

# MAINE STATE LEGISLATURE

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

**Daily Edition**

**Second Regular Session**

beginning January 8, 2014

beginning page H-1301

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE  
SECOND REGULAR SESSION  
15th Legislative Day  
Tuesday, February 25, 2014

Representative BRIGGS of Mexico assumed the Chair.

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

Prayer by The Reverend Richard Johnson, Sr., St. James Episcopal Church, Old Town.

National Anthem by Medomak Valley High School Chorus, Waldoboro.

Pledge of Allegiance.

The Journal of Thursday, February 20, 2014 was read and approved.

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**COMMUNICATIONS**

The Following Communication: (H.C. 360)

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE 04333-0002**

February 25, 2014

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk MacFarland:

Pursuant to my authority under House Rule 201.1 (H), I have appointed Representative Sheryl J. Briggs of Mexico to serve as Speaker Pro Tem to convene the House on Tuesday, February 25, 2014.

Sincerely,

S/Mark W. Eves

Speaker of the House

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 361)

**STATE OF MAINE  
SUPREME JUDICIAL COURT**

January 24, 2014

Honorable Justin L. Alfond

President of the Senate

3 State House Station

Augusta, Maine 04333

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear President Alfond and Speaker Eves:

I am pleased to accept your invitation to address a Joint Session of the 126th Maine Legislature on Tuesday, February 25, 2014, at 11:00 a.m. I appreciate the courtesy of the Legislative Branch of government in inviting me to address the cause of justice in Maine.

I look forward to seeing you on February 25, 2014.

Sincerely,

S/Leigh I. Saufley

Chief Justice

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 362)

**WASHINGTON COUNTY  
DEVELOPMENT AUTHORITY**

February 18, 2014

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Honorable Justin L. Alfond

President of the Senate

3 State House Station

Augusta, Maine 04333

Dear Speaker Eves and President Alfond:

I am writing to inform you that in accordance with 5 M.R.S.A., Section 12023, the Washington County Development Authority (WCDA) presents the following report to the Legislature.

The Washington County Development Authority has not issued any RFPs, RFBs or RFQs for vendors over \$10,000 or received any contributions above \$1,000.

In 2013 the Washington County Development Authority was hampered by too few Board members able to gather at the same time, making convening a quorum a difficult task. While the WCDA has met and heard from a number of business owners active in the County, making a meaningful mark has eluded us so far.

With the advent of several new Board members confirmed this January, we anticipate a more active year.

Sincerely,

S/Betsy Fitzgerald

Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 363)

**MAINE STATE LEGISLATURE  
OFFICE OF PROGRAM EVALUATION AND  
GOVERNMENT ACCOUNTABILITY**

February 14, 2014

Honorable Emily Ann Cain, Senate Chair

Honorable Chuck Kruger, House Chair

and Members of the Government Oversight Committee

82 State House Station

Augusta, Maine 04333

Honorable Justin L. Alfond, President of the Senate

and Members of the 126th Maine Senate

3 State House Station

Augusta, Maine 04333

Honorable Mark W. Eves, Speaker of the House

and Members of the 126th House of Representatives

2 State House Station

Augusta, Maine 04333

Dear President Alfond, Speaker Eves, Members of the Government Oversight Committee and Members of the 126th Legislature:

In accordance with 3 MRSA §995.4, I respectfully submit OPEGA's Annual Report on Activities and Performance for 2013. OPEGA's service to the Legislature as a non-partisan resource is meant to provide support in overseeing and improving the performance of State government. I hope that you and Maine's citizens will continue to view our efforts and results as a worthwhile use of taxpayer dollars.

Sincerely,

S/Beth L. Ashcroft

Director

**READ** and with accompanying papers **ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 364)

**STATE OF MAINE  
CLERK'S OFFICE  
2 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0002**

February 25, 2014  
Honorable Mark W. Eves  
Speaker of the House  
2 State House Station  
Augusta, Maine 04333

Dear Speaker Eves:

Pursuant to Joint Rule 310, the following Joint Standing Committee has voted unanimously to report the following bill out "Ought Not to Pass:"

Health and Human Services

L.D. 1580

An Act To Use the Dorothea Dix Psychiatric Center To Provide Inpatient Mental Health Services for Forensic Patients (EMERGENCY)

The sponsor and cosponsors have been notified of the Committee's action.

Sincerely,

S/Millicent M. MacFarland

Clerk of House

**READ** and with accompanying papers **ORDERED PLACED ON FILE.**

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The Following Communication: (S.C. 761)

**MAINE SENATE  
126TH LEGISLATURE  
OFFICE OF THE SECRETARY**

February 20, 2014  
Honorable Mark W. Eves  
Speaker of the House  
2 State House Station  
Augusta, Maine 04333

Dear Speaker Eves:

In accordance with 3 M.R.S.A. §158 and Joint Rule 506 of the 126th Maine Legislature, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Committee on Marine Resources, the nomination of Michael J. Faulkingham of South Portland for appointment to the Marine Resources Advisory Council.

Upon the recommendation of the Committee on Veterans and Legal Affairs, the nomination of Barbara J. Dresser, Esq. of Saco for reappointment to the Gambling Control Board.

Upon the recommendation of the Committee on Veterans and Legal Affairs, the nomination of Joseph P. Laliberte of Lewiston for reappointment to the Gambling Control Board.

Upon the recommendation of the Committee on Veterans and Legal Affairs, the nomination of Honorable Ralph W. Sarty, Jr. of Denmark for appointment to the State Liquor and Lottery Commission.

Best Regards,

S/Derek M. Grant

Secretary of the Senate

**READ** and **ORDERED PLACED ON FILE.**

At this point, a message came from the Senate borne by Senator JACKSON of Aroostook of that Body, proposing a Joint Convention of both branches of the Legislature to be held in the Hall of the House at 10:45 in the morning for the purpose of extending to the Supreme Judicial Court, the Justices of the Supreme Judicial Court, and members of the Judiciary, an invitation to attend the Joint Convention and to make such communication as pleases the Chief Justice.

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Thereupon the House voted to concur in the proposal for a Joint Convention to be held at 10:45 in the morning and the Speaker Pro Tem appointed Representative BERRY of Bowdoinham to convey this message to the Senate.

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**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

Bill "An Act To Expand Benefits from Maine's Wind Resource" (H.P. 1282) (L.D. 1791)

Sponsored by Representative HARVELL of Farmington. (GOVERNOR'S BILL)

Cosponsored by Senator PATRICK of Oxford and Representatives: BEAVERS of South Berwick, DUNPHY of Embden, ESPLING of New Gloucester, JONES of Freedom, LIBEY of Waterboro, NEWENDYKE of Litchfield, SANDERSON of Chelsea, Senator: JACKSON of Aroostook.

Committee on **ENERGY, UTILITIES AND TECHNOLOGY** suggested and ordered printed.

**REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.

Sent for concurrence.

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Bill "An Act To Modernize and Improve the Efficiency of Maine's Courts"

(H.P. 1281) (L.D. 1789)

Sponsored by Representative FREDETTE of Newport. (GOVERNOR'S BILL)

Cosponsored by Senator HASKELL of Cumberland and Representatives: CHASE of Wells, CROCKETT of Bethel, FREY of Eangor, MORIARTY of Cumberland, PRIEST of Brunswick, Senators: BURNS of Washington, KATZ of Kennebec, VALENTINO of York.

