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House of Representatives
One Hundred and Twentieth Legislature
State of Maine

Volume III

Second Regular Session

March 7, 2002 – April 25, 2002

First Special Session

November 13, 2002 - November 14, 2002

Pages 1771-2574

Appendix
House Legislative Sentiments
Index

Yes, 72; No, 66; Absent, 13; Excused, 0.

72 having voted in the affirmative and 66 voted in the negative, with 13 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$25,400,000 for Economic Development"

(H.P. 1691) (L.D. 2190)

Majority (12) **OUGHT TO PASS** (H.P. 1691) (L.D. 2190) Report of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED** in the House on March 20, 2002.

Came from the Senate with Majority (12) **OUGHT TO PASS** (H.P. 1691) (L.D. 2190) Report of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-490) in NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1002)** on Bill "An Act Regarding Essential Programs and Services"

(H.P. 1602) (L.D. 2103)

Signed:

Senators:

- MITCHELL of Penobscot
- NUTTING of Androscoggin
- ROTUNDO of Androscoggin

Representatives:

- RICHARD of Madison
- DESMOND of Mapleton
- WATSON of Farmingdale
- ESTES of Kittery
- CUMMINGS of Portland
- STEDMAN of Hartland
- ANDREWS of York
- WESTON of Montville
- LEDWIN of Holden

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Representative:

SKOGLUND of St. George

READ.

Representative RICHARD of Madison moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative SKOGLUND of St. George **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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 St. George, Representative Skoglund.

Representative SKOGLUND: Mr. Speaker, Ladies and Gentlemen of the House. I am not apologizing for standing up at this late hour, because some day you will thank me for this. This is another learning results bill and it is a very important bill. In fact, I would urge you to get out number 2103 to see how much it includes. The other day we had a vote on a learning results bill and I was much encouraged to see that the vote was going my way for a little while and then when it came to a roll call, buttons began to switch. That indicated to me that a great many of you, deep in your hearts, know that there is something wrong with learning results, but you don't know enough about it to explain it to the voters back home or to justify it to your school superintendents whom you presume are in favor of it.

I had another enlightenment on the idea of learning results that helped me understand it. It helped me understand the mentality behind learning results. Someone on television had commented that one of the problems worldwide now was a return of fundamentalism. I had always thought of fundamentalism as being rather positive, someone who had a very firm and unshakable faith. He went on to explain that fundamentalism is not just having a firm and unshakable belief. Today it also includes the willingness to impose it on others, either by law or by force. He mentioned several different types of fundamentalism now ramped in the world, that I don't need to repeat here. The idea of learning results to me is very similar. It is educational fundamentalism. It is the idea that we now have the truth and we can put it into law and force everyone to abide by it. This bill under discussion right now, number 2103, essential programs and services, in the preface to the bill it says, in order to achieve the system of learning results, essential programs and services must be available in all schools on an equitable basis. What this is going to do, we hope, is to equalize school funding so that schools will be equally funded throughout the state. Each child in school will receive the amount of money necessary to carry out what are thought to be essential programs and services, which may be a good idea. I am not saying that we have a perfect idea of school funding now. Because learning results is simply an ideal, it can never be achieved no matter how much money you spend on it. You cannot guarantee that all children are going to be lifelong learners. That is one thing I don't like about this whole idea.

The second thing I don't like about it and I stand corrected if I am wrong, but it was my understanding that this essential programs and services if it went into effect and it is anticipated by the department that we will put it into effect, would cost over \$100 million a year more in education costs. I hope someone will give the accurate figure on that. It was more than \$100 million. I suggested that perhaps we hadn't ought to do anything that would increase educational costs that much, even though it might help education, without first finding a different method of funding education. The answer was, we can do both. We can initiate essential programs and services and go ahead with it and reform our tax system simultaneously. I don't think I trust that we are going to reform our tax system. I don't think we can stand any higher property taxes to go on to fund more essential programs and services.

I hope you will look this over very carefully. I hope you will give it consideration and vote against it. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Monmouth, Representative Green.

