

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Eighth Legislature

State of Maine

Daily Edition

First Regular Session
beginning December 7, 2016

beginning at Page 1

4 Senators having voted in the affirmative and 31 Senators having voted in the negative, and 4 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

The Secretary has so informed the Speaker of the House of Representatives.

Senate at Ease.

The Senate was called to order by the President.

Out of order and under suspension of the Rules, the Senate considered the following:

REPORTS OF COMMITTEES

House

Divided Report

Six members of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on 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, 2018 and June 30, 2019" (EMERGENCY)

H.P. 281 L.D. 390

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-473)**.

Signed:

Senator:
BREEN of Cumberland

Representatives:
GATTINE of Westbrook
FREY of Bangor
HUBBELL of Bar Harbor
JORGENSEN of Portland
TEPLER of Topsham

Four members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-474)**.

Signed:

Representatives:
SEAVEY of Kennebunkport
SIROCKI of Scarborough
TIMBERLAKE of Turner
WINSOR of Norway

Two members of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "C" (H-475)**.

Signed:

Senators:
HAMPER of Oxford
KATZ of Kennebec

One member of the same Committee on the same subject reported in Report "D" that the same **Ought Not to Pass**.

Signed:

Representative:
MARTIN of Eagle Lake

Comes from the House with Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-473) READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-473)**.

Reports **READ**.

Senator **HAMPER** of Oxford moved the Senate **ACCEPT** Report "C" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "C" (H-475)**, in **NON-CONCURRENCE**.

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

Senator **HAMPER:** Thank you, Mr. President. Mr. President, I have served in both Chambers now, 13 years, and I've never witnessed a greater divide between parties, between Chambers, between caucuses as I've experienced here in the 128th Legislature, and here we are, at the 11th hour, finally deciding on the biennial budget. The process began as all budgets do, and actually a little ahead of schedule. We had 96 hours of public hearings. The respective policy committees received their portion of the budget and went to work, and when the reports started coming back to the AFA Committee they are received and the divide became very apparent. We received divided report after divided report, demonstrating the legislative inability to come up to any agreement. So that was what Appropriations had to work with and, with that, is it any wonder what we have before us today is a four way report. We could not come to an agreement either. Merriam Webster defines compromise this way: a settlement of differences by attrition, by consent reached by mutual concessions, and also as something intermediate between blending two qualities of two different things. So with this divisive situation before us, the Senator from Kennebec, Senator Katz, and myself endeavored to offer a compromise budget. That is Report "C", the Senate Republican budget. When we took the vote last Saturday morning at 2:15 a.m. I explained that what we were offering was something that might be able to bring us all together, the Legislature, bringing us all together and fulfill our responsibility to pass a budget. Our compromise budget is before you today.

We listened to the charge given to us last November and this budget funds education at the 55% level in the second year, but our proposal does not raise taxes and the school funding is done

within existing resources and included are significant educational reforms that will help direct additional monies into the classroom. There are also measures in this to deal with county jails and the indigent legal system and, for the sake of time, I will not go into the details of everything contained in the 600 page document. There's plenty in this budget to hate and there is plenty to like all at the same time. This is offered in the spirit of compromise, knowing full well that in these times of great division no one will get exactly what they want and, after all, isn't that what compromise is all about. Thank you, Mr. President.

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

Senator **BREEN:** Thank you very much, Mr. President. I rise today to speak about how we got to where we are today, voting on this particular bill, this report, and where I hope we can go from here. First, I want to thank the Senator from Oxford, Senator Hamper, and the Senator from Kennebec, Senator Katz, for their efforts in the Appropriations and Financial Affairs Committee. It's been my distinct pleasure to work with them.

The budget process began in January when the Chief Executive introduced his biennial spending plan to our committee. Several weeks of public hearings on that proposal ensued. Our committee then engaged with each policy committee, hearing their recommendations on the Chief Executive's proposal, which also included a variety of new suggestions from those committees regarding that same plan. More often than not my fellow Appropriators and I voted unanimously on individual budget lines. Today I'm happy to report that we have reached agreement on nearly all of the biennial budget. What remains are disagreements about education funding and a handful of other issues which, despite valiant efforts from all corners, consensus has been allusive. The four caucuses have made proposals and counter-proposals. Each group has made hearty demands and reasonable concessions. These disagreements are real, and I'm not going to try to paper them over. But they are surmountable. We can resolve the discrepancies and create a responsible budget, one that works within our means, respects the will of the voters, meets our obligation to public schools, and is palatable, which is all we can get, to two-thirds of our Legislature.

