

MAINE STATE LEGISLATURE

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However, I'm willing to go along with this. I know I've taken more time than I should have, but I wanted to explain it and I wanted to make sure I defended my public school teachers also in my vote. Thank you.

THE PRESIDENT PRO TEM: The pending question before the Senate is Passage to be Engrossed as Amended. 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 (#241)

YEAS: Senators: BRANNIGAN, COLLINS, HASTINGS, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RAYE, RECTOR, ROSEN, SAVIELLO, SNOWE-MELLO, SULLIVAN, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, WOODBURY, the PRESIDENT PRO TEM - JONATHAN T.E. COURTNEY

NAYS: Senators: ALFOND, BARTLETT, CRAVEN, DIAMOND, DILL, FARNHAM, GERZOFKY, HILL, HOBBS, JACKSON, PATRICK, SCHNEIDER, SHERMAN

EXCUSED: Senator: GOODALL

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being excused, the Bill was **PASSED TO BE ENGROSSED AS AMENDED**.

Send down for concurrence.

Senate at Ease.

Senate called to order by President Pro Tem
JONATHAN T.E. COURTNEY of York County.

Senator **RAYE** of Washington was granted unanimous consent to address the Senate off the Record.

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

All matters thus acted upon were ordered sent down forthwith for concurrence.

RECESSED until 2:00 in the afternoon.

After Recess

Senate called to order by President Pro Tem
JONATHAN T.E. COURTNEY of York County.

Off Record Remarks

ORDERS OF THE DAY

Unfinished Business

The following matters in the consideration of which the Senate was engaged at the time of Adjournment had preference in the Orders of the Day and continued with such preference until disposed of as provided by Senate Rule 516.

The Chair laid before the Senate the following Tabled and Later (6/6/11) Assigned matter:

SENATE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Restore Equity in Education Funding"

S.P. 395 L.D. 1274

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-240)** (8 members)

Minority - **Ought Not to Pass** (5 members)

Tabled - June 6, 2011, by Senator **LANGLEY** of Hancock

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report

(In Senate, June 6, 2011, Reports **READ**.)

On motion by Senator **ALFOND** of Cumberland, 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 Cumberland, Senator Alfond.

Senator **ALFOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, hopefully we all can sit in our seats and let lunch kind of settle a little bit and go onto a little journey of the essential programs and services formula, which is and defines the cost of education here in Maine. I am standing up in opposition of this bill and it's very hard to do so because the good Senator from Washington, Senator Raye, has very good intentions with this bill. This bill was brought before the Education Committee by the Senator from Washington because he believes there is inequity in the funding formula, especially in rural Maine. However, I would argue there's inequity all over the state. That is an underlying theme of my talk today, that before we start changing the essential programs and services formula we need to have an

independent review, one that the Education Committee has fully endorsed, and then look at a couple of things.

First, the essential programs and service formula has never been funded to 55%, thus we have no idea how this formula truly would work if it was fully funded. Let's look at this funding formula now that it has not been fully funded and start looking at issues that the good Senator from Washington is asking us to look at in this bill, which are smaller schools. Today we are not looking at the independent study. We're looking at a very direct bill and this direct bill is looking to move just over \$6 million from, essentially, schools that are over 1,200 students to those schools that are under 1,200 students. Now, no one could argue that the funding formula is that simple. Even my description there is oversimplified. I would like everyone to think about that this bill, and our vote today, is not a question of voting for rural Maine versus the rest of Maine, but the question should be should we be even touching the EPS formula at this time.

All of you should be receiving charts that I have done for every single Senator. These charts talk to you about every school in your district. What this attempts to do is look at what the Department of Education provided for us during the hearing on L.D. 1274. The first column talks about L.D. 1274 with \$19 million put into the funding formula. Why is \$19 million there? Because in the second year of the biennial budget the Governor has proposed to put \$19 million into General Purpose Aid. I am very glad that he did and I am fully supportive of that. That first column talks about what happens when this bill, and the changes imbedded in this bill, get combined with the \$19 million. You will see a number. If you have a couple of schools in your district, you'll see what happens when L.D. 1274, the changes with the \$19 million, happens. The next column is with no changes. We would use the current funding formula and the \$19 million comes into the formula and how the distribution works in that case. The third column shows the difference between the two. If you have a positive number, you see that if you look at the changes with the \$19 million, and that's a bigger number, then the no changes and \$19 million, then President Raye's bill would be a good thing for you. If that third column shows a negative then what has happened is that his proposed changes are not suiting your district very well. I, coming from the city of Portland, will actually be voting against this because what happens to the city of Portland is that we lose \$922,000. In fact, only seven Senators in this esteemed Body come up positive with President Raye's bill. That means every single school in your district benefits from these two changes to EPS. The other 28 of you either lose entirely, like myself or the good President Pro Tem who every single one of his schools lose and as many other Senators, with these changes, every single school would lose. Then there is also what the good Senator from Lincoln said, those caught in the middle or stuck in the middle. For those Senators, when you look at your sheet, you've got some schools that gain and some schools that lose.

My question to you all is, what are you going to do? For me it's very easy. My schools all lose under this proposal. For the Senators who have some districts that gain and some districts that lose, how are you going to go into your Senate District and to some of the schools that lose and say, "You know what, I voted for this bill because a couple other towns in my Senate District gained from it." I don't know how you are going to do it. The lights will show when the vote is taken, but I think this is a very, very difficult vote for many of you. For me, it's easy. I'm going to vote against it, not because I don't think the intentions of the good

President from Washington County aren't pure. I think he really wants to do what's right for rural Maine. I grew up in rural Maine and so I understand what it's like to be from a small town, Dexter, Maine with 3,000 or so residents. When you look at Dexter, Maine and some other rural towns, you actually see a wonderful story of how EPS is just pumping money into that community and many other communities. I end by saying that EPS is a very complicated formula. It's like a house of cards. You move one or two cards and everything else changes, sometimes insignificantly. I think the good President will say that this is an insignificant change, a small change, a couple of things, that we're just moving \$6.3 million around. With pink slips happening in all of our districts, I don't want to have to go back to my district and say, "You know what, in 2012 - 2013, when this would take place, the city of Portland, where every job is about \$50,000, would have to cut almost 20 positions. These 20 positions are going to go away because we are changing the funding formula mid-stream. I would ask the Body to let this independent study happen. Let's take a thorough review. We've never done that. I hope that you will join me in voting against the pending motion. Thank you, Mr. President.

