

MAINE STATE LEGISLATURE

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House Legislative Record
of the
One Hundred and Eighteenth Legislature
of the
State of Maine

Volume II

First Special Session

May 16, 1997 - June 20, 1997

Second Regular Session

January 7, 1998 - March 18, 1998

TABLED - May 28, 1997 (Till Later Today) by Representative CAMPBELL of Holden.

PENDING - Passage to be Enacted.

On motion of Representative KONTOS of Windham, tabled pending passage to be enacted and later today assigned.

Resolve, Regarding Legislative Review of Chapter 500: Stormwater Management, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Land and Water Quality (H.P. 1038) (L.D. 1455) (C. "A" H-578)

TABLED - May 28, 1997 (Till Later Today) by Representative CAMPBELL of Holden.

PENDING - Final Passage.

On motion of Representative KONTOS of Windham, tabled pending final passage and later today assigned.

An Act to Allow Agricultural Workers to Bargain Collectively (H.P. 1177) (L.D. 1654) (C. "A" H-550)

TABLED - May 28, 1997 (Till Later Today) by Representative KONTOS of Windham.

PENDING - Passage to be Enacted.

On motion of Representative KONTOS of Windham, tabled pending passage to be enacted and later today assigned.

Bill "An Act to Revise Certain Provisions of Fish and Wildlife Laws" (S.P. 520) (L.D. 1604) (H. "A" H-619 to C. "A" S-281; H. "A" H-659)

TABLED - May 28, 1997 (Till Later Today) by Representative PAUL of Sanford.

PENDING - Passage to be Engrossed.

Subsequently, the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-281) as amended by House Amendment "A" (H-619) thereto and House Amendment "A" (H-659) in non-concurrence and sent up for concurrence. Ordered sent forthwith.

Bill "An Act Concerning Acceptance of Campaign Contributions during Legislative Sessions" (S.P. 662) (L.D. 1882)

TABLED - May 28, 1997 (Till Later Today) by Representative AHEARNE of Madawaska.

PENDING - Adoption of House Amendment "A" (H-649). (Roll Call Ordered)

Representative DAVIDSON of Brunswick presented House Amendment "A" (H-724) to House Amendment "A" (H-649), which was read by the Clerk and adopted.

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

Representative DAVIDSON: Madam Speaker, Men and Women of the House. This amendment Representative Donnelly and I have worked on goes back to some of the original language of this bill that was brought forward with the work of Senator Amero, Representative Donnelly and a number of other members. This bill and this amendment would prohibit contributions during the time that we are in session in the Legislature. To the Governor, any member of the Legislature, any Constitutional Officer, staff or agent of the Governor, from a lobbyist, lobbyist associate, or employer during any time which the Legislature is in session and before they have convened, before final adjournment. The amendment is pretty

straightforward, I think it's the right thing to do. It covers everyone who has to impart judgment on any bill during the course of the Legislative session. I encourage you to support this bill and support this amendment. Thank you.

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

Representative DONNELLY: Madam Speaker, Men and Women of the House. I would encourage support of Representative Davidson's amendment to my amendment and move it's passage. It puts us all on an even playing field, which was part of a debate we had earlier. I think it's a good amendment, puts us in the right direction and I hardly endorse it.

By unanimous consent, Representative AHEARNE of Madawaska withdrew his request for a Roll Call.

House Amendment "A" (H-649) as amended by House Amendment "A" (H-724) thereto was adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-649) as amended by House Amendment "A" (H-724) thereto in non-concurrence and sent up for concurrence.

Bill "An Act to Create the Maine Governmental Facilities Authority" (S.P. 589) (L.D. 1759)

- In Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-297) and Senate Amendment "A" (S-336).

TABLED - May 28, 1997 (Till Later Today) by Representative DONNELLY of Presque Isle.

PENDING - Adoption of Committee Amendment "A" (S-297).

On motion of Representative DONNELLY of Presque Isle, tabled pending adoption of Committee Amendment "A" (S-297) and later today assigned.