Mr. President, ladies and gentlemen of the Senate, I regret that we have not yet arrived at consensus, but I know that we are close, thanks in no small part to the hard work of the men and women who I'm honored to call colleagues in the Appropriations Committee. Here's one thing I know for sure about every one of those members: each one of us cares deeply about public education and each one of us wants a responsible State budget. The budget before us today is not the one I supported in committee. No surprise there. The report before us includes several provisions that my caucus and I don't support. However, I will be voting in favor of the motion before us. We know that the presiding officers of this Legislature will appoint a Committee of Conference to resolve the remaining disagreements so we can close the budget before the current budget expires at the end of this month. I will vote for this motion because I know it's the only way for me to finish the job I started in the Appropriations Committee five months ago. The hardworking members of my committee worked together to bring this budget to the five yard line and I genuinely hope to have the opportunity to carry the ball into the end zone. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Chenette.

Senator **CHENETTE:** Mr. President, I present Senate Amendment "A" to Committee Amendment "C" and move its.

THE PRESIDENT: The Chair would request that the Senator defer. This is not the appropriate time to offer any amendments. We must first accept the report.

On motion by Senator **HAMPER** of Oxford, Report "**C**" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "C" (H-475) ACCEPTED**, in **NON-CONCURRENCE**.

Bill **READ ONCE**.

Committee Amendment "C" (H-475) **READ** and **ADOPTED**.

Under suspension of the Rules, Bill **READ A SECOND TIME**.

Senate at Ease.

The Senate was called to order by the President.

On motion by Senator **LIBBY** of Androscoggin, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "C" (H-475).

Senate at Ease.

The Senate was called to order by the President.

On motion by Senator **JACKSON** of Aroostook, the Senate **RECONSIDERED** whereby it **ACCEPTED** Report "**C**" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "C" (H-475)**, in **NON-CONCURRENCE**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#286)

YEAS: Senators: BRAKEY, BREEN, COLLINS, CUSHING, CYRWAY, DAVIS, DOW, HAMPER, KATZ, KEIM, LANGLEY, MAKER, MASON, ROSEN, SAVIELLO, VOLK, WHITTEMORE, WOODSOME, PRESIDENT THIBODEAU

NAYS: Senators: BELLOWS, CARPENTER, CARSON, CHENETTE, CHIPMAN, DESCHAMBAULT, DIAMOND, DILL, DION, GRATWICK, HILL, JACKSON, LIBBY, MILLETT, MIRAMANT, VITELLI

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, Report "**C**" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "C" (H-475) ACCEPTED**, in **NON-CONCURRENCE**.

Bill **READ ONCE**.

Committee Amendment "C" (H-475) **READ**.

On motion by Senator **CHENETTE** of York, Senate Amendment "A" (S-253) to Committee Amendment "C" (H-475) **READ**.

Senator **CUSHING** of Penobscot moved to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-253) to Committee Amendment "C" (H-475).

On motion by Senator **LIBBY** of Androscoggin, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Chenette.

Senator **CHENETTE:** Thank you, Mr. President. Ladies and gentlemen of the Senate, when voters approved Question 2 in November it was the second time the people of this state had affirmed what has become the basic premise of the State's commitment to local schools, that the State would fund its fair share of the cost of local education using State income and sales tax revenues to ensure a good quality education for every child in Maine. That promise was placed into Maine law by voters more than a decade ago and solidified again in November. Mr. President, as we all know, the State has never made good on its promise to Maine's public schools and year after year, Legislature after Legislature, we have the same conversation about education funding. We tell our local districts, "Gee, I wish we could fully fund schools but we just can't find the money." We pass a law every biennium to give ourselves some wiggle room, to shirk our responsibility to Maine students, and we simply kick the can down the road for another two years and another election cycle. Voters in November said enough. If we, in the Legislature, had such a hard time finding the funding for our public schools the people would do it for us. They approved the surcharge, a small and reasonable tax increase on the very highest earners of our state, to fund the schools. This surcharge creates a sustainable and renewable stream of revenue to help the State meet its obligation to public schools. It guarantees that funding will be available now and into the future so that maybe the Legislature won't have a hard time coming up with resources for the classroom every two years. When Question 2 passed, this surcharge became the law of the land. The current report before us repeals it entirely. What is the effect of the repeal? Well, the most recent revenue report suggests that the surcharge would bring in roughly \$320 million over the next two years. That money will go directly into a fund solely to direct the support of student learning in public schools. It cannot be swept aside for other expenses. That is \$320 million