Committee on **JUDICIARY** suggested and ordered printed.

**REFERRED** to the Committee on **JUDICIARY** and ordered printed.

Sent for concurrence.

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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 the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2014 and June 30, 2015" (EMERGENCY)

(H.P. 1280) (L.D. 1788)

Sponsored by Representative THERIAULT of Madawaska. (GOVERNOR'S BILL)

Cosponsored by Senator MAZUREK of Knox and Representative: PARRY of Arundel, Senator: COLLINS of York.

Committee on **TRANSPORTATION** suggested and ordered printed.

**REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

Sent for concurrence.

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

**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

Bill "An Act To Protect Jobs in the Forest Product Industry" (EMERGENCY)

(H.P. 1283) (L.D. 1792)

Sponsored by Representative STANLEY of Medway.  
Cosponsored by Senator THOMAS of Somerset and Representatives: DUNPHY of Embden, HOBBS of Saco, McCABE of Skowhegan, Senators: CLEVELAND of Androscoggin, JACKSON of Aroostook, YOUNGBLOOD of Penobscot.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **ENERGY, UTILITIES AND TECHNOLOGY** suggested and ordered printed.

**REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.

Sent for concurrence.

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

**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

the naming of the newly renovated health center at Portland High School in memory of Amanda Rowe, longtime Portland school nurse and advocate for children. The center first opened in 1995 as a program of Portland Public Health providing enrolled students, regardless of their ability to pay, with comprehensive primary care. In addition to medical care, the renovated center will offer access to regular oral hygiene visits and provide cleanings, screenings and oral health care and education. The funding for the renovations was provided through an Affordable Care Act grant. Naming the center after Amanda Rowe honors the work of one of Portland's leading pioneers of school-based health centers. Ms. Rowe, who passed away last summer, was a pediatric nurse practitioner and director of school health in Portland for 25 years and was the wife of the Honorable Steve Rowe, former Attorney General and Speaker of the House of Representatives. Amanda Rowe's passion was caring for children and families. We join the good citizens of Portland in celebrating the naming of the health center at Portland High School in her memory;

(HLS 736)

Presented by Representative GRAHAM of North Yarmouth.  
Cosponsored by President ALFOND of Cumberland, Representative DION of Portland, Representative STUCKEY of Portland, Senator HASKELL of Cumberland, Representative JORGENSEN of Portland, Representative HARLOW of Portland, Representative FARNSWORTH of Portland, Representative MOONEN of Portland, Representative CHIPMAN of Portland, Representative RUSSELL of Portland.

On **OBJECTION** of Representative GRAHAM of North Yarmouth, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from North Yarmouth, Representative Graham.

Representative **GRAHAM**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Many things are named after people – buildings, roads, bridges – but who are the people they are named for? This great clinic, where I worked when it was essentially a storage closet, is named after my friend and colleague, Amanda Rowe, whom I must say has to share partial responsibility for me even standing in this chamber.

Fighting for children and their families is a noble cause that we all must commit to. Amanda Rowe dedicated her life to standing up and caring for kids, it was her life's work. As a school nurse, a nurse practitioner and a tireless advocate for children and their families, Amanda never gave up. It is incumbent on those of us who are left behind to continue her work with passion and dedication just as Amanda did.

The Amanda Rowe School Health Clinic is the bricks and mortar example of Amanda's passion to care for all children and teens. It will be a place where children and their families will be treated with dignity and respect regardless of where they were born, the color of their skin, their gender identity, sexual orientation or whether they can afford care. Amanda believed in a world where no child and their family should struggle to put food on their table or a roof over their head. If a child stumbled, she would be the first to pick them up. I dare say she did that with her colleagues, friends and family as well.

Amanda's passion for the health and wellbeing of children and their families was contagious. Her passion for her home state of Maine was equally as strong. Amanda and Steve came home to raise their children, including their very special daughter Lindsay. Amanda's mission was to care for Maine's children and their families. Steve Rowe caught that passion and carried it through his work as legislator, Speaker of the House and Attorney General. He continues to work tirelessly for early care, education and the health and wellbeing of children and their families. I believe every step he takes, he takes with that passion that Amanda shared with him.

I had the honor and privilege to briefly work with Amanda. Amanda was a true leader who never shied away from her fight for kids. She would be the first to say that all children and their families deserve health care. It is a human right. She would stand up for full and complete access to health care at a school based clinic, public health clinic, hospital or private practice. She would say that it is a travesty that 70,000 Mainers don't have health care because of the failure of the Legislature and the Chief Executive to pass MaineCare expansion. She would want us to continue the fight to make sure our veterans, our elderly, our working poor and people with disabilities receive the care they deserve.

It is my hope that Amanda is smiling down on us today as we dedicate this clinic to her. Amanda's strength and compassion will guide the work of this new clinic. I know it guides me. It is incumbent on us to keep fighting the good fight in her name for the children and families of Maine. I thank you, Madam Speaker, friends and colleagues of the House.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Portland, Representative Farnsworth.

Representative **FARNSWORTH**: Thank you, Madam Speaker. I want to speak on a personal note about Amanda. My grandchildren moved from Hawaii and basically knew nobody when they got here, except for their grandparents. When they went to Hall School, Amanda immediately opened up her arms and took them in, and it was really very meaningful to us to know that somebody cared so much about the kids that they would make them feel at home. Also, with my grandson, who had some behavioral issues, Amanda was a very strong advocate for him to

be able to stay in regular classes at the Hall School and worked with the team in order to make that happen. I just can't tell you what an angel she was for my family. Thank you.

Subsequently, Representative BERRY of Bowdoinham reported that he had delivered the message with which he was charged.

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

Representative ROTUNDO: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. How appropriate it is to have this renovated health center named after Amanda Rowe. No one has advocated more strongly and with greater compassion for Maine's children and families than Amanda Rowe did. Amanda continues to be an inspiration for so many of us, and we work so very hard every day to further Amanda's work and to keep that wonderful passion and spirit alive. Thank you.

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

Representative BERRY: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I can't add a great deal to the eloquent words that have been spoken here already today by my friends and colleagues in the House, but I can say that Steve and Amanda Rowe are two of the people that I admire most. I am enormously grateful here today, as I know all of us are, for their legacy, for Amanda's legacy and for the presence of Steve Rowe, former Speaker of this body and former Attorney General, and their daughter Lindsay with us today.

Subsequently, the Sentiment was PASSED and sent for concurrence.

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

#### REPORTS OF COMMITTEE Change of Committee

Representative FARNSWORTH from the Committee on HEALTH AND HUMAN SERVICES on Resolve, To Eliminate Financial Inequality in MaineCare Reimbursement for Community-based Behavioral Health Services

(H.P. 1164) (L.D. 1593)

Reporting that it be REFERRED to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS.

Report was READ and ACCEPTED and the Resolve was REFERRED to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS.

Sent for concurrence.

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

The Speaker resumed the Chair.

The House was called to order by the Speaker.

At this point, the Senate came and a Joint Convention was formed.

