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Senate Legislative Record

One Hundred and Twentieth Legislature

State of Maine

Volume 2

First Regular Session (Continued)
May 24, 2001 to June 22, 2001

First Confirmation Session
October 24, 2001

Second Confirmation Session
December 6, 2001

Second Regular Session
January 2, 2002 to April 1, 2002

Pages 912 - 1844

Under suspension of the Rules, ordered sent down forthwith for concurrence.

RECESSED until 1:00 in the afternoon.

After Recess

Senate called to order by the President.

Senator **PENDLETON** of Cumberland requested and received leave of the Senate for members and staff to remove their jackets for the remainder of this Session.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2002 and June 30, 2003" (EMERGENCY)

H.P. 655 L.D. 855

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-724)**.

Signed:

Senators:
GOLDTHWAIT of Hancock
CATHCART of Penobscot
MILLS of Somerset

Representatives:
BERRY of Livermore
MAILHOT of Lewiston
TESSIER of Fairfield
BRANNIGAN of Portland
ETNIER of Harpswell
JONES of Greenville

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-725)**.

Signed:

Representatives:
NASS of Acton
WINSOR of Norway
BELANGER of Caribou
ROSEN of Bucksport

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-724)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-724) AS AMENDED BY HOUSE AMENDMENTS "I" (H-740) AND "J" (H-741)** thereto.

Reports **READ.**

Senator **GOLDTHWAIT** of Hancock moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-724)** Report, in concurrence

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Goldthwait.

Senator **GOLDTHWAIT**: Thank you, Mr. President, ladies and gentlemen of the Senate. This has been an interesting process which has resulted, I think, in a reasonable Part II Budget for the state. It was the result of significant compromise. I first want to offer again my sincere thanks to my colleagues on the Appropriations Committee, both from this and the other body, for the tremendous job they did trying to put this budget together, and particularly for the members of the Minority Report, who worked long and hard to avoid reaching an impasse where they felt necessary to take out that report. I want all of you to know that was not done lightly. It was not done with an attitude of just posturing to have their say. They worked very, very hard to reach a unanimous agreement. When we could not do that, we parted friends. I think, though, the Majority Report is by far the better of the proposals. It does cover a lot of the very unglamorous aspects of state government. Repair and maintenance of buildings, additional items required to meet the terms of the consent decree at AMHI, items that probably, if any of us were to construct a budget alone, they would not be the kinds of more interesting program expenditures that we might like to make, or in fact, property tax relief that we might like to make. But they are, indeed, part of our responsibility for the oversight of state government and those items are in there. It also includes, as you all well know, the combined efforts of groups that worked on what the additional spending package, in terms of tabled bills, would be. Some other one-time spending from one-time sources. It still avoids some of the deeper cuts that we had been concerned about in earlier discussions on the budget. For instance, we have continued to preserve a significant amount for funding for the Fund For A Healthy Maine programs, etc. With that, I would urge you to support the Majority Report.

On motion by Senator **GOLDTHWAIT** of Hancock, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-724)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-724) **READ.**

House Amendment "I" (H-740) to Committee Amendment "A" (H-724) **READ**.

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

Senator **RAND**: Thank you, Mr. President. May I pose a question through the Chair?

THE PRESIDENT: The Senator may pose her question.

Senator **RAND**: What does House Amendment "I" (H-740) do? To anybody who cares to answer.

THE PRESIDENT: The Senator from Cumberland, Senator Rand has posed a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Hancock, Senator Goldthwait.

Senator **GOLDTHWAIT**: Thank you, Mr. President, ladies and gentlemen of the Senate. Amendment "I" does two things. The first is a small technical correction. The more substantive one is that it removes a portion of L.D. 855 as amended. That portion being a bill that is currently tabled in the Senate regarding the alteration of fines through the Clean Election Campaign Program. Since that is a bill currently under consideration in the Senate, it is not necessary to include it in this document.

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

Senator **DOUGLASS**: Mr. President, point of order. I would like to pose a question.

THE PRESIDENT: The Senator may pose her question.

Senator **DOUGLASS**: Because the House Amendment H-740 does not appear to delete the provision that I understand to be at issue, which is quadruple T, I wonder if there might be a further recess to discover whether that is, in fact, a correct amendment?

THE PRESIDENT: The Senator from Androscoggin, Senator Douglass has posed a question through the Chair to anyone who may wish to answer. The Chair recognizes President Pro Tem Bennett of Oxford.

President Pro Tem **BENNETT**: Thank you, Mr. President. I'll endeavor to respond to the question from the good Senator from Androscoggin, Senator Douglass. My understanding is that this amendment would conflict with some members of the legislature's ability to consider voting on the budget and that perhaps it would be a better tool to put in L.D. 1809, which encompasses the changes that are sought to be removed here, as a free standing bill and have it considered in that context rather than put members in jeopardy of having to defer from voting at all on this very important bill because of the limited nature of their conflict. Thank you.

House Amendment "I" (H-740) to Committee Amendment "A" (H-724) **ADOPTED**, in concurrence.

House Amendment "J" (H-741) to Committee Amendment "A" (H-724) **READ** and **ADOPTED**, in concurrence.

Senate at Ease.

Senate called to order by the President.

On motion by Senator **MITCHELL** of Penobscot, Senate Amendment "A" (S-364) to Committee Amendment "A" (H-724) **READ**.

