

MAINE STATE LEGISLATURE

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Senate Legislative Record

One Hundred and Twenty-Third Legislature

State of Maine

Daily Edition

First Regular Session
December 6, 2006 to June 21, 2007

Pages 1 - 1266

Senator **DIAMOND** of Cumberland was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

On motion by Senator **MITCHELL** of Kennebec,
RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

Emergency Measure

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2008 and June 30, 2009

H.P. 383 L.D. 499
(H "T" H-445 to C "A" H-412)

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

Senator **ROTUNDO:** Thank you Madame President and members of the Senate. I'm very proud to lay out this budget for you tonight. It's the culmination of a great deal of work from many great people. I first want to acknowledge and thank my Appropriations Committee members at both ends of this hall for their extraordinary work over the past months. Their individual leadership, dedication and trust resulted in the unanimous committee report before you tonight. In particular I want to thank the good Senator from Aroostook, Senator Martin for his cooperation and support. I also want to thank the good Senator from Cumberland, Senator Turner for his unflinching commitment to creating a solid school administration consolidation plan and to creating a two-thirds budget. Without their commitment to this work, the unanimous agreement would never have been possible. Hundreds of other people helped to make this budget possible, including the patient and unflappable staff of OFPR and the Revisor's Office. Other legislative staff, particularly Deb Friedman, and people throughout the Executive and Judicial branches, I thank you all for your efforts.

This budget began to take shape last summer and fall during last year's election campaigns. As you recall, the people of Maine delivered a clear message to each of us. They told us to

reign in state spending. This budget does that with an overall spending increase not counting the ramp-up in K through 12 spending, of only 3.7 percent over two years, and it includes no tax increases. Even including the additional \$248 million in this budget for schools, we are still \$241 million below the spending cap imposed by the 122nd Legislature. The people of Maine also told us to make government more efficient. This budget does that, with over \$250 million in program cuts and the creation of the initiative to streamline government that will save \$10 million through improved operations and efficiencies in state government. They told us to make government financing more stable and predictable. This budget does that by making only those commitments we can keep. It lowers the structural gap in FY '10 and FY '11 to less than \$200 million, compared to the \$1.2 billion gap we faced in 2003. The people of Maine told us to protect the safety net for Maine's most vulnerable citizens. This budget does that. It protects eligibility for health care programs, while controlling costs. They told us to expand opportunities and grow jobs for all Maine people. This budget does this by creating funding for higher education with the Maine Economic Improvement Fund and the Maine Technology Institute. Those investments, along with the economic development and higher education bonds we passed earlier this year, will drive innovation.

Finally, the people of Maine told us they worry about government taxing and spending at all levels and that we must do more to control spending. This budget does that by flat-funding 25 state agencies, by limiting all non-K through 12 state spending to 3.7 percent growth and by proposing the most far-reaching reorganization of K through 12 schools in the past 50 years, and by doing all this without a tax increase. It's easy to rail against excessive bureaucracies and run away government in the abstract. It's much more difficult to trim bureaucracies and government spending. This budget presents everyone with the opportunity to take the bold action Maine people send us here to take, to control taxing and spending. The time has come for all of us to deliver on the promises we have made to our constituents. We have met our obligations to Maine people, including the ramp-up to 55 percent of our K through 12 funding. That we've done so with existing resources is a major accomplishment. It was only possible because we made the commitment early on to work together, regardless of differences of party, to chart a healthy, sustainable course for our state's future. Today, in supporting this budget, you are voting for efficient, fiscally responsible government. You are voting to control taxes and spending. You are voting for a strong educational system that is more responsive to the needs of the classroom, and you are voting to build a stronger, more vibrant Maine economy. Please join me in voting to enact the unanimous committee report. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Turner.

Senator **TURNER:** Thank you very much Madame President, ladies and gentlemen of the Senate. I want to take a few minutes to just give you what I think are the highlights of what you are about to vote on. I'll try to give those to you from the perspective of a fellow who considers himself to be a fiscal conservative, something I have labeled myself all my adult life. First of all, I think the sustainability of this budget sets out this very important focus. We've got two key areas of growth in this budget: health and human services, and education. In both of those areas we have made considerable progress in bending the curve of growth

on spending. I think all of you know that our Medicaid budget over the last several years has grown at an uncontained rate of 10 to 15 percent a year. We stopped that in this budget document beginning now. All of our energies in the last couple of days have gone to K through 12 education, but had we not taken the action we have taken this evening, we would have set the 124th Legislature and our schools up for significant financial problems beginning in FY '10. The good Senator from Androscoggin mentioned the efficiency commission, an idea we got from the Brookings report. I think it will bear fruit for us on a going-forward basis in FY '08 and FY '09. Certainly I think it is very important for us to be investing as we're doing in higher education. We channeled huge amounts of money in the last two biennium budgets, including the one we're in and the one we're looking into, for K through 12 spending. Now it's time to put the energy and focus into higher education. We've done that with the university system, allowing them to make critical investments in human capital to support the research and development that we're expecting them to do. We've also allowed them, with the funding we've done, an extra expansion to minimize the cost of tuition increases they must pass on to their students. Additional funding for the community college system will allow them to take people off their wait list and get them on the road to success toward a two-year degree or as a threshold into the university system on a going forward basis.