#### In Convention

The President of the Senate, the Honorable Justin L. Alfond in the Chair.

The Convention was called to order by the Chair.

On motion by Senator JACKSON of Aroostook, it was ORDERED, that a Committee be appointed to wait upon the Honorable Leigh Ingalls Saufley, Chief Justice of the Supreme Judicial Court, the Justices of the Supreme Judicial Court and members of the Judiciary, and inform them that the two branches of the Legislature are in Convention assembled, ready to receive such communication as pleases the Chief Justice.

The Order was READ and PASSED.

The Chair will appoint the following:

The Senator from York, Senator Valentino

The Senator from York, Senator Tuttle

The Senator from Washington, Senator Burns

The Representative from Brunswick, Representative Priest

The Representative from Cape Elizabeth, Representative Monaghan-Derrig

The Representative from Bath, Representative DeChant

The Representative from Portland, Representative Moonen

The Representative from Cumberland, Representative Moriarty

The Representative from Harrison, Representative Villa

The Representative from Bethel, Representative Crockett

The Representative from Auburn, Representative Beaulieu

The Representative from Milford, Representative Peavey Haskell

The Representative from Glenburn, Representative Guerin

The Representative from the Penobscot Nation, Representative Mitchell

Subsequently, Senator VALENTINO of York, for the Committee, reported that the Honorable Leigh Ingalls Saufley, Chief Justice of the Maine Supreme Judicial Court, and the Honorable members of the Judiciary would attend forthwith.

The Chair welcomed to the Convention the Honorable members of the Judiciary.

The Chair recognized the Justices of the Maine Supreme Judicial Court: Associate Justice Jon D. Levy, Associate Justice Ellen A. Gorman, Associate Justice Joseph M. Jabar, Associate Justice Donald Alexander, and Associate Justice Andrew Mead. The Chair also recognized the Chief Justice of the Superior Court, the Honorable Thomas E. Humphrey; the Chief Judge of the District Court, the Honorable Charles C. LaVerdiere; and Deputy Chief Judge of the District Court, the Honorable Robert E. Mullen.

The Chair welcomed to the Convention the Honorable Leigh Ingalls Saufley, Chief Justice of the Maine Supreme Judicial Court.

The Chair recognized in the House Gallery William E. Saufley, Esq., husband of Chief Justice Saufley, and Richard and Jan Ingalls, parents of Chief Justice Saufley; Judge Michael L. Dubois, President of the Maine Probate Judges Assembly; Chief Judge Eric M. Mehnert, Penobscot Tribal Court; James T. Glessner, State Court Administrator; Mary Ann Lynch, Government and Media Counsel; Laura M. O'Hanlon, Chief of Court Management; and Michael Kebede, Law Clerk.

The Chair requested the Honorable Leigh Ingalls Saufley, Chief Justice of the Maine Supreme Judicial Court, to please step forward and address the Joint Convention.

Chief Justice **SAUFLEY**: Okay, I don't know about that. That took a little bit too much prompting and now my notebook has fallen apart, so we're all in deep, deep trouble. Thank you, President Alfond. Good Morning, Speaker Eves, Honorable Members of the 126th Maine Legislature, and citizens of the great State of Maine. I am pleased to be joined here today by my colleagues from the Supreme Judicial Court and the Chiefs of the Trial Courts. In the gallery are judges from Maine's Tribal and Probate Courts. It is, as always, an honor to have them with us as we make this presentation. We are missing the Governor this morning, and I want you to know that he graciously offered to cancel his conflicting engagement, but I know how difficult schedules are at this time of year, and I promised him an autographed copy of my presentation. I am also joined by my parents this morning, Jan and Dick Ingalls, who have always been stalwart supporters, along with my husband, Bill Saufley, who many of you know as my much better half. I am so fortunate to have had a lifetime of support from my family.

I am aware also of my very good fortune to have had this extraordinary job, and the opportunity to work with all of you and the Governor in a respectful and nonpartisan way to improve the delivery of justice in Maine. With your support, we have accomplished a great deal, including substantially improving safety in our courts. Today, we face major challenges regarding technology, and I will be asking for your support with those challenges.

My presentation today is in three parts: First, an update on case filings, initiatives, and improvements; second, a roadmap for harnessing technology to create a fully functioning court management and eFiling system for Maine's people; and third, I will address the concerns that you and the Governor have raised regarding drug and alcohol addictions that are harming so many Maine people in our beautiful State.

Before I begin, I should note that I have a little bit of a cold. I hope you will stay with me. I'm also hoping that since my voice is a little more sultry this morning, you will find it more persuasive. To put my update in context, here are some recent statistics regarding the Maine court system. The Judicial Branch General Fund budget for Fiscal Year 2013 totaled 56.6 million dollars, less than 2% of the General Fund budget. Total revenue collected by the Judicial Branch was just over 39 million dollars. Almost a quarter of a million new cases were filed in 2013, including traffic infractions. Criminal filings, which had fallen slightly in recent years, held steady in Fiscal Year 2013 at 57,331 new criminal cases. Mortgage Foreclosure filings, which, as you probably know, have been slowing down across the country, did not slow down in Maine. New Foreclosure cases were almost identical in FY 2012 and FY 2013, at just short of 4,500 cases in each year.

Regarding, domestic violence, sadly, the number of Protection from Abuse cases did not decline substantially in 2013, nearly 6,000 new cases were filed. Of the 24 new Murder charges that were filed in FY 2013, the Attorney General's Office reports that a third, that is, 8 of them were domestic violence related. Even sadder, the Attorney General's Office reports that several additional Murders will not be prosecuted because those deaths were part of a murder/suicide. In all, 12 Murders are reported to have been Domestic Violence related. There is a bit of good news: this year with the support of the Department of Public Safety, we were able to harness technology to make a critical improvement. Orders for Protection from Abuse are now

transmitted electronically to law enforcement officers in their cars and can be served quickly by officers locally or when the abuser is stopped for other reasons, anywhere in the State.

There is also other good news: Courthouse safety has improved greatly throughout the State. With your assistance and the support of Governor LePage, we are now able to provide entry screening in our courthouses more than 60% of the time. This is up from 20% just a few years ago—it's a dramatic improvement, and it provides much safer courthouses in which Maine people seek justice. I thank you for all of that. We hope to reach our goal of 100% screening in the next biennium.

And Maine lawyers continued to give generously of their time and dollars. In 2013, lawyers provided more than 2 million dollars worth of free legal services to low income Mainers, and Maine judges and lawyers contributed more than \$500,000, in cash, to the Campaign for Justice, which provides legal services to elderly and impoverished Maine people who need help for family, housing, and health related legal problems.

In the area of Family Law, we have worked to improve Guardians ad Litem process, and we launched the Family Division Task Force, to undertake a thorough review of the way we provide justice in family matters. Eight public hearings have been held across the State, and we look forward to the recommendations of the Task Force later this year.

The time to resolution of criminal cases has been substantially reduced in regions that have the Unified Criminal Dockets, which began in Cumberland and Penobscot Counties, with the help of the defense lawyers and the support of District Attorneys Stephanie Anderson and Chris Almy. Unified Criminal Dockets are now in place in 7 of the 16 counties. The entire time from the filing of the charge to the resolution of a criminal case averages less than 4 months in those counties. This improved process provides a prompt response for victims of crime, eliminates unnecessary costs for local jails, reduces the length of jail stays for individuals awaiting trial, and benefits public safety by eliminating the delays that make prosecution difficult.

The Supreme Court sat in 3 High Schools in October: Nokomis, at the invitation of Representative Fredette; Orono, at the invitation of Senator Cain; and Cape Elizabeth, at the invitation of Representative Monaghan-Derrig. This fall we will be in the towns of Lincoln, Yarmouth, and Presque Isle. In order to be even more accessible throughout the state, we now sit for Oral Arguments twice a year in Bangor. We audio-stream all Arguments, and we maintain those Arguments on our website for several weeks. Last fall, in order to assist the trial courts, which are always short-handed, all 7 of us on the Supreme Judicial Court sat in the District Courts throughout the State, providing more than a month's equivalent of judge time. It provided us with a stark reminder of the immediacy of the public's justice needs. And this year, for the first time, with your support, we held the first ever Law School for Legislators, where my colleagues, Justices Gorman and Mead, led a lively discussion with many of you about the way courts interpret the words you write into statutes. And you learned, I hope, that if you think we have interpreted your words incorrectly—I know that's very rare—but if you think that has happened, don't get mad—just get out the legislative drafting pen!

That brings me to my second topic—the biggest resource need we face today—the need for improving public service and public safety through new technology—in short "eFiling." I am grateful to Governor LePage for introducing LD 1789, An Act to Modernize and Improve the Efficiency of Maine's Courts, and I am grateful to so many of you, who, in a bipartisan fashion, have co-sponsored it. Representative Fredette and Senator Haskell, and all of the co-sponsors, we so much appreciate your support.

Thank you.

Let me tell you why this is the most critical Judicial Branch proposal you will consider this year. The court's database is almost 2 decades old. It does not store documents, nor was it designed for the electronic exchange of information. Most of it is programmed in COBOL. Now, see, there aren't enough techies in this room are there? COBOL is a programming language that was designed first in 1959, decades before I was born, keeping in mind that I am not under oath this morning. It is, at any rate, the horse and buggy of programing. It needs to be replaced. That database has served us well, much longer than we ever expected, but it was never designed for and it cannot support eFiling.

We currently handle court files the same way we did 100 years ago. We estimate that more than five million new pieces of paper are filed in Maine's courts every year; that is not an exaggeration. Five million new pieces of paper flow into the clerks' offices, files, filing cabinets, boxes, and storage. The sorting and storage of paper files has filled our courthouses and the State's Archives to capacity and beyond. Storage challenges create safety hazards and they cost an increasing amount of taxpayers' dollars. There is no end in sight unless we move to digital files. But more important than the cost and inconvenience of these paper files is the loss in public access, the difficulty in obtaining reliable data, and the challenge to public safety that follows from an antiquated case management system. A new system will first and foremost improve public safety, allowing the necessary exchange among courts, law enforcement, prosecutors, defense attorneys, state and federal agencies, and Corrections.

I know that I don't have to tell you, the Maine Legislature, that the public deserves electronic access to its government. I can go on-line from anywhere and find your pending bills, the sponsors and committee assignments, the status of the bills, both in the committee and on the floor, the language of proposed amendments, committee hearing dates, and every bit of written testimony.

We seek nothing less for Maine people's access to justice. Case information, schedules, and public documents should be easily accessible. And the system must be carefully designed to assure that certain private information, such as social security numbers or victims' addresses, are well protected.

In the aggregate, reliable data should be available to assist in managing judicial resources. But when you have asked us for court data to assist you in making policy decisions, we have a very limited capacity to respond.

One example relates to Domestic Violence. You and the media have asked us to tell you how many Domestic Violence criminal assault charges actually result in convictions. It is a straightforward question. Unfortunately, it is one that we simply cannot answer without a squadron of volunteers to look at every paper file related to assault charges. And some case types, such as mental health proceedings, are not even in the database at all.

I am a firm believer that you manage what you measure. If we cannot measure some of the most important aspects of our justice system, our capacity to manage is substantially reduced. Even more frustrating for the public is the lack of easily available information regarding individual cases. If you have a case pending in the Maine courts, you cannot get the schedule on-line, you cannot see the filings from a website, and you cannot get electronic access to the judge's rulings. If the judge has entered an order in your case, you or your lawyer must drive to the courthouse or wait for it to arrive in the mail. This antiquated system makes retaining legal assistance even more expensive. And the public deserves better.

In the last Legislature, you asked us to create a plan to address this shortcoming. We have done so, with the help and support of the National Center for State Courts. We have learned from the courts that are ahead of us in this endeavor, and we are now designing the RFP for the new Case Management and eFiling System. LD 1789—I'll take a moment, if you'd like to write that down—LD 1789 will authorize the funding to purchase that system. It requires no funding in this biennium, and it simply allows bonding of up to \$15 million, in the spring of 2015 to keep the project moving. Without your approval, this year, we cannot move forward with the plans. Without your approval this session, we will be another year or more behind in the progress toward dramatically improved public service and public safety.

And one final point on technology. Some of you have asked why we need public funding. Why can't we just ask the public to pay for this service? My answer is this: for the very same reasons that people can access the Legislative Branch without financial barriers, they should be able to access the courts. Approximately 75% of the litigants in family related cases are self-represented. Many are poor or of very modest means. Many don't have credit cards. Imagine logging in to the court's website to file for divorce or seek an order of protection from abuse to find that you have to put your credit card number in—the credit card you have never had, or that you have lost because of overwhelming debt, or that your abusive partner has taken from you. Access to justice should not depend on your financial capacity. That doesn't mean there won't be appropriate opportunities to defray the costs. But the initial investment requires public funding, and we need your support this session.

Finally, I want to take a moment to address the challenges that Maine faces regarding the illegal drugs that have flooded into our State, causing serious human misery. As you heard from Governor LePage in his State of the State Address, Maine, similar to many other States, is suffering the horrible effects of drug and alcohol addictions. Let me add to the numbers you have already heard: Children are suffering as their parents struggle with addictions. New child protection cases, which had dropped to an all-time low in Fiscal Year 2011 at 555, rose to 934 cases in Fiscal Year 2013. That's almost 1,000 families alleged in one year to need the intervention of the State in order to protect their children. In Fiscal Year 2013, among the 57,000 new criminal charges filed, over 1,700 were brand new drug trafficking related charges. The Attorney General's Office reports that trafficking of heroin rose sharply from 7.7% of the cases in 2012 to 20% in 2013. As we address this challenge, we must remember that addictions are complex human problems, and they will require multi-faceted responses from government, treatment providers, and families. Prevention must go hand in hand with intervention. Taking the problem to its roots, the best inoculation against addiction is a healthy childhood, a solid education, and an opportunity for meaningful employment.

At the same time, we must take the necessary steps to stop the flood of heroin and other illegal poisons into Maine. The criminal justice system is a critical aspect of these intervention efforts, and the courts are a key part of this system. Maine does not have enough judges. Just a quick review of New England courts is instructive. Using the information provided by the National Center for State Courts, and the courts' own websites, by any measure, Maine has fewer judges than its New England counterparts, whether we compare judges per population or judges per square mile. If we are to address the many challenges facing us, the new trial judges proposed by the Governor are sorely needed. But simply throwing resources at the problem will not be effective. We must focus on the practices that have been demonstrated to be effective in reducing drug



trafficking and addressing addictions.

