

# MAINE STATE LEGISLATURE

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

**Volume III**

**First Special Session**

April 1, 2008 - April 18, 2008

**Appendix**  
**House Legislative Sentiments**  
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Pages 1358-2163

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

**HOUSE REPORT - Ought to Pass as Amended by Committee Amendment "A" (H-965) - Committee on AGRICULTURE, CONSERVATION AND FORESTRY on Bill "An Act To Amend the Animal Welfare Laws" (EMERGENCY) (H.P. 1545) (L.D. 2171)**

Which was **TABLED** by Representative PIEH of Bremen pending **ACCEPTANCE** of the Committee Report.

Subsequently, the Unanimous Committee Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-965)** was **READ** by the Clerk.

Representative PIEH of Bremen **PRESENTED House Amendment "A" (H-982) to Committee Amendment "A" (H-965)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Bremen, Representative Pieh.

Representative **PIEH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This is an amendment to assist the Animal Welfare account. I think, as you know, we had over the year several seizures that were very expensive, and that account has become depleted. It will be replenished through the course of the year, and the Department of Agriculture is requesting, within their existing funds within the department, that they would be permitted to advance an amount of \$500,000 from the Board of Pesticides Control account, which does have large balance of dedicated funds, so I appreciate and urge your support. Thank you very much.

**House Amendment "A" (H-982) to Committee Amendment "A" (H-965) ADOPTED.**

**Committee Amendment "A" (H-965) as Amended by House Amendment "A" (H-982) thereto was 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-965) as Amended by House Amendment "A" (H-982) thereto and sent for concurrence. ORDERED SENT FORTHWITH.**

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

#### **UNFINISHED BUSINESS**

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

**HOUSE DIVIDED REPORT - Report "A" (6) Ought Not to Pass - Report "B" (5) Ought to Pass - Report "C" (2) Ought to Pass as Amended by Committee Amendment "A" (H-815) - Committee on EDUCATION AND CULTURAL AFFAIRS on Bill "An Act To Amend the Laws Governing the Reorganization of School Administrative Units"**

(H.P. 1646) (L.D. 2281)

**TABLED - March 28, 2008 (Till Later Today) by Representative NORTON of Bangor.**

**PENDING - ACCEPTANCE OF ANY REPORT.**

On motion of Representative NORTON of Bangor, Report "B" **Ought to Pass** was **ACCEPTED**.

The Bill was **READ ONCE**.

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

Representative **EATON** of Sullivan **PRESENTED House Amendment "A" (H-985)**, which was **READ** by the Clerk.

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

Representative **EATON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to talk a little bit tonight about fairness in government. Fairness from government comes from a process, sometimes a frustrating one, but a process that many of us here in this room, I would like to think all of us, truly believe in. We have witnessed a fairness process just recently in another consolidation effort, when stakeholders, people involved in the issue, were brought together from completely opposite sides of a table, yet sat down together and hammered out something that worked for everybody, maybe not perfect, but something that everybody could live with. It is an effort to craft good, sound public policy. The reorganization of school administration sprung from the recognition that we could not sustain our current method of funding our schools, with a goal of finding excellence in education for our children. I have no issue with the reasoning behind its creation. From that point on, I have many issues and, I believe, I share those with many other people within this body and with many people in our communities.

The bill I seek to repeal denied us the process that so many of us know could have achieved a good result for our communities, to achieve a common goal of finding administrative consolidations, finding efficiencies in our government, and going on to the very important task of insuring that we are concerned, first and foremost, about excellence in education for the kids that are so deserving here in the State of Maine.

The closing hours of last session are forever etched in my mind: The late night discussions; the thought that maybe we got this solved—oh we got this, we got that; well maybe we did, maybe we didn't—those last minute decisions led many of us here on this floor to cast a green light, and maybe under false perceptions in many cases. We wanted to support a budget that we felt was fairly worked out by our very intelligent friends in Appropriations and people on both sides of the aisle, but where did it get us when it came to school consolidation. The result was monumental unfairness to many of our communities. People who got together in fairness and tried, whether they agreed with the law or not, to get together and try to hammer it out, but we left them far too few options, far too short timelines, and just threats of punishment if they didn't comply with those timelines, and never once were we willing to relent in an effort to try to help them to make it a little bit easier. These communities were willing to comply, but found it impossible under the circumstances that we gave them. The reality is we should have involved those stakeholders when we crafted this policy. When things come down from the ivory tower and they are dictated, it does not settle well with our citizens, nor should it. I absolutely believe in this amazing process. We can do better, and we should have.

