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

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ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
SECOND REGULAR SESSION
22nd Legislative Day
Thursday, March 6, 2008

The House met according to adjournment and was called to order by the Speaker.

Prayer by Pastor Clifford Gall, Searsport Full Gospel Church.

National Anthem by Courtney Birt and Cory Osborne, East Millinocket.

Pledge of Allegiance.

Doctor of the day, Richard Flowerdew, M.D., Falmouth.

The Journal of yesterday was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 470)

STATE OF MAINE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE COMMITTEE ON HEALTH AND HUMAN SERVICES

February 14, 2008

Honorable Beth Edmonds

President of the Senate of Maine

Honorable Glenn Cummings

Speaker of the House

123rd Maine Legislature

State House

Augusta, Maine 04333

Dear Madame President and Mr. Speaker:

In accordance with 2 M.R.S.A., Section 104, Subsection 1, the Joint Standing Committee on Health and Human Services has had under consideration the reappointments of Joshua Cutler, MD of South Portland, Nona Boyink of Mt. Vernon, Lani Graham, MD of Portland and Arthur Blank of Bar Harbor to the Advisory Council on Health Systems Development.

After discussion on these appointments, the Committee proceeded to vote on the motion to approve with the following result:

YEAS

Senators 2 Brannigan of Cumberland, Raye of Washington

Representatives 9 Perry of Calais, Beaudoin of Biddeford, Campbell of Newfield, Connor of Kennebunk, Finley of Skowhegan, Grose of Woolwich, Lewin of Eliot, Miller of Somerville, Walker of Lincolnville

NAYS 0

ABSENT 3 Sen. Marraché of Kennebec, Rep. Soctomah of the Passamaquoddy Tribe

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the reappointments of Joshua Cutler, MD of South Portland, Nona Boyink of Mt. Vernon, Lani Graham, MD of Portland and Arthur Blank of Bar Harbor to the Advisory Council on Health Systems Development be approved.

Signed,

S/Joseph C. Brannigan
Senate Chair

S/Anne C. Perry

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 469)

STATE OF MAINE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY COMMITTEE TO STUDY THE PRISON INDUSTRIES PROGRAM

February 26, 2008

The Honorable Beth Edmonds, President

Maine State Senate

The Honorable Glenn Cummings, Speaker

Maine House of Representatives

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

Pursuant to House Paper 1334, the Committee to Study the Prison Industries Program is pleased to submit its final report, including recommended legislation. Copies of the report have been placed on file with the Law and Legislative Reference Library.

Sincerely,

S/Senator Bill Diamond

Senate Chair

S/Representative Stan Gerzofsky

House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH.**

ORDERS

On motion of Representative BRAUTIGAM of Falmouth, the following Joint Order: (H.P. 1611)

ORDERED, the Senate concurring, that the Joint Rules be amended by amending Joint Rule 312 by adding at the end a new paragraph to read:

All fiscal notes must be based on information presented at the public hearing on the bill or resolve. If the Office of Fiscal and Program Review uses additional information to develop the fiscal note, then the office shall provide that additional information, including the identity of any person from whom the information was obtained, to the joint standing committee that heard the bill or resolve. The joint standing committee shall communicate such additional information to the sponsor of the bill or resolve and make reasonable efforts to provide this information to any interested party.

READ.

On motion of Representative BRAUTIGAM of Falmouth, the Joint Order was **REFERRED** to the Joint Select Committee on **JOINT RULES** and sent for concurrence.

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 519 and Joint Rule 213, the following items:

Recognizing:

Samantha Gifford, Melissa Hancock, Morgan Hisler, Lorri Hiltz, Caitlyn Lancaster, Krista Wiles and Katherine Milligan: all seniors and members of the Skowhegan Area High School Field Hockey Team who were named to the Academic All-American Team. We extend our congratulations on this outstanding achievement;

(HLS 1041)

Presented by Representative FINLEY of Skowhegan. Cosponsored by Senator MILLS of Somerset, Senator GOOLEY of Franklin, Representative CRAY of Palmyra, Representative CURTIS of Madison, Representative PINEAU of Jay, Representative FINCH of Fairfield.

On **OBJECTION** of Representative FINLEY of Skowhegan, was **REMOVED** from the Special Sentiment Calendar.

READ and **PASSED** and sent for concurrence.

Recognizing:

Melissa Hancock, of Mercer, who was named Miss Maine Field Hockey for 2007. The award is given annually to the top senior field hockey player in the State. Miss Hancock, who is a sweeper for the Skowhegan Area High School Field Hockey Team, helped lead the Indians to their past 4 Class A State Field Hockey Championships. She scored 7 goals this season and was a strong component of the team's defense. We extend our congratulations to Miss Hancock on this outstanding achievement;

(HLS 1042)

Presented by Representative FINLEY of Skowhegan. Cosponsored by Senator MILLS of Somerset, Senator GOOLEY of Franklin, Representative CRAY of Palmyra, Representative CURTIS of Madison, Representative PINEAU of Jay, Representative FINCH of Fairfield.

On **OBJECTION** of Representative FINLEY of Skowhegan, was **REMOVED** from the Special Sentiment Calendar.

READ and **PASSED** and sent for concurrence.

Recognizing:

the members of the Skowhegan Area High School Field Hockey Team, who won the 2007 Class A State Championship. This marks the team's seventh consecutive state championship and tenth overall. Skowhegan Area High School has won 13 Eastern Maine Field Hockey State Championships. Members of this year's championship team include: players Samantha Gifford, Melissa Hancock, Morgan Hisler, Lorri Hiltz, Caitlyn Lancaster, Krista Wiles, Katherine Milligan, Morgan Lambert, Erin Sevey, Kylie Damon, Courtney Lyons, Sam Gray, Jasmine Garsceau, Makayla Hancock, Mallory Hancock, Megan Hancock, Rebecca McCarty, Liz Noddin, Rebecca Pratt, Mackensie Smith, Katie Washburn and Renee DesPres and coaches Paula Doughty, Tammie Veinotte, Fawn Haynie, Norma Hurlbert, Jane Bigelow and Lauren Stevens. We extend our congratulations to the team on this outstanding achievement;

(HLS 1043)

Presented by Representative FINLEY of Skowhegan. Cosponsored by Senator MILLS of Somerset, Senator GOOLEY of Franklin, Representative CRAY of Palmyra, Representative CURTIS of Madison, Representative PINEAU of Jay, Representative FINLEY of Skowhegan.

On **OBJECTION** of Representative FINLEY of Skowhegan, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative Finley.

Representative **FINLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am once again so very, very proud to introduce to you our Skowhegan Area Field Hockey Team, who as we have said, has won seven straight Class A championships. They really are outstanding young ladies. They are not only great field hockey players, but are academic achievers as well. Every senior on the team was named to the Academic All-American. Many of the girls have gone on to the best colleges and universities, and have won scholarships, so it is a great sport to enter if you want to go to college and have your education paid for.

Melissa Hancock, of Mercer, was chosen as Miss Maine Field Hockey for 2007, and Coach Doughty, in 2005, was named National Field Hockey Coach. Her philosophy is that every girl who wants to play field hockey has an opportunity to do so, starting at a young age. It is most rewarding to watch these young gals mature into very talented and brilliant young women.

Also, in the Gallery today, we have a parent, Donna Hancock, who not only is Melissa's mother but has three other young gals on the team. I am, again, so proud, and congratulations, and I welcome all of you to the 123rd Legislature.

Subsequently, the Sentiment was **PASSED** and sent for concurrence.

REPORTS OF COMMITTEE

Refer to the Committee on Natural Resources Pursuant to Public Law

Representative KOFFMAN for the **Joint Standing Committee on Natural Resources** on Bill "An Act To Protect Lake Water Quality"

(H.P. 1610) (L.D. 2249)

Reporting that it be **REFERRED** to the Committee on **NATURAL RESOURCES** pursuant to Public Law 2007, chapter 65, section 2.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **NATURAL RESOURCES**.

Sent for concurrence.

CONSENT CALENDAR

First Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(S.P. 684) (L.D. 1881) Bill "An Act To Improve Transparency and Accountability in Government" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-439)**

(S.P. 801) (L.D. 2007) Bill "An Act To Make Technical Corrections to the Employment Security Law" (EMERGENCY) Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-437)**

(S.P. 811) (L.D. 2128) Bill "An Act To Correct the Uniform Limited Partnership Act of 2007" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-440)**

(H.P. 1378) (L.D. 1943) Resolve, Regarding Legislative Review of Portions of Chapter 11: Consumer Directed Personal Assistance Services, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 1492) (L.D. 2106) Bill "An Act To Enhance the Newborn Hearing Program" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 1537) (L.D. 2163) Resolve, Regarding Legislative Review of Portions of Chapter 270: Uniform Reporting System for Health Care Quality Data Sets, a Major Substantive Rule of the Maine Health Data Organization (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 1541) (L.D. 2166) Resolve, Regarding Legislative Review of Portions of Chapter 294: Rules Governing the Qualifications for Local Health Officers, a Major Substantive Rule of the Department of Health and Human Services, Maine Center for Disease Control and Prevention (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**
 (H.P. 1517) (L.D. 2137) Bill "An Act To Clarify the Licensing Requirements for Aquaculturists and Allow for the Appropriate Handling of Bycatch from Aquaculture Lease Sites" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-711)**

(H.P. 1539) (L.D. 2165) Resolve, Regarding Legislative Review of Portions of Chapter 103: Sensible Transportation Policy Act, a Major Substantive Rule of the Department of Transportation (EMERGENCY) Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-712)**

There being no objections, the above items were ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

**CONSENT CALENDAR
Second Day**

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the Second Day:

(S.P. 660) (L.D. 1843) Bill "An Act To Improve the Quality of Health Care in Maine" (C. "A" S-435)

(S.P. 800) (L.D. 2006) Bill "An Act To Give Municipalities Control of Mussels Located in Intertidal Zones" (C. "A" S-434)

(H.P. 1450) (L.D. 2066) Bill "An Act To Clarify the Laws Governing the Extension of Health Care Coverage to Dependents" (C. "A" H-710)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were **PASSED TO BE ENGROSSED as Amended** in concurrence and the House Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

**BILLS IN THE SECOND READING
Senate as Amended**

Bill "An Act To Change the Statute of Limitations for Gross Sexual Assault by a Juvenile"

(S.P. 535) (L.D. 1512)
(C. "B" S-433)

House as Amended

Bill "An Act To Decrease Energy Costs on Swans Island and Frenchboro" (EMERGENCY)

(H.P. 1425) (L.D. 2041)
(C. "A" H-708)

Bill "An Act Regarding the Sale of Firearms to Minors"

(H.P. 1435) (L.D. 2051)
(C. "A" H-695)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the Senate Paper was **PASSED TO BE ENGROSSED as Amended** in concurrence and the House

Papers were **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

Bill "An Act To Amend the Charter of the Kennebunk Light and Power District"

(S.P. 422) (L.D. 1221)
(C. "A" S-412)

Was reported by the Committee on **Bills in the Second Reading** and **READ** the second time.

On motion of Representative FLETCHER of Winslow, was **SET ASIDE**.

On motion of the same Representative the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-412)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-713)** to **Committee Amendment "A" (S-412)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Winslow, Representative Fletcher.

Representative **FLETCHER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I promise not a long debate, a long discussion. Just briefly what this is, as we discussed yesterday, was the issue of added costs in case that the independent appraisal has to be acquired to do the additional appraisal work. All this amendment would do is say if they event happens, to clarify the bill as written, the buyer would bear the cost, so it really is just clarifying what is in the bill, and I hope you will approve this amendment. Thank you very much.

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 am extremely supportive of this amendment. I believe it is consistent with the intent of the members of the Utilities and Energy Committee. Thank you.