Today, I suggest a 3-part plan in the courts: First, the State must be ready to act promptly when individuals engage in a cold and calculated effort to profit from the sale of illegal drugs in Maine. That requires courts, prosecutors, and defense attorneys to reach and resolve the cases promptly. An expansion of the Unified Criminal Docket into the remaining counties would speed resolution of criminal cases, and could be accomplished much more quickly with the additional judicial resources proposed by the Governor. Second, we must be alert for opportunities to help those whose addictions or mental health challenges have led them into lives of chaos and criminal charges. To do this, we must reinvigorate our Problem-Solving Courts, that is, the Adult Drug Treatment Courts, Co-Occurring Disorder Courts, Family Drug Treatment Courts, and Veterans Court.

Although these Drug Courts can provide only a small part of the solution, they can be quite effective when they are run with rigorous attention to personal responsibility and support for sobriety, including the certainty of consequences for new criminal behavior. But the numbers of people helped by drug courts has been quite small. In Maine, thousands of new criminal complaints are filed every year in which it is alleged that addictions or mental health problems have played a part in the crime. National statistics tells us that 68% of the jail populations, and 53% of the prison populations have Substance Abuse Disorders. And last year, more than a thousand Maine families required government intervention to protect their children, many because of addictions.

In the context of those thousands of cases, all of the Drug Courts together involved only 255 people in 2013, of whom only 49 graduated. In recent years, the number of people in the drug courts has been declining, even though the numbers of Mainers struggling with addictions appears to be increasing. There are many reasons for this decline, and if we are going to continue to use the resources that are allocated through the Department of Health and Human Services to treatment and case management programs of the Drug Courts, we must improve the focus on a structured and rigorous program, and we must re-energize the collaboration among prosecutors, probation officers, defense attorneys, judges, and treatment providers.

With the support of the Trial Court Chiefs, I have charged Justice Roland Cole, the Chair of the Statewide Drug Court Steering Committee, to gather together all of the stakeholders to re-energize our efforts to provide appropriate diversion sentencing and case management that will offer the hope of health, reduced crime, and safer communities.

Third, national research is showing great promise for effective criminal justice intervention that begins with early, objective Risk Assessments. That research indicates that, without effective pre-trial risk assessments, high-risk offenders are too often released, while low-risk offenders wait in jail and become more dangerous. Early and reliable risk assessment can improve victim safety, reduce recidivism, and reduce costs to the system. Pre-trial risk assessments can assist in diverting low-risk offenders to other services, and provide improved access to treatment, case management, and hope for those who are willing to take responsibility for their own sobriety. Initial research in jurisdictions that have adopted the consistent use of pre-trial assessment tools indicates that the State spends less money on pre-trial incarceration, and at the same time, public safety is improved. The Legislature has already identified objective risk assessment tools as needed in the areas of sexual assault and domestic violence. We should expand those efforts to pre-trial detention assessments.

The additional judges proposed by the Governor will make a

big difference in our ability to carry out those goals. We all know that a life filled with hope, dignity, and meaning is the real anti-drug vaccine. If we work together, the criminal justice system can be a critical part of the solution. I promise that we will work with you, the Legislature, and the Governor, to do what we can to make Maine a healthier place.

In conclusion, I ask for your continued support in improving our system of justice. First, support LD 1789, An Act to Modernize and Improve the Efficiency of Maine's Courts. Help us create an eFiling system. I'll have that number available after the speech, if you'd like to know what it is. Second, support the proposals to add more judges to the Maine courts. Public safety, families, and businesses will all benefit. Third, support LD 1639, which will provide very modest improvements in merit and longevity pay for our hard-working, committed State employees.

And finally, I encourage you to spend a day in a courthouse, and I thank those of you who have already done so. Come and learn what your constituents will experience when domestic violence, a divorce, a car accident, or a family member charged with a crime brings them into our system of justice. I thank you all for your service to the great State of Maine, for your time and your attention today. I look forward to working with you to continue the improvements in the delivery of justice. Thank you very much.

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The Chief Justice withdrew amid the applause of the Convention, the audience rising.

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The purpose for which the Convention was assembled having been accomplished, the Chair declared the same dissolved.

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The Senate then retired to its Chamber amid the applause of the House, the audience rising.

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(After the Joint Convention)

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The House was called to order by the Speaker.

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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 Thursday, February 20, 2014, 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 (11) Ought to Pass as Amended by Committee Amendment "A" (H-608) - Minority (2) Ought Not to Pass - Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY on Bill "An Act To Require Forest Rangers To Be Trained in Order To Allow Them To Carry Firearms"**

(H.P. 206) (L.D. 297)

TABLED - February 18, 2014 (Till Later Today) by Representative DION of Portland.

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

Representative BERRY of Bowdoinham **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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 York, Representative McGowan.

**Representative MCGOWAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have tried to listen very hard to this debate and conversation about arming our forest rangers. I appreciate and respect the work that Representative Nadeau, the sponsor of this bill, has put into it and brought it forward. I suspect my voice of opposition will be in the minority, maybe a lone voice, but I rise to use my voice to speak to my values and represent my constituents and my grandchildren who will not have a voice in this debate. My grandchildren did not ask us to create a society of gun violence and fear where we would then need to arm our forest rangers. I ask, what has changed in our forests where many people have hunted and carried guns for hundreds of years? When I listen to debates and conversations about these issues, I try really hard to understand what are the underlying beliefs and assumptions that bring these forward. So what I hear is if we give them a gun, they will be safer. We're doing this to make our forest rangers safe. If we give them a gun, of course, we have to give them a bulletproof vest. We call this protecting their safety. Is it not possible that giving them the power of using deadly force will not increase the likelihood of their safety but rather the likelihood that someone will use deadly force on them? Why else would we give them a bulletproof vest? I suggest to you that all of this is based upon a lie, a lie in the spirit of if you tell it enough times, it becomes the truth. The lie is that the more we arm people, the safer we will be. The evidence tells us this is not true. The more we have armed people, the more gun violence we have in our society. We have a clear alternative to arming our forest rangers and requiring them to wear a bulletproof vest. Our alternative is to not increasingly put them in harm's ways in their duties. I am told that our rangers are part of law enforcement, but when I listen, I hear situations we put them into, I think of a police force. Rather than evolve further into the ever-growing police model of law enforcement, I suggest we pursue another model. Our forest rangers are our stewards, our teachers, our guides, our caretakers, and advocates for the sustainability and health of our precious forests and the natural environment around us. This core mission does not require arming them or requiring that they wear bulletproof vests. This core mission does not put them into circumstances of possibly taking another human life. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Pittston, Representative Marks.