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

Senator **RAYE:** Thank you Mr. President. I rise in strong support of the Education Committee's bi-partisan Ought to Pass as Amended Report. L.D. 1274 seeks to restore a measure of equity to school funding, recognizing that the flawed and bias EPS formula has pounded the square peg of rural Maine into the round hole of EPS for six devastating years. I well remember that the imposition of the EPS funding formula coincided with the infusion of \$250 million in new K-12 education funding. Believe it or not, because that one-quarter of a billion dollars in new funding coincided with the new EPS formula, the impact of that new funding, that massive infusion of funding, on Washington County was the loss of \$2 million. Let that sink in for a moment. At a time when we infused \$250 million of funding into the formula, the EPS formula caused my county to lose \$2 million. It was astounding. It was unbelievable. People were in shock. It was devastating. Devastating. Some of the poorest rural communities in the state. Elsewhere across rural Maine, similar hits. Losses in our small towns, dealing a painful blow to rural education and severely undermining the Maine tradition of ensuring that every child in Maine has access to a solid education, regardless of zip code. Because of EPS, zip codes suddenly became an issue for our rural towns all across the state.

The bill before us is by no means going to make rural Maine whole, but it does remove some of the worst, unfair, and offensive things in current law. For example, it removes the unfair and, I would submit, inexplicable provision that subjects benefit costs to the labor market index. There is no justification for that, something that the Department of Education has readily acknowledged in helping us to craft this. It adds a provision acknowledging the reality that our smallest districts can never achieve the economies of scale enjoyed by the state's largest districts. It cannot happen. It is impossible, but the EPS formula doesn't acknowledge that currently. Under this bill it will acknowledge it by reducing the staffing ratio, not the student - teacher ratio, simply the staffing ratio, to acknowledge that every school needs a lunch director, every school needs a bus driver, and every school needs a secretary. It will acknowledge it by

reducing that staffing ration by 10% for districts under 1,200 students. Lastly, it provides an additional minimum subsidy for communities that suffer the double whammy of being property rich but having a population that is poor. It does so in a very logical and fair way by looking at the population whose students qualify for free and reduced lunch at greater than the state average. It will be the one provision that really gets to the heart of something that has troubled, I think, all of us, no matter where we live in Maine; it's the ability to pay so it's more than just a factor of property value. If you have any towns in your district that are on the lake or riverfront or oceanfront, you know what I'm talking about. When the property values go through the roof, but your constituents aren't making any more money than they ever did. That's all it does, folks. Those three provisions. Very simple provisions. I don't think that there is anyone here that could argue with the logic or the fairness of any of the three of them. This is a modest proposal. It is accomplished in the context of an increase in K-12 funding in this biennium. Despite the protestations of the Senator from Portland, there are no losers. Everyone, every school district in this state, as a result of the combination of the budget and L.D. 1274, will receive at least the amount they receive now and almost all of them gain, even the city of Portland. Not as much as it does under the current flawed and bias and anti-rural EPS formula, I will grant that to the good Senator from Portland. You gain, but not as much as you do under the current formula, a formula that has been devastating rural Maine for the last five years as our more populace communities have benefited.

That's it. It's very simple. This is an issue, frankly, that over the last five years I believe has opened the divide between rural and urban in this state in the most unfortunate way. This doesn't reverse it. It merely takes a small portion of the increase in education funding to inject fairness into the formula. It is less than seven-tenths of 1% of the entire funding for state education that we are talking about here. It is minuscule in the overall picture of the EPS funding formula, but it is lifesaving for rural communities that have been so severely disadvantaged these past five years. I hope you will join with me in accepting the bi-partisan Majority Ought to Pass as Amended Report.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Somerset, Senator Thomas.

Senator **THOMAS:** Thank you Mr. President. Ladies and gentlemen of the Senate, a few days ago I got up and I recited the number of businesses in my district that had closed. It was a long list and I didn't get them all. Those were only the forest product companies. My friend from Cumberland said he grew up in Dexter. Well, Dexter is next door to Ripley. We lost over 2,500 jobs at Dexter Shoe. We've lost job after job. With those job losses, our school districts, in order to make their budgets balance, and I was on the Dexter school district for a while, we've closed schools. We've cut teachers. We've cut all kinds of programs from our schools. Probably our cost per student is much, much less than almost all of the schools in the rest of Maine because we just don't have the money. Some of the poorest parts of Maine and yet every time we turn around there seems to be a new plan that takes money away from us and gives it to other schools. The Senate President talked about fairness. That's just exactly what this is about. My district probably got hurt as much as any district. It needs some of those funds. We've got kindergarten kids who are riding for hours and

hours on buses every day because we've closed their local schools. That's not right. We don't need these young children to be riding on buses on snowy and icy roads because we don't have the money to give them an education that's reasonably close to their home. This bill just begins to restore some of that funding. It doesn't replace it. I think of one school district in Guilford. They've closed all of their outlying schools and they continually operate for less than EPS says they should. They operate for less than EPS says is necessary to run a good school. Yet their test scores are as high as almost any you'll find. They do a good job. Yet we're going to cut them and we're going to cut them some more so that we can restore millions of dollars to some of the more urban schools. When you are thinking about urban and rural you could substitute poor for rural and you wouldn't be far from wrong. Thank you.

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

Senator **HASTINGS:** Thank you Mr. President. Ladies and gentlemen of the Senate, the Senator from Washington, Senator Raye, really laid the case out for this. I was listening to two arguments. I listened to the Senator from Washington and I listened to the Senator from Cumberland, Senator Alford. The Senator from Cumberland just laid it on the table. This is all about self interest, he's telling us. You look at the numbers and if you're going to suffer than you vote no. You don't look at the merits of the bill. You don't look and see if this bill is correcting a wrong. Just look at the numbers and vote those numbers. Well, ladies and gentlemen of the Senate, I hope that is the not the way that we're going to produce public policy in this Body. Rural Maine has been hurt badly. It's not just Washington County. It's not just Somerset and Piscataquis Counties. I'm looking at a district, Lakes Region. Towns of Harrison, Bridgton, Naples, Casco, and Sebago. These are not wealthy towns. Those people that live in those towns are working people. The unemployment rate is high. Incomes are low. Once again, under this formula they have shorefront. I've told them over and over again, if we could pull the plug, if we could drain Sebago Lake, their problems would be solved. Can't do it. It's Portland's water supply, by the way. Couldn't do that. What has happened to this community of towns? They have lost all of their funding from the State with the exception of their special ed piece. They are now minimum receivers. They look at the communities surrounding Portland, those known to be quite wealthy, Falmouth and the Cape Elizabeth, and they see those towns receiving more funding for education than they do per student. They scratch their heads. I'm reading these articles in the newspaper every week, frustrated taxpayers saying we've got to do something, we're got to cut the school budget, we've got to bring our taxes down. They've got to do that because they receive no help whatsoever to speak of from the State of Maine to educate their children. President Raye outlined the policy decisions behind this. It makes eminent sense that the regional market area salary differential be not applied to benefits when the benefit, which is primarily health insurance, is exactly the same for every school district in the state. The Lakes Region school district is penalized. They pay as much for health insurance as Portland teachers do, but they are only given credit under the formula for the differential, at 92%, I'm not sure what the number is, but less than the full amount. What makes more sense? That's an error that has to be corrected. No one can argue with that unless you are just looking at the numbers, unless

you're just going to vote the numbers on that sheet and you are not going to look any further. These are good changes, as the President has pointed out. We are creating an urban - rural divide with this funding formula. The fact that you've got it now, does that mean that you will never look at it again? I've got mine. Is that the answer for not making and correcting a public policy? I would urge that you support this report. Thank you very much.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Hancock, Senator Langley.