that was scheduled to be sent to Maine schools by virtue of a law passed by Maine people. This repeals the surcharge and replaces the funding slated for Maine public schools by a one-time appropriation of roughly \$110 million paid partly by a reduction in property tax relief that will directly contribute to higher taxes for Maine homeowners and small businesses. So at the end of the day, if this budget were to become law, what would Mainers be left with? The top 2% of earners, those with taxable income over \$200,000, will be happy to see their taxes lowered. But what is the cost of that tax cut for the wealthiest Mainers? Well, if their children attend public schools, they will suffer the same effects as the rest of us. Less education funding, specifically \$210 million less in State spending for schools that voters approved in November. Those top earners probably own homes and, like the rest of us, they'll see less property tax relief, not more. Specifically, a cut to the Homestead Property Tax Exemption, one of the best property tax relief programs in our state.

So this amendment will restore the surcharge, providing \$320 million for education and creating a lasting mechanism for the State to meet its obligation to public schools that have been underfunded for far too long. But equally important, Mr. President, it tells the people of Maine that their voices matter, that the Legislature will not treat the outcome of a fair and free election as a mere suggestion, but will respect it as a powerful expression of democracy as it should be. What does it mean for a democracy when a small group of politicians, government, can simply cherry-pick which election mandates they implement or all-out ignore election results entirely?

THE PRESIDENT: Senator, if you could hold your comments to the matter which is before us, which is your amendment.

Senator **CHENETTE:** And I'm talking about what would happen if we don't pass this amendment. What the message we're sending to voters is.

THE PRESIDENT: We're talking about the content of the amendment, sir.

Senator **CHENETTE:** And we are talking about the content when we are not listening to Maine voters, Mr. President. It's a dangerous path to give government that much power. So why betray the will of the

THE PRESIDENT: The Senator will defer. Would leadership approach the rostrum as well as Senator Chenette.

Senate at Ease.

The Senate was called to order by the President.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Chenette.

Senator **CHENETTE:** I'm going to read to you the question that was presented to voters that was heard repeatedly that voters didn't understand what they were voting on. Do you want to add

a 3% tax on individual Maine taxable income above \$200,000 to create a State fund that would provide direct support for student learning in Kindergarten through 12th grade public education? What part of that was hard to understand, Mr. President? What part of that was difficult or confusing? Three hundred and eighty-three thousand Mainers seemed to understand it just fine. That's over 50% of a majority. That was a clear mandate from the people. This amendment is truly groundbreaking. Let me tell you why. It takes legitimate election results and abides by them. I think we should do the same.

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

Senator **DIAMOND:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I cannot support this amendment because it does not address the issues of the small business which has been addressed in other legislation. This does not address that. This amendment just does a straight 3%, but the concern - my concern - with this amendment is that it does not recognize that the threshold is so small that business people can reach the \$200,000 very, very easily and, all of a sudden, they are in a category that suggests they're earning a lot of money when in fact they may be earning 25% of that. So that's a concern of the 11,000 or so small businesses that need to be remembered and so I cannot support this amendment because that issue has been left out, even though there is legislation, which I won't speak about, available. Thank you, Mr. President.

