

MAINE STATE LEGISLATURE

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

Volume III

Second Regular Session

March 24, 2010 - April 12, 2010

Appendix
House Legislative Sentiments
Index

Pages 1215-1836

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
SECOND REGULAR SESSION
30th Legislative Day
Tuesday, March 30, 2010

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

Prayer by Reverend Allen Myers, West Brooksville Congregational Church, Brooksville.

National Anthem by Mt. Blue Middle School Show Choir, Farmington.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

Doctor of the day, Elena Nawfel, M.D., Waterville.

SENATE PAPERS

The following Joint Resolution: (S.P. 744)

**JOINT RESOLUTION SUPPORTING FEDERAL FUNDING FOR
MARKETING AND PROMOTING SEAFOOD PRODUCED IN
THE UNITED STATES**

WHEREAS, the Maine Legislature, in partnership with the lobster industry, established in statute the Lobster Promotion Council, funded by lobster license holders, to market and promote the sale of Maine lobster to customers worldwide; and

WHEREAS, effective marketing of Maine lobster requires a constant, consistent and long-term marketing presence, especially in times of oversupply and new competition, in order for Maine lobster to reach a greater market; and

WHEREAS, the Maine lobster industry has paid for promotional activities to provide the greatest return on the investments made by lobster license holders; and

WHEREAS, the Maine lobster industry has made the most cost-effective use of a limited promotional budget; and

WHEREAS, despite the money raised within the lobster industry in Maine, the Lobster Promotion Council's promotional activities are often limited and underfunded; and

WHEREAS, in times of economic collapse or oversupply of lobsters, the lobster industry in Maine is not in a position to increase marketing assessments to raise more funds; and

WHEREAS, the Federal Government collects approximately \$280,000,000 annually through customs laws regulating the importation of seafood products, many of which compete with Maine's lobster products; and

WHEREAS, funds collected from the importation of seafood products are not available for the domestic marketing of American seafood; and

WHEREAS, using seafood product import revenues to market American seafood will preserve American fishing and seafood processing jobs, will preserve United States processing capacity and will ensure the availability of domestic seafood for the American consumer; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fourth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to express our support for the use of a portion of federally generated seafood product import revenues for the domestic marketing and promoting of Maine lobster; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Governor John E. Baldacci.

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

READ and **ADOPTED** in concurrence.

COMMUNICATIONS

The Following Communication: (S.C. 752)

**MAINE SENATE
124TH MAINE LEGISLATURE
OFFICE OF THE SECRETARY**

March 29, 2010

Honorable Hannah M. Pingree

Speaker of the House

2 State House Station

Augusta, ME 04333-0002

Dear Speaker Pingree:

In accordance with 3 M.R.S.A. §158 and Joint Rule 506 of the 124th Maine Legislature, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of James A. Nadeau of Winterville Plantation for reappointment to the Land Use Regulation Commission.

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of Dr. Edward B. Laverty of Milo for reappointment to the Land Use Regulation Commission.

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of Ernest B. Harvey, III of Greenville for reappointment to the Land Use Regulation Commission.

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of Sarah T. Farrand of Beaver Cove for appointment to the Land Use Regulation Commission.

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of Gwendolyn R. Hilton of Starks for reappointment to the Land Use Regulation Commission.

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of Rebecca Kurtz of Phillips for reappointment to the Land Use Regulation Commission.

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of Steve Schaefer of Grand Lake Stream for reappointment to the Land Use Regulation Commission.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and **ORDERED PLACED ON FILE**.

Under suspension of the rules, members were allowed to remove their jackets.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Gerald J. Martin, of Madawaska, as he leaves his position as State Deputy of the Knights of Columbus of Maine. Mr. Martin has served as State Deputy of the 10,000-member organization since 2008 and is the former Grand Knight of Council 2638 of Madawaska. During his tenure, the Knights of Columbus of Maine has been very active in raising money for charity, including \$160,000 for the Tootsie Roll program, \$20,000 for Special Olympics and \$15,000 for the Harold Alfond Center for Cancer Care. We join the Knights of Columbus of Maine in sending our appreciation to Mr. Martin for his hard work and dedication, and we send him our best wishes;

(HLS 1059)

Presented by Representative THERIAULT of Madawaska. Cosponsored by Senator JACKSON of Aroostook, Representative MARTIN of Eagle Lake, Representative BLANCHARD of Old Town, Representative TUTTLE of Sanford, Senator PERRY of Penobscot, Representative LAJOIE of Lewiston, Representative HANLEY of Gardiner, Representative FLETCHER of Winslow, Representative CLARK of Millinocket.

On **OBJECTION** of Representative THERIAULT of Madawaska, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative Theriault.

Representative **THERIAULT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. It is with a great sense of pride that I stand before you here today to recognize Gerry Martin of Madawaska, the State Deputy of the 10,000 member organization of the Knights of Columbus. Gerry is a friend, a former coworker, a Vietnam veteran, and a brother knight. Gerry has worked tirelessly to work his way to the top position in this organization, traveling countless miles throughout the state to attend various functions. When I say countless miles, if you're from Madawaska, you're traveling distances. He along with the Organization of Knights in our state are responsible for raising thousands of dollars for charity.

During his term of office Gerry lost his best friend, and companion and wife, who was always by his side to cancer, but nevertheless kept up with his obligations to his job. Gerry, thank you for your countless hours of hard work and dedication, and working to help others in need. Thank you very much, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Thank you, Madam Speaker. I also want to rise and say my thanks to Gerry for the work that he's done on behalf of the Knights of Columbus in Maine. I want to point out that actually even more so than the Representative from Madawaska, Representative Theriault, and myself, he's put on more miles than any legislator who could ever serve in Maine. Through his career in beginning a knight and then of course being a candidate for the position of deputy grand knight, and so I am really pleased to join in that event today and congratulate him on the work that he's done.

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

Recognizing:

Niki Taylor, of York, who was named the 2009-2010 Gatorade Maine Girls Basketball Player of the Year. A member of the 2009-2010 Class B State Champion York Wildcats, Niki is the first junior in school history to reach 1,000 career points. For the second consecutive season, she was named the Most Valuable Player of the Western Maine Class B tournament. She has won multiple individual awards, including 2-time First Team All-State and 3-time Most Valuable Player. We extend our congratulations to Niki for receiving this important honor and commend her for her commitment to the team. We send her our best wishes for her future success;

(HLS 1062)

Presented by Representative WEAVER of York. Cosponsored by Senator BOWMAN of York, Representative HILL of York.

On **OBJECTION** of Representative WEAVER of York, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from York, Representative Weaver.

Representative **WEAVER**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I will speak about the recognition of the high school basketball team later, but right now I want to say it's a pleasure to acknowledge the personal achievements of the team's junior center, Niki Taylor. Niki's statistics during the 2009-10 season clearly warrant being named the Gatorade Maine Girls Basketball Player of the Year. As the first junior in school history to score 1,000 points, I know Niki looks forward to following up her 16 point, seven rebound performance at this year's title game by leading York into next season as defending champion. Thank you for all of the memories, Niki. The town, every morning, got up and read the paper and said, what did we do today, what did we do today? So thank you for the memories, Niki.

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

Recognizing:

the following members of the York High School Girls Basketball Team, who have won the 2010 Class B State Championship, their first state title since 1994: players Amanda Bauman, Elizabeth Cartier, Emma Clark, Emily Graziano, Lindsey Contella, Stephanie Gallagher, Chelsea Morley, Niki Taylor, Addie LaBonte, Andrea Mountford, Emily Campbell and Marquis MacGlashing; head coach Richard Clark; assistant coaches Steve Freeman, Tony Robinson and Gwen Nelson; managers Greta Hayes, Kelsey Heroux, Samantha Taylor and Jenna Apgar. After winning their second straight Western Class B Championship this year, the members of the team finished with a perfect season of 22 wins and zero losses. We congratulate the York High School Girls Basketball Team on its championship season;

(HLS 1063)

Presented by Representative WEAVER of York. Cosponsored by Senator BOWMAN of York, Representative HILL of York.

On **OBJECTION** of Representative WEAVER of York, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from York, Representative Weaver.

Representative **WEAVER**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. It is an

honor and pleasure to have as my guests today the Class B state champion lady Wildcats of York High School. The tri-captains are here today along with Coach Clark. It was a career year for 28-year head coach Rick Clark, as he celebrated his 400th career victory during the 2009-10 season, and also led his team of talented athletes to a perfect record of 22 wins and zero losses. I am proud to be a member of the York delegation, since it allows me this opportunity to recognize the High School's girls varsity basketball team for their first State title since 1994. I would like to point out the year before last, they went all the way to the state championship undefeated. Then they got out scored because York never loses, we just get out scored, and I'm very happy to say that they beat Nokomis High School and there are some people here, like the young man from Newport, that gave me such a hard time about that game. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from York, Representative Hill.

Representative HILL: Thank you, Madam Speaker. With 22 wins and zero losses, this outstanding record makes them champions without question. And these young women, they stand as models of hope and accomplishment for all Maine girls teams going forward, and York, I just want to say, is incredibly proud of them. Thank you.

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

Recognizing:

Maureen Heffernan, of Boothbay, Executive Director of Coastal Maine Botanical Gardens, who is the recipient of a 2010 Governor's Conference on Tourism award for innovation and creativity. Insightful planning from the Board of Directors and hundreds of volunteers have made Coastal Maine Botanical Gardens a jewel of rare quality among North American gardens. Ms. Heffernan and Coastal Maine Botanical Gardens were selected by their peers for an outstanding contribution to the tourism industry in the State. We extend our appreciation to Ms. Heffernan for her dedication to the State and congratulate her on her receiving this award;

(HLS 1066)

Presented by Representative MacDONALD of Boothbay.
Cosponsored by Senator TRAHAN of Lincoln.

On **OBJECTION** of Representative MACDONALD of Boothbay, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative MacDONALD: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. It's with great pride that I rise to congratulate the Coastal Maine Botanical Gardens on the receipt of the Governor's Conference on Tourism award this past year. The Coastal Maine Botanical Gardens, a 250 acre garden, is really unique and you all should make plans to come there this summer. If you do, I live about half a mile from there, I'd love to see you. This is a uniquely made botanical garden. Two-hundred fifty acres in which lots of the coastal pines and ledges still are there, but scattered among them are beautiful flowers, exhibits, sculpture, paintings in Maine Gallery on the grounds, a mile of waterfront on the Back River in Boothbay. I urge you to come and see this award winning place, which in a few short years has become a tourist magnet for the Boothbay area for the central mid-Maine coast and for the State of Maine. Given that, in July they're going to be opening a great children's garden with Maine themes that have to do with Maine authors

and stories like Burt Dow, *Deepwater Man*, and *Ms. Rumphius* and *Blueberries for Sal*. I'm sure that you'll all enjoy and your children will enjoy that as well. I urge you to come and see the Coastal Maine Botanical Gardens and, again, congratulate them on their great award from the Chief Executive and predict that, given the way they're going, they will receive more of these in the future. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Alna, Representative Fossel.

Representative FOSSEL: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I also rise to congratulate Maureen Heffernan. In my spare time I'm the president of the Daponte String Quartet and you may ask what does a string quartet have to do with the Coastal Maine Botanical Gardens. Well, we have a summer residency there, and it is precisely because Maureen looks outside the box and realizes that if we cooperate together we do better. That is precisely why she got this award for innovation and creativity, and we're the beneficiaries of it and I want to thank her.

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

Recognizing:

On motion of Representative BEAULIEU of Auburn, the House **RECONSIDERED** its action whereby Expression of Legislative Sentiment recognizing James Philbrick, of Auburn (HLS 1070)

Was PASSED.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Beaulieu.

Representative BEAULIEU: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. In addition to his All-American honors, James Philbrick was a Kennebec Valley Athletic Conference first team all-star. During the last two years, he was instrumental in helping his team reach the State Class A finals. Suffering with turf toe for much of his senior season, there were days when James had difficulty just walking let alone playing basketball. This injury often limited his playing time, yet when he was on the court his leadership and unselfish play was immeasurable. His personal motivation energized his teammates and improved their success, both offensively and defensively. His coach, Mike Adams, maintained that James is the most unselfish player he has every coached in his career. He suggests that personal goals were always secondary to his dedication to the team and to the team's success. This was probably why Mr. Adams stated unequivocally that it was an honor to have coached this young man, a testament to the qualities and character exemplified by James Philbrick.

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

Recognizing:

On motion of Representative BEAULIEU of Auburn, the House **RECONSIDERED** its action whereby Expression of Legislative Sentiment recognizing Kirsten Prue, of Auburn (HLS 1071)

Was PASSED.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Beaulieu.