An Act to Assist the Law Enforcement Community in Locating Missing Children (MANDATE) (S.P. 553) (L.D. 1679) (C. "A" S-276)

TABLED - May 28, 1997 (Till Later Today) by Representative KONTOS of Windham.

PENDING - Passage to be Enacted.

On motion of Representative KONTOS of Windham, tabled pending passage to be enacted and later today assigned.

Bill "An Act to Remove Restrictions on Items that May Be Auctioned by Public Broadcasting Stations" (H.P. 953) (L.D. 1316) (C. "A" H-270; S. "A" S-190)

TABLED - May 28, 1997 (Till Later Today) by Representative CHARTRAND of Rockland.

PENDING - Adoption of House Amendment "B" (H-675).

On motion of Representative KONTOS of Windham, tabled pending adoption of House Amendment "B" (H-675) and later today assigned.

TABLED AND TODAY ASSIGNED

The Chair laid before the House the following items which were tabled and today assigned:

HOUSE REPORT - "Ought to Pass" Pursuant to Joint Order (H.P. 1332) - Committee on **Education and Cultural Affairs** on Resolve, to Direct the State Board of Education to Study the School Funding Formula (H.P. 1344) (L.D. 1895)

TABLED - May 28, 1997 by Representative KONTOS of Windham.

PENDING - Acceptance of Committee Report.

On motion of Representative RICHARD of Madison the Committee Report was accepted.

The Resolve was read once.

Under suspension of the rules the Resolve was given its second reading without reference to the Committee on **Bills in the Second Reading**.

Representative BAKER of Bangor presented House Amendment "A" (H-729), which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Baker.

Representative BAKER: I rise today to offer House Amendment "A" to L.D. 1895, in so doing, I am opposing a unanimous committee vote, except that the vote wasn't really unanimous because the bill was changed on Friday afternoon after I had left the State House. I came back Tuesday to find that I could not vote because all bills had to be out on Friday.

I have presented an amendment, which for me is significantly different from the bill before you and I want to try to explain why I have taken this action. I think the issue of equity in educational funding should be a front burner issue. From across both sides of the aisle, we have heard about problems with school districts who are having to cut programs, having to cut staffing, because the funding they are receiving is adequate. Our Committee asked for a study to look at school funding and that was included in the budget. Concurrently, there is a study that has been funded for determining essential programs and services. That is currently ongoing. The State Board of Education is to coordinate both of those studies. The bill before you which is the Majority Committee Report asks that only one aspect of the funding formula be studied and reported back by January of 1998, during the current Legislative session. It then delays a further look at the equity issues in funding until January 15, 1999, which would be the 119th Legislative Session. I believe as the Board of Education offered those studies can be done concurrently. In a memo of May 14th, the Commissioner of Education says that they can produce both studies using different groups with some cross over between the two groups which will be coordinated under the State Board of Education, that they can return a report to us by January 1st, 1998. I offer an amendment to you which includes, yes the income and the cost of living adjustments, but unlike the Majority Report before you, the amendment that I offer you asks to look at the effectiveness and fairness of the current practice, not just the way it is assessed which would assume that one will retain the income in what we call COLA, the cost of living adjustment. That is also in my bill, but I am asking for us to question the assumption of whether or not it's effective and fair. Also, included in the amendment before you, Amendment "A," is the request that the committee to study school funding review the amount of state funding and the amount in local tax revenue sources that are necessary to provide funding for equal educational programs and services to all children in the state. My own district, Bangor, doesn't do too badly, because they are blessed with commercial properties, but the outlying districts around Bangor are suffering. Those are of concern to me, whether they are Houlton or Calais or Alton just as much as the students in my own district. I think also that we need to look at the effectiveness and fairness of implementing necessary state subsidy reductions by the percentage reduction method as it's compared to the mil rate reduction and finally, the fourth item asks to look at the effectiveness and fairness of minimum

subsidies. I believe that task is doable by the State Board and it's additional members by January 1998. The cost for this study will be absorbed within the Department of Education and I think that in choosing Amendment "A," which is the bill that I left on Friday, having already made a list of priorities before the Appropriations Committee, a bill that was changed later that day. I believe that by asking that Report to come back in January of 1998, we respect our own 118th State Legislature, we move this issue of equity and funding to the front burner and as one of you said, as I was talking in the last 24 hours to you, like children doing homework, if they know they have to get that assignment done, they will do it. The Commissioner has said he could do it, I believe we can do it and I hope that you will agree with me, that it is a top priority. Thank you.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative O'NEIL: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative O'NEIL: Madam Speaker, Colleagues of the House. The question would be this, this amendment wants to study the income and COLA factors, how much data do we have on those two factors? In other words, how long a period of time have those been in place for us to even study?