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

Senator **MITCHELL**: Thank you, Mr. President, women and men of the Senate. This amendment amends the laws governing the General Purpose Aid to local school programs. It is my understanding that the state policy rational behind the current law is from both a student equity and a taxpayer equity prospective. A local school unit must raise its full share of the foundation allocation in order to receive the full state share of the foundation allocation, otherwise students and taxpayers of those school units that do make the required local effort will be unfairly disadvantaged by those school units that do not make the required local effort. What this does is, this provides some protections to those small rural school units who do not have the capacity to raise the required local share of the foundation allocation. It is going to provide some degree of local control over school budgets. It is going to set clear expectations for local school units for the next 2 fiscal years, regardless of the final legislative appropriation for GPA. It will establish mill-rates that approximate the estimated state wide local share of the foundation allocation divided by the state valuation. So what happens, the amendment will limit the reduction and the state's share of the foundation allocation for each school administrative unit that raises its local share of the foundation allocation if the administrative unit has raised 9 mills in fiscal year 01-02 and 10 mills in fiscal year 02-03. I would ask your support on this amendment and I would ask for a division.

Senator **MITCHELL** of Penobscot requested a Division.

Senator **GOLDTHWAIT** of Hancock moved Senate Amendment "A" (S-364) to Committee Amendment "A" (H-724) be **INDEFINITELY POSTPONED**.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Goldthwait.

Senator **GOLDTHWAIT**: Thank you, Mr. President, ladies and gentlemen of the Senate. Whatever amendments may be offered to this budget at this point, unfortunately, regardless of their merit, it is a difficult thing to accommodate changes in a package that has been many weeks in construction. At the risk of upsetting, what is now an extremely fragile balance on a budget that, in the best case, could be completed in the next two to three days, I would urge you to vote in favor of the pending motion to Indefinitely Postpone this amendment.

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

Senator **MILLS**: Mr. President and men and women of the Senate. Not merely out of committee loyalty but also on the merits, I would ask you to join with the Senator from Hancock, Senator Goldthwait, in supporting the pending motion and defeating the amendment. In simple terms, in order to participate in receiving funds under our school funding formula, there is a certain amount of local effort that is required of our school districts. If memory serves me, the average amount of money raised in the State of Maine for school funding is around 11 mills. We have many towns, some of them very poor, some of them very rural, some of them not so, that raise as much as 12, 13, or 14 mills to support their local schools. We have other towns more fortunate. In some cases they can get by with raising 5 mills. The entire northern woods, the unorganized territory, is a school district in itself and it has a mill rate of 5 for education for about 1,200 kids. But under the school funding formula, we do have some schools that raise 8 or 9 mills and I think the intent of the current budget bill, that is the current formula that the Education Committee has supplied to us, in order to get your full funding under the formula, you would have to raise, I think, something like 9.5 or 10 mills, which is slightly below the state's average. But there is an implied contract here. That is, on the one hand, if the state agrees to support local education, but on the other hand, we must have the commitment of the local district, no matter how poor it may be, to raise funds in accordance with its capacity. As I understand the intent of the amendment that lies before you, it would lower the standard somewhat so that instead of having to raise 9.5 or 10 mills as your local effort, you might get by with only raising 9 mills and still get the same distribution under the school funding formula. The Education Committee has considered this in great depth, I believe they have a unanimous report behind the formula that is presently the foundation of our budget, and I think to readjust the formula on the floor would be a mistake. I recommend that the committee, itself, consider this issue during its summer deliberations and during the deliberations next January. If there should be some need to lower the required local contribution, it might best be done within the Education Committee at this juncture. I appreciate that there are some towns that have difficulty in raising 9.5, 10, or 11 mills to participate fully in our school funding formula, but there must be some threshold standard. At this juncture I'm prepared to defer to the unanimous report from the Education Committee, and I might add, to the decision of the Appropriations Committee to include that in this budget at that level. For that reason, I ask you to join in voting for the presently pending motion to Indefinitely Postpone the amendment. Thank you.

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

Senator **MITCHELL**: Thank you, Mr. President, ladies and gentlemen of the Senate. To just explain or clarify the statements that have been made. What we are doing is we're saying the towns and the school districts that have recognized what the state established rate is of mills that they should raise and have raised that. That is why we're saying over 9 in 01-02 and over 10 in 02-03. They've given the concerted effort to raise the mills that high. So we're not going to penalize them by taking away some of their local share. However, there are many, many, as we know when we protected the tier-two towns whose mill rates are down into 4, 5, 6, and 7, who do still get their full appropriations. What it is trying to do is protect the school units who are getting over the 9 for their share and over 10 next year in the mills. However, we do have a committee that is working this summer and they are going to be working on the formula and they are going to be addressing the needs for a formula that will work with essential programs and services. However, because the budget is being considered, this doesn't add or take away money, it just tries to protect these schools that will be involved before the results of this summers work and the formula goes into effect for next years budget. So I would ask you to join me in voting against the Indefinite Postponement. Thank you.

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

Senator **ROTUNDO**: Thank you, Mr. President, men and women of the Senate. The Education Committee will be studying this issue this summer and I hope you will join me in voting to Indefinitely Postpone this amendment. The funding formula is enormously complicated. I am very nervous to think that we might, without any deliberation and study, change the funding formula in this vote today. So please join me in voting to Indefinite Postpone.

The Chair ordered a Division. 28 Senators having voted in the affirmative and 4 Senators having voted in the negative, the motion by Senator **GOLDTHWAIT** of Hancock to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-364) to Committee Amendment "A" (H-724), **PREVAILED.**

On motion by Senator **DAGGETT** of Kennebec, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-724) as Amended by House Amendments "I" (H-740) and "J" (H-741) thereto, in concurrence.

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution: H.P. 1380

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES, THE UNITED STATES SECRETARY OF COMMERCE AND THE UNITED STATES SECRETARY OF THE INTERIOR NOT TO DRILL FOR OIL OR NATURAL GAS ON GEORGES BANK

WE, your Memorialists, the Members of the One Hundred and Twentieth Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the President of the United States, the United States Secretary of Commerce and the United States Secretary of the Interior, as follows: