

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Twenty-Third Legislature
State of Maine

Volume III

First Special Session

April 1, 2008 - April 18, 2008

Appendix
House Legislative Sentiments
Index

Pages 1358-2163

SENATE PAPERS
Non-Concurrent Matter

An Act To Better Coordinate and Reduce the Cost of the Delivery of State and County Correctional Services (EMERGENCY)

(H.P. 1466) (L.D. 2080)
(C. "A" H-989)

PASSED TO BE ENACTED in the House on April 15, 2008.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-989) AS AMENDED BY SENATE AMENDMENT "A" (S-658)** thereto in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (H.C. 536)

STATE OF MAINE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON JUDICIARY

April 17, 2008

Honorable Beth Edmonds, President of the Senate
Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Judiciary has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 2306 An Act To Amend the Definition of "Penobscot Indian Reservation"

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Barry J. Hobbins
Senate Chair

S/Rep. Deborah Simpson
House Chair

READ and ORDERED PLACED ON FILE.

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

Bill "An Act To Remove Barriers to the Reorganization of School Administrative Units" (EMERGENCY)

(S.P. 931) (L.D. 2323)

Which was **TABLED** by Representative PINGREE of North Haven pending **REFERENCE**.

Representative SCHATZ of Blue Hill moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

The **SPEAKER**: The Chair recognizes the Representative from Blue Hill, Representative Schatz.

Representative **SCHATZ**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This bill, we are told, is replacing some of the features or has within it some of the features that were in a bill that we passed over two weeks ago, but it doesn't have all of them. Later on, maybe as part of this discussion, you will hear that it contains enough to make us feel good about passing it. It will assure that we can go back home and be able to work with our constituents in going forward and putting together the regional intents of school consolidation, whether we view that as being positive or negative, it probably doesn't matter at this time.

But I would like to speak for a second towards the tactics,

whether we consider going home with a half a loaf, a full loaf or even some crumbs, it seems to me that we are at where we were at the end of our last session, where there was some last minute scurrying around and some understandings developed that would make some people feel comfortable so they could go forward and vote for the budget last year. Then, when they got home and they started working on it, they found, indeed, that a lot of the things they thought were there weren't, primarily because, again, it was a last minute effort done at a point in time where, as we all know, we have run out of clean clothes and run out of patience as well and we are anxious to go home.

I would say that we should have learned from that experience, and I hope we have learned that perhaps it is better to go back home not committed to another flawed effort at bringing us together, but go back home with a resolve to work with what was there in the first place. We all know what our funding is within our schools, we can work with the administrators and the staff and the school committees that are in place to make a better educational environment for our students, and come back with maybe more energy and wisdom, so that a school, whether it be a consolidation effort or just a school delivery system, an educational delivery system that makes sense to us all, can be put in place in the 124th. I think it is a little late to look at any legislation at this point in time, and hope for it to be well thought out. I would hope that I would get some agreement; if not, I would like the majority to agree with this Indefinite Postponement. Thank you, Mr. Speaker.

Representative PINGREE of North Haven **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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 Greenville, Representative Johnson.

Representative **JOHNSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As a famous American philosopher once said, this is déjà vu all over again. I think it is instructive to recap some of the things that have happened.

About six years ago, we were told that there would be \$240 million of savings if we consolidated school systems, that no school ought to be bigger than 350 students to get new construction. A year ago, we booked \$34 million of savings from the school budget as a result of this consolidation effort. I would maintain that those savings have not occurred. After that, we have an aggressive propaganda campaign conducted by the administration and some legislators to proceed with this consolidation law.

What is wrong with this law, anyway? It relies on penalties instead of incentives to encourage compliance; it does not address the inequities in state GPA for education; it is going to result in schools being closed; it removes citizens from the direct budget process that supports their school districts; it removes accountability of education system performance from local control.

Why will amending the law not resolve the deficiencies in the current law? Penalties remain in effect, inequities and GPA funding still exists; cost sharing among RSU partners will be developed in an inconsistent way that will result in uneven educational opportunities across the state.

What should we do at this juncture? The thing we should do is repeal the current law. We should form stakeholders groups to investigate and suggest to the 124th Legislature ways to consolidate services and organizations by providing incentives that would do the following: improve state education statewide,

taking in account our demographics; stimulate economic development across the state; revamp the current GPA funding system to ensure equitable funding of public education that includes a realistic funding flaw for all communities; maintain and strengthen the role of local communities and parents in the education of their children, this makes better parents and better communities; consolidate and remove unnecessary mandates from our school systems.