Senator **LANGLEY:** Thank you Mr. President. Men and women of the Senate, President Raye was eloquent, but the quote of the year, to me, was delivered by Bimbo Look of Jonesport, a lobsterman and selectman, who, in support of this bill, said, "Folks, we have nothing left. We are down to melting our gold basketballs and selling them to pay for education." 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 think everything's been said after that one. I hope I can add a little bit, if I may. Ditto to the labor market area. I say ditto to the essential programs and services. I say ditto to what school consolidation has done to us over the last six years. We knew it was going to happen. I would add two things. One, over the last six years over \$32 million slid out of Aroostook County. It almost equals what those seven or eight towns surrounding Portland would gain. However you part that, so to speak, it's gone. The other thing I'd add, I looked up the little memo here that was handed to us by the good Senator from Cumberland. When you look at rural areas, SAD 1 is around Presque Isle. Somewhere between 11,000 and 12,000 people. They lost money on this. That's 11,000 or 12,000 people in a city. If you look at the cities in the state of Maine, it's one of the larger ones. Just happened to be an island in a vast area of rolling plains. SAD 29, which is the Houlton area, with the school folks that are there, that's pretty close to 9,000 and 10,000 individuals. In a town, not hopping around the countryside. SAD 70 is now hooked up with Danforth, they are somewhere between 6,000 and 7,000 people. When you say rural, at least in Aroostook County, you mean islands. When I campaign I campaign around the Houlton area, which has about 11,000 and 12,000 people in it. You go to Presque Isle and you draw a circle around it, it's somewhere around 15,000 to 20,000. It's rural in the sense of a house here and a house there. There's not an accurate picture. Senator Jackson has Caribou and north; Ft. Kent, Madawaska, and those areas. They are rural in the sense that they are isolated from the rest of the state of Maine. Very close to Canada, by the way. When you say rural don't think of little houses here and there and a garden someplace else. You could pick one of those towns up and put it in York County or any county and it would look very familiar to what you live with. It's an isolation factor. If I took a survey of how many people had ever been north of the 45th parallel, which is half way to the center of Maine, around Lincoln. In the Western Promenade there's a great bronze statue there of some sort. I was reading not too long ago, a Civil War veteran. About 25 to 30 yards from that there's a monument that says 43rd parallel. The one in Aroostook County says 45th parallel. We're two degrees north. The folks in

this room, I don't blame you. You can go from South Portland to New York faster than we can get to John Martin's camp in Eagle Lake. We talk about rural areas, but there are cities surrounded by farm fields in our areas. I hope you keep that in mind. I agree with everything's that's been said prior to what is here and I hope you see that \$6 million in a \$6.1 billion budget is around that area somewhere and I bet we can find it in the road budget. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Bartlett.

Senator **BARTLETT:** Thank you Mr. President. I think it's fair to say that all of our schools need more money. Wherever you live in this state your schools are probably underfunded. We know they are under the state statute that requires us to be funding 55%. We all need more money. The way the EPS system currently works is that it is driven by two primary factors; one being valuation and the other being student population. As we go forward, if we pass this bill, what we are doing, in essence, is shifting money from school districts that are growing and giving that money to school districts that are shrinking. I recognize the challenges of rural Maine and the challenges, particularly, when you're dealing with declining populations. It's a very real issue. The way to deal with that is infuse more money into the system to get us to that 55% to more adequately fund our essential programs and services. Simply dealing with it by shifting money from places that are growing with more and more students with more and more demands will just trade one problem for another. If we're serious about this issue, let's take a hard look and figure out where to come up with the resources so that everybody is getting a fair and reasonable funding and a fair and reasonable education. We're going to be talking about the budget soon. There are some benefits in that budget for education, but we certainly don't get to the 55%. Different choices were made. If we're serious, let's infuse the amount of money that is needed to make sure that every child in the state gets a good education instead of just moving money from one district to another. Thank you, Mr. President.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Alfond.

Senator **ALFOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, let's talk about rural Maine and let's talk about the State support in rural Maine. I did some review of some of the schools in Washington County. Calais, which has 622 students, gets over \$4.4 million from the State of Maine, which is 80% of their entire school budget that is funded by the State of Maine. It works out to over \$7,000 per student is funded by the State of Maine. That's a nice number. I'm sure many of you know what your number is in your communities and it's a lot less. Let's go to Dennysville, a little beautiful town with 66 students. They get just under \$450,000, which is also 80% of their entire education. That's \$6,700 per student. Let's talk about the big bad school districts in Southern Maine. We're the evildoers, apparently, by this bill and by the EPS formula. Falmouth has 2,145 students. They also get \$4.8 million, which is 24% of what it costs their school. That's \$2,277 per student. Let me remind you that Calais gets \$7,710 per student. Falmouth gets \$2,277. Machias has 431 students. They get \$1.3 million, which is 61% of their funding that they need to cover their cost of education. Their

cost per student is just over \$3,000. Let's go to the city of Portland, with 6,950 students. We get \$12 million from the State of Maine, which is 17% of what it costs our education system under EPS and that works out to \$1,745 per student.

Folks, we're talking across the state, this formula hurts everyone. It's not a conversation about rural Maine or urban Maine. You look at those numbers. Let's go to Dexter, where I grew up. Let's talk about how much money is being poured into the education system. In 2004-2005, they got \$5.2 million. In 2005-2006, when EPS was fully implemented with over \$250 million, \$5.3 million. In 2006-2007, \$5.7 million. In 2007-2008, \$6.2 million. In 2008-2009, \$6.5 million. They, between 2004 and 2009, received \$1.3 million more. Am I happy for Dexter? Sure, I think that's great. Do I think the EPS formula is perfect? No, but this is not a question of somehow doing what's right because the EPS formula somehow has it out for rural Maine. The reason that Eastport has lost that much money, I'll tell you why Eastport has lost that much money, is in 2004-2005 they had in their school system 219 students. Let's look to today. They 130 students. They have lost \$400,000 in that entire time. They should have lost a lot more. You know why they didn't? Because we already protect rural Maine. In the funding formula we have over \$5 million that goes to isolated schools. Why? Because we want to ensure that schools like Eastport and other school districts that are losing lots and lots of students don't get hit as hard. We also put \$20 million into EPS for declining enrollment. Why? Because we want to take care of all students.