I, in supporting repeal, absolutely am under no misconception that we can return to where we have been; that would be ridiculous. However, we could do it the right way, the way that you and I do process here in Augusta, day after day after day. Bring our stakeholders into the process, they are very intelligent folks, and they could help us to find the alternatives, to in fact find the efficiencies, to create a plan that they have helped craft with us, bring them on board so that we in fact this time might be able to get it right. We shouldn't be forced into ridiculous timelines

that can't be achieved. We need to take the time that this deserves; our children rely on it and our communities rely on it. I have communities; I have a school union that is actually talking about trying to split their school union because they want to go in two different directions, because we forced them to have to make decisions in an unfair way.

My friends and fellow colleagues, I want to thank the good Representative from Caribou, Representative Edgecomb, for this tireless effort to try to bring something right and something fair to this flawed bill. I want to thank all of those people here who have tried in good faith, from our Education Committee and others, at trying to fix it and make it fair. Unfortunately, the efforts have failed and regardless of the efforts of the people's house, other voices have spoken loudly and silenced our efforts. I ask those of you for whom consolidation is working well, to please consider that a vote for repeal here today doesn't hurt your communities' efforts to continue ahead. If it works for you, I encourage you to move ahead full speed, find those efficiencies, and I will congratulate you and your communities for your efforts. But for those of us who are struggling in all corners and all areas of this state, I ask you my friends to join with us, not in support of just your own constituents but of the citizens of this great State of Maine, help us send an appropriate and proper message to our citizens and to other bodies within this great building that we are the people's house and we will speak for our citizens. I encourage you to please help us and vote for this repeal on this House floor this evening. Thank you very much, Ladies and Gentlemen.

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

Representative **EDGECOMB**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Thank you, Representative Eaton, for your kind words. I have always felt that we could do better for the children of the State of Maine. Then, this past summer, I was on a fact-finding mission to the State of Arkansas and, even more so today, I believe we can and should do better with our consolidation efforts. On that trip—by the way that was paid for entirely by the Bill Gates Foundation; we are going to make that clear that we did not use any state dollars for that trip. When in Arkansas, I had an opportunity to speak with the Commissioner of Education, with school officials, school administrators, and even into the classrooms to speak with teachers and students, and legislators, Senators and Representatives, took time to speak to this group of about 14 people that were on this fact-finding trip. And the legislators there were real pleased because they passed legislation and they did it in only three years. When I told them we did it in six months, they couldn't figure out how you could possibly do that, and they said they were actually able to do it and sell it to the people by the reform, the improvements and changes that they were making in education. They also put a lot of additional money in funding into their consolidation, but with that they improved preschool by going down to age three for preschool for their students, they put in advanced placement courses that every school in the state had advanced placements and, I believe, every student is required to take an advanced placement course. They have professional development for their teachers that was absolutely outstanding, and speaking to teachers that were required every five years to get recertified, must have participated in a summer program that were certified at one of their state universities, and actually some even into the State of Texas where they participated. They also looked at increasing the length of their school day, and I think you are fortunate tonight, I am going to have to cut out the last half hour of my speech here because I think this is all of the voice I have left for

today, so let's please try to do better, I think we can do better, and I think if we have another opportunity, I am sure that we will be better for the students in our state. Thank you.

