

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

Under further suspension of the rules the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-727) as amended by House Amendment "A" (H-738) thereto and sent up for concurrence.

An Act to Establish the Maine Economic Improvement Fund (S.P. 637) (L.D. 1854) (H. "B" H-720 to C. "A" S-326) TABLED - May 29, 1997 (Till Later Today) by Representative SAXL of Portland.
PENDING - Passage to be Enacted.

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

Representative MURPHY: Madam Speaker, Men and Women of the House. We were able to unravel some of the confusion last night surrounding this bill. Earlier, Representative Vigue had placed a House Amendment on this which stripped off the funding, but left a future vehicle or mechanism that as monies are raised privately or federal research dollars come to Maine that they would be gathered within this vehicle and we would move forward with research and development. Down at the other end of the hall, part of this bill was separated and we had a Joint Order establishing the study commission, which was part of this bill is traveling separately. That is why we had two mirror like documents moving through. The members that serve on Business and Economic Development support LD 1854 in its present form and would continue to support it in its present form as a vehicle. If, down at the other end of the hall, funding is put back into this, any future liabilities, I think that if it came back to us amended then at that point many of the members of the House from that committee would oppose that. I would urge your support for its enactment today in its present form. If it comes back amended, then we are going to ask for your reconsideration of that issue. Thank you.

Subsequently, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

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

ENACTORS
Emergency Measure

An Act Concerning Technical Changes to the Tax Laws (H.P. 601) (L.D. 792) (C. "A" H-732)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 125 voted in favor of the same and 2 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Mandate

An Act to Assist the Law Enforcement Community in Locating Missing Children (S.P. 553) (L.D. 1679) (H. "A" H-707 to C. "A" S-276)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. 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 being necessary, a total was taken. 119 voted in favor of the same and 0 against, and accordingly the Mandate was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Establish the Uniform Unclaimed Property Act (H.P. 1116) (L.D. 1559) (C. "A" H-682; H. "A" H-733)

An Act Concerning Acceptance of Campaign Contributions during Legislative Sessions (S.P. 662) (L.D. 1882) (H. "A" H-724 to H. "A" H-649)

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. Ordered sent forthwith.

Resolve, to Direct the State Board of Education to Study the School Funding Formula (H.P. 1344) (L.D. 1895)

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

On motion of Representative GOOLEY of Farmington, was set aside.

The same Representative requested a roll call on final passage.

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 Bangor, Representative Baker.

Representative BAKER: Madam Speaker, Men and Women of the House. I want to urge again you to consider the vote on the school funding study. I believe that we must move the date forward to 1998. Currently, the date set for this study to return is January 15, 1999. The longer we wait the more we lose. No school district should have anything to fear from the amendment that I offered yesterday to move the date forward. We are already in agreement that a study of equity should be done by 1999. That was the vote yesterday. Those of us losing money, however, want to look at equity done sooner, rather than later. Every Representative in this House needs to understand that 55 percent of school districts in this state lose money under the current formula. In the past five years, 14 out of 16 counties have lost money. This is a basic fairness issue that needs to be addressed now because regardless of all else, it is the children who lose.

Yesterday the good Representative from Bethel, Representative Barth, got up and spoke of Wiscasset. Wiscasset spends over \$9,000 per student. That same school district received over \$100,000 more under the current funding formula. At the same time, a school district in Western Maine, which only has \$3,200 per student lost over \$165,000. I ask you, is that equity? Is that fairness? Who ultimately loses? It is the children. We have voted to implement learning results, which say that all children across the state should achieve a certain standard. However, if we are to require that, then the funding needs to be adequate. I ask you to reconsider your vote yesterday and to adopt Amendment "A," which does the same thing except it asks that equity be looked at within this 118th Legislative Session. The Majority Report only asks that the committee study the issue of the income and cost of living adjustment. It does not ask, however, whether or not we should include that in the formula. It simply asks to look at how it is currently assessed. That committee will come back in 1998 with a report, which will have a kind of sanction to it, which will be difficult to address.

I urge you to consider the fact that any aspect of the current school funding needs to be looked at within the context of equity and that that can be done by 1998 when we return to this session. Thank you.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Gooley.

Representative GOOLEY: Madam Speaker, Men and Women of the House. I didn't rise to talk about this yesterday, but I can tell you one thing. As far as the school funding formula goes, there is one part that I am really concerned about and that is the income part of it. It leaves a lot to be desired. We, in SAD 9, have really felt the effect of this. We have analyzed the income part as well as the property evaluation part. We are very unhappy at the present time with the present formula. I know that Representative Barth did speak up highly for the formula, but it leaves a lot to be desired and that is why I wanted to set this issue aside for another vote. Thank you.