I'd like to talk a little bit about growth and spending. Some of the negative nabobs who look at you on your television set or across your radio waves when you're driving back and forth here, like to talk about the growth and spending in this budget. 'I've got this \$470 million in this budget I'm going to spend.' They fail to admit to you that more than half of that was mandated by voters themselves for a referendum question that they approved a few years ago. So, of the \$470 million we have here, nearly \$250 million of that is to support K through 12 spending as the voters required. Many of the same voters, by the way, voted for TABOR. It's instructive I think to think about the rate of inflation that's imbedded in this budget, because people talk about the rate of inflation. 'It's exceeding the rate of inflation.' If you look at how the government measures inflation, you take the volatile food sector out, you take the volatile energy sector out. Think about what's happened to your credit card, or your debit card, or your wallet as you stopped into fill up your gas tank over the last several months. A gallon of gas has gone from \$2.25 to \$3.10 a gallon where I live, perhaps higher in some parts of the state. It's not figured in. But when you figure out what it costs to run state government and our other governments we support with money from Augusta, the cost of energy is embedded in there. This is a point people like to exclude when they rail about the cost of increase in this budget. When you take a look, if half of it is tied to GPA funding, we are well below the rate of inflation in this budget.

I have to tell you that I wouldn't have bet you a plug nickel that we could have balanced this budget without doing something with the cigarette tax. This came to us with a \$136 million cigarette tax in it, \$136 million. Now some of you may have forgotten that during this time we had two additional revenue forecasts, the net of which took us down probably another \$40 million. I can't repeat in mixed company and most certainly on the Internet, the rants from the good Representative Millet when he found out we were in a down draft of that magnitude in addition to trying to eliminate the cigarette tax that was so important to many of my colleagues on this side of the aisle. But

we did it and we didn't do it alone. We did it with the help of people on this side of the aisle, and people on that side of the aisle.

I want to talk about the bipartisan nature of this, because all the good in this budget, and there's lots of good, the best part of it for me was the ability to work together and to go into two-thirds. If you're a woman, you probably know about pinky promises. I never heard of pinky promises until this winter when I said to Senator Rotundo, 'Trust us we'll do it together and work together,' and she goes 'Pinky promise?' So we made a promise. I think this has been very much about trust. We had trust when we worked together and put together a bond package that's going to meet the capital needs of infrastructure. We've also made the investments of research and development, and so on and so on. This I believe most fervently of all: that the budget document before you this evening is better than it could have possibly been had we done it ourselves and our colleagues on the other side of the aisle had done it themselves. It's a better document. I hope those who come back to the 124th and beyond remember the great work that the 123rd has done in putting this budget together. This was done together.

Lastly, I want to thank the members of the Appropriations Committee, and most especially our chair, Senator Rotundo, who is gracious to a fault. Except once in awhile when I would go up to her quietly and complain about something, and she would say, 'Karl, get use to it.' I want to thank leadership on both sides of the aisle. I have to extend a special note to my good friend Senator Rosen, who many, many mornings at 8:00, driving from Bucksport and I driving from Cumberland, would get a ring on his cell phone. He would hang out his 'psychiatrist is in' sign and proceed to say, 'How can I help?' Mostly he would let me vent. He should have done that a little more this morning and things might have gone differently as the day went along. He was incredibly supportive and I am forever grateful for the guidance and leadership he provided. I do hope you can find your finger to the green button. This warrants your support whether you are a Democrat or a Republican. Thank you very much.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Mitchell.

Senator **MITCHELL:** Thank you Madame President and members of the Senate. Some of you who may have enjoyed the Grateful Dead at one time in your life, and one of my favorite songs from that period, I also like the Beatles I'd like to remind the good Senator from York, the words are: what a long, strange trip it's been. And I might add that this session has been a long strange trip, but a wonderful trip. In 1974, when I was first elected to this body, the motivation for my running, frankly, was a school teacher who told my daughter she had to wait until everybody else learned to read and advised her to go to the back of the room and find something else to do, and I thought that that didn't seem right. Perhaps we could make some changes. And here I am. Since that period of time, the percentage of students in our schools has dropped by 16 percent. But the number of administrators, including the whole gambit, and I'm also not blaming anyone, because of the demands from special education to all the other things, has increased by 54 percent. I think we all know that that just doesn't work. I know the good Senator from Aroostook would not mind my saying that as I look at his county with 11,000 students and 16 superintendents, Washington County

with 4,000 students and nine superintendents, we just can't sustain this.

This budget that we have carefully crafted today, under some very astute leadership, also wants money for our education of those same kids. Those same young people have the right to have enough money to go to a university that they can afford. And they have the right to have enough money to pay teachers the kinds of salaries to attract the best and the brightest so that little girls like mine didn't have to sit in the back of the classroom until the others learned how to read. It wasn't because she was brilliant, we just read to her at home. We have work to do, and we'll always have work to do, but I am so encouraged. I had the privilege of sitting behind my colleagues in the other chamber. There were such elaborate ceremonies of thanking one another and recognizing that the diverse tapestry of the quilt we all bring to this building. I did think they were going to move to adjourn sine die because they were so celebrating one another. It is a time for celebration. I must admit that two-thirds that was referred to was very frightening to me. I had a bad experience also serving here when we were unable to work together as colleagues. I know that the budget would be a better budget because we've all participated. I'm so happy that my faith has been restored and the institution and, my colleagues, it is a tribute to every person in this room. None of us got everything we wanted in the budget. Some of us got more than we wanted in the budget: bad, good or indifferent. As I look around to the leadership that has been displayed, the other chamber was right to thank its members.