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. Good morning. I do have two concerns and I will just speak to them very briefly.

Number one is procedural, and I think an amendment of this type would prolong the process.

Number two, I do think there is a substantial consideration here, too, or a consideration of substance I guess is what I want to say. If, in fact, we do need to have a neutral third party to determine a fair price, if one of the parties is required to pay for that assessment, then that permits the other party to not continue to bargain in good faith, because they know the penalty will be assessed to the other side. Those are the two major concerns that I have at this time. Thank you.

On motion of Representative PINGREE of North Haven, **TABLED** pending **ADOPTION** of **House Amendment "A" (H-713)** to **Committee Amendment "A" (S-412)** and later today assigned.

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

Bill "An Act To Amend the Charter of the Kennebunk Light and Power District"

(S.P. 422) (L.D. 1221)
(C. "A" S-412)

Which was **TABLED** by Representative PINGREE of North Haven, pending **ADOPTION** of **House Amendment "A" (H-713)** to **Committee Amendment "A" (S-412)**.

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

Representative **CONNOR**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I will make this brief. I appreciate the good Representative from Winslow bringing this amendment forward, but I rise in objection to it for a few reasons.

Number one, as I understand it and I believe some that serve on the Committee may be able to speak to, the Public Utilities Commission already has the authority to order who should pay in the event an appraisal is done, so while this amendment may seem good, it is not needed. The PUC has this authority.

Secondarily, as you are aware, the good sponsor serves on the Utilities and Energy Committee, so this is an amendment that could have been placed on the Committee Amendment the first time. It has been discussed in committee in the past, the PUC—the Public Utilities Commission—is aware that they have the authority to say to the buyer, if you want this appraisal, you must pay for it.

Again, lastly, this bill still requires a willing seller and a willing buyer, and a balance to one side during negotiations serves no one, so we would appreciate it if you vote against the pending motion.

The **SPEAKER**: The Chair recognizes the Representative from Biddeford, Representative Casavant.

Representative **CASAVANT**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I object to any amendment to this particular bill and I will tell you why.

The people of Kennebunkport, a certain group of people from Kennebunkport, were denied access to something which they own, to something that they were liable to, to something they were supposed to support because of an arbitrary line. This bill, the original bill, is designed to help those people correct an error of 100 years ago, and I am afraid that this amendment, or any amendment, is going to muddy the waters on their behalf. I just simply believe that if I am a taxpayer of any particular community—Kennebunk, Kennebunkport, Biddeford, Portland, whatever—and if am paying taxes to a particular entity, and if I am liable to that entity, that I should have access. This is a unique problem, and I would ask this body to allow Kennebunk to secure its own destiny by being able to deal with Central Maine Power and to come up with a workable solution. Thank you.

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

Representative **PERRY**: Mr. Speaker, may I pose a question through the Chair?

The **SPEAKER**: The Representative may pose her question.

Representative **PERRY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just have a general question, because when I look at buying a house, if I want an independent appraisal on a house, as a buyer, I pay for it. Is this any different than what this amendment is asking?

The **SPEAKER**: The Representative from Calais, Representative Perry has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Kennebunk, Representative Connor.

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

Speaker, Men and Women of the House. I rise in an attempt to answer the good Representative from Calais' question. When someone goes to put their house on the market, many times they actually have an appraisal done first so that they know whether or not they are getting a fair price. They, too, would then pay for that appraisal prior to the purchasing. Again, the PUC has this authority, it is an amendment that we do not need to this bill.

The **SPEAKER**: The Chair recognizes the Representative from Winslow, Representative Fletcher.

Representative **FLETCHER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will try to be brief. Let's be clear what this is about. The bill, as written, says that the PUC will go through an appraisal process and that may well be the end of it, and all of those costs are absorbed by the PUC, which are really the ratepayers. But in case one of the parties objects to that appraisal, the PUC is then authorized to go and hire an independent appraiser. That will be additional money that unless the parties themselves pay for, will be an assessment again on all the ratepayers. In this case, as has been clearly stated, this is a special, unique circumstance where Kennebunk Power and Light District wants to acquire the assets of an unwilling seller; they are the ones who initiating the action. Therefore, rather than require the unwilling seller to have to pay for an appraisal on a piece of property they do not want to sell, it seems only appropriate and fair to have the initiating party bear the burden of that appraisal cost if the two entities cannot agree.

We heard a lot of talk about fairness, fairness, fairness. I ask you to just consider what is fair. The person who initiates the action should bear the cost of an additional appraisal, which will not be an excessive amount if you consider the value of the assets involved to resolve this issue, and I would just ask you to think about that. This is not to defeat the bill, it is clearly to clarify and make fair and consistent. Thank you very much, Ladies and Gentlemen.

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. We are concerned about fairness; we are concerned about justice. The issue that I have that makes this a substantive change in the clean bill that we have already reported out is that this interferes with the negotiation process. If there is a reasonable offer on the table, this is one way for one side to punish the other side by an assessment cost, and I think that interferes with bargaining in good faith.

In this case, the concerns of the Public Advocate, as I understand them, initially were, number one, are all aspects of the Town of Kennebunk in favor of this? Kennebunk addressed that by having a town wide vote of both CMP and KLP customers; that was addressed. I think their other concern is, are the ratepayers and shareholders of CMP protected in this legislation, and, actually, that is where the fair price provision comes in. This fair price provision, I believe, to be a greater protection for CMP than it is for KLP; therefore, in the negotiation process, for one side to force the other side to assess, to be responsible for the entire assessment fee, which if it is spread across all ratepayers everywhere, it would probably be a onetime fee of a nickel, I think interfered with the process. That is reason I am opposing the Amendment. I think it does have substance and alters what I think is right now a clean bill. Mr. Speaker, I ask for a roll call. Thank you.

Representative **BABBIDGE** of Kennebunk **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-713)** to **Committee Amendment "A" (S-412)**.

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 Bowdoinham, Representative Berry.

Representative BERRY: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I do not think this is a huge big deal regardless. I think we are talking about a few thousand dollars in a multimillion-dollar purchase or price, if it even comes to that. I would simply suggest that the Committee has chosen not to include the language that is proposed in the Amendment as part of the original report. The party certainly can negotiate the costs of the appraisal in their final settlement, if it does come to that. Enough said; I think we have other things to take care of here today.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative CAMPBELL: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think we have dragged this on long enough. I think it is a good bill. I think we do not need any amendments, this one or any others, and we should move forward. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-713) to Committee Amendment "A" (S-412). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 224

YEA - Annis, Austin, Ayotte, Beaulieu, Blanchette, Bliss, Brautigam, Browne W, Cain, Cebra, Clark, Cleary, Cotta, Cray, Crosthwaite, Duchesne, Duprey, Eberle, Edgcomb, Finley, Fischer, Fisher, Fletcher, Flood, Gerzofsky, Giles, Gould, Greeley, Grose, Hamper, Hanley S, Johnson, Jones, Knight, Lansley, Lundeen, Marean, Mazurek, McDonough, McFadden, McKane, McLeod, Miller, Millett, Moore, Muse, Norton, Perry, Pieh, Pingree, Pinkham, Piotti, Plummer, Prescott, Priest, Rector, Richardson D, Richardson W, Rines, Robinson, Sarty, Savage, Saviello, Strang Burgess, Sutherland, Sykes, Tardy, Thibodeau, Thomas, Vaughan, Walker, Watson, Webster, Woodbury, Mr. Speaker.

NAY - Adams, Babbidge, Barstow, Beaudette, Beaudoin, Berry, Berube, Blanchard, Boland, Briggs, Bryant, Burns, Campbell, Canavan, Carey, Carter, Casavant, Chase, Connor, Conover, Craven, Crockett, Dill, Driscoll, Dunn, Eaton, Faircloth, Farrington, Finch, Fitts, Harlow, Hayes, Hinck, Hogan, Jackson, Kaenrath, Lewin, MacDonald, Makas, Mills, Miramant, Patrick, Pendleton, Peoples, Pilon, Pratt, Rosen, Samson, Schatz, Silsby, Simpson, Siros, Smith N, Theriault, Tibbetts, Treat, Trinward, Tuttle, Valentino, Wagner, Weaver, Wheeler.

ABSENT - Curtis, Emery, Gifford, Haskell, Hill, Jacobsen, Joy, Koffman, Marley, Nass, Percy, Pineau, Rand, Weddell.

Yes, 75; No, 62; Absent, 14; Excused, 0.

75 having voted in the affirmative and 62 voted in the negative, with 14 being absent, and accordingly **House Amendment "A" (H-713) to Committee Amendment "A" (S-412) was ADOPTED.**

Representative PERRY of Calais **PRESENTED House Amendment "B" (H-714) to Committee Amendment "A" (S-412)**, which was **READ** by the Clerk.

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. Again, this addresses the concern of other small utilities, and this amendment just simply states that because of the special circumstances of this in this specific geographic area, that the legislation is not considered a legislative precedent affecting the service of other public utilities, and I ask that you vote for it.

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. When we introduced this bill, well it seems like a long time ago, I told you that there was a few other similar consumer owned utilities around the state. It was never the intention of the Utilities and Energy Committee to in any way create anything with this bill that would impinge on any activities in those other small consumer owned utilities.

I am certainly in favor of this amendment; I think it is consistent with what our intent was in the Committee. Thank you very much.

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, too, will be voting green on this bill, but I need to clarify that position, because yesterday I said that what I believed in is justice, and I said this is not a precedent and that if there were another person in our situation, do they not deserve to petition their government. Well, I do believe this is not a precedent; therefore, I can in conscience support this amendment, especially if it puts at ease the concerns of people in other parts of the state, so I urge you to vote green. Thank you.

House Amendment "B" (H-714) to Committee Amendment "A" (S-412) was ADOPTED.

Subsequently, **Committee Amendment "A" (S-412) as Amended by House Amendment "A" (H-713) and House Amendment "B" (H-714) thereto was ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-412) as Amended by House Amendment "A" (H-713) and House Amendment "B" (H-714) thereto in NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

ENACTORS

Emergency Measure

An Act To Assist Distressed Businesses Organized as Limited Liability Companies

(H.P. 1374) (L.D. 1940)
(C. "A" H-685)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 131 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Clarify the Election of Municipal Charter Commission Members

(S.P. 762) (L.D. 1968)
(C. "A" S-426)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 127 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Clarify the Qualifications of Installers under the Solar Energy Rebate Program

(H.P. 1445) (L.D. 2061)
(C. "A" H-691)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 128 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Amend the Law Governing Antlerless Deer Permits

(H.P. 1522) (L.D. 2142)
(C. "A" H-687)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 131 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Address Uncertified Practice of Underground Oil Storage Tank Installation and Inspection

(H.P. 1382) (L.D. 1946)
(C. "A" H-692)

An Act To Strengthen the Crime of Visual Sexual Aggression against a Child

(H.P. 1465) (L.D. 2079)
(C. "A" H-690)

An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2009

(S.P. 808) (L.D. 2118)
(C. "A" S-428)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Implement the Recommendations of the Human Trafficking Task Force

(H.P. 360) (L.D. 461)
(C. "B" H-686)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative CANAVAN of Waterville, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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 Auburn, Representative Simpson.

Representative **SIMPSON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would not ordinarily stand up to speak on a unanimous Committee Report, but we seldom have opportunity to talk about some of the good things we do here, so I want to just take a moment to let you know what we are going to be voting on. It is about a report back from the

Human Trafficking Task Force to create a new crime of involuntary servitude and human trafficking offenses.