Representative GREEN: Mr. Speaker, Ladies and Gentlemen of the House. Representative Skoglund is, in fact, correct. This is an ideal. It is not real. As an educator, I would love to think that all that is in the learning results would happen, but unfortunately I know better. All of those people who have

said we can do it all are not being completely honest. I am not sure, actually, how I am going to vote on this item, but I think before you vote you should know what this is all about. With your indulgence, I am going to read to you from just one section of the learning results. Under social studies, and I will only be reading to you what is necessary to do in the secondary grades. Please know that there are learning results for elementary grades pre-K through 2 and elementary grades 3 and 4 and middle grades 5 through 8. "Secondary grades, civics in government, rights and responsibilities and participation. In the secondary grades all students will develop and defend a position on public policy within our democracy, access the reasons why participation of an attentive, knowledgeable and competent citizenry is important to constitutional democracy using examples from personal or historical experience." That should be interesting. "Describe the circumstances under which civil disobedience might be justified. Demonstrate an understanding of the processes of voter registration and voter participation. Under civics and government, purpose and types of government in the secondary grades. All students will compare and contrast the purpose and the structure of the United States Government with other governments, parliamentary dictatorship, monarchy, with respect to ideology, values and histories. Two, access the different jurisdictions and roles of local, state and federal governments in relation to an important public policy issue. Analyze the major arguments for and against representative government as distinguished from direct democracy, assess the tension between the public's need for government services and the varying availability of revenue through taxes at the local, state and federal levels." That is my personal favorite. "Evaluate the role of the media and public opinion in the United State politics including ways the government and media influence public opinion. Civics in government, fundamental principles of government and constitutions. Explain the historical foundations of constitutional government in the United States, for example, Magna Charta, Roman Republic, Colonial Experience, Declaration of Independence, Articles of Confederation and the Constitution of the United States. Evaluate the federalist and anti-federalist positions on the ratification of the Constitution in light of historical developments. Evaluate the effectiveness of the Constitution as a vehicle for change. Demonstrate an understanding of the meaning and importance of traditional and democratic assumptions, such as individual rights, the common good, self-government, justice equality and patriotism. Demonstrate how the United States Constitution uses checks and balances."

The SPEAKER: Would the Representative please defer? During the course of debate this evening I have allowed several things to go, which I probably should not have allowed. The current practice that the Representative is engaged in is reading a statement into the record, which is against the rules, but may be permitted by the other side. However, it is typically permitted only for the purpose of actual debate. Otherwise it is considered dilatory. The Chair apologizes to the Representative. The Representative may proceed.

Representative GREEN: Mr. Speaker, Ladies and Gentlemen of the House. I will not continue, but I will tell you there are 10 pages chock full of good stuff. That is just for social studies.

My point here is to point to you that in the summary of the Committee Amendment on page 9, number 4, it says that there is a waiver of certain statutory provisions for the implementation of the system of learning results. A waiver from compliance may be provided for the requirements and it goes on. Again, I question how this is going to happen. It is not necessarily a bad thing, but

I think if we believe that all this will happen, all our children will be tremendously well educated, all of these things will happen, it is not true. It is idea and it is a good ideal, but it is not real. That is my point. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Kittery, Representative Estes.

Representative ESTES: Mr. Speaker, Ladies and Gentlemen of the House. I think we are getting confused between LD 2106, which went by us earlier today. That is the resolve, which implemented the Chapter 127, which is the learning results. What we are looking at here in LD 2106 is actually the essential programs and services bill, which moves us toward a new funding formula. We debated Friday afternoon on education funding and many people got up and railed about the problems of the current funding formula. We are moving towards a new funding formula based on essential programs and services. That is what this bill is about. The references in here to learning results, the good Representative Green made note of the waiver. The waiver is in Chapter 127. What the Education Committee did was we took those rules for the waiver for districts having a difficult time meeting the learning results and put them into statute, into this bill, so that it would be guaranteed that districts who are having problems would be able to slow things down. They would be able to get assistance from the department in order to come into compliance.

The other thing on Page 4 of the amendment is a task force to review the status of implementation of the system of learning results. This is something else that we put into this bill because learning results and essential programs and services are paralleling each other. What we wanted to do was we wanted to find out what were the problems out there and to have the task force come back to the Education Committee and report no later than January 15, 2003 what those problems were. This is essential programs and services where we put in some guarantees that we were going to be able to help districts deal with the implementation through the waivers if they were having problems, but also to have accountability by having this report back of the task force to review the status of the implementation of the system of learning results to the Education Committee in the next regular session. Thank you.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Sullivan.