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

Representative **SCHATZ**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I was hoping there would be a lot of people jumping up to oppose this, but maybe this is just an opportunity for those of us who have been concerned about it to have our little day in the shade here. So with that, the other night, being sequestered in my motel like a lot of you have been, I was in the bathtub with my nontoxic rubber ducky and thinking about the history of this legislation, in going back a year, remembering the night when 29 of us voted against this piece of legislation. Some, in my case, because the school consolidation was there, and then some of you also voted for it thinking some of the fixes were in that would make it more palatable, easier and more appropriate for your communities, and you later found out that that wasn't the case, and then there were some who felt that it was the ideal approach to education in this state. Then many of us found, after we participated on our planning communities, that it wasn't working, and whether that is half the state or two-thirds, it doesn't matter. There was a significant number of us who suffered through working with our constituents, them trying to do the right thing and unable to make any sense out of it. It was frustrating; it was punitive, just the process itself. So we came back in December and a number of us presented fixed bills that would help our communities work through this whole piece of legislation, and some of those bills were concerned repeal, others talked about sizes of units and what have you, but it was apparent, given the number, that this was a flawed piece of legislation.

Somebody made the comment the other day about having so many bandages on, it looked like a mummy, and I think this is true, the wheels off the wagon. We have had all of these similes and what have you—I hope that is the right word, simile; maybe it is an allegory—but anyway, what we found is that we have all articulated, one time or another, how frustrating it has been and as we walk through this whole process, it is apparent that one thing this legislation has done is it has taken the perception of two Maines and turned it into a reality, and that is a really sad commentary on any piece of legislation. So it is, our opportunity tonight, all of us, to look across the aisle and back behind us, in front of us, and recognize the suffering and the pain that some of us have gone through during this process and vote to repeal it. And as the good Representative from Sullivan, Representative Eaton, who pointed out it is very likely that all of you who would do that and who are comfortable with the legislation as it now exists, will still get the kind of appropriation you have been getting; you will have the opportunity, through collaboration, to continue the process of economizing and building, reducing and working together, as you have been, so there is really nothing in the repeal that damages the process; in fact, I think it would enrich the process. For those of us who have been suffering through the planning approach that has been laid out before us, we, too, can get to the business and start focusing on what is most important and that is the education of our children. We have the largest consulting firm for education across the mall here, and they are spending their time on trying to make sense out of this by hiring facilitators, public relations people with our tax dollars to further confuse our constituents. I would rather have them out there enriching our teachers, enhancing the education that takes place in the schools. So I think the first step towards that would be a vote towards repeal, and I hope you all support that. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Calais, Representative Perry.

Representative **PERRY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I believe that we need to do administrative consolidation, and I don't argue with the fact that there has to be a way to do this. As a matter of fact, I think we should have county school districts, it makes sense to me, but that is not the way we have chosen to go. We have chosen to go a way that is defined as an RSU, and doing the bill, of course, like everything we do, we figure we know what is going to happen, and we can handle the kinks. That is not what is happening in some areas. As a matter of fact, in some areas, to make an organizational change to an RSU is going to take a great deal more work, and the time required to do that is much too short. As a result, not only are we going to have trouble doing the money savings, it is going to affect education, it is going to cost the local towns more because of what they are going to have to make up, because of the penalties, because they can't physically and organizationally make those changes.

I am asking you to vote for the repeal, not because I don't think that administrative consolidation is a good idea, I do think it is a good idea, but I think the flaws that we are dealing with in some areas are so significant that this is unworkable, and I would like to take us back and take another look, and take a hard look at how we can do this and achieve this in a way that does as little harm as possible. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bremen, Representative Pieh.

Representative **PIEH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I think the school consolidation effort started with the very best of intentions. I think there was a look at how much education was costing, how unwieldy it was, and how we couldn't sustain it. It started in the Department of Education, and they spent months working on it. They presented something to the Committee on Education; they spent ages, as long as they could, working on it; and it moved into Appropriations and they kept working on it, and yet it was not something that many of us felt would be able to go forward very well, partly I think because, as the Representative from Sullivan so eloquently stated, it didn't involve the stakeholders.

I know that as a member of the Rural Caucus, we got very involved and we almost become the forum for the people from the public that wanted to be able to speak and be heard, and we negotiated very hard and I will include myself in that, into the wee hours of the morning trying to slow down the timeline, change the numbers, look at penalties in a way that would allow us to come back this year and see what had happened and make changes from that, and I think the amended LD 1932 that was recently lost included many of the things that we thought would at least help us move forward, and for that reason I am supporting the repeal and I encourage you all to do so.