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

Representative RICHARD: Madam Speaker, Men and Women of the House. If there is anyone in this body who thinks that I do not understand about schools and districts losing money, let me remind you of something that I said quite some time ago. My district lost \$100,000 this year. I understand that. I also understand the budget system. I understand why we lost \$100,000. We also lost 60 students. If you multiply the amount of money per student that the state gives, that is why we lost \$100,000. Unfortunately, that happened in SAD 9 too. They lost a number of students and that is one of the reasons that they lost so much money. There seems to be concern about the wording of the Majority Report review and make recommendations regarding the cost of living and income adjustment factors.

I have already tried to allay those fears by sending word, written word, to the committee that we expect that they will look at the equitable method in which that is figured. There were some people yesterday who expressed to me after the vote that they did not see that we had equity in that. I have already sent written word to the committee that they will study the equity of the income and cost of living adjustment factors. I think we have covered what you want covered. If we are specific, then that is all they will look at is what we are being specific about. If we say adequate and equitable, that can cover a whole array of items. I have no concerns whatsoever about what the cost of living and income adjustment factor will be thoroughly studied and we will have that report by January 1, 1998. If it is necessary for us to do anything with those recommendations, that is also in the bill that you have before you that the joint standing committee on Education and Cultural Affairs may report out a bill based on the state board recommendations. That is next year. Thank you. I would hope that you would support the final passage of the Majority Report.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Belanger.

Representative BELANGER: Madam Speaker, Men and Women of the House. I had hoped not to rise on this issue, but I do want to make sure that everyone understands that when people stand and say that the formula works, in my opinion, it does not. We have had to cushion five or six years in a row. That says something is wrong. For them to say that loss of subsidy is due to the change in property values and the declining students is partially true. I have printouts to show you that income and COLA could shift as much as a million dollars in one community. When they tell you there is a 15 percent

impact and it is not a huge impact, the data does not bare that out. The 15 percent COLA and income can shift as much as a million dollars in the largest community in this state. I think it does need to be looked at and the sooner the better. Thank you.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Jabar.

Representative JABAR: Madam Speaker, Men and Women of the House. My concern is that this is going to take too long to come back to us to do something about it. For my town of Waterville, the funding formula is a problem and has been a problem. It must be addressed. I think it has to be done immediately. For two years, some of us might not even be here in two years and that is why I think it should come back sooner than later and the timeline of the report, I compliment Representative Richard for sending the letter and making sure the state board focuses on those issues that concern all of us. There is still the problem with the date. I would like to see it back a lot sooner than they have in their mandate. Thank you.

The SPEAKER: The Chair recognizes the Representative from Pembroke, Representative Goodwin.

Representative GOODWIN: Madam Speaker, Men and Women of the House. This is the people's house. We each represent 8,000 people, approximately. Like many here, we heard the plea to provide us with property tax relief. I suspect that in each caucus, the Ds and Rs, this was your number one request. How do we give help to circuit breakers, heating assistance and other social programs very necessary for our elderly and disenfranchised, disabled and unemployed? If 50 percent of the entire budget is education, this is where the adjustment must come to save us in our property taxes. Government for seven years, state government, has balanced its books by cutting General Purpose Aid to Education. This established the North/South battle for dollars. Each and every year since the 85 formula was abandoned, we have lost money in Washington County, Aroostook County, Penobscot County, the east, the north and the far west.

Representative Barth quoted yesterday a \$9,000 number expended per pupil in Wiscasset. We don't have the luxury of Maine Yankee and I guarantee that when Maine Yankee shuts down, the \$9 million of the \$10 million in their budget dries up, they will be on our side in a fight to establish equal education opportunities for our kids. Our kids are equal from Kittery to Madawaska to Calais. Each child in Maine has the same values. We need to establish in this body that value and create a system that gives equal funds per child and the funds go to the local school boards to educate their children. The study committee of 10 from the Department of Education put a time line of 1999 means that in 2000 we are going to act. That means that the school year 2001-2002, depending on our actions will do something for our local people. We need to move now in a quicker time line. Adopt the Baker amendment and I thank the Speaker.