In my briefcase, I have a report from the state which outlines over 300 reports that our schools are required to be able to submit. We need to fund education at the previous year's level, while this study goes on. Colleagues, this is our opportunity to correct a serious mistake. Let's put this back on track for the education of our children, the economic vitality of our communities, and for the good of our state. Now is the time to cast the most important vote you will cast in this legislative session. Make your constituents proud. Thank you, Mr. Speaker.

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

Representative **EDGEComb**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We have been told that this bill, 2323, does everything that 1932 had in it that was rejected by the second floor. Well, why was it rejected if it had everything in that one that we have in 2323? I was told about this bill yesterday. That was the last day of the session, and here we are past the last day of the session and we are considering legislation that should have gone through the Education Committee. It should have had input from our citizens.

Aroostook County has many students in it; there are only five counties in the State of Maine that have more students than Aroostook County, yet I do not know of a parent, a teacher, an administrator or a school board member that was asked for their opinion or input on this legislation.

I maintain that we will be back here in January trying to correct the legislation that we have tried to put through at a midnight hour. This is what happened to us in June; please do not let this happen again. Some feel that we are in a tight situation where we have to do something, but I think in this case, doing something is worse than leaving it the way it is and we could come back in January and do the right thing for the children in the State of Maine. Thank you.

The SPEAKER: The Chair recognizes the Representative from Crystal, Representative Joy.

Representative **JOY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have a considerable number of years experience in education and I had the good fortune to wear about every hat there was to go in education, starting from a beginning teacher that was responsible for some of the bus driving and janitorial duties and so forth. I have gone over this, I served many years in administration, and I would like to share with you just my reflections on what this bill does.

This bill creates the greatest confusion that can possibly happen to any school district or potential school district. There are 19 different steps in here: There is the creation of a new type of school district, a quasi municipal district responsible for operating public schools, an alternative organizational structure approved by the commissioner. Ladies and Gentlemen of the House, there is absolutely no way that between now and the date that is listed in this, when you are supposed to have approval of the commissioner, that you could possibly come up with a school unit that could meet these requirements. I urge you to support the Indefinite Postponement of this bill.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Strang Burgess.

Representative **STRANG BURGESS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Clearly, now everybody is going to clear out for ice-cream. I think that sort of says a lot about what is going on right now. I am rising to speak against Indefinite Postponement of LD 2323. Ladies and Gentlemen, the time is now to do the right thing for the citizens of Maine and get back to work and get this bill done. The citizens have been waiting for four and a half months. We are the laughing stock of the state. What goes on up here is just unable to be fathomed by anybody; in fact, probably by some of us that are right here in the middle of it.

The arguments of talking about not vetting this bill are really unfounded. This bill and the elements of it have been vetted and vetted; they have had a public hearing; they have had more work sessions than you can ever shake a stick at. We worked this bill before Christmas. This is all of the original elements of 1932, plus everything that the Education Committee worked on right up to the time the bill was actually reported out, which was sometime well into January. It went through all of the regular procedure and process. Then, it has been high jacked and it has been Postponed, Indefinitely Postponed, and put around in so many different configurations by parliamentary procedure. Meanwhile, desperately, people have been meeting and talking to everybody who had the different opinion to be part of the solution, to make education work as the best it could possibly be for the students of the State of Maine. That is why we are here, that is who we are needing to do the best thing for. And, by the way, we are also responsible for the financial parts of things. Guess what? The system we have now is unable to be financially sustained as it currently is; it is off the track and cannot be funded, changes must be made.

It is hard to make really important decisions. Maybe people at home don't really understand all of the details that everybody in this Chamber should very well understand. It is time for people to get the backbone and do the right thing, because you are supposed to understand the big picture. The big picture is that we have to make fundamental changes. This bill represents some hard, hard work, some smart thinking by about the smartest people that we have in the State of Maine; they have worked tirelessly, nonstop on this bill since the beginning of December. It is time to get it done, folks. There have been so many of these school districts that are all up here and talking about how they have to keep things the way they are, everything is perfect. I haven't seen a school district that has come before the Education Committee that isn't the most perfect. Well, everybody can't be perfect. Everybody can't have the most perfect scores, because, guess what? We have issues with our scoring and our kids; we need to work on that, too. So this is the beginning of getting this education train back on the track. I urge you all to please stop all of this posturing and get to work so the citizens of Maine can have a little faith in the Legislature that they elected, and get this work done. I urge you to oppose the motion on the floor to Indefinitely Postpone. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bar Harbor, Representative Koffman.