I just wanted to read a bit so that you can understand the background from the Congressional Report on Trafficking Persons, just from the summary: "Trafficking in people for prostitution and forced labor is one of the most prolific areas of international criminal activity and is of significant concern to the United States and the international community. The overwhelming majority of those trafficked are women and children. According to the most recent Department of State estimates, between 600,000 and 800,000 people are trafficked across borders each year. If trafficking within countries is included in the total world figures, official U.S. estimates are that 2 to 4 million people are trafficked annually. However, there are even higher estimates, ranging from 4 to 27 million for total numbers of forced or bonded laborers. As many as 17,500 people are believed to be trafficked to the United States each year. Human trafficking is now considered a leading source of profits for organized crime, together with drugs and weapons, generating billions of dollars. Trafficking in persons affects virtually every country in the world." Unfortunately, our state is not immune from this scourge.

This new law would create a way for victims of trafficking to have some restitution, to be able to avail themselves federal protections so that they can stay in the country long enough to testify against those who have committed this crime against them. When you are voting yes, I hope you will, you can feel pleased to be doing something to help women and children who have been forced into commercial activities that none of us would want to think would happen to our neighbors, but can in fact happen in your own neighborhood. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Enacted. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 225

YEA - Adams, Annis, Austin, Ayotte, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Blanchette, Bliss, Boland, Brautigam, Briggs, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carey, Carter, Casavant, Cebra, Chase, Clark, Cleary, Connor, Conover, Cotta, Craven, Cray, Crockett, Crosthwaite, Dill, Driscoll, Duchesne, Dunn, Duprey, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Gould, Greeley, Grose, Hamper, Hanley S, Harlow, Hayes, Hinck, Hogan, Jackson, Johnson, Jones, Kaenrath, Knight, Koffman, Lansley, Lewin, Lundeen, MacDonald, Makas, Marean, Marley, Mazurek, McFadden, McKane, McLeod, Miller, Millett, Mills, Miramant, Moore, Muse, Norton, Patrick, Pendleton, Peoples, Perry, Pieh, Pilon, Pingree, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Sarty, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Treat, Trinward, Tuttle, Valentino, Vaughan, Wagner, Walker, Watson, Weaver, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - NONE.

ABSENT - Curtis, Emery, Haskell, Hill, Jacobsen, Joy, McDonough, Nass, Percy, Pineau, Rand, Weddell.
Yes, 139; No, 0; Absent, 12; Excused, 0.

139 having voted in the affirmative and 0 voted in the negative, with 12 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Resolve, Regarding the Maine State Cultural Building in Augusta

(H.P. 1308) (L.D. 1876)
(C. "B" H-669)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative BARSTOW of Gorham, was **SET ASIDE**.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Barstow.

Representative **BARSTOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to speak on this unanimous Committee Report, not because of contention that came from this issue concerning looking at the future of the Cultural Building, but to bring to this body's attention a situation that is nearing crisis situation with the storage of Archive's documents.

For those of you who may not know, the Archives holds the legislative records, many municipal records as mandated by law and, also, our state constitution in its hands, and is charged with preserving those documents. As I stand here today and I have stood here for the last six years, we have been dealing with the crisis of running out of space day by day and looking to install shelves by shelves, to ensure that we can properly store this information. So to bring to the attention of this body as we deal with the issues of health care, as we deal with the issues of tax reform and the budget that is now lingering over us, we must also look long term to make sure these documents, the foundation of our democracy, are also preserved. As we move ahead in this Legislature and future Legislatures, it would be my hope that we take that into consideration, and also hope for unanimous support of this final passage. Thank you, Mr. Speaker.

Subsequently, the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

UNFINISHED BUSINESS

The following matter, 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.

SENATE DIVIDED REPORT - Majority (10) **Ought to Pass as Amended by Committee Amendment "A" (S-410)** - Minority (3) **Ought to Pass as Amended by Committee Amendment "B" (S-411)** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend the Laws Regarding School Funding" (EMERGENCY)

(S.P. 741) (L.D. 1932)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-410) AS AMENDED BY SENATE AMENDMENT "D" (S-419)** thereto **AND SENATE AMENDMENTS "B" (S-420) AND "C" (S-430)**.

TABLED - February 26, 2008 (Till Later Today) by Representative SUTHERLAND of Chapman.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

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

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Norton.

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

Speaker, Ladies and Gentlemen of the House. I support this bill and the Committee Amendment" A" as it came out of committee, with a 10-3 Ought to Pass as Amended Report. I am saying right now that I will support none of the amendments that have been proposed, because the Committee has essentially considered all of these items. They all the have the effect of raising the minimum mill rate, which will increase your costs. If you saw your printouts, your 280 ones on Monday, and then you saw them again on Tuesday after the change package, I think you were probably happy on Tuesday and that is because the minimum mill rate was reduced, it went down.

Any of the amendments that I have seen proposed would only have the effect of increasing the minimum mill rate, which would essentially cause your subsidy to be reduced. Whether or not you believe anybody's figures or anybody's threats, I am sure you all understand the effect that minimum mill rate has on your costs. I am making it clear right now that I am not telling anybody how to vote on anything, but I heard when I was a little girl, I think I heard my father say politics makes strange bedfellows, and I will say that I am truly seeing that now because, these amendments, if you vote for any of them, have the effect.

The SPEAKER: Would the Representative please defer. At this time, the pending motion before the House is the Acceptance of the Majority Committee Amendment "A" Report. Discussion of amendments at this time would be inappropriate.

The Chair reminded Representative NORTON of Bangor to confine her debate to the question before the House.

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 support of this Majority Ought to Pass as Amended motion, and I would like to share with you why, briefly.

First of all, I would like to talk to you about what is in this report. I think this is an awesome report. I think it represents hard work on the part of the Education Committee, and I would like to thank and praise them at this time for their willingness to own the hard work that is represented in this bill and in this committee amendment. I would like to commend them, also, for embracing a spirit of respectful negotiation and thoughtful compromise as they put together this amendment, which I would like to refer to as a toolbox. This is a toolbox for Maine communities. This Majority Report is the fix that communities in Maine have been waiting for. The tools in this bill are many. They are many and they are vast and their impact will be used immediately if we are able to pass this Majority Report.

There is a repeal of the 2 mill minimum contribution that was originally in the law. It does delay the implementation of the budget validation referendum process, but it delays it; it does not get rid of it. It actually says that school districts are not ready, and they have not come together yet, they are not ready to make that choice, they are not ready to have that vote. I cannot wait for them to have that vote, but that will be in a year, and that was an important compromise that the Committee came to. It clarifies that authority provided to regional planning committees to negotiate a cost sharing agreement for costs of the regional school unit, therein addition to the local contribution. That is saying that anything over essential programs and services, you can decide amongst yourselves how you want to pay for it; you can decide amongst yourselves how you think it is best to share those costs in your communities.

This bill also allows the approving authority to determine the total amount of the school budget to be submitted to the budget validation referendum, and the school board determines the allocation of the approved school budget among those cost

centers. The delegation of the duties, functions and services of the regional school board to a local school committee, except the duties, functions and services reserved solely for the regional board, and the core function of a regional school unit may be supplemented at the expense of any member municipality. There is authorization for local school committees to present a proposed school budget for the local schools to the regional school board, which represents a strong change in the law that says those local school committees, maybe they are able to say here is what is best for us in our budget to the regional school board, and not just have it be top down. It is actually bottoms up that way, coming from those local school committees.

There are staggered terms for the initial boards of directors elected to regional school unit boards, a requirement for a process of amending the cost sharing formula in a reorganization plan. It allows for a doughnut hole, with 1,200 or fewer students, if no other reorganization partners are available to form a school unit that serves at least 1,000 students. And following the first year of operation, a new regional school unit, the regional board may serve as the agent for purposes of addressing existing debt of any member units that have not assumed liability to pay these debts. There are fiscal tools. These are tools that when we pass this bill, will hit the ground running and communities will embrace them, and these tools represent the fix for the obstacles that many places around the state are challenged with right now. These tools help all of our communities.

I just want to remind you what some of the challenges are these communities are facing and why we need this so much. Yesterday, on our desks, we all received the *2008 Condition of K-12 Public Education in Maine*, and I just would like to highlight a couple of data points for you: Between 1996 and 2006, there was a 10-year decrease of 9.6 percent for more than 20,000 students in Maine's schools. While national public school enrollment is expected to increase by more than 9 percent between now and 2016, Maine's enrollment is expected to decrease by approximately 2.5 percent in that same time period. Even in Maine, even in our most bustling counties, by 2016, all 16 counties are projected to experience a decline in student enrollment, and that is just one of the obstacles that we face.

These tools are part of what we need to enable our districts to make thoughtful decisions, to be flexible, to be courteous, and most of all to be responsive to the needs of their communities, and most of all to the needs of those students. These are real challenges and this bill enables those communities the maximum flexibility to address local challenges and obstacles, not only through regionalization, but to ensuring strong school districts going forward, while at the same time still holding all the units to the same high standards of excellence, and long term as well as short term efficiencies in our schools.

Again, Mr. Speaker, I am in enthusiastic support of this work of the Education Committee, and I again would like to thank them and praise them for this work, and I look forward to supporting the motion. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Strang Burgess.

Representative **STRANG BURGESS**: Thank you Mr. Speaker. Mr. Speaker, Colleagues of the House. I also rise in support of the Majority Ought to Pass as Amended Report that has been promoted by our Education Committee House Chair Norton. The Education Committee has worked long and hard. We have listened to, I can truly tell you that we really have listened to every side of every different argument, or configuration, I think that there could be for a school district out there. This is not easy for anybody. It is a very contentious issue across our state, and it is very geography driven; however, you

folks were all elected here to do the big important things, what is right for our state. School consolidation, which was passed by more than two-thirds of us last spring, is out there, and people are working very, very hard in our communities.

This bill, as Representative Cain went through the details of it, is a very important toolbox. It is the toolbox that actually carries the keys to unlock the rest of consolidation. It is necessary, and it is also something that everybody is out there waiting for. We have kept them waiting now for almost three months. They were hoping that this would be accomplished by us in January, quite quickly upon our arrival here; it is now March 1. We owe it to our constituents to give them the tools and materials they need to implement school consolidation, which is the right thing for our state. I would urge your support. Thank you.

Subsequently, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-410)** was **READ** by the Clerk.

Representative **EDGEComb** of Caribou **PRESENTED House Amendment "A" (H-675) to Committee Amendment "A" (S-410)**, which was **READ** by the Clerk.

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. The beauty of this amendment is that it does support LD 1932. It gives you two for the price of one. It provides an additional option for the schools. I commend the schools that are working on our issues, and it is working in part to the state. This is why I do not oppose 1932 and made sure that it was included as part of the Amendment, so by voting for this amendment, you are voting for 1932, but you are also giving schools that want to form a regional school association, a union association, or a RSU, and I will use Caribou's as an example.

RSUs are not working in Caribou and they are in serious jeopardy of not getting their plans approved by eight different communities. There are 2,700 students in this district, or would be a new RSU, or a new regional school association. In Caswell, they have an assistant superintendent; in Limestone they have an assistant superintendent; in SAD 20 they have a school superintendent; Caribou has a full-time school superintendent. School Union 122, made up of four towns, has a full-time school superintendent. You would eliminate five superintendents, but if we were to not allow them to form a union association, than it is very possible that we would not be losing or eliminating four positions, and this is the situation over much of Aroostook County. Again, you are not in opposition to 1932. This, again, allows a choice to the schools where it does not work to allow them to form a school association of school unions, or using that concept, and I think this would be the proper thing to do to move along consolidation in our state.

There is only one slight difference and because of the timeline that is involved here, it may not really matter, and that is in my amendment, requiring a referendum vote would not be delayed for one year. That is the only difference from putting everything that is in 1932, in the Amendment, which is an add-on to that amendment. Mr. Speaker, when the vote is taken, I request a roll call vote.

Representative **EDGEComb** of Caribou **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-675) to Committee Amendment "A" (S-410)**.

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 Gorham, Representative Farrington.

Representative **FARRINGTON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I will be voting in opposition to the pending amendment, but I want to explain a little bit of that and give a little bit of context, and clarify my opposition to this.

First of all, I want to give Representative Edgecomb a great deal of credit for keeping this issue of governance alive in the Committee and in this session of the Legislature. I voted with the majority on the Committee bill, which does not allow the school union option to continue, but much what I have learned about school unions, I have learned from Representative Edgecomb and from others who have them in their districts, as I do not. While I cannot support this particular approach to preserving unions, I am not opposed to continuing unions in a modified form. We will have an opportunity to go in that direction in subsequent amendments and will discuss those in a few minutes, hopefully.

Specifically, the shortcomings with this particular amendment, in my view, they do not go quite far enough in terms of mandating the kinds of consolidations at the central office that a school union would be required to do. It does go a little bit further than some present unions do, but I think we can go a little further with having that union board, that central office take on more administrative responsibility. I think we can also be in line with the minimum size requirements that are in place for municipal districts and for regional school units. This goes a little below that; I think we can try to be more consistent in terms of the minimum size expectations.

I do applaud Representative Edgecomb and others for keeping this issue alive, keeping this governance issue out there. Many of us who supported the original consolidation law last year thought that we had allowed sufficient flexibility for all parts of the state. The way the law has been interpreted or applied, that does not seem to have been the case. The original Majority Report, we thought, those of us who supported it, was giving enough flexibility. Again, that does not seem to be squaring with the reality, so we do have a little more work to do on that, but for me at least this does not go quite far enough in terms of the items that I mentioned earlier, so I will be voting in opposition to it. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Browne.

Representative **BROWNE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I support this amendment. There seems to be more flexibility and more local input with this USA amendment. I believe it will benefit the smaller, rural communities and still honor the goal of consolidation of the administrative side of the budget. Again, I would urge you to vote in favor of this amendment. Thank you.

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 support the USA amendment, and one of the reasons is this USA amendment allows a district, or an RSU, to go down to 1,000 students, and we have some units in the state where we do not have 1,000 students.

It also looks on local control. You have individual municipalities that have their individual contracts, so it is not going to cost a lot of extra money to negotiate teachers' contracts from the top or bottom. There will be no transfer of property in the USA amendment. The GPA would go to, in the union amendment, the town treasurer and not to the superintendent, and you need to file your intent by April 1, 2008, and July 1 you have your alternative reorganization plan. What this would do,

back to 1,000 students, this would qualify more proposed RSUs that are now approved.

One other thing that I just want to mention is the DOE has put out information where school unions cost a lot more than SADs, and probably some places they do, but the Maine Heritage Policy Center has different figures, and they pick out different figures so we have to be careful of that. Anyway, I hope you follow my green light on this amendment, and if a roll call has not been asked for, I would like to request a roll call. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Strang Burgess.

Representative **STRANG BURGESS**: Thank you Mr. Speaker. Mr. Speaker, Colleagues of the House. I rise, also, in opposition to the current amendment that is being offered, but also I would like to echo the sentiments of Representative Farrington, and offer my respects to Representative Edgecomb. He has been a tireless proponent of the unions, and truly a good and solid Representative for his particular area, and he has worked very, very hard.

I think it is a very difficult issue here that we have, but I really feel quite passionately that the union system exists because they avoided consolidation 50 years ago in the Sinclair Act. The individual control, unfortunately, just costs a tremendous amount much more money on a local level, whether the figures from the DOE or the Maine Heritage Policy Center. But I think if you really examine the union costs, it is a lot of smaller schools, a lot more administration to make it all work. There has to be a better way, and we need to stop having many, many different kinds of governments out there. It is sort of not a good way to run a railroad. The Department of Education needs to work on getting all of our Maine students ready for the global economy that we are in, and I say get ready for it because there is a tremendous amount of our schools that are not ready for it, and that is priority number one. In order to get there, from my humble view, from an organization standpoint, we have to simply the governance of our school systems and get people on track with good, solid academics and standards so that we are competitive in today's economy.

The school union system has been a fabulous system in its time. I think the time has come that we have to do the right thing and get these governance models as much unified as possible. We have seen so many statistics, research based on our own State of Maine. It does not backup school districts being smaller than 1,000 and that is what is in 1932, and this is creating an efficient district. It would also tell you that we were mandated to try to get to 80 some odd school districts. If we were to adopt this amendment, it is predicted that we would all of the sudden give birth and create about 176 different school units, and I do not think that that is something that we are ready to go towards, so I would urge your defeat of this current amendment on the floor. Thank you.

The SPEAKER: The Chair recognizes the Representative from Greenville, Representative Johnson.

Representative **JOHNSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this amendment by Representative Edgecomb. With all due respect to the opponents who have spoken on this, they clearly do not understand the conditions that are in House District # 27. Unless we have some modification of this law along the line of the Edgecomb amendment, or the Damon amendment, they will vote out of this almost 100 percent. My belief is there are several other areas in the State of Maine that that same thing will happen.

I have been a member of an RPC ever since this was formed; I have attended all of the meetings; I know what the people are thinking and I know the frustrations that they have. I also know that some of the best schools in the State of Maine come from small, rural districts. I brought one here for a sentiment a few days ago that sends over 94 percent of their students to higher education for the last 10 years. They have been nationally recognized, and there is no reason that a small school cannot produce the same quality of graduates that a large school can.

The original law was flawed in that it redirected a lot of money away from small schools into the larger schools. The schools that are in the system that I represent have seen their state aid go down every year since the original law was enacted. This year, the latest subsidy and we are a minimum receiver, all of the towns in my school union are minimum receivers, they will get about \$150,000 of state aid in a \$3.4 million budget. That is grossly unfair. Unless we make some changes in the governance and in the funding of our schools, we are creating a serious difficulty in the State of Maine. Thank you, Mr. Speaker.

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, too, rise in support of this amendment. I have been spending time with our RPC and one other adjoining one. Without a friendly amendment such as this, LD 1932 provides nothing to fix anything; it provides another empty toolbox, if you will. It is very important that this or other friendly amendments get attention and a place within this piece of legislation, so this being the first one and it does achieve many of the issues that have been problems in my area, I will vote to support it. Thank you, Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-675) to Committee Amendment "A" (S-410). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 226

YEA - Annis, Austin, Ayotte, Babbidge, Berube, Browne W, Carter, Cebra, Clark, Cleary, Cotta, Cray, Crosthwaite, Duprey, Eaton, Edgecomb, Finley, Fitts, Fletcher, Gifford, Gould, Greeley, Hamper, Jackson, Johnson, Knight, Lansley, Lewin, Lundeen, Marean, McFadden, McKane, Moore, Muse, Pinkham, Plummer, Rector, Richardson D, Richardson W, Robinson, Sarty, Saviello, Schatz, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Walker, Weaver.

NAY - Adams, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Canavan, Carey, Casavant, Chase, Connor, Conover, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Flood, Gerzofsky, Giles, Grose, Hanley S, Harlow, Hayes, Hinck, Hogan, Jones, Kaenrath, Koffman, MacDonald, Makas, Marley, Mazurek, McDonough, McLeod, Miller, Millett, Mills, Miramant, Norton, Patrick, Pendleton, Peoples, Perry, Pieh, Pilon, Pingree, Piotti, Pratt, Prescott, Priest, Rines, Rosen, Samson, Savage, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Treat, Trinward, Tuttle, Valentino, Wagner, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

ABSENT - Campbell, Curtis, Emery, Haskell, Hill, Jacobsen, Joy, Nass, Percy, Pineau, Rand, Vaughan, Weddell.

Yes, 51; No, 87; Absent, 13; Excused, 0.

51 having voted in the affirmative and 87 voted in the negative, with 13 being absent, and accordingly **House Amendment "A" (H-675) to Committee Amendment "A" (S-410) FAILED ADOPTION.**

Representative **MACDONALD** of Boothbay **PRESENTED House Amendment "E" (H-717) to Committee Amendment "A" (S-410)**, which was **READ** by the Clerk.

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

Representative **MacDONALD**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The amendment that I present to you here today, House Amendment" E," is actually the Damon amendment with a couple of minor changes. Could you believe that there were some mistakes put on in the other body; we had to fix it and present it to you this way, so this is the Damon amendment that I am presenting to you with a couple of minor changes. The changes, if you will look at the summary on page 24 and 25 of your copy, you will see that this version of the amendment simply corrects three small but important items in the language.

As background, I would just like to say that since we began discussion of school consolidation a year ago, I, and many others in this body on both sides of the aisle, and in the other body as well, felt that the one size fits all approach that we had adopted would not work in many communities in the state. We felt then and we feel now that it would be better to offer a choice of consolidation models to the regional planning committees. The specific concern was the fact that while the law did require consolidation of administrative functions, at the same time, it also required the effective abolition of local school committees, local teacher contracts, and required transfer of school property to the regional school units. Yet none of these loss factors had been implicated as costs out of control that we needed to address. School committees, per se, are trivial cost centers. The cost of building maintenance is a wash wherever they are, because they cost whether they are owned locally or regionally. Teacher contracts at the local level, in fact, are likely to be less extensive than consolidated contracts, since consolidated contracts will rise to the highest level of the highest contact in those districts.

Those of us in this camp want to preserve the integrity of local governance and small local schools managed and cared for by the community, as they have been for generations. These ideas rest on a few simple principles: It is better to have wider participation in local governance of all kinds—school governance, city governance, or whatever—than it is to remove participation to a more remote level. We believe that school buildings and grounds are much more likely to be better managed by local residents than by more distant landlords. We believe that local teacher contracts are likely to be reflective of local teacher conditions than those spread over larger jurisdictions. The amendment before you, the Damon amendment or whatever you want to call it, embodies these principles.

At the same time, we knew last year and we continue to believe and know that some form of school consolidation is necessary in order to contain costs, especially administrative costs. This amendment offers the option of a new kind of school union; it is not the old school union. There are requirements in this amendment that require the consolidation of core administrative functions; it is not an option. This makes it a new form of school union; it is not the old one where many of these functions were either optional or could be duplicated. These requirements are enumerated at page 8 of the Amendment that has been distributed to you, and they include: accounting, payroll, purchasing, insurance, auditing, special education administration, transportation, and the adoption of a core curriculum for the union at the union level, consistent with state requirements.

The plan has pupil size requirements consistent with the original law, so you are not going to get a proliferation of unions

over and above the roughly 80 that we contemplated in that original law. It provides for the transfer of employment to the union of all those employees engaged in the core functions, but personnel can be employed by the units within the union, unless by agreement their functions are transferred to the union school committee. At the same time, the Amendment allows some members of the new union the option of keeping local ownership, but transferring ownership to the union; that is an option within this. It also moved the referendum dates to January 15, 2009.

This amendment does not negate any of the good things that come in the original 1932 Amendment "A" that was presented by Representative Norton. We support those, I support those, this amendment is in addition to those and we hope will give local planning committees more flexibility in how they deal with consolidation as they go forward.

I want to close by asking you to consider that all this amendment will do is to provide a choice for the local planning committees, among alternatives for consolidation. If you represent an urban area, or a densely populated suburban area, or if your communities are already way down the path toward the original form of consolidation, please still consider that this option will do no harm to the direction that you want to go; it would just give an option to those planning committees that want to undertake this form of option.

I ask you to consider that offering this choice will help accomplish two things: It will be an anecdote to some of the poison that I believe was injected into the body politic of our state by our initial decision a year ago, based on a top down, one size fits all approach, which did not sit well with many Mainers. It will strengthen decisions that finally are made for consolidation, because it will have been made out of choice and not because it was a forced choice from the state. It is a limited choice, but nonetheless, it is a choice that I believe will allow local communities to more readily, willingly and strongly to engage in the process of consolidation. I appreciate your time; I hope that you will support this amendment, and I ask you to vote for it along with me. Thank you very much, Mr. Speaker.