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

Representative STEDMAN: Madam Speaker, Ladies and Gentlemen of the House. I tried to explain an earlier time the reason for the delay that was put into the bill. A couple of weeks ago, we passed a learning results bill. That was going to have a major impact on local schools, local funding and it was thought that in order to establish the essential programs and services that the state was going to recommend or support, that those need to be identified. There is a committee that has been funded recently to do that study. It is a 10 person committee under the jurisdiction of the state board.

The second committee of 10 was set up in this bill in order to study the effects of cost of living and income factors in the formula. It was felt that those two studies could go on parallel. The next phase is to put these together will all the factors in the formula to find out if the formula is in fact flawed and needs to be corrected. It was the feeling of the majority of the committee that put out this report that those studies had to be done in that order and at the time was needed to look at all of the many factors that go into the funding formula to get a real study of that issue. If we try to rush through all of these other factors, at this time, without knowing what the essential services and programs are, we are going to be spinning wheels. We are not going to have any real numbers to work with and would probably need amendments or changes in the law later to affect the flawed information that we get. That was the thinking of the committee and I would urge that you accept the motion of Final Passage at this time. Thank you.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Clukey.

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

The SPEAKER: The Representative may pose his question.

Representative CLUKEY: This would be a question of parliamentary inquiry. We debated the amendment yesterday for a great length. I voted for it. Are we now not debating an amendment that is currently before us?

The SPEAKER: The motion that is currently before us is Final Passage. It is not any amendment. It is the passage of the bill unamended by the amendment that was defeated by this body.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Belanger.

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

The SPEAKER: The Representative may pose his question.

Representative BELANGER: Madam Speaker, Men and Women of the House. My question is to Representative Richard. Is the COLA and the cost of living factor being reported back as it regards equity in January 1998?

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

Representative RICHARD: Madam Speaker, Men and Women of the House. I have this day sent written word to the chairman of that committee that that is something that we need. In their review of the COLA that the number of people who spoke to us yesterday, that we also need them to look at the equity issue of everything that they study, including the COLA. That is a report that must be back to us by January 1, 1998. I think those of you who spoke to us during the year, this was the word that we heard the most because this was a totally new part of the funding formula, the income and COLA section. There was a lot of feeling and that was especially true in SAD 9 that the COLA part of it and the income part of it was not accurate. The department has done some review of that and we want more study of that done and looking at it from the full point of view of the formula. That study will be back to us by January 1, 1998. Then it is up to this body what we want to do with that study.

I hope you listened to what the Representative from Hartland said in that we have a lot of things to consider with learning results and this new aspect of the formula that has only been in existence for a year. There are a lot of things to be done. If we

jump into this, we are going to be doing the same thing year after year and that is saying something is wrong. Something is wrong. The Representative from Kennebunk made a statement yesterday that is also a very true statement. Regardless of what we have for a formula, if we don't put the money into or enough money into it, it isn't going to work very well. That is not the aspect we are talking about right now. What we are talking about right now is what are we going to have back that we can look at January 1, 1998. We are going to have something back that we can look at January 1, 1998.

You have already passed the bill that says this essential service report did not have to be back until January 1, 1999. We feel that we need that report. What is it that we should fund rather than just going and saying that this is the funding that we should do. What is it that we should be paying for? Perhaps and we have discussed this a lot in committee, perhaps there are some things in programs that the state is now paying for that the we shouldn't be paying for. Perhaps there are some things that we are not paying for that we should be paying for. We feel very strongly with this. We need to look at that before we make any changes other than this one section that we are talking about, whether or not we will change that, we don't know. We need some kind of further study of that before we make a decision.

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

Representative BAKER: Madam Speaker, Men and Women of the House. The essential programs and services study has already been underway. I am told for as long as a year and a half. It was proposed in the last legislative session, but not funded. It has been funded now with \$75,000. Representative Barth told you yesterday that he is actually on this study, which has been meeting. I do not understand how the department could have determined learning results without somehow, at the same time, understanding essential programs and services. I do not understand how those are separate things. I suggest to you that this issue has been and is being studied.

Equity is not in the bill, which this body passed yesterday. My amendment and the earlier report from the committee asks the school funding study to look at several issues which were not limited, which should be included, but not limited to the following. That language is gone from that bill yesterday. I am very concerned that the income and the cost of living are to be addressed only out of context and not under the umbrella of equity. I want a study desperately, but I want the correct study. I do not want it done piecemeal. The department, itself, the state board, with a letter from the Commissioner, Duke Albanese, offered to us that these two studies should be done together, essential programs and services and school funding with some cross over people on both committees and that those people would come back in January of 1998. I believe that the delay to 1999, January 15, 1999, which will be the 119th legislative session. I tell you, that date only went into this bill late Friday afternoon, last Friday. I left town and had permission to leave town believing that the two lengthy debates we had already had on this issue were final.

