

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**  
OF THE  
**One Hundred And Seventeenth Legislature**  
OF THE  
**State Of Maine**

**VOLUME II**

**FIRST REGULAR SESSION**

**House of Representatives**  
May 24, 1995 to June 30, 1995

to point out that this Resolve does not petition to take Maine out of the Ozone Transport Commission. What it does ask is that we take the areas that are in attainment, petition EPA to get those areas out so that we do not have to worry about the areas that have already reached attainment. That's all that it does. It does not do anything but that, so I please urge you to oppose the indefinite postponement of this bill. Thank you.

Representative WHITCOMB of Waldo requested a roll call on the motion to indefinitely postpone the Resolve and all accompanying papers.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth of members present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Benedikt.

Representative BENEDIKT: Mr. Speaker, Men and Women of the House: I have the bill in front of me and I disagree with the good Representative from Greenville. It says that we are dropping out of the Ozone Transport Region completely.

The SPEAKER: The Chair recognizes the Representative from Rockport, Representative Gates.

Representative GATES: Mr. Speaker, Men and Women of the House: I have the committee amendment in front of me, which replaces the Resolve and I would concur with Representative Gould in terms of what it does. I urge you to oppose the current motion. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion to indefinitely postpone. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 260

YEA - Benedikt.

NAY - Adams, Ahearn, Aikman, Ault, Bailey, Berry, Bigl, Birney, Bouffard, Brennan, Buck, Bunker, Cameron, Campbell, Carleton, Chartrand, Chase, Chick, Chizmar, Clark, Cloutier, Clukey, Cross, Daggett, Damren, Davidson, Desmond, DiPietro, Donnelly, Dore, Driscoll, Dunn, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gieringer, Gooley, Gould, Green, Greenlaw, Guerrette, Hartnett, Hatch, Heeschen, Heino, Hichborn, Jacques, Johnson, Jones, K.; Jones, S.; Joseph, Joy, Joyce, Joyner, Kerr, Kilkelly, Kneeland, Kontos, Labrecque, Lane, Layton, Lemaire, Lemke, Lemont, Libby JD; Libby JL; Lindahl, Look, Lovett, Lumbra, Luther, Madore, Marshall, Martin, Marvin, Mayo, McAlevey, McElroy, Meres, Mitchell EH; Mitchell JE; Morrison, Murphy, Nadeau, Nass, Nickerson, O'Gara, O'Neal, Ott, Paul, Peavey, Pendleton, Perkins, Pinkham, Plowman, Poirier, Pouliot, Povich, Reed, G.; Reed, W.; Rice, Ricker, Robichaud, Rosebush, Rowe, Samson, Savage, Saxl, J.; Saxl, M.; Shiah, Simoneau, Sirois, Spear, Stedman, Stevens, Stone, Strout, Taylor, Thompson, Townsend, Treat, Tripp, True, Truman, Tufts, Tuttle, Tyler, Underwood, Vigue, Volenik, Waterhouse, Watson, Wheeler, Whitcomb, Winglass, Winn, Winsor.

ABSENT - Barth, Dexter, Keane, LaFountain, Poulin, Richardson, Rotondi, Yackobitz, The Speaker.

Yes, 1; No, 141; Absent, 9; Excused, 0.

I having voted in the affirmative and 141 voted in the negative, with 9 being absent, the motion to indefinitely postpone the Resolve and all accompanying papers was not accepted.

The SPEAKER: The pending question before the House is enactment.

This being an emergency measure a two-thirds vote of all members elected to the House being necessary. 133 voted in favor of the same and 0 against, accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

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An Act Adopting the Uniform Health-care Decisions Act (H.P. 182) (L.D. 230) (C. "A" H-605)

An Act to Implement the Recommendations of the People with Disabilities Access Commission (H.P. 837) (L.D. 1168) (C. "A" H-604)

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

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By unanimous consent, all matters having been acted upon were ordered sent forthwith.

#### ENACTORS

##### Emergency Mandate

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 for the Proper Operations of State Government for the Fiscal Years Ending June 30, 1996 and June 30, 1997 (H.P. 516) (L.D. 706) (Governor's Bill) (H. "A" H-628)

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

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

Representative KERR: Mr. Speaker, Men and Women of the House: It's that time now, that most important vote that we'll probably be voting on this year and that's to enact a budget for the biennium. We've had quite a bit of debate on this issue, on this bill. I don't want anyone to think that it's a perfect document, because it's not.

We on the committee remain concerned about a number of areas that can lead to a supplemental budget next session, as I discussed before. Medicaid spending and the ability for the Productivity Task Force to achieve its savings are just two of those areas, but we must have some faith in the commissioners who told us if we enact the governor's recommendation in those problem areas, which far and away we have done, that they would live by a new motto, that their budgets are their contracts.

Yesterday, we voted overwhelmingly in support of L.D. 706, the same document you voted on yesterday is here before you today. I must thank this body for that support and it is this body that made it possible. We, the members of the Appropriation Committee, when we took our appointments, the responsibilities of that committee, we told you that we would bring you forth a budget that would meet the needs of the people of this state. We feel that we have done that. A budget that pays its bills. We

eliminated the furlough days, the payroll pushes, it is not balanced on the backs of the state employees.