Representative BEAULIEU: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. For a second time I honor a citizen of Auburn and Edward Little High School. Kirsten Prue was the leading scorer in the Kennebec Valley

Conference and led Edward Little High School to a 30-4 regular season record over the last two seasons. During the later part of this year's season, she developed a stress fracture in her foot. In her absence from play time, the EL ladies lost six of its last seven games, including the KVAC rematch and Eastern A Quarterfinals. There are those who believe the girls would probably have played the state championship given that Kirsten would have remained healthy throughout the season. A great shooter, a great play maker and individual competitor, she scored over 1,000 points during her high school career, a feat she was able to achieve despite the fact that she was double and triple teamed on more than one occasion. Even more important than her athletic ability, Kirsten is an extraordinary young woman with exceptional intelligence, and she is a great role model. These personal traits and strengths no doubt played a role in her being admitted into Bowdoin College where she will compete in a premier program that has proven to be one of the perennial powerhouse teams in Division III women's basketball. Sounds like a great fit for this girl with varied talents. Thank you, Madam Speaker.

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

**REPORTS OF COMMITTEE
Divided Report**

Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-386)** on Bill "An Act To Amend the Site Location of Development Laws To Include Consideration of Greenhouse Gas Emissions"

(S.P. 341) (L.D. 891)

Signed:

Senator:

GOODALL of Sagadahoc

Representatives:

BOLDUC of Auburn

KNAPP of Gorham

EBERLE of South Portland

DUCHESNE of Hudson

WALSH INNES of Yarmouth

WELSH of Rockport

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

Signed:

Senator:

SMITH of Piscataquis

Representatives:

HAMPER of Oxford

EDGECOMB of Caribou

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-386) AS AMENDED BY SENATE AMENDMENT "C" (S-489)** thereto.
READ.

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

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

CONSENT CALENDAR

First Day

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

(H.P. 389) (L.D. 551) Bill "An Act To Improve the Essential Programs and Services Funding Formula" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-793)**

(H.P. 1238) (L.D. 1741) Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation, a Major Substantive Rule of the Department of Education (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-795)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Papers were **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

The House recessed until 11:00 a.m.

(After Recess)

The House was called to order by the Speaker.

The following item was 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.

HOUSE REPORT - Ought to Pass as Amended by Committee Amendment "A" (H-790) - Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2010 and June 30, 2011" (EMERGENCY)

(H.P. 1183) (L.D. 1671)

TABLED - March 29, 2010 (Till Later Today) by Representative CAIN of Orono.

PENDING - ACCEPTANCE OF COMMITTEE REPORT.

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

The Bill was **READ ONCE.** Committee Amendment "A" (H-790) was **READ** by the Clerk.

Representative CAIN of Orono **PRESENTED House Amendment "C" (H-798) to Committee Amendment "A" (H-790)**, which was **READ** by the Clerk.

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

Representative **CAIN:** Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. This is a technical amendment brought to our attention by the Office of Fiscal and

Program Review that does three things. It first corrects a position count that was inadvertently left out of the budget. Second, it inserts two appropriations and allocation sections that were inadvertently omitted from the amendment. And three, corrects the amendment to offset a negative projected balance in the Fund for Healthy Maine, making sure that balance stays intact and on balance, as was the intent of the committee. All three of these pieces were reviewed. This amendment, which includes those three pieces, was reviewed by the Appropriations Committee yesterday, and it was the understanding of the committee that this will be offered today and I would ask for support. Thank you, Madam Speaker.

Subsequently, **House Amendment "C" (H-798)** to **Committee Amendment "A" (H-790)** was **ADOPTED**.

Representative JOHNSON of Greenville **PRESENTED House Amendment "B" (H-796)** to **Committee Amendment "A" (H-790)**, which was **READ** by the Clerk.

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

Representative **JOHNSON**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. This amendment would provide an exemption from penalties established for nonconforming school administrative units if: 1) they can demonstrate that the school administrative unit would lose subsidy by consolidating or 2) because the reorganization plan would not have provided any greater educational benefit to students than what is provided to students enrolled in the schools currently operated by the school administrative units participating in the reorganization process.

The question we all have is why should we approve this amendment? The answer is simple. The school consolidation law was a one size fits all law that required communities to do things that were against their own self interests. About 55% of the school systems had to make no change and some districts were able to consolidate and save money. On the other hand, several rural schools complied with all the required actions of the consolidation law and found that the consolidation options available to them provided no cost savings or no educational advantage. As a result, the voters turned down the consolidation plans. It makes no sense to penalize these school districts. Several are in areas of the state that are the most economically depressed.

We need to ask ourselves why are we penalizing these communities and what is the impact of our action? We have set up a situation where these communities could vote to consolidate and see their cost of education rise, therefore hurting kids. Or, they could decline to consolidate and save money only to see the State penalize their decision. Either way, kids and communities lose.

What is the goal of the consolidation? Are we trying to save money? Are we trying to improve education? I submit the consolidation effort was primarily promoted to save money. By any information available it has not achieved either goal.

I want this body to understand the impact, the pain and the anguish that we are visiting on some of our school districts in my House district.

First, SAD 4. The superintendent, in response to an article in the *Bangor Daily News*, made the following points in reaction to the quoted remarks of a member of this body's Appropriations Committee.

Let's compare SAD 4 with the school system that is in this Representative's district. SAD 4 covers 6 towns and 220 square miles and has a median family income of less than \$30,000.

SAD 4 has closed 4 small elementary schools seven years ago and will close 2 more in June. Closing these beautiful

schools is agonizing work for a community. The closing of these two schools will result in 700 students being housed in 2 buildings and save a documented \$375,000.

SAD 4 has several cooperative arrangements to save money with adjacent school districts. They share Special Education Services with SAD 68, provide transportation services to School Union 60, and their Piscataquis Valley Adult Education Cooperative serves 18 towns and is being used as a model for efficiency both in Maine and nationally.

SAD 4 has a vibrant staff and its use of technology is acclaimed by our own Department of Education.

SAD 4's budget is 5% over the 100% EPS mark, that which the Department of Education has determined to be the minimum adequate amount for students to achieve the learning results.

Now let's look at the school system in the other Representative's district and you will be able to understand the frustration our consolidation efforts have caused for some of our school leaders in rural areas.

This RSU has three towns in an area much more compact than SAD 4 with a median family income of \$52,000. Before consolidation the major town in this RSU spent \$3,135 more per pupil than SAD 4. That would amount \$40,775 in a 13 year public education career. The budget for this new RSU is a shocking 33% over the EPS mark. Per pupil system administration cost in this RSU are 24% higher than SAD 4. Per pupil building administrative costs are 74% higher.

The Superintendent sums up my feeling exactly in his OPED and I quote: "How on Earth could anyone with a shred of common sense suggest that it would be even remotely appropriate for SAD 4 to send penalty money to units like this all over Maine that obviously have tremendous financial resources? It is shameful. Period. Particularly when the state is not even coming close to its obligation in General Purpose Aid."

I have another example, equally compelling, that I have provided to your desk from the Special Education Director of SAD 41. If you read it you will hear the hurt, the frustration and yes the disgust in her words.

I have never been more certain of the "rightness" of an action as I am with this one. It is clear to me. If it is not to you then it is my failing for not being able to articulate it correctly. I ask that you do the right thing and approve this amendment.

Representative **CAIN** of Orono moved that **House Amendment "B" (H-796)** to **Committee Amendment "A" (H-790)** be **INDEFINITELY POSTPONED**.

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

Representative **CAIN**: Thank you, Madam Speaker. Madam Speaker, I applaud the Representative for his passion and his consistency on this issue. This issue has simply been considered by the Education Committee earlier this session. In fact, it was a Minority Report that this House did not accept last week, I believe it was on Friday, and I certainly look forward in the future to working with the Representative on any opportunity to continue to improve the school district reorganization law. With that, I ask for support of a motion to Indefinitely Postpone. Thank you.

Representative **DAVIS** of Sangerville **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-796)** to **Committee Amendment "A" (H-790)**.

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 Chapman, Representative Sutherland.

Representative **SUTHERLAND**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. My colleague on the Education and Cultural Affairs Committee, I think, expressed his frustration very well. I think he made his message. But I need to back up just a little bit.

I have served with 12 great folks on the Education and Cultural Affairs Committee for the past two years. It's kind of bittersweet in a way that although I'm really excited to be getting done next week, I think in another way I'm going to miss all those folks. We have spent hours talking about exactly the issues that have been before us, equal quality of education for all the children in the State of Maine. Equal quality of education, and how do we do that? People have been struggling in this state for a long time. We know that every child is entitled to a free and appropriate public education and we would like it to be of equal quality for all our kids. And that's what we focused on and sometimes we take a bend but come back to that. We have, and I know it's not appropriate to talk about other pieces of legislation so I will not, but we have worked to try to provide the means to get at the issue before us that my colleague from the southern part of paradise so aptly discussed just a few minutes ago. Although I understand the problem, we have ways; we have a mechanism that we're going to be looking at it. We are fortunate to have the services of MEPRI, the Maine Educational Partnership Research Institute, that will be looking at a lot of those issues so that we can address them in the broad picture. Even though it was well expressed, I thank all of the colleagues on my committee that have worked so hard and are moving us forward into the future in terms of equal educational opportunities for all kids. I ask you to follow my light. Budget language is not the place to be making significant public policy changes to education. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Celli.

Representative **CELLI**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I have to agree with my colleague behind me. The situation in Brewer is that to pay for additional salaries within the combined units and to pay the Brewer taxpayers' share of sending students to other high school other than the Brewer High School, because those communities that have school choice, the Brewer taxpayers are going to have to have an increase in their taxes to cover \$800,000. It's easier for them to stay out of it and it's cheaper to pay the penalty. Why are we penalizing our schools anything? This was supposed to save money. It's not saving money for the citizens of Brewer. It's not helping our students. It's not increasing their education one bit, it's decreasing it. So I urge you not to support the resolution to stop this amendment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Sangerville, Representative Davis.

Representative **DAVIS**: Thank you very much, Madam Speaker. I just wanted to rise and speak briefly. My colleague here on my left, appropriately so I might add, is absolutely right about what he had to say when he got up and offered his amendment. When he talked about SAD 4, he spoke to my heart because I know an awful lot about SAD 4. The six small towns has 18 members on their school board and I was privileged to be their chairman for five years. It's a very vast school district. It's very rural. There's far more moose and deer than there are people to say the least.

A number of years ago when the Maine Educational Assessment Tests were beginning, and after they'd been in place for a year or two, our kids weren't doing very good and I asked one of the superintendents to be, he was at that time the principal

of the school, why we weren't doing better. He said to me, well, you know, they're the children of woodcutters and mill workers and you can't expect too much. Well had I had the power, I would have fired him right on the spot. I was disgusted with him. The next year Piscataquis Community High School was number two in the State of Maine in mathematics, and that year we were on the bottom of per capita funding for the kids, on the bottom, but they were number two, number two in math. Don't tell me that the children of mill workers and cord cutters can't do it. That's bologna. It's absolutely bologna. SAD 4, this year, is closing two schools, the little school in Parkman, the little school in Guilford. My granddaughters go to the school in Parkman and they're closing it. While I was on the school board, we rebuilt the school in Parkman and we built a state of the art facility, and we rebuilt the primary school in Guilford and we built a state of the art facility, and now we're closing it. Funding, no money, no nothing. This last Saturday in the town of Sangerville, they voted to tear down the school that was closed a number of years ago. They're going to tear that one down. Guess what folks? They're going to be punished. They're going to be punished because they voted the way they wanted to instead of the dictates of Augusta. Follow my light. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Whiting, Representative Burns.

Representative **BURNS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise not to support the motion to Table but to support the Amendment that the good Representative from Greenville offered. I just want to say a couple of things about this. I realize we've been discussing this now for it seems like ions, but there's a couple of important things. This is a law, a very unpopular law for school consolidation that we're trying to make fit over the entire state, and I'm sorry it doesn't fit everybody. Two particular aspects of it really concern me. When a school finds no cost savings and they find no educational value to it and they're struggling to keep their schools open as it is, and I have the same issues in my area as the Representative from Greenville does. When you close a school down because there's no funding left and you have to transport those kids 35, 40 miles on the worst roads in the state, these are issues. This should be about what is best for the kids. Until the state starts to meet its obligation and its pledge to fund schools at 55 percent, I think we can find it in our hearts to make some exemptions and special considerations for schools that are doing their very best to stay open. My folks are fishermen, lobstermen, clambers. They deserve the same chance as anybody else. Thank you, Madam Speaker.