The SPEAKER: Would the Representative please defer. For what purpose does the Representative rise?

Representative ETNIER: Please excuse me Madam Speaker and Representative Baker. I just was wondering if this was relevant to the bill that is before us.

The SPEAKER: The Representative has raised a point of parliamentary inquiry. The Chair would caution all speakers to

try to focus on the pending question, which is passage of this particular piece of legislation. The Representative may proceed.

Representative BAKER: Thank you Madam Speaker. I am sorry that I feel so strongly about this issue. I think that the school districts that are hurting need to be helped now. I want us to do this in this legislative session. I believe that we can do that. May I ask a question of procedure.

The SPEAKER: The Representative may pose her question.

Representative BAKER: Madam Speaker, I would urge that we vote against the current passage of this bill, but I want the study. Is there any way to move the date forward or to bring back the amendment of yesterday?

The SPEAKER: The Chair would advise the Representative that the pending question is Passage. Should Passage fail, then to offer further amendments, one would have to reconsider and have permission of the body to reconsider. I believe because the amendment was defeated yesterday there would be some super majority required. That is what we call suspension of the rules to move backwards. One would require two-thirds vote to back the bill up.

Representative BAKER: My dilemma is I don't want to lose a study, but I desperately want the date moved forward. I would urge you to consider my request. Thank you.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Lemke.

Representative LEMKE: Madam Speaker, Men and Women of the House. A few days ago, it seems like a week ago, the good Representative from Bangor and I had a fundamental disagreement on the learning results bill, but I do respect that she wanted, if that legislation were passed, that it be done right. Quite frankly, if you vote for this, I think her passion is well founded. You are not even going to start to do it right. If I were the kind of person, which of course I am not, I would be saying I told you so now. When you pass a learning results bill without dealing with equity of funding, these things are going to come back to bite you. It surprised even me that it has come back to bite us within a matter of hours. In all deference to the good Representative from Bangor on this fundamental issue, if you are going to attempt to do something, however flawed, try to do it right at least. I support her on this. Vote against the pending motion so that at least there is an opportunity to do it right. I will say in all honesty, you can try all you want to, there are so many problems that you probably won't do it, but I will at least defer that at least in a minimal level, you might try to get this thing right. It amazes me how education issues create greater confusion on the floor of the House and create more confusing bills than I guess any other subject we have before the Legislature. I think if we all calm down and try to deal with this in judicial and prudent and sound way, we may have at least some political learning results here today. I support the good Representative. Please vote against the pending motion. We shouldn't always be in the practice of passing bills that are already flawed.

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

Representative TRUE: Madam Speaker, Ladies and Gentlemen of the House. I would urge you to support the passage of this because of the following. No matter what study comes out in education dealing with finances and that is every single place agrees that they are getting their share, there will not be final agreement. I am sure that some of you remember being taught that formula A equals one-half BH. If you take that formula and you put the right things in it, it will always come out right. Why? Because it is constant. A couple of people have

said that no matter what study, until such time as we, the Legislature or the State of Maine, appropriates the proper amount of money, we still are going to have a problem.

Let me just give you an illustration. Eighteen years ago I came down to speak on a bill that had to do with everyone dealing with monies, which we get, which is called IVF, insured value factor. At that time, they recommended that they would pay 7 and a half percent of whatever was given to each community for each student. They said in three years it would go to 10 and a half percent. In five years it would go to 15 percent and then we would consider it again. Those of you that know, it is still 7 and a half percent because they found that we did not have the money to support that. I hope that without cutting short and I certainly agree with my good friend from Westbrook that some of these studies have got to be accurate, but they also have got to have the time and I think that is because we don't have the money. It hasn't been consistently been coming in as we expected it to do. I think that we should allow this study, whether it takes another year or not. I certainly feel for the people that have lost money, but there are many many facets of those reasons why they have lost money. I urge you to pass it.

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

Representative BRENNAN: Madam Speaker, Men and Women of the House. I want to clarify a few points. First, I just recently spoke to the person who is chairing the essential services study for the Board of Education. He was, in fact, complaining about the huge workload that they have before them and the amount of work that they have to do to complete the essential services between now and January. That work has not been completed in the three years that I have been on the Education Committee. There has not been an essential services report that has come before our committee. I just want to be clear because there was some indication that somehow the essential services study had been completed and that that was not something that was of a major concern and, in fact, the people on the Board of Education are studying that and still see that as a huge task before them.