Representative SULLIVAN: Mr. Speaker, Men and Women of the House. If I had my druthers, I would be talking about the other learning results bill, but I don't. I am going to talk about this one. If you look under the summary of this bill, it says that it provides funding essential programs and services in the state and local partnership. I need to tell you that I don't trust state and local partnerships on funding of schools. I believe we had a debate last Friday on that. The learning results are fine if indeed we really would be willing to put the money there, but I maintain we won't be in the long run. I think up until the beginning of this session when we had a different idea for collecting state taxes this was the only way we had to work with in trying to do something for the communities. We have already had the learning results and we weighed three of those learning results. These were the things that this chamber said that all students need to know. Those three were career preparation technology, visual and performing arts and foreign and classical language. We needed those. We had to have them. We really debated that. Gee, then we waived them because it is not so important now because we have a money problem. I told you last week in the debate that we had an unfunded mandate. I don't see how this is going to provide any equality because if you continue reading the number three under the summary on that state and

local partnership it says that the local school administrative units retain the authority to determine how to expend funds once they are received from the state. They may decide to buy 5 million pencils instead of laptops.

This bill doesn't sound it out. We aren't funding our education correctly now and we are going to jump into another one and see what else we can do. That is not fair to your systems. Go back to your districts and ask what they are doing now for professional development in order to meet part of the requirement that 90 percent of all assessment must be local. Find out what your school systems are spending on professional development that was promised \$4 million when we passed learning results. Unfortunately this is all we have at this present time for learning results. I am not afraid of accountability as a teacher in the classroom and I can read you from 5, 6, 7 or 8 grade level, which I teach. I can do that. I have to answer to three different sections, social studies, language arts, including a reading part of English. I have to have the support of my school system. They have to have the money. This system still sets up a system where there is just so much money to put out. If they don't have enough money, what goes? We need to be sure we have the money before we enact a law. We enacted the learning results before we had the money to do it. You can't do that. Unfortunately this is the up and down vote we need. I ask you to think very carefully about this and be sure that the people come back here in the 121st are willing to give the money and rewrite this language so it won't be determined that some communities can spend it on something different. Read the bill. Look at number three and be able to explain an unfunded mandate as it is right now to your districts because that is what we have. Thank you.

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

Representative **CUMMINGS**: Mr. Speaker, Ladies and Gentlemen of the House. The bill you have in front of you, I want to be very clear, is not a learning results bill, but for those of you who are struggling with learning results, let me also be clear that if you are, as Representative Skoglund has said, confused about how to explain it to your constituents, let me help you. It says what our children will know and be able to do when they leave high school. I believe, the State Chamber of Commerce believes and numerous educational groups believe that is a good thing. If you turn away from this bill today, you will have already said that learning results are a good thing, but you will have under minded the funding and the appropriate methods to make sure that it happens for all children. The essential programs and services bill holds enormous promise for the work that we need to do because it looks at the children in those schools to decide exactly what type of children are in there and what kind of support do they need to make sure that learning results occur.

You have an opportunity today to do something that I think you will like. We have in this bill 50 percent of the costs of K-12 education will over the phase in period of this bill be paid for by the state. For those of you who are struggling with local property tax pressures and I know that in my community we are, this is good news. Over the next six years the implementation of this program is contingent upon that phase in. For those local property taxpayers and for your children, this program begins to make a lot of sense. For those of you concerned about implementation of learning results there is built in a task force for the first time to look at where school districts are. We believe this bill has been well thought out and this 11 to 1 decision took a lot discussion. I think it is time for us to move forward. Thank you.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Clough.

Representative **CLOUGH**: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **CLOUGH**: Mr. Speaker, Ladies and Gentlemen of the House. This amendment ends with the statement that the amendment also adds a fiscal note to the bill. Could anyone tell us what that fiscal note is?

The SPEAKER: The Representative from Scarborough, Representative Clough has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Hartland, Representative Stedman.

Representative **STEDMAN**: Mr. Speaker, Ladies and Gentlemen of the House. The fiscal note is in the amendment. It says that the cost for keeping this program going can be born by the department.