The SPEAKER: The Representative from Saco, Representative O'Neil has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bangor, Representative Baker.

Representative BAKER: Madam Speaker, Men and Women of the House. The bill before you, asks to study those two items, the income and COLA, which have been in place, I believe, since the Rosser Commission Report and that's two years ago, or one year ago. I am asking for that to be, not just looked at in terms of the way we measure income and cost of living, but whether or not it's an effective component and in addition I'm asking that we look at issues of equity across the state, the increased mil rate, versus the percentage reduction method and the minimum subsidy. I hope that answers the question. Thank you.

Representative WHEELER of Eliot moved that House Amendment "A" (H-729) be indefinitely postponed.

The same Representative requested a roll call on the motion to indefinitely postpone House Amendment "A" (H-729).

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

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

Representative BARTH: Madam Speaker, Men and Women of the House. I thank Representative Wheeler for making that motion that I was about to make. I am a member of the Essential Services and Programs Committee, which was established by the 117th. It however, was not funded at the last moment, the waning hours, the last hour, of that last session. We did meet twice, we've got a lot of work to do, but we are expected and will present to this Legislature our Report by the deadline that we've been given, which is January 1st of next year. This will happen. What will this mean? This will mean that we will know as well as we possibly can exactly what the state should fund through general purpose aid to education to ensure pupil equity across all of the school districts in Maine. When we talk about pupil equity, keep in mind the other side of that, which is tax payer equity and I'm not going to get into that, but in terms of pupil equity, it's been mentioned in other states and here in this body that if we could fund every student on a

per pupil basis at a certain rate, whatever, that would bring equity. Ladies and gentlemen, that won't bring equity, because there will always be, for example, the Wiscassetts who have the good fortune to have a major facility such as Maine Yankee, which allows that particular school district to spend over \$9,000 per pupil on their education. Almost twice the state average. That's always going to happen, so if you're looking for real pupil equity, I guess, the only way you could counter that would be to say, all right, we're going to fund it at whatever the level, and you can't spend any more than that, no matter whether you can afford it or not. Well, I think, any one of us knows, that's not going to happen. But what we want to do through the Essential Services Study, is to say this is what the state should fund in every school district to ensure the minimum, if that's what you want to call it, or the floor of funding, that will ensure that every child has an equal chance at getting a good education.

Now don't let this whole issue of the funding formula, the whole idea of putting, median income and COLA in the formula came up as a result, as has been mentioned, the Rosser Commission Report. This was an attempt to give some measure of ability to pay and not base everything simply on property tax, because as you know we all have people who are threatened with being taxed out of their family home because of rising property taxes, the bulk of which goes to support the local school. So, we looked at that, the Rosser Commission, asked or suggested that it be a 50/50, we didn't go that way, we went with 85/15. We knew in doing that that there were questions about the data that was used to measure median income and also cost of living. Those have been refined since then and will continue to be refined, but I think the idea of ability to pay is educationally sound. I'll make a guarantee right now that when this committee studies the school formula, they will find that the formula works. What happened this year? The formula worked and all of a sudden due to the Governor's purposed one percent increase for next year, somebody's school district was suddenly losing big time. While immediately the human cry came, the formula doesn't work. Well I suggest that those people that have those problems look into the formula to see how it works and then find out why it doesn't work. The formula doesn't work for those big losers because of the fact that they're evaluation rose, that's one possibility or they lost students, that's another possibility, both of which result in less funding coming to that town, but the biggest problems have been money. We have never funded adequately the formula. The second thing that's wrong is cushioning. For the last six years, we have fooled around with trying to ease the burden and this cushioning has exasperated the problem. It's made some of the big losers, bigger losers, or potentially bigger losers, and big winners also bigger winners. There's also minimum subsidy and the way we have reduced, because we haven't funded it fully, we have made reductions which are uniform such as percentage reduction across the board, which hurt the poorer communities, because a 20 percent decrease in their subsidy is a lot more difficult to make up than a 20 percent decrease to a minimum subsidy receiving town with high evaluation. We're on the right track with the Majority Report and I would urge that you vote to immediately postpone this amendment and go on and accept the Majority Report and we will find the answers we're looking for within the time frame sent out.