Secondly, there clearly has been some discussion and possibly some confusion about the dates. I am going to reiterate what other people have already said. Representative Gooley raised the point about income and COLA and his particular school district. There has been some issues raised by the Department of Education through a special committee that they formed in March and reported back to us earlier this month, the end of April. The purpose of the study that is before you is to go back look at those income and COLA issues and to have a thorough examination and come back with clear recommendations about what to do with income and COLA next January. That is not deferred for a year. That is next January. Before us next January, before this body, we will have a significant report on essential services and we will also have a complete and in-depth report on income and COLA, which I hope we don't have huge debates about it, but we will have discussions and an opportunity to go forward and revisit these issues over and over again.

The final point that I just want to make because it is a point, I think, that drives a lot of this discussion. In 1991, the state share of funding for General Purpose Aid to Education was 51 percent. Last year, it was 43 percent. Because of the 2 percent/3 percent increase that was granted in this biennium budget, it has gone up to about 44 and a half percent, maybe 45 percent. During that same period of time, between 1991 and

1995, the local option part of the school funding formula, which is the local property tax money that is raised to support general purpose education in 1991 was 90 million and in 1995 it was \$260 million. What we have seen in the last five years is that a portion of state funding has dropped from 51 percent to 44 percent. Local property tax effort has gone from \$90 million to \$260 million. I would submit to you that I think a lot of the discussion we need to have about school funding or related to that very issue and the percentage drop in state funding and the pressure that that put on local property tax.

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

Representative PERRY: Madam Speaker, Ladies and Gentlemen of the House. I think it is fair to say that the majority of us in the 118th Legislature would agree there is a problem with the school funding formula. By passing this bill, as it stands, I believe the majority of us will be saying we don't care if we fix it. I think we should kill this bill, amend it and get this study underway. Thank you.

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

Representative BROOKS: Madam Speaker, Ladies and Gentlemen of the House. The good Representative from Bangor is absolutely correct. I think the first thing I need to say is so much to do and so little time to do it in. I don't know if we can do this today, but. I think it is almost *deja vu* all over again. This is the same issue we looked at yesterday. I am as reluctant as anyone else to get up here and say the same things that we did yesterday. I would just simply say that the Representative from Bangor, Representative Perry is absolutely correct. Fourteen out of sixteen counties there is some concern about the school funding formula. I am not sure I want this thing passed in the current way that it is written. The Representative from Portland, Representative Brennan, is absolutely correct. We will be looking at income and COLA. Those things will be back to us. That is a definite and serious part of the questions we need to ask. That is not the only questions. There are other questions that were framed in the other amendment, which we rejected yesterday. There is a deadline that I would like to see us adhere to, which is January of next year, not January of the year after. I guess the only solution that I see to it is, quite frankly, is to defeat the bill at its final passage and I am not up on parliamentary procedure because I didn't get to attend the Clerk's sessions much this year. It seems to me that if we do that, we will stand in non-concurrence with the Senate and if that is the case, then perhaps we can Adhere and ask for at least a committee of conference so we can resolve this and get it done. While there is very little time to do this, today or tomorrow or whenever, I think we still have time to do this particular effort. I would suggest to join with me so that we can defeat this so that we can get back to looking at it and making sure that the bill we do pass is appropriate. Thank you Madam Speaker.

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

Representative RICHARD: Madam Speaker, Men and Women of the House. I am totally offended when anybody says we don't care if we fix it. The Education Committee, the majority of the Education Committee, has met five days a week during this entire session. This is a topic that has come up over and over and over again. To say that we don't care is a major understatement. We do care. However, we do care about doing it right. There is little time. You cannot do this kind of thing quickly. It is a very difficult task and has been mentioned to you

before. We have tried to come up with a plan. The majority of the committee tried to come up with a plan that would be something that would be systematic and would have reason behind it and would come up with something that would be equitable and adequate. It was previously stated that we should go about this in a sensible way. I thoroughly agree with that. We should go about this in a sensible way. If we limit the committee to say do this and do this, that is all they will do. If we give them the long, long, long list that we originally had compiled from the Majority, Minority and the Minority to the Minority Report, then they could not have done all of that. I feel they will come up with something that we can work with in January of 1998. I really would appreciate it if you would support all of the work that the Education Committee, the majority of the Education Committee did during this past year.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Cameron.