Representative **KOFFMAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just want to thank the good Representative from Cumberland, Representative Strang Burgess, for her very cogent, articulate presentation of the realities that we face and the opportunities that we face, and I thank her for her service along with the Education and Cultural Affairs Committee to bring us to this point.

Representative McLEOD of Lee inquired if a Quorum was present.

The Chair ordered a quorum call.

More than half of the members responding, the Chair declared a Quorum present.

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

Representative **EATON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In the good words of the good Representative from Greenville, it is déjà vu all over again. Mr. Speaker, I find it hard to believe that my constituents think I am a laughing stock for representing their interests in this great body. Posturing? I think not.

There have been, once again, last minute efforts to force us to cave into pressure under the guise of last minutes and what will we do. If you don't support this, you will have done nothing to help the school consolidation. You will have nothing to take home. It sounds just like 10 months ago, on a June night in this body, late one night, when many of us listened to it then, and our communities have been paying a price ever since. Well, we did in fact have a plan from this House as to how to amend this and make this better, but it was vetoed. Can you explain and guarantee the implications of this bill to your constituents?

Mr. Speaker, we should Indefinitely Postpone, we should reject this bill, and our communities should rise together in refusal to implement this plan until the stakeholders of this great state are allowed to participate in the process from the beginning. The only fair option except for Indefinite Postponement is repeal.

One final cliché, if I may, Mr. Speaker: Slap me once, shame on you. Slap me twice, shame on me. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Brautigam.

Representative **BRAUTIGAM**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. That is hard to follow, but I just have to say we are at the posture of Indefinitely Postponing this measure. It is not on behalf of consolidation and, frankly, not even on behalf of my particular school district that I rise to echo what the good Representative Strang Burgess said a few moments ago, in my more humble words. This is probably about our institution here. Can we get our job done? If we Indefinitely Postpone this bill, if we Indefinitely Postpone this issue, we will not have gotten our job done. We cannot go home and leave the situation as it is right now. We have dozens and dozens of people in each of our districts that have been struggling mightily with this issue, have been begging us, pleading us for a resolution one way or another. This is a motion to Indefinite Postpone. I am not here asking you to take any particular position on any particular legislation, I am just asking you let's not give up, let's get it done. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Treat.

Representative **TREAT**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I have not been a big fan of either the way the legislation that we enacted in the budget last year was put together, was passed, or the words of that piece of legislation. I don't think a 100 page document should have been enacted in a budget. I don't think it should have been done through the multiple committees that had their hands on it. It shouldn't have been done as a cost saving measure and all of that. On the other hand, I have a real concern about Indefinitely Postponing what, I think, is pretty close to what we enacted and sent elsewhere in this body for consideration in LD 1932. I think it is very important that we do continue to work on this.

If we are to Indefinitely Postpone this measure at this point in time, we will not have the opportunity to add anything to it if it is missing things that are important to people here in this body. If we let it continue on its way, we can amend it to clarify language that, I personally think, is not as clear as it should be, concerning, for example, collective bargaining agreements. We could clarify it to add in language that I know someone is looking at regarding the municipal vote and the validation process. We could clarify it with respect to the doughnut hole piece. There are a number of things that we could do, and if we couldn't get those things on, we could still make a motion to Indefinitely Postpone the legislation at a later date. So, to me, I just feel our job is to solve problems. Yes, we have created some problems with the consolidation bill that many of us voted on and felt forced to vote on before it was finished, before it was done, before the problems that are addressed in this particular piece of legislation were addressed in that bill. But I don't think this is our last best chance, I think, to fix it and to fix it responsibly and to vote against Indefinite Postponement is not necessarily a vote to say I am supporting everything and anything in this. It is a vote that says I just want to throw up my hands about the whole process.

This particular bill is not a bill that was written on the second floor. There was another bill that was written on the second floor, this is not that bill. This is a bill that was written by members of this body, looking at what the second floor wanted and adding in things that were in 1932 that the Chief Executive didn't want in it. I personally am not entirely clear how much is not in this legislation that was in 1932, which we are now all looking at as the loadstar, the guiding light, so I guess I would pose a question through the Chair.

The SPEAKER: The Representative may pose her question.

Representative **TREAT**: Thank you, Mr. Speaker. I would actually find it very helpful in making this decision myself to know what measures were in 1932 that are not in this piece of legislation before us today. If somebody could answer that, that would be helpful to me to figure out where to go.