You took your jobs on your committees very responsibly. You came back to the Appropriations Committee with recommendations. We took those recommendations and built this budget and we thank you for that.

Our leadership, Representative Whitcomb, Representative Carleton, Representative Jacques and Representative Mitchell, provided the leadership for us to reach a consensus and the Speaker has always been there. We couldn't have asked for more appropriate leadership in this body, they were there when we needed them and the same for the other body, when it come time for crunch time. I would only hope that we had a great vote yesterday, that we even have a stronger vote today, because it sends a message that we are back returning some trust into this process, back to the people, and I would urge you to support the pending motion for enactment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Township 27, Representative Bailey.

Representative BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: I rise today in opposition to this budget for one purpose. This budget has the school funding formula attached to it and the rural communities in this state are going to be devastated by this school funding formula.

I, in Washington County, represent a lot of small schools and this funding formula takes away monies from the majority of those schools so that most of those schools are going to have to do away with critical programs. I have sat here in this body since January and listened to bill after bill after bill go through here where we want to protect the children of this state and ladies and gentlemen, this school funding formula devastates the children of this state.

I want you to know that this is only going to confirm the fact that there are two states of Maine, because the northern part of this state is going to be devastated by the school funding formula and we say here that we're concerned about the welfare of our children. Believe me, you take away the education, you take away the hope of these children to go any further and you're only going to drive the northern part of this state into a more depressed economy. I urge you to defeat this motion to accept the budget so that we can separate the school funding formula and deal with that appropriately. We've added 38 million dollars to school funding in this state and believe me, adding 38 million dollars to the school funding of this state you wouldn't think that you would have to take away from the poor communities and ship and more and more down south, but that's exactly what's happened. I would urge you to defeat this so that we can separate the school funding formula and go on and come up with a flat funding and then if you want to take all of the extra money and give it to the communities that are receivers in this budget then go ahead and do that, but I urge you to defeat this so that we can correct this school funding formula. Thank you.

Representative GWADOSKY of Fairfield requested a roll call on passage to be enacted.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth of members

present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Men and Women of the House: Rarely have I ever been accused of representing southern Maine, in the years that I have served in the legislature. I want to assure the Representative from Washington County that it is not a question of transferring money from northern Maine to southern Maine.

Part of our problem evolves around all kinds of issues and not necessarily the formula, even though the formula is one of the considerations that we deal with. Let me first indicate that the formula distribution is in this budget because that is where it has been over the years. The second point, I need to clarify, is that we are not spending 38 million dollars per se and we're taking that money in addition from northern to southern Maine. In reality in the first year of the biennium, this budget contains only 6 million dollars extra from last year that is going into the distribution method, and I repeat that's 6 million dollars. Now you might ask where does the rest of it go? In the first year the governor allocated roughly 2 percent, as did the Appropriations Committee, but part of that money, literally, is taken off from the top prior to distribution and the bulk of that off the top is what is known as out of district placement and state wards and in particular those are paid for entirely from state dollars and that money comes from dollars from above the top of the line. So that in the first year of the biennium we're only spending 6 million dollars more for distribution for education of students.

The problem that we face in northern Maine is not because we are simply taking money and giving it to another part of the state. There are some issues that compound our problem. In the 80's evaluations were being increased substantially in southern Maine, evaluations in northern Maine were steady. In the last 4 or 5 years, evaluations in southern Maine have remained constant or have dropped. Some, for example, in Portland by as much as 400 million dollars, in Berwick as much as 200 million and I can keep going. In the last 5 or 6 years the evaluations in northern Maine have been climbing, Fort Kent, for example, which I represent, has gone up close to 30 million dollars in a two-year period. My home town has increased by better than 20 percent. Take the valuation problem in my area and then compound that with the loss of students, which has occurred in northern Maine and you've got school districts that are losing as many as 10 to 15 percent of their student body in one year. Then go to southern Maine and find places where we have to constantly add mobile class rooms, because of the increase of the pupils within those communities.

Then I want you to add one other factor, and I don't want to bore you all day on this, but I do want to make it clear what the problem is. We haven't been putting any more state money in, and in the last four years statewide it has been a constant amount of money and the formula in 85 was devised to assume that we would be paying based on costs of two previous years ago and that you would simply continue

to increase that over the years and that meant more state dollars.

We had committed ourselves to fund education at the rate of 55 percent of what the cost of education based on two year old costs and guess what, members of this House? We're closer to 45 percent and what does that mean? It means we haven't got the money to properly fund education. We're about 200 million dollars short. That's our problem. I don't want anyone in this body, whatever position you take on school funding to ever assume it is because we're taking money from northern Maine and giving it to southern Maine. You can rest assured that as long as I am a member of this legislature, I would never ever take that position. We also have to be realistic, and to understand the problems of the other part of the state and I can tell you what northern Maine has to do, they have to eliminate superintendents. They have to combine districts. They have to combine positions. We can't continue to support administrators at the rate that we are doing for small districts. If the City of Bangor can have one superintendent, so can all of Piscataquis County and all of Washington County. When Lubec, for example, chooses to spend \$83,000 for a superintendent, it is too much money. I don't care how good the person is. So what northern Maine needs to do is to understand that they have to form districts. They have to consolidate their administration and they can save money so they can prevent loss of programs that they ought not to lose, but don't come crying to me and tell me it's because the state is stealing money from northern Maine. You may choose to vote against this budget but do so not on the basis that money is being stolen from one area of the state to the other.

