

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Fourth Legislature

State of Maine

Daily Edition

First Regular Session
December 3, 2008 to June 12, 2009

Pages 1 - 1159

On motion by Senator **ALFOND** of Cumberland, Bill and accompanying papers **INDEFINITELY POSTPONED**, in concurrence.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend the Laws Governing the Consolidation of School Administrative Units To Delay All Penalties for 2 Years"

H.P. 225 L.D. 285

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

ALFOND of Cumberland
SCHNEIDER of Penobscot

Representatives:

SUTHERLAND of Chapman
CASAVANT of Biddeford
LOVEJOY of Portland
NELSON of Falmouth
RANKIN of Hiram
WAGNER of Lewiston

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-352)**.

Signed:

Senator:

WESTON of Waldo

Representatives:

FINCH of Fairfield
JOHNSON of Greenville
McFADDEN of Dennysville
RICHARDSON of Carmel

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-352)**.

Reports **READ**.

Senator **ALFOND** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

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

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

Senator **WESTON:** Thank you, Mr. President. Men and women of the Senate, we've just taken a vote and had a bit of debate on penalties. This bill before you is different than the title that you see in your calendar. It says this delay is for two years. This delay is for one year and we try to coincide it with the vote that is coming up. I'm going to keep my remarks short. I can't help but liken this and hope that we will look at this bill in the way that we might if someone came into our home and robbed us and we came home from work and saw that someone had taken our valuables and we might think, 'Oh my goodness, I've been robbed. I hope they robbed my neighbor, too.' We could say, 'Oh my goodness, I better go and warn my neighbors so that they don't get robbed as well.' I think that's really what we have before us. It was contentious two years ago. It was contentious last year. It's contentious this year. Many of them made the decision not to consolidate because it did hurt them financially. They made a prudent decision based on dollars. Now we know we're going to have a repeal referendum, so what this bill asks for is to let's give this little reprieve until after this vote and then we'll see what lies ahead of us. I think it's fair and I think that I want to say to my neighbor let me warn you, let me help you, let me assist and not punish you because I made a decision one way and you're making it another. I ask that you be compassionate to your neighbor and join the other chamber who voted with over a two-thirds margin to give this delay for one year until after the vote in November. Be kind to your neighbor. Thank you.

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

Senator **SCHNEIDER:** Thank you, Mr. President. Men and women of the Senate, again I rise and I think that the reason why a lot of members in communities that ended up consolidating, and they are not as charitable, is that they feel they were pushed into making a decision based on the penalties. They feel that the fair thing to do is to move forward unless we have a full repeal. So far, when I've spoken with people in the community or received e-mails or communications from constituents, regardless of whether they consolidated or not, there seems to be a large momentum towards repeal. For this reason I again support the pending motion in hopes that we can move on to the more equitable way to deal with this situation across the board. So I hope you'll support the pending motion of Ought Not to Pass.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Lincoln, Senator Trahan.

Senator **TRAHAN:** Thank you, Mr. President. Members of the Senate, I'd just like to rise a moment to tell you why I certainly support this bill and the one that will be coming before us. I have felt from the beginning that this policy was a flawed policy. I've never seen a relationship built where one entity says to the other; we're going to let you choose to do something, but if you don't choose the way we want you to, we'll penalize you for it. That's not the way that true partnerships work. True partnerships work through joint respect for each other, folks coming to the table negotiating their different positions, and then joining together on a resolution. I don't believe that consolidation has ever followed that road. I was here when it was negotiated. I saw how it was done. I saw what group did it. I feel that's not the way the process should work. I helped gather the signatures that brought

this to referendum in the Fall. I'm proud to say that I did that and I hope that we can have a resolution to this. Certainly delaying this for a year until that decision has been made by the public seems to be a responsible way to go. I ask you to defeat the motion, move Ought to Pass and let this kind of get behind us. Thank you, Mr. President.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Aroostook, Senator Sherman.

Senator **SHERMAN:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I agree with the last two speakers and I'd add this piece. This is a question of how we manage things in this Legislature. If this had gone along with the SADs a few years, many years ago, it took eight or ten years to get from SAD 1 to SAD 100 or whatever it is. It's time to look at it. I voted against the budget two years ago because this piece was in here. I don't believe it's managed well and I'm not sure how well it's managed here. This is a little breathing space to allow people to work on, come together, and maybe see if we have one Maine or one kind of vision. I don't like the word vision. It's for our kids and it's about our kids we're messing with. Some of them running around the building today. What we did two years ago I also heard that we were going to fix it. Yes sir, man, we were going to fix it. We'll come back and fix it. We knew it had flaws. Did we fix it? I'm not sure. I know people went back in my district say, 'Oh we had to vote for the budget because that was in it and we'd shut the whole State down.' Great write up in the paper, we couldn't fix it. Here's a piece of fix, a little piece of it. I think with some honesty in the way we manage things, we're going to fix it, and maybe we ought to give some breathing space to do it. We can go into whether it's good or bad or indifferent. The history is, you gave the people of the State of Maine the SADs. Most individuals weren't born then, but it started back in the 1970s. We closed schools. We consolidated schools. It was with the management of local people. SAD 1 was Presque Isle, Maine. This one, SAD 1 in Presque Isle, Maine dug it's feet in. Derek Johnson said, 'When you guys figure it out, we'll talk to you.' I said, 'Good for you.' They've done some consolidation up there. SAD 20 is Houlton. It took us several years to get there. I taught in SAD 70. There was a fight over closing some schools then. They worked things out. You had incentives under busing. We knew kids were going to hop on buses. I remember one meeting we had where parents said, when the superintendents were trying to sell this, 'Gee, we can take care of them.' A lady said, 'Someone's going to go for a ride.' We may be going for a ride now, but all we're asking out of this is give it time to work. Keep your word that you gave the people of the State of Maine when you went back home and said in newspaper after newspaper, and I've got some of the clippings, that we'll fix this. This is your chance to keep your word and do it. I know one Legislature can't bind another, but one person's word, frankly, should be honored. You should honor your word, some of you that wrote that. We're going to fix it. I thank you.

