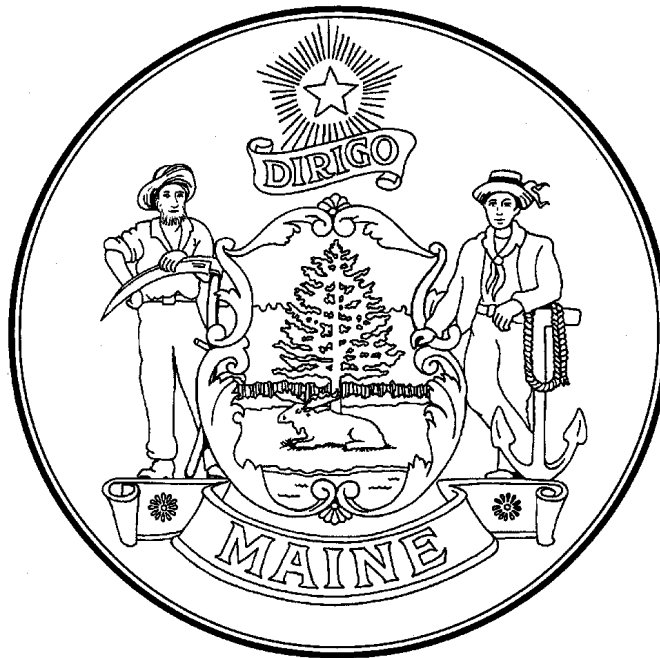


MAINE STATE LEGISLATURE

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suspended. It further morphed into the sheriff's position, specifically an incident that occurred two or three years ago in a county in western Maine. Clearly, we had a lot of discussion on this piece of legislation. Although there might have been merit on that particular situation, we conferred with the Maine County Commissioner's Association, we conferred with the Sheriff's Association, and as the good gentleman from East Machias mentioned, all 16 county sheriffs clearly testified in opposition to this piece of legislation.

The Maine Constitution, in Title 38 in the Maine Statute, clearly states that the Chief Executive of this state can clearly remove the sheriff; no one else, no other county-elected official, limited to the sheriff, because the sheriff is mentioned in the Maine Constitution. At the advice and counsel of an attorney on the second floor that I conferred with, the opinion of the second floor is that if our Chief Executive can remove a sheriff, he or she can also suspend the sheriff. So that's why there was no further need to discuss this piece of legislation, no need for what's in the Minority Report. So I would ask you to follow my light and move on with this piece of legislation.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 121

YEA - Alley, Andrews, Arata, Austin B, Austin S, Babbidge, Babine, Bailey, Beebe-Center, Berry, Bickford, Blier, Blume, Bradstreet, Brennan, Bryant, Caiazzo, Cardone, Carney, Collings, Cooper, Corey, Craven, Crockett, Curtis, Daughtry, Denk, Dillingham, Dodge, Dolloff, Doore, Doudera, Drinkwater, Dunphy, Farnsworth, Faulkingham, Fay, Fecteau J, Foley, Foster, Gattine, Griffin, Grohoski, Haggan, Hall, Handy, Hanley, Harnett, Harrington, Head, Hepler, Higgins, Hobbs, Hubbell, Hutchins, Hymanson, Ingwersen, Javner, Johansen, Jorgensen, Keschl, Kinney, Kornfield, Kryzak, Landry, Lockman, Lyford, Madigan C, Martin J, Martin R, Martin T, Mason, Mastraccio, Matlack, Maxmin, McCREA, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Morris, Nadeau, O'Connor, O'Neil, Ordway, Paulhus, Pebworth, Peoples, Perkins, Perry A, Perry J, Pierce T, Prescott, Reckitt, Riley, Roberts-Lovell, Rudnicki, Sampson, Schneek, Sharpe, Sheats, Skolfield, Stanley, Stearns, Stetkis, Stewart, Stover, Strom, Swallow, Sylvester, Tepler, Terry, Theriault, Tipping, Tucker, Tuell, Verow, White B, White D, Zeigler, Madam Speaker.

NAY - Ackley, Evangelos, Fecteau R, Gramlich, Hickman, Kessler, Marean, Moonen, Pluecker, Riseman, Talbot Ross, Wadsworth, Warren.