There are people who should particularly get credit. I've often wondered what the good Senator from York thought when he was landing as a first-term senator, as Chair of the Education Committee. As the commander he is, he took right over and led off with a hearing at the Civic Center, because we need to remember how we got here tonight on this long, strange trip. Even though the Governor kick-started this, it was not something that was thought about by someone on the second floor. If you remember the Children's Alliance was very concerned about what we were doing about education, the state Board of Education, the Brookings Report, all agreed that we can't keep on the status quo. We really have to change. The good Senator from York, Senator Bowman, led us through that as far as he could go, and we passed the ball to the Appropriations Committee. And I must say it was a special tribute to work with young people. And I don't care if I insult them, because they behave like my children. The leadership that came from the other body, from Representative Cain, from Representative Fischer, from the Speaker, Representative Pingree and all the others who came together. They always ask me, as my children do to this day, 'why do we do it that way?' And although my tendency is to say, 'just because,' and we know here that just doesn't cut it. So they've challenged us and they made us answer the right questions. I know that we don't know what lies out there. We're taking an extraordinary, bold risk here. The leadership of the people on the Appropriations Committee, the Senator from Androscoggin, and my ever-troubling seatmate, the Senator from Aroostook, Senator Martin, how wonderful to have that connection. I've come to know and love the Senator from Somerset, Senator Mills, who on many occasions, I frustrated him so much that he stormed out of the room. I want to apologize for that. His creativity, his thinking, what he brought to the table to make this process better is much, much appreciated. And of course my colleagues on the other side of the aisle, even though the Senator from Waldo, Senator

Weston and I do not agree on this budget, it's been civil, it's been appropriate and we've worked together; and the same to you, Senator Rosen. Having said all that, the one woman who rescued the education piece when it was totally off-track, was the presiding officer, Madame President. She finally said, 'Please sit down, bring everybody together from the rural caucus, the Appropriations Committee, the Education Committee, and anyone who wanders by who cares about it.' It was her leadership and her absolute commitment that made this happen, and brought us here to this point tonight. I want to thank you all. You'll have to forgive me, it's part of being an old school teacher to make speeches. One of my favorite speeches I've ever read was made by Alan Alda, and I know he's not a great poet, or a great literary person. I thought he was cute and looked a lot like my husband. This was at his daughter's graduation, and I want to challenge you this night as you put all those lights on green to vote on this budget. It's about challenging assumptions, because that's what we've done this time. We really are stretching. None of us know how this is going to work out, we're taking a risk, a risk for our kids, a risk for our taxpayers. It's a complex world and I hope you'll learn to make distinctions. A peach is not its fuzz, a toad is not its warts, and a person is not his or her crankiness. If we can make distinctions, we can be tolerant and we can get to the heart of our problems instead of wrestling endlessly with their gross exteriors. Once you have a habit of making distinctions, you'll begin challenging your old assumptions. Your assumptions are your windows on the world. Scrub them every once in a while in order for light to come in. Be as smart as you can, but it's always better to be wise than smart. And nobody ever said that it takes a long, long time to find wisdom. Like a rare virus, wisdom tends to break out at unexpected times. And it's mostly people with compassion and understanding who are susceptible to it. You are all susceptible to it and the wisdom that has broken out in this room tonight has led us to a budget that is unparalleled in terms of its progress towards Maine's future. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN:** Thank you Madame President, members of the Senate. Let me just say this evening I believe we've reached the point where we are doing the work of Maine people we were elected to do. It is not always easy, but I think that we've accomplished what they sent us here this year to do. I don't want to repeat the many things that have been said, I agree with what's been said, by the three previous speakers. But I do want to add, first a thank you to the staff, and that's not only the staff downstairs, but it's also the staff of the President's Office, the Majority Office, and the offices at the other end of the hall. Without their help we would not have been so successful in putting the document together, and certainly the staff downstairs in the Revisor's Office and throughout this building. I say that in part because I was the sponsor many years ago of an amendment for a professional staff in the Maine Legislature, and I am convinced that it improved the quality of the legislation that we produce. Second, to the legislators who have made this process happen, the Appropriations Committee.

I want to thank my colleagues in this body as well as the body at the other end. I found myself on the Appropriations Committee in addition to some other jobs, and I have been more than happy to serve. And, finally to the administration staff working for the Governor. From the very beginning, I felt very

convinced that we had to have a two-thirds budget. I am convinced that a two-thirds budget helps bring people together. It's not easy, it's difficult, it is sometimes frustrating, and I'd be happy to share some of that frustration with you at a different time. I tell students at the university that you cannot represent yourself, because the only person who can represent yourself is yourself, and your job is to represent everyone in the state, and that you must do. I thought the appropriations process went very well, and I am pleased to be a part of it, and my colleagues to my left and to my right, the chair of the committee, the Senator from Androscoggin and the Senator from Cumberland, making partners with the other crowd from the other end of the hall. We've kept this together and put together the document which you have before you this evening.

I was not overly involved in the education piece, but I do want to point out especially the Senator from Androscoggin, Senator Rotundo, the Senator from Cumberland, Senator Turner, the Representative from Orono, Representative Cain, the Representative from Waterboro, Representative Millett. Those four people who then, in part with the Education Committee and everyone else, came together and tried to put this package together. People said we couldn't do the education piece, but when I look at the amount of money that is in this budget that deals with secondary education, \$2 billion, it's pretty hard to avoid the fact that it is a great part of this budget. So, to them and the people who participated in this draft of what you have before you, you've really earned the respect of every citizen of the state. Many years ago, I've forgotten how long ago, I tried to raise the issue of the numbers of superintendents in the state, in particular in my own county of Aroostook, where we have 16 superintendents full-time and four part-time for the number of students the City of Portland has. It seemed to me that a superintendent should be able to do more than deal with 300 students or less. And every time the bill was brought before this body and the other body when I was a member, the bill died a royal death very quickly. Lo and behold, this year this was an issue that came to the forefront by many people, and especially by the Chief Executive who brought the issue before us. A most difficult one, and I knew it was going to be. I knew it was going to happen, and people said, 'Oh, you only wanted to do this deal with administration, what are you doing about the quality of education?' I can tell you that the money was spent on administration rather than being spent on quality education. Those of you who have been in education and have taught in the elementary and secondary schools, you know how many time superintendents visit your classroom, and how many times they meet with the teachers during the course of the year. They spend a great deal of time running to and from Augusta meeting with the Commissioner and whoever else they care to meet with. Quality education means quality courses taught by quality teachers. I have a list of the 169 communities where superintendents have managed not to give money to teachers, and yet it's in the formula; where money has been spent elsewhere rather than where it ought to be with the quality being able to provide better teachers and better trained teachers. We need to deal with that, and I believe we've begun tonight. To those of you who participated so well in bringing this to the forefront, it is a start and not the end.