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

Representative **SCHATZ**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I guess this is my "let my people go" speech. As you know, four years ago when this school consolidation appeared in the budget, I was one of 29 of us that voted against it, and we fought the good fight to try to make the legislation more suitable to our schools. And penalties were a big feature and a feature that never went away. We did have a reprieve, yes, for one year. But now that the ground is clear and the way is clear to go forward, I feel that these penalties should also go away. I oppose the present motion and hope you would follow my light. Thank you.

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

Representative **McFADDEN**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I didn't plan to rise on this issue, but I need to support Representative Johnson's amendment. I think each and every person in this

House needs to stop and think, do I have a district or do I have a town within my district that's being penalized, and if you have a town or a district inside of your district that is being penalized, you need to think twice before you vote to Indefinitely Postpone this amendment. Thank you very much, Madam Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "B" (H-796) to Committee Amendment "A" (H-790). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 329

YEA - Adams, Beaudette, Beaudoin, Beck, Berry, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Butterfield, Cain, Campbell, Carey, Casavant, Cleary, Cohen, Connor, Crockett P, Dill, Dostie, Driscoll, Duchesne, Eberle, Eves, Flaherty, Flemings, Flood, Giles, Goode, Hanley, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath, Kent, Knapp, Kruger, Lajoie, Legg, Lovejoy, Magnan, Martin JR, Martin JL, Mazurek, McCabe, Miller, Millett, Morrison, Nelson, Nutting, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Piotti, Priest, Rankin, Rotundo, Russell, Sanborn, Shaw, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Tardy, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Webster, Welsh, Wheeler, Wright, Madam Speaker.

NAY - Austin, Ayotte, Beaulieu, Bickford, Browne W, Burns, Cebra, Celli, Chase, Clark H, Clark T, Cotta, Crafts, Cray, Crockett J, Curtis, Davis, Eaton, Edgecomb, Finch, Fitts, Fletcher, Fossel, Gifford, Gilbert, Greeley, Hamper, Harvell, Johnson, Joy, Knight, Langley, Lewin, MacDonald, McFadden, McKane, McLeod, Nass, O'Brien, Pinkham, Plummer, Pratt, Prescott, Richardson D, Richardson W, Robinson, Sarty, Saviello, Schatz, Sykes, Theriault, Thibodeau, Thomas, Tilton, Weaver, Willette.

ABSENT - Cornell du Houx, Cushing, Rosen.

Yes, 92; No, 56; Absent, 3; Excused, 0.

92 having voted in the affirmative and 56 voted in the negative, with 3 being absent, and accordingly **House Amendment "B" (H-796) to Committee Amendment "A" (H-790) was INDEFINITELY POSTPONED.**

Representative JOHNSON of Greenville **PRESENTED House Amendment "A" (H-794) to Committee Amendment "A" (H-790)**, which was **READ** by the Clerk.

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

Representative **JOHNSON**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. This amendment is trying to correct one of the shortfalls in our funding formula for schools. We have another committee bill, and I should say that I have been pleased this year to be a member of the Education Committee. I think the Education Committee has done a lot of good work and I think highly of all members of the committee. You will see later LD 551, which is the committee bill to make some adjustments to the Essential Programs and Services funding formula. It is a long term approach. This amendment is designed to correct and easily identify part of the problem. General Purpose Aid to education to local school districts is made up of two elements.

First, is the EPS funding formula. This is a complex formula that tries to set a minimum expenditure that each school district should expect to pay to provide the resources necessary to meet the Maine Learning Results. It should be understood, that this is a minimum estimate, and doesn't account for full funding for all elements that we commonly include as necessary activities of a school district. Roughly 85% of school districts exceed the EPS formula calculated amount. This indicates to me that the vast majority of school districts are attempting to provide the

resources necessary to run their schools. This being said, I believe that many of the variables in the EPS formula were arbitrary or based on educated guesses at the time of its inception. Other variables were based on data that has grown old and to change it now would result in winners and losers. The older these data elements get, the less relevant they become. This causes many significant problems. Perhaps most importantly, many of these variables in the EPS formula do not have a clearly defined educational purpose. Therefore, aspects of the formula are not defensible. Hopefully, LD 551 will address this part of the problem.

The second element is the fund distribution part of the process that was implemented as a result of LD 1 passed by the Legislature in 2005. I would like to point out in reaction to a comment previously that educational policy doesn't belong in the budget, but that's where it started out. LD 1 established funding caps for municipalities and caps that were implied for school districts. It is this aspect of our system of providing General Purpose Aid that is responsible for much of the wild and uncontrolled variation in GPA support to communities and, in my opinion, is a leading cause of the inability of many communities to consolidate school systems. The level of state GPA support relies heavily on a community's valuation to determine the percentage of the state's contribution of the EPS formula generated cost of education. When schools that are trying to consolidate have wide differences in valuation it becomes extremely difficult for these communities to reach an equitable sharing of the cost of a consolidated district. The realities of the valuation process often results in significant and changing variations in valuation among member communities of a school district. This results in cost shifts. We have seen many cases of communities that consolidated only to find out that the allocation of the GPA changes substantially. Many now wish they could undo the consolidation they agreed to a few short months ago.

My amendment addresses a situation of unfairness that results in communities that are anomalies in our large system of General Purpose Aid allocation. They are communities that have poverty levels above the state average yet receive minimum GPA subsidy from the State. The structure of the amendment defines the eligibility as: the school administrative unit is a minimum receiver pursuant to the appropriate statute, the school administrative unit's percentage of economically disadvantaged students are above the state average, and the school administrative unit must actually operate a school.

The amount of the adjustment is the difference between the state share of the allocation and the amount computed as the school administrative unit's allocation for economically disadvantaged students, which the appropriate statute specifies the percentage currently of special education funds that a minimum receiver actually receives. This percentage is scheduled to be 35% in the school year 2011-12. This amendment adds to the 35% of special education costs, currently provided to minimum receivers, an equal 35% of the amount calculated by the EPS formula for disadvantaged students only for those minimum receiving school districts that operate a school that has a disadvantaged student population above the state average.

If this amendment had been in effect this year it would have benefited 7 small school districts with high levels of poverty and involved a cost shift of \$162,796, roughly \$20,000 per district. I request your support of this amendment that would become effective in 2011-2012. Thank you very much.

Representative CAIN of Orono moved that **House Amendment "A" (H-794) to Committee Amendment "A" (H-790) be INDEFINITELY POSTPONED.**

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

Representative **CAIN**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I am happy to stand before you and say that this budget, which this amendment proposes to address, does not include any changes to the Essential Programs and Services formula. That was the resounding message that we heard from every superintendent that came before us during the public hearings and in the work sessions that followed. They said, this is not the time to adjust the formula. The way the money was pulled out of the formula in the proposed cuts is exactly the way it should be restored. I am very glad that there are not changes to the Essential Programs and Services formula in this budget. I'm glad that that work remains with the Education Committee.

I would also add that when changes are made to the EPS formula, there is a ripple effect across the entire allocations to every district across the state. When you adjust one part, it either takes away or adds to everybody else's. I feel comfortable and confident, Madam Speaker, that this budget, without this amendment, responsibly restores the funding that was set to be cut in the exact same way it was pulled out in the first place. Thank you, Madam Speaker.

Representative **JOHNSON** of Greenville **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-794) to Committee Amendment "A" (H-790)**.

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 Chapman, Representative Sutherland.

Representative **SUTHERLAND**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Very briefly, I totally understand the problem my colleague was talking about; however, as he referenced, there is a better vehicle by which to look at the entire funding formula. As the good chair of the Appropriations Committee pointed out, once you tweak one piece, it's like dominos and so it has to be all looked at together. So I would encourage you please to follow my light. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-794) to Committee Amendment "A" (H-790). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 330

YEA - Adams, Beaudette, Beaudoin, Beck, Berry, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Butterfield, Cain, Carey, Casavant, Cleary, Cohen, Connor, Cornell du Houx, Crockett P, Dill, Dostie, Driscoll, Duchesne, Eberle, Eves, Finch, Flaherty, Flemings, Flood, Goode, Hanley, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath, Kent, Knapp, Kruger, Lajoie, Legg, Lovejoy, Magnan, Martin JR, Martin JL, Mazurek, McCabe, Miller, Millett, Morrison, Nelson, Nutting, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Piotti, Pratt, Priest, Rankin, Robinson, Rotundo, Russell, Sanborn, Shaw, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Sykes, Tardy, Theriault, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner R, Watson, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Austin, Ayotte, Beaulieu, Bickford, Browne W, Burns, Cebra, Celli, Chase, Clark H, Clark T, Cotta, Crafts, Cray, Crockett J, Curtis, Davis, Eaton, Edgecomb, Fitts, Fletcher, Fossel, Gifford, Gilbert, Giles, Greeley, Hamper, Harvell, Johnson, Joy, Knight, Langley, Lewin, MacDonald, McFadden, McKane, McLeod, Nass, Pinkham, Plummer, Prescott,

Richardson D, Richardson W, Sarty, Saviello, Schatz, Sykes, Thibodeau, Thomas, Tilton, Wagner J, Weaver.

ABSENT - Campbell, Cushing, Rosen.

Yes, 96; No, 52; Absent, 3; Excused, 0.

96 having voted in the affirmative and 52 voted in the negative, with 3 being absent, and accordingly **House Amendment "B" (H-794) to Committee Amendment "A" (H-790) was INDEFINITELY POSTPONED.**

Committee Amendment "A" (H-790) as Amended by House Amendment "C" (H-798) 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 **TARDY** of Newport **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended.**

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 Passage to be Engrossed. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 331

YEA - Adams, Beaudette, Beaudoin, Beaulieu, Beck, Berry, Blanchard, Blodgett, Boland, Bolduc, Briggs, Browne W, Bryant, Butterfield, Cain, Carey, Casavant, Clark H, Cleary, Cohen, Connor, Cornell du Houx, Cotta, Crockett P, Curtis, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Eves, Finch, Fitts, Flaherty, Flemings, Flood, Fossel, Gilbert, Giles, Goode, Hanley, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath, Kent, Knapp, Kruger, Lajoie, Langley, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, Miller, Millett, Morrison, Nelson, Nutting, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Pinkham, Piotti, Pratt, Priest, Rankin, Richardson D, Robinson, Rotundo, Russell, Sanborn, Schatz, Shaw, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Sykes, Tardy, Theriault, Tilton, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Austin, Ayotte, Bickford, Burns, Cebra, Celli, Chase, Clark T, Crafts, Cray, Crockett J, Davis, Edgecomb, Fletcher, Gifford, Greeley, Hamper, Harvell, Johnson, Joy, Knight, Lewin, McFadden, McKane, McLeod, Nass, Plummer, Prescott, Richardson W, Sarty, Saviello, Thibodeau, Thomas, Weaver.

ABSENT - Campbell, Cushing, Rosen.

Yes, 114; No, 34; Absent, 3; Excused, 0.

114 having voted in the affirmative and 34 voted in the negative, with 3 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-790) as Amended by House Amendment "C" (H-798) thereto and sent for concurrence. ORDERED SENT FORTHWITH.**

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

BILLS IN THE SECOND READING

Senate as Amended

Bill "An Act To Promote the Establishment of Innovative Schools" (EMERGENCY)

(S.P. 706) (L.D. 1801)

(C. "A" S-455)

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

On motion of Representative PIOTTI of Unity, was **SET ASIDE**.

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENGROSSED as Amended** and later today assigned.

Representative SAVIELLO of Wilton assumed the Chair.
The House was called to order by the Speaker Pro Tem.

ENACTORS

Emergency Measure

An Act To Establish a Broadband Policy for Maine
(H.P. 1174) (L.D. 1646)
(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. 130 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

Emergency Measure

Resolve, To Prevent the Spread of Invasive Plants and Protect Maine's Lakes

(H.P. 1090) (L.D. 1548)
(H. "A" H-757 to C. "A" H-724)

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

Representative SYKES of Harrison **REQUESTED** a roll call on **FINAL PASSAGE**.