I think that what it would hopefully do is slow down, look at what we have learned. The RSU, the regional planning committees have learned a tremendous amount. We could build on that and move forward. The only thing that is really bothering me about this right now is that there are several legislators who have been offered special and private laws to accommodate their need for a difference. And I would invite us to do a repeal, and offer those private and special laws so those people for whom consolidation is working, so they could move forward and the rest of us could be a part of planning something that could be successful. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Carter.

Representative **CARTER**: Thank you Mr. Speaker.

Mr. Speaker, Ladies and Gentlemen of the House. I understand this amendment has a Fiscal Note on it. There have been fiscal notes that have driven much of this legislation. When people want what is there, they put a positive; when they don't want what is there, they try to put a negative. My good seatmate here, the Representative from Berwick, told me when I first came in here, he said to watch out for fiscal notes, that is a good way to kill a bill and we have to find out about them before they wind up on the table and we don't have any chance to defend it. Well there is an old adage: figures don't lie, but lies figure.

Anyway, I worked at USDA, and I was on the same fifth floor, the same place the economists were in. One day I made friends with Larry Walker, who was the Chief of Commerce, and I went down to him and said, Larry, you are an economist and you are running numbers for the administrator and the secretary and for the farm service agency here, and you have to interpret what the numbers says. He said yes Tim, but I will tell you, you know what the administrator wants, you know what the secretary wants, you learn how to ask the right questions to get the answers you want. Unfortunately, I think a lot of numbers that have been put into this education bill have been put there because that is what somebody wanted, and I am very afraid that we are going to pay it in the next two or three years. So I don't know if I really believe this fiscal note that is on this, or any of the others that are involved in this.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Bliss.

Representative **BLISS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise not to talk about school districts at all, but to talk about public safety answering points, the places that answer your E911 calls. The City of Los Angeles, with 7 million citizens, has one PSAP. The island of Manhattan, with 9 million citizens, has one PSAP. Three years ago, the State of Maine, with 1.2 million people, had 49 PSAPs, because any community that decided they wanted to have one got one.

The Utilities and Energy Committee understood three years ago that regionalization made sense, that if we got municipalities to work together, everybody would win. We talked about this for a long time, and under the leadership of my good friend, the Representative from Wiscasset, Representative Rines, the committee put together a bill that was unanimously approved, then endorsed by this body, that asked the Public Utilities Commission to go away and talk to the municipalities and come back to us in 18 months with a plan that would reduce the number of PSAPs from 49, to not less than 16 but not more than 24. It was a reasonable approach that included the stakeholders and gave the people time to wrap their minds around what was going to happen. The PUC did come back. They couldn't quite get to 24, but they came pretty close, and over time we are now well below 24. The state has saved a lot of money, most of the municipalities have saved a lot of money, but it was because nobody said guess what, tomorrow we are going to shrink the number and everybody is going to have to buy in. There is a lesson to be learned here. Thank you, Mr. Speaker.

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

Representative **McFADDEN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today in support of repeal to the school regionalization law and Representative Eaton's amendment. There are hundreds and thousands of Maine citizens out there this very minute that are dissatisfied with this top to bottom approach. Many of the taxpayers may not be against regionalization, but are not happy with the severe cost shifting and huge penalties attached if they

cannot afford to support regionalization.

When this regionalization law was first debated, it was said to save the taxpayers millions of dollars. Later on, it was said to save money in two or three years. A little later, it was said to save money in five years, but now there is a question if it is going to save money at all, or if it is going to cost more money in the end. The Sinclair Act of 1957 gave school districts incentives to join unions. That is why the Sinclair Act worked because there were incentives; penalties were not mentioned back then. It was a positive piece of legislation, not a negative piece as the regionalization score in LD 499 is today. The State of Arkansas went through this and there is nowhere in the Arkansas legislation where it mentions penalties, they are all incentives. This probably goes back to the school funding formula, which is an urban formula for a rural state that doesn't work. It is a reverse Robin Hood, while they steal from the poor and give to the rich. Look at the present coastal school units, from Eastport to Boothbay Harbor, that are all losing dollars, losing much money in GPA. The property rich municipalities receive much more GPA and become wealthier, while they will be raising much less locally to aid education. Stripping the labor market would be a good start.