I think one point that the good Representative from Portland, Representative Cummings, stated, but I think needs emphasis and is the main reason why I supported this amendment was the fact that there is going to be a task force created that will look at how the learning results have been implemented to date. I think one of the issues we are concerned about is where various schools are in their learning results implementation process. If we don't find out where that is, we can't go forward with funding or anything until we find out what the need is. By putting out a task force to look at this situation as it now stands in the school systems around the state, we can better understand what real essential programs and services are going to be needed down the road. Thank you.

The SPEAKER: The Chair recognizes the Representative from Kittery, Representative Estes.

Representative **ESTES**: Mr. Speaker, Ladies and Gentlemen of the House. Also, to add on the question of the fiscal note, for the task force there is a fiscal note of \$10,000, but that is going to be born by the Department of Education out of their budget from federal funds that have been allocated to the department for next year to provide for school administrative unit accountability for students meeting the standard. This is actually fiscal neutral in terms of having any impact on the General Fund.

The other thing I want to say is that people need to be aware that there was an Education Committee study from July until November of this year and the report that came out based on this concept of a formula that would be created based on essential programs and services. The legislation that was originally from this report, LD 2103, has been substantially amended. To reiterate the point that the good Representative from Portland, Representative Cummings, said, this is not a learning results bill. It is putting us in motion for eventually implementing a new funding formula that will be far more fair than the one that we currently have. Thank you.

The SPEAKER: The Chair recognizes the Representative from Woolwich, Representative Peavey.

Representative **PEAVEY**: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose her question.

Representative **PEAVEY**: Mr. Speaker, Men and Women of the House. To anyone who can answer, in this amendment where it talks about the 50 percent, how does that affect special ed costs?

The SPEAKER: The Representative from Woolwich, Representative Peavey has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Hartland, Representative Stedman.

Representative **STEDMAN**: Mr. Speaker, Men and Women of the House. I couldn't understand the question. Could she repeat the question?

The **SPEAKER**: The Chair will repeat the question. The question was considering the percentage of 50 percent, how would that impact special education costs? The Representative may proceed.

Representative **STEDMAN**: Mr. Speaker, I am not sure that is part of the information we are trying to develop here. Special education costs are going to be built in depending on the individual needs of the students. As each student is evaluated to what he or she needs for their education, that will be factored in as to what the schools will receive and then the state will do their share, hopefully 50 percent by the year 2007. It is one of the factors that is going to be built into what is essential for each student to complete their education according to their plan.

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. I agree with several of the speakers in stating that the current school funding formula has significant problems and does need to be totally overhauled. However, I do have some concerns that are raised by the language of the proposal that is in front of us, specifically dealing with the issue of subsidy cushions. It was a promise and it was a commitment of the Legislature as well as the Education Committee that as we phased in the per pupil guarantee that there would be adequate cushions to lessen the blow of communities that would be adversely affected by school funding. Obviously I don't agree that that happened this session, because our community received a 32 percent cut in our school funding in one year.

When looking at the language dealing with subsidy cushions, I see, again, no guarantees to school districts that this new school funding formula is phased in that it will be done in a manner which will allow a community to budget and provide for locally the reductions that will happen as a result of the new school funding formula.

I would like to ask if any member on the committee or a member of this body could speak to the issue of subsidy cushions and the percentage guarantee maximum that communities will be cut as a result of this new funding formula phase in?

The **SPEAKER**: The Representative from South Portland, Representative Glynn has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Montville, Representative Weston.

Representative **WESTON**: Mr. Speaker, Men and Women of the House. The dialogue about cushions actually tells us that the formula needs help. Essential programs and services is saying that we want to move away from that. We want to find out what does it cost to educate a child, no matter where he lives. We take into consideration a child who has special needs. That child is going to be weighed more. Once you determine the needs of the child, you find out what is that essential program each needs and then you move towards to funding of that essential program for each child. It is a partnership. It is going to take more money only because we are doing differently. It is going in the right direction. It is instead of what we spent last year, it is determining really what are the costs. It is not going to be this district can only spend \$4,000 per student because that is all we have. First we need to know what is it that it really costs. We don't know that yet. This is a timeline to get us there. Thank you.