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

The **SPEAKER PRO TEM**: A roll call has been ordered. The pending question before the House is Final Passage. All those in favor will vote yes, those opposed will vote no.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 332

YEA - Adams, Austin, Ayotte, Beaudette, Beaudoin, Beaulieu, Beck, Berry, Bickford, Blanchard, Blodgett, Boland, Bolduc, Briggs, Browne W, Bryant, Burns, Butterfield, Cain, Campbell, Carey, Casavant, Celli, Chase, Clark H, Clark T, Cleary, Cohen, Connor, Cotta, Crafts, Crockett J, Crockett P, Curtis, Davis, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Eves, Finch, Fitts, Flaherty, Flemings, Fletcher, Flood, Fossel, Gifford, Gilbert, Giles, Goode, Greeley, Hamper, Hanley, Harlow, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Johnson, Jones, Joy, Kaenrath, Kent, Knapp, Knight, Kruger, Lajoie, Langley, Legg, Lewin, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McFadden, McKane, McLeod, Miller, Millett, Morrison, Nass, Nelson, Nutting, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rankin, Richardson D, Richardson W, Robinson, Rotundo, Russell, Sanborn, Sarty, Saviello, Schatz, Shaw, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tilton, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Weaver, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - NONE.

ABSENT - Cebra, Cornell du Houx, Cray, Cushing, Rosen, Watson.

Yes, 145; No, 0; Absent, 6; Excused, 0.

145 having voted in the affirmative and 0 voted in the negative, with 6 being absent, and accordingly Resolve was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

Acts

An Act To Allow a Maine-chartered Financial Institution To Conduct a Savings Promotion Raffle

(S.P. 645) (L.D. 1673)
(C. "B" S-418)

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

The Speaker resumed the Chair.

The House was called to order by the Speaker.

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (10) **Ought to Pass as Amended by Committee Amendment "A" (H-692)** - Minority (3) **Ought Not to Pass** - Committee on **TRANSPORTATION** on Bill "An Act To Authorize a General Fund Bond Issue To Purchase and Upgrade Trackage of the Montreal, Maine and Atlantic Railway"

(H.P. 1242) (L.D. 1748)

TABLED - March 11, 2010 (Till Later Today) by Representative MAZUREK of Rockland.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

On motion of Representative CAIN of Orono, the Bill and all accompanying papers were **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and sent for concurrence.

Bill "An Act Relating to the Membership of the Workers' Compensation Board"

(H.P. 1103) (L.D. 1566)

- In House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-659)** on March 2, 2010.

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-659) AS AMENDED BY SENATE AMENDMENT "A" (S-399)** thereto in **NON-CONCURRENCE**.

TABLED - March 24, 2010 (Till Later Today) by Representative TUTTLE of Sanford.

PENDING - FURTHER CONSIDERATION.

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

An Act To Update the Laws Affecting the Maine Center for Disease Control and Prevention (MANDATE)

(H.P. 1130) (L.D. 1592)
(C. "A" H-721)

TABLED - March 26, 2010 (Till Later Today) by Representative PIOTTI of Unity.

PENDING - **PASSAGE TO BE ENACTED.** (Roll Call Ordered)

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

In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 333

YEA - Adams, Ayotte, Beaudette, Beaudoin, Beck, Berry, Blanchard, Blodgett, Bolduc, Briggs, Bryant, Butterfield, Cain, Campbell, Carey, Casavant, Celli, Chase, Clark H, Cleary, Cohen, Connor, Crockett P, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Eves, Flaherty, Flemings, Flood, Gilbert, Giles, Goode, Greeley, Hanley, Harlow, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath, Kent, Knapp, Knight, Kruger, Lajoie, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, Miller, Millett, Morrison, Nelson, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Piotti, Pratt, Priest, Rankin, Richardson D, Rotundo, Russell, Sanborn, Saviello, Schatz, Shaw, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Tardy, Theriault, Treat, Trinward, Valentino, Van Wie, Wagner J, Wagner R, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Austin, Beaulieu, Bickford, Browne W, Burns, Clark T, Crafts, Crockett J, Curtis, Davis, Edgcomb, Finch, Fitts, Fletcher, Fossel, Gifford, Hamper, Johnson, Joy, Langley, Lewin, McFadden, McKane, McLeod, Nutting, Pinkham, Plummer, Prescott, Richardson W, Robinson, Sarty, Sykes, Thibodeau, Thomas, Tilton, Weaver.

ABSENT - Boland, Cebra, Cornell du Houx, Cotta, Cray, Cushing, Nass, Rosen, Tuttle, Watson.

Yes, 105; No, 36; Absent, 10; Excused, 0.

105 having voted in the affirmative and 36 voted in the negative, with 10 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Bill "An Act To Amend the Standards by Which Game Wardens May Stop All-terrain Vehicles when Operating on Private Property"

(H.P. 1080) (L.D. 1536)

- In House, Majority (7) **OUGHT TO PASS** Report of the Committee on **INLAND FISHERIES AND WILDLIFE READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-759)** on March 24, 2010.

- In Senate, Minority (6) **OUGHT NOT TO PASS** Report of the Committee on **INLAND FISHERIES AND WILDLIFE READ** and **ACCEPTED** in **NON-CONCURRENCE**.

TABLED - March 26, 2010 (Till Later Today) by Representative CLARK of Millinocket.

PENDING - Motion of same Representative to **INSIST**.

Subsequently, the House voted to **INSIST**.

An Act To Authorize a General Fund Bond Issue To Create a New Electronic Medical Records Infrastructure and To Establish

the Electronic Medical Records Infrastructure Program (BOND ISSUE)

(S.P. 675) (L.D. 1761)
(C. "A" S-445)

TABLED - March 29, 2010 (Till Later Today) by Representative PIOTTI of Unity.

PENDING - **PASSAGE TO BE ENACTED.**

On motion of Representative CAIN of Orono, the Bill and all accompanying papers were **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE** and sent for concurrence.

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-792)** on Bill "An Act To Establish the Universal Childhood Immunization Program" (H.P. 984) (L.D. 1408)

Signed:

Senators:

BRANNIGAN of Cumberland
MARRACHÉ of Kennebec
MILLS of Somerset

Representatives:

PERRY of Calais
PETERSON of Rumford
JONES of Mount Vernon
SANBORN of Gorham
CAMPBELL of Newfield
STRANG BURGESS of Cumberland
STUCKEY of Portland
EVES of North Berwick

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

Signed:

Representatives:

JOY of Crystal
LEWIN of Eliot

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-792)** Report.

READ.

On motion of Representative PERRY of Calais, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-792)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-792)** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

SENATE PAPERS

The following Joint Resolution: (S.P. 745)

JOINT RESOLUTION SUPPORTING THE CREATION OF A MAINE BASKETBALL HALL OF FAME

WHEREAS, basketball is an American pastime that has been popular in Maine since it was invented and Maine high school and college basketball has been an institution and part of every Maine community for a century; and

WHEREAS, Maine basketball and all of those who have contributed to the sport in this State have had a direct influence on both the evolution and the identity of numerous Maine communities; and

WHEREAS, every Maine community has taken pride in the accomplishments of its high school basketball teams and players for decades and, moreover, these communities have honored and recognized the contribution of fans, players, cheerleaders, reporters, coaches, managers and trainers to the game of basketball and to the community itself; and

WHEREAS, the State of Maine appreciates the court performances of its outstanding basketball players, as well as the leadership, direction and dedication of its basketball coaches; and

WHEREAS, in order to remember the long history of basketball in Maine, it is time to organize and establish a Maine Basketball Hall of Fame to recognize Maine's outstanding basketball players and to also recognize the tradition of Maine basketball and the achievements of the sport's many participants, which have been a source of pride and positive influence for the citizens of Maine for many decades; now, therefore, be it

RESOLVED: that We, the members of the One Hundred and Twenty-fourth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize all of Maine's basketball players, past and present, male and female, including Maine's outstanding basketball players and contributors, and endorse and support the creation of the Maine Basketball Hall of Fame.

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

SENATE PAPERS

Non-Concurrent Matter

Resolve, Regarding Legislative Review of Portions of Section 10: Stream Crossings within Chapter 305 Permit by Rule Standards, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)

(H.P. 1224) (L.D. 1725)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-678) AS AMENDED BY HOUSE AMENDMENT "A" (H-778) thereto in the House on March 26, 2010.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-678) AS AMENDED BY SENATE AMENDMENT "A" (S-493)** thereto in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

CONSENT CALENDAR

First Day

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

(H.P. 1227) (L.D. 1728) Bill "An Act To Make Supplemental Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain

Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2010 and June 30, 2011" (EMERGENCY) Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-799)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence. **ORDERED SENT FORTHWITH.**

ENACTORS

Emergency Measure

An Act To Amend the Laws Governing County Jail Budgeting for York County

(S.P. 668) (L.D. 1745)
(C. "A" S-461)

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. 138 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. **ORDERED SENT FORTHWITH.**

Acts

An Act To Make Corrections to the Life Settlement Laws

(H.P. 1073) (L.D. 1523)
(S. "A" S-462)

An Act To Support the Dairy Industry

(H.P. 1316) (L.D. 1829)

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.

Resolves

Resolve, To Increase Transparency and Accountability and Assess the Impact of Tax Expenditure Programs

(H.P. 1195) (L.D. 1694)
(S. "A" S-474)

Resolve, To Review Sales of Dairy Products

(H.P. 1249) (L.D. 1755)
(S. "A" S-468 to C. "A" H-716)

Resolve, Directing the Right To Know Advisory Committee To Further Examine Requirements That Public Bodies Keep Records of Public Proceedings

(H.P. 1279) (L.D. 1791)
(S. "A" S-476 to C. "A" H-734)

Resolve, To Continue Evaluating Climate Change Adaptation Options for the State

(S.P. 733) (L.D. 1818)
(S. "A" S-467)

Resolve, To Review and Update the Telecommunications Taxation Laws

(H.P. 1306) (L.D. 1823)
(S. "A" S-484)

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

Emergency Measure

An Act To Encourage the Use of Models in the Collection and Use of Student Achievement Data

(S.P. 704) (L.D. 1799)
(C. "A" S-483)

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

Representative SAVIELLO of Wilton **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 Wilton, Representative Saviello.

Representative **SAVIELLO**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I will be brief as I was ordered by the Speaker before. Classrooms today are too different and too difficult at this time to set up an evaluation system. I do think it's necessary, but it needs to be done with everybody in the room. I don't think this calls for it. I think this is an over reaction to a particular opportunity, and I, as I said before, trust is important and I don't think we have the trust to do this today. Thank you very much, Madam Speaker.

On motion of Representative PIOTTI of Unity, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned. (Roll Call Ordered)

Emergency Measure

Resolve, Regarding Emergency Communications Services

(H.P. 1315) (L.D. 1828)

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

Acts

An Act To Require Insurance Companies To Cover the Cost of Prosthetics Containing Microprocessors

(H.P. 15) (L.D. 20)
(C. "A" H-748)

An Act To Implement the Recommendations of the Advisory Council on Health Systems Development Relating to Payment Reform

(S.P. 735) (L.D. 1819)
(C. "A" S-485)

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.

Resolves

Resolve, Directing the Right To Know Advisory Committee To Examine Issues Related to Private Information Contained in the Communications of Public Officials

(H.P. 1288) (L.D. 1802)
(H. "A" H-788 to C. "A" H-735)

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

ORDERS

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 44)

ORDERED, that Representative Steven J. Butterfield II of Bangor be excused March 16, 17, 18, 22, 23, 24, 25 and 26 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Michel A. Lajoie of Lewiston be excused March 18 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Everett W. McLeod, Sr. of Lee be excused March 29 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Mary Pennell Nelson of Falmouth be excused March 18 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Ann E. Peoples of Westbrook be excused March 22 and 23 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Sharon Anglin Treat of Hallowell be excused March 23 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Joseph Andrew Wagner of Lyman be excused March 18 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Walter A. Wheeler, Sr. of Kittery be excused March 24, 25, 26 and 29 for health reasons.

READ and PASSED.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Revise Notification Requirements for Pesticides Applications Using Aircraft or Air-carrier Equipment" (EMERGENCY)

(H.P. 1089) (L.D. 1547)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-725) AS AMENDED BY HOUSE AMENDMENT "A" (H-786) thereto in the House on March 26, 2010.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-725) AS AMENDED BY SENATE AMENDMENT "A" (S-492)** thereto in **NON-CONCURRENCE**.

Representative PIEH of Bremen moved that the House **RECEDE AND CONCUR**.

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

Representative **PIEH**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. This amendment to the pesticides bill, it does not change any of the things that came in the amendment that was presented by the Representative from Lincolnville, Representative O'Brien, with the exception that what it does, and you've seen this across your desk I think several times in this session, is it removes the right of the committee to report out legislation after a report back from the Board of Pesticide Control. I'm asking that we Recede and Concur instead of Insist because the bill otherwise will die between the two bodies. But I must say that I strongly protest this practice that has begun in this session. I think that a committee bill is different from an individual bill; it's different from a bill from the Executive. I think that when committees put out a task force, ask for report back, that's what comes back with that opportunity, if the committee so chooses to present out legislation, makes a big difference in how that task force and study group looks at its own work and what comes back to us.