Now the Education Committee has worked diligently in trying to fix the flaws. We have worked and worked on this, which is an ongoing process. In LD 1932, we tried to fix four flaws; LD 2080 attempted to fix nine more flaws; and LD 2281 attempts to fix three more; and we just fixed two more in the last few days, I don't remember the number of the bill, but we just fixed the closings of a school and a SAD, and also the Adult Ed; we just had some legislation going through on that.

Mr. Speaker, this legislation or this regionalization reminds me of the Speaker going down the Whitey River in his kayak and going down towards Dennysville and Pembroke and seeing this great beaver dam sitting out there, and oh it looks nice on the front, it is a beautiful piece of architecture, and this is like the school consolidation law from the outside, but once you go in, first of all you see the beaver dam has a leak here and they put a patch on it, and all of the sudden it has a leak over here and you put another patch on it, then there is a leak here and there is a third patch, and then back here they are putting another patch on the patch, and then you are patching the patch and the patch, and this is what is happening in this law. So what needs to happen, we need to start and build a new beaver dam from the bottom up, and I believe there will be much more support from the local citizens if we start at the bottom and come up, start at the grassroots, this is what we need to do. After all, the property owners are paying for the cost of education, so don't you think they should give them a voice in what happens, how it starts, how it goes? So please vote in support of Representative Eaton's repeal bill. I am sure there are many, many, many citizens in your district who will really thank you for doing so. Thank you, Mr. Speaker.

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

Representative **MacDONALD**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of Representative Eaton's amendment as well. I would like to take you back to June 7 of last year, when we had a chance, the last chance we had, to vote up or down on the school issue itself before it got tucked back into the total budget, and we passed that Amendment "K", as I remember it was called, to the budget: 117 in favor and 23 or so opposed. So that was the school consolidation plan, it won an overwhelming vote, it went into the budget. I voted against it along with 23 or 24 other people, then it got put back into the budget in the next hour.

The next day we had a chance to vote on the whole budget and I stood up and said, at the time, I am going to vote for the budget even though I was against school consolidation, and I said, at the time, I saw it as my duty, given that kind of vote, to go out there and try to help and try to work with the planning committees that were about to be formed at that time to try to make this thing work. Well, I did that and I have seen nothing but problems ever since we started to work on this with the financial penalties, with the loss of local school committees, with the loss of local school property, the loss of local school-teacher contracts. So I think, as I have seen, I tried to make the best effort, as I think we all probably intend to do: We make our best effort despite whether we have lost something. If we know it is going to be law, we have to get out there and uphold the law and try to make it work. This has not worked for many, many communities, mine included, and I urge you to take this chance, which is our first chance since last June 7 when we had Amendment "K" in front of us on the budget. This is our chance to take a clear and clean vote on this thing, and I think the evidence shows us that it is time to repeal it and start over again.

A quick anecdote: I went to a little school concert last night. The Junior High School band started up in front of a big audience, they got it wrong, the conductor stopped them, she turned over said they were going to try that over again and started up the band again, and they did okay, they did just fine after they took a second chance at it. I say, let's take another chance of working together on this and repeal this, start over again. That is the only thing that we have a chance to do, especially after the veto we had on 1932 last week. I urge you to support Representative Eaton's amendment. Thank you, Mr. Speaker.

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

Representative **HARLOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would be remiss if I didn't speak today. I have heard so much rhetoric that I am beginning to get ill. I hear all of this talk about saved tax money, and now we are not going to save, we want to repeal this bill. It is the only effort of saving tax money so far.