ABSENT - Campbell, Cebra, Cloutier, Costain, Cuddy, DeVeau, Grignon, Hanington, McLean, Pickett, Reed, Rykerson.

Yes, 123; No, 13; Absent, 12; Excused, 2.

123 having voted in the affirmative and 13 voted in the negative, with 12 being absent and 2 excused, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought Not to Pass** on Bill "An Act To Provide Funding to Municipalities Severely Affected by Pest Infestations"

(H.P. 464) (L.D. 643)

Signed:

Senators:

DILL of Penobscot
BLACK of Franklin
DIAMOND of Cumberland

Representatives:

HICKMAN of Winthrop
HALL of Wilton
KINNEY of Knox
KRYZAK of Acton
MAXMIN of Nobleboro
McCREA of Fort Fairfield
PLUECKER of Warren
ROBERTS-LOVELL of South Berwick
SKOLFIELD of Weld

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-341)** on same Bill.

Signed:

Representative:

O'NEIL of Saco

READ.

On motion of Representative HICKMAN of Winthrop, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-310)** on Bill "An Act To Restore System Administration Allocations in Maine School Administrative Units to the Level Prescribed for Fiscal Year 2017-18"

(H.P. 321) (L.D. 412)

Signed:

Senators:

MILLETT of Cumberland
CARSON of Cumberland

Representatives:

KORNFIELD of Bangor
BRENNAN of Portland
DODGE of Belfast
FARNSWORTH of Portland
INGWERSEN of Arundel
McCREA of Fort Fairfield

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Senator:

POULIOT of Kennebec

Representatives:

DRINKWATER of Milford
FECTEAU of Augusta
RUDNICKI of Fairfield
SAMPSON of Alfred

READ.

Representative KORNFIELD of Bangor moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative SAMPSON of Alfred **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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 Alfred.

Representative **SAMPSON**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. This issue goes back to last year's budget where all the schools received more money. And one of the ideas behind this was that we wanted to get more money into the classrooms by lowering the per pupil allocation for the State share to administrators, which the State share would be lowered but the local share would be picking up what the administrators would do or would receive. Yet, everything else in the school stayed the same. They increased, they actually increased their funding.

So, you know, I see this as a backdoor approach to increasing school budgets without actually getting the money into the classroom, which I believe is a priority. So I oppose this measure, thank you.

The **SPEAKER**: The Chair recognizes the Representative from Fort Fairfield, Representative McCrea.

Representative **McCREA**: Thank you very much, Madam Speaker, Ladies and Gentlemen of the House. I sponsored this bill.

I come from a rural district up in the County but it affects many small schools, rural schools and some very large schools. There was a considered program of consolidation that this came through as sort of an alternative way to address that. And basically it was said to be consolidation of administrative services. What it basically did is it took districts that, such as mine, that had already done things that were models of consolidation and we did it organically over a period of time for a long period of time. For example, we consolidated the use of; our superintendent was the same one used in RSU 39, Caribou/Limestone/Stockholm, and he is now also our superintendent. The problem is that we did it a little bit too early so it put us in a space where we suffered a penalty because we didn't do the consolidation more recently. There were other examples in the very same school districts, in fact throughout the entire county.

This also affects other districts in the state. So it took basically the systems administration fee, part of the fund and it changed it from \$135 per student downward at one point to \$47 per student. And you'd say well, that's not a lot. It is a lot. It's a tremendous amount when you take it for every student in the district. All this bill does is simply restore it to those levels so that there is not a penalty for not having done that. It is not newfound money; it is putting money back where it was taken from. So I thank you very much and I appreciate it. Thank you, Madam Speaker.

The **SPEAKER**: The Chair recognizes the Representative from South Berwick, Representative Roberts-Lovell.

Representative **ROBERTS-LOVELL**: Thank you, Madam Speaker, Women and Men of the House. I rise in support of the pending motion.