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

Representative RICHARD: Madam Speaker, Men and Women of the House. As you have listened to the two previous speakers, I think you can see that this was a very difficult

decision for us to make. We had a lot of opinions of how we should do this, in fact, at one time, we had three reports that we were going to bring to the floor of this House. It was my opinion, and the opinion of other people on the committee, that to bring you three reports and have you battle that out here on the floor of the House was not something that a responsible committee should do. Therefore, when we met last Friday afternoon, we tried very hard to come up with something where we could present you with a unanimous report that would fulfill our obligations and that would do what so many of you have asked us to do all year long. We had two meetings last Friday afternoon, one earlier in the afternoon, and then after the Report was drafted we got together and 11 people of the committee who were there agreed to that Report and the 12th one agreed later on. I would like to point out to you just two or three things in the unanimous Report that might be of interest to you. Number one, in section one, we do say, each member appointed must be impartial and have extensive knowledge of public education and school finance policies in the state and if I were to ask you right now, how many of you have extensive knowledge of school finance policies in the state, I'm sure I would not get a lot of people who would volunteer and say I really know and understand school funding. We feel that we should have people on that committee who do have that knowledge and we have submitted a list of names to the State Board of Education and they will select from that list of names for their committee. We have said review and make recommendations regarding the report and the Representative from Saco asked about the income and cost of living and how much we knew about that.

Earlier this year, we asked the Department of Education to bring us some information and we have a packet of information about that thick where they have done a great deal of research on the income and cost of living. They did not research whether or not it was fair and equitable, but they did get the basic information and we are asking this committee to look over that information to see if it should be used differently, to see if it should be used at all, and to make a recommendation back to us by January 1, 1998. The Representative from Bethel mentioned the Essential Programs and Services and as we discussed this last Friday afternoon, we said, what are we talking about funding? We have had a recommendation from the Commissioner that we should study, what are the essential programs and services that we should be funded at the state level. This has been studied before, I know that, but a new study, what should be funded by the state. Before we started changing the formula around, we thought maybe we should get the horse before the cart and decide just what it is we should be funding. That's what we are asking this committee to do, but you have passed in legislation already this year a bill that would require the Essential Programs and Services Committee to report that back to you by January 1998. Therefore, if you do as suggested in the amendment, change the date for recommendation on a funding formula to January 1998, you are asking this committee to do all of that before January 1998. One other thing that you will see that's different between the amendment and the original bill, is that our original bill says to report it's findings to the Joint Standing Committee on Education and Cultural Affairs which may report out a bill based on the State Board recommendations. Therefore, we would make the decision on what legislation would be presented to this body, whereas the amendment says that to report it's findings and any recommended legislation. We don't feel they should be recommending legislation. We feel that we should be making the recommendation for that legislation. Yes, there may be

some things in this amendment that you would like to see in the bill. I told you before we had three lists that we were going to bring before you and on the Committee of 13 people we were that divided on what should be on the list. Therefore, we have tried to condense it, bring it together into what we thought was a unanimous report that would study the essential services and programs and would look. Also you will find the words adequate and equitable in our bill that would present something to us that would show funding that would be adequate and equitable and we also have said that we do want to look at that section, that 15 percent section on income and COLA. These are the basic differences. We felt very good when we left Friday afternoon. We 11 thought that we had done a tremendous job, that we had come up with something, everyone of us had given up something because we know it's very hard to get everything you want around here. Every single one of us had given up something so that we could come to you with a unanimous report that does do many of the things that many of you have asked us to do all year. I would urge you to indefinitely postpone this amendment.