Representative CAMERON: Madam Speaker, Ladies and Gentlemen of the House. I don't have anything to say on this subject. I will try not to be as blunt as a bulldozer, but we have a lot of work to do and the hour is late. I don't think anybody's opinion is being changed and I think it is maybe time that we bring this to a vote. I don't know how anybody else feels, but I think it has gone on about as long as necessary. Thank you.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Lemke.

Representative LEMKE: Madam Speaker, Men and Women of the House. I would respond to the previous speaker, I agree totally. The results of this will be made clear if you pass this in the districts, like any other legislation. Vote your conscience. If you want to vote another flawed bill, vote for it. If you want to make it better, vote against it. It is as simple as that.

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

Representative BARTH: Madam Speaker, Men and Women of the House. Very quickly. It was mentioned that 55 percent of the school districts lose or lost this year. That points out exactly what I and others have said. We haven't put enough money into it. The whole new formula that has only had a year to work got started as a result of the decline in the economy, the recession that hit and the inadequate funding of the old formula. That prompted the new formula. We haven't funded it adequately. It adds up to dollars. It has been made mention of that a lot of the schools in the northern part of the state have been losing these last seven years. Well, you could make the same case as others have that in the preceding seven years, the schools in the southern part of the state lost. No matter what type of a formula you have, if you don't fund it adequately, there will be losers.

The SPEAKER: The Chair recognizes the Representative from Greenville, Representative Jones.

Representative JONES: Madam Speaker, Ladies and Gentlemen of the House. By now nobody has had an opportunity to read the *Bangor Daily News* today with all this other paperwork and the time frame that we are under. However, I am going to be very brief and read a paragraph. This is not just a north and south issue or east and west. It is a statewide issue. I will be supporting Representative Baker. The Education Committee has obviously worked incredibly hard and I think what I am trying to say is that we all need to work together for the entire State of Maine to resolve this issue. I think this is a crisis. To me, it has to be resolved and the sooner the better. January 1, 1998 can't come soon enough. When I was given a newspaper article this morning and fax and e-mail and called, we have a town meeting on Monday evening on

discuss our school budget. In the paper it says, "Faring an effort be made next week at the annual town meeting to close the school or cut the budget a group of business people, parents, senior citizens and town and school officials met Wednesday to discuss a way to pull the community back together and thought such an action." We are talking about not only closing our schools, but businesses not moving in and businesses moving out. I mean this is a tremendous affect and we cannot wait for three more years to resolve this. The State of Maine is in a crisis situation. I mean 14 counties out of 16. Let's encourage the Education Committee. Let's work with them. Let's help them. Let's do whatever we go to do statewide and take care of this by January 1, 1998. Thank you.

The SPEAKER: The Chair recognizes the Representative from Wayne, Representative McKee.

Representative MCKEE: Madam Speaker, Men and Women of the House. I want to say this. A lot of us served on school boards. From that perspective, we all thought always that we were on the short end of the stick. After we came here, one of the things that we realized was that everyone was working very hard to create an equitable situation. If anything, I can go home and say to my constituents, it is truly in an egalitarian group. We try to hear people every single day and give a little and get out on that narrow ridge and try to find common ground. The common ground today is the study. We want the study. Fourteen out of 16 counties have said to us, however, that this is an emergency. What divides us is the date. It is the small matter. Can we not come together on the date and ask the Department of Education to make this a top priority for us. If they can't, they can back and come back and say we couldn't do it. It was absolutely impossible, but we tried. Here is what we know today. You and I may not be re-elected. We may not be back here to fight this good fight. Let's fight it today in good will and in great appreciation to the Education Committee who probably has worked harder than any committee here at the State House for education. Let's defeat this bill and go on to reconsider our good colleague Representative Baker's amendment and to see if we can find common ground, not only on the study, but also on something small like the date. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Shannon.

Representative SHANNON: Madam Speaker, Men and Women of the House. Being a freshman here, I have a couple of questions I would like to ask.

The SPEAKER: The Representative may pose his questions.

Representative SHANNON: Thank you. Whichever report gets passed, that which is pending enactment or an amended version, does it have to wait 90 days from the end of session before it can begin?

The SPEAKER: The Chair would answer in the affirmative.

