

MAINE STATE LEGISLATURE

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One Hundred and Twenty-Second Legislature

State of Maine

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STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Thursday
January 20, 2005

Senate called to order by President Beth Edmonds of Cumberland County.

Prayer by Reverend Dr. Edward DeLong of the Westbrook-Warren Congregational Church, UCC, of Westbrook.

REVEREND DELONG: I tell my church when we worship that the most dangerous thing that we do is the invocation because it's a reminder that we're not completely in charge. Let us pray.

Gracious God, by Your providence and grace You have called these men and women for public service to the good people of Maine. Through our discerning and voting we have elected them to be our leaders. We ask simply and plainly that You equip them this day with the gifts and graces necessary for their vocation as Senators. We acknowledge that we lead best as we follow and open ourselves to Your living and risen word still speaking among us. Give us ears to hear, eyes to see, minds to understand, hearts to follow, and hands to embrace each other in our common life, that Maine may lead and direct as a beacon to that realm where Your will is done on earth as it is in heaven. We pray in the strong name of Jesus. Amen.

Doctor of the day, Dr. Buell Miller of Richmond.

Reading of the Journal of Wednesday, January 19, 2005.

Out of order and under suspension of the Rules, the Senate considered the following:

ORDERS

Joint Order

On motion by Senator **NUTTING** of Androscoggin, the following Joint Order:

S.P. 111

ORDERED, the House concurring, that the Joint Standing Committee on Education and Cultural Affairs shall review the following components of the Essential Programs and Services Funding Act established pursuant to the Maine Revised Statutes, Title 20-A, chapter 606-B, including proposed provisions contained in L.D. 1, Part D:

1. The replacement of existing cost-sharing agreements that were established by member municipalities of school administrative districts and community school districts prior to January 1, 2004 to determine how member municipalities would share the costs of operating the school district;
2. The per-pupil rates established under the Essential Programs and Services Funding Act for those school administrative units that do not operate an elementary school, but pay tuition for their students to attend school in another school administrative unit;
3. The distribution of funds for special education within the model for Essential Programs and Services Funding Act as opposed to 100% state funding outside the model; and
4. Other cost components of the Essential Programs and Services Funding Act, including, but not limited to, those for vocational education, isolated small schools, gifted and talented programs, transition adjustments and the Fund for the Efficient Delivery of Educational Services; and be it further

ORDERED, that the Joint Standing Committee on Education and Cultural Affairs shall report out legislation by March 15, 2005 to the Senate based upon its review.

READ.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Nutting.

Senator **NUTTING:** Thank you, Madame President, ladies and gentlemen of the Senate. As I become more and more familiar with Part D of L.D. 1, I and other legislators, of both parties, from rural Maine have had concerns over this new funding model. To me, this Joint Order allows the Education Committee to review this, have a public hearing on it, and to really see what this formula does, what this model does, and what it doesn't do. I want to thank the people of both parties from this body that helped in the drafting of this. I urge your support of this Joint Order.

THE PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Madame President and men and women of the Senate, I join fervently in the good Senator from Androscoggin, Senator Nutting's request that this order be approved. I had the pleasure and the very great privilege, frankly, of serving on the Tax Reform Committee, which should have been called the Tax Reform and Education Committee, of the past 35 days. We worked well into the middle of the night on a number of occasions and it became apparent to us, I think fairly early on, that struggling with the education formula was probably the most significant, most substantial, and by far the most difficult part of our work. Some of us were embarrassed by the extent to which we were, in a sense, supervening the work of the Education Committee.

I think many of us closed down our work last week with a very nervous feeling that this brand new education funding model, in which we spend \$800 million or \$900 million a year and that will go on for year to year after this, needs to be examined with extraordinary care by other eyes; particularly by the committee

that has jurisdiction over it, the Superintendents, the school districts, the people that work with this formula, and school boards. They need to see their 281 reports, I think that is what they are called. It's the report that shows the breakdown of how the model of the formula applies to each school district and the method by which the state explains, in detail, what each town has for a local obligation and how that obligation was calculated and how the state is going to meet its obligation.

Probably by the end of the today we are going to be passing into law, somewhat permanently, a new school funding model without having the benefit of that information. I think there is a great deal of nervousness, and in some quarters, actual dissatisfaction that we don't have the time to develop the information we really need to make a sound and considered judgment on whether this model is the appropriate model for us to launch the next few years of school funding on. I personally think that this notion of an EPS model, an essential programs and services model, is so far superior to what we have now that I endorse the idea that we are making progress in a very appropriate direction. Nevertheless, much of the specifics about how this model will hit the ground and what are reasons and the policy decisions that lie behind the numbers on those spreadsheets is still a mystery to many of us. It's not because we don't want to know. There are many of us who sincerely do want to know. We want to rub our noses in the figures. We want more detail. We want this system studied. This is probably the single biggest piece of work we down here, we act as tax collectors for local school districts. Certainly it is the biggest chunk of money that we raise and spend, \$900 million a year roughly. I consider it the most important work that I do here. I'm going to be following the work of the Education Committee with great interest in the next few months. I may have some of my own ideas that I may wish to proffer to the committee, if they'll be kind enough to accept them. At this point, I'm dry because I don't have enough information. I think the next 40 days or so, if the committee will abide by the Joint Order, will do it's work and will plunge into this formula with the fervor that we tried to bring to bear in our committee under the leadership of the Senator from Hancock, Senator Damon. I think that we may have a time in March when we will want to revisit some of the particulars of this model. I hope that everyone in this chamber and in the other will maintain an open mind and will also be willing to devote their own time to understanding this new model and this new approach to the distribution of these funds. Thank you very much, Madame President.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Bryant.

Senator **BRYANT:** Thank you, Madame President, men and women of the Senate. I, too, rise today to support this Joint Order. I've had tremendous concerns about essential programs and services and how it affects the local areas. It gives me great comfort knowing that the good Senator from Kennebec, Senator Mitchell, is going to be able to look at this within a time frame that gives us comfort that we can move forward. It's a good joint order and I support it and would encourage you to so also. Thank you.

On motion by Senator **NUTTING** of Androscoggin, **PASSED.**

Ordered sent down forthwith for concurrence.

Off Record Remarks

Out of order and under suspension of the Rules, the Senate considered the following:

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Joint Select Committee on **PROPERTY TAX REFORM** on Bill "An Act To Increase the State Share of Education Costs, Reduce Property Taxes and Reduce Government Spending at All Levels" (EMERGENCY)
H.P. 6 L.D. 1

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1).**

Signed:

Senators:

DAMON of Hancock
MILLS of Somerset
PERRY of Penobscot

Representatives:

WOODBURY of Yarmouth
CLOUGH of Scarborough
LERMAN of Augusta
DUDLEY of Portland
DUGAY of Cherryfield
NORTON of Bangor
FLOOD of Winthrop
SMITH of Monmouth
BIERMAN of Sorrento

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-2).**

Signed:

Senator:

ROSEN of Hancock

Representatives:

McCORMICK of West Gardiner
STEDMAN of Hartland

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1).**

Reports **READ.**