Earlier this afternoon there were two phone calls that came in and I want to tell you about them. An individual had a message to call these people, and I said, 'Are you going to call them?' And she said, 'No,' and I said, 'Do you mind if I do?' She said, 'No, go

right ahead.' So I called, and I won't divulge the names, and the message was, 'We are opposed to school consolidation.' And so I told them that I wasn't Senator Mitchell, she's busy but I'm John Martin, can I help you? This elderly lady said, 'We don't want to lose our school.' I said, 'Excuse me? Who told you that you were going to lose your school? Do you know where I live, Eagle Lake?' She said, 'Yes, I know who you are.' I said, 'Do you think I want to do away with the elementary school in my hometown?' She said, 'No, I'm convinced that you don't.' I said, 'Who told you?' 'Well, the superintendent told us our schools were going to close if the merger were to occur.' I said, 'No, we're talking of getting rid of superintendents and administration, not closing schools.' And so the conversation went on and she said, 'I support the Legislature, I want you to know that now that you've told me the truth.' And I hope as we move on that the issue by the Maine School Management Association and superintendents in the state will now tell people of what is being done here tonight, that we can move on and provide quality education to Maine students and not attempt to preserve jobs that should not exist. I want to thank all of you in this body for moving forward to bring quality education to Maine kids.

THE PRESIDENT: The Chair recognizes the Senator from Hancock Senator Damon.

Senator **DAMON:** Thank you Madame President, ladies and gentlemen of the Senate. I rise to announce to you that I am supporting the pending motion and extraordinary efforts of all the people who have worked so hard to put this budget together. But in spite of all of those efforts, and all of that hard work, and all of the efforts of the other body, late yesterday and early this morning, to bring together the culmination of that work to this end we can vote on tonight, there have been nagging problems primarily with the education component piece in this budget. And yet, throughout the day we've continued to work tirelessly to take care of those nagging little pieces, and I'm very convinced that we have. I want to thank all of my colleagues who have been working so hard on that behalf, and the Commissioner of Education and members of her staff and the members of the Chief Executive's staff who have worked for that. But I have been asked to and wish to put on the record some words which will codify that attempt and I'll share them with you now. It is our legislative intent that in January 2008, under Section XXXX-46, the Commissioner of Education will report the recommendations of the Education and Cultural Affairs Committee of the following home rule issues: one, the protection of municipal charter voting procedures in budget validation referendum. It is our belief that at a minimum conflicts may be addressed by 20-A MRSA section 1487 of this bill, and that any other potential conflicts between local ordinances and charters and local provisions and any other provisions of this bill will be addressed. I have been assured that that will happen. I needed to say that for the record. And before I sit down, Madame President, I would ask my constituents, through the marvels of electronic messaging, and I pose the question through the Chair, 'If two existing administrative units make a good-faith effort to consolidate and the result of that effort ends up costing more than it saves, will those two units still be penalized for not consolidating?' I have done my duty to my constituents. I'll do my duty to the rest of the Legislature and the people of the State of Maine when I cast my vote in favor of this budget. Thank you Madame President.

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

Senator **HASTINGS:** Thank you Madame President and ladies and gentlemen of the Senate. To echo the good Senator from Hancock, Senator Damon, I had some nagging problems with the education piece over the last day. I was happy with the result and I will be supporting the pending motion. Surrounding the issue of the size of districts in rural Maine, I am very concerned that although perhaps the goal of 2,500 per district is a lofty goal, in rural low-density Maine it may create districts and units of such a size as to be impractical for the social fabric of the area. I think of my area, a district where, if you know Oxford, Cumberland and York counties, where Parsonsfield, way down in the south of York county and Casco in the lakes region would be in the same district, I am concerned that that is not appropriate. I know that last evening as the other body was working on this, they were dealing with the issue of population density within school units. As you know, there are parameters within the school consolidation section of the budget that established what cases or what situations the commissioner would approve a plan for consolidation if all of the district was under 2,500.

They talked last night and one of those parameters is population density, a reason to justify such an exemption. They put some language in last night that simply said that population density, including the rural nature of our communities. I know what they're getting at, they're getting at the very problem that I was concerned about, the lack of subjective tests. What does that mean? I know that earlier in the Appropriations committee itself, they were experimenting with the concept of a population density of less than 100 per square mile as being a justification for a smaller district. I understand that that concept works well throughout much of the state, but there were certain parts of the state where that concept may not apply. But it doesn't mean that the concept isn't apt for much of rural Maine. So I posed this question to Commissioner Gendron earlier this morning and we had a further meeting later this afternoon where many in this body were present. I suggested that we put that in the language of the bill itself to make it clear, but I can see there were drafting issues because of evidence where it doesn't work as well, and we found ourselves in a very complicated drafting situation. What the Commissioner suggested, and which I believe is appropriate, she has assured me that she would include a definition of the Department of Education guide that she'll be submitting to school administrative districts as we go through this process, a statement that a school unit having a population density of less than 100 people per square mile will be justification for her approval of a district of less than 2,500. I believe that's a fair statement on what we've heard. She also said there may be other guidelines that she'll insert in her guidelines that would also qualify for this exception. I don't know what those are, but my main concern was the 100 people per square mile, which I understand is an appropriate standard. I just want to state that for the record. That was the last nagging problem I had. I believe that any one of the members who where there will correct me if I've misunderstood. I look forward to seeing that definition within the guide as it goes out to our units. Thank you very much, Madame President.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Schneider.