Subsequently, **House Amendment "E" (H-717) to Committee Amendment "A" (S-410) was ADOPTED.**

Representative MCFADDEN of Dennysville **PRESENTED House Amendment "B" (H-677) to Committee Amendment "A" (S-410), which was READ by the Clerk.**

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. This is a simple and straightforward amendment. This will fix one of the many flaws in the new RSU law. What it does is it establishes a procedure for which a RSU may withdraw from the regionalization process. You need a majority vote of Representatives on the RSU Committee. You also need to go to a public hearing, the municipality, and have a vote there. But what happens now in the law is that the municipality may opt out and be penalized, but the problem is you cannot opt out until you have an approved RSU proposal by the Commissioner; she must approve it first, and then it must be approved by the RSU Committee, and beyond that there must be a municipal vote approving this.

I have one particular town in my district where it is costing over \$100,000 to join an RSU, so the penalty is a lot less than the cost. I only ask you to vote for this option, and I appreciate your vote on this, and I think that we need it because it is going to help more than that one town. Mr. Speaker, I would like a roll call when the vote is taken.

The same Representative **REQUESTED** a roll call on the

motion to **ADOPT House Amendment "B" (H-677) to Committee Amendment "A" (S-410).**

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "B" (H-677) to Committee Amendment "A" (S-410). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 227

YEA - Annis, Austin, Ayotte, Berube, Browne W, Canavan, Carter, Cebra, Chase, Clark, Cleary, Connor, Conover, Cotta, Cray, Crosthwaite, Duprey, Eaton, Edgecomb, Finch, Finley, Fitts, Fletcher, Gifford, Gould, Greeley, Hogan, Jackson, Johnson, Lansley, Lewin, Lundeen, MacDonald, Marean, McFadden, McKane, Moore, Muse, Pieh, Pinkham, Plummer, Pratt, Rector, Richardson D, Richardson W, Robinson, Rosen, Sarty, Saviello, Schatz, Silsby, Sirois, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Trinward, Walker, Weaver.

NAY - Adams, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Campbell, Carey, Casavant, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Eberle, Faircloth, Farrington, Fischer, Fisher, Flood, Gerzofsky, Giles, Grose, Hamper, Hanley S, Harlow, Hayes, Hinck, Jones, Kaenrath, Knight, Koffman, Makas, Marley, Mazurek, McDonough, McLeod, Miller, Millett, Mills, Miramant, Norton, Patrick, Pendleton, Peoples, Perry, Pilon, Pingree, Piotti, Prescott, Priest, Rines, Samson, Savage, Simpson, Smith N, Strang Burgess, Treat, Tuttle, Valentino, Wagner, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

ABSENT - Curtis, Emery, Haskell, Hill, Jacobsen, Joy, Nass, Percy, Pineau, Rand, Vaughan, Weddell.

Yes, 62; No, 77; Absent, 12; Excused, 0.

62 having voted in the affirmative and 77 voted in the negative, with 12 being absent, and accordingly **House Amendment "B" (H-677) to Committee Amendment "A" (S-410) FAILED ADOPTION.**

Representative CARTER of Bethel **PRESENTED House Amendment "F" (H-718) to Committee Amendment "A" (S-410), which was READ by the Clerk.**

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 am presenting this amendment because it adds more flexibility to the current law that is in place and the amendments that are in place.

If you go to a place where you only have 50 people per square mile, you are in a pretty rural area. Several of these rural areas, a couple in my district and other districts, are having a hard time to come up with even 1,000 people without going to extraordinary distances, or to an extraordinary difficult transportation system. I want to emphasize something: This does not say they will be excused; it says they may be excused. So if you come up with a district of 850 or 900 people, or maybe even less, the Commissioner of Education, the Board of Education can then say you have done the best you can do; you may form the unit you have; you have to still meet several other criteria and you have to get the approval of the Commissioner. That is very important. It is not an automatic exception, but we have places in the state where people have not been able to comply with the law; therefore, they are going to be penalized and it is not really their fault. That is why I presented this amendment; I hope you will let it pass. Thank you very much.

Representative PINGREE of North Haven **REQUESTED** a

roll call on the motion to **ADOPT House Amendment "F" (H-718) to Committee Amendment "A" (S-410)**.

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 Greenville, Representative Johnson.

Representative **JOHNSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is an important amendment from my standpoint. I represent parts of Piscataquis County where they have nine people per square mile, so it is very difficult conditions to reach the numbers that are indicated. As Representative Carter stated, this allows the Commissioner of Education to make an exception based on those geographic and demographic conditions. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Allagash, Representative Jackson.

Representative **JACKSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I also support Representative Carter's amendment. It has become very clear to me in the interim since we have been down here last session that this law is not a one size fits all bill, and we have had real problems trying to reach the 1,200-student minimum. I know in my RSU District #1, you have to go to Allagash clear to Van Buren—and let me tell you that is a long drive.

The trouble of it is we cannot figure out a way to do centralized mechanic buses or anything like that. We are struggling to figure out how there is going to be any cost savings at all, but the one thing that maybe if you can cut it down to 800, 600 students or something like that, then maybe something will be manageable. I do not know what the exact numbers are, but putting an arbitrary number like 1,200 has been at least a problem for our RSU.

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 have a school administrative district in my House District that has 8.6; I have the good Representative from Greenville beaten a little bit.

There are actually many places in the state, very remote, that we do not always think about the land area that we are dealing with. When you have fewer than 10 people per square mile, the issue is different. They want to be a partner in this, but they are isolated, they are too far away, we just cannot combine with a number of others. I would encourage you to support Representative Carter's amendment. There are rural parts of the state where people are fewer and farther apart that need this. They want to be part of the whole effort, but we need to consider their situation. Thank you.

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 with a concern about this amendment. I specifically was involved in looking at this amendment in the previous part of the legislative session. We looked at this data and the data is not very good, maybe it could be better and when it is better, there may be a time and a place for this type of analysis to go through with regionalization. But when you look at per person, per square mile—population density—sure, that tells you one thing; it does not tell you where the kids live though.

As we know, Maine is an aging population, and I am not actually convinced that this is going to help anything. I do understand that it is optional, I just wanted to throw out there that I think it is important that you think about population density in

relation to school age population, which is a moving target and an ongoing change. It depends on when I am having babies, when you are having babies, when any of us are having babies, or not having them, and I just wanted to throw out there that I really think that the data does not even exist to do this, so I think this may be false hope for some more rural towns who are looking to this. Of course, I do understand why people would want to support it; I just have grave concern that it is just a false hope as opposed to an actual tool.

The **SPEAKER**: The Chair recognizes the Representative from Allagash, Representative Jackson.

Representative **JACKSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would just like to say to the Representative that I think you should probably come to Aroostook County and see that over the last 30 years, Aroostook County's population has continued to decline in that time, so we do not think we are ever going to have any large baby boom of kids or anything like that. The district that I am looking at, from one end to the other, it would be about the same amount of distance, the same amount of miles for me to drive from one end of that RSU to the other as it is for Representative Cain, who comes from Orono, down to Augusta, so it is pretty severe.

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. Well, I was trying to get some data on it, but they have not been able to come up with it. But do know that it is mostly rural Maine that is affected by this, and it is mostly rural Maine that is having problems to come up with these numbers. Again, it is an exception, not a rule.

Originally, when this bill came out last year, there was a provision in that for isolated areas, and I thought it was still there when I voted on it but it was pulled out sometime in one of those late night sessions, so I think this is the best, simplest definition I could come up with for isolated areas. There are exceptions for the Islands and Indian schools, and some of these areas are just as isolated as they are.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "F" (H-718) to Committee Amendment "A" (S-410). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 228

YEA - Adams, Annis, Austin, Ayotte, Babbidge, Barstow, Berry, Berube, Boland, Browne W, Bryant, Burns, Canavan, Carter, Cebra, Chase, Clark, Cleary, Connor, Conover, Cotta, Cray, Crosthwaite, Dill, Duchesne, Duprey, Eaton, Edgecomb, Farrington, Finch, Finley, Fitts, Fletcher, Gifford, Gould, Greeley, Hanley S, Harlow, Hogan, Jackson, Johnson, Kaenrath, Knight, MacDonald, Marean, Mazurek, McFadden, McKane, McLeod, Miller, Mills, Muse, Patrick, Pendleton, Peoples, Pieh, Pinkham, Plummer, Pratt, Prescott, Priest, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Sarty, Savage, Saviello, Schatz, Silsby, Sirois, Smith N, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Treat, Trinward, Tuttle, Vaughan, Webster, Wheeler, Woodbury.

NAY - Beaudette, Beaudoin, Beaulieu, Blanchard, Blanchette, Bliss, Brautigam, Briggs, Cain, Campbell, Carey, Casavant, Craven, Crockett, Driscoll, Dunn, Eberle, Faircloth, Fischer, Fisher, Flood, Gerzofsky, Giles, Grose, Hamper, Hayes, Hinck, Jones, Koffman, Lansley, Lundeen, Makas, Marley, McDonough, Millett, Miramant, Moore, Norton, Perry, Pilon, Pingree, Piotti, Samson, Simpson, Strang Burgess, Valentino, Wagner, Walker, Watson, Weaver, Mr. Speaker.

ABSENT - Curtis, Emery, Haskell, Hill, Jacobsen, Joy, Lewin, Nass, Percy, Pineau, Rand, Weddell.

Yes, 88; No, 51; Absent, 12; Excused, 0.

88 having voted in the affirmative and 51 voted in the negative, with 12 being absent, and accordingly **House Amendment "F" (H-718) to Committee Amendment "A" (S-410) was ADOPTED.**

Committee Amendment "A" (S-410) as Amended by House Amendments "E" (H-717) and "F" (H-718) 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.**

Representative PRATT of Eddington **PRESENTED House Amendment "E" (H-719)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Eddington, Representative Pratt.

Representative PRATT: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise briefly to explain House Amendment "E," which comes to us from the other body as commonly known as the Raye Amendment.

All this does, very simply, is set up a process to allow, once an RSU is formed, to have a process if somewhere down the line that does not work out and a municipality wants to leave that RSU. Before we adopted the school consolidation last session, SADs and unions had a process in which they used if they wanted to get themselves out of an SAD. Currently, under the law that we passed last session, there is no such process in terms of the new RSUs, so all this does is take the old SAD language and apply it to new RSUs. It says that if you form an RSU and somewhere down the road it does not work out for you, there is a process that you can get yourself out of that. I do not think it is too much to ask. I think it is something that is important before you go into something, to know all the options and everything that it takes to be a positive part of that, and to know that somewhere down the line if it is not working out, you have a way out.

The only reason this is not the Senate Amendment as it was originally written is because, as we have heard before, there were some technical issues, some technicalities from the Revisor's and from the other body. All this does is it takes care of some housekeeping stuff. It allows, just like in the old SAD law, contracts, and all those things to be transferred if one town or municipality breaks up their district. It also allows current SADs to split up now, so that they can join different RSUs if they so desire. That is all there is to it; if you have any questions I will do my best to answer them. I urge your support of the Raye/Pratt Amendment, something you probably will not hear often in the House. I appreciate your time. Thank you, Men and Women of the House.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Mills.

Representative MILLS: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose her question.

Representative MILLS: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. My question is, in the old SAD system, there were not financial penalties for getting involved in RSU type arrangements, or not getting involved. I wonder what the fiscal consequences to the state are if a school unit, or subunit, decides to withdraw from an RSU. Does the state still spend the same amount of money on that school unit, or is it required to spend the same amount to the detriment of other units that have stayed or remained consolidated? That is my question.