I also feel that this decision to do this was not made by the 186 legislators in this Legislature. I think it was made by a small number, if that number's even plural, I'm not sure. But I just want to make that statement because I think it affects all of us and I don't think that it's right. One response I was told, well, you can always put out a joint order. Well, I know of at least two joint orders that have come before this body in the last few weeks that have been denied in the other body, so I just have to make that statement. I do want to Recede and Concur because that's our choice at this point, but thank you very much for listening.

Representative PRATT of Eddington **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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 Eddington, Representative Pratt.

Representative **PRATT**: Thank you, Madam Speaker. I could not agree more with my good chair. I don't think it's right. It's another example of the whittling down of an already remarkably and exponentially whittled down bill, and we do have a choice. We have a choice where we can tell the other body that it's unacceptable and we're not going to do. I personally would like the opportunity to say that. So I request a roll call. I've been ensured by a lot of the stakeholders that have been involved in this that nothing is going to be held against you if you come here and you stand up for what's right in this matter and you stand up for a good bill. So please, please, I suggest that we say no and we do the right thing. Thank you.

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

Representative **McCABE**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I stand today in support of the pending motion. I guess frustration comes to my mind, but also frustration for our grower community, our grower community that is in limbo waiting for us to pass something out of this body and finish with this for this session. So that's all I have to say.

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

ROLL CALL NO. 334

YEA - Austin, Ayotte, Beaudette, Beaudoin, Beaulieu, Beck, Berry, Bickford, Blanchard, Bolduc, Browne W, Bryant, Burns, Cain, Carey, Casavant, Celli, Chase, Clark H, Clark T, Cleary, Cohen, Connor, Cotta, Cray, Crockett J, Crockett P, Curtis, Davis, Dill, Dostie, Driscoll, Duchesne, Eberle, Edgcomb, Eves, Finch, Fitts, Flemings, Fletcher, Flood, Fossil, Gifford, Gilbert, Giles, Greeley, Hamper, Hanley, Harlow, Harvell, Haskell, Hill, Hinck, Hogan, Hunt, Johnson, Knight, Langley, Legg, Lewin, Lovejoy, MacDonald, Mazurek, McCabe, McFadden, McKane, McLeod, Miller, Millett, Morrison, Nass, Nelson, Nutting, Pendleton, Peoples, Perry, Peterson, Pieh, Pilon, Pinkham, Piotti, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Rotundo, Sanborn, Sarty, Sirois, Smith, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tilton, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Weaver, Webster, Welsh, Wheeler, Willette, Madam Speaker.

NAY - Adams, Blodgett, Boland, Briggs, Butterfield, Campbell, Cornell du Houx, Crafts, Eaton, Flaherty, Goode, Hayes, Innes Walsh, Jones, Kaenrath, Kent, Knapp, Kruger, Lajoie, Magnan, Martin JR, Martin JL, O'Brien, Percy, Pratt, Russell, Saviello, Schatz, Shaw, Stevens, Stuckey, Watson, Wright.

ABSENT - Cebra, Cushing, Joy, Robinson, Rosen.

Yes, 113; No, 33; Absent, 5; Excused, 0.

113 having voted in the affirmative and 33 voted in the negative, with 5 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

The House recessed until 3:45 p.m.

(After Recess)

The House was called to order by the Speaker.

The following item was taken up out of order by unanimous consent:

**ENACTORS
Emergency Measure**

An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2010 and June 30, 2011

(H.P. 1183) (L.D. 1671)

(H. "C" H-798 to C. "A" H-790)

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

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

Representative **CAIN**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. The first time the Appropriations Committee laid eyes on LD 1671 was on Friday, December 18, 2009, more than three months ago. It came on the heels of six months of ultimately unanimous work by the committee on the so-called streamlining bill and before the biennial budget we all enacted last session was even six months underway. In its original form, the bill before us addressed a \$438 million shortfall. On December 18th and in the weeks that followed of public hearings and policy committee work sessions, it was clear to me that the budget, as presented, was not a budget that any one of us could have supported.

At the beginning of January we had no idea that within two months we would have a \$51 million revenue bump from the Revenue Forecasting Committee, an additional \$26 million from a federal rule change in the American Recovery and Reinvestment Act, and even more funds than we originally anticipated from a six month extension of the Recovery Act enhanced Medicaid rate, because we did not know these resources were pending. It enabled us, as a committee and as a Legislature, to focus on what was the worst of the worst in the budget before us.

Together we prioritized restoring funds to municipalities and put \$11 million back into Municipal Revenue Sharing. Together we prioritized K-12 education and restored \$25 million to General Purpose Aid to Education for next year. Together we prioritized higher education and eliminated cuts in FY'11. Together we prioritized Maine's natural resource agencies, rejecting the proposal in the original budget to move towards consolidation. Together we also prioritized the most vulnerable in our society and worked with great help from the members of the Health and

Human Services Committee to eliminate the worst cuts and simultaneously seek structural changes that will slow the growth of ever-growing costs in the Department of Health and Human Services. We eliminated the waitlist for waiver services for people with developmental disabilities, and we preserved a system of support for those with mental illness. We came together on what mattered most and with a conscious eye on what is likely to come in the next biennium, additional shortfalls and the disappearance of federal Recovery Act funds that will challenge our state to continue difficult conversations about how we fund the things we care about. But nothing in this building is the result of one individual's action. There are no singular actors in anything we do and don't believe anyone who tells you differently. It is the work of the collective, and on the whole, that leads to the very best work that we can offer the people of the State of Maine.

The Appropriations team extends well beyond the 13 outstanding members of the committee, and so I offer great thanks and deep gratitude to the staff of the Office of Fiscal and Program Review, in particular, Maureen Dawson and Grant Penoyer, and to our committee clerk, Diane Pruett. I also offer my thanks to the Revisor's Office for turning our work around so quickly and efficiently into a product that we can use. Thank you to all of you and to your policy committees for being a true partner with the Appropriations Committee in our work. The final package is the culmination of your work aligned with ours. I'd like to thank the Chief Executive for having the wisdom to appoint such strong commissioners that were key to this process and the end result, particularly Commissioner Susan Gendron and Commissioner Brenda Harvey. Both showed and offered immense leadership and willingness to meet the policy committees and Appropriations Committee more than halfway. Especially to Commissioner Harvey, thank you on behalf of the committee and the hundreds of providers and consumers of vital services across the state who you listened to and responded to in a meaningful way.

The fourteenth and fifteenth members of the Appropriations Committee are the Department of Administration and Financial Services Commissioner Ryan Low, and State Budget Officer Ellen Schneider, both of whom are in the gallery today, Madam Speaker. Ellen knows every line of the budget and keeps track of our every move to make sure that we don't get off track. And to Commissioner Low, I offer personal thanks as well as thanks from the committee. You are a true leader and you understand that relationships matter and, in this building, that your word and your work are all you have to offer. Thank you for being part of our team and for, at many times, being the bridge that helped us overcome the divide.

I would also like to thank you, Madam Speaker, and all the members of leadership on both sides of the aisle and on both ends of the hallway for your support of the committee process. I know it can be frustrating to be patient but you were, and the work of the committee blossomed as a result. Thank you for trusting us.

On a personal note, Madam Speaker, I need to thank the incredible members of the Appropriations Committee. Each one has challenged me personally to think bigger and broader about the work we do, and every single member brought their differing personalities, philosophies and passions to the table in a spirit of compromise and negotiation that led to the unanimous report before us today. That is not easy and it is not an accident. It takes hard work, long hours and a shared commitment by all.

I'd especially like to acknowledge the Representative from Waterford, Representative Millett, for his willingness to always have the conversation with me and to always work to find a way.

The two of us, in partnership with the Senators from Cumberland and Penobscot in the other body, maintained an open dialogue that saw us through the stickiest moments. To say I've learned a lot from the three of them may be the greatest understatement of all.

I may have gone on too long, but it's just so hard to describe how satisfying it is to have finally arrived at today. Even me, the eternal optimist, had moments of worry that a bipartisan result was not possible, but here it is. And so Madam Speaker, I am proud to stand before you today and tell you without hesitation that this budget, which reduces state spending by \$310 million, is the unanimous result of an intense committee process that puts Maine in a strong position to face what will be tough years ahead, and it is without hesitation, Madam Speaker, that I ask for your support and the support of every member of this body in Enacting this bill today. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Berry.

Representative **BERRY**: Thank you, Madam Speaker. I'm very proud today to stand in favor of the pending motion as well and proud in particular of the bipartisanship that has been exhibited, both by members of leadership and, in particular, by members of the Appropriations Committee, which put this budget together and voted for it unanimously. I think this is a balanced beginning to the work of picking up the economic pieces from the recession that we, in Maine and in all states, are in today. It's a start to the important work of sweeping up the broken charms of our national economy, a start to strengthening our safety net again, and a start to strengthening our economy. That work has only begun with this budget. I have a special appreciation for the Commissioner of Finance Ryan Low, and I am deeply aware, too, of his advice that the next two-year budget could be just as challenging, if not more so. I hope that he is here in some way to continue to work with us through that process, because we will continue, those of us who return, and we will step it up. We will work together as all of the policy committees and the leaders and the Appropriations Committee have done, and to use a term that my friends across the aisle are fond of, we will continue to act structurally and systematically in tackling these challenges. This budget is responsible. It takes strong steps to move us down the road to restored prosperity. So I want to commend the committee and my colleagues on both sides of the aisle. I look forward to a strong vote in favor of this budget on Final Enactment, and Madam Speaker, when the vote is taken I request that it be by the yeas and nays.

Representative **BERRY** of Bowdoinham **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 Waterford, Representative Millett.

Representative **MILLETT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I'd like to at the outset echo the words of my good House chair in reiterating the thank yous that she extended to all of the people that made our job over the last three and a half months much easier than it might have otherwise been. A particular thanks to her and her co-chair, the Senator from Windham, and to the four of us assisting me on the Republican side, Representatives Nutting, Flood and Robinson, and my co-lead Senator Rosen. I'd also extend thanks to the other members on the other side of the aisle of the committee. As a group of 13, we obviously have not always agreed on every issue. We certainly never will, we have different philosophies, but we worked extremely well together. I would like to reiterate Representative Cain's comments about

Commissioner Ryan Low, who was not only ever present and knowledgeable about each and every issue we posed to him on the spur of the moment, day in and day out, six days a week often, well into the evening, but very responsive to me and my caucus. And I want to acknowledge that it would not have come to this point, in my view, of a unanimous budget had we not been able to secure the kind of responsive feedback and adjustments to the budget that we presented on many occasions to Commissioner Low.

I still have some heartburn about the budget because it's not perfect, and my caucus has trepidations about it as well. I'd just like to share a few of those concerns without elaborating on them in great length. There is still a concern, and Representative Cain alluded to it, that we have used too much one-time money to get us to this point, and that is certainly true. No matter how you look at it, we made the best of what we had available, but we did utilize a lot of what we called American Recovery and Reinvestment Act moneys that are one-time, will run out for the part at the end of the calendar year, but some at the end of the biennium, and they will leave us with what I guess I would call a structural gap, although it hasn't been quantified, for the next biennium that will exceed a billion dollars easily, in my view. And this is a point that I've made repeatedly within my caucus that, yes, we do have a budget, but we have difficulties ahead of us, and I think it's important that we all acknowledge that we drew down \$166 million of one-time budget stabilization and working capital funds. We've really utilized more than \$800 million of ARRA moneys. We've actually avoided as much as \$300 million or more of what could have been retirement fund increased requests due to their asset losses in calendar 2008 had they known about it when the budget was submitted.

So we do have a lot of work ahead of us. I think we acknowledge that that's going to create problems on a couple of programs that are particularly sticky for members of my caucus, namely Revenue Sharing and General Purpose Aid, because we will be looking at baseline numbers and lower revenues as we go into the '12-'13 biennium that will trouble many people at the municipal level and cause heartburn among our constituents as they adopt local and municipal and school budgets. But I think that we can manage, and I think that the progress that we've made in reducing the size of government, to some extent, will bode well in the future.