Senator **SCHNEIDER:** Thank you Madame President, men and women of the Senate. I stand to first to thank all of my colleagues who worked tirelessly on the budget. We all worked together in a collaborative fashion and I appreciate that work. I am one of those people who would have chosen a different path to try to achieve the goal of reductions in administration. If I had been the sole person working on this, the education administration consolidation piece would have been pulled out of the budget, but I'm not the only one here. It's reluctantly that I vote green, very reluctantly. I am concerned and have doubts about the cost savings, although I am assured that there is a cost savings. But for the record I have to, in good conscious, at least express these doubts. I have been a strong advocate for my district when it came to the amendment that we are going to approve. I had many concerns, and these concerns were worked on very hard, and many of them have been addressed. One of them being the 2,500 going to 1,200 students in a district. That is a very important piece of this amendment for me, as is the criteria with regard to the 1,200 student units. Although I have my doubts about the savings and I am still concerned about the timelines, that too has been extended. And so it is reluctantly and out of respect, however, for those I work with that I will vote green on this budget amendment. It is a little bit with a wink and a prayer, I feel, that we are moving in this direction.

I hope we remember the collaborative spirit when we work on a very important issue that will come before us soon, and that is tax reform. Because although I think this budget is a critical piece of what we do here, the taxpayers of Maine are waiting for a tax reform package. And so I speak now to the person on the second floor, who I hope is listening, that he and my colleagues will work tirelessly as we have on this budget, to get a tax reform package passed for the people of the State of Maine. Believe me, this is in the spirit of good will and collaboration with my colleagues. Again, I want to thank the leadership and all those who worked so hard to meet the goals and desires of those of us who have concerns. I thank you for your time.

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

Senator **MILLS:** Thank you Madame President, men and women of the Senate. I need to reflect back on some history that I looked up back in mid-winter when this issue first came forward, and I found that in 1894, the State of Maine had over 4,000 separate school districts. My hometown alone had 13. My brother informs me that Farmington had 20 or 30. Every corner had its own schoolhouse, indeed its own district to support it. A very brave and courageous state superintendent, called commissioners in those days, had had it with the gross disparities of the quality of education within these 4,000 odd districts. There were some schools that only held sessions for four or five months of the year and they went home and milked the cows the rest of the time. He passed a bill which was refreshingly short, it wasn't any 60 page long, it was four pages, and it said that henceforth all of these one-room schools are turned over to the towns, the towns paid for the schools. Those were the good old days before special education, EDS, federal funding, grant programs, CDS, all of this stuff we have to put up with today. It was another watershed year in 1957, when Senator Sinclair from Pittsfield, who was writing on slate that was a great deal more complicated, and went to the consolidation of most of our municipalities into the districts that we have today and fortunately that gave us the opportunity to

study what works well and what doesn't. Thanks to Professor David Silva and others at the University of Maine we are now able to say that school districts of a certain size are more or less more efficient than other districts. Districts of between 2,500 and 3,000 kids seem to be in the sweet spot for economic effectiveness. That does not mean that the kids in those larger districts necessarily are getting a higher quality education, but high quality education can be delivered cost-effectively in districts of that size. That's all that this 60-odd page measure in the budget addresses. I don't think any of us should be deceived into thinking that we are contending the quality. We are talking about cost efficiencies and the path to deliver quality education at a reasonable cost. If this is another watershed year, we don't know yet. This whole effort may fall flat on its nose. On the other hand, it may take off, and we may change something really significant. Whether the year 2007 is one of those years that belongs with 1957 and 1894 will depend on a whole lot of work that we better start doing now. We're all looking at it as if it's all done, and we can go home and relax. If we do that, this thing will fall flat on its nose. We've got some explaining to do to some very irritated people back home. You've gotten e-mails, I've gotten them.

We have managed to irritate most everybody because we've had at least 20 or 30 different drafts of this plan since we started in the first week of January. There's something in all of those drafts to inflame or irritate almost everybody in Maine for one reason or another. I would say that 90 percent of the e-mails I get from people who don't know and I can't blame them. They don't know what's in the final work product because it's only evolved in its final stages in recent days and hours. But this is representative government, and it's too bad that they haven't been able to check in more closely, but we're elected to do this. We've made mistakes in this document. I'm not quite sure what all of them are, but I've heard reference to several of them in presentations today in the House and the Senate. We haven't done a perfect job. We're going to need to come back to this in January, but it's important to kick this can down the road and keep the momentum going that our Governor started in January with this very brave measure. And think of him what you will, he was at least addressing a topic that desperately needs attention. It's so much more difficult than it was in 1957. We've got some many overlays and different types of systems. We've got unions, municipal districts, CSDs and SADs, all of them built up over a century of different systems and funding preferences, federal mandates, local cost agreements that are sometimes buried in private and special laws, some of which you can't even find, is a complex situation. There's every opportunity for error. But that doesn't absolve us of the responsibility to move drastically in this area. We have to fulfill our roles as emissaries to our constituents. We have to go back home and face these school boards. I'm going to catch you know what from some of them, and I'm prepared for that. I want to learn from them and I want to see how this plan hits the street, to see what problems it creates. I want to be receptive to changing it in January, we've got to be firm, we've got to continue the initiative, and we've got to work with the Commissioner. I've been through several of these, what I would call watershed reform efforts, one I will mention is the reform of workers' compensation in the late 90s. A long story that I won't bother you with tonight, but what kept that movement alive was an unheralded member of the Department of Labor's bureaucracy, who kept feeding us constantly with fresh ideas, print-outs, spreadsheets, notions, and kept us legislators so peppered with imaginative options, choices and solutions that we