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

Representative LANE: Madam Speaker, Men and Women of the House. I'm just looking at this amendment and I certainly don't envy the hard job of the Education Committee in trying to please all of the districts, but I'm looking at this thinking that this particular amendment would benefit my area, the small rural, poorer communities and I can be corrected. I just want to give my opinion, because I'm going to support this amendment. If the Education Research Institute comes back with recommended legislation, it seems to me after what we went through with the funding formula in the first session I was here, it gets so politicized. It seemed like, for instance, my district was ahead of the game when it was for a blindfold study, then all of a sudden the bags came off the heads and everyone could see, I ended up losing, so I kind of like the idea and far be for me to like the idea of a non-legislative group to come up with a funding formula, but in this particular case, it's such a hot button issue that personally, I like the idea of recommended legislation which then we can fix to the hearing process and everything else being brought forth by this Education Research Institute and I'm going to support this amendment. Thank you.

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

Representative STEDMAN: Madam Speaker, Ladies and Gentlemen of the House. It was the feeling of the group that met, the members of the committee who were present last Friday, that we needed these two parallel studies going on. The one that was approved earlier on Essential Service Programs and Services and that Committee has already been named by the State Board and has had a meeting already, I believe. The second panel made up of people who are recommended by members of the Education Committee to be knowledgeable people in the area of school finance. Their responsibility would be to look at the cost of living and the income factors, which are now in the formula to find out if the figures that they're using are valid. There's a lot of question about the validity of that program or that aspect of the funding formula. It was the feeling of the group that if we had these two aspects of this funding formula studied first, which define and give some numbers to us to use in establishing the validity of the funding formula itself later on. That would be enough to be done by January 1 of 1998. The rest of the study, looking at the rest of the factors in the funding formula would then follow that during the year of 1998. That

report would be due back in 1999 to be worked on in the 119th Legislature. It just seemed to be a very logical sequence to follow in getting the information together to look at the funding formula as a positive or negative influence on education in the State of Maine. Thank you.

The SPEAKER: The Chair recognizes the Representative from Winterport, Representative Brooks.

Representative BROOKS: Madam Speaker, Ladies and Gentlemen of the House. When I came down here in January, at that time only two or three things were in my brief case. Today I can barely carry it out to my car, but of those two or three things, there were some things that I thought pretty crucial. Property tax relief was one that we were all looking at and I think we heard a great deal about in our campaigns. The overriding issue that I hear an awful lot about was the school funding formula and I kept hearing it, and hearing it and hearing it and when I got down here I kept getting phone calls. Those of you who might remember that when we got time for a budget, those of you who dragged me kicking and screaming to the budget agreement, because I was promised that we would definitely this year look at the school funding formula. Those promises came from a whole bunch of different directions, a whole bunch of different sources. When I walked out of here last Friday, I, too, had been watching what's been going on in the Education Committee and I'm down there as a friend on a couple of occasions talking about various bills and I felt reasonably comfortable with the list that was presented that the State Board of Education would appoint a committee. At one point, I thought maybe it would broaden it and have some Legislators on it, but I felt reasonably comfortable with the parameters that were set forth. Then I came back here on Monday and found that that was changed. I'm going to vote against indefinite postponement, because I think that as I look at the package that I have that was reported out, I believe, unanimous of the people who were voting from last Friday, it really doesn't set up in language that I understand, all of the things that I wanted explored under school funding. When I look at the amendment that's been offered here this afternoon, it comes awfully close to what I understood this committee was going to study. I wasn't real pleased with the make up, and how the committee would be structured, I guess I kind of equated it to it's almost like having the fox watch the chicken house, but I thought, well, we're going to be able to deal with this at some point and at least that some point was for a while when I was spending my time talking to people over the weekend that that sometime was going to be this session. I, like the rest of you, are not at all sure that I'm going to be back in the next session. I hope so. That's not a campaign announcement. By the way, not at this stage anywhere, we're got too many other issues to deal with. I hope we can take a really serious look at this amendment that's been offered this afternoon, so that we can have a report that we can deal with in the second half of this biennium. That's what I've promised my constituents is that all of the information that has been garnered and I guess that when I started complaining about the school funding formula, I suffered the kind of snowstorm of information that you would if you said you didn't have Supplement 5 and everybody started waving it, and yesterday, by the way, at last count, I had 17 copies of Supplement 5. I'm not going to say that now, and I'm not going to say I want more information on the funding formula, because I got buried from people in Bangor. As you know, and people in Portland, as you know. I'm hoping that this committee will take up this charge and it will be able to come back with proposed legislation that will be amenable to all of us. SAD 22, the district