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

Senator **BRAKEY:** Thank you, Mr. President. I'm rising in support of the Indefinite Postponement of this amendment. You know, I spoke to - I've spoken to many folks in my district who voted for Question 2, which passed by a very slim margin. The no side was well over 49%. The yes side was barely over 50%. But I've spoken to those constituents who have voted for it and I asked the question, because there are two components of that question, more money for education and higher taxes on high income earners and Maine small businesses. When I asked them the question: did you vote yes because you wanted more money for education or because you wanted higher taxes on Maine people and small businesses? Nearly every time people tell me they wanted more money for education and the report that this Body just passed does exactly that. It puts \$100 million of new funding towards education; brings us up to 55% that, as both parties have been control over the last several decades, both parties have failed to get to. This is a tremendous accomplishment. We should be celebrating the fact that we can do this within existing resources, without needing to establish the highest income tax rates in the country on Maine people and small businesses, driving more Maine people to states like New Hampshire and Florida. The fact that we can do this without putting such a crushing tax rate on Maine people, that's something we should celebrate. Thank you very much.

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

Senator **CUSHING:** Thank you, Mr. President. Mr. President, I would wish to pose a question to whomever may answer through the Chair.

THE PRESIDENT: The Senator may proceed.

Senator **CUSHING:** Does the underlying bill before us, with the amendments that have been accepted so far, provide the funding to the State approved level of 55%, at least in the second year?

THE PRESIDENT: The Chair recognizes anyone who wishes to respond to the Senator's question. The Chair recognizes the Senator from Lincoln, Senator Dow.

Senator **DOW:** This is going to be an unusual answer to the question and I cannot support the amendment even though twice it's been voted for, supposedly, funding 55%. I want to know 55% of what? I think we're stuck here today on this issue because we haven't been truthful with the people of the State of Maine for decades. We've refused to talk about the real issues of our school funding. Some of those issues have to do with a vastly declining school population. Now I can't help it, I'm part geek or nerd or whatever. I sit at home at night and look up statistics and numbers. I'm an old school teacher too. I looked at the population, the school populations, of the State of Maine, K-12. We reached our peak in 1972, when we had 251,000 K-12 students. From then it began to decline and it has declined today so that our student population is now under 177,000. That includes some now pre-K students in the numbers as well. We've lost about 75,000 students, 30% of our student population in 45 years. I've asked myself where have they gone and where have they disappeared from the most. I don't have all the answers, but I know that the population in Maine is stagnant, which is horrible for the economy. Just horrible to have a population go backwards. I know that many families have left the State of Maine and taken their kids with them. It isn't just that the population is growing older, we haven't replaced our students. Then I look at portions of the state - and I'm sorry to have to step on some of your toes because I'm going to talk about parts of the state that aren't my district, but I used to watch a lot of basketball and the only basketball tournaments you could watch were Eastern Maine tournaments and I grew up with them, and I grew up watching all these Class A basketball tournaments from the time I was young and my father, having been from Presque Isle.

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

Senator **BREEN:** Mr. President, there's nobody in this Chamber who enjoys the oratory of Senator Dow more than I do, but I just want to make sure he is not impugning the districts of anyone else in the Chamber and that he's speaking to the motion before us. Thank you, Mr. Chair.

THE PRESIDENT: I will - the Chair would suggest that he doesn't believe that anybody's impugning anybody but he would encourage Senator Dow to narrow his focus towards the question that's before the Senate.

Senator **DOW:** I'd like to say there's no schools north of Bangor any more that are Class A and there's a lot south of Bangor that aren't either that used to be. We've developed, somehow,

policies in this state that have benefited a certain part of the state but they haven't worked for a great deal. So I can't vote for this amendment because I think we need a heck of a lot of educational reform in this state before we can address some of the major funding and I think the biggest reform we have to do is the economy also. It's nothing to do with this subject, so I will end my discussion. But I can't support this amendment because of such a large declining school population and I thank you.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Bellows.

Senator **BELLOWS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I will be supporting the pending motion - excuse me, I will be opposing the pending motion and supporting this amendment to uphold the will of the voters and I think the voters were unified. It's not a question of education versus taxes. The issue is for every dollar that we, at the State level, fail to fund in education our local property taxes continue to soar, and that puts our tax mix in our state further and further out of balance. The income tax, which rises and falls along with ability to pay, is the only truly progressive tax in our state and it has been cut and cut. The property tax is assessed regardless of ability to pay, and if a senior enters into retirement their income is fixed and their property tax rate grows and grows, and every dollar that we have not sent to education has contributed to the growing property tax burden. So I'll be voting against the pending motion and in favor of this amendment because I heard from thousands of voters in my district that were concerned about rising property taxes. They wanted to see adequate funding for local schools. They didn't want to see us growing our Rainy Day Fund and cutting taxes for the wealthiest people in our state at the expense of property taxes.