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

Representative **RICHARD**: Mr. Speaker, Men and Women of the House. Most of the things that need to be said have been

said, but in response to a question that was asked a few minutes ago, in the sheet that we have on essential programs and services, one of the statements is with current economic constraints policy makers can adjust the time frame, the appropriate cushions for adverse impacts on school districts and other variables to keep the transition to the model realistic.

The **SPEAKER**: The Chair recognizes the Representative from Penobscot, Representative Perkins.

Representative **PERKINS**: Mr. Speaker, May I pose a question through the Chair?

The **SPEAKER**: The Representative may pose his question.

Representative **PERKINS**: Mr. Speaker, Men and Women of the House. I am a bit confused. It seemed to me the first speaker on this issue, as I understood it, this is basically the funding mechanism for learning results. That is kind of what I got from it. At least one of the other speakers mentioned that this is the funding mechanism for learning results. Is that true, what this is? If the answer is affirmative, I would like to speak on that idea.

The **SPEAKER**: The Representative from Penobscot, Perkins Richard 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**: Mr. Speaker, Men and Women of the House. I could not hear his question, could it be repeated?

The **SPEAKER**: Would the Representative please repeat his question?

Representative **PERKINS**: Mr. Speaker, Men and Women of the House. The question is, is this issue in front of us basically the funding mechanism for learning results that we passed about six years ago?

The **SPEAKER**: The Representative from Penobscot, Representative Perkins 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**: Mr. Speaker, Men and Women of the House. On this issue before us, we have gotten off the issue actually. The issue before us is that we have a very learner group who is working to determine what it is that is essential for every student to know and be able to do and then to determine how much it is going to cost to have those students be able to know and do those things. The funding formula will come later. This is a process of determining what it is that our students should know and then determining how much it would cost to have each student educated in that way and then it would be a more equitable funding formula that would come out of this as an end result.

The **SPEAKER**: The Chair recognizes the Representative from St. George, Representative Skoglund.

Representative **SKOGLUND**: Mr. Speaker, Ladies and Gentlemen of the House. As usual, I hope anyone will correct me on this, but I remember distinctly asking a member of the Education Department if it was necessary to include the term learning results in this bill. The reply was yes. In order to achieve this system of learning results, essential programs and services must be available in all schools. It does say right in the bill that in order to achieve learning results, essential programs and services must be available in all schools. This is a mechanism for funding learning results. Mr. Speaker, I urge people to answer my question. It seems that in order to implement this it would cost over \$100 million more than what we are spending now. The department is moving ahead on faith that we will find some alternative to the property tax, but I think we are getting in meshed in another tar baby. I think this will go ahead. I think essential programs and services will go ahead, but we will be stuck with the same old funding formula. Thank you.

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

Representative **STEDMAN**: Mr. Speaker, Ladies and Gentlemen of the House. In response to the comments just heard, Representative Skoglund is close to being right. I think the number we heard in committee was \$160 million by the year 2007/2008. That would be needed to meet the demands of the education system.

One of the things concerning learning results I would like to address is regardless of how you feel about learning results, they are the law under which we are running our education system now. They are in the process of being implemented. In order to meet the demands of the law, we must address the costs of implementing learning results. This process, under this bill that we have in front of us is to come up with a fairer way of doing that. Hopefully the essential programs and services idea will be that way. Next year as we go forward the department is charged with the responsibility of coming up with a plan that might be incorporated into essential programs and services funding and also a parallel plan based on the current funding formula. The choice then will be to decide how long along that line to essential programs and services do we want to go or do we stay with the current formula. All of this will only happen if we have this effort made at this point in time to forward this bill through and let them go to work on it. I would urge you to support the bill as it now stands in the amendment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Matthews.

Representative **MATTHEWS**: Mr. Speaker, Ladies and Gentlemen of the House. When I talked to my superintendent back in Winslow they were concerned about how they were going to pay for learning results. I would like to ask a question. I have heard it mentioned in this debate that the most learned of our state will be assembled to look at what our children need to know. I have my Greek resolution in front of me. My question is this, are those learned people, Socrates, Plato and some of the other folks? Are those the folks we are going to us?

The SPEAKER: The Representative from Winslow, Representative Matthews has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Hartland, Representative Stedman.