The SPEAKER: The Representative from Hallowell, Representative Treat has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Gorham, Representative Farrington.

Representative **FARRINGTON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. In answer to the question, what was in the version of 1932 that this House enacted that is not in LD 2323, I believe, the elements were the Pratt Amendment and the MacDonald Amendment. Everything else that we adopted, I believe, is in this current legislation.

The SPEAKER: The Chair recognizes the Representative from Boothbay, Representative MacDonald.

Representative **MacDONALD**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in opposition to the Indefinite Postponement and would like to echo the sentiments of the good Representatives from Falmouth and from Cumberland in saying that we need to get up on about our work, and would also like to attempt to answer Representative Edgecomb's question, what is in this that is different from what the Chief Executive vetoed. My answer to that question is this: As Representative Farrington just said, this bill is essentially 1932, the Majority Report from the Education Committee, instead of the Damon or MacDonald Amendment that was in there about school unions. It contains new language about school associations or administrative units, I have forgotten the exact wording here as I stand and talk, but there is another word, another term for the school unions that were in the Damon and MacDonald Amendments.

I think that this bill before us now represents a significant

victory for this House in moving the Executive a lot closer—a lot, lot closer—to the point of view that we had, which was contained in 1932, in the Majority Report, which had the financial fixes that we knew so many communities wanted for flexibility in the way they funded things, restoration of minimal receiver funding, and getting rid of the 2 mill requirement. But in addition, it has specific language in there which mirrors, in slightly different words, what we wanted around school unions.

Now the one significant area that I see of difference that makes it, I guess, more palatable to the second floor and that we should be thinking about is contained on page 14, I think it is item d. on page 14 of the new bill that we have before us, 2323, which does say that in operating these new associations that the association shall work towards consistent contract provisions as they move forward. They must develop a plan for consistent contract provisions. Now, what we wanted was that each community would be able to do its own contract negotiations and maintain its own labor relationships with its teachers, and that will still happen under this new form of organization, but that there will be a push towards, over time, having the contracts come more and more together. But all that is required in the law is a plan to do that, it does not require that the school unions do this. That is, for me, a compromise. It is not the same thing as what I wanted. I think it represents a meeting point between what we wanted, which was even more different, and what the Chief Executive found unacceptable, which he said was too much local control, too much independence. It has come together to a point where we are looking at a situation in which these unions will be asked to look at their contracts and put a plan together, over time, to bring them as close together as they possibly can. It is built on a real world model from Mount Desert Island, which has taken seven or eight years, my understanding is, to get them to a more harmonious relationship with their contracts. I believe it will work; I support this; I think we can declare substantial victory. Victory never looks like a total win, and I don't think that is the name of the game here. I think it is a compromise, but I think the House and the other body have significantly altered the Executive's view of this. And they have come forward to us now with a bill that I hope we can support, which would give our communities flexibility in going forward with their planning committees, to go either through the standard route that was envisioned under LD 499 towards a full-fledged RSU, or towards this association which is a looser form, which allows local school committees. Local budgets, property will be kept by local communities. These are the things I wanted. I was concerned about the loss of local participation, local governance in the running of our schools, and I believe that this preserves that and I think it deserves our full support, and I think it deserves it now before we go home for this year. If we go home without fixing this, then we will deserve to be the laughing stock of the state. I ask you to vote against Indefinite Postponement, and let's take the job on, on moving us forward in the state with these changes in 2323. Thank you, Mr. Speaker.

Representative WOODBURY of Yarmouth assumed the Chair.

The House was called to order by the Speaker Pro Tem.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Eliot, Representative Lewin.

Representative LEWIN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I normally don't have a whole lot to say here and I generally have to get a little

fired up to open my big mouth on the floor of the House, but I am a little wound up today and it is because, this bill before us, is a direct result of the Chief Executive having set policy in the budget, and having ran that budget through the House and the other body with the speed of light. We are paying a very heavy price for taking power from this body and the other body and putting it in the hands of the Chief Executive. We have forgotten our responsibility and we haven't stood up for our responsibility to perform, and as a direct result of that, we had been here for several months, in my view, wasting a colossal amount of time discussing something that wants scrapping just as badly as the Dirigo plan wants scrapping. We have wasted \$164 million on that. We went into this education thing expecting to save some money.