The SPEAKER: The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Mr. Speaker, Men and Women of the House: After I voted last night against the proposed budget, I drove home from here and I thought it over last night and I thought it over this morning as I drove down. What would I say today on the final enactment of this L.D.?

The reason I voted against the budget yesterday was, very simple I guess, I did have a problem with the school funding and primarily because the four districts I represent would have done better under the other formula. Tonight, though, I'm going to change my vote and I'm going to be voting for this budget and I'll tell you why.

Over the last ten years up in our area, back in the 80's, in fact, we had good times and we were building our school budgets around a good economy and I look back, in fact, ten years ago, I went to a school budget meeting on the local level and I made a pitch at that time, be careful what you're doing to increase your local school budget, because some day we may have to pick up some more of the tab. I was told by a school board member, at that time, and I never forgot it. He said to me, "Don, don't worry about it because the state is paying 80 percent of our costs." I said to him, that's very true now, but as time goes on. I look back our budget at that time was 3.2 million dollars, today we are 5.8 million but I remember back that year and I said to him, what if our percentage from the state should drop 10 percent? He said, "It would never happen." Well that's one of the things that's happened to districts like ours. It did start to happen 3 or 4 years ago and now that's the problem we're in. In

order to keep up with the times we've got to pick up some local dollars to do the programs that we need to keep in place.

You know in the past week, I've heard different people in southern Maine tell about, and I, kind of, have to agree with them to some degree. In fact, the other day in the joint caucus, I heard the good Representative from Westbrook, Representative O'Gara, ask the sponsor of the other school funding plan, "Why should I vote for this plan, when for years I supported helping out in northern Maine?" Today the other plan would help Westbrook. I've got to say to you tonight that he's absolutely right. I don't think any members of this body that served with me here for years have ever heard me say that I've appreciated the money that has come from southern Maine to help us out in northern Maine. Not one person has ever heard me say that I accepted it and I've been happy with it. Times are changing and the previous speaker is exactly right. Southern Maine during the 80's was having increases in valuations when we were staying constant and that did help us and about 4 years ago, we started to see it level off in southern Maine and in my area valuations started to increase.

Just to give you an idea, 10 years ago our little town was 22 million, it is now 65 million and that's what is starting to hurt us. I also have got to tell you about the good Representative from Berwick, Representative Murphy, for years has told me what York County does on sales taxes and ships up to northern Maine. I appreciate that, Representative Murphy, you've told me a good many times about that and to some degree you're absolutely right, but I'm standing here tonight telling you that I believe, in all the years I've been here, this budget has come together, in my opinion, the best that I have ever seen. The cooperation has been fantastic. I'll tell you tonight that there are things in this budget that I like. There are some things that I don't agree with, but in the spirit of compromise, I've got to tell you that I'm willing to look down the road and say to you that, hopefully, maybe our valuations for our area will level off so that things will iron out, where our rural areas won't be hurt in the future as much as they are right now, but I do agree with the previous speaker that one of the things that would help us is that the economy has got to turn around. I'll make a statement tonight. The economy in the State of Maine right now is not good, but I hope and I pray, that whoever is here two years from now that things will turn around and when it does, I hope those Representatives in southern Maine will give us consideration again.

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

Representative HICHBORN: Mr. Speaker, Ladies and Gentlemen of the House: When you've been on earth too long you see a lot of history. When I was here in the legislature some years ago the state was contributing 30 million dollars a year to help towns with their schools. Today it's 500 million for the same period of time. Not many people tell me that schools are 37 times better today than they were then.

We had an education format class, it did make a lot of improvements in our program. There was one problem with it, it was expenditure driven. The more you spent the more you were suppose to get back and that set a tone that has led us to the point where we

are today. We had many programs that, perhaps, were not fully justified, but were started because the state was going to pay for it. We've reached the point now where we do not have the dollars to fully fund, according to the original plan. I can't speak with the eloquence of previous speakers who have explained very accurately the problem that we have and the solution that has been reached.