Representative Cain mentioned well over \$200 million of General Fund reductions, more than half of what we had to accomplish will be structural and ongoing. We've made reductions in the Personal Services lines, for example, of 75 positions, with more than 250 vacant lines that are as a result of the early retirement incentive that was offered last August, and these positions will remain vacant through the biennium and certainly would be appropriate positions to be looked at in the next biennial budget. Our Personal Services funding on the General Fund side, for example, will be less in '11 than it was in 2008, and I keep coming back to the General Fund because it often appears to dome that all of these funds together reflect a government that's not really shrinking in total magnitude but simply pushing funds away from the General Fund and sometimes to the local level or to the institutions that rely on our funding. But the General Fund is our focus, it has to be. It is the sum and substance of what our deficit started out to be and what we had to achieve in rebalancing the budget. Every cost center that we focused on was touched, maybe not in exact proportion to what existed in their funding level to begin with and where we ended up, but every single cost center has been touched, and that is, I think, the only way you can look at a budget of this magnitude with the gap that we faced.

So in the end, it is certainly not a perfect budget, but it is a product that I think reflects caucus input, the wishes of many of us and the work of many of us and the supporters, including our leaders, who have helped us get to this point. So I'm comfortable with and pleased to offer my support for Final Enactment of this product. Thank you.

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

Representative **PIEH**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. As the House chair of a committee that oversees two departments of the state, of course those two departments don't equal a little thumbnail of Education or Health and Human Services, I want to make public what I think we've made private, many of our committee members, to members of the committee and thank them for their work. It's the first time that I've felt so completely included when we came and reported back on what we thought in this difficult budget. Not only were we listened to, we were asked a lot of questions, a lot of intense questions, and we went back and brought back our answers and that was listened to again, and we were responded to in every single case with great respect, listening and actual action on our input, which hasn't always happened to me in this Legislature. I just wanted to say that and thank them so much for their hard work. Because if they work that hard on two departments that don't add up to more than a percent or two of the entire budget, I know how hard they have to have worked on committees like Education and Health and Human Services. So on behalf of our committee, I thank you very much.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Rotundo.

Representative **ROTUNDO**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I, too, want to echo the appreciation that the Representative from Orono, Representative Cain, has already expressed to all who have worked on this budget over the past months. I also want to extend my special thanks and heartfelt thanks to my colleagues on the Appropriations Committee, whose willingness to work diligently and respectfully to find common ground enabled us to vote out a unanimous bipartisan agreement. It has been an honor to serve with all these legislators. Thank you also to our excellent Appropriations Committee leadership, our chairs and Republican leaders, whose work was critical in getting us to where we are today. We, as legislators, are all sent here by our constituents to solve problems and to govern. My colleagues on Appropriations did just that with a budget bill before you. I hope you will join me in voting to Enact LD 1671. Thank you.

Representative MILLETT of Waterford assumed the Chair.
The House was called to order by the Speaker Pro Tem.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Winthrop, Representative Flood.

Representative **FLOOD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'm not going to speak much on the technical aspects of the bill, our speaker did that very well for us. I would like to reflect on the work done on LD 1671 by members of this body over the past several months. I'd like to begin by thanking all members of all committees for their ideas, their questions and their persistent work. You served the people well.

Having worked on four of these budgets now, clearly the most difficult aspect of building a budget is to maintain the essential

grounding and the concept that the state's General Fund budget is for all the people, not for the benefit of any one party or interest group or squeaky wheel. There are many influences that pull and tear at that concept and, often, for very, very legitimate reasons, and I have no quarrel with those wide-ranging sentiments. All voices should be heard and all voices are heard.

Moreover, my interest today is to simply give thanks to all the providers of all opinions on this complicated bill, and to give recognition to the very positive, hopeful and thoughtful leaders who have helped our committee, of course, in searching for the possibilities amongst the improbabilities and facing the hard realities ahead.

This may seem odd to some, but I do want to start by thanking the many prayer leaders who lead us in prayer each morning. Not the long-winded rambling prayers so much or the political ones, but most of the prayers are very, very refreshing messages each morning. They encourage us to put aside individual motivations and work together to listen to our colleagues before acting, and to remember who we are working for, all the people, and they challenge us to use our hearts and our minds to the fullest. I do listen to these prayers and these prayer givers. After all, they're a lot closer to God than I am, and God is probably listening to them so I figure maybe I ought to listen too. I thank them for their thoughtful guidance.

I also wish to thank all members of the AFA Committee, our staffs and the OFPR staffs for their assistance. In particular, I do want to thank the good Representative from Orono, Representative Cain, for her leadership and her enthusiasm. And I want to thank our Speaker Pro Tem from Waterford, Representative Millett, for his knowledge, his wisdom, photographic memory and his communication skills. They demonstrate by their actions that which others only speak about or aspire to be like. Thanks also to Budget Director Schneider and Commissioner Low for their patience and their skills.

Finally, I want to publicly recognize our state's Chief Executive for starting us on a reasonable and responsible path with his initial budget proposal to accomplish what we needed to accomplish without a general tax increase, and for encouraging us to stay on that path with three subsequent change packages. Leadership is often not easy nor popular. I believe that we're very fortunate to have a Chief Executive who faced head-on many of the state's difficult truths. That takes courage, and I appreciate that courage.

Leadership by our Executive, our caucus leaders, Representative Tardy and Representative Piotti, and our committee leaders helped us to develop a unanimous bill for your consideration today. As it's been said already, it's an imperfect document, we all know that, I wish we could have done better, and I hope that our final product is good enough for our people. In this process, we, all of us in this chamber, have had to make difficult and very disappointing decisions. That is our burden of leadership. That is our responsibility and we faced it and it hurt. We gave it our best shot, and I hope today you will consider this vote favorably. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House. As I was reflecting about what we've been through, I thought back about many years ago with the Representative from Waterford, then representing a different community in Maine, a different area, about how we went through some of the same issues many years ago.

I must tell you that when we were coming down, I was coming down earlier this year, and when I was driving through Bangor it really was the very first time in my legislative career that I was

thinking maybe of wanting to turn around, because I saw the challenge and the challenges we faced as being some of the worst that I had ever seen. And if I for a moment would have thought that today we'd be where we are, it certainly was different in my own mind because I never thought that we'd be able to achieve a unanimous committee report and to be able to walk out of the Appropriations Committee in the daytime for the first time in many, many years, and to also put together the partisaness that have occurred in some of the past budgets, and I think we've been very successful in accomplishing, I think, what a lot of people thought we couldn't do.

I agree fully with the Representative from Waterford that, frankly, we couldn't do everything. We didn't have enough money for GPA, we didn't have enough money for Revenue Sharing and many, many social programs that many of us would have wanted to accomplish and put more in. But we had to live within the available money that we had, and we've done that. For anyone who thinks that there is money left over, that we basically could have used to do more, frankly, it's not there, and I think that we went and we turned up every rock, especially the Representative from Winthrop, Representative Flood, who, time over and over again, he said, if you would let me do this, and we would say, go for it, and then all of the sudden \$20,000 would show up, \$30,000 the next day. And without that type of persistence, we never would have been able to put this budget together. To the staff, to the legislative staff, to the staff of the executive branch, quite frankly, that's the best work I've seen in many, many years for all of us being able to accomplish this goal today. I really wasn't going to speak, which is unusual and some of you will never believe that anyway, but I really had to say what I said because this has been a different time and I think something for which everyone in this body can be really proud, as well as the other body. Because I think without everyone participating, every committee being willing to work and make recommendations, we would never have accomplished this today. And I hope and I know that it won't happen, but I would like to see every light go green because I think we deserve a thank you.

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

Representative **PERRY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Thank you, and thank you to the Appropriations Committee. We really had some tough decisions ahead of us over the last two years in terms of services to our most vulnerable, and for those who are losing their jobs and losing their insurance during this time of recession. It has been an honor to work with the Appropriations Committee collaboratively. We met together and tried to see what we could do to make the whole budget look good and also keep in mind those whom we serve.

I had the privilege of working on a hospital committee with Appropriations Committee members where we were working with providers, as well as other committee members, to come up with a system that not only would cost us less but work better. So I thank all who were involved in the process, my committee members, whom we all worked well together and also well with the Appropriations Committee to come up with a bill like this one that we can all live with, and I want to thank everybody for the hard work they've done with this.

The SPEAKER PRO TEM: 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.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 335

YEA - Adams, Beaudette, Beaudoin, Beaulieu, Beck, Berry, Blanchard, Blodgett, Boland, Bolduc, Briggs, Browne W, Bryant, Butterfield, Cain, Campbell, Carey, Casavant, Clark H, Cleary, Cohen, Connor, Cornell du Houx, Cotta, Crockett P, Curtis, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Eves, Finch, Fitts, Flaherty, Flemings, Flood, Fossel, Gilbert, Giles, Goode, Hanley, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath, Knapp, Kruger, Lajoie, Langley, Legg, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, Miller, Millett, Morrison, Nelson, Nutting, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Piotti, Pratt, Priest, Rankin, Richardson D, Robinson, Rotundo, Russell, Sanborn, Schatz, Shaw, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Tardy, Theriault, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Austin, Ayotte, Bickford, Burns, Celli, Chase, Clark T, Crafts, Cray, Crockett J, Davis, Edgecomb, Fletcher, Gifford, Hamper, Harvell, Johnson, Joy, Knight, Lewin, McFadden, McKane, McLeod, Nass, Pinkham, Plummer, Prescott, Richardson W, Sarty, Saviello, Sykes, Thibodeau, Thomas, Tilton, Weaver.

ABSENT - Cebra, Cushing, Greeley, Kent, Lovejoy, Rosen.

Yes, 110; No, 35; Absent, 6; Excused, 0.

110 having voted in the affirmative and 35 voted in the negative, with 6 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate. **ORDERED SENT FORTHWITH.**

The Speaker resumed the Chair.

The House was called to order by the Speaker.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark, and inquires as to why the Representative rises.

Representative **CLARK**: Thank you very much, Madam Speaker. Is the House in possession of LD 1536?

The SPEAKER: The Chair would answer in the affirmative, having been held at the Representative's request.

Representative **CLARK**: Thank you very much, Madam Speaker. Having voted on the prevailing side, I move that we Reconsider our actions where we Insist and further move that this Item be Tabled until later in today's session.

Representative CLARK of Millinocket moved that the House **RECONSIDER** its action whereby Bill "An Act To Amend the Standards by Which Game Wardens May Stop All-terrain Vehicles when Operating on Private Property"

(H.P. 1080) (L.D. 1536)

VOTED to INSIST.

The SPEAKER: The Representative from Millinocket, Representative Clark, moves that we Reconsider our actions whereby the House Insisted and further moves this Item be Tabled until later in today's session. Is this the pleasure of the House?

Representative Clark of Millinocket moved that the Bill be **TABLED** until later in today's session pending his motion to **RECONSIDER** whereby it voted to **INSIST** on **PASSAGE TO BE ENGROSSED as Amended by House Amendment "A" (H-759).**

The Chair recognizes the Representative from Sangerville, Representative Davis.

Representative **DAVIS**: Madam Speaker, I'd raise a Point of Order. Can this matter be Tabled in this posture?

The SPEAKER: The Chair would answer in the affirmative. The motion to Reconsider can be Tabled. Is it the pleasure of the House that this Item be Tabled?

The Chair recognizes the Representative from Sangerville, Representative Davis.

Representative **DAVIS**: I request a roll call.

Representative DAVIS of Sangerville **REQUESTED** a roll call on the motion to **TABLE** pending the motion of Representative CLARK of Millinocket to **RECONSIDER** whereby the House voted to **INSIST**.

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 to Table pending the motion of Representative Clark of Millinocket to Reconsider whereby the House voted to Insist. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 336

YEA - Adams, Austin, Beaudette, Beaudoin, Beaulieu, Beck, Berry, Bickford, Blanchard, Blodgett, Boland, Bolduc, Briggs, Browne W, Bryant, Butterfield, Cain, Campbell, Carey, Casavant, Chase, Clark H, Clark T, Cleary, Cohen, Connor, Cornell du Houx, Cotta, Cray, Crockett P, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Eves, Finch, Flaherty, Flemings, Flood, Fossel, Gifford, Gilbert, Giles, Goode, Hamper, Hanley, Harlow, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Joy, Kaenrath, Knapp, Knight, Kruger, Lajoie, Langley, Legg, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McFadden, McKane, McLeod, Miller, Millett, Morrison, Nass, Nelson, Nutting, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Pinkham, Piotti, Pratt, Prescott, Priest, Rankin, Richardson W, Robinson, Rotundo, Russell, Sanborn, Sarty, Saviello, Schatz, Shaw, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Tilton, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Weaver, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Ayotte, Burns, Celli, Crafts, Crockett J, Curtis, Davis, Fitts, Fletcher, Johnson, Lewin, Plummer, Richardson D, Thomas.

ABSENT - Cebra, Cushing, Greeley, Kent, Lovejoy, Rosen.