Well, I must say, I didn't vote for it, I didn't expect any savings, and in my view it was going to be a disaster, it is everything I thought it would be. I must say I can go home Indefinitely Postponing this without one little bead of sweat on my brow. It won't trouble me one bit to do that. And when I am at home, I am going to be a very busy girl this summer, not just moving and running for my seat again, I am going to be out collecting signatures to get this bloody thing repealed. In my view it is a disaster, it was a year ago; it is only getting worse as Dirigo gets worse by the day. LD 1, another one of my little favorites that I didn't vote for, it hasn't saved one of my constituents a dime, not a dime. How dare we do these things without reasonable, thoughtful consideration.

I would like to know why we weren't wise enough in this body, full of very intelligent people, to take two or three years to plan something realistic to do and another year or two to implement it. What a terrible, colossal mistake we made. I think Indefinite Postponement is the very best thing we can do and let the people have a voice. There will be a resounding recall of this policy, and I would hope that we would all learn from the mistakes we have made. Thank you so much.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Gorham, Representative Farrington.

Representative FARRINGTON: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Let me just start by correcting my previous answer to Representative Treat's question. I forgot about the Carter Amendment. That is also a difference between what we passed in 1932 and what is in this bill.

I want to very briefly respond to a few things that have been said. I am opposed to the pending motion to Indefinitely Postpone this bill, but I have agreed with a number of things I have heard from both sides of this issue. I hear the frustration expressed by my good friend from Sullivan, Representative Eaton. I don't like the fact that we are here on the very last day, hopefully, of session, again, dealing with school consolidation. I don't think anybody in this body would prefer this to be the time we try to come up with a product that we can pass. However, as a couple of folks have pointed out, including the Representative from Cumberland, this is not a brand new bill. Almost all of the language in this bill, we have had since January. It is LD 1932, as the Education Committee worked on it. I would, however, respectfully disagree with the good Representative in her characterization of what has happened since then, as a high jacking. I don't believe that the efforts of the members of this body to make additional changes to the school consolidation law were done with any sinister intent, and I certainly don't think that the 97 members of this body who voted for many of those changes in 1932 were guilty of a high jacking. Legitimate concerns were brought forward, serious attempts to make the law better, to provide more flexibility is what those efforts were about,

and I certainly do not fault or criticize the efforts of anybody who has participated in working on this. However, what we are left with today is what we can accomplish in this session.

Everything that is in 1932 was unanimously agreed to by the Education Committee, and the new language that 2323 brings forward is, as has been pointed out, quite similar in substance to what we adopted in this body in the form of the MacDonald Amendment. It does require consolidation of administration functions, but it does allow communities to retain their property, to retain their school committees; they don't have to absorb debt from other districts, all of the familiar barriers and objections that we have been looking at for a number of months now. It is not a model that is pulled out of thin air, as Representative MacDonald indicated; it is a model that has been in use and has worked extremely well in one particular school union in the state. So while I understand and share much of the frustration of being presented with something that appears to be new, at this very late hour, it is not completely unfamiliar territory. It is seeking to do what the committee sought to do from the very beginning and, in substance, what this body voted overwhelmingly to do quite recently. So I would urge you to vote against this Indefinite Postponement, move forward with this bill, and provide some of the flexibility and the tools that will help in many places. This doesn't solve everything for everybody and I don't think anybody is under the illusion that it does, but it certainly is an improvement and it is something that we have an obligation to do. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Dennysville, Representative McFadden.

Representative **McFADDEN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As I see LD 2323, it is mainly crafted to fit one district, one former union or whatever you want to call it. It doesn't do anything, that I can see, for Washington County or most of Hancock County or Aroostook County. The big piece for me is local control, and after reading through this, I don't see anything where there is any local control for smaller towns, like in my district, in place. It is written very vague, it is hard to understand, it is hard to decipher. It is poorly written and ill conceived, and it gives the commissioner way, way too much power. That is what bothers me more than anything. There are too many "mays" in there, that she may approve this, she may deny this, so you need some of the "mays" taken out so that you have to go by the law, she can't do exactly what she wants to do. So she can dictate to this town and this town and do what she wants. But remember your constituents back home, remember your district. You need to vote according to your district, and I am sure most of you will. I am sure if you are in unions, you are going to vote for this Indefinite Postponement. We need to start this bill and craft it over again.

Another thing that bothers me considerably is this bill was brought through in the dark of the night, and it never went to the Education Committee, we never had a chance to look at it, we never had a change to go through it. I realize that we did work on LD 1932 from last December all way through a week or two ago, and I think LD 1932, with the amendments on it, it did something for every town in the state, every area to every town in the state. Anyway, I think my point is I have heard them say we need to do something, we need to do something. But to me, doing nothing is better than doing something and doing it wrong. I don't know what happened. I see the vote is going to be much different. I don't know what happened to all the repeal votes; I see they are not going to go for Indefinite Postponement; I tell them what I am hearing from different Representatives around.