Representative **STEDMAN**: Mr. Speaker, Men and Women of the House. To answer the question, I think our only chance is to do that today, since it was Greek Day before the House.

The SPEAKER: The Chair recognizes the Representative from Penobscot, Representative Perkins.

Representative **PERKINS**: Mr. Speaker, Colleagues of the House. Please be patient. I may ramble, but it will be very short. I have to say something on this issue. I guess it was six years or so we debated the learning results. I remember precisely standing and we had the booklet in our hands. I had learning results in my hand. I remember saying, here it is. Why don't we send it out to everybody? Why don't we send it out to all the school districts? We kept hearing in the debate that these are guidelines. Send it out to the folks. I never got an answer why we had to put it into statute. Out in the lobby two or three people would come up and say that we have to put it in law because some of the districts won't do it. Some of them won't do it. Most of them would do it. My answer was, aren't they all professionals in all the districts. These are professional people. I never really could figure it out. It took me quite a while to figure out this whole scheme of what a mandate is, unfunded mandates.

I heard someone mention tonight, here is another unfunded mandate. When are we going to send the money? It has finally

come to me that nobody, as far as I can see, invents these so-called unfunded mandates in either of these bodies. After we passed learning results, for example, I got back in my district. I got a call from one of the school people in my district saying, boy, I hope this isn't going to be another one of those unfunded mandates you have passed. I remember seeing that person's name of the list of the committee that kind of brought that forward. I said, wait a minute. You are one of the main proponents of this. It took me quite a while and maybe a lot of you came to that conclusion earlier or maybe it is erroneous or maybe it is not true. These so-called unfunded mandates watch out for them. They are kind of tricky. People like to gripe about them, but eventually my guess is, they figure they are going to get funded. If you follow where the money goes then you will find out probably who is behind these so-called unfunded mandates. It looks to me like it has been couched in language that makes it a little bit complicated. The more we talked about it, apparently it is the funding mechanism for learning results, but it wasn't that clear right on its surface.

Perhaps there is nothing wrong with what we are doing, but I would just like to go on record and maybe my great grandchildren will come in here and see what I wanted to say, but this has been inside me and I wanted to share it. Watch out for those unfunded mandates and where they really come from.

A quick aside, it is related, I kept getting a lot of calls back home a while back about the unfunded mandates for the volunteer firemen. I put in a bill two years ago that would exempt volunteer fire departments from mandates from the state unless we sent the money. Guess who came over and spoke against my bill? It is a very interesting situation. Thank you.

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

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. I, too, was around here when we fought the learning results and those kinds of things. I want you to know that I voted against the learning results because I had some of the concerns of the prior speaker. I have to tell you folks that I have been dead set starting from eight years ago saying that we have to define what essential services are so we can move forward in this state and provide equal education to all levels of this state and not just the more affluent communities against the poorer communities and imbalance of the dam system and everybody can stand here and complain about the formula. I have been complaining for eight years. Ladies and gentlemen, until we allow this bill to go forward and to define what essential services are and to put a price tag to moving forward and defining a level playing field for education, we are going to sit here and have this same argument that we have had for the last eight years. Some people bring up the cushion, some people bring up the formula and all that. That is the problem. We keep messing around here and we haven't defined the end results yet. Let's move forward with this 12 to 1 report. Allow us to define essential services and we can have this debate next year. Thank you.

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. My question concerning cushions, I don't believe was answered. I would like to refer to a section of the original bill that says during the phase in period, in Section 4 of the bill under essential programs and services, Section 15671, Section 4. What the section states is regarding subsidy cushions. During the phase in period described in this act the impact of any reduction in subsidy between consecutive years for any school administrative unit must be cushioned. It makes a fairly definitive statement that cushions in fact are necessary when changing

from funding formula to funding formula. However, when I look at the Majority Report, I find no similar language, definitive language, about how, in fact, we are going to transition these. Listening to several of the comments from previous speakers, one of which sits on the Education Committee, stating quite definitively that there would not be cushions. It tells me that there seems to be a misunderstanding or a undefined portion about how we will transition folks in their communities from one funding formula to the second.

