

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Third Legislature
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Emergency Measure

An Act To Restore Positions in the Office of Program Evaluation and Government Accountability

H.P. 1667 L.D. 2307
(S "D" S-639; S "F" S-659)

On motion by Senator **ROTUNDO** of Androscoggin, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

Emergency Resolve

Resolve, To Extend the Pilot Project at the Juvenile Correctional Facilities

S.P. 923 L.D. 2312
(S "A" S-660)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Acts

An Act To Improve the Use of Information Regarding Sex Offenders to Better Ensure Public Safety and Awareness

S.P. 147 L.D. 446
(S "A" S-669 to C "A" S-594)

An Act To Enhance Economic Development in Maine's Aviation Industry

S.P. 770 L.D. 1976
(S "A" S-674 to C "A" S-485)

An Act To Continue the Maine Military Family Relief Fund Voluntary Checkoff

H.P. 1405 L.D. 2021
(S "A" S-676 to C "A" H-731)

An Act To Clarify the Exemption of Retail Sales of Kerosene from the Sales Tax

H.P. 1483 L.D. 2097
(S "A" S-667 to C "A" H-754)

An Act To Amend the Animal Welfare Laws

H.P. 1545 L.D. 2171
(H "A" H-982; S "B" S-665 to C "A" H-965)

An Act To Clarify the Laws on Licensing for Charitable and Fraternal Organizations and Games of Chance

H.P. 1597 L.D. 2236
(S "A" S-664 to C "B" H-962)

PASSED TO BE ENACTED and having been signed by the President were presented by the Secretary to the Governor for his approval.

Resolves

Resolve, To Study the Scientific Research Support Capability of the Maine State Museum

S.P. 209 L.D. 672
(S "A" S-671 to C "B" S-403)

Resolve, To Protect Public Health and Promote a Healthy Soft-shell Clam Industry

H.P. 1423 L.D. 2039
(S "A" S-678 to C "A" H-723)

Resolve, To Direct the Department of Inland Fisheries and Wildlife To Allow Maine Residents To Renew Their Watercraft Registrations Online and To Direct the State Controller To Make Certain Transfers

H.P. 1474 L.D. 2088
(S "A" S-668 to C "A" H-688)

FINALLY PASSED and having been signed by the President were presented by the Secretary to the Governor for his approval.

Out of order and under suspension of the Rules, the Senate considered the following:

ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

Act

An Act To Remove Barriers to the Reorganization of School Administrative Units

S.P. 931 L.D. 2323
(H "G" H-1041)

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

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

Senator **RAYE:** Thank you, Madame President. Just before we have the final roll call on this, I just wanted to state for the record that supporting this measure leaves in place many of the most onerous and unworkable provisions of the law that was passed last year. It takes away local governance. Unfortunately, last night the amendment that we had to allow school unions is gone. Unfortunately, there is no provision in law for a municipality to withdraw from a district in order to choose their own partners. There is no other way to put it than to say that I think that this is going to have disastrous consequences, particularly in the rural

areas of this state. I am extraordinarily disappointed that we appear to be on the verge of passing this measure, which I think puts the stamp of approval of this Body on pretty much the status quo. A few nibbles around the edges, but the significant changes that I think the people of Maine had hoped would emerge from this legislature are not included in this bill. I cannot vote for it and I hope others will join me in opposing it.

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

Senator **SHERMAN:** Thank you, Madame President, ladies and gentlemen of the Senate. I would like to associate myself with the remarks from the good Senator from Washington, Senator Raye. I like his mustard and I like the way he speaks. I think we had a great debate yesterday when people we're arguing that we shouldn't let the federal government tell us what to do. All the talk about infringing on our rights and to leave us alone. Don't do it to us. On and on and on. Now we come to the point where these Chambers are telling people what they are going to do. I don't know how to spell the word hypocrisy, maybe that's not the correct term here, but you can't have it both ways. You are telling three million people and 200,000 school kids and the parents and all the people that go with this what they are going to do and when they are going to do it under the threat of the State of Maine. Many times I have heard Democrats say it's clearly wrong. I'd like to plagiarize that, this is clearly wrong, what you are doing. You are wrapping this up in red tape. Go back and read Jefferson-Hamilton in the 1700's. Two weeks ago the Maine Sunday Telegram had an article 'Is Jefferson winning or is Hamilton winning?' I read an article about One Flew Over the Cuckoo's Nest, if you have seen that with Jack Nicholson, Nurse Ratchet. Jack went in to have a good time. Jack broke the rules. In the end Jack had a lobotomy. I think that's what we are doing here. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN:** Thank you, Madame President and members of the Senate. I haven't said much on the education bill because, obviously, there are people who have worked very hard on this during the last two years. I do need to add a couple of words. Obviously, what we did last year, and what we are doing today, is not my preference and not the way I would have done it. I think that we have to move forward in this state when the State of Maine is giving over a billion dollars a year to the municipalities. The State of Maine ought to expect certain things to occur at the local level and they have not been. In my own county, for at least the last 12 years, I pleaded with superintendents that they ought to work together, cooperate together, and get rid of a number of them. Since we had 20 superintendents in Aroostook County, 16 full time and 4 part time, for a school population the same as the City of Portland has. They said that was local control. We talked about a waste of money, State money and local money. We've been watching it in Aroostook County for years. I put in a number of bills to deal with that issue and I can guarantee you that every one of those were killed by the educational community, in particular the Maine School Management. What we ended up with, in my opinion, is not the best of what could have been. If only superintendents had attempted to work together many years ago and understand that we couldn't afford the system that we

had in this state. That's unfortunate. What happens, and I always worry about the pendulum swing, people get so frustrated at some point they go to the end of that swing. In my opinion, that is partially where we are. Eventually, I think, the pendulum swing will come back to where it ought to be, but where we are today was brought on by the educational structure in this state and in particular by the superintendents of Maine. You could see it coming and we could have realized it. They should have themselves simply because the vacancies were there and they were becoming more and more. It's difficult to find people who even want to be superintendents and I understand why.

As a matter of fact, some of you may know I've been on a school board, and am still serving on a school board, for the district in which I live because no one else wants to do it. That I can guarantee you. As a matter of fact, last year in the six districts that we were hoping for school board members to run in we didn't have a single candidate. Not one. This year we didn't do much better. I'm not sure in my hometown because there is one district open and my hometown is the only district that votes in June. The papers are now available and I haven't seen anyone file for that seat.

As we move along here, obviously, if I had had my choice it would be somewhat different than this. We brought it upon ourselves and we only have ourselves to blame when we look at ourselves in the mirror.

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

Senator **NUTTING:** Thank you, Madame President, ladies and gentlemen of the Senate. I wasn't planning on speaking on this. I represent a rural district. I was just going to be voting to oppose it. When I listened to the previous speaker, the good Senator from Aroostook, Senator Martin, talk and use phrases like 'waste of money' and 'not the best', I agree with him but I'd use these words a little differently. When I look at the computer print-out here where the last four years worth of new EPS school money has gone, and we have had a large increase in the amount of money we put in GPA to education, I see where that money went. This school consolidation adversely effects rural Maine. When I look at where the money went the last four years and, even with declining enrollments, the money has gone to the cities who aren't effected at all by school consolidation. I'm seeing city after city here gain between \$8 million and \$16 million over the last four years. To me, that is a waste of money. That's not the best situation. We're passing bill after bill. When it comes to schools that adversely effect rural Maine, we're pumping millions and millions of dollars into our cities. That isn't right. It isn't right at all. Thank you.

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

Senator **WESTON:** Thank you, Madame President, men and women of the Senate. Nearly one year ago we sat here and passed the original school consolidation bill. I sat in my seat and I listened as one by one people stood and said, 'This won't work. This has problems, but I'm going to vote for it and we'll see.' Just a few months after that, in the fall, what we heard was, 'We really know this isn't working and we are going to fix it.' I think we were even told that we were going to do it the first three days of the next session. Here we are at the very end of this session and we

are still saying this isn't going to work. This has problems. We have ourselves to blame. If I could take on the hat of the Chief Executive and I had just been elected for my second term, I think it might have been good to do something like this, to acknowledge the problem, and there is a problem. We have declining students and increasing costs. It would have been good to say, 'The first two years of my term I am going to bring everyone together and we are going to find the best way not just to cut costs but to improve education, to present our students with the best education possible, and to send them out into the world of Maine to make a good living, to help people, and to lead a successful life.' That has been lost in this whole entire debate. I would then have said, 'In the last two years of my term we are going to implement it and we're going to see success in our schools.' If you want anything to succeed you bring people together. You determine the best way to make it happen. You get everyone on board and then you proceed to make it happen. This was a few people deciding how they would make other people live and work and then forcing it upon them. That's not the formula for success. We now know that's very true. I find it so disappointing that I have to leave this term once again saying we didn't do it right. The people who come back in the 124th will still be dealing with this. My only hope is that they will listen to the parents, to the teachers, and to the administrators and that there will be a coalition built to focus on how to bring the very best education to our children in the most efficient way. I will be voting against this. I've tried to be consistent all the way through because my focus was first on education and second on efficiency. We have neither in this bill. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Turner.

Senator **TURNER:** Thank you, Madame President, ladies and gentlemen of the Senate. I didn't expect to be speaking on this matter but simply voting on it. I will start by reminding you of my Uncle Bert, somebody that the Senator from Washington, Senator Raye, also knew when he was a young boy. My Uncle Bert would say, 'I can go out on the street and find a hundred people to tell me how not to do it. I'm looking for the one person who can tell me how to get it done. That's the person I want on my team.' Anytime you get involved in restructuring an entity, whether it is public or private, there are significant tensions. Most of my experience has been in the private sector. Once the decision is made people line up and work to get the job done. If they don't like it they leave. The public process is very different. All the stakeholders have an opportunity and they usually exercise that opportunity fairly well. I think it's an understatement to say there has been fierce resistance to the changes that this law has brought onto the state. I hope that this resistance will abate and we can get onto doing the work of educating our children in the best manner possible in the most cost effective way. You can go to all 50 states in the union and any time schools are brought up there is always a fierce debate and change is wretchedly slow. Frankly, it puts us at a disadvantage competitively in the international market because whether you are a first world power or a second world power the emphasis on education is much more focused. The Senator from Aroostook, Senator Martin, could tell you better than I, we have taken a decentralized approach to government. We are a republic. In this part of the republic we have had a long tradition of local control. I don't think, as the Senator from Aroostook, Senator Martin, has pointed

out, that it is delivered the way we would hope it would be delivered and we are where we are. I would hope that those in this Chamber who have been fiercely involved in opposing what needs to be done will take half as much energy into trying to make it work. My Uncle Bert is looking from above and wants to find that one person who can get the job done. Think about leading your constituents as opposed to following the parade that they build for you. That's not always popular, but when you know something needs to be done you can do it by setting an example and sometimes taking the popular stand isn't necessarily the right stand. I think that with our constituency sometimes giving them a dose of reality is the best elixir for them. Thank you, Madame President.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Sullivan.

Senator **SULLIVAN:** Thank you, Madame President, men and women of the Senate. I'm a pretty pragmatic person. Some people would call me stubborn. I choose not to use that adjective. Obstinate maybe. However, I will vote for this because if it becomes law this makes some corrections. Later there will be a chance to repeal. I will also vote for that because that is what I've been asked to do by three of the four communities that I represent. The reality is this corrects some of the problems from before. If it becomes law we need to correct as many as we can. There does need to be a change. No doubt about it. I see it every day that I'm not here, it seems like, and the changes must be coming. Again, I will use the 'would have', 'could have', and 'should have'. There are a million things we would have done differently. Some of us may not have run for office. The fact remains that this is the best we have. What we have for law needs some fixes. This is some of the fixes. If you want to make a stand, you can ask and vote later on something entirely different. However, if the Chief Executive decides to veto you need to fall back on something. This allows us to fall back and make some corrections. It's very difficult for people who represent both the city and the rural areas, but we have to think of education. I will be voting in support of this. It is not, like Dirigo, everything I wanted but I understand compromise. Thank you.

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

Senator **RAYE:** Thank you, Madame President, men and women of the Senate. I just want to rise in response to my good friend and colleague, the Senator from Cumberland, Senator Turner. As he said, I knew his Uncle Bert when I was a little boy. Uncle Bert's three grandsons are my half-brothers. I can tell you how Uncle Bert's progeny feel about this issue. I would also tell you that the Senator's Aunt Laura, whom we honored in this Body upon her 99th birthday a few weeks ago, has personally lobbied me on this bill and not in the direction that the good Senator from Cumberland, Senator Turner, would have her do it. I just want to say many, many people from throughout rural Maine have come to the table in a constructive and open way to have dialogue, to have input. Much of that was reflected in the language that this Body rejected last night in what had previously been the Damon Amendment that was defeated here last night, in the Ray Amendment that was defeated here last night, and the Gooley Amendment that was defeated here last night. When I hear the suggestion that the people of rural Maine are stubbornly resistant

and need a dose of reality I would remind this Body that the people of rural Maine have participated. Their voices and their opinions have been cast aside by this Chief Executive and many in this Body. If you sense some anger in my voice, it is there. I resent the way this has turned out in this legislature. The way the honest differences that we have brought to the table to try to negotiate have been stymied and cast aside at every juncture. We are, by what we did here last year with this budget and by what we are about to do here today, driving the wedge deeper and deeper between the two Maines. We talk about unity. We talk about it in our prayers when we open in the morning. We talk about it in a collegial sense with each other. Many of us have great friendships on both sides of this issue and both sides of this Chamber, but I can tell you that the wedge that is being driven between rural Maine and the cities of Maine is devastating and this bill is making it worse and it pains me. I know there are some in this Chamber who may not believe it, who may think we are over-reacting, I'm telling you we're not. When you hear the Senator from Androscoggin, Senator Nutting, the Senator from Aroostook, Senator Sherman, myself, and those of us who have spoken out, it's from the heart. We are representing the people we were sent here by. They are a part of this state too. They deserve the respect. They deserve to be listened to and accommodated in some respect so that we can maintain our traditions and our communities in a way that honors excellence in education and a tradition of local control. We're losing it. It's changing the face of Maine. I think not for the better.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Mitchell.

Senator **MITCHELL:** Thank you, Madame President and colleagues in the Senate. I wish I lived in Washington County because I know I would have loved Uncle Bert and I think the mustard that's being distributed must be spicy brown because it is the kind of heartfelt conversation we should be having with one another. We care deeply about one another. I want to take you back on a quick journey through this odyssey that we've all been on as we've tried to find the right answer. On the one hand we have tried to cut taxes. The State is overspending and it needs efficiencies. We're all trying to do that. How do we do that without hurting children? I am here as a mom, a grandmother, and a former teacher. The first thing on my question plate is what helps the children? We started out with a proposal to try to get less money out of administration so that the children could have more money for their learning so that they could have the kinds of things we wanted them to have, the foreign languages and the math, so that we would be a world-class competitor on the education stage because we know we're living in an international economy. I keep hearing businessmen telling me that they are having a hard time. In fact, I was at the constructor's banquet the other night. The number one issue they were facing was qualified workers. This is what we are all thinking about. Even though we are disagreeing a bit on the path to get there, I don't think any of us disagree about that. Let me remind you, after last session's vote the leadership of this Body set up a process to try to enact immediately. I think we had the naive notion that we could enact the first week of January several things that were barriers to those schools who wanted to get together. They wanted to. They were not being forced to. They wanted to because they saw something in it for their kids. In that was the ability to negotiate costs and it was the 2 mil rate minimum so that minimum receivers could

continue to have the incentive to get together. Thirteen people on the Education Committee said, 'Yep, those are good ideas.' Because of the enormous frustration about how we organize ourselves, as you recall, there was an amendment attached and we had the same discussion we are having here today about unions. I must tell you, when we lost the ability to pass an opportunity in the Damon Amendment for unions I really could not talk for about a day. When the Commissioner called me to talk about it I said, 'I can't talk to you right now. I am grieving. It has nothing to do with you personally, but I am grieving.' You may not know it, but I do represent a union. I do think a union has a valuable function to play.

Nevertheless, the reason we are here on the last day of the session is because we've all been struggling to find a way to honor the union operation. The bill that we are trying to pass does not have a union per se but it does have the opportunity for towns to continue to operate much as a union does in terms of local school boards and in terms of inter-local agreements. It may not satisfy, but you need to know that it's there. I want to tell you, I put myself, or asked to be on, one of those planning committees. Believe it or not, as hard as it was, for one brief moment, and I must admit it's been snuffed out by the delay here, we were having the most extraordinary discussion about kids and their future. I was sitting down with a SAD, SAD 47 that includes Oakland, Messalonskee High School, and the towns they represent. They didn't need to do anything. They were well over 2,500. We were discussing with Waterville, a municipality. My Union 52 was also over 2,500 but nevertheless that form of governance was not available. For about a month or two we were talking about what possibilities our kids would have. There would be three high schools. One of them might specialize in math and science. One might specialize in the arts. Our kids, from all of these towns in central Maine, could choose the high school. I know that might not be popular with some, but we were excited about that because the kids in my union already had choices. We brought that idea to the table and it had a lot of appeal. We were talking about the children. What about Chinese being offered over ATM? What about Spanish classes? What about physics and advanced placement courses? That was our discussion. We couldn't get there because of debt. Did we want to take on Winslow's debt? Absolutely not. Vassalboro didn't have any. We were able to negotiate, which this bill allows us to do. I hope that we can move forward. If we don't find a new way to organize ourselves we'll never get to quality. I am totally committed to the discussion that the Senator from Androscoggin has raised about quality. Don't forget, we're dealing with a referendum. The referendum that said 55% of the cost of education. Most people don't understand it's the total cost. Those school districts that spend \$14,000, \$15,000, or \$20,000 per child are ratcheting up the cost even if they don't get State aid. That goes into the formula. If you think the State's not going to be concerned about how we operate in that arena than you haven't thought about strings being attached. Be careful what you ask for. I might say, a lot of the rural towns get a lot more money than some of the urban areas. Let's look at the urban areas for a minute. That amendment that was passed with the help of Maine Municipal, Maine Education Association, and a lot of people who thought they were doing a good deed also included 100% of funding for special ed students, whether you needed it or not. If you can raise your entire amount of school aid on a 2 mil effort, you still get money. That's what is wrong with the print out that the Senator from Androscoggin is using. We have lost sight of equity

in these gyrations we've been through over the years. Once we get our governance thing in place and we can spend less money on administration and more money on the kids, I hope that anybody who's back in this Chamber next year spends 100% of their time talking about quality and where we want our Maine kids to go. I'm sorry for the anxiety that people are going through, but I think it just indicates that there is nothing that is more dear to us than the education of our kids. I hope you will join me in voting for this bill and we can move forward and make this even better as we go along. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Dow.

Senator **DOW:** Thank you, Madame President, ladies and gentlemen of the Senate. There may be a reason that we've had such a difficult time with this issue for two years. In my opinion, it's about trying to take an amendment that's a bandaid to fix up major surgery or a gaping wound. My district is all rural and I think that we have suffered right from the very beginning. I think the suffering and the inability of us to move things along is because of our approach to the entire system of how we did it. I don't think we were truthful with the people of the state of Maine. We talked about the quality of education. It was always the first sentence in a big document, but the rest of the document was all about money and who's going to save it. We convinced the people, or some people tried to convince the people, that they were going to save money also. We should have been up front with them right from the beginning, not about money but about what the problems were that we had to face up to. We should have brought all of the stakeholders, the superintendents, selectmen, board members, and citizens together and we should have educated them about what the main problem is with our education system. We had 240,000 students. We're down to 200,000 and we may bottom out at 180,000. We should have been up front and told the people that we needed to do something about it and we're going to have to close schools. The discussion should have been around that. In closing schools, we're going to have to lay off some teachers. Those jobs aren't going to exist. Instead of that we ran around telling people, 'Oh, we're not going to close schools and we're not going to lay off any teachers.' We didn't finish the sentence. We're going to take so much money away from you that this will be the only choice that you will have and you are going to have to do it with a club and penalties because here they come. Not a carrot and a stick, like the Sinclair Act. We didn't have this honest discussion with the people about closing schools, because that is really what it is all about.

This saving money through administration is possible, but it's just a smokescreen. It's not the real issue. It's having a school system in the state of Maine that we can afford to run with a much smaller school population. We should have been up front and told them that. If we had laid it all out on the table from the beginning they would have come along and we would have had a much better system, even though I think maybe we'd only be two years into the discussion right now and ready to solve the problems. We hid it all and we kept the superintendents out of the discussion and we kept the legislature out of the discussion until it just landed on our desks one day. To me, it was like being in a train wreck. I couldn't even talk about it for two weeks because it was such a big, massive concept.

I can sell sofas in my store at 70% off, but 70% off of what? When the people asked for 55% of school funding they didn't ask, '55% of what?' They wanted 55% for tax relief for property taxes. When they asked for 100% of special education they didn't ask, '100% of what? Or what gimmick can we come up with to change all that?' They were asking for property tax relief. While we must, and we have to, consider consolidation of some kind, in the environment we are in there is nothing wrong with that entire concept. We should have been up front. We told them they were going to save money. In the headlines of one of my local newspapers, just one week ago, I picked it up and there it was. Property taxes in Newcastle are going up 11% because of school funding. The Superintendent of Wiscasset recommends withdrawing from any more discussion on consolidation. South Bristol school town meeting considers abandoning the whole system. A person running for a selectman's office in Damariscotta recommended the school system go private. We've had nothing but problems because we weren't up front with the people. My people in all of the towns in my district are still waiting for some tax relief from this school consolidation, but we haven't done it right. We've put the cart before the horse. We took the money away from them first so that they would have to fill in the gap, the hole. We took the money away even though there is no savings mechanism in place yet. We shouldn't have taken that money away from them. We should have waited until we were on the verge of a mechanism for them to save money. I think that we should have allowed them to achieve the first savings in the state, not the State of Maine. We should have allowed the people that voted for this referendum to realize the first savings in the state. I've had to vote against everything because all I've seen is increased taxes. Major increases, first from L.D. 1 in my rural district then from this plan to consolidate and pulling the money away first. All of my towns have had tax increases to fill in the hole from the money that we took away from them, all in the name of this consolidation to save money. I'm not saying that money can't be saved, but we were worried about our budget. We were worrying about our spending priorities, which, by the way, I obviously disagree with. I'm going to vote against this again, and I'm going to hope that someday we can get back to doing this thing right and giving the people the truth and letting them deal with the real issues that are out there, not the ones that we've tried to manufacture and make up for them here and then tell them to look at all the money they are going to save. It hasn't happened yet and we're still maybe three to five years down the road before any savings occur for the property tax owners. Thank you, Madame President.

THE PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Thank you, Madame President and men and women of the Senate. In my view, this is not a rural or metropolitan issue. I've had the good fortune of living in both Maines. If there are three Maines then I've lived in three Maines. Just recently there was a fascinating editorial in the Sunday Telegram about how the City of Portland has a need right now for five elementary schools and they've got eight. They've got neighborhood versus neighborhood at each other's throats over the very notion of closing any of those eight schools. They can't figure out how to get it done politically because there is such intense resistance from one neighborhood and another. Indeed, just a week ago, in a very rural district in my Senate district, there

was a small and ever diminishing school district that did organize way back 40 years ago under Sinclair, back when they were supposed to, they had a meeting where the management was saying they had to close two of their four elementary schools because one had 46 kids with 6 kids in the kindergarten and the other had numbers down in the low double digits. They said they probably should have only one school but the distances were great. They voted overwhelmingly to close none. I would echo the Senator from Lincoln, Senator Dow's comment that this idea about consolidating administrations is only part of the picture. It is part of the picture, however. Unfortunately, we have a \$2 billion system for 200,000 kids. Either we have to start making more babies or cut the dollars down to make it fit the number of babies we've got. That's just the raw math. I'd prefer the making more babies, personally.

I think the interesting thing about this great social experiment in Maine, and the 290 experiments that we have floating across the state, is that there are some of them that are actually working. In my own district, in the Fairfield area, they are at EPS. They don't have any property tax base. They have got one-half of the paper plate factory. The other half is in Waterville. Beyond that the industrial base of that district is modest. They are heavily subsidized by the state system to survive. Yet they have been under good management for years. They are at EPS. They have high academic performances. They are doing it in a rural setting. You've got Scarborough, in a metropolitan setting, or at least by my standards, and Windham as examples. Another rural area is the Guilford area. It seems to do well. They are working with funding at the EPS level. They've done what they've had to do to deliver good educational services at a modest cost. It can be done. Administrative consolidation is a key and, unfortunately, as the good Senator from Lincoln, Senator Dow, points out, school consolidation and laying off teachers is another key. That's sad to say, but it's true. We have the second lowest pupil-teacher ratio in the United States, right behind Vermont. We have about the eighth or tenth, I've heard different figures, highest cost per student in the United States, yet we all know that our median income level is down around 36 or 37. We have a school system that we clearly can't afford. We cannot use rurality as an excuse because the costs are not only in Washington County and parts of Somerset County but they are in Portland too. We've got to face this thing head-on.

I think the marketplace, unfortunately, is going to face it for us. This is what I think. Back four years ago, when the MMA and the MEA combined forces to put that referendum on the ballot and appealed to the people's deep concerns about property tax relief, there was a lot of discussion in the summer of 2003 about fending off that thing by supplying a rather modest amount of money into the EPA formula for that year. I think it was in the order of \$30 million. I said to the Governor, 'Pay it.' He didn't. The referendum went onto the fall ballot against a very weak alternative that was designed by this institution and it passed on its own in June of 2004. We geared up with L.D. 1 and we slashed the social service budgets. We flat funded them for two or three years running now. We didn't raise taxes. We didn't borrow money, though some of you tried. We toughed it through. Just this past month we got a report from the Planning Office that said the \$800 million we raised over a span of two or three years for K-12 for property tax relief went right into K-12, supporting a system that we knew from the beginning was unaffordable. Guess what? It's much more unaffordable today than it was three years ago. You think it was unaffordable back when we started

L.D. 1, just take a look at the Planning Office report. We're deep into unaffordability now. The Governor responded, late but he responded, last year with this rush to get consolidation done in a hurry. You may remember his first version was 26 districts and to do it now. That is beginning to look appealing at this point. I'm partly jesting. We've lived through this.

This bill that lies in front of us, frankly, is a repair to an effort that was drafted by not one committee but many committees. I'm not a big fan of what we did last year. I had other ideas about how to do it. I like incentives. I think they work better and I think it would have taken more time to use them to get to the end result. Here we are and we've got a bill in front of us that will simply make a little bit better the bill that we all have deep reservations about from last spring. There is no reason, in my humble view, not to vote green, but I do so knowing full well that it isn't going to be an adequate response to the very deep seated cost issues that are driving the tax revolt in this state.

I want to end by making a rather dire prediction. To the extent that consolidation doesn't happen, we are going to have property rich towns behaving almost like rich towns in the Middle Ages when the plague was coming through. They will close the gates. Leave the disease out there beyond the wall. They will take their shorefront property or their paper mill, draw that little municipal boundary around it and say, 'That's our money and we'll run any bloody school system we choose to run with the fiscal capacity that we have.' All the scruffy towns outside the wall will have their property taxes and the State will dribble out some money to them. They will have to do the best they can. We will wind up with the same kinds of horrible disparity in the school systems that you sometimes see in the deep South as a product of another era and another set of social concerns. This kind of ghettoization is present here now and it can get a whole lot worse once the equalization factor of school funding dries up. Ours is dried up. We flat funded GPA this year and, guess what, I hate to say it but I think we're going to flat fund it next year because the social service side of our budget has been devastated and the pressures on that side are so substantial that we can't ignore them. We won't. We will say to the towns that they need to use their property tax capacity, whatever they have. Those that have it will be fine. Those that don't are going to be rendering a far less adequate education for the poor children that they serve. This is my concern. Administrative consolidation is a way of addressing those concerns. If we fail to do this we will have a state that we will not be very proud of.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Gooley.

Senator **GOOLEY:** Thank you, Madame President, men and women of the Senate. Very quickly. I'd just like to say a few words. I'd like to weigh in on this briefly. Of course, this all started out with the referendum where the State was supposed to pay 55%. Then the Governor listened to the Brookings Report, which probably hasn't been mentioned here this morning, and we have all these federal mandates. We have a lot of pain in this state. Then the Governor launched this educational consolidation effort through his budget. I do represent rural Maine. I also represent a part of urban Maine, which is like the Messalonskee School system. I guess the thing I want to weigh in on is that it's the top down approach that has bothered me more than anything else. I've talked to a lot of people in rural Maine. There has been too much pain on this and it's been a painful process. I just see it

as a top down approach and we should have avoided that if we could have. Thank you very much.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Bowman.

Senator **BOWMAN:** Thank you, Madame President, men and women of the Senate. I wish I had an Uncle Bert and I wish every one of us did also. I think we would be even better than we already are if we had such an influence in our lives. I had a grandmother that greatly influenced me, but she didn't quite measure up, from what I understand, to Uncle Bert's standards.

I will be very brief in going over things we already know. If you take a look at the declining student population over the last three decades, this is not a recent issue. If you take a look at that and you look at the increasing costs, especially the administrative costs, and you look at the unsustainability of school finances in this state, you know there is a problem. Uncle Bert would recognize that and he would spring to action. From what little I know of him, he is a very inspirational person.

L.D 2323 attempts to make the ongoing process better. It's not optimal. It's not my first choice. It's a compromise. I love that word because it was driven home to me once. Somebody said, 'You know, life is really about compromise.' I said, 'Well, are you sure?' He said, 'Yep, just ask your wife.' I suggest if you don't agree that life is largely a compromise you do the same, regardless of gender. L.D. 2323 is an example of what we, in this wonderfully able and wonderfully flawed democratic process, can produce. It's a compromise. It's not many people's, perhaps any people's, first choice.

In my life I have encountered a lot of people. When you get to be 70 a lot of water has gone over the dam. I have met more people who would rather complain about problems than those who would rather solve them. I don't know if he was the first person to say it, but Lee Iacocca made a name for himself by saying, 'Lead, follow, or get out of the way.' In part because I was thrust into that situation, but in part because that is the nature of my core, my values, my principles, my life, and my experiences, I chose to lead in resolving the issues that I've described to you. I don't know where I'll be next November, but regardless of where I am, regardless of what position I am in, I will either lead or follow to make this process even better and I urge you all to do the same. Thank you.

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

Senator **NUTTING:** Thank you, Madame President, ladies and gentlemen of the Senate. As I've listened to this excellent debate this morning, I'm still struck that many members of this Body, I think, today believed that this would be a quick vote. I am still amazed at that. I think some members of this Body still think that we are going to somehow debate and discuss school consolidation in a vacuum and somehow those folks in rural Maine are going to discuss and deal with school consolidation without even somehow blanking out of their minds totally where the school funding money is actually going. That, to me, is an impossible situation. They are asking, 'Are we living in a rural state or an urban state?' To me, we live in a rural state with an urban school funding formula. The two are hitched together. I don't see how we can assume to discuss one without realizing we really have to discuss everything together.

I have heard some things about the referendum that passed. Immediately, L.D. 1 made significant changes to the school funding formula that effected rural Maine. Immediately. No changes have been made in EPS concerning the 90 minimum receiver districts until right now. Almost four years later. I look at this print out of where the money has gone in the four years and I compare that with another print out that is the actual number of mils raised for education, what the actual mil rate effort to run their schools is. I look at Boothbay Harbor, who does their whole school budget in total at a mil rate effort of 3.1. They have millions of dollars evaluation per student. That's great. If you look at where the money has gone in the last four years, they have had an increase in school funding of \$1.7 million. They have one of the lowest actual mil rate efforts in the system. What does this bill before us do? It even exempts school districts from even having to raise a mil rate effort of 2. This bill just compounds the inequity in our school funding formula. In the last four years the 90 minimum receivers have gained close to \$20 million and that \$20 million has had come from somewhere. Largely it has had to come from those school districts that are in rural Maine, that don't have much value per student, has the highest transportation costs built in, and they have suffered because of it.