My late wife and I contributed 80 years to education and although I can't speak with the eloquence, I can certainly speak with as much sincerity as anybody in this room. I come from an area classified as underprivileged, depressed, economically disadvantaged and I know exactly what the good gentlemen from Washington County meant, because my towns are in the same category as his towns. I've decided that I will support the recommendation of this committee for the following reasons. The gentleman who represents the small towns such as mine and the good lady who represents the people in the more heavily populated areas are both equally determined. They're stubborn. They're dedicated and I am sure that both made very sure that they did all that they could for their constituents. When they started this debate and this discussion some 5 or 6 months ago, they were leading in two camps this far apart and during the next 5 and 6 months they came closer, and closer, and closer, each doing the best he or she could for his or her constituents, arrived at a compromise that they felt was acceptable, not entirely satisfactory to either one of them, but I have confidence in both of those leaders. I think both should be commended for the work that they have done and I think the result is as fair and as equitable as it could possibly be. While I understand the feelings of the gentleman from Washington County, I have no hesitation in saying that I think this is the best compromise that you and I can expect and I hope that you will support it when it comes time to pass. Thank you.

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Libby.

Representative LIBBY: Mr. Speaker, Men and Women of the House: I'm preparing to vote for my first biennial budget. I voted no on the biennial budget two-and-a-half years ago, but before I do, I want to talk about what makes up over 50 percent of this budget and that is educational funding. I want to talk about the towns. I want to talk about the school boards. I want to talk about meetings with teachers and administrators and I want to talk about the fact that this is the end of June and we still, to this point, have not told anyone what they are going to get for an appropriation, what they are going to get for an allocation. There is something fundamentally wrong with our process.

I know we have all worked hard and, boy, I'll tell you, I worked on the Education Committee this year and I worked hard to come up with a school funding formula and I understand the problems that we talked about earlier in eastern and northern Maine and there are problems, but at this late date, if you were to make radical alterations to the school funding formula and substantially change the figures, the preliminary figures, that we gave to the schools in February, you would throw the whole system into chaos and it's bad enough as it is. We can't do that. So what I'm saying to you today is that we've got to come up with another way to handle the way we come up with our decision to fund the schools. I don't have

the answer, I've got some ideas, and I bet you do too, but we can not continue to hold the schools of this state hostage and have them not know whether or not they can employ teachers next fall. So I'm asking you, between now and next year when we come back, can we get together and figure out a way to better serve the people of Maine by getting the allocation to the schools by the statutory date, which next year will be March 15th. If we can do that, we will really be serving the public. Thank you.

The SPEAKER: The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative BUNKER: Mr. Speaker, Men and Women of the House: I was a little early the other day on my speech and I apologize for that. It'll be much shorter today. I don't stand here to encourage anybody to vote against this budget. You're going to see a red light up there next to my name, because I have to do that, but I don't encourage anybody else to do so. My fundamental problem with the school funding will not be fixed by Plan 8, or Plan 10, or by any quick remedies done here today, or this week and I encourage those people who aren't sitting on the fence to support this budget and I also make a commitment to this body that if my red light is the red light that is the two-thirds decision maker then I will change my red light at a later date to prevent that from happening. Thank you.

The SPEAKER: The Chair recognizes the Representative from Holden, Representative Campbell.

Representative CAMPBELL: Mr. Speaker, Men and Women of the House: I rise today to encourage you to support this bill, L.D. 706 and I would like to take this time to commend the Appropriations Committee for their hard work, their diligence, and their collaborative nature. It's incredible to have watched as this Appropriations Committee pulled together all the hard decisions that they had to make. It was very difficult, a tremendous collaborative effort. It's important that we show, as we did with our first vote, earlier in this body, that we are overwhelming supporting this committee. This committee is a great committee and I encourage you to support and pass into enactment L.D. 706. Thank you.

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

Representative BARTH: Mr. Speaker, Ladies and Gentlemen of the House: It's been talked about losses to school districts and if you look just at the printouts, the blue printout for example, that shows the majority report of the Education Committee, if you look at that alone, that doesn't tell all of the story. You have to look, also, at the 8 1/2 x 11 yellow printout, which shows the change in student population and the change in valuation, because both of those factors influence, under any formula, how much a community receives. You also have a sheet on your desk about a Senate District, which under one plan, gains one million dollars. If you look at that, wow, that's a lot of money and maybe we should redistribute that, but keep in mind that same district has gained 251 and a half students and lost \$15,125,000 in valuation. Both of those factors will increase the amount going to that district under any formula. If you multiply 251 students by the average high school costs and elementary costs, I think you'll find more than a million dollars just for those 251 and a half students alone, so please when you look at your district,

compare not only just the amount, but the pupil loss or gain and the valuation loss or gain for your particular town, or for your particular school. Thank you.

The SPEAKER: The Chair recognizes the Representative from Glenburn, Representative Winn.

Representative WINN: Mr. Speaker, Ladies and Gentlemen of the House: I want to point out that I didn't bring up this issue. It's not my intention to try to amend the budget at this point in time. I fully realize that we're on a mission here. I'm not exactly sure why we're moving so quickly, but nevertheless, we have made a decision on how to spend this billion dollars. I am quite concerned about it, not just about the GPA portion of the education budget, but the rest of the budget. Frankly, we didn't discuss for 3 minutes what to do with the rest of the education budget. We never talked about the technical colleges, the universities, Maine Maritime, reading recovery, jobs for Maine graduates, that's another half of a billion dollars we never looked at. So in my mind's eye, at least half of this budget is not being necessarily allocated in the way it should be and that's why my light is red, although I do greatly appreciate all the other components, the welfare component and many other things. It's a really good budget in an awful lot of ways. I want to make sure that it is clear that I am pro education. I don't want anyone taking my red light and saying it's because I'm anti-education.