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

Senator **NUTTING:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise this morning to oppose the pending motion. I'm still struck by the Brookings Report that we received three years ago, or maybe it was four years ago. It

clearly said in the beginning of the Brookings Report that State government should make the cuts first, then ask the municipalities, and then ask the schools to become more efficient and make cuts. I don't think that has happened, at least not to my satisfaction. I am supporting the Minority Report to give a one-year ease on penalties until we see what happens this Fall in the vote. I think that's reasonable. I am frustrated that we still have a huge push for consolidation and a huge push for penalties coming from this State's Chief Executive while you look at the Chief Executive's own Executive budget that is now \$721,000 a year higher than what it's been for any other previous Chief Executive. To me, that is not setting an example to cut State government first, before we ask others to make cuts in their own budgets. So, I'm going to not be supporting this pending motion and urge others to do the same. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Kennebec, Senator Marraché.

Senator **MARRACHÉ:** Thank you, Mr. President. Men and women of the Senate, I too will be voting for the Minority Report. I'm not in favor of the current pending motion. Most of us consolidated. We even had a district that said, yes, and nobody wanted to be a friend with them. They didn't want to get together with them and they were going to be assessed a penalty, and thankfully we did address that. With the pending appeal coming up, with the massive cuts we've made in the budget, and the struggling economy I don't think it would be appropriate to assess these penalties if it might have the potential to be repealed in November. So I'm going to support the Minority Report, just to give people a chance, and if it does not get repealed, then they still have to assess that penalty and I think that's fair. Thank you.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Alfond to Accept the Majority Ought Not to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#168)

YEAS: Senators: ALFOND, BLISS, BOWMAN, COURTNEY, DAVIS, DIAMOND, HASTINGS, MCCORMICK, MILLS, PERRY, SCHNEIDER, SIMPSON, SULLIVAN, MITCHELL, THE PRESIDENT PRO TEM - PHILIP L. BARTLETT

NAYS: Senators: BRANNIGAN, BRYANT, CRAVEN, DAMON, GERZOFISKY, GOODALL, GOOLEY, HOBBS, JACKSON, MARRACHE, NASS, NUTTING, PLOWMAN, RAYE, RECTOR, ROSEN, SHERMAN, SMITH, TRAHAN, WESTON

15 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion by Senator **ALFOND** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, FAILED**.

The Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-352) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Repeal the School District Consolidation Laws"

I.B. 4 L.D. 977

Reported that the same **Ought Not to Pass**.

Signed:

Senator:

ALFOND of Cumberland

Representatives:

SUTHERLAND of Chapman
FINCH of Fairfield
CASAVANT of Biddeford
WAGNER of Lewiston
LOVEJOY of Portland
NELSON of Falmouth
RANKIN of Hiram

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-257)**.

Signed:

Senators:

SCHNEIDER of Penobscot
WESTON of Waldo

Representatives:

RICHARDSON of Carmel
McFADDEN of Dennysville
JOHNSON of Greenville

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

Senator **ALFOND** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

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

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

Senator **SCHNEIDER:** Thank you, Mr. President. Men and women of the Senate, I hope you will defeat the pending motion. I have heard nothing but complaints about this law since we passed it. Unfortunately, because it was imbedded in the budget, it was a situation where we could not take a clear up and down vote. Now is our opportunity to show how we truly feel about this piece of legislation which we passed. I think that there are opportunities for consolidation. I know within my own district there have been many movements made to work to reduce costs and work collaboratively with various administrations and deal with costs within school units. So I hope to defeat the pending motion, and I hope you'll join me. Thank you very much.

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

Senator **WESTON:** Thank you, Mr. President. Men and women of the Senate, I had an opportunity to listen to the other Body debate this bill yesterday. I listened very intently in our committee. There was one argument that was used that I would like to explain. The argument that I heard most frequents was that people worked really hard to collect the signatures for the referendum to repeal school consolidation, so what they want is for us to say, no here in the Legislature, and let it go out. Well actually I don't think that's the case. They went out and got signatures and the question was to repeal. They want the Legislature to repeal. So, don't be afraid. Don't worry about they'll be upset. Say yes. This was a top down, paced far too quickly bill. If you remember when we passed this bill, when we had the fix it bill a year later, many members of this Body stood and said that this wasn't going to work, it has lots of problems, but we can fix it. The people have spoken. They signed the papers and they say we want something better. Let's speed them along that better path and reject this motion and vote to repeal. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Aroostook, Senator Jackson.

Senator **JACKSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I am going to be voting against the Majority on this and I'm going for the Minority Report. I think that, unfortunately, whenever we've had this issue, I think it kind of started with the 55% referendum. I was in the other Body then. I was one of a few that voted for the 55% for communities to get for education. I was under the impression that 55% going to the towns to go to education would relieve property taxpayers to some extent. I think at the time we were at 43%. If we were to ramp up to 55%, I'm not sure if we ever did get to 55%, but we certainly are below that now. The 12% should have gone back out to property taxpayers. I think the State did at least increase that. The people, at least in my areas, never really did see the property tax rebate from the municipalities. When this opportunity for consolidation came along, I did think there was some merit to