eventually stumbled into a resolution of the whole thing. That's a role that I think Commissioner Gendron has played as the Governor's emissary on this cause. She has kept first the Education Committee, the Appropriations Committee, then leadership, just peppered with things, including maps, which I thought were the most visually exciting things to look at, and those ideas kept coming out of the fifth floor of the other building. Without those ideas we wouldn't have the range of choices and options available to choose from to get to resolution. I'll say this once on the record, because I've said it two or three times in less formal settings, she's a brilliant woman, and she's also had training in teaching Kindergarteners which makes her ideal to deal with the Maine Legislature. In any case, we've got to follow through with this work. We have asked her in this bill to send herself and all her emissaries on the road, out into our various districts and constituencies and sell this thing and its various local manifestations and bring home the bacon. We've got that job, too. I don't think we should be sitting here tonight, patting ourselves on the back too hard, because our work is just beginning, along with that of other people. If I'm trying to carry anything away from this conversation this evening, that's what I'm looking forward to doing. It's going to be tough and we're going to have some pretty nasty conversations in some cases, but we've got to have that dialogue at the local level and we're the people to do it. We're going to lose folks and gain folks out of this. We have a real challenge ahead of us. That doesn't mean we shouldn't vote for the bill. I don't want to discourage you. Vote green and go home and take your medicine. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Diamond.

Senator **DIAMOND:** Thank you Madame President, men and women of the Senate. I was going to vote green ... I agree with the comments that have been made and I appreciate all the work. I had and do have some real concerns about the education piece. I think it's a tremendous experiment and I think what's waiting in the wings are the children. I think we do forget that. Finally, if it wasn't for Commissioner Gendron and Commissioner Wyke, who both played key roles in this, I'm not sure how we'd be able to vote for it. I have a high degree of faith in their abilities, and have worked with both of them over the years. There are so many unknowns, and this is truly the mother of all experiments in modern education times. I think we really need to keep a handle on that and understand that. There are provisions in this bill that I think we have to rely on that they'll remain flexible. We'll have to remember that the kids back home really are going to have to have the best that we can give them and that's the best possible education. I'm certain we're going to get caught up in the administration of all of this and I welcome the comments of the good Senator from Somerset, Senator Mills, about having to stay on top of this. I think it's important that we remember that we're here to help kids first and save money second, and keep it in that order. I really hope that my concerns about all the districts in this state are going to be affected by this great experiment. I hope that we do and will maintain due diligence in addressing those areas and staying flexible in working this bill through in the next few years. Thank you Madame President.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Raye.

Senator **RAYE**: Madame President, men and women of the Senate. There is much to like about this budget document, and I want to compliment all of those who worked so hard to craft a budget that achieves balance without a tax increase. It's no small feat, and I'm delighted with the fiscal responsibility that I see weaved throughout this budget and I'm happy to see a budget that makes funding for higher education a priority. Even so, I do have concerns with the budget. Other than the education piece, my greatest concern relates to an area we spent a lot of time on in the Health and Human Services Committee, and that is the impact to community mental health services. I am concerned that the budget, while we had to go in that direction to a great extent, we may have gone too far. We will find out. Clearly, the school administration consolidation issue is the most controversial and difficult issue we faced with this budget. Make no mistake about it. The final product is vastly improved over earlier versions. But, I find myself with lingering reservations with respect especially to the penalties, or the adjustments formerly known as penalties, and with regard to the geographic size of districts required to meet the 1,200 student minimum size in some parts of the state, as well as the uncertainty of achieving projected savings. I do appreciate very much the assurance that the 1,200 student requirement will be eased under a bill to be acted on tomorrow, a consensus of leadership on both sides of the aisle, and that does give me comfort. So while I will not be voting for the budget tonight, I cast that vote with very mixed emotions. I am grateful for most of what it contains, but I'm cognizant of the remaining and unresolved concerns of many in my district and I pray that it will be successful in every respect, especially as the Senator from Cumberland just said, for the children.

In closing, I want to acknowledge the positive spirit and bipartisanship that has characterized this body and the positive impact that bipartisanship has had on all of our work here. My vote is one of conscious, just as I know are the votes of each senator on both sides of the aisle, on both sides of the issue. I count it a distinct honor to be a member of this distinguished body and I thank my colleagues for making it, even when we differ, a place of colleague good will and mutual respect.