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

Senator **MILLETT:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I was not planning on rising but, first of all, there was a question posed earlier around 55% being met. I would rise to say that, in my view, that is not the case. There is a dispute before us as to whether we are meeting the will of the voters, several times over. With legislation, by using certain budget gimmicks certainly it can appear that we're meeting 55%. I do not believe in that approach. I do not believe it respects the will of the voters and I do not believe it will provide the property tax relief that people have asked for over and over. In addition, there were some comments made about how our education is in so desperate need of reform and the first point that was made is that there is declining school population in our state. That is, indeed, the case. I would like to share with all of you that I have spent way too many years of my life staring and working and massaging the essential programs and services funding model and the allocation methodologies since I served on the school board in my district. It certainly has been a frustration of mine and of my constituents and I believe the constituents across the State of Maine. What I have discovered, after all of these years of studying and researching and, indeed, serving on a review commission as a State Senator, and, I would add, the individual who is responsible for receiving the nearly half a million dollar analysis from the Picus Study authorized by the 125th, is that we have a model that leads in the nation and is studied by

others from state across state. So this model actually deals with declining population and incorporates student numbers. It's how we allocate our State funds and there is great disagreement as well, Mr. President, as to whether our policies benefit certain parts of the State, and I would say simply - and I could spend hours, and I know you really don't want me to, about the ins and outs of this funding formula - but I would pose this to you. This is something I remembered when I was on the school board. If everyone is little bit grumpy then maybe we're doing something right. I pretty much can tell you that nobody in my district likes the funding formula. Nobody in rural Maine likes the funding formula. Nobody in the cities likes the funding formula. Everybody has a gripe. Nobody feels as if they're being treated fairly. But, again, I will say we had a half a million dollar study by the Picus Company. We had a commission that reviewed it and in the end we said, "Well, we're actually measuring the cost of education just fine, but what we're not doing is putting in the State funds to meet the 55%." Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Davis.

Senator **DAVIS:** Thank you, Mr. President. As I just sent the note to you, I promise to be very brief. When I learned of this referendum last year I had a fear of it. I felt that it wouldn't work and it would bring some results that were not good. It took me back to, oh probably, two decades ago when a gentleman in Greenville, Maine that I knew well inherited a huge amount of money and he moved. I asked him, I knew him well, as I said, I asked him, "Why are you moving?" He said, "Because the Maine Legislature isn't going to spend my inheritance." That's exactly what he told me and he moved to New Hampshire where none of this stuff happens. Last fall, or maybe two years ago, my wife and I learned that she had cancer and the doctor that found the cancer in her was a brilliant young man. The kind of person we need in this state and I know that he probably made more than \$200,000 a year. Shortly before the referendum vote last fall I was having a conversation with him and he told me, he said, "You know, I've been thinking about leaving anyway." He said, "If this referendum passed I probably will." Well, I learned last week that he's gone, and this is just a story that's going to be repeated over and over and over and over with this law that's been put into place. If we think that we can find the road to prosperity by punishing the successful and soaking the rich, we're headed down the wrong road, Mr. President. Thank you.

THE PRESIDENT: The pending question before the Senate is Indefinite Postponement of Senate Paper 253. If you are in favor of Indefinite Postponement you will be voting yes. If you are opposed you will be voting no. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#287)

YEAS: Senators: BRAKEY, CARPENTER, COLLINS, CUSHING, CYRWAY, DAVIS, DIAMOND, DOW, HAMPER, HILL, KATZ, KEIM, LANGLEY, MAKER, MASON, ROSEN, SAVIELLO, VOLK, WHITTEMORE, WOODSOME, PRESIDENT THIBODEAU

NAYS: Senators: BELLOWS, BREEN, CARSON, CHENETTE, CHIPMAN, DESCHAMBAULT, DILL, DION, GRATWICK, JACKSON, LIBBY, MILLETT, MIRAMANT, VITELLI

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **CUSHING** of Penobscot to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-253) to Committee Amendment "C" (H-475) **PREVAILED**.