that I represent, I don't believe they're hurt too badly this year, because of the cushion, so I'm not standing up here telling that we're the poor people in the state. We're not, but I think that Representative Lane mentioned that this is going to help some of the poorer communities, the amendment. I hope that we will vote against indefinite postponement and allow this amendment to become law, become part of a package so that we will be able to, next January, stand here and have a vehicle that we can all be proud of. This isn't going to make the change. This is only going to propose the change and for that reason, I'm willing to support it. Thank you very much, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Medway, Representative Stanley.

Representative STANLEY: Madam Speaker, Men and Women of the House. Coming from a small area up in Northern Maine, I campaigned on property taxes and one of my big issues was the school funding formula. Coming from an area, I did represent two different schools, in an area, one is fairly well developed and the other is fairly well rural and they've both lost over a \$100,000, not this year, but the year before. With the funding that we're receiving this year, through the cushion and through the extra percentage on the budget, one school is losing \$25,000 still, and one \$16,000 still and I hear about the evaluation and I've heard about the income and I'm talking two different areas here. We're both losing \$100,000 and to me we have to address the issue now. It can not wait for years and years. The quicker we do this the better off we're going to be. Coming from an area that last year my municipal town alone, they cut \$125,000 out of the school budget and \$90,000 out of the town budget, my mil rate still went up. Two years ago, I was paying \$17 a thousand and now I'm paying over \$20 a thousand and I think it's about time we address this issue. Look at the issues pretty hard and the quicker the better. Thank you.

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

Representative MURPHY: Madam Speaker, Men and Women of the House. If I could give you an analogy, I think what's happened is that if you went along and figured out the calorie count that a family of eight would need to be healthy, it is as if some magic hand came along and instead of giving you the food and the calories that you needed for a family of eight, they've only given you enough for five. If you come back to revisit that family, you're going to find that within that family, people are beginning to fight because they are not getting enough. That's basically what's happened over the last three to four years. I went back and pulled the GPA figures and percentage growth back to 1986. The GPA average, as a percentage of change, has not been above three percent since 1992. In 1993, it was .68 percent, it wasn't even 1 percent, in percent of growth, 1994, -1.88 percent, 1995, 2.71 percent, 1996, 2.98 percent, 1997, 2.63. We're on a starve diet and we're beginning to see the results of that. No matter what report we accept today, I think the members of the House and the other body have got to have a mind set that as we look at general fund dollars, as we look at what's coming in, we have to look at what percentage is going to be committed to education.

In 1992, GPA as a percentage of total General Fund Appropriation was 33.71 percent. Since then it has declined each and every year. In 1997 it has climbed to 30.49 percent, a 10 percent reduction. So what's happened is the money has come in, we made budgetary, or previous legislatures have made budgetary decisions to move the money elsewhere. Our commitment to education hasn't kept up with the flow of dollars coming in, so now we have a family of eight that's trying to live

on the calories destined for five. What we need to do, looking at the second session of the 118th, and those of us that would return for the 119th, that we're going to reverse that percentage. We're going to have education as a priority and we're going to try to reverse that percentage, that historical trend. Two, that this GPA which hasn't gone above 3 percent, has been affected by two sources. One is kids and trailers, we budget x dollars less than 3 percent, this upcoming year 2 percent and almost \$7 million is going to be eaten up by that GPA by lease space, kids in trailers, so that's not even really an honest figure. Another thing we have to do to ensure within this body is to make sure that the Appropriations Committee and leadership, that when there are surpluses in those GPA balances, that they are not rated and sent elsewhere. During those lean years when not enough calories were coming to the table, surpluses did appear in GPA and they were moved from GPA to other spending areas. The Education Committee, very much to its credit, has passed legislation to do that and I think that failed last night when the table was dealt with. We were not appropriating enough. When there are some balances there, the money is taken and spent elsewhere. So there are things that we can do. The Governor's report, or Commission, is going to come back on school construction to try to get rid of the trailer money that's eating up the GPA that ought to be going to communities in the North, the South, the East and the West. But we're not going to solve this problem without using that analogy again. That family of eight has the proper calories for a family of eight, not a family of five.