Now there is one more thing, there is one more leak in that beaver dam I have just found. The GPA, I have just learned

today that the GPA is going to be sent to the new RSUs in one check. Now I have one district that has 20 towns, and if the GPA check is going to the superintendent in one check and you have 20 towns, how is the superintendent going to figure out how much goes to each? You see, as we keep going on and we keep going through this, this reorganization thing, instead of starting back where we should, we are finding more and more leaks in that beaver dam. We are going to have to have more and more patches. I think we need to order a lot more patches and have them ready for the dam, the next year and year after and so forth. So I have to go along with Representative Schatz's Indefinite Postponement Amendment, and I hope that most of the lights in this Chamber will be green on the vote. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Somerville, Representative Miller.

Representative **MILLER**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in opposition to Indefinite Postponement. I am a member of the RPC in our area. Every Thursday night when we get out of here, I go to a meeting, every Thursday night I have been doing that for months. It is an SAD merging with two unions, and they are working in good faith and working hard. By the way, they are not choosing to go towards a super union, it is not a given that everybody wants to do that. But they need help with cost sharing issues, they need help with contracts, they need help with property issues, and every week they ask me how the fix is coming, have you fixed it yet. I go, not yet, not; oh yeah, we did but it got vetoed. Then they ask me how the next bills are coming, and I say not yet, not yet. I don't want to face them with no fixes. They are working hard to make this work, and I think we have got to make it work too.

The last thing I would like to say is there are some that suggest that many of us have been quiet and not getting up and talking about this issue, because our schools have done pretty well in the 281s. I have five towns, four of them did better in the past and one got creamed in the 281s. But I suggest that some of us don't stand up and talk because not everybody needs to hear from every one of us on every issue, but I felt on this issue I will stand up and talk, and I urge you to Indefinitely Postpone. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Winslow, Representative Fletcher.

Representative **FLETCHER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would ask us, Ladies and Gentlemen, just to give this the straight-faced test. Think about where we are; think about where we have been and where we are today. If this is such a perfect fix, why are we considering it on a day, in theory, we shouldn't even be here? If all of this had been worked out to such a great degree, why is it we didn't have this resolved in January? If we've got a perfect fix or something that is pretty close to being good, why are we here today? I have read the bill, I read the budget proposal, I have read all of the changes, but I do not see anything other than just some words to create another illusion.

I voted for the budget because I believed we could achieve savings through consolidation. That is a worthwhile objective and it is doable, but the key to achieving any objective is having a realistic plan that allows that to happen. We do not have a realistic plan, that is what we have found, and my concern is that is this 2323 a realistic plan to reduce costs while enhancing the quality of education, or is it simply a way to keep the consolidation titanic afloat a little bit longer so some more people can get in the life raft? I have yet to see the demonstration that has passed the straight-faced test and, equally important, has gone through a process of due diligence by people who have had

the time, the knowledge and the understanding to say I can give this the test of reasonableness.

We had something called LD 1932 as Amended, which a lot of people worked on. It had the scrutiny of many, and we debated and discussed it considerably, and that was passed with a very strong vote on both ends of the hall. I had confidence in that because it appeared to be comprehensive. Unfortunately, others did not view that to be acceptable. I never heard why, I never heard the rationale as to why a plan that was thoroughly examined and improved by many was not acceptable. Something here does not pass the straight-faced test. I am not going back to my town and my schools and tell them I have done my due diligence and can stand up in confidence and tell them this bill has been examined, scrutinized and challenged and improved. This is simply, in my view, a chance to keep the titanic afloat a little bit longer while a couple more can make it to the life rafts.

I would ask you all that if it is so important to do this, I think we have got one more shot at the basket. I don't think we can come back and say, well, we shot but we missed, but we will come back and try something else at the last minute. I don't think that is right, I don't think that is right for the people in the State of Maine to be used as an experiment to try something again to see if it works. This is too important to shoot from the hip and hope we hit something. If it is worth doing, it is worth doing right. The school systems will survive for another six or nine months until the next Legislature can come back and start again and do it right. If we are here at the last minute, on a day that we are not even supposed to be here, with a piece of legislation that just appeared on the desk, without the opportunity of the Education Committee who are the subject matter experts to look at it, I have very low confidence that this is acceptable and more importantly is not the right process. So I would ask you to vote in favor of the motion before us and let us not use our school systems as another throw it against the wall and see if it sticks. You can do that cooking spaghetti, but you can't do it with our kids. Thank you very much.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Winthrop, Representative Flood.