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

Senator **NUTTING**: Thank you ladies and gentlemen of the Senate. I am going to be voting for the budget, and yes I've got some reservations. I think there's been a tremendous amount of work that's gone into this budget, even a lot of work in the past few days, assuring that this budget will receive a two-thirds vote. So much has been talked about. We've got fewer children, more administrators, so we've got to radically cut back the amount of administrators in our school systems. Brookings also pointed out that we have fewer state workers than we did 10 years ago, about 2,500 less state workers, and yet we have more administrators in state government. I'm awful proud of the bipartisan work of the Appropriations committee in Section QQQ, which takes a look at cutting \$10 million from state government administration. To me that goes a long way when I go back to my school systems, and say, 'You need to do what we are going to do.' My grandfather, growing up on the farm, always told me, 'When you point your finger at someone else, you'd better realize that there are three of your fingers pointing back at you.' I think that is so true with this pointing at the schools while we're creating new top administrative positions in state government. In Section QQQ, I

believe firmly will look at cutting our own unnecessary top administrative as well as expecting that of schools. Three months ago the rural caucus pointed out to anyone who would listen that we had concerns about the timeline, school unions, specific density data, and language that made every district try to get as close to 2,500 as possible. I want to compliment the members of the other body, all three parties, who worked so hard yesterday to find a compromise to address the timelines, the school unions, more specific density data, softening the penalties, and removing the language that every district must come as close as possible to 2,500. Those members proceeded yesterday in light of some very inappropriate pressure to not proceed at all. In fact, I firmly believe it's the only way that the budget is going to receive a two-thirds vote in this body as it already has in the other. So, I want to thank them very much.

Lastly, I want to reflect that I firmly believe that this document is very, very close to what it would have been if the issue of school consolidation had stayed in the committee of jurisdiction for several more weeks, and let them continue to work it. I hope everyone here and everyone on the second floor is reminded once again that this is a rural state. I wish everyone the best, and I agree that we're going to have to help sell this, as well as the administration. I will be supporting the budget. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Rosen.

Senator **ROSEN**: Madame President and Senate colleagues, I would just like to make two or three points and hope I don't repeat myself or what others have already said. The claim has been made through the discussions leading up to this budget vote when you hear descriptions of the school districts, school administrative consolidation piece, that substantial property tax savings will be delivered. I'm not going to stand here and make that claim, and I'm not going to make that claim to my constituents. I am, however, happy to say that the potential exists for those savings to be achieved. We, the members of the Maine Legislature, parents, property taxpayers, and members of the community, face a common challenge. The hope is that the framework ahead of us will allow us to all come together and attempt to achieve those savings. In an effort to be able to accomplish that, I call upon members of the business community that were here the other day in the Hall of Flags encouraging this Legislature to adopt this entire budget, and particularly this component, that their work is also just beginning, as the good Senator from Somerset, Senator Mills indicated. We need their active participation on the ground, and for them to step forward as community leaders and participate in this plan process. If they don't, it won't be productive and it won't be nearly as rich and offer the potential that lies ahead of us.

The budget includes, as we have heard, two major areas of reform: education, and particularly, community mental health. This is a response to the initial proposal brought to us by the Chief Executive. We are about to adopt an over \$12 billion budget and deliver on the role of the obligation of the Legislature, which is to validate, appropriate and to pass statute. Now it's up to the Executive branch to handle the implementation, and as others have said, we rely on their abilities to be able to move ahead both with the community mental health reforms, and the education reforms for them to truly succeed. I'm particularly pleased, as others have stated, that we have returned to super majority biennial budgets. I'm very happy to be here at a time

when that goal has been achieved. I want to recognize the very good work of my leader, the Senator from Waldo, Senator Weston. She has been here every minute that the Appropriations Committee has been meeting, actively involved in every component of this wide and vast budget document. She has stood her ground and she has presented herself based on principle and advocated on behalf of her constituents and for all the citizens of the state. It has been my great pleasure to be able to work at her side. Finally, I would like to ask that when the vote is taken, it be taken by the 'yeas' and 'nays.'

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Sullivan.

Senator **SULLIVAN:** Thank you Madame President, men and women of the Senate. Earlier today, and if we end this quickly I'll be able to say it is still D-Day. It is appropriate that we have this on a day when we are going to land our forces out in the streets and before school boards in talking about this plan. Earlier today I spoke of the early days of this country as it was being established. After working on a document day and night, Ben Franklin went to the window, put the shade up and he looked and said, 'what I see is a sun. I don't know if it is a rising sun or a setting sun.' That is what we have before us today. We believe it will work. In my other life you know I want this to work. So, not only do I have to go back to my constituents, I have to go back to the teachers I teach with. I have to go back to the administration that I work for. So I hope it is a rising sun, and I hope this not for us but for the children that will come after us and sit in these chairs. They may be different chairs, but at least these chairs of this body and the other body, and make rules and laws for the future that will be before them. Since 9/11, we've come up with a great saying, so I say, 'let's get 'er done, let's vote.'

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Bromley.

Senator **BROMLEY:** Thank you Madame President, men and women of the Senate. As I was sitting here listening to all of you and actually listening to the comments in the other body before, there's something really important that's in the air that I want to name, because it's something that's going to serve us going forward. We are facing an uncertain world, an uncertain nation, and an uncertain state. When we stake out really firm positions and we don't bend, we don't serve our constituents and we don't serve our future and the children we all talk about. I can feel that bending and yielding here. We are hearing things like, 'We're not exactly sure, but we think and will work on this.' That's a really different kind of flavor, and it's absolutely the flavor that we need going forward in all we do, whether it's education or economic development or community mental health or whatever. That's a way of letting go of really deeply held stuff to say, 'You know, the world is changing and there might be a different way to do it,' is so affirming to sit here and feel and absorb. I couldn't leave without saying that, and I am so appreciative of all my colleagues, and I'm looking forward to getting it done. Thank you Madame President.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Mitchell.