**Representative MARKS**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I have some friends who are New York City policemen. They have always remarked to me how dangerous it is to work as a trooper here in Maine. You see, New York City police are doubled up. They are positioned every other block doubled up. Don't be fooled. Maine has some very bad criminals. Maybe not on that scale, but they are here. If you don't believe me, you can ask my brother trooper and legislator from Sangerville, who patrolled a very more rural area than I did all alone. Maine police officers do very well in dealing with criminals, often outnumbered. Forest rangers are not only alone, they are outnumbered and they are unarmed. We put our rangers in harm's way, armed with only pepper spray and a policy that says "Retreat, retreat as fast as you can." This is not a gun bill. This is a workplace safety bill, like a construction worker wearing a hardhat or a fireman wearing his turnout gear. Let me reassure you. Rangers do not want to do police work. They don't want to be troopers or deputies, and believe me,

troopers and deputies don't want to do rangers' work. Allowing rangers to carry will not result in a reclass. How is it any different? It's a piece of equipment. It's not any different than a Taser being issued to a deputy. His mission and his duties are the same. An officer may carry a weapon their whole career, like I did, and never use it. But a police officer without a weapon is unthinkable. I know police officers who carry two, who carry a backup weapon just in case. There is a law enforcement memorial here in front of the State House. It has too many names of officers who have died in the line of duty here in this state. It does not have any forest rangers engraved there yet. Let's keep it that way. Let us provide them with the proper workplace safety equipment, and in law enforcement that would be a bulletproof vest and a duty weapon. Thank you.

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

**Representative CAMPBELL**: Thank you, Mr. Speaker. Like the good speaker that just got through speaking, this is not a gun bill per se. This is a bill that these people, they are in the woods by themselves, might face people jacking deer or committing crimes in the wilderness, and they have no protection as it is right now, but they will if we pass this bill. I was watching the television the other night where they put down, tranquilized a baby moose to run tests on it, and then they put the collar on her and turned her loose. She got up and turned around and reared up and struck out at the person. She started running away and came back and struck at him again. If this person had a gun, they probably would have needed it. It wasn't on another person. You get black bears that are wandering the woods with babies and if you come near those babies, you can be in serious trouble. So I don't think this is a "hate gun" bill. This is a bill that good, decent people working for this state, which is a gun state, the same as New Hampshire and Vermont is a hunting state, a fishing state, an outdoorsmen state, and they should have the same protection as all our other people, our state troopers and our game wardens, have. I ask all my colleagues to follow my light. Thank you very much, Mr. Speaker.

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

**Representative NADEAU**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The mission of the forest rangers is to protect Maine's forest resources and homes from wildfire, respond to disasters and emergencies, and to enhance a safe, sound and responsible management of the forest for this and future generations. This bill, LD 297, is about making sure that Maine's forest rangers can go safely home to their families at night. We provide other law enforcement officers the tools necessary to protect themselves on the job. Local police, state troopers, sheriffs, and game wardens all carry firearms because they are expected to be prepared for dangerous situations. Forest rangers risk danger every day that they go to work. It is not uncommon for them to face violent criminals, felons, arsonists or illegal drug dealers and smugglers. Some have been shot at and some have received death threats. In reference to the fiscal note, it began at \$2.5 million, then went down to \$388,000, then again to \$142,000 and now the new fiscal note coming out of the Revisor's office is at \$86,000 and this is inclusive of their training. This fiscal note is worth the price of their safety. Once this bill is passed, forest rangers can apply for multiple grants that will reduce this amount even further. You cannot put a price on a life. Scattered across the state, the forest rangers are normally alone and work in remote locations. While other law enforcement officers can get backup within minutes, forest rangers can be an hour or more away from help and are usually the first law enforcement officers at the scene. Yes, they

are law enforcement. Times have changed and so have the challenges that our forest rangers face. They are no longer just responsible for putting out forest fires. They are now also responsible for enforcing the laws of Maine in more remote locations. I urge you to help the forest rangers carry out their mission of protecting our most valuable resource known as the Maine woods, while maintaining their own safety by voting yes on this bill. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Pittsfield, Representative Short.

Representative **SHORT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in favor of the pending motion. In order to gain a better understanding of the responsibilities of a forest ranger, I recently visited one of their field offices located in Benton, Maine. While speaking with a ranger in his office regarding this bill, I noticed a map on the wall. The title of this map was "Ranger Unit Map." The ranger explained to me what the map represented. He said the map is divided into units and each unit represents an area that a single forest ranger is responsible for. Every town, city and township in Maine falls within the boundaries of one of these units. Prior to my discussion with this ranger, I was of the misconception that a forest ranger's area of responsibility was only in sparsely populated parts of Maine. The map showed me that a forest ranger does not only perform the duties of law enforcement officers in the sparsely populated areas of Maine, but performs their duty all over the state. I learned their area of responsibility in Maine is exactly the same as a game warden's and the state police. Like the game wardens and state police, they deal with the same cast of characters, the same violators of the law that these other two law enforcement agencies deal with.

Mr. Speaker, I have chosen to support LD 297 because I believe we have an obligation to provide the safest possible work environment for these law enforcement officers. I've experienced a couple tragedies in my lifetime as a result of people not being proactive on certain issues. Back in 1974, I was working on a construction job and I watched helplessly as a friend and fellow worker fell 36 feet to his death. We had no safety belts on that job. We weren't provided with safety belts or safety harnesses. I think of that day and I see that in my mind, time after time, and it could have been avoided. After that happened, of course, we had safety belts on every job. In 2001, I had a 17-year-old nephew collapse and die on a gym floor during a basketball rally in front of his whole school. Had there been a defibrillator in that school, he could have been saved. After the fact, defibrillators were brought into the school. This issue, to me, Mr. Speaker, I hope people in this House ask themselves when they vote, just how they will vote, had we already lost a forest ranger in the line of duty that was not provided with the necessary protection. I can find no justification for not providing these law enforcement officers with protection that they all believe is necessary to perform their duties. Thank you, Mr. Speaker. Thank you, Ladies and Gentlemen of the House.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Saucier.

Representative **SAUCIER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of LD 297. This bill is "An Act To Require Forest Rangers To Be Trained in Order To Allow Them To Carry Firearms." I would like to inform this body that the majority of the forest rangers already have the very same training that game wardens, the marine patrol, and the state fire marshal have.

In testimony before the Agriculture, Conservation and Forestry Committee, we heard from rangers that they in fact received the same training as other law enforcement agencies.

We also received a report from the task force that looked into this situation that listed marine patrol, game wardens, the state fire marshal, and forest rangers and the type of training they had received. The report showed that they did indeed have the same state law enforcement basic training as others who carry firearms for their safety and protection of the public. Forest rangers have the same law enforcement duties as sheriffs and deputy sheriffs. Do they carry firearms?

The Maine Criminal Justice Academy director testified that forest rangers should have as a minimum a two-week refresher course and 64 hours of firearms training to bring them up to speed if they had attended the state law enforcement basic training course. He also stated that newly hired forest rangers should attend the Maine Criminal Justice Academy Training. During his testimony, the Commissioner of Agriculture, Conservation and Forestry stated that all forest rangers should have the full 18 week Maine Criminal Justice Academy training course as a minimum and anything less would be unacceptable and irresponsible. If that is the case then why do we have the marine patrol, game wardens, and the state fire marshal carrying sidearms when they got the same training that forest rangers have? Does that mean that we should confiscate their firearms because they haven't received the proper training? I think not.