Representative **FLOOD**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to speak for a moment about the bill before us. It has been talked about a little bit tonight about people not speaking up on this particular bill, and I wanted to make a point about that. I made the very conscience decision to stay quietly out of the way, frankly, during recent months, as people within this Chamber and the other body voiced their very legitimate and diverse concerns about previous bills of this nature. Although, I disagreed with their actions, sometimes in their tactics, I respected their rights to do what they had to do as the simple language; the straightforward language in LD 1932 was amended, re-amended and re-amended and re-amended. And I was disappointed in those tactics, but I kept that to myself. I respected the people with what they had to do; their view was different than mine. That is understandable; this is a big House with a lot of good leaders, many good opinions, many different local issues, and I think we have benefited very much from that honest debate and now we are back to a point of beginning. I would hope that we could use this as a time to move ahead.

Changes are especially hard when the course is not crystal clear that lies ahead of us, but I think change in this area is essential and I don't review it as change that is happening in the cloak of darkness or anything like that. There was a conscience effort to work within the committee structure, continuously and cautiously through this entire session. That is why I am a strong

supporter of this bill. I think it brings us back to a reasonable point of beginning, to correct certainly some financial flaws in the school funding, and I believe our job is too full, it is a statewide responsibility that we have and we have a local responsibility and I think we all feel a great deal of conflict with that. I don't think this is a time to necessarily criticize. Often, it is easy to lift one's self up by putting other people down. I don't think we need to do that. I think that very little good can come from that. I hope that we can accept this bill to make the necessary changes to allow us to go forward with the fixes, to allow the hardworking regional planning committees to complete their duties. I know this is a very difficult topic for everyone and I respect that and I enjoy the respectful dialogue that we have had here. I personally hope that you will oppose the Indefinite Postponement. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Blue Hill, Representative Schatz.

Representative **SCHATZ**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. A few comments. One comment is that Representative Miller meant to say vote against the pending motion. Further, I wanted to say, as background, I have relied and I trust the judgment and the work of Representative Farrington and how he has been the Henry Kissinger, if you will, in this whole effort. I wanted to recognize that I respect his work and his opinion.

I think one of the problems happens to be pertaining to the money issue. As you might have heard, a number of those who are very supportive of this bill happen to be coming from districts who are receiving more money, a substantial amount as far as I am concerned, more funds than they did last year, even with the background of \$60 million in cuts to education. So this tells me that even though EPS is not tied into the consolidation legislation, it tells me there is a comfort level there and there is also a relationship. Those schools, who are feeling comfortable with the school consolidation, also are comfortable because their funding level is not being cut as substantially as some of our rural districts. Now that is another issue, which probably will be covered in the next Legislature, but don't be, I think, fooled into thinking that there is not a reason for that level of comfort and it does go back to follow the money.

Somebody asked the question concerning what is different with 2323, and if you go to that first page of 2323 and you see the language there that says that the state approved unit, if you have a state approved unit you can offer up a quasi municipal, and I understand they dropped the word quasi, a municipal corporation that is responsible for operating or constructing public schools. Now that is, I think, language that is supposed to replace school unions. I would point out that there are two elements that make it not a school union. One is that the fact is that the commissioner, the state has the discretion of approving that unit. So there is no guarantee that those of us, who have conceptualized a union based on what is operating now, would have that allowed. I think if you then go through the various pages of this 2323, you will see where the discretion of the administration, the discretion of the Department of Education is dominant. I think given the past experience with this school consolidation effort last year, nine months ago, I think that that discretion has not served us very well and I don't think we need to feel comfortable with that, and I think one way of dealing with that lack of comfort is to Indefinitely Postpone this and go back to our districts and work with our constituents to come up with a more productive approach, whether it be school consolidation or delivering services to our students, that is what we really are all about. So again, I would reinforce the need. There is a little bit of bait and switch that came into this process, but I would say that it would be prudent to

go forward and vote for the Indefinite Postponement. Thank you, Mr. Speaker.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Lewiston, Representative Makas.