Representative SHANNON: Thank you. Meaning that on September 1st this group could begin to gather its information and report back to us four months later. Four months later what it has found out being a January 1st deadline. I tend to think when we rush to making choices and decisions about something as important as school funding, we deserve information that is gathered over a considerable length of time, digested and presented to us with recommendations, which are thought out recommendations. Many of the problems with the school funding formula in the last 10 years have resulted from rushes to judgment. I would hope this body would resist that urge in spite of the emergency that we have facing us in the school funding

area. Please, let's take the time if we are going to fix this to fix it correctly so that we don't fix it again every two years. Thank you.

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

Representative MURPHY: Madam Speaker, Men and Women of the House. There is a real positive side to the debate today. There is an enthusiasm and a fever for the proper education funding, whether you are from the north or the south or the east or the west. Yesterday we talked about things that we need to do. We need to fight for increased GPA funding. We need to deal with the school construction crisis. We also need to make sure their aren't raids on education dollars and that they remain within the education. Given the tone of the debate today and the intensity of emotion that people feel and the consequences they understand when education doesn't get properly funded, I wish there was some way we could wave a magic wand and given the priorities that we hear on the floor today that that budget we passed in March, \$2.8 billion, given the fever I hear I today, I don't think we would have been appropriating 2 percent and 3 percent for GPA. I hear a higher priority today and I think that would have resulted in a higher percentage of funding. I would hope that in the future when those biennium budgets move through that we don't do that again. That we wait until the end and what we are doing is setting our priorities now. That is what we have been hired to do. We are sifting through all the priorities that have come to us as legislators. You have come to a position that education is one of your highest priorities. The \$2.8 billion is no longer with us. I hope in the future that we would hold those budgets until the end so that when our priorities come together with the money, we can move forward with the money and we don't have the consequences, very graphic consequences that we have heard in all the communities north and south because we haven't funded education properly.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Baker. Having spoken twice now requests unanimous consent to address the House a third time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative BAKER: Madam Speaker, Men and Women of the House. We are not starting from scratch. There have been endless studies of the school funding. We have the Roser Commission of 1995. We have the 1993 study. We have a 1991. Basically, we need to return to the 1985 school funding formula. It worked. It was a national model. I suggest to you if this body can create a state budget in three months, those who have already been addressing these issues can solve the educational crisis before January 1998. Thank you.

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

Representative STANLEY: Madam Speaker, Men and Women of the House. I rise to say that no matter if we have a thousand dollars or \$10 million, the name of the game here is equity so that everybody will get their fair share. We can overfund it or underfund it or whatever it is, but you are going to have X amount of dollars no matter what. All we are asking is our fair share of that amount of dollars. Thank you.

The SPEAKER: The Chair recognizes the Representative from Eliot, Representative Wheeler.

Representative WHEELER: Madam Speaker, Men and Women of the House. We have talked about this so long it is getting boring so can we please move forward and vote on this. We have a lot more work to do. We voted yesterday and it was

overwhelming. It wasn't even close. Please, can we move forward.

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

Representative DESMOND: Madam Speaker, Men and Women of the House. I think that perhaps what Representative Shannon has thought of is a really very good point even though he is a new legislator. We have asked a group of people to take on an arduous, time consuming and complicated task in studying the funding formula. The Education Committee in the 117th Legislature spent months on a formula with the aid of advice from many others. This study committee needs time to do a good job with the education issues that are underfunded. What Representative Baker is putting forth is and I do think is what we want in this study committee to do. I think it is already in what we have asked the study committee as a charge. I feel that we should not go astray, perhaps, and get into a complicated matter that we don't have time to take care of. I do hope we give this study committee the time and support to get this work done and hope that we have final passage on the bill.

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. 343

YEA - Barth, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bodwell, Bouffard, Bragdon, Brennan, Bruno, Bull, Bumps, Cameron, Campbell, Chartrand, Chick, Cianchette, Clukey, Colwell, Cowger, Cross, Desmond, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisk, Frechette, Gagne, Gagnon, Gamache, Gieringer, Green, Hatch, Honey, Kane, Kasprzak, Kerr, Kneeland, Kontos, Lane, Layton, Lemont, Lovett, Mack, Madore, Mailhot, McAlevey, Meres, Mitchell JE, Morgan, Murphy, Muse, Nass, Nickerson, O'Neal, 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, Tessier, Tobin, Townsend, Tripp, True, Tuttle, Usher, Vedral, Vigue, Volenik, Watson, Wheeler EM, Wheeler GJ, Winglass, Winsor, Wright, Madam Speaker.