Since the issue was brought up, I am going to take a minute to explain some of my concerns. Some of you probably remember those private meetings that we had with the governor and the professional facilitator when the committee kept working for almost a month and there are very few fond memories I have of those moments, but one of them was when one of the members of the committee said, he asked a question, "What is it about being messed up that you don't understand?" Now I just want to make sure when you make this decision that you know what you are deciding upon.

When I was a legislator, my first term, last term, I made this decision about the school funding formula and I really didn't understand fully what I was doing. Fortunately, one of my seatmates was a highly respected member of the committee, former Representative Norton and I spoke with him all the time and attended a lot of the meetings and tried to get a good feel for it. Last year we didn't have much information and there wasn't a choice. We were told that it had to be distributed one way and that was the only choice we had. It's been my endeavor all along to try to make sure that those of you who are not on the Education Committee have been able to be as informed as possible when you make this decision. In my mind's eye, this portion of the budget, this billion dollars, is the single most important part of our entire budget. In my community roads and schools are the only things they care about and the few people who work at the liquor stores, they care about that, too.

That's why I took all the time to organize the information by district so that you could look at the changes and impact and make your own decision. This sheet of paper that I passed out a minute ago that says you have two school funding plans to choose from, there's a lot of rhetoric saying that the reason why the money is going to the south, which ever Senate District it happens to be is, because the valuation is changed and the student population is

changed, but that's not true. In the majority report and the minority report, Plan 10, the numbers of the students are the same. In both plans the property valuation is the same. In both plans the amount budgeted, the total cost, is the same. The significant difference between the two plans is that in the majority report only 63 school units benefit, comparatively speaking, and in the minority report Plan 10, there's 221 school units that benefit. That's 77 percent of the schools are better off under Plan 10, 24 Senate Districts improve under Plan 10 and there's 92 House Districts that benefit under Plan 10. Yes, there are a million differences between what goes to Senate District 30 under the two different plans.

What you need to bear in mind through all of this debate and all of this arguing is that after all the money is divided up among all the children, we are talking about a \$32 increase per child. After you take out the salaries and benefits for the teachers and administrators, it leaves you with about \$10 per child, to buy all the paper, all the new textbooks, all the computers, and everything else your school boards would desperately like to buy. Well under Plan 8, what we've decided to do is send \$150 per child to Senate District 30, which most people would consider to be one of the more affluent Senate Districts in our state. That's why I have a hard time with it. All we have is \$32 per child for an increase and we have gone and decided in our collective wisdom to send \$150 of it per child to Cape Elizabeth.

The reason why I am bringing this forward is so that you can make an informed, deliberate decision so that you know what you are doing and you don't say, "Well I was confused. No one told me. I didn't understand." Representative Desmond and I went and spoke with the Governor, Friday, and we showed him the printouts and again the Senate printouts are the most interesting, because you can then see how all the money is shifting through the state. So yes, the Governor does know what he is deciding to do and so does all his staff. One of my parting words to him was, "Do you remember what the last independent governor did to education in this state? You don't have to be party to that." So he knows.

I'm speaking tonight for three reasons. One, is to make sure that my conscience is clean and that I have done everything humanly possible to stop this from happening. The second, is for the historical record, for there are 215,000 children that were counting on us to do the right thing. For the two-thirds of the state that is losing more than its fair share. And most importantly the reason why I'm still speaking is because I hope that some of you will return again in the next session, in the 118th, and that some of you will be on the Education Committee and that somehow you will prevail better than I did and I wish you all the luck and if there is anything I can do to help you let me know.

Some of you have said, well this is a good plan, but it came out too late and I want you to understand why. I asked for these printouts and for information back in March and I was denied. I ended up having to file twice, under the Freedom of Information Act. I went to the Attorney General, I went to the Speaker of the House, I went to the Governor, and I went to the President of the Senate. It turns out my committee chair has decided to create a new policy, which says that unless both committee chairs okayed it,

couldn't get any information run from the Department of Ed. Then they finally said, "Well, I could eventually get the information," and I said, "When? And they said, "When we're all done." I felt just like the stepdaughter in the Cinderella story. After we're all done and dressed up and ready to go then you can get your printout.

Finally, I did get the printouts and by that time my committee was so exhausted, in my opinion, and so worn out and so desperate to come to some decision, any decision, no matter how bad it was that they landed on Plan 8 and I think it happened in about ten minutes or so. I know a lot of them didn't want to vote on it. I know that they never looked at the printouts and I know there never was a printout for year two. They made this decision in the dark. As I pointed out to you earlier, the formula is very fragile. For instance, before I added the 2 million dollar cushion into it, Portland was gaining \$18,000, under Plan 10, after I added the 2 million dollar cushion, Portland lost \$155,000. It's important to see the printouts so you can see the ramifications of what you're doing. To see if what you have done and your tinkering with the formula makes sense and to see if the money is landing where the money should go. It's important to know that the committee, in my opinion, settled for a lot of gimmicks, a compromise that is going to hurt two-thirds of the state and did it without even looking at the impact of their decision, let alone the ramifications.