I have heard that the stakeholders have not had an opportunity to take part in this bill. We had 64 legislators come before our committee with over 120 bills to try to improve this thing. If that is not stakeholders taking advantage of, and we listened to everybody and were very serious about everybody on the committee. We do not know at this point how much money will be saved, I agree with that, until we really do this bill. I think, in a state as large as ours, not to consolidate is almost criminal. We have to do something to take care of the cost of education. We have a state like Hawaii that has only one superintendent, and we have, whatever it is, 120 or how ever many we have. We have to cut that number down and that is what we are trying to do. We are not making schools; we are not shutting schools down and the bill itself, it says no school will be shut down unless the community itself wants to shut it down. And when we got to 2280, many of the corrections that people have been worried about are going to be in there. Thank you very much, Mr. Speaker and Ladies and Gentlemen.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Watson.

Representative **WATSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I want to apologize and interrupting this debate just for a moment. I recognize everybody here wants to get up and say something wonderful about repealing this bill; they want their words to be echoed, maybe appear in headlines in their hometowns that they

went and fought for the repeal of this measure, but let me just interject a little bit of reality: LD 499 booked \$36 million worth of savings. Call it ephemeral, call it a dream if you want, but that is what was booked.

The Fiscal Note on House Amendment "A" is about \$36 million, so I suggest that if we are going to continue to debate this issue for another few hours, that we shift the debate to where we are going to find \$36 million to replace in this budget. What programs do you want to cut? Do you want to go back and re-fight the fight that we had for six weeks here trying to come up with the last budget measure? It feels really good, \$36 million.

Now if Representative Eaton were to stand up and say let's repeal this and start over and bring all of the stakeholders together and all of that other sort of stuff, I felt wonderful listening to it, but I keep coming back to thinking how are we going to pay for it, \$36 million is missing. If we can find that in the next three hours, then I will support this amendment; otherwise, we are just talking. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Cain.

Representative **CAIN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in opposition to the pending motion, opposition to this amendment. The context in which we passed—we the Legislature passed—the Biennial Budget, which included school district consolidation, has not changed. The alligator's mouth, the proverbial alligator's mouth, is still opening: Our expenses are still rising, our revenues are still falling; we have just come through a very painful supplemental budget process that took a lot out of all of us; the school population around the state is still floundering, especially in rural areas; and we are still seeing administrative expenses rise at rates higher than we really can afford. But I am happy we are having this debate tonight—I am very happy we are having this debate; in fact, I think it is probably a little therapeutic for all of us. Honestly, I wish we had this debate in January, because I think waiting to have this debate has only made it harder, because now we have stalled the process even longer around the state and in the many places where progress was being made, things have stopped.

I am under no sort of false pretenses that this vote tonight is not mostly symbolic, I think it is, and I think symbols are important, I value them, but I think, also in this case, to have the potential to provide a false hope and false option for many communities in Maine. The honest choice and the honest option is to keep working and that is what I am going to do. That is my pledge to all of you and to all of the people in the State of Maine, but the work that lies ahead of us is not going to get any easier because we took this vote tonight. The work that lies ahead of us in this body, and even more so for our communities, will not be easy to undertake; our financial challenges at the state level and at the national level are going to get worse; our demographic challenges are going to get more challenging, but if we work together, we are going to be able to address them. I believe that. I am an optimist and the glass, for me, is always half full. But doing nothing, not working, for me, is not an option, and taking a vote to make ourselves feel a lot better, or not in my case, is not going to help anything at all.

This law was negotiated in good faith. It continues to be negotiated in good faith by the wonderful, hardworking members of the Education and Cultural Affairs Committee, by members of leadership and by the Chief Executive, in good faith. Even if we have disagreements on what things should look like, we are supposed to have those disagreements, that is why we are here. I personally have listened, learned, and responded. I have continued to listen, to learn, and to respond, and once we get

through this vote tonight, in the next few days, I am going to continue to listen, to learn and respond, and to negotiate in good faith. That is what I do, that is what I came here for, and that is what I expect of all of you, that is what I expect of leadership, it is what I expect of the Chief Executive, it is what I expect of all of my colleagues in this body, that we will continue to work together around the challenges we cannot deny in good faith, and most of all, I think that is what the people of Maine expect us to do. Addressing Maine's challenges is a tough job. I think sometimes admitting that we have them is even harder, but that is why we are here, that is why I ran for office, and no matter what happens with this vote tonight—no matter what happens with this vote tonight—tomorrow, I plan to get back to work. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Chapman, Representative Sutherland.

Representative **SUTHERLAND**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I was a little late getting in, so I certainly missed Representative Eaton's comments, and I caught the very end of my colleague from Caribou, Representative Edgecomb. I serve on the Education Committee and I can attest that we spent many, many hours last year and this year and, as I said a week or two ago, we were down here the week before Christmas, which was a hardship for this person who loves Christmas and had much to do at home, working.

If I could will school administration, reorganization to come together, I would. I have been a supporter, for those of you who know me, I have been a supporter from the beginning, and something has to happen. The alligator's mouth is getting wider, we don't have the resources, we have wonderful public schools and somehow we have to blend this all together. I served on the so-called Prosperity Committee last fall and had a conversation about who believed in one Maine, two Maines, and I have never subscribed to the two Maines; however, one of my colleagues on the committee said there are probably 17 Maines. And you know it really wasn't into we got into the nitty-gritty of this school consolidation, administration reorganization plan that I realized what some of the issues were out there, not just necessarily in the rural counties, or the rim counties, but in, where some of you folks live, in the big-time cities. The issues were different.

I really thought, with 1932, we had taken a giant step forward. A lot of people have spent a lot of time back in their hometowns trying to pull this together and some have done remarkably well, and I am very appreciative and I admire that work that they have done. But there were others, I know quite a few communities in my part of the state, who tried, and they felt as if they were spinning their wheels because they didn't have all the tools that they needed to work with and we tried to give it them. A number of the amendments that were put on 1932 helped to meet some of that. I guess I lost heart when 1932 did not go anywhere, because it just didn't help the people that I had been saving.

The SPEAKER: The Chair would interrupt. The motion before us is Adoption of House Amendment "A." It would be inappropriate to discuss LD 1932.

The Chair reminded Representative **SUTHERLAND** of Chapman to confine her debate to the question before the House.

The SPEAKER: The Chair recognizes the Representative from Chapman, Representative Sutherland.

Representative **SUTHERLAND**: I am sorry, I apologize. It brought me to where I am now, and I guess I will support this concept, I will do all I can with the Education Committee and God willing if I am back next year and I am on that committee, will do all I can to meet the needs of the state, but with very great

reluctance, I am going to vote for the motion.

Representative BARSTOW of Gorham **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-985)**.

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 Crystal, Representative Joy.

Representative **JOY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would be remiss if I did not stand and speak on this. The good Representative from Bath, Representative Watson, wondered where we could get the \$36 million. I would like to remind him that there are \$355 million hanging out there that are not counted as an education expense. It would be very easy to transfer \$36 million from that pile of money and count it as an education expense and take care of the Fiscal Note that he was so worried about on this. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Mars Hill, Representative Lundeen.

Representative **LUNDEEN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I will be voting for repeal. The reorganization of school administrative units was put in the budget and passed last year, and I was one that voted against the budget and I have stood firm against it, and I would like to see us take the time and work this out, do it right the first time and give our children the best education that we possibly can. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Old Orchard Beach, Representative Hogan.

Representative **HOGAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this amendment. I have supported the Chief Executive's theory and his attempt from the start, and let me tell you a little story about my community: About five years ago to seven years ago, we were 1,300 to 1,400 students. We are down to 870 students. And if you think we are going to continue on in this vain, in this atmosphere losing students every single year without trying to do something about, it is not going to happen. There are many in my community that agree with a lot of you people that they don't want to consolidate, but they are finally getting it. They are understanding we can't go back, you don't want to go back. Please vote in opposition to this amendment. Thank you.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-985). All those in favor will vote yes, those opposed will vote no.