The SPEAKER: The Representative from Farmington, Representative Mills has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from North Haven, Representative Pingree.

Representative PINGREE: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The good Representative from Eddington and I spent some time on this amendment in the Revisor's Office, with the good Senator from Washington County, and this will be a subset of our overall consolidation law. A unit that is not compliant, like any other unit that opts out of school consolidation, faces the penalties that we put in the budget, that we put in the big school consolidation law last year.

If this is used as a way to transfer from one unit to another unit and the Commissioner approves your plan, there will be no penalties. This is used as a way to get out of a school consolidation plan that you are not happy with and you are not willing to become a compliant unit, you face the same penalties as any other unit that votes down school consolidation. Thank you, Mr. Speaker.

Subsequently, **House Amendment "E" (H-719) was ADOPTED.**

Representative JOHNSON of Greenville **PRESENTED House Amendment "B" (H-680)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Greenville, Representative Johnson.

Representative JOHNSON: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I believe this amendment corrects one of the unintended consequences of the recent school consolidation law that shifts funds from many disadvantaged communities to other communities.

The premise of this amendment would be to redefine what a minimum receiver is and base part of its projections on the number of students that qualify for free and reduced lunch. The Amendment says that no school unit should receive a less than 25 percent subsidy per pupil of the state average in any minimum receiver condition. If more than a third of the children in that municipality qualify for free and reduced lunch, than the state minimum subsidy would be 35 percent; and if more than 40 percent of the children in the municipality qualify for free and reduced lunch program, the minimum subsidy would be 40 percent. This corrects many conditions in communities that have high evaluation, low student counts, and a less than average wage scale in the community.

Many of the towns in the school district that I live in are all minimum receivers. Those are Greenville, Beaver Cove, Willimantic, and Shirley. The average disadvantaged students in Greenville is 62 percent; in Beaver Cove, it is 25 percent; in Willimantic, it is 100 percent; in Shirley, it is 78 percent. There are other districts in the area that are not minimum receivers, that also have a significant number of disadvantaged students, so this would put some of the money back into the education system that takes care of students that come from those communities. I would stand ready to answer any questions that anyone would have. Thank you, Mr. Speaker.

Representative PINGREE of North Haven **REQUESTED** a roll call on the motion to **ADOPT House Amendment "B" (H-680).**

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 Gorham, Representative Farrington.

Representative FARRINGTON: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will be voting against this amendment and the reason for that is I do not know

the merits of what this would do for particular communities and for the education funding as a whole. It is certainly the kind of idea that should be submitted as legislation, should come before the Education Committee to be considered. It is not something we have looked at. I am sure that Representative Johnson has done his homework on it, but not having had the chance to look at the details and look at what the implications would be across the board, it is not something I can support as legislation at this point. Thank you, Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "B" (H-680). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 229

YEA - Annis, Austin, Ayotte, Babbidge, Berube, Browne W, Burns, Carter, Cebra, Chase, Clark, Cotta, Cray, Crosthwaite, Duprey, Eaton, Edgecomb, Finley, Fitts, Fletcher, Gifford, Giles, Gould, Johnson, Knight, Lansley, Lewin, MacDonald, Marean, McDonough, McFadden, McKane, McLeod, Moore, Muse, Pinkham, Plummer, Rector, Richardson D, Richardson W, Robinson, Sarty, Saviello, Schatz, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Walker, Weaver.

NAY - Adams, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Briggs, Bryant, Cain, Campbell, Carey, Casavant, Cleary, Conover, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Flood, Gerzofsky, Greeley, Grose, Hamper, Hanley S, Harlow, Hayes, Hinck, Hogan, Jackson, Jones, Kaenrath, Koffman, Lundeen, Makas, Marley, Mazurek, Miller, Millett, Mills, Miramant, Norton, Patrick, Pendleton, Peoples, Perry, Pieh, Pilon, Pingree, Piotti, Pratt, Prescott, Priest, Rines, Rosen, Samson, Savage, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Vaughan, Wagner, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

ABSENT - Canavan, Connor, Curtis, Emery, Haskell, Hill, Jacobsen, Joy, Nass, Percy, Pineau, Rand, Weddell.

Yes, 51; No, 87; Absent, 13; Excused, 0.

51 having voted in the affirmative and 87 voted in the negative, with 13 being absent, and accordingly **House Amendment "B" (H-680) FAILED ADOPTION.**

Representative CAIN of Orono **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as amended by Committee Amendment "A" (S-410) as Amended by House Amendment "E" (H-717) and "F" (H-718) thereto and House Amendment "E" (H-719).**

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 Orono, Representative Cain.

Representative **CAIN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I need to rise in opposition to the pending motion, and I think it is important not only for our debate today, I think it is also important for the general public to sort of have some debate around this package that we have just put together of amendments that will go the Senate and may or may not come back in the exact same for in which we are sending it.

I am opposed to this motion. You heard me vehemently support the Majority Report a little while ago, and I just as vehemently oppose what is before us now. I think that this package, with the amendments, now flies in the face of everything that we came together to agree on as to what is best for Maine schools, and actually ends up creating a two tiered system for Maine schools, if not a three tiered system, and tiers within tiers. I believe that this package is bad for districts, is bad

for students, and bad for teachers. I believe that it codifies a two-tiered system going forward for Maine, and reinforces everything that has led to duplicative roles within areas of the state that could do it better if they worked together.

It is not about one size fits all; it is about finding the right size that fits for your area, and I believe that the current law and that the Majority Report of the Education Committee, without the amendments, provides that opportunity for maximum individualization and flexibility going forward for regionalization.

For school districts, that package that we have just put forward, I believe, codifies the haves and the have-nots: If you have now, you will have later; if you do not have, you will not have.

It limits the flexibility for districts. I understand that amendments put on provide more choice, but really what they do is provide different standards for different areas of the state, choices that perpetuate silos, that perpetuate duplication and that limit the ability to our districts to face the challenges that are before them.

I believe that this package actually hurts students, because it perpetuates that difference, it further stratifies and will further stratify an implementation rather than bringing greater equity and quality to Maine schools, particularly in the face of population decline statistics that I outlined for you earlier.

Currently, in Maine, staff:administrator ratios are about 25:1— 25 staff for every 1. When you think about our students, in addition to the declining population, these students should be getting the bulk of the support through their instruction, through their classrooms and through their community based learning. But we need our teachers to be able to do that; we need our teachers to be high quality teachers, to be well paid, to attract the best talent. When you look the demographics of our teachers today, they are an aging population, and I want to see that population balance out and be sustained with the highest quality teachers we can possibly afford.

The options that we have put in place with the adoption of these amendments, again, codify and perpetuate the differences between the haves and the have-nots. If you look at data, when adjusted for the inflation in the last 10 years, Maine teachers and principals, their salaries remain relatively flat in the last decade. When adjusted for inflation, teachers' salaries decreased by 2.4 percent; principals' salaries decreased by 3.8 percent; superintendents' salaries, in that same period of time, adjusted for inflation, increased 8.5 percent. We need less of that, we need less of the same, and we need more innovation and more flexibility in our schools.

The amendments that we just put on this bill create a tiered system within a tiered system, because they allow for separate contracts within the same districts for the same type of employee, because those local school committees would hold those contracts. It perpetuates the stratification of salaries, while expecting the same results from not only our teachers but our students, but without providing them the same level of resource. Separate contracts might sound good and they might sound affordable, but I do not think that when we think about the ongoing quality of our education in Maine, we are not doing ourselves any favors by allowing this type of stratification to continue.

I would also add that for me the timing around some of the amendments is wrong. If this was a year from now, I might even be up here supporting these types of amendments because I think that they may have a time and a place, but it is not now. This law has not been given a chance to work. The tools that are in the law and that are in the Majority Report stand alone, provide additional flexibility, provide additional support, and allow units

around the State of Maine to come together, to come to a higher stand and rise above.

The original law, in its first section, when enacted by more than two-thirds of this Legislature and signed by the Governor, outlines the following principles: Equitable opportunity for all students; rigorous academic programs; uniformity of academic programs; uniformity in tax rates; long term sustainability and predictability in the support of public schools; effective use of public funds for the support of public schools, by means of creating cost effective organizational structures, and administrative structures that promote coherence and consistency for continuous improvement in student achievement; it preserves school choice; it maximizes the opportunities to deliver services that can most effectively be provided in larger districts, as opposed to smaller districts or original schools.

I still believe all of those things, and I also believe that this package with all of the amendments flies in the face of those things and actually sets this up on a path of decreased sustainability, decreased cost efficiency and, most of all, unfortunately, decreased opportunity for students, and decreased support of our vital resource in our teachers. I urge you to vote no on the Engrossment, for the sake of preserving and protecting what is best about our schools, and allowing and encouraging a brighter future with more opportunities for our districts, for our students and for our teachers. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Casavant.

Representative **CASAVANT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As you well know, I am a teacher and sitting here, I think I am part of the aging population of teachers in the State of Maine and as my stomach rumbles, I think I am aging even more, but I just want to cast this observation and why I am going to be voting against the bill as a whole.

Watching the RSU in Kennebunk and Kennebunkport work, and watching all of the volunteers put in countless hours and so forth, and watching their projections of the cost, I believe that the methodology of the Department of Education in consolidation is flawed. I say that because what we are doing here with all of the amendments is effectively painting different walls of rooms of our house, our education house, with colors to fit our own needs, but it is the foundation that is cracked and the paint is not going to fix it in the long run in terms of sustainability, in terms of better education; whatever it is, there is something flawed, inherently flawed, in the foundation of our thinking. That, I think, is the bigger problem: not so much the amendments but the foundation itself. Thank you.

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 to support the motion in front of us, and would only observe that I think in the processes that have led us to the point where we need to make these kinds of changes, amply demonstrate that centralized planning from Augusta does not necessarily produce a better result than what people can provide on their own, looking at the options that they might have to organize, govern and manage their schools.

I urge you to vote for this in order to give some flexibility to people back at home, to be able to go out and do the job and create the kind of school system that they want. There is ample protection built into curriculum planning and education standards that cannot be overwritten by these local planning processes. We do not have to worry if people are going to come up with some sort of bizarre school system based upon the choices that

we have given them. They will come up on, I think, better choices for their local schools based on the choices that we have given them.

My own sense for my area is that the law that we passed is like an overloaded 747 that is not going to make it off the end of the runway unless we make some of these changes, and all of the benefits that the good Representative from Orono foresees in it will never happen, because that plane will crash at the end of the runway, in my opinion. I urge you to vote for the changes we have made to this bill, and let's send it to the Senate and keep it rolling in this direction. Thank you.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Strang Burgess.

Representative **STRANG BURGESS**: Thank you Mr. Speaker. Mr. Speaker, Colleagues of the House. I will not be voting for acceptance of 1932 as it stands now. I share the sentiments of Representative Cain. We have a fabulous toolbox we created, and I believe that we have taken it off the track at this time.

You know, one of the things that was paramount in my mind during the last year and a half, while we have been debating and discussing school consolidation, since I first arrived here in Augusta, is that as Mainers, we are individuals and we are proud of it, and we are also stubborn as heck and as a five generation Mainer, I can say that. In fact, I am the third generation to serve in the State of Maine House of Representatives. I understand that independent streak, I admire it and am glad that I have a lot of it in me still, but also things change and moneys cannot support all of the individual infrastructures that we have all across our great state.

This is not completely all money driven; it is, in fact, money driven to the extent that we have somehow, I feel, lost the number one priority for any discussion to do with our schools and that is our children. The education our children need to compete in today's global economy is paramount number one, and that is the reason that we have such a wonderful opportunity at hand here to work on the continuation of school consolidation, administratively, to get the moneys back into the classroom so that our children have the opportunity to be exposed and to learn as much as we can possibly stuff into their little heads, and have every opportunity to succeed in today's global economy.