Another issue I want to point out is that there was never any discussion in the committee about where the additional 2 million dollars was coming from. I don't know where they found it. I hope it wasn't from a program that's really important to you. The issue that concerns me the most in all this process was that the bill that was the vehicle for the school funding formula was locked in the committee. Representative Desmond and I both signed off on it last Thursday, saying Ought to Pass as amended and both my committee chairs, Representative Martin and Senator Small, refused and refused and refused to release it from the committee, so none of you even had a chance. You didn't have a choice and I think that's what bothers me most through all of this process, because when I decided to run, I like many naive people, thought that America was a place where you have freedom of expression and the capitol building was where you could put forward ideas and they could come and be listened to and argued for and against and live or die on their own merits. I have a hard time with all the games that were played about an issue that is so crucial to our children. I wouldn't care if you could go back and reeducate a child, but you can't. The damage that you do to them now you can never repair and that leads to increases in welfare and juvenile detention in the prison systems and all those other issues that we are fighting about from time to time.

I won't go into the details about the differences between the plans, but if any of you still have those yellow printouts from the school funding formula, I'd like to ask you to pull those out for a second. I want to make sure that you know what you're reading. A lot of people have been reading it backwards. All you need to do is look for your House District number, for instance 81, and you read across the columns. The first two sets show you what you lived on last year. The next two sets are what your superintendents were budgeting on. The first dark

gray column shows you what Plan 8 would do for your district and the last wide gray column shows you what Plan 10 would do for your district. At the bottom of the row of your schools, there's a line that says total gain or loss for this district by comparing Plan 10 to Plan 8. So all you need to do is look at that line that says total gain or loss for this district by comparing Plan 10 to Plan 8. You'll see a number there. Now 92 of you have a positive number and that shows you how much more your district should have. Some of you don't have a positive number and again I apologize. It's not my fault. My home town loses money under Plan 10. The point is that there are 92 of you that are better off. That's two-thirds of the state is better off under Plan 10 and I thought that was what we were striving for, what was in the best interest of the state. I just want to make sure you know tonight when you vote that at least in a few peoples mind's eye, you're making a mistake. That money should stay in your own district. Your constituents worked really hard for that. I've heard a lot of people say, "Well, it's only \$100,000. It's only \$200,000. I suggest you call home and ask your neighbor how they would feel about having an extra \$200,000. That could buy a lot of computers, a lot of teachers, a lot of paper. Most of all what bothers me is that this money is going to areas that are not the most needy of our state. It's going to a Senate District that's going to gain \$150 per child. That's going to leave a whole lot of kids without getting their \$32. I have a hard problem taking another 2 million dollars from who knows where and putting it into a formula that ends up sucking money from 24 districts, again without any legitimate reason. That's my main problem in this issue. I wouldn't mind if we had come up with a legitimate formula that took the money from the 24 districts and sent it to 11 others, but there is not rhyme or reason to what happened and I just want to make sure, for the record, that you know that and that you don't become confused by all the rhetoric that you hear. The data is the same and again, like I said, I hope in the future that someone will be there to carry this on and carry it forward and I wish them a lot more luck than I had.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Marvin.

Representative MARVIN: Mr. Speaker, Ladies and Gentlemen of the House: Each year school funding is one of the most contentious debates. This is really not surprising, when you consider each one of us wants to live in a town with good schools. We want our children to have the opportunities to reach for the stars. It's easy for this to become an emotional issue, but I would suggest that we need to resist this temptation and instead look at the facts.

Yesterday we heard a presentation by the author of Plan 10. During her presentation, three times she said Cape Elizabeth would be getting an extra million dollars. Try as I might, the largest number I could find for Cape Elizabeth was \$187,735, even when I added the money for the Senate District, which contains Cape Elizabeth. That's Senator Amero's District. The largest amount I could find was \$569,819. That's \$187,735 for Cape Elizabeth, \$376,602 for South Portland, and \$50,482 for portion of Scarborough that is in Senator Amero's District. The total is \$569,819, not one million.



In other words, saying Cape Elizabeth would get an extra million is an obvious misrepresentation of the facts. This makes me wonder what else in Plan 10 is less than factual. The facts are this, property values in Cape Elizabeth went up in the 80's and down in the 90's. Student enrollment is up. In the north, the opposite is true. Property values are up. Student enrollment is down. In 1984, Cape Elizabeth was getting 39.53 percent in state aid, today it is 21.64.

The Rosser report requires cost of living to be one of the calculations used in determining school funding. Plan 8 uses the cost of living. Plan 10 does not. Today I received a sheet on my desk that contained a statement an extra one million dollars is going to the Senate District for no legitimate reason. It concerns me a great deal to think that this body would consider adopting a funding formula that was created by someone who is either unwilling or unable to accept some simple concepts. Those concepts are towns valuations that go down, and student enrollment that goes up, deserve more money in funding formula. Cape Elizabeth meets both those criteria and is therefore entitled to additional funding. It's that simple.