#### **ROLL CALL NO. 362**

**YEA** - Annis, Austin, Ayotte, Babbidge, Berry, Berube, Boland, Browne W, Burns, Canavan, Carter, Casavant, Cebra, Chase, Clark, Cleary, Cotta, Cray, Crosthwaite, Curtis, Eaton, Edgecomb, Faircloth, Farrington, Finch, Finley, Fisher, Fletcher, Gifford, Gould, Greeley, Hamper, Hanley S, Jackson, Jacobsen, Joy, Koffman, Lansley, Lewin, Lundeen, MacDonald, McFadden, McKane, McLeod, Nass, Patrick, Pendleton, Perry, Pieh, Pingree, Pinkham, Pratt, Prescott, Richardson D, Richardson W, Rines, Sarty, Saviello, Schatz, Silsby, Smith N, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Treat, Trinward, Walker, Weaver, Weddell.

**NAY** - Adams, Barstow, Beaudette, Beaudoin, Beaulieu, Blanchard, Blanchette, Bliss, Brautigam, Briggs, Bryant, Cain, Campbell, Carey, Craven, Crockett, Driscoll, Duchesne, Dunn, Eberle, Fischer, Flood, Gerzofsky, Giles, Harlow, Hayes, Hinck, Hogan, Jones, Knight, Marley, Mazurek, McDonough, Miller, Millett, Mills, Miramant, Norton, Peoples, Percy, Pilon, Piotti, Plummer, Priest, Rand, Robinson, Samson, Savage, Simpson,

Sirois, Strang Burgess, Tuttle, Valentino, Wagner, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

**ABSENT** - Connor, Conover, Dill, Duprey, Emery, Fitts, Grose, Haskell, Hill, Johnson, Kaenrath, Makas, Marean, Moore, Muse, Pineau, Rector, Rosen, Vaughan.

Yes, 73; No, 59; Absent, 19; Excused, 0.

73 having voted in the affirmative and 59 voted in the negative, with 19 being absent, and accordingly **House Amendment "A" (H-985) was ADOPTED**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-985)** and sent for concurrence. **ORDERED SENT FORTHWITH**.

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**HOUSE DIVIDED REPORT** - Report "A" (10) **Ought to Pass** - Report "B" (2) **Ought to Pass as Amended by Committee Amendment "A" (H-814)** - Report "C" (1) **Ought Not to Pass** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Clarify and Improve the Laws Governing the Formation of Regional School Units" (EMERGENCY)

(H.P. 1645) (L.D. 2280)

**TABLED** - March 28, 2008 (Till Later Today) by Representative **NORTON** of Bangor.

**PENDING** - Motion of same Representative to **ACCEPT** Report "A" **OUGHT TO PASS**.

Subsequently, Report "A" **Ought to Pass** was **ACCEPTED**.

The Bill was **READ ONCE**.

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

Representative **BABBIDGE** of Kennebunk **PRESENTED House Amendment "C" (H-928)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Kennebunk, Representative Babbidge.

Representative **BABBIDGE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I propose an amendment to correct a severe flaw in the cost sharing responsibility for public schools. The problem is that the very basis of funding public schools has been changed so that universal responsibility for paying for public schools has been undermined. The unfortunate and unjust consequence is that some wealthy municipalities are paying much less, while poorer towns pay much more. The result is that people, with property of the same value but in different towns that all send their children to the same k-12 school system, are assessed different mill rates and, therefore, pay significantly different amounts of tax for property of the same value.

What does this amendment do? First, it caps the disparity of mill rates in the various municipalities joined in a k-12 school district to a maximum 2:1 ratio between the highest and lowest rates of towns within that school system. Second, if implementing this fairness measure would cause a sudden and significant increase in taxes, the Department of Ed would provide a transitional ramp, providing that the increase due to the provision would be capped at 5 percent, or one half of a mill, a transition model that they have used in the past. Third, if the municipalities of the affected school district prefer the status quo to the 2:1 cap provided by this amendment, they may, if all agree, choose to opt out. Let's use a hypothetical example for reasons of simplicity, involving a k-12 school system serving the children of three municipalities. We'll call them West Chamberlain, Chamberlain Center and Chamberlain Heights. Chamberlain Heights has beautiful homes and a higher socioeconomic demographic, but few young Maine families can afford to buy