The EPS doesn't care what your zip code is. It doesn't care where you are. It's 63 or 64 variables that you plug in, and when your valuation doubles like Eastport has done and your enrollment goes down by that many students, something is not going to happen good for you. It's just a matter of the EPS formula. Again, if we want to step back from this bill and do an independent study of EPS, let's do that. The fact of the matter is that districts across the state are making decisions for next Fall and then in February a new 279 goes out to every single school district, letting them know what's going to happen in 2012-2013. In less than six months we, here, will do something that has never been done. The EPS formula has never been influenced by a legislator to this point. Whether it's Senator Alfond or President Raye, no one has been able to get inside the formula. Why? Because before the formula it was all politics. It was about where your zip code was. It was who you knew on Appropriations. It was dirty. Now we have found a formula that gets that out of the way. It was decided that, you know what, we're going to look at two major variables, valuation and student count, and then 61 or 62 others. When that formula kicks out what you receive, we've got all kinds of soft little cushions for those declining schools and for those isolated small schools. I can't argue enough that some in this Body will look at their numbers and they will say, "You know what, I'm going to vote for this."

Nowhere in this bill have we talked about quality of education in any of this. Should \$6.3 million go to these schools because of their quality of education? I don't know. That wasn't part of the bill. It just said that we've got two things that we have figured out, after working very hard with the DOE, that we think are small enough that they won't hurt the rest of the state of Maine. It will hurt the rest of the state of Maine and all of you have sheets in front of you that show that only seven of you benefit from these changes. Yes, \$19 million comes into it. Yes, the city of Portland would get money with the \$19 million and these changes. Folks, that's not what this is about. Let's talk about quality of education.

Let's talk about results and what's happening in our schools and then start making some decisions on how we fund our schools. That's not what this does. This corrects lots of myths. This tries to go after what everyone thinks is happening to rural Maine. That's not true. Not in every rural part of the state this is true. We've seen that. Look at good old Dexter, Maine. Dexter has benefited wildly from this. Eastport, Maine should be in a whole of trouble if we didn't have this formula. This formula has saved a lot of what is in Eastport. When you lose 40% of your student body. How many of you have lost 40% of your student body? Forty per cent of Eastport's population is no longer there, yet they've only lost \$400,000. That's pretty remarkable. Their valuation has doubled. If any of your districts had doubled, and you'd lost 40% of your school population, you would be in a situation that you'd find troubling, you'd be very upset, but you'd be thankful that there are already cushions within the EPS to help you out. Thank you, Mr. President. I urge the entire Body, please, to vote against the pending motion.

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

Senator **HASTINGS:** Thank you Mr. President. I hesitate to rise twice, but I will. I heard about soft little cushions. I heard about good old Dexter and how well they have fared. What I didn't hear a word from, I don't have the numbers in front of me, what about good old Lakes Region, those towns in the community? I guess they are communities that we don't need to worry about. Prior to L.D. 1, which I think was the first bill many of us in our forth term has ever voted on perhaps, the Lakes Region school district received something over \$4 million. I've got this chart in front of me. I can tell you what's going to happen now. Under current law, without the \$19 million, RSU 61 will receive \$834,000. It hasn't shrunk. It hasn't dramatically shrunk or grown. I'd like to know what that percentage is, but it's small. I would be happy if this district would even approach the percentage of State aid that Portland does for its education programs. Well, great. What are we worried about? There are \$19 million of additional money coming into the system. What happens to good old RSU 61 in Lakes Region? They receive exactly the same amount of money that they would receive without the new \$19 million; \$834,133.10. Not one additional dollar of State funding. Tell me, ladies and gentlemen, that this system is not broken, at least in respect to the Lakes Region school district. Tell me that that is a wealthy district that can afford its own way when it's got an unemployment rate approaching 10%, when it's full of people making relatively low incomes, and high school free school lunch program. All of the factors. That's really where the perfect storm happened in this state. Right there. It wasn't up in Washington County. It wasn't up in Somerset County. It was right outside of Portland. Ladies and gentlemen, to say that the good old rural towns have fared just fine under essential programs and services doesn't apply to poor old RSU 61. I urge your support to at least give some small modicum of assistance to that district. Thank you very much.

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

Senator **RAYE:** Thank you Mr. President. Let me say that I'm always deeply touched by the Senator from Cumberland's expressions of concern for rural Maine. I believe that the Senator

actually made part of our case for us here when he referenced the stunning decline that has been experienced across much of rural Maine in a rather dismissive way to simply suggest that means they should get less money. Let's talk about what it really means. Mr. President, what it really means is the loss of jobs, the loss of families, and the destruction of rural communities all across rural Maine. Ironically, the good Senator referenced Eastport. Well Eastport is not actually one of the bigger losers. Imagine that. Eastport has only lost about 40% of their funding since EPS went in. That seems to be the same as the loss of our student population. We've lost that, that's true. Let's talk about some other losses. Let's talk about the town of Jonesport, a modest fishing village on the coast where most of the children qualify for free and reduced lunch. When EPS came in Jonesport got \$517,752 a year, over half a million. Today \$23,000, a reduction of 95.4%. Let's look at Greenville. The year prior to EPS coming in Greenville received \$558,907. Today it's \$113,000, a loss of 79.7%. Let's look at Damariscotta. The year before EPS came in Damariscotta received \$667,234. Today \$154,000, a loss of 76.8%. Before you say well they probably lost students, I have in front of me a municipality in Cumberland County that lost students over that period of time, but they gained over \$1 million in EPS, an increase of 116.5%. Still we have people standing on the floor of this Senate and saying that this is fair, this is how the numbers work out. I think that is appalling.

We heard the Senator from Portland talk about Calais, which, as you know of course, is one of the wealthiest communities in the state. Not. We were given a figure per student. How convenient. Calais happens to be the center for vocational education, so the funding for vocational education for the entire half of the county is run through the Calais school system, as is a children's project. The Calais Children's Project, which takes troubled youngsters from all over the state, from Kittery to Fort Kent, and they come to Calais for this program. These are intensely troubled youngsters who have been sexually abused or are sexual abusers or have criminal problems, or mental health issues. The facility for them is in Calais. The funding runs through. That is turned on its head to suggest that the city of Calais is swimming in money in some unfair funding formula. It's outrageous. I would invite anybody in this Chamber to come to Washington County, come to Calais, and walk through the schools and see what those magnificent teachers are doing for those wonderful kids. You tell me that somehow it's opulent or unfair. It's ridiculous on the face of it.