Forest rangers encounter dangerous situations in the performance of their normal work. They are not asking for anything outrageous. All they are asking for is for the same protection the law enforcement community has to protect themselves and that of the public. Forest rangers are sworn law enforcement officers as defined by Title 17-A-2 (17). Enforcement philosophy of the Department states when violations occur, enforcement action by a forest ranger may be necessary. This may be by a warning, a summons, or in extreme cases an arrest. Arrests shall be limited to situations when the safety of the forest ranger or others, relative to the physical threat is at issue and all reasonable means of tactical retreat or request for assistance from other law enforcement agencies has been exhausted or is impractical.

I would ask has anyone in this body in the course of your outside civilian employment or legislative work have ever had a 30-30 hunting rifle pointed at you, or have your life threatened by violence, have a dangerous encounter with a bear, while issuing a summons to a violator of an illegal fire that suspect pulls a semi-automatic weapon on you, or have you ever had a wood harvester come at you with a running chain saw, how about angry complainant throw a punch and as you retreat he reaches into his truck and pulls out a weapon, or while serving a summons get assaulted, or stumbling on to a marijuana operation. These are but only a few small samples of actual cases that forest rangers have encountered in the course of their work. I would ask you, do these situations sound dangerous to you? Would you like to be in these situations without the safety and security of a sidearm? A normal reaction would be absolutely not.

So what are we waiting for? A wrongful death because the State of Maine wants to save money and not protect its forest rangers. The state wastes more money on frivolous reports, mismanagement of agencies, and no bid contracts. It is a time to do the right thing and give the forest rangers the one tool that can save their life. It is time to arm our forest rangers. Please follow my light and vote to save a life. Thank you.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Wilson.

Representative **WILSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I serve on Criminal Justice and Public Safety for those of you that don't

know and we've been considering this bill, well, last session, this session. It seems like forever to be perfectly honest with you. Last session, we, after a lot of debate, worked with the Governor's office and ended up having a task force appointed, and the task force did its work over the course of the summer. The task force came up with a number of different recommendations which we could ultimately consider and what you see in front of you is ultimately the decision that the committee decided to make, at that time, which was to arm them and to do it in a manner that we saw that was best moving forward, most cost efficient and would also lead to arming them safely. The task force supported arming those rangers and one of the things that stuck out to me is, in the task force, their conclusion was that rangers were placed in harm's way frequently as a part of their job and that's something that was extremely important to me because, as you all know, I am a former Marine Sergeant and I certainly wouldn't send my Marines into harm's way at all, ever, under any circumstance, without having them have the proper equipment, the proper training, and I just fundamentally believe that that's wrong for us to do and it's wrong for us to expect our rangers to do on our behalf, day in and day out. I firmly believe in my heart that we have a responsibility to protect that ranger that is out in the field, so that way that ranger can go home. We equally have a responsibility to protect that ranger and ensure that their family members can rely on the safety of that ranger, day in and day out. You know, I'm not going to be as eloquent and speak at length today as some other members will, but I just want to say that there is a lot of important bills that we consider here and a lot of bills that require funding. I know, in our heart, that a lot of those bills we feel really strongly about. In my opinion, if we were to ever consider funding a bill, this is probably the most important bill. It's one of the only bills that I can think of that we will be considering this session that is truly a matter of life or death. That's how I see this bill. I think it's the most important measure that we will probably be considering this year and I urge your support as we move forward. Thank you, Mr. Speaker.

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

Representative DAVIS: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the Maine House of Representatives. I rise this morning in support of this bill and I would like to take you back in history a little bit, my experiences that I've had in my lifetime in law enforcement and working in remote areas. Before I get to that, I do want to thank the good Representative from Pittston, Representative Marks, for finally overcoming his youth and inexperience and recognizing that I work a lot harder than he does.

In 1973, Mr. Speaker, I transferred from duties on the southern end of the Maine Turnpike to what was called, at that time, the Rangeley Patrol in northern Franklin County. Rangeley, I'm sure many people know, is 42 miles from Farmington, over very crooked and narrow roads, and it's 52 miles to Rumford. It's a long ways. At that time, in 1973, Troop C out of Skowhegan had about 31, maybe 32 or 33, troopers that patrolled Franklin, Somerset, Piscataquis, and parts of Oxford, Kennebec and Androscoggin Counties. It was also available, at that time, in those areas, 30 to 35 Inland Fisheries and Wildlife game wardens. We all worked 24-hour call, meaning that we worked 24 hours a day. We were subject to call and I can remember nights where I got called out three or four times to accidents and all sorts of things. It was said, and has been said, to justify some of the retirement benefits we got, that we actually worked one and a half careers in one, which spent that much time working.

In the early '80s, Mr. Speaker, there was a court ruling and I don't remember the whole event, but one name in it was Garcia and it was against the school district. The results of the court ruling was that no longer could 24-hour call be imposed upon employees, but overtime had to be given, shift work had to be set up, and if they were called out of whatever, they received extra pay for it. Now, this was a brand new thing. I remember in I think it was '83 or '84 when a group of us were assigned to go into the Maine State Prison and we spent three weeks in there. For our efforts, we received a form letter from the Governor at the time thanking us for doing it. The result of this was that about two-thirds of the police coverage that was available prior to Garcia was gone. Prior to Garcia, you could depend on, at least as far as the state police goes, in the area that I talked about, 18 to 20 officers on duty. After Garcia, you'd do well if it was four or five because of the loss of the 24-hour call. That all changed.

Over the years, the compliment hasn't been increased very much, very slightly. The Inland Fisheries and Wildlife wardens have been increased very slightly, nowhere near to the levels that they were. The sheriff's departments have not been increased. In fact, at the Piscataquis Sheriff's Department, the patrol officers available have been decreased and they've been cut. Through the loss of all that, I've been convinced, become convinced, that the rangers have become more and more important. Their duties have changed too. When I went to Rangeley, the duties of the forest ranger were to enforce the littering law and to enforce the fire permit law. Today, they do everything. They have the same powers as the state police or the many sheriffs in our many counties.

As I said, time has gone by and I have become more and more convinced, and one thing that has really convinced me that we need to do this is, every year, my son and I, we take a hunting trip and we go up to Spider Lake which is up in the Allagash, and we go all over the place. It's a great time. I look forward to it. I love it every year. One of the places we go is to Churchill Dam and if you want to learn some history about the loggings and all the things that happened in the last 150 years in northern Maine, go up to Churchill Dam. It's very interesting. There is placards all over and they tell you a lot of stories. It's very interesting. At Churchill Dam, though, is a ranger station and, obviously, in the ranger station, there is rangers. The ranger at the ranger station has a badge on him. The badge has the seal of the State of Maine on it. He also has a pair of handcuffs on his belt and he has a can of chemical mace. The guy and the gal that go up to Churchill Dam and they camp out and they got a bottle of booze with them, or whatever, and somebody gets abused. Where are they going to go? They are going to go to the ranger station and what's the ranger going to do? If he calls for help to assist him, chances are he's got a two or three-hour wait. A lot can happen in two minutes in this day and age, let alone two or three hours of waiting. What's the victim going to do? The victim is going to go to the ranger station. That represents law enforcement to him or her. That's where they would go, to seek the help from their government, to end the abuse that they were experiencing. For these reasons, Mr. Speaker, I believe we should enact this legislation and we should arm these people and give them the protection that I always had. Thank you.