Yes, 131; No, 14; Absent, 6; Excused, 0.

131 having voted in the affirmative and 14 voted in the negative, with 6 being absent, and accordingly the Bill was **TABLED** pending the motion of Representative CLARK of Millinocket to **RECONSIDER** whereby the House voted to **INSIST** and later today assigned.

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

SENATE PAPERS

Non-Concurrent Matter

Resolve, To Implement the Recommendations of the Juvenile Justice Task Force (EMERGENCY)

(H.P. 1204) (L.D. 1703)

(C. "A" H-708)

FINALLY PASSED in the House on March 29, 2010.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-708) AND SENATE AMENDMENT "A" (S-498) in NON-CONCURRENCE.**

The House voted to **RECEDE AND CONCUR.**

CONSENT CALENDAR

First Day

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

(S.P. 707) (L.D. 1804) Bill "An Act To Make Certain MaineCare Rules Regarding Service Provided by the Department of Health and Human Services through the Department of Education Major Substantive Rules" (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-497)**

(H.P. 388) (L.D. 543) Bill "An Act Concerning the Allocation of Power Generated by GNE, LLC" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-803)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the Senate Paper was **PASSED TO BE ENGROSSED as Amended** in concurrence and the House Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence. **ORDERED SENT FORTHWITH.**

ENACTORS

Emergency Measure

An Act To Ensure Fairness in Penalties for Administrative Errors in the Long-term Care Assessment Process

(H.P. 1056) (L.D. 1507)
(C. "A" H-782)

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. 134 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 Make Maine's Laws Consistent with the Federal Family Smoking Prevention and Tobacco Control Act

(H.P. 1086) (L.D. 1542)
(C. "A" H-776)

An Act To Amend the Laws Governing the Maine Health Data Processing Center and the Maine Health Data Organization

(H.P. 1088) (L.D. 1544)
(C. "A" H-787)

An Act To Amend the Laws Regarding Authority over and Oversight of Certified Nursing Assistant Educational Programs

(H.P. 1205) (L.D. 1704)
(H. "A" H-781 to C. "A" H-736)

An Act To Allow Electronic Filing of Vital Records and Closing of Records To Guard against Fraud and Make Other Changes to the Vital Records Laws

(H.P. 1271) (L.D. 1781)
(C. "A" H-783)

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 Strengthen the Ballot Initiative Process

(S.P. 662) (L.D. 1730)
(S. "B" S-481 and S. "C" S-487 to C. "A" S-443)

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

On motion of Representative BERRY of Bowdoinham, 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 Bowdoinham, Representative Berry.

Representative **BERRY**: Thank you, Madam Speaker. I rise in support of the pending motion and as someone who, though you might not know it, to have read the headlines on this issue lately, I've been an active proponent of two citizen initiatives in my life. First, as a child in my political awakening and later as an adult. I'm proud to support LD 1730 because it strengthens our direct democracy by adding sunshine, in other words transparency, to the signature gathering process. Fraud is not partisan and laws preventing fraud are good policy no matter who is in charge. No matter which side of the issue we are on, sunshine is never a bad thing.

This bill would require paid signature gathering organizations to register with the Secretary of State. Maine circulators already have to be registered as voters, but we currently have no way of tracking those who come in from out of state, sometimes with criminal records due to ballot fraud, and attempt to influence Maine's laws. Maine laws should not be for sale to the highest bidder and Maine people deserve to know who is trying to influence their laws. By giving Maine voters more information, we can keep control firmly where it belongs: in the hands of the Maine voter.

Now there's one very important myth that I want to clear up about our ballot initiative process here in Maine, and that is that it could become harder in some way to put something on a ballot if a ballot organization had to register with the Secretary of State. Madam Speaker, as you know, Maine is already one of the easiest places to put something on the ballot. And, in fact, a January 2010 report by Citizens in Charge, a conservative ballot initiative group, ranked Maine as one of the easiest places in the nation to put something on the ballot by collecting signatures. At the same time, though, there was a report that came out last summer showing that Maine has one of the worst systems with respect to transparency. We received a D grade for our transparency criteria, and you may have received a yellow sheet earlier today reflecting the criteria on which that report card was based. So it's easy to put something on the ballot and there was very little transparency. All that this would tackle is the transparency piece.

Maine's system for direct democracy can remain easy to use as required by our Constitution, and we can still protect ourselves against fraud. As long as our petition drives, whatever side we're on, are honest, I think none of us should fear a little sunshine and a more empowered Maine voter. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Sabattus, Representative Dostie.

Representative **DOSTIE**: Thank you, Madam Speaker. I rise today in support of LD 1730. First, I would like to thank the committee for their hard work on this bill. I am the lead co-sponsor of this bill, and I represent the town of Greene. Sally Hebert is the Town Clerk of Greene. Everyone in Greene is very proud of Sally's due diligence. Sally found 29 fraudulent names on a petition last summer. One signer had been dead for four years, another was her neighbor's. While researching for my testimony on this bill, I found that Maine is not the only state taking steps to change the petition process. Arizona, California,

Missouri, Nebraska, Ohio, Oregon, Wyoming, among others have already taken steps to increase the integrity of their petition process. This bill will help us bring integrity to our petition process. This bill provides measures to track petitions to prevent fraud, know whose collecting signatures, extend the challenge time and correct current law. This bill is about preventing fraud. Please follow my light and vote to Enact LD 1730. 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. 337

YEA - Adams, Beaudette, Beaudoin, Beaulieu, Beck, Berry, Bickford, Blanchard, Blodgett, Boland, Bolduc, Briggs, Browne W, Bryant, Butterfield, Cain, Campbell, Carey, Casavant, Chase, Clark H, Cleary, Cohen, Connor, Cornell du Houx, Cotta, Cray, Crockett J, Crockett P, Curtis, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Eves, Finch, Fitts, Flaherty, Flemings, Fletcher, Flood, Fossil, Gilbert, Goode, Hanley, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Johnson, Jones, Kaenrath, Knapp, Knight, Kruger, Lajoie, Langley, Legg, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, Miller, Millett, Morrison, Nass, Nutting, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Pinkham, Piotti, Pratt, Priest, Rankin, Richardson D, Richardson W, Robinson, Rotundo, Russell, Sanborn, Saviello, Schatz, Shaw, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Tardy, Theriault, Thibodeau, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Austin, Ayotte, Burns, Celli, Clark T, Crafts, Davis, Edgecomb, Gifford, Giles, Hamper, Harvell, Joy, Lewin, McFadden, McKane, McLeod, Plummer, Prescott, Sykes, Thomas, Tilton, Weaver.

ABSENT - Cebra, Cushing, Greeley, Kent, Lovejoy, Nelson, Rosen, Sarty, Siros.

Yes, 119; No, 23; Absent, 9; Excused, 0.

119 having voted in the affirmative and 23 voted in the negative, with 9 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Clarify Safety Requirements in Acadia National Park

(S.P. 666) (L.D. 1737)
(S. "A" S-459 to C. "A" S-424)

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

On motion of Representative WAGNER of Lyman, was **SET ASIDE**.

The SPEAKER: The Chair recognizes the Representative from Lyman, Representative Wagner.

Representative **WAGNER**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. It's infrequent that the quiet man has something to say. On this occasion, I do. I rise in reluctant support of LD 1737 as amended because I believe the alternative, enacting nothing, would be detrimental to the general welfare of the state.

The title of the most recent series from documentary filmmaker Ken Burns is "The National Parks, America's Best Idea". The idea was to preserve portions of this great land as pristine havens. These places would serve as reminders of our elemental relationship with nature. They would be sanctuaries where one could find peace.

It was in 1994 that during a vacation herein Vacationland

Mary and I took our three young daughters for a visit to Acadia National Park. That experience, along with our impressions of this State's nurturing environment influenced us to move our family to where we could share in the way life should be.

I now have the privilege of sitting in this chamber. I have the particular privilege of sitting near Members who bring their young children here to visit, one in particular. It brings me back to the days when our girls were much younger. It also reminds me that parents will bring their children only to those locations where they know they will be safe.

If the small open carry fringe had their way, their first casualty would be the sense of safety all parents have in public places. In the years we have lived here in Maine we have taken our girls on outings to fairs and to parks. Had we seen folks, who weren't law enforcement officials, walking around with shoulder holsters, we would have left that place on the spot and we would have never returned to it.

The second target of the open carry faction is the reputation of the vast, vast majority of responsible gun owners throughout this country.

Much has been said in this chamber about Maine's "brand", its quality of place, its dependence on tourism. Examine a Bean's outdoor equipment catalog. There are photographs of young families enjoying the great outdoors. But there are no images of Mom and Dad or the kids for that matter strapped. What is depicted are scenes of peace in a natural setting.

Please consider the cynical arrogance of the open carry extremists: they have granted unto themselves a right to infect society with their own personal paranoia. In doing so, they deny the freedom of movement of all Americans, especially young families. The Creator endowed no one a right to insidiously undermine the security of others.

Now, fear, when directed at the real and not the contrived, has value. Fear of what drug abuse is doing to our social fabric, how it taxes our already strained mental health resources, that is well placed. But even here we must decide whether fear will paralyze us into indifferent acceptance or animate us to positive action.

We speak of rights. The Supreme Court last year in its ruling in *Heller* and will again likely affirm in its impending decision in *McDonald* that the Second Amendment confers an individual right to keep and bear arms. That is an indisputable given. But it is also an irrefutable premise that no right is absolute. This is in recognition of the principle that collective self-government is predicated on individual self-government. A right without the parameters of reason and decency is no longer a right - it is license without examination, it is a warrant without checks and balances.

We enjoy the First Amendment's freedom of speech. But, for the greater good of purposeful civil discussion, we temper the exercise of this right when we speak in this chamber, controlling fear and impulse so we can inform, not inflame. This same time, place and manner standard leads us as a society to declare that in certain locations, for valid public safety reasons, firearms may not be carried by private citizens: schools, courthouses, churches, this Statehouse.

Please consider other examples of rights and boundaries: If the Second Amendment was absolute, then convicted felons, even violent offenders, retain the right to keep and bear arms. We know that is not so. If assembly was an absolute right then the measure this body adopted a few short years ago regarding the proximity of protestors to funeral services, that would be invalid. We know that is not so.

Of late, for me, a particular lyric resonates and haunts:

*Now as I sit here safe at home
With a cold Coors Lite and the TV on
All the sacrifice and the death and war
Lord, I pray that I'm worth fighting for*

A phrase from my parents' youth was "Doncha know there's a war goin' on?" But aside from TV images, most wouldn't know during my youth in the 1960's, or now, that there was a war goin' on. There's no rationing of consumer goods. No scrap metal drives. No war bond campaigns. No conscription.

So, today, how do we do our bit for those who are sacrificing on our behalf? By preserving the peace that they left when they were deployed. So that when they return, they will not confront an environment that resembles what they left back in Iraq and Afghanistan.

Will we cut and run? Will we retreat from the progress made through the course of more than two centuries of constant trial and heroic endurance? Lord, I pray that we stand fast and not fall victim to the most corrosive and lethal societal disease: the plague of irrational fear.

It was also back in my parents' time, in 1941, that the goals of our ongoing experiment in self-government were articulated with absolute precision: Freedom to worship. Freedom of speech. Freedom from want. And most importantly, Freedom from fear. Ladies and Gentlemen, Madam Speaker, that is the American idea. Thank you, Ladies and Gentlemen. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Tardy.

Representative TARDY: Thank you, Madam Speaker. Madam Speaker, Members of the House. I thank the good Representative from Lyman for his comments, in particular, his acknowledgement that the Second Amendment confers an individual right to keep and bear arms. As he indicated correctly, it is indisputable. And based on that, certainly out of respect for the Criminal Justice Committee and the work they did on this compromised piece of legislation, but for some of us who want to have a clear, bright line, I move at this time, Madam Speaker, to Indefinitely Postpone LD 1737 and all its accompanying papers.

Representative TARDY of Newport moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

Representative BERRY of Bowdoinham **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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 Indefinite Postponement of the Bill and all accompanying papers. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 338

YEA - Austin, Ayotte, Beaulieu, Beck, Bickford, Browne W, Cebra, Celli, Chase, Clark H, Clark T, Cotta, Crafts, Cray, Crockett J, Curtis, Davis, Edgcomb, Fitts, Flaherty, Fletcher, Flood, Fossel, Gifford, Gilbert, Hamper, Harvell, Johnson, Joy, Knapp, Knight, Lewin, McCabe, McFadden, McKane, McLeod, Millett, Nass, Nutting, O'Brien, Peterson, Pinkham, Plummer, Pratt, Prescott, Richardson D, Richardson W, Robinson, Saviello, Strang Burgess, Sykes, Tardy, Theriault, Thibodeau, Thomas, Weaver, Willette.