In Cumberland, North Yarmouth, which is SAD #51, and Falmouth, has been the first group that has come together, submitted its plan and it has been approved by the Commissioner. They are standing there, they have worked diligently, they are standing there waiting for 1932 to pass in order to finish the rest of their work. Already, we have talked about ways for these students to be able to take the best of both school systems out there and just expand. These would not be possible financially within each independent school system. There is so much to gain for our students; please keep that in mind when you vote today, and I encourage you to follow my light, which would be red. Thank you.

The SPEAKER: The Chair recognizes the Representative from North Haven, Representative Pingree.

Representative **PINGREE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I could not agree with the last sentiment of the last speaker, the good Representative from Cumberland, more, when she said we need to do something soon because our communities are waiting for some kind of answer. I completely agree with that sentiment. The good Representative from Orono said she believed that 1932 had to be thoughtful, and it had to add flexibility to the law. Again, I could not agree with that more. Every single one of us in this body, for the most part, has gone back to our communities, has attended

RPC meetings, has tried to work through this with their communities and for many of us, especially for those of us who represent rural areas, it has been very, very difficult work.

The other night we had a good caucus on the subject, on our Democratic side, and the Speaker said to me that this is really an issue where if you do not bend, you will break, and I feel very strongly that if we do not add some real flexibility to this law that requires administrative consolidation, requires communities to take a real step forward in working together but still allow them some sense of local control, this law is going to completely fall apart. I know that in many of the communities, in my caucus and in your caucus, we have people who have had tremendous issues and if we are not able to add flexibility to the last, this year, we are going to see plan after plan get voted down, communities just throwing up their hands saying they are not going to do it, and we know that has huge financial implications that come back to our kids.

I believe the amendments that we have adopted today, there have been three of them, they are relatively minor; the most significant is probably the MacDonald/Damon Amendment, which allows school unions. Again, as I think the good Representative from Gorham said the other night, this is not the same school union that we have today; this is a very different school union. This is a school union that will require complete administrative consolidation of superintendents, transportation services, special education services, core curriculum services—we are going way beyond what unions do today.

I stood up last year and voted for the Governor's budget, as did two-thirds of this body, believing that there was some flexibility in this law; today, I do not believe it was enough flexibility. I think it is absolutely important that we adopt this; we send strong message, a bipartisan message, that this is the right way to go; this is the kind of flexibility that is needed in our law. I do not believe that this has financial implications, and we could debate this portion of the bill all day long. I will point out for those of you who have not completely read the Majority Report that is has one element that the good Senator Mills added, which allows communities to go back and raise more money locally if they choose to. I think he did it in kind of a convoluted way; he was trying to sort of speak to the union issue. I do not believe it allowed the kind of local control necessary to allow this to be workable, but what he allowed in the law and what the Education Committee's Majority Report allowed, is for you to go back and raise more money locally. I think that provision is very similar to what we are doing in the MacDonald/Damon Amendment, so argue that somehow the Majority Report is going to constrain things fiscally and the MacDonald/Damon Amendment is not, I think that is completely false.

The Representative from Gorham passed out a fact sheet that is on your desk that compares union spending and SAD spending, or unions that spend below the state average and unions that spend above the state average. I think we have all heard this debate over and over again; there are some unions that spend a lot less per kid and there some unions that spend a lot more per kid. It is probably far more related to the community that you live in, the evaluation of that community and the decisions that community makes about how they want to spend the money on their kids. I believe that that is a local decision. I think there are very important long-term funding issues we need to look at when we talk about general-purpose aid to education; is it equitable? I think a lot of us in this body would argue it is still not equitable enough, it hurts poor kids, but I do not think that is what we are debating here today. What we are debating today is an option for flexibility that I believe will make school consolidation work. To vote it down today, to vote against this

pending motion, I think, will set us way back, I think this is the only chance that this law actually has to work and I strongly urge you passage. Thank you.

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 am speaking in support of this amendment for Engrossment. I am going to go back to when we started the discussion around learning results, and learning results is something that came forth in Maine so that we could coordinate a curriculum that the State of Maine would work with. The one thing that we did through the learning results process is that the end result is what is important. What each classroom teacher chooses to do with those children in terms of achieving the goals of those results and those benchmarks, are really the teacher and students' responsibility.

The goal of this bill is to cut administrative costs down, and that is to consolidate the superintendents within this state, creating districts that do not have to look the same, they can look different. The proposal about the unions is another way to achieve cutting the administrations that exist in this state. This does mean the goal is still, I cannot remember the number that was part of the bill, but that has not changed. What we are saying is to allow us to have the ability to reach that same goal, but not always the same way everybody else does. The intent is the goal to cut administration costs in this state, and I am saying these amendments allow the ability for everybody in this state to reach those goals, and I am going to ask to vote for this Engrossment.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Farrington.

Representative **FARRINGTON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I know everybody is hungry, and I will try to go very quickly so that we can wrap this up. I just wanted to respond very quickly to the suggestion that adopting this bill, as amended, would be stepping away a commitment to academic excellence and achievement.

I am supportive of this bill as we have amended it, and I just think one of the things to be aware of is what we have heard repeatedly from folks working in RPCs across the state, and even from the facilitators from the Department who have worked in those RPCs, is that it has been such a challenge, such a struggle to make this law work, to get the governance issues ironed out, to try to figure out how this is going to make sense, that very, very few of these proposed consolidated units have had any opportunity to even talk about the academic benefits. If we can give them the additional flexibility that this amended bill offers, they can get the organizational piece out of the way, find a system that is going to work for them and then get at what is really important, which is making their academic programming better. I think this is a step in the right direction as far as getting to the academics; because they need to be able to make a workable governance arrangement in order to focus on the kids, and that is what we all want this to do. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Norton.

Representative **NORTON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I do not feel I need to stand up and defend how strongly I feel about the education of our children in this state. I think 40 years of doing that job speaks for itself. But I need to remind you that we are in a financial crisis in this state—I did not think I would be standing up and saying this kind of thing—but I have heard good Representatives defend teachers and defend education, and I need to add that I do not think I have to tell any of you that.

Look at what your committees have been asked to do; look at the cuts you have been asked to make. I am actually grateful that we had the opportunity as an education committee, to work on this in committee, and to decide the way that those cuts would come about, and if we can give kids a better education and still be more efficient at it, I think that is a double plus. I just wonder how many health benefits you guys are willing to cut, how many of the important services, all of the people that need health within their homes, and all of those things we are cutting that some people need to leave, and some families need to exist. I can tell you as a teacher, when those kids come to school after enduring a lot of kinds of cuts that this Legislature is looking at making, they are not ready to learn, so somewhere we have to have a balance, and I think the fact that we are being asked to be efficient in education is a small cost.

I know we can look at local control and all kinds of things like that but, again, as I started to say once before, what we are doing here is marrying strange bedfellows, we politicians. We are putting people together in the same bill now with these amendments who want consolidation, regionalization, whatever you want to call it, and people who truly do not. We have been willing to work to help people come together who want to and that is going to go on, this process is going to be reviewed by all of the successive Legislatures, and I am sure that those things can happen, and I do not think we should be inviting other initiatives, like some of the ones we have seen in the last couple of years, that will totally destroy education in this state. I cannot vote for this bill the way it stands with its amendments.

The SPEAKER: The Chair recognizes the Representative from Lincolnville, Representative Walker.

Representative **WALKER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the motion. Mr. Speaker, the consolidation law that was passed last year for my district—I represent seven rural towns—was a complete disaster. I am on the regional planning committee and have been since it was formed. Last year's law produced all kinds of questions, confusion, and problems. I believe the bill that we have before us today is going to fix a lot of those problems, and I will be supporting it today. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Treat.

Representative **TREAT**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I apologize for my voice, but I did feel it was important to stand up and just say a few words.

I am supporting motion and LD 1932, because I am really concerned about legislation that had a very practical effect in our communities that was not addressed in the original legislation. Personally, I support the overall goal of moving this state towards a more efficient delivery of education and sharing of resources. I believe there are some real advantages to consolidation, but there are also practical issues, geographical issues, salary issues, even software issues that need to be addressed. This legislation is needed today, and we should have passed many of these provisions last June when we enacted the original school consolidation law in the first place. But as you will all recall, that legislation was part of the budget—I personally do not think it should have been—and in part of the budget, it got caught up in a certain amount of brinkmanship and end of session pressure, which are not conducive to good policymaking.

There is a reason that only 40 legislators submitted what I would call consolidation fix-up bills; I had one of them. This bill, as amended, does not address all of the problems but it is a good start, it preserves the overall goals and intent of the original consolidation law, but it helps make it happen by addressing real

life problems that need fixing. Thank you.

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 am not going to go over all of the lengthy conversations that we have already had, but I would just like to point out that we dumped a very shortsighted, overreaching legislation on the citizens of our communities and, in spite of that, in my district where I have two high quality school unions, they worked together hard to try to bring this legislation around to something that works in our districts. Instead, what happened was we created dissension among some communities, we created another doughnut hole, in good intention, and good effort because the ways the laws were written, cost my communities a tremendous amount of money. I did not think the objective here was to save the state a little and cost my communities a lot.

The Committee Amendment does not fix the problems that exist in my communities with this legislation. I believe that the amendments today are a reasonable effort at trying to provide, once again as many have echoed, that reasonable flexibility so that the communities that are willing to move ahead with a level of consolidation have the opportunity to do it. Failure to pass these amendments would suggest to me that we are instead content to pummel these communities with penalties later on and fill our coffers that way, potentially, because that is exactly what is going to happen; they cannot comply with the law as it currently is. The Committee Amendment will not solve the problem. I ask you to please support this amendment, and support it as moved forward right now. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Beaudette.

Representative **BEAUDETTE**: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **BEAUDETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I realize as a member of this body that I have to consider what is best for the entire State of Maine, as well as for my own district, and I need to have an understanding on Committee "A" as Amended, how might that affect the distribution of the general purpose aid to education funds, so that I can make an informed decision as to what is best for the entire state, as well as what I best for my district.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Norton.

Representative **NORTON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will give it a whirl. Committee Amendment "A," please refresh my memory—I guess I need clarification as to what the good Representative is really asking. This is the Committee Amendment, is that right?

The SPEAKER: I think the Representative may be referring to House Amendment "A" of Representative MacDonald. Is that correct, House Amendment "E"?

Representative **NORTON**: Thank you, Mr. Speaker As I said, any of the amendments that came forward this morning would add to the cost. It would increase the minimum mill rate used to decide state subsidy for each district and, since it would increase the mill rate, it will cost you more, and it depends on whether you are a high receiver or a lower receiver, but in general it will increase the minimum mill rate, which will increase your cost of education.

The SPEAKER: The Chair recognizes the Representative from North Haven, Representative Pingree.

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

Speaker, Men and Women of the House. I will just try to briefly give another perspective, and I think that this is a subject of great debate.

The Department of Education has put out information on their website saying that if a union-like model was adopted, that it is possible in future bienniums, not this biennium, there could be additional costs. I am in absolute disagreement with that because I believe if school consolidation fails in all these districts around the state, and they fail to administratively consolidate, it will cost us money because we will not have achieved the goal of administrative consolidation.

There has been a lot of debate about how much unions cost compared to SADs, and how will that impact future fiscal implications. Gordon Donaldson, who is a professor at the University of Maine, sent out some facts recently, which I thought were interesting: The average total per pupil expenditure for the 17 highest spending SADs in Maine was \$12,000 per pupil; the average total per pupil expenditure for the lowest spending SADs was \$8,000. The difference in expenditures between these two groups of SADs was \$3,700, so the Commissioner has tried to argue that if we reorganize unions and turn them into SADs we would save money, but if the top SADs were reorganized to look like the bottom SADs, we would save the state and towns of Maine \$60 million. Seventeen school unions in Maine, some of the lowest spending unions, spend an average of \$10,000 per student, so if you continue the Commissioner's logic, if we suddenly reorganize the lowest spending unions in Maine to look like the top spending SADs in Maine, the 15,000 students currently educated in those unions would cost and the towns and state \$19 million a year.

I guess the answer to your question is there is really no way to predict. I believe there has certainly been a campaign to say that if we allow the Damon/MacDonald Amendment, suddenly it is going to cost the City of Portland and other districts money; I believe that is false. I believe that if school consolidation falls apart because all of these communities around the State of Maine are unable to do it, it will cost all of us our General Fund, our cities and towns, so there is not a good answer. But I think the answer is if we do not try to add some flexibility to this law, it will fall apart and nobody will save any money.

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 would be remiss if I did not mention that the status quo has educational funding inequities that exist and that should be addressed. But today, regarding the consolidation effort, the pre-1932 status quo is simply unacceptable. What we have today, worst and all, is an improvement. I ask you to vote green.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Mills.

Representative **MILLS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I am not so sophisticated as to be able to pour over about 40 or 50 pages of amendments, some of which have landed on our desk just this morning, some 20 or 25 pages worth just this morning, but I do know that it is about money. I am not naïve enough to think that it is not about money. All of these bills are about money. We can say that it is about local control or flexibility. Almost everything we do here speaks to local control and flexibility and fairness in one form or another. Local control is a rallying cry for a lot of things and a lot of pieces of legislation that we debate on the floor of this body. Local control is a rallying cry for jails, for building codes, for emergency dispatch services, for a great variety of things, all of which we are addressing in a more cost effective

and efficient and consolidated fashion.

I fear very much that the package that we have just voted in piecemeal fashion on will cost the taxpayers. I fear very much what the cost shifts involved in these amendments will result in and the thing is we do not even know, as the previous speaker said, what the cost shift will be, but it is certain to me there will be one. We may sit here and say my school district tells me this, my school district feels that, and the unfortunate thing about school district legislation is that it causes us to be somewhat parochial; I feel that myself; I feel like calling my superintendent every time I see an amendment like these on the desk to say how will this affect my district; how will it not affect my district. It is a temptation; it is human nature to want to do that. But I am trying to look at the whole picture, and I hark back to the Brookings Report that started this whole debate, the Brookings Report among other reports.

If you remember, the State Board of Education, Maine Children's Alliance, all of those reports that pointed out the same things about the flaws in our school systems statewide. The Brookings Report saying Maine's schools and school districts, in the panoply of formations they exist in, employ an unusually large number of administrators and other non-instructional staffers, whose presence drives up the expenditures and suggests inefficiency. Maine's K-12 system employs, for example, one administrator for every 125 students, much higher than the average ratio of 1:212, and the Nation's fourth highest rate of administration. This is something that we have to attack on a statewide level. It goes on to say that Maine taxpayers support one school or district administrator for every 11 teachers—11 teachers to one administrator? This is a shame. It is the country's ninth highest number of administrators per teacher.

I am not so sophisticated as to know all of the ins and outs of this so-called MacDonald Amendment and the Raye Amendment and the Carter Amendment and all of these other amendments that we have just passed through here, but I am going to say that it is going to cost money. It is going to be a cost shift from one district to another, and we do not know the answer. We can look at the fiscal notes, as the previous speaker has done, the Fiscal Note to the MacDonald Amendment, Amendment "E," which says providing school administrative units with the option of forming a regional school union that allows for the dispersion of decision making authority, etcetera, may lead to an increase in the total cost of K-12 public education due to less savings being achieved—less savings. I did not write that, the Commissioner did not write that, and I have not talked to the Commissioner about any of these amendments or even about this bill I do not believe, but common sense tells you it is about money, money going to certain districts over others.

I look back at this and I think about the various small school districts, and I do not think this is an issue, this whole issue of 1932 is wrapped up in a rich versus poor necessarily, or small versus large, or urban versus rural, or local control of flexibility. To me, it is an issue of can every one of our children achieve a fair education, without us being burdened by overwhelming administrative costs. I cannot give a dollar figure for the MacDonald Amendment, the Raye Amendment, or the Carter Amendment, but it is pretty clear to me that these amendments will burden the schools with more administration, not less, in the name of local control. With all good intentions, the end result will be our failure to address the serious administrative burdens on our schools, on our populations, to the detriment of education, to the detriment of the teacher's ability to teach a student in School A the same way as in School B. Whatever their administrative costs may be, we need to ensure that the children in each town have the same opportunities, the same benefits of education

without burdening the schools with administrative costs.

The bill, as I see it, as loaded up as it is right now with all good intended, well-intended amendments, raises more questions than it answers, raises more potential problems than I can possibly begin to respond to and, because it has all of these questions now, I will vote against passage.

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 will be short. The Fiscal Note on the amendment that was, I think, originally the question in the discussion here, does say may increase the total cost of K-12 education in future biennia, and I challenge anyone to try to figure out what that increase might be. In fact, down at the bottom of the Fiscal Note, it says two areas that could impact future general cost funds, special education and transportation. Less savings versus that anticipated in our old bill may require a high level of state or local funding in order to fill the maintenance of effort requirement, and it specifically looks at special education and transportation, but I remind you that those two functions are being consolidated specifically in the core functions of these school unions.

Again, remember the local planning groups do not have to pick school unions; they can pick the standard old model that we passed last year. This thing gives them a choice; they will look at what their future cost increases are, I am sure. I think that sort of putting the burden of feared future cost increase on this is a bit of fear mongering. The only money that we knew was going to be saved when we did pass the original law was the \$36 or \$39.5 million that was taken out off the top by the Governor, in the original bill. After that, all the bets were off, nobody really knows under that original bill how much money was really going to be saved. I challenge anybody to say that this that we are proposing, to give more people local choice, will actually cost more money. I thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Trinward.

Representative **TRINWARD**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I stand to speak very briefly in favor of this bill.

There are communities out there that have been working very, very hard to form an RPC, or an RSU, and it is costing them hundreds of thousand of dollars. There are no solutions in the first version that came out of the Education Committee that saved these communities money. My community would increase property taxes astronomically, to cover our cost, our share of cost. Even if we could share some of that, we would have to raise property taxes to join this RSU. This is one more tool that would give us the option of sharing administrative costs, without increasing the tax costs by increasing contracts. This is just one more tool for communities to use that cannot find a financial solution that is palatable in their community; they cannot find a way to make this work with raising property taxes. It is one thing to sit here and talk about state funding; we need to also consider local property tax dollars. In our community, we could not make it work; we cannot find a solution. This is another opportunity to find a solution at a local level. Thank you very much.

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 have been doing a little bit of research as I have listened to this fine discussion, and I noticed that for the most part, when we talk about following the money, Representatives from districts who have said they were in favor in terms of the recent document put out by the

Department of Education, in terms of the proposed funding levels, all represent districts that are going to get some substantial increases, and others a little bit, but nevertheless increase, except for the good Representative from Farmington, there is a 2 percent reduction in that. So it tells me that there are things to be dealt with, and I am thinking that this amended version of this LD is a path to making changes and getting some reconciliation of some problems that are deep seeded, not only in this legislation but from before, so I am supporting this measure. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Engrossed as Amended by Committee Amendment "A" (S-410) as Amended by House Amendment "E" (H-717) and "F" (H-718) thereto and House Amendment "E" (H-719).. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 230

YEA - Adams, Annis, Ayotte, Babbidge, Barstow, Beaudoin, Berry, Berube, Boland, Brautigam, Browne W, Bryant, Burns, Canavan, Carter, Cebra, Cleary, Connor, Conover, Cotta, Crockett, Dill, Duchesne, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finch, Finley, Fischer, Fletcher, Gifford, Greeley, Hanley S, Hayes, Hogan, Jackson, Johnson, Jones, Kaenrath, Koffman, Lansley, MacDonald, Makas, Marley, Mazurek, McFadden, Miller, Miramant, Muse, Patrick, Pendleton, Perry, Pieh, Pilon, Pingree, Pinkham, Piotti, Plummer, Pratt, Rector, Richardson D, Rines, Rosen, Sarty, Schatz, Silsby, Simpson, Sirois, Smith N, Sutherland, Sykes, Theriault, Thomas, Tibbetts, Treat, Trinward, Tuttle, Valentino, Vaughan, Wagner, Walker, Weaver, Wheeler, Mr. Speaker.

NAY - Austin, Beaudette, Beaulieu, Blanchard, Blanchette, Briggs, Cain, Campbell, Carey, Casavant, Chase, Clark, Craven, Cray, Crosthwaite, Driscoll, Dunn, Fisher, Fitts, Flood, Gerzofsky, Giles, Gould, Grose, Hamper, Harlow, Hinck, Knight, Lewin, Lundeen, Marean, McDonough, McKane, McLeod, Millett, Mills, Moore, Norton, Peoples, Prescott, Priest, Richardson W, Robinson, Samson, Savage, Saviello, Strang Burgess, Tardy, Thibodeau, Watson, Webster.

ABSENT - Bliss, Curtis, Duprey, Emery, Haskell, Hill, Jacobsen, Joy, Nass, Percy, Pineau, Rand, Weddell, Woodbury.

Yes, 86; No, 51; Absent, 14; Excused, 0.

86 having voted in the affirmative and 51 voted in the negative, with 14 being absent, and accordingly under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-410) as Amended by House Amendment "E" (H-717) and "F" (H-718) thereto and House Amendment "E" (H-719).**

SENATE PAPERS

The following Joint Order: (S.P. 873)

ORDERED, the House concurring, that the Joint Standing Committee on Business, Research and Economic Development shall report out, to the Senate, a bill regarding the attraction of venture capital for innovative businesses in this State.

Came from the Senate, **READ and PASSED.**

READ and PASSED in concurrence.

The following Joint Order: (S.P. 874)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Monday, March 10, 2008. The House will convene at 9:00 and the Senate at 10:00 in the morning.

Came from the Senate, **READ** and **PASSED**.
READ and **PASSED** in concurrence.

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.

Bill "An Act To Provide Additional Funding for the Low-income Home Energy Assistance Program" (EMERGENCY)

(H.P. 1575) (L.D. 2208)

- In House, **READ TWICE** under suspension of the rules without reference to a committee and **PASSED TO BE ENGROSSED** on February 12, 2008.

- In Senate, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE**.

TABLED - March 5, 2008 (Till Later Today) by Representative PINGREE of North Haven.

PENDING - **FURTHER CONSIDERATION**.

Subsequently, the House voted to **RECEDE AND CONCUR**.

Bill "An Act Concerning Traffic Safety Cameras"

(H.P. 1605) (L.D. 2244)

(Committee on **TRANSPORTATION** suggested)

TABLED - March 4, 2008 (Till Later Today) by Representative HILL of York.

PENDING - **REFERENCE**.

Subsequently, the Bill was **REFERRED** to the Committee on **TRANSPORTATION**, ordered printed and sent for concurrence.

The **SPEAKER**: The Chair recognizes the Representative from Newfield, Representative Campbell who wishes to address the House on the record.

Representative **CAMPBELL**;; Thank you, Mr. Speaker. If I was in the House Chamber on Roll Call No. 226, I would like vote to be recorded as nay. Thank you.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

On motion of Representative EATON of Sullivan, the House adjourned at 2:15 p.m., until 9:00 a.m., Monday, March 10, 2008 pursuant to the Joint Order (S.P. 874).