

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Twenty-First Legislature
State of Maine

Volume II

First Regular Session

May 27, 2003 – June 14, 2003

First Special Session

August 21, 2003 – August 23, 2003

Second Regular Session

January 7, 2004 - January 30, 2004

Second Special Session

February 3, 2004 - April 7, 2004

Pages 777-1562

Curley, Duprey B, Fletcher, Heidrich, Honey, Joy, Kaelin, Lewin, Maietta, McKenney, Murphy, Muse, Nutting, O'Brien J, Peavey-Haskell, Richardson M, Rogers, Rosen, Shields, Snowe-Mello, Stone, Sykes, Tardy, Treadwell, Vaughan, Young.

ABSENT - Berube, Davis, Goodwin, Greeley, McGlocklin, McGowan, Usher.

Yes, 106; No, 37; Absent, 7; Excused, 1.

106 having voted in the affirmative and 37 voted in the negative, with 7 being absent and 1 excused, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-570) in NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

Bill "An Act To Implement School Funding Based on Essential Programs and Services"

(S.P. 575) (L.D. 1623)
(C. "A" S-258)

Which was **TABLED** by Representative RICHARDSON of Brunswick pending **PASSAGE TO BE ENGROSSED as Amended.**

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

Representative MURPHY: Mr. Speaker, Men and Women of the House. I think, first of all as an aside, Mr. Speaker, I drive through your district twice a day as a commuter and I think going home late last night everything was quiet in your district, but there was one of those Maine moments on the way in. As I came down the steep hill and was starting up the hill toward the Irving, there were two 11 year old boys walking along. The first thing as a teacher I knew was school is out in Gardiner. They were carrying their fishing polls. One had a little bait bag. They were optimists because they had a big bucket and they knew they were going to catch something. There was a very subtle message to me and to this body that it is time for this institution to go home.

Last night we had two choices before us. One, to return this bill back to committee or to begin the process of moving toward enactment. Today we really only have one choice. An Ought Not to Pass would kill the issue for the next two years and that would be a very serious error, I think, on our part. I do take offense in terms of comments made on the floor last night as to my possible making misrepresentation of special ed and transportation. I think the comment was made that you would lose it. I picked my words very carefully and very clearly last night had said that there was a hybrid before you and part of that was the old law dealing with special ed and transportation. I made it very clear that once the index has been set, it will probably not match the printout that you have been given today. You might get more. You might get less or you might get just the same. I did not imply or say that you would not be getting the money for special ed and transportation.

I was very pleased to hear last night in the debate that on the other side of the issue from the Majority Report that there was an agreement between the two sides on this issue. One, the bill that is before us is incomplete. It is not a full mosaic. I also heard, it gave me a little reassurance last night, that this is long term. You were told to put it into the statutes because this will not happen for another two or two and a half years. It will be years before it will be implemented. During these last two days of this session or if we return for a special session, if this does appear on the ballot as a competing issue or if a reference is made to this

essential services on the ballot, then it will not match with what we were told last night.

Even though there were two divided reports on this committee, every member of that committee is unanimous in finding the best way of getting more resources to our children. I first came to this Legislature in January 1981. The reason for running was to get those resources to Maine school children. I returned in December 1988 for that same reason and for the last three years I have been a thorn in the side of leadership on both sides of the aisle for us not meeting our partnership obligations at the state level when it comes to funding education. I think as we move into the closing days we will look to see, is this a long-term implementation or is there a separate agenda to enact this fall. You will not have an opportunity to attend a hearing or a work session in your region to find out how this matches up with what is at home.

About a week after this session ends and after you go through your decompression and you return to a normal mental state, I will have delivered to you in the mail a worksheet and it will take the current ratios that are in this bill, the ones that are in there already, and it will be a simple one page worksheet that you can take to your superintendent and ask, how does this ratio match with what is happening in our school unit? In that way you will be able to find, are these indexes correct or are they too light? What impact will it have on children before we come back in January to finish up this essential programs and services?

The Chair ordered a division on **PASSAGE TO BE ENGROSSED as Amended.**

A vote of the House was taken. 97 voted in favor of the same and 18 against, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-258) in concurrence. ORDERED SENT FORTHWITH.**

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

ENACTORS
Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Preserve the Fund for a Healthy Maine

(H.P. 1188) (L.D. 1612)
(C. "A" H-568)

The SPEAKER: The Chair recognizes the Representative from Belmont, Representative Berry.

Representative BERRY: Mr. Speaker, Men and Women of the House. I received on my desk after our last vote a document and one of the statements on it is the coalition will be very disappointed. I would just like to explain something here. Over a year ago I chose to support protecting the Fund for a Healthy Maine. I chose to support making sure that the funds for that were used for a single purpose and that was the health care and those programs related to what I determined to be legitimate use of funds. I have in my hand the document and in that document also highlighted is a statement that says, "In these tough times it isn't every day that you see a leader standing up for health programs. Here in Maine our Governor and 129 members of our Legislature are making Maine a national leader in health care issues by protecting Maine's tobacco settlement dollars for the Fund for a Healthy Maine." They know that preventing kids from smoking, helping adults quit and keeping healthier in general is a smart choice that will save a lot of state money and protect generations to come.

Ladies and gentlemen of the House, nowhere in this document does it say that I had to or I ever approved the use of a Constitutional Amendment to achieve this. I look at this