One thing that is clear to me is that the current system that we have does not protect local school districts and, in fact, my district was cut 32 percent as a result of Friday's budget vote, which represents \$1.5 million to my local school district. When we look to phasing in new funding formulas, you bet cushions are a big concern and how they are phased in is a very big concern to my school district. That needs to be straightened out for me when we vote on this issue. In fact, how is this phase in period going to happen? What is a maximum loss for one year that a school district is going to sustain? Thirty-two percent was regarded as manageable by this Legislature. What will it be by the next? I need that answer before I vote.

We also have the whole issue about the funding of this new school funding formula. If, in fact, it is going to require it pumped with \$160 million of additional funding looking at the downward times that we have had in this economy and in this state, what happens when we don't meet those funding levels and, again, that phase in is going to be balanced on somebody's school district? What is the guarantee that that school district is going to be left whole? If there is a member of this body that would like to answer these questions, I would like that answer. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 560

YEA - Andrews, Ash, Belanger, Berry RL, Blanchette, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Carr, Chick, Clark, Collins, Colwell, Cote, Cowger, Cummings, Daigle, Davis, Desmond, Dudley, Duncan, Dunlap, Estes, Etnier, Fisher, Fuller, Gerzofsky, Gooley, Hatch, Hawes, Heidrich, Honey, Hutton, Kane, LaVerdiere, Ledwin, Lemoine, Lundeen, Madore, Mailhot, Marley, Marrache, Mayo, McDonough, McGlocklin, McKenney, McLaughlin, McNeil, Mitchell, Murphy E, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Neil, Paradis, Patrick, Peavey, Pineau, Quint, Richard, Richardson, Rines, Rosen, Savage, Schneider, Shields, Stanley, Stedman, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Trahan, Tuttle, Usher, Watson, Weston, Winsor, Young, Mr. Speaker.

NAY - Berry DP, Buck, Chase, Chizmar, Clough, Cressey, Dugay, Duplessie, Duprey, Foster, Gagne, Glynn, Goodwin, Green, Haskell, Jacobs, Jodrey, Jones, Kasprzak, Labrecque, Landry, Laverriere-Boucher, Lessard, MacDougall, Matthews, McGowan, McKee, Mendros, Michael, Michaud, Murphy T, Muse C, Muse K, Perkins, Pinkham, Sherman, Simpson, Skoglund, Smith, Snowe-Mello, Sullivan, Treadwell, Twomey, Volenik, Waterhouse, Wheeler EM, Wheeler GJ.

ABSENT - Annis, Bagley, Baker, Bliss, Crabtree, Dorr, Hall, Koffman, Lovett, Morrison, O'Brien LL, Perry, Povich, Tracy.

Yes, 90; No, 47; Absent, 14; Excused, 0.

90 having voted in the affirmative and 47 voted in the negative, with 14 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-1002)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-1002)** and sent for concurrence.

ENACTORS

Emergency Measure

An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2002 and June 30, 2003

(H.P. 1574) (L.D. 2080)
(H. "K" H-986 to C. "A" H-968)

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

Representative KASPRZAK of Newport **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: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative **MURPHY**: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. What is the size of the structural gap contained in this budget that is before us?

The SPEAKER: The Representative from Kennebunk, Representative Murphy has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Livermore, Representative Berry.

Representative **BERRY**: Mr. Speaker, Men and Women of the House. From the blue sheet we had, the work sheet, with the budget documents the other day, I think the estimate was between \$500 an \$600 million.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. It seems like just three years ago we were concerned about a structural gap moving up over \$100 million. We say in this session when we had a \$250 million shortfall we saw almost daily demonstrations, rallies, letters, editorials and e-mails talking about the impact on Medicaid and the state agency kids with their full reimbursement was not going to be included and what that meant without fully funding GPA cushion. If I could pose an additional question, Mr. Speaker?

The SPEAKER: The Representative may pose his question.

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. To anyone from the Appropriations Committee, within this budget that is before us, that includes a projection for GPA in each of the two years, what would be that percentage increase for each year?

The SPEAKER: The Representative from Kennebunk, Representative Murphy has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Acton, Representative Nass.

Representative **NASS**: Mr. Speaker, Men and Women of the House. I am a little puzzled by the question. I am not sure it is a number that I am familiar with. Hopefully someone from the Education Committee might know what the projected increase is,