the very desires of the University of Maine System leadership itself by deappropriating the money for research and development and putting it toward the University of Maine System and the Technical College System so that they can fulfill the basic charge. I ask for your support on this and I request the yeas and nays when the vote is taken.

Senator MICHAUD of Penobscot moved to INDEFINITELY POSTPONE Senate Amendment "H" (S-36) to Committee Amendment "A" (H-15).

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

Senator MICHAUD: Thank you Mr. President, men and women of the Senate. It is true, when we did have the \$12 million for research and development and we did ask the Chancellor, the question was posed to him, whether he'd rather have it in research and development or for the University System? He did state that he would much rather have it for the University System, but in either case, he's not getting \$12 million extra, he's getting the 2 and 3% plus \$3 million in the second year for research and development. However, I might add, out of that \$3 million, \$2 million of that is from lapsed balances that would go from 1998, if the money's available. There's only one million dollars really, that they can account for so I would move INDEFINITE POSTPONEMENT and request a Roll Call on Indefinite Postponement. Thank you.

On further motion by same Senator, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

**THE PRESIDENT:** A Roll Call has been ordered. The Chair recognizes the Senator from Penobscot, Senator Ruhlin.

Senator RUHLIN: Thank you Mr. President, ladies and gentlemen of the Senate. This is an amendment that I, in a way, would like to see a part of it happen, if only it could be the first half. I would love to give additional support to post-secondary education to the State of Maine, especially through the University of Maine System. We were not able to come up with a full 3 and 3. I appreciated the attempt to at least try to move us closer to that 3 and 3, however, it's where it comes from. When you invest in a normal post-secondary education at the University System the economists tell us, for every 1 in, you get 1.53 back. When you invest in research and development you get four back, so they make that easy for you. When you put in every \$10 million that you invest in research and development because of federal grants, because of private corporate matching funds and so forth, you get 40, \$40 million back. \$40 million to grow your economy, and if you grow your economy by \$40 million, then obviously, you're going to have more money in the immediate future to give the University of Maine the proper funding that it deserves, it so much needs. So, let us concentrate this morning, in dealing with this budget, on how to grow our economy so that we can better afford the services that our citizens need, so that we can better afford to give our children the education that they need. Don't take it away from the one item, in that budget, that has the highest potential