On motion by Senator **VITELLI** of Sagadahoc, Senate Amendment "B" (S-255) to Committee Amendment "C" (H-475) **READ**.

THE PRESIDENT: The Senator may proceed.

Senator **VITELLI**: Thank you, Mr. President. This amendment is designed to protect property tax relief efforts from cuts proposed in the budget that is before us today. Ladies and gentlemen of the Senate, those of you who were here in the previous Legislature will remember the part of the current budget included a two-step increase in the Homestead Property Tax Exemption. This program shields a portion of a Mainer's property value from the property tax, providing direct relief and putting money back in Mainer's pockets. Municipalities are reimbursed for a portion of the value of the exemption so that local services don't have to take the hit for relief provided to homeowners and small businesses. The current exemption is \$15,000. Thanks to the hard work of the 127th Maine Legislature, that exemption is scheduled to increase to \$20,000 this year - next year. The reimbursement to municipalities is scheduled to increase from the current level of 50% to 62.5%. I want to be clear to the people here in the Chamber today, and anyone listening at home, these increases are current law. This additional property tax relief requires no action in the Legislature. However, the report before us today repeals the scheduled expansion of the Homestead Exemption, effectively cutting next year's relief by 25%. It also retains the current 50% reimbursement to municipalities. Make no mistake, this provision will cause property tax bills in Maine to be bigger next year than they would have been without this budget line in place. The amendment I present today protects the current law and the expanded Homestead Exemption fought for and won by the previous Legislature. Men and women of the Senate, I don't need to tell you how desperately our constituents are crying out for property tax relief. All of us who have spent time in our districts, and I met with select boards in over half of my towns, know that homeowners and small businesses have been asked to foot more and more of the bill for schools and for local services thanks to the State's habit of underfunding revenue sharing and State subsidy for education. Property tax hikes in recent years have put a burden on Maine families and made it harder for some of the most economically vulnerable people,

including seniors, to stay in their homes. In a budget situation where the State faces surplus revenues, not shortfalls, I cannot see my way to cutting proven property tax relief programs such as the Homestead Exemption. I ask you to join me in supporting this amendment and helping to ease the burden of property tax payers, on your constituents and mine. Thank you very much.

Senator **CUSHING** of Penobscot moved to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-255) to Committee Amendment "C" (H-475).

On motion by Senator **LIBBY** of Androscoggin, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#288)

YEAS: Senators: BRAKEY, COLLINS, CUSHING, CYRWAY, DAVIS, DOW, HAMPER, KATZ, KEIM, LANGLEY, MAKER, MASON, ROSEN, SAVIELLO, VOLK, WHITTEMORE, WOODSOME, PRESIDENT THIBODEAU

NAYS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, DESCHAMBAULT, DIAMOND, DILL, DION, GRATWICK, HILL, JACKSON, LIBBY, MILLETT, MIRAMANT, VITELLI

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **CUSHING** of Penobscot to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-255) to Committee Amendment "C" (H-475) **PREVAILED**.

On motion by Senator **MILLETT** of Cumberland, Senate Amendment "C" (S-261) to Committee Amendment "C" (H-475) **READ**.

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

Senator **MILLETT**: Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I am rising with disappointment in my heart that we are having this debate around public education in the State of Maine. I do believe we all care very deeply about our schools and our students, but somehow things have derailed beyond what I could ever have imagined and I am putting forward this amendment, first of all, to reject the gimmicks - the budget gimmicks - that were proposed to make it look as if we're meeting 55%, but in actually do not result in any of those funds going into our classrooms. The Maine Municipal Association, in a June 2nd bulletin, states very clearly, "To redefine the 55% State share standard in a way that is entirely repugnant to the 55% requirement adopted in expressed detail no fewer than three times since 1984." Since coming to this Chamber with hope in my heart that we could get the State to fund 55%, I have been fighting every year to do that in the

biennial budget and the supplemental budget in the second, the short session, and, try as hard as we can, we have never gotten to that 55%. Whether we agree with the surcharge or not, there was a referendum that was passed that said we, the State - our citizens want us to fund 55% of our classroom and I thought for once we were going to get there; for once we were going to meet the will of the voters.