I would point out, and I know that the Senator from Cumberland has circulated some little graphs showing you part of the story, no district is going to have less funding than it does today as a result of this bill. Not a single district. Forty-one million dollars in new money going into this biennium and we're talking about taking \$6 million of it to try to inject some fairness. Remember, in the entire universe of school funding, it's less than seven-tenth of 1% to inject a little equity. No matter what district you represent, you're going to have more funding for your schools than you do today, even with the passage of this bill. Now, if you were representing the city of Portland, I could see where you might have some concerns because currently, under the flawed anti-rural unfair EPS formula, guess what? The increase for the city of Portland, absent this change that we're considering today, they are going to get a 10% increase under the current EPS model. From the \$19 million in the entire state, they are going to get over \$1.4 million of it. Boy, I guess if I represented Portland I could certainly understand that the Senator is doing his job. I

understand that. It's what he was elected to do for his constituents. I honor that. What I don't honor is the attempt to misconstrue the impact and the intent of this legislation. Even with this legislation, the city of Portland is still going to get a 4% increase. That's what most of us are delighted to be getting. Somehow it's turned on its head that anything less than a 10% increase is bad. Nothing else parallels it in the entire state if you look at these numbers. The only other district that even touches it is the district of the Senator from South Portland, Cape Elizabeth, and Scarborough. They actually receive, under the current model, a 15% increase. Even under this model, even with these changes, they would still get a 6% increase. Nobody is going to see a reduction in school funding for their district as a result of this action. Remember, it's just those three simple policy pieces we talked about. Consider them. As the Senator from Oxford, Senator Hastings, said, it's very difficult. I have not heard an argument why any of the three of those would not be the right thing to do except for the fact that one or two districts in the state stand to receive an enormous benefit, as they have enjoyed for the last six years at the expense of rural Maine. We're talking about less than seven-tenths of 1% of school funding to level the playing field in such a way that rural Maine will not be remaining so disadvantaged. I hope that you will consider the children, the quality of education, equity in education, and one Maine, and join me in supporting the Ought to Pass as Amended bi-partisan Majority Report. Thank you.

THE PRESIDENT PRO TEM: The Senator from Cumberland, Senator Alfond, requests unanimous consent of the Senate to address the Senate a third time on this matter. Hearing no objection, the Senator may proceed.

Senator ALFOND: Thank you Mr. President. First, I'm struck by the energy the President and I are putting into this. I hope you guys are enjoying yourselves because I certainly am. It's always good to have a great conversation about education and about students. Yes, we are talking about students. Yes, we are talking about EPS that affects the entire state. Again, if we had a little tape recorder, I started off by saying EPS is a formula that I don't think many people in the state really like. Everyone thinks it doesn't work for their part of their district or their part of the state. Everyone feels like it is anti-urban, it's anti-rural, it's anti-Western Maine, it's anti-Eastern Maine. Everyone gets frustrated by the funding formula. In my mind that means it kind of works because no one's entirely happy. The reason that Calais, which is not a wealthy community, gets 80% State funding from the State of Maine is because it needs it and I'm happy for that. The reason Portland gets 17% from the State of Maine is because we also need that 17%. This change the good President is suggesting is permanent. This isn't just a one time thing. This will be in the funding formula until someone decides to change it, or decides to change something else, which, again, has never happened in this Body. Never has an individual legislator gone in and changed the funding formula. Why? Because the DOE and those who designed the funding formula said, "If we are going to change it, we're going to do a lot of work. We're going to do a lot of research. We're going to understand what the consequences would be." With all due respect, a lot of what the good Senator from Washington, President Raye, was reading off this sheet is cherry picked. It uses distinct timeframes. It goes from 2004 to 2009, exactly when valuation was going gang busters in Southern Maine and really wasn't having much effect in Washington County

and Northern Maine. Now what's happened is the opposite is true. The Boston Market has slowed down Southern Maine and our valuations have slowed down. Washington County and Aroostook County are still seeing double digit valuation gains. A change like this can't be put into sound bites. It really can't even be put into graphs or even numbers that I have shared with you or Senator Raye has shared with you. A change like this takes lots of time. It takes a thorough review of the EPS formula. You can ask the good Senator from Hancock how challenging the formula is. I'm sure he'll give you a rich discussion that would take hours, maybe even days and maybe even weeks. This change, fundamentally, goes after one of the arguments that the President was saying. We want to help all students. Well, we won't be helping all students. I would agree with him that the funding formula needs to be reviewed. It needs to be looked at. It needs to be analyzed. If we're going to start moving money around like this every single session, we're in for exactly what I think schools and businesses don't want, which is unpredictability, which is volatility, and which is not allowing school districts to plan ahead. I think that would be a sad day for all students in Maine when we start moving the funding formula every single session because of what I believe are a lot of people who just don't understand all parts of the funding formula. Most of our districts, they understand a snippet of how the funding formula works. They complain and then they get us all riled up and they say, "Go do something in Augusta about it." We try and we all want to do what's best for our communities. I think with this change today, just remember, your school districts know what's coming, or should be coming in 2012-2013, and when it is less, yes, there will still be some because we are pumping \$19 million into the funding formula, they will know and they will hold you accountable. Thank you, Mr. President.

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, it has been a wonderful debate actually. I know that there is passion on both sides of this issue. When I thought about this piece of legislation I was pretty sure, even before I got the printouts, that it would be a bill that pitted communities against each other because, clearly, there are some districts in my Senate District that will get less than they will be banking on and some will get more. It's been a very interesting debate. I've been very torn about this issue. I've had to focus, really, on when I sat on the Educational and Cultural Affairs Committee and the really intense work that went into the essential programs and services funding model and also, before I was a State Senator, what the funding was at that time. It was really interesting. I remember my predecessor when she would come to the town council meetings, because I sat on the Orono town council, and I would engage in a discussion with her. It was clearly so political and so volatile, the previous funding formula, that it really wasn't fair. We talk about what's fair. It really was very unfair. It was very much politically motivated. Currently, the system, is it perfect? No, I would agree with everybody here that it's not perfect. It is a model that is a formula that you can count on. I don't like everything about essential programs and services funding formula, but I look at this and I think, "Are we going down the right path by tinkering with pieces of it because we want a different outcome?" I'm sure there would have been other pieces that could have been changed to get an outcome that would have

been different for my district or for perhaps my seatmate's district or others of us in the Chamber. My concern is, and this is what sort of worries me, that if we go down this route with tinkering with it can anybody count on the funding formula as it is, as it stands?