The SPEAKER: The Chair recognizes the Representative from Carmel, Representative Treadwell.

Representative TREADWELL: Madam Speaker, Men and Women of the House. I apologize for dragging this out, but there are a couple things I feel I should say. Ladies and Gentlemen of the House, since the last election, I have attended seven meetings in local communities in and around the district that I represent. What's happened, and these are all related to school funding, by the way, the municipal officials, the school boards, superintendents, and everybody related to education in and around the Bangor, Newport, in that area, are pleading with us to do something about this school funding and I agree with most of the things that have already been said here and I'm not going to repeat any of that. I would like to just bring up a couple of things that were effected in the past couple of years since the funding formula has been changed. In my town, up until last fall, the last budget year we had had a 24 percent increase in local efforts to fund our school. This year we got hit by another reduction in General Purpose Aid, and I would say that right now in three years we're up around 30 percent increase, which represents about a 2 mil increase in property taxes in my town. Other towns in the area are going through the same problem. What has happened we've had in SAD 46, they had a taxpayer revolt, they turned the school budget down, I guess it was two or three years ago, and they had to go through four different hearings before they finally got a budget approved. The local taxpayers just said we've had enough. We're not paying any more taxes to fund education. This has caused the schools to cut programs, to reduce their budgets. They're down now, all the fat's gone, they're down into the muscle and the bone now. SAD 48 had the same thing, they got their budget approved after one additional hearing referendum to get their budget done. SAD 22, in Hampden, the same thing, so we do have a problem and it's very acute in the Penobscot, Piscataquis County area. The people are giving us some very strong words to do something about the school funding.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Brennan.

Representative BRENNAN: Madam Speaker, Men and Women of the House. I rise to ask you to support the pending motion and I'd like to explain why. Before I do that I want to clarify the answer to a previous question by Representative O'Neil. The current school funding formula, it was changed in 1995, it did not go into effect until July 1, 1996, so the current school funding formula has not been in effect one calendar year. It has been in effect for two distribution years, but it has not even been in effect for one full calendar year. That was an issue, again, before the Education Committee, that we were sitting here saying, what in fact, do we think we need to look at about the school funding formula, when in effect, the school funding formula had not even been played out or even been before the state for one calendar year.

Secondly, what I'd also like to say is that the amendment before you, Amendment "A," outlines a number of things that should be studied. There's already been a state study, and/or legislative study for each one of those issues that is listed in that Amendment. So, if you would like to study that issue, or if other people would like to study that issue, there are already reports that covers every one of those issues that's outlined in that Amendment. That is again why the Education Committee said, what information do we need to gather, what do we need to study in order to allow us to move forward not to go back and plow over ground that has already been studied. The Majority Report simply looks at the facts as Representative Stedman already pointed out. We do have in place a group with the Board of Education to look at essential services. We will define essential services and then by defining essential services look at how do we fairly fund and equitably fund school education across the state. To look at other factors in school funding formula before we look at essential services simply doesn't make sense. The other issue is that the Majority Report does say that there are things that we need to look at in regards to income and COLA. There was a report, and I know we're not suppose to use visuals, but there was a report done earlier this year by the Department of Education that outlined several important issues that need to be examined in regards to income and COLA. The Majority Report will do that. That information will come back to us in January and we will move forward on those issues in terms of income and COLAs, so I think that the Majority Report, which again is the unanimous Report from the committee is a prudent and reasonable step forward at this time. The Chair of the State Board of Education sat in with us on our deliberations during this whole discussion. He said if you look at the laundry list of proposals, do you see an A in terms of what will be studied that what you'll get back is a watered down study, because the Board of Education simply will not have the time and will not have the resources to examine all the issues that have been put forward. When members of the State Board were told that the Majority Report would look at essential services and look at cost of living and look at equitable funding, they said that's doable. We think that's reasonable and that something, a product, that we can bring back to the Legislature in January that we can stand behind and will allow you to move forward. For all those reasons, I ask you to vote for the pending motion. Thank you.