This amendment gets us back to that interpretation and respects that. But it does other things as well. It removes from the report that we are going to be passing from this Chamber, I'm sure, very soon sections that the committee, the Education Committee, rejected this very session - voted on and rejected - and it removes sections from the report that the Education Committee has not even received - was not allowed to have it go through a public vetting process, did not receive any public comments or committee review. The items that I'm discussing are things such as the erosion of our laptop program that has become so essential to our middle school students. It addresses an attempt to open statewide school choice at the high school level. You could be in Northern Maine and if you want to go to a school in Southern Maine so be it. It includes language that we actually unanimously voted on in support of in committee. So I'm really unclear as to why that should be required in our budget. It removes a proposal to require local districts to pay remedial costs for any of its students that graduate and go on to a higher education institution. It removes language that infringes on local control and how it spends its education funding. Something very dear and close to my heart, the fact that we recognize the hard work of those teachers that engage for a significant period of their personal time to be certified nationally. My amendment would restore our recognition of their hard work. There's much more in here and I know that we've been going on for a long time, but I would just say I hope that you will support - well oppose the pending motion - and actually support my amendment which, I think, reflects the way public education should be acknowledged. Thank you, Mr. President.

Senator **CUSHING** of Penobscot moved to **INDEFINITELY POSTPONE** Senate Amendment "C" (S-261) to Committee Amendment "C" (H-475).

On motion by Senator **LIBBY** of Androscoggin, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#289)

YEAS: Senators: BRAKEY, COLLINS, CUSHING, CYRWAY, DAVIS, DOW, HAMPER, KATZ, KEIM, LANGLEY, MAKER, MASON, ROSEN, SAVIELLO, VOLK, WHITTEMORE, WOODSOME, PRESIDENT THIBODEAU

NAYS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, DESCHAMBAULT, DIAMOND, DILL, DION, GRATWICK, HILL, JACKSON, LIBBY, MILLETT, MIRAMANT, VITELLI

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **CUSHING** of Penobscot to **INDEFINITELY POSTPONE** Senate Amendment "C" (S-261) to Committee Amendment "C" (H-475) **PREVAILED**.

THE PRESIDENT: Is it now the pleasure of the Senate to Adopt Committee Amendment "C"? The Chair recognizes the Senator from Aroostook, Senator Jackson.

Senator **JACKSON:** Thank you, Mr. President. Request to speak to the motion.

THE PRESIDENT: The Senator may proceed.

Senator **JACKSON:** Can leadership approach?

Senate at Ease.

The Senate was called to order by the President.

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

Senator **JACKSON:** Thank you, Mr. President. I appreciate, and ladies and gentlemen of the Senate, I definitely don't like to cause discontent in this Chamber. I certainly appreciate everyone in here and what their opinions are on this matter, on this budget, and what an important issue it is that we're dealing with. I think it's just a fundamental disagreement on a lot of issues and I can certainly respect that and I can certainly continue to work with people that fundamentally do disagree with me. I value that and appreciate it. I think that for someone like myself, I'm looking at this. It's been stated today we did have a referendum. We did have an election in November. In my area, the Presidential election didn't go the way I wanted. I had a Congressional election that didn't go the way I wanted. But this referendum that we're talking about today did pass and while I didn't get the results I wanted in the Presidential and Congressional election, I have to respect them and I have. Even though I fundamentally disagree with the President on numerous things, I realize that he's my President. I realize that there's things that he's done that I do like and there's a whole bunch of things that he's done that I don't like. But that was the results of the election and this referendum was the results of the election too. Many of us may not like the results. I'm not sure that I like all the results of it, but I do believe that this is what the people voted on and that is what I am supporting here. The reason why I believe that it is so important, why the people probably voted for this and some people have said they didn't really want what was put forward, and that may be correct, but the reason why I believe so strongly that something in this realm has to happen is because I do believe, consistently across this State, that people have been