Also one of the things that was raised today was very interesting. I don't know, except for one community I visited which I think is one of the few communities in the state of Maine that probably doesn't have any issues with funding their school system, and that is South Bristol. I happened to be visiting there last weekend. That's because somebody left them something like \$9 million and they have a very small school area. They are very well to do and they have a lot of out-of-staters who come in and pay big amounts in property taxes and so on. They are in good shape. When I look at the losers here, like Old Town, who would lose or get less funding, as the Senator President said earlier, I think about how they are struggling right now with their budgets. That is Alton, which is very rural, and Old Town. I look at those communities and I think, "Are they really that better off than some of these other communities?" I would submit that they are really not. What my concern is here, if we're really talking about policy and as much as I appreciate the words of the Senator from Oxford, Senator Hastings, is that I think we all bring bills forward to try to answer issues in our districts. It's very hard when you get a printout that shows that all of your communities are going to lose funding and then vote in favor of that legislation. Just like I don't think a person would bring a bill forward that everything was good and the communities that they were representing were getting \$2 million more, for example, than \$2 million less, I seriously doubt that they would be advocating for the change. I would love to think that people were caring about this whole state more than just their area, but that is generally not what the people in our districts want. They want us to fight for them. That's who elected us. We are their voice first. To suggest that we should support something just because it favors a certain area of the state over their area I don't think that that is what we're here to do. Yes, we're supposed to represent the whole state, but we're supposed to represent our districts, as their voice. It's been a real toss up for me on this issue.

I've gone back and forth on it. What I keep coming back to, and focusing in on, is all the work that was done on the essential programs and services model and what the message is that will be sent by one legislator, regardless of that legislator being a very wonderful Senate President, and moving in a direction where we are tinkering or moving around different parts. The next concern is what will happen two years from now? Will somebody else want to move some parts around? The predictability really does change. It changes with the whims of the people who are in power. That's what we tried to get away from. I respect what the bill sponsor is trying to do. He's being a voice for his communities, and I think for rural Maine, and his heart is in the right place. Do I think, from a policy perspective, that this is the right direction in which to take us? It concerns me greatly that we will be going down in this way where we could just see fluctuations in this without really looking at a global oversee of the entire program. We need to look at it thoroughly rather than sort of taking pieces of it and saying, "Well, if we change this piece and we change that piece then we will come out and rural Maine will benefit for this and these are people who need it." I just know I've seen Orono and Old Town in my Senate District struggle just like the other areas of my Senate District have. I urge that you do not support the pending motion and think about what could happen in the future with changes in the power and the structure

here. Do we really want to go back to the old days of, you know, politicians really making a determination rather than a funding formula? None of us may like it completely, but perhaps it's a little bit better than it was in the old days. Thank you very much, Mr. President.

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

Senator **TRAHAN:** Thank you Mr. President. Ladies and gentlemen of the Senate, I do have some institutional memory on this issue and I wanted to share it with you because I see it a little different than it's been described before you. I was in the Legislature when we had a General Purpose Aid to Education school funding formula, which at the time felt it was much fairer because it had a hold harmless provision where some of the districts that were under great pressures and losing student populations would be held whole. That was a negotiated piece in our budget and was always one of the most controversial pieces that came forward. Then there was this proposal when the previous Administration took over to consolidate schools. At the time, Barbara Merrill, a Democrat Representative, and I teamed up and we defeated that first school consolidation bill. The main reason was because of what it did to devastate rural Maine. Unfortunately, she ran for Governor and I termed out of the Legislature. The next year that same Administration presented what we have before us now, which is the consolidation law that did finally pass. It was not a well thought out process. How do I know that? I took off time from my work and I came up here and I lobbied against that consolidation law on my own time. I predicted that this would be devastating for rural Maine. I begged this Legislature not to pass that consolidation law and the school funding formula. I want to share with you my experience. I believe rural legislators could have stopped consolidation. What happened was that individual legislators were picked out of their seats. They went up onto the forth floor and tweaked the EPS school funding formula. They came back downstairs and all of a sudden there were more votes. I believe EPS was designed poorly, was passed in a way that was inappropriate for this and the other Chamber at the time, and I stressed it by supporting the consolidation repeal. I went out again on my own time, collected signatures, and got the thing on the ballot.

You would think that this was some sort of sacred document in stone that has never been changed. It has been changed and it has been changed significantly. I know because the Senator from Cumberland and I worked on a fix to the school funding formula that was related to the miscellaneous category of EPS that was being misused. We worked together to fix that. It has been changed several times, including school consolidation. At the time I predicted that we would be a decade fixing the EPS school funding formula.

This fix that is before us reminds me of a good friend who got a check in the mail. It wasn't his check. He said, "Do you think I should cash it?" I said, "No, I don't think so. I think you can, first of all, but you're cashing somebody else's money." I think with this formula this money was going to these urban districts and they have been spending for a long time. It was never their money to spend. Those small rural school districts should have a piece of that revenue, but because of the politics of this building they didn't see the money. That is unfortunate. Today's fix is historic in that it brings fairness to the school funding formula that should have occurred a long time ago. Thank you, Mr. President.

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

Senator **DIAMOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'll be brief. I know that starting next week the days are starting to get shorter and Winter is on the way, so we don't want to continue this too much longer. I do have a question I'd like to pose through the Chair, if I may.

THE PRESIDENT PRO TEM: The Senator may pose his question.

Senator **DIAMOND:** Thank you Mr. President. This is a very sincere question. I've listened to the debate, especially the Senator from Cumberland, Senator Alfond and the Senator from Washington, Senator Raye. I have some information here from the Senator from Cumberland, Senator Alfond, who says that my towns of Windham and Raymond will be losing \$331,779. In SAD 6, the next town over, \$465,975. We'll be losing that money. Senator Raye is telling me that we're not going to lose any. My question through the Chair is, who do I believe?

THE PRESIDENT: The Senator from Cumberland, Senator Diamond poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator Alfond.

Senator **ALFOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, amazingly, I am going to show some leadership that I think the State wants to see. We both are right. You are going to lose money, but that first column that you see is what would happen with the changes and \$19 million going in. The second column is keeping the formula as is. If you are losing money, it just means you would not get as much money for your districts. You still would be getting some because the funding formula works perfectly when money is injected into it. The funding formula would probably work very well if we actually funded it up to 55%. Neither one of those things are happening every single year. What would happen to many of us, including the good Senator who is our President Pro Tem and others, is that, when you look at his sheet and my sheet, none of our communities actually benefit as much with the changes to L.D. 1274. We are not alone. There are 28 of us that either lose entirely or have some gainers and some folks that lose in your districts. Again, I think for the Senator who asked the question, in your district every single one of them receives less money. That would be a hard discussion. I apologize; one of yours does gain a little money. I apologize. Yes, RSU 61 does very well. RSU 6 and RSU 14 don't do as well with these changes. Those are going to be hard discussions for you and many others in this Body that have a mixed bag. Thank you very much for the question.