The SPEAKER: The Chair recognizes the Representative from South Berwick, Representative Farnum.

Representative FARNUM: Mr. Speaker, Men and Women of the House: I keep hearing stories about cutting programs in the north. SAD 35 is cutting a program that is over 50 years old. They're doing it for several reasons. One, there's rising cost. Two, is lack of classrooms and three, is there's no more room to build portable classrooms outside the school. Northern Maine is not the only place cutting programs. Thank you.

The SPEAKER: The Chair recognizes the Representative from Mapleton, Representative Desmond.

Representative DESMOND: Mr. Speaker, Ladies and Gentlemen of the House: I voted no on Plan 8 in committee. My conscience wouldn't allow me to vote for a plan that would not benefit most students in our state. If my district was the only one losing under Plan 8, I would accept the inevitable, but two-thirds of Maine school units fall behind.

Plan 10 is endorsed by most superintendents in this state. The basis for Plan 10 has been tossed about a few times, but the Education Committee actually did not see the printout. This plan is based on facts and figures used in the superintendent's plan for a compromise budget, but is fine tuned. Plan 8 leans in the right direction, but isn't as fair and equitable as it could be. Plan 10 is actually more like we had discussed in committee. I was not persuaded for or against Plan 8 by anyone. We got a printout on Friday. That night when I had time to study the proposal, work on the figures, and do a comparison check, I could see clearly that it was not acceptable for two-thirds of the school children in Maine, two-thirds of the school districts. I understand how student enrollment declining or increasing can affect the amount of money going to a school unit. However, most low receiver districts gain substantially in both plans. Most property rich, low receiving units gain substantially over what they received last year on the projected budget for 95/96 and gain on both Plan 8 and 10. Most high-receiver units lose substantially from what they received last year on the proposed budget for

95/96 and lose on Plan 8. They do lose some on Plan 10 but receive enough to keep running. Say what you will about enrollment gain or enrollment loss in a district, there is such a thing as taxpayer dollar equity. Plan 10 uses the same amount of money as Plan 8. Plan 10 has a \$3,400 per pupil guarantee, with an operating mil rate of 6.06, whereas Plan 8 lowers both the per pupil guarantee to \$3,067 and the mil rate to 4.90, which hurts small rural districts while giving a high percentage of the budget dollars to districts with a broad tax base. Plan 10 maintains the integrity of the funding formula discussed in committee using the proposed 85.15 distribution with the income factor and transportation fully funded. Cost of living would be added the second year. Plan 10 considers Maine as a whole state. This plan will make it possible to live anywhere in Maine and receive a quality education. This plan does not further divide Maine into the haves and the have nots. Thank you.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative DiPietro.

Representative DiPIETRO: Mr. Speaker, Ladies and Gentlemen of the House: The hour is getting late and we're going to be here real late this evening. I would like to see us, Mr. Speaker, vote on the budget, if we could please. Thank you.

The SPEAKER: The Chair recognizes the Representative from South Berwick, Representative Farnum.

Representative FARNUM: Mr. Speaker, Men and Women of the House: If I could read my own writing, I wouldn't be speaking a second time. I put this budget before the people in the town and I spoke to the school board members and what not and they said, "We can live with it." Thank you.

The SPEAKER: The Chair recognizes the Representative from Sedgwick, Representative Volenik.

Representative VOLENIK: Mr. Speaker, Men and Women of the House: There once was a town built below sea level. It survived because it built and maintained a strong sea wall to keep out the ocean. One year the town elders decided to stop reinforcing the sea wall and spent the money on business development. This continued for years until one day a storm wiped out the sea wall and everyone drowned.

There once was a legislature that built up an effective tax system that automatically adjusted itself for inflation and adequately funded the needs of its people for roads, and schools, and health care. One year the legislature began to dismantle its tax system so that business would come into the state. The state filled with businesses, but all the people left because there was no longer a school system, or roads, or health care. Tax caps are fiscally irresponsible and I can't support them or this budget. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Shiah.

Representative SHIAH: Mr. Speaker, Men and Women of the House: I'll be brief also. First of all, I think the Appropriations Committee did a wonderful job and 99 percent of this budget I have no problem with. It's just that little section Part VV, also known as the tax cap and I just want to quote a few sentences from two editorials in today's newspapers. Portland Press Herald, June 28, 1995, title, "Give Maine a Budget that Pays the Bills," I'm quoting now, "This state is in no position to undertake dramatic

tax cuts or restrictive tax caps, nor is it responsible action to obligate future legislatures to reductions for which today's lawmakers claim credit. The responsible course for lawmakers is clear: one, pay the state bills; two, fortify against fiscal disruptions; three, make progress in meeting unfunded obligations. Partisan claims can't achieve fiscal stability, these are days for prudent and responsible legislative action."