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

Representative LINDAHL: Madam Speaker, Men and Women of the House. The end of the session was drawing near, it seems to be disappearing into the sunset, anybody who

hasn't made up their mind, let's raise their hand and let us know, but let's get on.

The SPEAKER: The Chair recognizes the Representative from Fryeburg, Representative True.

Representative TRUE: Madam Speaker, Ladies and Gentlemen of the House. I apologize, I'm only going to speak less than two minutes and Madam may throw her hammer at me if I am longer. There is one thing that I've waited this long that seems to be escaping people. Supposing I had five of you to go out with pad and paper and look at my truck and bring back what you think you'd give me for that truck. Is that not what happens when people in different parts of this state with different backgrounds, with different ideas look at every single municipality and decide what the evaluation is of that particular municipality. I say this because until we arrive at something whereby that we get an idea of what an evaluation is and not only that, but what it is worth in the geographic sections of a rural state like Maine. We are going to continue to have problems with our formula.

Secondly, it seems to me that it is a good idea to study what the committee has asked for. I would say to you, however, if you have a good solid committee, well rounded, and people from all walks of life that understand a little bit about this don't fence them in and say do this, this, and this. Give them an idea to brainstorm and I have an idea that they will come up with some ideas that perhaps we have not even thought of. There's no one in this House that would like to see this get situated so that we could go maybe five years without worrying about who's going to be hurt and why are they hurt and so forth.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Indefinitely Postpone House Amendment "A" (H-729). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 329

YEA - Barth, Berry DP, Berry RL, Bodwell, Bouffard, Brennan, Bruno, Buck, Bull, Cameron, Campbell, Carleton, Chartrand, Cianchette, Cowger, Davidson, Desmond, Dunlap, Dutremble, Etnier, Farnsworth, Fisk, Foster, Frechette, Gagnon, Gamache, Gieringer, Gooley, Green, Hatch, Honey, Jones SA, Joy, Joyce, Joyner, Kane, Kerr, Kneeland, Kontos, Labrecque, Lemont, Lindahl, Lovett, MacDougall, Madore, Mailhot, Marvin, Mayo, McAlevey, Meres, Morgan, Murphy, Muse, Nass, O'Neal, O'Neil, Ott, Paul, Peavey, Pendleton, Perkins, Pieh, Pinkham RG, Pinkham WD, Poulin, Powers, Quint, Richard, Rines, Rowe, Savage, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Spear, Stedman, Taylor, Thompson, Townsend, Tripp, True, Tuttle, Vedral, Watson, Wheeler GJ, Winglass, Winsor, Wright.

NAY - Ahearne, Bagley, Baker CL, Baker JL, Belanger DJ, Belanger IG, Bigl, Bolduc, Bragdon, Brooks, Bumps, Bunker, Chick, Chizmar, Clark, Clukey, Colwell, Cross, Dexter, Donnelly, Driscoll, Fisher, Fuller, Gagne, Gerry, Goodwin, Jones KW, Jones SL, Kasprzak, Lane, LaVerdiere, Lemaire, Lemke, Mack, McKee, Nickerson, O'Brien, Perry, Plowman, Povich, Samson, Sanborn, Saxl JW, Snowe-Mello, Stanley, Stevens, Tessier, Tobin, Treadwell, Underwood, Vigue, Volenik, Waterhouse, Wheeler EM, Winn.

ABSENT - Jabar, Layton, McElroy, Mitchell JE, Usher, Madam Speaker.

Yes, 90; No, 55; Absent, 6; Excused, 0.

90 having voted in the affirmative and 55 voted in the negative, with 6 being absent, House Amendment "A" (H-729) was indefinitely postponed.