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

Senator **RAYE:** Thank you Mr. President. I rise in response to the question from the good Senator from Cumberland, Senator Diamond. The school districts in Senator Diamond's district, under the existing law, would receive an increase with the \$19 million of \$797,754. If the Majority Report is accepted, they will receive an increase of \$701,532. Currently, the entire budget for

the school districts in Senator Diamond's district is \$34,894,416. Under current law, the increase will become \$35,692,171. Under this proposal, it would be \$35,595,949. It's a difference of \$96,000 in your gain. You will be gaining money no matter what. You are going to be gaining money no matter what; \$797,000 under current law or \$701,000 under this. The \$96,000 represents two-tenths of 1% of the budget of the schools in your district. That is the difference between the two.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from York, Senator Hobbins.

Senator **HOBBS**: Thank you Mr. President. It would probably be remiss for me not to get up to talk about my school districts, but my problem is that this has probably been one of the most interesting and compassionate and sincere debates that I've seen in a long time. Lincoln and Douglass at it again. I know one thing, Mr. President, I have a stiff neck from this tennis match. It has been a very good discussion of the issue. The problem I have is that I can see the compassion of the good Senator from Washington, Senator Raye, and, as always, I can see the heavy lifting and the compassion and tenacity and respect I have for my seatmate and my fellow colleague leader. My problem is that when I look at the figures for my district, again with due respect to the gentleman from Oxford where my wife's family is from, so I hope they forgive me for my speech because they are not going to succeed as well if this motion is defeated, and it is telling what the loses would be for Biddeford and RSU 23, which includes the communities of Saco, Old Orchard, and Dayton, and RSU 6, which includes the community of Buxton. This formula would not be advantageous to those communities. I understand the dynamics of the RSU situation and the school consolidation battle that occurred. I really never thought much about it when it first came up because I never knew what the figures would be. Unfortunately, in my own district, RSU 23, there is significant discussion between the town of Dayton versus the town of Saco, which is a smaller community, and the town of Old Orchard Beach the city of Saco. What we need to do is, and I would hope we would not rush to judgment with tinkering with this formula at this time. We have a whole other session to work on this. The Education Committee, I believe, has made significant progress in reviewing all educational aspects of our system and look at the bills we have discussed before from the Education Committee. This seems, to me, to need to be worked on further. I know that the community of Dayton would be happy with that because they feel that they have been wronged by the process of RSU 23's emergence from the last educational funding law. Not that the good Senator from Oxford and the good Senator from Washington are wrong, it's just that there seems to be a difference of opinion and a significant loss. This loss, using the facts and figures that I have, will mean over a \$1 million loss to the communities that I represent, which out of \$6 million is a significant amount. I would hope we could defeat the pending motion and think about the idea of maybe putting this back, recommitting it to the committee, for further study. Thank you.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion by the Senator from Hancock, Senator Langley to Accept the Majority Ought to Pass as Amended 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 (#242)

YEAS: Senators: COLLINS, HASTINGS, JACKSON, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PATRICK, PLOWMAN, RAYE, RECTOR, ROSEN, SAVIELLO, SHERMAN, THOMAS, TRAHAN, WHITTEMORE

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DIAMOND, DILL, FARNHAM, GERZOFKY, HILL, HOBBS, SCHNEIDER, SNOWE-MELLO, SULLIVAN, THIBODEAU, WOODBURY, THE PRESIDENT PRO TEM - JONATHAN T.E. COURTNEY

EXCUSED: Senator: GOODALL

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **LANGLEY** of Hancock to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED. READ ONCE.**

Committee Amendment "A" (S-240) **READ.**

On motion by Senator **RAYE** of Washington, Senate Amendment "A" (S-273) to Committee Amendment "A" (S-240) **READ.**

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

Senator **RAYE**: Thank you Mr. President. This amendment clarifies the intent of the Committee Amendment in that this will be accomplished within existing resources. In consultation with the department, we learned that an analyst with OFPR, absent this clarifying language, assumes that the increased allocation for districts with less than 1,200 was to be above and beyond current funding. I want to make it clear that the spreadsheets that everybody has seen about their districts assumes this amendment, assumes that it was all to be done within existing funding. This simply clarifies that. It was not the intent of the bill's author nor of the Education Committee that it would be above and beyond, that it would simply be within existing resources.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Dill.

Senator **DILL**: Thank you Mr. President. Men and women of the Senate, I'm thoroughly confused now. When I look at the fiscal note for this bill, it talks about \$18 million in fiscal year 2011-2012, \$22 million in 2012-2013, and increases beyond that. I'm looking at the fiscal note for L.D. 1274 on line and it's a big fiscal note. The discussion was that there was going to be \$6 million moved around. Some of the documents show an increase of \$19 million, which I believe assumes that we're going to pass the budget, but I could be mistaken. I would just like to state for the record, since I'm very proud of the Cape Elizabeth school system and I just

want to state for the record that I hope, in the spirit of Senator Hastings' comments, that we would all recognize what a gem we have and that the Cape Elizabeth school budget of \$21 million that the town receives \$2,200,000, which represents 10%. I also need some clarification, please, on the numbers. Thank you.

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

Senator **RAYE:** Thank you Mr. President. The Senator, I believe, is looking at the fiscal note that had been assigned to the original bill. The Committee Amendment fiscal note is much smaller and this amendment clarifies it.

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

Senator **SCHNEIDER:** Thank you Mr. President. I'd like to pose a question through the Chair.

THE PRESIDENT PRO TEM: The Senator may pose her question.

Senator **SCHNEIDER:** Thank you Mr. President. I am also confused on the fiscal note. Again, it's a reoccurring fiscal note question which I have because we don't have dynamic fiscal notes. Is the amended bill, the funding for it, contingent on a budget with which we have yet to pass? How is that possible if we don't have a dynamic fiscal note? We're banking on money on a bill that we don't know if that's the case. We're banking on money from a bill that is yet to become law.

THE PRESIDENT PRO TEM: The Senator from Penobscot, Senator Schneider poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Washington, Senator Raye.

Senator **RAYE:** Thank you Mr. President. There are really two separate issues. The fiscal note is only about the bill. It's not about the budget. The fiscal note, this is simply clarifying that there is nothing in the bill that would require the expenditure of additional funds. It's simply changing the formula. The documents that have been passed around by Senators on both sides of the issue reflect the fact of what would happen with the \$19 million that is in the second year biennium. Bear in mind, there are two years of increases in GPA in the biennium. The first year there is a \$22 million increase proposed in the budget. The second one is a \$19 million increase proposed in the budget. We're at the end of the session with two things running pretty much in tandem. The budget's going to be here. It's in the lower Chamber tonight and here tomorrow. This is here today. It's going to the House tomorrow. They are kind of going in tandem. There are really two different issues with respect to your question, I believe.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Alfond.

Senator **ALFOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, if I understand this amendment correctly, what is happening is of that \$6.3 million that's being moved around \$4 million of it or so was new money. What I

believe is this is new money that we would have to go find. It is outside of the \$19 million. It is outside of the \$22 million. This is \$4 million new dollars. That is how it was explained to us in committee and that is how it was explained to me by the DOE. Now what this is saying is that we're going to say that this is part of the \$19 million and \$22 million of new money going into GPA. Yes, this is all new money, but the bottom line for me is this is a change that is causing \$4 million of money that wasn't part of the Governor's budget and now it's going to be hidden inside of the Governor's budget. Either I don't understand it, which means that the Department of Education doesn't understand it, or something doesn't seem right here. I understand that we have \$41 million going into GPA, but \$4 million of it is this bill that was not part of our discussions in the Education Committee and now is the discussion today because this bill is going forward. This amendment, to me, just puts it all within existing resources, which is not truly what's happening. There is \$4 million additional new money being added to cost of the education because of this bill. Thank you, Mr. President.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Bartlett.

Senator **BARTLETT:** Thank you Mr. President. It seems to me that if we were to oppose this amendment this would require some additional dollars to come in to help those rural communities we're trying to help without simply taking it away, that \$4 million or \$4.5 million, from other communities. It seems to me that if we want to help rural Maine, or particular parts of rural Maine, within this bill without hurting anybody else perhaps the best strategy is to oppose this amendment and send it to the Appropriations Table, which we can deal with it after the budget, and then see what we can do to find a way that is good for everybody instead of pitting people against each other.

On motion by Senator **BARTLETT** of Cumberland, 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 Washington, Senator Raye.

Senator **RAYE:** Thank you Mr. President. I'm sorry that this is injecting an element of unnecessary confusion into this debate. I can be very clear about this, as can the department. There is no confusion from the department. I can assure members of the Senate there is zero confusion around this. The analyst at the OFPR interpreted, didn't catch the fact from the language in the Committee Amendment, that this was to be accomplished within existing resources. It's not \$4 million, just for the record. It's \$2.3 million in this biennium. I believe some Senators are perhaps looking into the out years and adding the money on, which is not part of the discussion. This is all about the analyst misinterpreting that it was actually asking that we add the money for fixing the districts of less than 1,200 kids, the 10% reduction in the staffing ratio. When the department was puzzled they went to the analyst and said, "Why is this in here?" That's not what we intended to do. This amendment simply clarifies it. The spreadsheets that were prepared by the department, that we've all looked at, were all based on this, that this was coming from existing resources. Regardless of your position on the underlying bill, there should be no heartburn about this amendment. It is a simple clarification. I

would hate for it to be used as ruse to slow this bill down or to thwart the will of the majority of Senators who voted in support of the Committee Amendment. This is a simple clarification of the sort that we pass here with frequency without a roll call. I just want to make sure that people understand, there is no confusion on the department's part. There is no confusion on the sponsor's part. There is no confusion on the part of the Chairman of the committee. It is a simple clarification.

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

Senator **HASTINGS:** Thank you Mr. President. Ladies and gentlemen, the fiscal note for this amendment could not be clearer. Actually it's a little unclear because it shows a savings of \$2.3 million. That's what happens when a prior fiscal note showed an expense of \$2.3 million. When they do a clarification they don't just put a zero in, they take the \$2.3 million out. What it shows is, for this amendment, a fiscal note savings of \$2.3 million for the second year of the next biennium. That is clarified in the language, as amended by this amendment. This bill will result in a redistribution of State subsidy, period. No new money and no savings, just redistribution.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Bartlett.

Senator **BARTLETT:** Thank you Mr. President. I think this is where we fundamentally disagree. The original bill says that this will cost in additional resources. The question with this amendment becomes whether we get those additional resources by taking it away from other districts. The fiscal note makes that crystal clear, that they are redistributing the resources so some school districts will get more and others will get less. Why in the world wouldn't we want to send this to the Appropriations Table and take a look at it? If they come up with any amount of additional money that could reduce the negative impact to the schools that are losing, why not do it? We're not talking about a delay of very long. The Appropriations Committee will be running the table pretty soon. Let's take a shot at this and see if we can do this in a way we can all support. If we could find a way to find that \$4.5 million I'll bet I could stand up here supporting this bill. I would stand up on the floor and say that, given the resources are not being taken from one community to another, I'd proudly support it because I do want to help rural Maine. Thank you, Mr. President.

Senate at Ease.

Senate called to order by President Pro Tem
JONATHAN T.E. COURTNEY of York County.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion by the Senator from Washington, Senator Raye to Adopt Senate Amendment "A" (S-273). 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 (#243)

YEAS: Senators: COLLINS, DIAMOND, FARNHAM, HASTINGS, JACKSON, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PATRICK, PLOWMAN, RAYE, RECTOR, ROSEN, SAVIELLO, SCHNEIDER, SHERMAN, SULLIVAN, THOMAS, TRAHAN, WHITTEMORE

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DILL, GERZOFKY, HILL, HOBBS, SNOWE-MELLO, THIBODEAU, WOODBURY, THE PRESIDENT PRO TEM - JONATHAN T.E. COURTNEY

EXCUSED: Senator: GOODALL

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **RAYE** of Washington to **ADOPT** Senate Amendment "A" (S-273) to Committee Amendment "A" (S-240), **PREVAILED**.

Committee Amendment "A" (S-240) as Amended by Senate Amendment "A" (S-273) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-240) AS AMENDED BY SENATE AMENDMENT "A" (S-273)** thereto.

Ordered sent down forthwith for concurrence.

Senator **RAYE** of Washington was granted unanimous consent to address the Senate off the Record.

Senate at Ease.

Senate called to order by President Pro Tem
JONATHAN T.E. COURTNEY of York County.

The President Pro Tem requested the Sergeant-At-Arms escort the Senator from Washington, Senator **RAYE** to the rostrum where he resumed his duties as President.

The Sergeant-At-Arms escorted the Senator from York, Senator **COURTNEY** to his seat on the floor.

Senate called to order by the President.

Off Record Remarks