NAY - Ahearne, Bagley, Baker CL, Baker JL, Bolduc, Brooks, Buck, Bunker, Chizmar, Clark, Dexter, Donnelly, Fisher, Foster, Fuller, Gerry, Goodwin, Gooley, Jabar, Jones KW, Jones SL, Joy, Joyce, Joyner, LaVerdiere, Lemaire, Lemke, Lindahl, MacDougall, Marvin, McKee, O'Brien, Ott, Perry, Plowman, Povich, Samson, Sanborn, Snowe-Mello, Stanley, Stevens, Treadwell, Underwood, Waterhouse.

ABSENT - Carleton, Davidson, Jones SA, Labrecque, Mayo, McElroy, O'Neil, Saxl JW, Thompson, Winn.

Yes, 97; No, 44; Absent, 10; Excused, 0.

97 having voted in the affirmative and 44 voted in the negative, with 10 being absent, the Resolve was finally passed, signed by the Speaker and sent to the Senate. Ordered sent forthwith.

ENACTORS

Emergency Measure

An Act to Create Quality Employment and Business Ownership Opportunities for Social Assistance Recipients (S.P. 453) (L.D. 1427) (C. "A" S-342)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being

necessary, a total was taken. 116 voted in favor of the same and 11 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Provide That the Operator of a Motor Vehicle Is Not Responsible for Securing in a Seat Belt a Passenger 18 Years of Age or Older (H.P. 303) (L.D. 367)(C. "A" H-334) (S. "A" S-343 to S. "C" S-218)

An Act to Provide Continuity and Flexibility for Long-term Care (S.P. 357) (L.D. 1176) (C. "A" S-233)

An Act to Amend the Retirement System as it Pertains to Qualified Survivors (S.P. 367) (L.D. 1226) (C. "A" S-238)

An Act to Review Registration of Certified Nursing Assistants (H.P. 1206) (L.D. 1706)

An Act Regarding the Economic Security and Safety of Harness Horsepersons (H.P. 1239) (L.D. 1756) (H. "A" H-706 to H. "A" H-683)

An Act Regarding Child Care Regulation (S.P. 667) (L.D. 1893)

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. Ordered sent forthwith.

An Act to Establish the Maine Center for Arts Education (S.P. 388) (L.D. 1273) (C. "A" S-310)

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

On motion of Representative PLOWMAN of Hampden, was set aside.

The same Representative requested a roll call on passage to be enacted.

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

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

ROLL CALL NO. 344

YEA - Ahearne, Bagley, Baker JL, Barth, Belanger DJ, Belanger IG, Berry DP, Brennan, Bruno, Buck, Bull, Cameron, Campbell, Carleton, Chartrand, Chick, Cianchette, Clukey, Cross, Davidson, Desmond, Donnelly, Driscoll, Dutremble, Etnier, Farnsworth, Fisk, Frechette, Gagne, Gagnon, Gamache, Gieringer, Gooley, Green, Hatch, Honey, Jabar, Joy, Joyce, Joyner, Kane, Kerr, Kneeland, Layton, Lovett, Madore, Marvin, Mayo, Meres, Mitchell JE, Morgan, Murphy, Muse, Nass, O'Neal, O'Neil, Ott, Peavey, Pendleton, Perry, Pinkham WD, Powers, Quint, Richard, Rowe, Samson, Savage, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Taylor, Tripp, True, Usher, Vedral, Watson, Wheeler EM, Wheeler GJ, Winglass, Winn, Winsor, Wright.

NAY - Bagley, Baker CL, Berry RL, Bigl, Bodwell, Bolduc, Bouffard, Bragdon, Brooks, Bumps, Bunker, Chizmar, Clark, Colwell, Cowger, Dexter, Dunlap, Fisher, Foster, Fuller, Gerry, Goodwin, Jones KW, Jones SL, Jones SA, Kasprzak, Kontos, Lane, LaVerdiere, Lemaire, Lemke, Lemont, Lindahl, MacDougall, Mack, Mailhot, McAlevey, McKee, Nickerson, O'Brien, Paul, Perkins, Pieh, Pinkham RG, Plowman, Poulin, Povich, Rines, Sanborn, Saxl JW, Snowe-Mello, Spear, Stanley, Stedman, Stevens, Tessier, Thompson, Tobin, Townsend, Treadwell, Tuttle, Underwood, Vigue, Volenik, Waterhouse.

ABSENT - Labrecque, McElroy, Madam Speaker.