I think the fact that equity is now gone from our school funding formula, due to the policies of this Administration, that is just adversely effecting people's attitudes towards school consolidation because, to me, I will remind you, in closing, that you can't talk about school consolidation in a vacuum. You have to realize that it is part of the whole school funding formula debate. Thank you.

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

Senator **SHERMAN:** Thank you, Madame President, ladies and gentlemen of the Senate. I just have four items, and you can check them off. Looking out the window I noticed the buds are getting larger out there. There is a slight green haze across the far hill. I was sitting here thinking that I have some plowing to do back home and I'd like to sit on that green John Deere 4020, filled up with \$4 diesel, and plow and when you're done you're done. We're plowing old ground here, as we all know, for a number of reasons. The four points, most of them have been said in one form or another. I really like what the good Senator from Lincoln, Senator Dow, had to say. When we started last year there were seven of us who voted against the budget because that thing was in the budget. I've cited the Senator from Cumberland, Senator Diamond, on the jail consolidation issue. Even though I voted against that, it was crafted, beaten, and thrashed out. I wish we had done it that way, which has already been mentioned.

My first point is that some of us have wandered around the classrooms for 20 odd years. Someone said we were there every other year. When I hear these debates, they don't ring true to me. To those of us who have beat and thrashed in those classrooms, what I am hearing is foreign. I wouldn't tell the Senator from Somerset, Senator Mills, how to present a court case. I wouldn't tell the Senator from Oxford, Senator Hastings, how to run a bankruptcy or sell buildings in New Hampshire. I wouldn't tell the good Senator from Cumberland, Senator Diamond, how to run his mortgage company. I certainly wouldn't tell the good Senator how to run a submarine under the water, although the other day he told me he ran into a Russian sub at

one time. That's another type of issue. The tin ear issue kind of bothers me.

The second thing, we talked about kids in the classroom and learning. I ran through, actually Googled some stuff. When you look at high per capita income states or income areas, what you find is that those folks that have dough, their kids seem to do well. If it's the bell curve, I don't know. You find that across the country that there is not necessarily a correlation with per pupil cost and achievement. The State of Maine has had some good achievement levels in some 4th grade and 8th grade SATs. Really better than many states. Everyone was forced to take a SAT and that brings the level down. Some states have very few kids that take the SATs. I question some of the data.

Number three, Herb Belanger was a very wise man. He was the Superintendent at Caribou. We experimented with mini courses. We experimented with blue and white days. Getting the kids ready for college and all of that business. Herb was a wise man. He was here three terms. He was on Appropriations. He said, 'I've had enough of Appropriations, I'm out of here,' and went golfing in Florida. He's got a house on the coast here but is probably a resident in Florida. Herb would say, 'Get a good teacher who knows his or her subject matter, put them in front of a bunch of kids, and they will learn.' I know they are not bunches, but that is our lingo for our little darlings. There is no question about it, they will learn. When you are talking about too many teachers or too many superintendents, I don't care. Give them the tools in the classroom and find those good teachers. There is an issue about teachers who should not be in classrooms. MEA fights to the bitter end to keep some teachers who should not be in the classroom, but then there is that whole legal process. Maybe we should look at that. After one year you are almost granted tenure. To me, that's a real issue. On the other hand, when talking about teachers, look at the people who stay a while and then go. High turn-over.

My last point is a study done by a gentleman who was in the school system for years and years and years. He e-mailed it to me. He was a Senatorial candidate at one time. He said there is a high correlation between the number of kids on student lunches and achievement. A lot of this is related to money issues in certain ways. I will leave you with that. I hope that I can get the John Deere started. It is a green one. My brother-in-law doesn't like green tractors. He likes red, but he has more money than I do. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN:** Thank you, Madame President and members of the Senate. First of all, I want to thank the Senator from Somerset, Senator Mills, for laying it out for us because he's done a great job in doing that. I need to remind people because most of you were not here, a few of us were but most of you were at home, that the equalization issue went out the door in the early 1970's with the Uniform Property Tax repeal by the citizens of Maine. Since that time we have been unable to cope with the problem of equalization. You need to keep that in the back of your mind. To the Senator from Lincoln, Senator Dow, I want to tell him that his community has the same problem as my hometown. He has the ocean. I have a lake. There is no hope for property tax relief because the property tax values keep coming, the State valuation keeps going up, and we'll continue to receive less money from the State. Of course his is worse

because it's the ocean and the value is greater. You saw that and you've seen that happen this year in Washington County where communities are being devastated. There are cuts in State revenues or State dollars for schools in Lubec and Eastport. When I looked at those figures, in my opinion, it's an absolute disgrace. That's something that we, as a legislature, have not dealt with and we continue to ignore the issue of valuation and the adjustments that are caused by it. That has an impact on education at the local level.

Finally, my last point that I want to make. People have talked about the top down approach. I can guarantee you the bottom up approach hasn't worked. In my district, in my area, the St. John Valley has 24,000 students, four full time superintendents, four business offices, and one part time superintendent. If we can't achieve administrative savings, and we haven't gotten there yet, by the way, then we ought to really be concerned about what we can do in the long run. I would remind my citizens of Maine that we, the Senator from Aroostook, Senator Sherman, and the Senator from Washington, Senator Raye, live very close to New Brunswick, and we tend not to look at what they do because we don't want a system like them, apparently. They have a top down approach. They have five school districts and five superintendents who report directly to the Minister of Education who carries out the management of the educational system in that Province with a population that is a little less than ours. They have no school boards, but an advisory team at each school made up of parents and teachers. I'd encourage you to walk across the border and see how they are doing. The time has come that we need to change the way we do it here.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Turner.

Senator **TURNER:** Thank you, Madame President, ladies and gentlemen of the Senate. I've never passed up the opportunity to perpetuate a family feud. Knowing that my Aunt Laura had lobbied the good Senator from Washington, Senator Raye, I made a special trip to Florida to discuss the school administration consolidation at length with her. I also dropped off a sentiment expressing the good wishes of this Legislature on her 99th birthday. Sometimes you may think that wisdom comes from the mouths of babes, but it can often times come from very sharp 99 year old women who have extensive life experience. We had a significant discussion on this matter. You need to know that her brother-in-law, Omar, was in the room. She said, 'I know what Omar thinks. I want to know what you think. I want to understand why.' I proceeded to answer her questions and periodically she'd go, 'Umph.' Not to me, but to Omar. We went back and forth for close to an hour. On at least two more occasions she'd go, 'Umph.' She reminded me of Doctor Evil quieting the dissent in his ranks. When she had her questions answered, and she knows of Lubec, Eastport, Calais, Vanceboro, Danforth, and the like having lived in Washington County for most all of her life, she said, 'Perpetuation of our current situation cannot stand. The system is not working for us. We need to go forward, we cannot go backwards.' I'm not certain you are right, but it's likely that you are. We need to try. With those words of wisdom, I would ask you to go forward and to try. Thank you, Madame President.

THE PRESIDENT: The pending question before the Senate is Enactment. 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 (#467)

YEAS: Senators: BARTLETT, BENOIT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, COURTNEY, DAMON, DIAMOND, HOBBS, MARRACHE, MARTIN, MCCORMICK, MILLS, MITCHELL, PERRY, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, TURNER, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: DOW, GOOLEY, HASTINGS, NASS, NUTTING, PLOWMAN, RAYE, ROSEN, SAVAGE, SHERMAN, SNOWE-MELLO, WESTON

ABSENT: Senator: SMITH

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being absent, was **PASSED TO BE ENACTED** and having been signed by the President was presented by the Secretary to the Governor for his approval.

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

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

H.P. 1687

JOINT RESOLUTION COMMEMORATING THE 75TH ANNIVERSARY OF THE COMMISSIONING OF THE DECORATED WORLD WAR II CRUISER USS PORTLAND

WHEREAS, this year marks the 75th anniversary of the commissioning of the cruiser USS Portland, one of 2 vessels to bear the name of a Maine city in battle in World War II; and

WHEREAS, the cruiser USS Portland earned 16 Battle Stars from 1942 to 1945 in World War II, serving from the attack on Pearl Harbor in December 1941 to the Japanese surrender in September 1945 and ranking as one of the most decorated ships of the entire war; and

WHEREAS, the USS Portland was commissioned at the Boston Navy Yard on February 23, 1933 and sailed on her shakedown cruise to South America in April 1933; and

WHEREAS, the USS Portland was diverted from that cruise to search the North Atlantic for the downed United States Navy airship the USS Akron, and in 1937 searched the Northwest Pacific for the lost American aviator Amelia Earhart, actions symbolic of the scores of search and rescue missions the ship undertook in its career; and

WHEREAS, President Franklin D. Roosevelt chose the USS Portland as his flagship and lead gunboat in the 1930s on expeditions to South America, Panama and Alaska; and

WHEREAS, the USS Portland was the first United States vessel to intercept and decode the Japanese orders to attack Pearl Harbor on December 7, 1941 and initiated the first warning; and

WHEREAS, the USS Portland participated in almost every major naval activity in the Pacific Theater in World War II, including the Battle of the Coral Sea in 1942, the Battle of Midway in 1942, the Guadalcanal Campaign in 1942 and 1943, the battle for the Marshall Islands in 1944 and the battles at Leyte Gulf and Luzon in 1944 to 1945, the world's largest sea battle; and the USS Portland took the surrender of Japanese forces at Truk Atoll on September 2, 1945; and

WHEREAS, the USS Portland was known as the "Sweet Pea," defeating 2 Japanese Imperial battleships in close combat and saving hundreds of American sailors in search and rescue missions during 12 years of dedicated service in peace and war, and is recorded as one of the greatest American fighting ships; and

WHEREAS, the USS Portland was decommissioned in 1946; and

WHEREAS, the mainmast and navigation shield of the USS Portland today stand facing the sea atop the Eastern Promenade in the City of Portland, marking as well the United States-Russian North Atlantic Convoy Memorial, symbolizing Maine's history and heritage of "they that go down to the sea in ships, that do business in great waters"; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-third Legislature now assembled in the First Special Session, on behalf of the people we represent, take this opportunity to commemorate the 75th Anniversary of the commissioning of the USS Portland, and to honor the memory of her service and the hundreds of sailors and officers who served their country upon her in war and peace.

Comes from the House, **READ** and **ADOPTED**.

READ and **ADOPTED**, in concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

ENACTORS