upset at the fact of education funding, have been upset with the fact of rising property taxes. We had a number of budget forums, I believe 25, across this State. Some people thought that that wasn't a very good idea, but, for myself, it really brought home that no matter if you live in Allagash, Maine or you live in Kittery, Maine there's a lot of people that are frustrated with the way this State is going. For a lot it is because of property taxes and so I think that it is incumbent on us to come forward with something, and it was brought up a number of times about 55%, are we meeting 55% or not. Well, I believe we're not, but the referendum didn't actually speak to 55%. What it spoke to was: do you want to tax people over \$200,000 3% with that money going to education? That money is \$320 million. That is what Maine Revenue has pegged for that and that is the money that should be going to education. I don't know if it's going to get us to 55%, but it's certainly going to get us a lot higher than we are today. I truly, truly believe that what we're voting on today, while I understand there's maybe some deal that's lurking out there, but what we're voting on today does not respect the will of the voters and, if anything, might actually make more frustration out there. I do think that putting a cut to Homestead into this proposal is just a bad idea for all of us and that is why, more than anything, I would rather we just said, well, it's \$40 million going to education or \$50 million going to education. Cutting the Homestead program, I consistently believe, is going to upset a lot of people in the State and I think that, you know, what we've done, myself included, for a number of years - cutting revenue sharing - has put a lot of pressure on our property taxes. Now putting this forward to back up an agreement on Homestead, to cut the municipal reimbursement to Homestead, those things are going to upset people. They're going to make people across the State, again, very upset with the Legislature. I just think that's wrong and I've heard, you know, consistently about education. Well, you know my area has seen decline. We've consolidated schools across Aroostook County. And what I know more than anything is when I first started in the Legislature I did not have people come up to me and complain about their property taxes. Now it's almost a daily occurrence when I speak to people about how bad their property taxes are. I mean, it really is, in some areas in my district, unbelievable what people are paying in property taxes. I don't know how they do it. I really don't. I mean there would be no way that I could live in some of the areas in my district and pay that type of property tax. So while there is a lot of anxiety and frustration and some anger here in this room today, I believe it's important that we do respect the will of the voters, make sure that we do something more than we are today to help people, get money in education, and lower their property taxes. It is a commitment of the Senate Democrats to work with the Senate Republicans. I know we haven't gotten a deal yet, but I definitely, definitely want to. But this is something that I believe, whole heartedly, and I believe that we have to do, as a Body, make a better effort to make sure the people in this state aren't frustrated, are able to stay in their homes, and are able to have schools that do the best that they can for their children. So I'll be voting against the budget that's been put forward today, but it doesn't mean that I'm done trying to work with everyone in this Chamber.

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

Senator **CUSHING:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I do recognize the frustration

that many of us in this Chamber have and I certainly hope that as we move forward we're going to be able to find the resolution that's necessary. I've heard from individuals of businesses that they are dealing with and other individuals that are leaving this state, and I think it's important, as we look forward to what the needs are of education, that we also reflect on what the cost and consequences are. As we move forward, Mr. President, on this action, I would ask that you record the yeas and nays.

On motion by Senator **CUSHING** of Penobscot, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The pending question before the Senate is Adoption of Senate Amendment "C". The Chair is in error. Adoption of Committee Amendment "C". If you are in favor of adopting Committee Amendment "C" you will be voting yes. If you are opposed you will be voting no. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#290)

YEAS: Senators: BRAKEY, BREEN, COLLINS, CUSHING, CYRWAY, DAVIS, DOW, HAMPER, KATZ, KEIM, LANGLEY, MAKER, MASON, ROSEN, SAVIELLO, VOLK, WHITTEMORE, WOODSOME, PRESIDENT THIBODEAU

NAYS: Senators: BELLOWS, CARPENTER, CARSON, CHENETTE, CHIPMAN, DESCHAMBAULT, DIAMOND, DILL, DION, GRATWICK, HILL, JACKSON, LIBBY, MILLETT, MIRAMANT, VITELLI

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, Committee Amendment "C" (H-475) **ADOPTED.**

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-475), in NON-CONCURRENCE.**

Sent down for concurrence.

All matters thus acted upon, with the exception of those matters being held, were ordered sent down forthwith for concurrence.

ORDERS

Joint Orders