Representative **MAKAS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I serve on the Education Committee and, as several have said before me, our Education Committee has been working on this issue for a very, very long time. We had many different opinions within our own committee. The one thing that I believe we all agreed on was that the school consolidation plan, as originally formulated, did not come down off the mountain on stone tablets, which is why we worked so hard on it to try to correct some of the flaws that were in it. We put a lot of time into trying to make this a workable law, but more important than our efforts was the fact that there are people in schools districts throughout the state who have invested huge amounts of time, energy, and money to implement the law that we passed last year. These people are waiting for our guidance, they are trying to avoid penalties, they want to know the next step. This LD is not perfect from anyone's point of view, but it is very, very important that we do something. It is an improvement, it is needed, it is substantively similar to 1932, which was passed overwhelmingly in this body recently. I urge you, whether you agree or not with the original school consolidation plan, please vote against Indefinite Postponement. We owe it to the people who are out in the school districts throughout the state, to give them the information they need to move their efforts forward. Thank you very much.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Caribou, Representative Edgecomb.

Representative **EDGECOMB**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just two items.

First, I have received information today that at a meeting of 20 superintendents in central Maine, they voted unanimously to oppose 2323.

Secondly, I ask you a question: Are you prepared to attend an RPC meeting and explain your position on 2323 to that committee? Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Falmouth, Representative Savage.

Representative **SAVAGE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I questioned in the beginning on this, in our case, Falmouth, the high performing school district formula. I never thought it was very well thought out. I have seen little or no evidence showing any real savings here, and I understand we have to give this a certain amount of time. To be honest with you, I have bounced back and forth like a yoyo trying to make this decision. Even today, I have bounced back and forth like a yoyo. But I think we need to go ahead and do something, so I would say that we need to go ahead and give this a try. If this does not work, I will be the first one to come back on the other side of the coin. Therefore, I will be voting against the Indefinite Postponement. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Portland, Representative Harlow.

Representative **HARLOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We have been saying that the Executive on the second floor wrote this bill. Nothing could be further from the truth. LD 1932 was written and 2323, as a combination of the legislators that came before our committee with their 120 suggestions, and the stakeholders that came, as the good Representative from Lewiston said, Representative Makas. Of course the superintendents voted against 2323. They are worried about their jobs and that is one

of the places we are going to save money. This kind of reminds me of I am not NIMBY unless it is in my backyard.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of the Bill and all accompanying papers. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 446

YEA - Annis, Austin, Ayotte, Browne W, Canavan, Cebra, Chase, Clark, Cleary, Cotta, Cray, Crosthwaite, Curtis, Eaton, Edgecomb, Finley, Fisher, Fitts, Fletcher, Gifford, Hamper, Hill, Johnson, Joy, Lewin, Lundeen, Marean, McFadden, McKane, McLeod, Muse, Pendleton, Pinkham, Pratt, Prescott, Richardson W, Rosen, Sarty, Schatz, Sutherland, Sykes, Theriault, Thibodeau, Thomas, Trinward, Vaughan, Weaver.

NAY - Adams, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Blanchard, Bliss, Brautigam, Bryant, Burns, Cain, Campbell, Carey, Carter, Casavant, Connor, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Eberle, Faircloth, Farrington, Finch, Flood, Gerzofsky, Giles, Gould, Grose, Hanley S, Harlow, Haskell, Hayes, Hinck, Hogan, Jackson, Jones, Kaenrath, Knight, Koffman, Lansley, MacDonald, Makas, Marley, Mazurek, McDonough, Miller, Millett, Mills, Nass, Norton, Percy, Perry, Pieh, Pilon, Pingree, Piotti, Plummer, Priest, Rand, Rector, Rines, Samson, Savage, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Tardy, Treat, Tuttle, Valentino, Wagner, Walker, Watson, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

ABSENT - Berube, Blanchette, Boland, Briggs, Conover, Duprey, Emery, Fischer, Greeley, Jacobsen, Miramant, Moore, Patrick, Peoples, Pineau, Richardson D, Robinson, Saviello, Tibbetts.

Yes, 47; No, 85; Absent, 19; Excused, 0.

47 having voted in the affirmative and 85 voted in the negative, with 19 being absent, and accordingly the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers **FAILED**.

Subsequently, under suspension of the rules, the Bill was given its **FIRST READING WITHOUT REFERENCE** to a committee.

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

On motion of Representative **PINGREE** of North Haven, **TABLED** pending **PASSAGE TO BE ENGROSSED** and later today assigned.

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

ENACTORS

Resolves

Resolve, To Study the Feasibility of Locating a Border Crossing in the St. David Area

(H.P. 394) (L.D. 511)

(S. "A" S-655 to C. "B" H-643)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **FINALLY PASSED**, signed by the Speaker and sent to the Senate.