Another editorial from the Kennebec Journal, dated June 28, 1995, titled "Biggest Gimmick of Them All," a couple sentences, I won't read the whole thing, "Maine has a lot of experience with tax and spending caps at the local level and the strong consensus is that they are disastrous as fiscal policy. Setting a number in the budget two years in advance and predicating tax cuts on that basis is a procedure so foolish, it's amazing it's come up again so soon after the budget debacle of 1991. Even if one wanted to cut the income tax, this is not the way to do it. Capping any revenue source years in advance is folly, inflation continues and so do unexpected costs. If Maine faces another recession by 1997, the possibility that can't be discounted a tax cap looks even worse. Tax cuts are suppose to be good politics, but financial discipline is even better. Voters have learned this through hard experience and lawmakers should mark it well." Thank you.

The SPEAKER: The Chair recognizes the Representative from Oxford, Representative Underwood.

Representative UNDERWOOD: Mr. Speaker, Men and Women of the House: The Representative from Buxton earlier mentioned that he'll be voting for his first biennial budget. I stand here today to tell you today that I'll be voting the first time against a biennial budget. The voters in my district sent me a clear message when they elected me to come to Augusta. That message was that they wanted a leaner, more efficient and a more responsible government. This budget before you provides us with none of this. This budget will not help the over taxed people of our state. This budget will do nothing to help stimulate the growth of our businesses in this state. This budget will increase state government by 233 million dollars and I'm not comfortable with that. The voters in this state also gave me a message that they wanted to get rid of the gimmicks of the past. Now this document leaves in place the biggest gimmick of all the gimmicks that I have seen come out of this legislature in the past four or five bienniums. In the 115th Legislature, they implemented a temporary sales tax increase. The 116th failed to live up to their promise and repeal it. Now four years later we will again leave our sales tax at 6 percent. I ask you ladies and gentlemen of the House to vote no on this budget. Thank you.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: We have stood here today and we have listened to people pick this budget apart. Well, as in the past years, we get a budget and not one of us can say we got everything we wanted. No one stood here on this floor this year has fought for tax cuts any more than I have. I won some and I lost some. I take my losses and I'll be back. Well ladies and gentlemen, let's pass this budget so we can give the people of Maine a budget and the state workers will know that Monday morning they can get up

and they will have a job waiting for them and they won't have to wait for us. I hope that we will vote this budget out, Ought to Pass, now. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is enactment. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 261

YEA - Ahearne, Aikman, Ault, Barth, Benedikt, Berry, Bigl, Birney, Bouffard, Brennan, Buck, Cameron, Campbell, Carleton, Chartrand, Chick, Chizmar, Clark, Cloutier, Clukey, Cross, Daggett, Damren, Davidson, Desmond, DiPietro, Donnelly, Dore, Driscoll, Dunn, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gieringer, Goolley, Gould, Green, Greenlaw, Guerrette, Hartnett, Hatch, Heino, Hichborn, Jacques, Johnson, Jones, K.; Jones, S.; Joseph, Joy, Joyce, Joyner, Kerr, Kilkelly, Kneeland, Kontos, Labrecque, Lane, Layton, Lemaire, Lemke, Lemont, Libby JD; Libby JL; Lindahl, Lovett, Lumbra, Luther, Madore, Marshall, Martin, Marvin, Mayo, McAlevey, McElroy, Meres, Mitchell EH; Mitchell JE; Morrison, Murphy, Nadeau, Nass, Nickerson, O'Gara, O'Neal, Ott, Paul, Peavey, Pendleton, Perkins, Pinkham, Plowman, Poirier, Pouliot, Povich, Reed, G.; Reed, W.; Rice, Ricker, Robichaud, Rotondi, Rowe, Samson, Savage, Saxl, J.; Saxl, M.; Simoneau, Sirois, Spear, Stedman, Stevens, Stone, Strout, Taylor, Thompson, Townsend, Treat, Tripp, True, Truman, Tufts, Tuttle, Tyler, Vigue, Waterhouse, Watson, Wheeler, Whitcomb, Winglass, Winsor, The Speaker.

NAY - Adams, Bailey, Bunker, Chase, Heeschen, Look, Rosebush, Shiah, Underwood, Volenik, Winn.

ABSENT - Dexter, Keane, LaFountain, Poulin, Richardson, Yackobitz.

Yes, 134; No, 11; Absent, 6; Excused, 0.

134 having voted in the affirmative and 11 voted in the negative, with 6 being absent, and in accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House necessary, and accordingly the Mandate was passed to be enacted, signed by the Speaker and sent to the Senate.

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On motion of Representative JACQUES of Waterville, the House recessed until 7:15 p.m.

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(After Recess)

The Chair laid before the House the following item which was tabled earlier in today's session:

Bill "An Act to Ensure the Continuation of Current Hospice Services"(H.P. 712) (L.D. 969) which was tabled by Representative JACQUES of Waterville pending adoption of Committee Amendment "A" (H-649).

Representative FITZPATRICK of Durham presented House Amendment "A" (H-652) to Committee Amendment "A" (H-649) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Durham, Representative Fitzpatrick.

Representative FITZPATRICK: Mr. Speaker, Men and Women of the House: This is simply a technical change in this particular amendment, which puts us in a better position to anticipate federal block granting.