Senator **MITCHELL:** Thank you Madame President. Very briefly, in response to two questions, I will rise only for that purpose. I'd like to address the Senator from Oxford, Senator Hastings. Indeed that was the understanding of those who were trying to deal with the issue of population density. We are putting this into rulemaking and making sure that communities can be served in a way that best suits the population of their area. Also, I'll try to answer the question of the Senator from Hancock, Senator Damon, who I believe asked if two districts came together and made a good faith effort to get costs lowered, would they be penalized if they stayed together. I sort of liken this to a marriage, people getting married are going to be looking very carefully. Remember, this is choosing a partner and before you choose that partner you'd better be analyzing the many things that will be entailed in your coming together. I'd try to think about ways that it would cost more. If two districts come together, they will have one fewer superintendent, one fewer central office, one fewer transportation director, etc. on down the line of central offices. They would not be penalized because they would not vote to come together and basically consolidate. I'm sure the Commissioner would examine the parameters and approve certain plans. The process that's going to begin this June will be choosing partners that did not cause them a disservice, and they would not be penalized.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Weston.

Senator **WESTON:** Thank you Madame President, men and women of the Senate. There are those of us who have only heard the stories about what it used to be like when you did a two-thirds budget, and when it didn't work. I think that what we saw and what we heard was the horror story. There was a lot of anxiety, but I think we have dispelled that notion and we've turned the tide with this budget. Those people who worked in those close quarters downstairs never gave up, back and forth, erasing and writing, and erasing and writing, checking the figures. It's monotonous, it's hard work, and they stayed until they got a bargain. I agree with that bargain, and I praise them for their constancy and for their excellent work. But all along, in all of the discussions that I would have with those who serve on Appropriations and those of us in leadership, I would always have to quantify, and I may be breaking history. The first time I serve in leadership I may be standing and not voting for a budget. Not because the work wasn't excellent and the work wasn't well done, but because I've spent most of my life involved in education in one way or another.

I have some very deeply held beliefs and understanding about children and about schools. The good Senator from Somerset was reading my mind. For many days now I've been thinking that I can go to my district to many, many of my towns, and I can point out the foundations for those one-room schoolhouses. If you come to my town of Liberty, you'll see a brick building that is in use right now for a K-6 school that was built by Dr. Robert. He came to that little town, set up a physician's practice, loved the people, and built them the school. Our state is a mosaic of people, of geography, and schools just seem to radiate that mosaic. It does seem easy here when you're working with words that become law, to simplify that and to almost streamline that. I am concerned that some of that mosaic is going to be diminished and lost. But as many have said before me, times have changed. There do need to be changes. We

have fewer students in our schools today, and the cost of running those schools is increasing. Is this the right way to address that problem? I would like to think so, but I can't agree. So for posterity's sake, as people look back on tonight, read what we've said, and have the advantage of look back, which we don't, I want my words to be recorded that this is the best work, in the framework of time and with what was given to us for tools, to achieve this goal. I just can't add my name to it, but I appreciate the hard work that was there, and I do believe that everything except the educational consolidation language is moving us forward, and is indeed making the tomorrow for Maine a little less scary and a little more sustainable. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Dow.

Senator DOW: Thank you Madame President, ladies and gentlemen of the chamber. I'll try to keep to this as short as possible. I agree with most of the budget, a lot of it. My concern was always with the education part, and that is what has caused me to vote against the budget. I have several concerns, and one of the main ones is the timeline. We are going to ask that everything be done in a year's time, when all the experts that I listened to testifying before the Education Committee said it was a three to five year process to put this all into place. I was worried about putting the cart before the horse, meaning taking the money away from the districts before they have the savings mechanisms put into place in order to save money. Therefore, I have concerns about the towns that will have to raise their taxes higher in order to plug the hole, at least temporarily for a year or two, until these savings can be brought into effect. I don't see how they just automatically save on busing, maintenance, and special education without some of these savings mechanisms in place. I was always concerned that the superintendents, who I consider the major educators in the State of Maine, were never brought in on the plan to begin with. That always bothered me. I was and still am concerned about how they will respond to being told now that their school districts are going to be divided up. I know we say that they've got to decide, but we're forcing it on them pretty hard. And I'm concerned about the marrying different contract schemes together that won't cost some of the districts substantial monies. I know the state is going to save its money, the \$26.5 million. We're going to save it because we're going to take it away from them. Even though there was a great idea put forward, that if this plan did go forward and the towns also saved money, they should take 90 percent of that money and put it toward property tax reformed. I was miffed that we didn't take 90 percent of the \$36.5 in savings and put that toward property tax relief instead of spending it. I do have concerns about this three to five year plan that the experts say will take to put it into place. Therefore, with these concerns, I was not able to vote for the budget. I will say that tomorrow I expect Senator Turner still will have to call Senator Rosen for consultation because I was one of the ones that caused him to still have to seek therapy tomorrow. That's life and I meant no disrespect, but he probably will have to call tomorrow because of me. Those are my concerns, and I will continue to keep those concerns, but I will work toward making the education system in the State of Maine better. I'll work within this plan, if that's what eventually comes out. If so, it will be my job to continue to be positive again and to get on-board and to help the towns save money and create a better educational system. Thank you Madame President.

On motion by Senator **ROSEN** of Hancock, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#120)

YEAS: Senators: BARTLETT, BENOIT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, COURTNEY, DAMON, DIAMOND, HASTINGS, HOBBS, MARRACHE, MARTIN, MCCORMICK, MILLS, MITCHELL, NUTTING, PERRY, PLOWMAN, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: DOW, GOOLEY, NASS, RAYE, SHERMAN, SMITH, WESTON

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with 7 Senators having voted in the negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED**, to Thursday, June 7, 2007, at 10:00 in the morning.