NAY - Adams, Beaudette, Beaudoin, Berry, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Burns, Butterfield, Cain, Campbell, Carey, Casavant, Cleary, Cohen, Connor, Cornell du Houx, Crockett P, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Eves, Finch, Flemings, Giles, Goode, Hanley, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh,

Jones, Kaenrath, Kruger, Lajoie, Langley, Legg, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, Miller, Morrison, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Piotti, Priest, Rankin, Rotundo, Russell, Sanborn, Schatz, Shaw, Smith, Stevens, Stuckey, Sutherland, Tilton, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Webster, Welsh, Wheeler, Wright, Madam Speaker.

ABSENT - Cushing, Greeley, Kent, Lovejoy, Nelson, Rosen, Sarty, Sirois.

Yes, 57; No, 86; Absent, 8; Excused, 0.

57 having voted in the affirmative and 86 voted in the negative, with 8 being absent, and accordingly the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers **FAILED**.

Subsequently, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (S-386)** - Minority (3) **Ought Not to Pass** - Committee on **NATURAL RESOURCES** on Bill "An Act To Amend the Site Location of Development Laws To Include Consideration of Greenhouse Gas Emissions"

(S.P. 341) (L.D. 891)

Which was **TABLED** by Representative DUCHESNE of Hudson pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-386)** was **READ** by the Clerk.

Representative DUCHESNE of Hudson **PRESENTED House Amendment "A" (H-801) to Committee Amendment "A" (S-386)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Hudson, Representative Duchesne.

Representative DUCHESNE: Thank you, Madam Speaker. This amendment waters down the bill even more. The original Committee Report included some reference to whatever DEP does, pass the information on to LURC. This will strip that out so there's no mention in the bill anymore of LURC at all, it removes the authority for the committee to report out a bill based on the report we're going to require for next year, and it makes it clear that nothing in the recommendations we're getting from DEP in the report may require changes to the Maine Uniform Building and Energy Code. Thank you, Madam Speaker.

Subsequently, **House Amendment "A" (H-801) to Committee Amendment "A" (S-386)** was **ADOPTED**.

Committee Amendment "A" (S-386) as Amended by House Amendment "A" (H-801) thereto was **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-386) as Amended by House Amendment "A" (H-801)** thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

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

Bill "An Act To Promote the Establishment of Innovative Schools" (EMERGENCY)

(S.P. 706) (L.D. 1801)
(C. "A" S-455)

Which was **TABLED** by Representative PIOTTI of Unity pending **PASSAGE TO BE ENGROSSED as Amended**.

On motion Representative SCHATZ of Blue Hill, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-455) was ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-800) to Committee Amendment "A" (S-455)**, which was **READ** by the Clerk.

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

Representative **SCHATZ**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. This is mainly a housekeeping matter which allows two schools to be able to participate more effectively in the establishment of innovative schools. Thank you, Madam Speaker.

Subsequently, **House Amendment "A" (H-800) to Committee Amendment "A" (S-455) was ADOPTED**.

Committee Amendment "A" (S-455) as Amended by House Amendment "A" (H-800) thereto was ADOPTED.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-455) as Amended by House Amendment "A" (H-800) thereto in NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

The following item was 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.

HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (H-746)** - Minority (5) **Ought Not to Pass** - Committee on **LABOR** on Bill "An Act To Amend the Laws Governing the Knowing Misclassification of Construction Workers"

(H.P. 1102) (L.D. 1565)

TABLED - March 23, 2010 (Till Later Today) by Representative TUTTLE of Sanford.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-746) was READ** by the Clerk.

Representative TUTTLE of Sanford **PRESENTED House Amendment "A" (H-762) to Committee Amendment "A" (H-746)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Thank you, Madam Speaker. What the amendment does, this amendment protects an issuer of surety bonds from liability when a payment or a performance bond is required for a hiring agent. This has been the agreement of members of the committee to make the legislation move forward. Thank you, Madam Speaker.

Subsequently, **House Amendment "A" (H-762) to Committee Amendment "A" (H-746) was ADOPTED**.

Committee Amendment "A" (H-746) as Amended by House Amendment "A" (H-762) thereto was ADOPTED.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-746) as Amended by House Amendment "A" (H-762) thereto** and sent for concurrence.

On motion of Representative CURTIS of Madison, the House **RECONSIDERED** its action whereby Bill "An Act To Amend the Laws Governing the Knowing Misclassification of Construction Workers"

(H.P. 1102) (L.D. 1565)

Was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-746) as Amended by House Amendment "A" (H-762) thereto**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended**.

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 Bickford.

Representative **BICKFORD**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. This bill is, I believe, premature. We just passed a bill that took effect maybe three months ago for construction workers, and what we just actually did within two weeks ago was to take and fix the language of that bill because we did it wrong. This bill has been corrected and we now have a process in place for construction workers to be classified property. We haven't given it time that we need to give it. This bill is premature. This bill is a stop work order on construction workers. These folks haven't even had time to get used to the bill we just passed. Please don't vote for this.

The **SPEAKER**: The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Briefly, Madam Speaker, Men and Women of the House. This bill does give the Workers' Compensation Board the authority to issue a stop work order to employers in the construction industry that are operating without required workers' compensation coverage. No a stop work authority has been used effectively in other states in the Northeast and around the nation to ensure that employers are complying with the requirement to purchase workers' compensation insurance for their employees. All of the New England states presently have this on the books and I think now it's also time for Maine to join the ranks. It protects employees and employers and especially the employees in the event of workplace injury. It ensures that the law abiding citizens of Maine are competing on an equal playing field with bidding for these jobs. I know in my area we have Maine businesses that really are outbid by out-of-state contractors that don't cover insurance, so it's really been a problem. They're underbid and we lose Maine jobs because of it. As I mentioned before, I think that it creates an equal playing field. I know the Governor's Task Force this year worked all summer on this issue and they came out with a unanimous recommendation to oppose this legislation for the State of Maine, and they met over the summer. I think, like I said before, I think most other states in the Northeast have passed

this legislation and now it's time for Maine to do the same, Madam Speaker.

On motion of Representative PIOTTI of Unity, **TABLED** pending **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (H-746) as Amended by House Amendment "A" (H-762)** thereto and later today assigned. (Roll Call Ordered)

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

An Act To Encourage the Use of Models in the Collection and Use of Student Achievement Data (EMERGENCY)

(S.P. 704) (L.D. 1799)

(C. "A" S-483)

Which was **TABLED** by Representative PIOTTI of Unity pending **PASSAGE TO BE ENACTED**. (Roll Call Ordered)

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Saviello.

Representative **SAVIELLO**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I already made my points just before we broke, but I just want to make them again. This is not what we need to do right now. This needs to be done in an organized method because we have already lived through some things which we've corrected again today on the school consolidation. We need to do this right if it's going to be done, and this bill allows it to go forward without doing it right. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Finch.

Representative **FINCH**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Just to clarify what we're voting on here, this is another of the Race to the Top bills that we were told has to be passed in order to improve Maine's chances of getting Race to the Top money. So far, 40 states have applied for Race to the Top. As I said in discussing a previous bill, 16 of them made the second round. I found out today that out of those 16, the final total that qualified and were going to receive money is two. Granted, they'll be a second round. I don't know what Maine's chances are. I'll let everybody else figure the odds themselves.

What this bill would do is to essentially tie student achievement to teacher evaluation. Now that sounds like a wonderful thing. The teacher's doing a good job, the kids test scores ought to go up and all of that. Frankly, I don't know how you do it because the only measure we have in Maine in the high schools are the SATs, and the SATs don't even test many of the subject areas. I've made my point on these Race to the Top things. I think it's a futile gesture for Maine. I think when the smoke clears, we're going to get zip point zero nothing out of this. We will have put laws on the books that will not disappear when we don't get any money. In this case, I don't know, I guess for me I'm out of here in three or four weeks. Some of the rest of you will be out campaigning. I guess if I were out campaigning this fall, I would not want to look a teacher in the face and tell them I voted for this bill.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Mazurek.

Representative **MAZUREK**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I've been a teacher for a long, long time. I taught in Kentucky, I taught in Massachusetts, I taught in Rhode Island, I taught in Connecticut, I taught in Maine. I started off teaching in a detention home. I taught in a parochial school and I taught in public schools. Now I was one of these teachers who never really got the top kids in the

school. Whether I was not smart enough to teach them or whatever the reason, I had the average Joe Doe kid and below average. They're great kids. I see some of my former students to this day and it's "Hi Coach" and "How are you doing Mr. Maz?" It's just an amazing thing. But if I had to judge my salary on their performance in the classroom, I would have to take a tin cup with me and beg because some of these kids did not have high academic achievements or high academic standards. Some of them came from pretty tough backgrounds. How would you like to give a kid a test that you're basing your salary on, who just comes out of a home where his mother and father might have been fighting all night, or they were drunk all night, or he might have been high all day? I don't think this is the type of thing we want and I don't think our teachers need to be judged on that type of performance. You want to teach to a test, look what we're doing with the way we're teaching right now. It's terrible. You want to take any creativity out of the schools, pass this bill. You'll have a bunch of robots in the classrooms. You'll drive out any good teachers that you've got. I don't think this is the type of bill where you can honestly say it's good for education, it's good for kids. I thank you very much.

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

Representative **SUTHERLAND**: Thank you, Madam Speaker. That's hard to follow, folks. Thank you. Three quick things. First of all, this is one of the triumvirate, if you will, the three bills that the committee dealt with in terms of the Race to the Top. It was a 11-1 vote Ought to Pass from the committee. I want to point out to you that it's not a whole lot to the bill. It talks about models to use with student achievement data, developing those models and creating a stakeholder group to work with the department about those models. You know who's on the stakeholder group? The Maine Education Association, the Maine Principals' Association, the Maine School Boards Association, the Maine School Superintendents Association, and the Maine Administrators of Services for Children with Disabilities. Ladies and Gentlemen, the members of the Education and Cultural Affairs Committee did not ride into Augusta on a turnip truck, didn't even come on a potato truck. A number of us have been in the classroom. We know all those things you've just said. On page 2, hopefully, the state's application for Race to the Top funds, the Attorney General of the State of Maine has to certify that there are no barriers such as the barrier between using student achievement data with teacher evaluation. Our intent on the committee is for some models to be developed that most everybody's got input, and it's fair. You may not like it, but again, it's one of the components that have to be in the competition for those funds. I suspect if Maine does not get any funds, any dollars coming down the road over the next year or two or three, or maybe up to eight years, from this current administration, we are going to be looking for those same kinds of criteria. Anyway, thank you very much for considering the bill and I hope you'll follow my light.

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

Representative **PERRY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I'm reading this bill and what I'm seeing is that it's about establishing models and that the models must include multiple measures. I think as a school board member since 1978, in two different states and three different school districts, we have dealt many different ways with teacher evaluation and there is no one good way to do it. The fact that I would love to see multiple measures used, I think that student accomplishment does need to be a piece of this. But it doesn't mean an SAT test. One of the things

that we looked at in one of our districts was looking where the students were when they came in to the classroom and where they were when they came out, not that they were above everybody else but did they make program. A lot of that is in the student evaluations that we do now as a result of the Learning Results. We have portfolios and we have other ways of measuring the benchmarks that we try to reach. I would love to see the work of this in the different types of measures that come up, and I would certainly support this. Thank you.

On motion of Representative PIOTTI of Unity, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned. (Roll Call Ordered)

On motion of Representative McFADDEN of Dennysville, the House adjourned at 5:32 p.m., until 9:00 a.m., Wednesday, March 31, 2010 in honor and lasting tribute to Arthur W. Gardner, of East Machias.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-407)** on Bill "An Act To Clarify and Amend Laws Pertaining to Licenses Issued by the Department of Inland Fisheries and Wildlife"

(S.P. 616) (L.D. 1651)

Signed:

Senators:

BRYANT of Oxford

JACKSON of Aroostook

Representatives:

CLARK of Millinocket

WHEELER of Kittery

EBERLE of South Portland

BRIGGS of Mexico

SHAW of Standish

SARTY of Denmark

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-408)** on same Bill.

Signed:

Senator:

TRAHAN of Lincoln

Representatives:

DAVIS of Sangerville

SAVIELLO of Wilton

McLEOD of Lee

CRAFTS of Lisbon

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.

READ.

On motion of Representative CLARK of Millinocket, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** in concurrence.

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