To echo the Representative from Fort Fairfield, this was also an issue that was brought to me by my superintendent. I was admittedly not really aware of what system administration

did and why it was necessary. So I'd just like to share with you very quickly the testimony from my superintendent, just part of it, that kind of explains why this is needed in the schools, why the districts need system administration. Well, consider that my district, MSAD 35, is the largest employer in both South Berwick and Eliot, with over 380 full or part-time employees. The system administration allocation funds both payroll and human resources for these employees. System administration allocation also funds the superintendent, the business manager, operational officers, and accounts payable positions which manage five separate campuses with 124 total acres, six buildings totaling 450,000 square feet with an appraised value of \$80 million, the district's bus maintenance facility which serves 29 busses and eight vans. These vehicles travel 450,000 miles per year and transport over 2,300 students. The district also operates five cafeterias at its schools which serves approximately 160,000 meals per year to its students. For the year 2017, our district received approximately \$536,000 from the State of Maine for the functions listed above. Currently, the district is projected to receive approximately \$108,000 for the 2020 school year, a four-year decrease of over \$428,000.

So this isn't an issue of have versus have not or taking money away from the pupils, it's funding our schools and keeping them operated. So I ask for your support. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Presque Isle, Representative Stewart.

Representative **STEWART**: Thank you very much, Madam Speaker, Ladies and Gentlemen of the House. As a former veteran of the wonderful Education Committee, I can speak to this a little bit. It starts to get into the weeds pretty quick and as folks who have spent any time at all trying to wrap their heads around the EPS funding formula that we use to pay the State's share of public K-12 education will know, we are talking here about a line item in that formula that was directed towards, at the local level, funding your administrative costs. That's things like superintendents, your business operators, you name it. In the last budget cycle, this body, including both sides of the aisle as well as the then Chief Executive, supported efforts that would ensure that more money made it into the classroom rather than to other components that are involved in public K-12 education. And I've got to be clear here that there is not a penalty. That's fine that some folks might believe that and might sort of spin it to present the illusion that they received less money to their district, but I can tell you that that did not happen. We put \$160 million, more than \$160 million of new money into public K-12 education last time, in the last budget cycle, and the districts overall received more money on a district by district level than they would've, now, if you were to go down and dig into the formula that was then altered and moved some of that, where that money was to be spent, of course, at the end of the day, the district just gets a check and they can ultimately do whatever they want with that money after the fact, but if you were to dig into that, you would see that the offset is not that there was a penalty for superintendents, it was a prioritization of money going into the classroom where we were able to coalesce around in the last session about prioritizing for Maine students.

And so, with that, Madam Speaker, that background in mind, I am going to be voting against this motion and would request that my colleagues follow my light. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Guilford, Representative Stearns.

Representative **STEARNS**: Thank you, Madam Speaker. Previous administration back during the consolidation days cut system administration by 50% with the same kind of notion that

this was going to save 50% of the cost of administration. It absolutely did not happen. You can't just ignore something that is legally mandated and practically mandated. As a matter of fact, at that time I was practicing as a superintendent of schools and it kind of gnawed at me that some people that were in the administrative branch decided administration was not necessary. I have read some of the plans that were put together from this latest situation to cut it from 50% down to zero. Some of the plans, one of the plans comes to mind where they decided to, the two school systems decided to get together and share some athletic transportation services and food purchasing. Oh, my. My school system's done that for 45 years. We couldn't operate any other way.

I talked to a colleague, a neighboring superintendent from; a superintendent from a neighboring district to the town that I live in who operates an AOS. He was told point blank by Department of Education officials that they would, he read the law and said we already do this and he said what you, he was told what you will need to do is dismantle your AOS and have the people vote on it again and just then continue doing what you're doing. It would've cost the district thousands of dollars. They'd been through that with the State of Maine before through consolidation. They said no, thank you.

So, we require every town in the State of Maine to have a superintendent of schools. We require that, that's in statute. School systems for years have found ways to collaborate, to get together to share those costs. There are not people throughout the woodwork who say boy, let's take some money away from children and give it to somebody in a suit so that they can go in an office somewhere. It just does not happen. The EPS formula is designed to look at every cost component in education and apply a dollar amount to that. At that point, as my good friend from Aroostook County, the Representative from Presque Isle, alluded to, that gives you a number and only a number and that number goes forward to the local units to decide how to run their school systems as best they can. So, with zero dollars coming in from the State, you would think they would say this must mean we don't need administration. Wrong answer. You've got to have payroll, you've got to have someone looking after the organization. It's ludicrous to think that that is not a cost component of education.

Maine ranks right dead center in the middle of total costs of administration. When you look at system administration, school administration, and every other type of administrative, payroll, the entire administrative function, we rank dead center in the United States. System administration is the only unit out of all the nine budget categories that has gone down in the last decade. It was down by 8% but with the advent of new schools being opened up in the past few years that are heavily administrators, it has now crept up to 3% of the total amount that you spend on education in Maine. The students in my school system are lucky that they have people that look after them that put as much money in the classroom as they possibly can. They're not lucky that for each and every one of those children they lose \$196. Now, you can call that a penalty, you can call that a bonus, whatever you want to call it, but at the end of the day, it's \$196 per pupil that those kids don't have. I highly support this bill.

The SPEAKER: The Chair recognizes the Representative; actually, the Chair will first remind Members to please direct comments to the rostrum.

The Chair reminded all Members to address their comments toward the Speaker.

The SPEAKER: The Chair recognizes the Representative from Dover-Foxcroft, Representative Higgins.

Representative **HIGGINS**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I echo the sentiments of my good friend and colleague, Representative Stearns. I just wanted to point out a point of history. I'm hoping there aren't too many rotten tomatoes here this morning because I was the project manager, Madam Speaker, for school consolidation under the Baldacci administration.

That particular initiative relied heavily on penalties, and I think we can look today and see that was a failed policy despite the efforts of many good-willed people, both in the Legislature and the administration. Local schoolboards, various community committees, spent countless hours, significant resources, a lot of political capital, and I can tell you personally since I traveled across the state, a lot of heartache. And the end result was such that we saw very few results. What I learned from that experience and I think we should've learned as a State is that penalties do not work. And I think that Representative Stearns is exactly right in calling this a penalty.

So I will be supporting the pending motion, Madam Speaker, Ladies and Gentlemen of the House. Thank you for your time.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 122

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Beebe-Center, Berry, Blume, Brennan, Bryant, Cardone, Carney, Collings, Cooper, Corey, Craven, Crockett, Daughtry, Denk, Dodge, Doore, Doudera, Dunphy, Evangelos, Farnsworth, Fay, Fecteau R, Foley, Foster, Gattine, Gramlich, Grohoski, Haggan, Hall, Handy, Harnett, Hepler, Hickman, Higgins, Hobbs, Hubbell, Hutchins, Hymanson, Ingwersen, Jorgensen, Kessler, Kornfield, Kryzak, Landry, Lyford, Madigan C, Marean, Martin J, Martin R, Mastraccio, Matlack, Maxmin, McCrea, McCreight, McDonald, Melaragno, Meyer, Moonen, Morales, Nadeau, O'Neil, Paulhus, Peabworth, Peoples, Perry A, Perry J, Pierce T, Pluecker, Reckitt, Riley, Riseman, Roberts-Lovell, Schneek, Sharpe, Sheats, Stanley, Stearns, Stover, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Tuell, Verow, Warren, White B, Zeigler, Madam Speaker.

NAY - Andrews, Arata, Austin S, Babine, Bickford, Blier, Bradstreet, Caiazzo, Campbell, Curtis, Dillingham, Dolloff, Drinkwater, Faulkingham, Fecteau J, Griffin, Hanley, Harrington, Head, Javner, Johansen, Keschl, Kinney, Lockman, Martin T, Mason, Millett, Morris, O'Connor, Ordway, Perkins, Prescott, Rudnicki, Sampson, Stetkis, Stewart, Strom, Swallow, Theriault, Wadsworth, White D.

ABSENT - Cebra, Cloutier, Costain, Cuddy, DeVeau, Grignon, Hanington, McLean, Pickett, Reed, Rykerson, Skolfield.

Yes, 95; No, 41; Absent, 12; Excused, 2.

95 having voted in the affirmative and 41 voted in the negative, with 12 being absent and 2 excused, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE**. **Committee Amendment "A" (H-310)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-310)** and sent for concurrence.