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Doctor of the day, Dieter Kreckel, M.D., Rumford.

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The SPEAKER: The Chair recognizes the Representative from Burlington, Representative Turner.

Representative **TURNER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today in support of the pending motion on the floor. We have all heard the duties of the forest rangers from the good Representative from Winslow. This is not about creating a whole new classification for the forest rangers. It is about safety and making sure that they are as safe as they can while doing the jobs they are charged with. The forest rangers are often in remote, very rural areas and can often be alone. This is very much like the area that I represent in Hancock, Penobscot and Washington Counties. While out campaigning in an area where I was told about 20 folks lived which was very, very remote, 30 minutes from a tarred road, I knocked on this door. "Come in" was the voice. When I opened the door, the room was filled with marijuana plants. The gentleman reached under the table and pulled out a revolver and pointed it at me and very explicitly said, "Get out." I did. I've never returned. But what if I had been a forest ranger with a uniform on? Would they have shot first and asked questions later? That area has been removed from my campaigning; however, it is an area that these forest rangers must and do go. Let's vote Ought to Pass and make sure that we, as lawmakers, have done everything within our power to make them safe. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Winthrop, Representative Hickman.

Representative **HICKMAN**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. I rise in strong support of the pending motion, happy, even, that we are finally going to take this vote. It has been quite a long journey to get to this point for me but certainly not quite as long as it has been for the hard-working members of Maine's Forest Protection Unit who want and need to be armed.

My journey with this issue began on February 17, 2013, more than a year ago, when I received an email from Mr. Al Godfrey, a Winthrop constituent. He wrote to me as follows:

"As you are aware I spend many months each year up in the unorganized territories and encounter the Forest Rangers on a regular basis. Up in the big woods we have very limited law enforcement and arming them would be a major step in the right direction. It makes no sense that I am licensed to carry a firearm by way of my hunting license and concealed weapon permit and yet those trying to enforce our laws are not allowed to be protected. On a number of occasions I have discussed with them coming upon an illegal bonfire where large amounts of alcohol and illicit drugs are being consumed and they are defenseless to do anything. Also confronting timber theft or breaking and entering private property. They, and us residents up there, deserve...protection. I am thanking you in advance for your kind consideration in this regard..."

I wrote back to this constituent asking him for a bit of history, and he replied: "From my recollection the Forest Rangers were allowed to carry protective weapons up until about 15 years ago and the Commissioner of Conservation at that time decided that he did not want them to and so he had the statute changed to outlaw their use of sidearms or even vests. Today's activities in the forestland have changed immensely since then and as I stated in my first email, those of us up in the big woods have very little protection and this would help everyone as well as the rangers trying to do the job. I hope this helps."

So I'm scratching my head wondering what had happened. Mr. Godfrey is a well-respected member of my community who has been around for quite a while, and this was the first time he contacted me directly about anything. When he asks you to get

to the bottom of something, you get to the bottom of it. I was determined to research this issue and gather all the information I could, though I wasn't exactly sure where to begin. Within days, as though a prayer was being answered, I received an email from a forest ranger who had believed this legislation would first come before the Joint Standing Committee on Agriculture, Conservation and Forestry, and so he told me his story. A story which led to extensive conversations. Conversations which led to more stories from other dedicated and hard-working forest rangers. A collection of compelling stories that ultimately revealed to me a troubling reality: Forest rangers, past and present, have had little to no voice in the biggest issues that affect their mission on the ground.

One of our colleagues here in the House once said on microphone during a work session, that state employees would "simply do what we told them to do." That we have no duty as elected public servants to listen to them. Stunned, I obviously disagreed. When I ran for office, I pledged to be a voice for those who cry in the dark. Imagine my surprise, then, when I became painfully aware that a group of law enforcement officials who protect one of our most valuable resources are among those who cry in the dark. Many forest rangers feel underappreciated and undervalued but still they absolutely love their work and they take great pride in it. And so we have, over the past year, listened to their voices. We have heard their voices loud and clear. Today, we have an opportunity to validate those voices with our votes. Mr. Speaker, this is Maine. No matter how we as individual legislators might feel about gun rights or gun control, this is not about either. This is about workplace safety. As it stands, today, forest rangers are the only certified law enforcement officers in the State of Maine who by law cannot carry a firearm. We can correct that problem now. This is Maine. Our law enforcement officials—all of them—need to be armed in order to ensure their safety so they can perform their duties most effectively. For that reason, I will be voting in favor of the pending motion. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Carmel, Representative Reed.

Representative **REED**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I stand today on behalf of the men and women that do an amazing job for all of us here in the State of Maine. They jump into their pickup trucks and head out into the Maine woods to protect our forests, lakes, rivers, and streams. They respond to disasters and a variety of other types of emergencies. They are ever on alert to protect our homes from wildfires during the dry seasons. And in addition to these responsibilities, they educate all of us on proper procedures and management of our forests for future generations. This they do because it is their mission. But I worry about them, because they are often operating in far and remote places, away from immediate help. Quite often, they check on camps which exist along our lakes, which have been broken into and ransacked. At any moment, they could come upon strange growing fauna in all the wrong places. They could be face to face with hostile characters in many of these situations. It is for these reasons that I ask that you support this bill that will allow forest rangers to carry a firearm which will provide them with greater protection on the job. I know that some worry about job creep, that forest rangers will become more engaged with law enforcement than protecting our forests. I don't think that this is a legitimate argument. We are not asking that the job description or the mission of the forest rangers in any way be altered. We simply want them to feel a little more secure as they go about the business protecting our forests. Thank you, Ladies and Gentlemen of the House, and I urge you to support the motion.

The SPEAKER: The Chair recognizes the Representative from Embden, Representative Dunphy.

Representative **DUNPHY**: Thank you, Mr. Speaker. I heard words like "mission creep," "reclassification," "refocus of mission," and now on the floor here, the speech this morning, a talk concerning beliefs and assumptions. I find it disturbing. We're asking these men and women to put their lives on the line every single day, not simply in fighting a fire but in their law enforcement duties. I would suggest that forest rangers haven't changed their job or extended their duties or expanded their duties over the years, but I think perhaps we in the Legislature have and certainly society has. These are the same people charged with the same mission – essentially, fire suppression, fire training, fire prevention, and law enforcement. This bill is an attempt to move these forest rangers ahead with the times that we're living in. They train for firefighting, along with the latest practices or the latest technologies, and certainly with the best people. Maine forest rangers also create a working relationship with the people that they deal with, but they are still responsible for safety in the woods, for timber theft. I mean, the list just goes on and on. When I first encountered a couple of rangers in the woods, I asked them why they were not armed and they truly weren't even at liberty to discuss it while they were in uniform. Their opinions couldn't be expressed and I also found that very disturbing. But after talking with one of them for a bit, his comment to me was a little bit revealing, and his comment was "Two classifications of people in Maine are not allowed to carry. One is a Maine forest ranger and the other is a convicted felon." That being said, I'd like to take just a moment, not related specifically to the bill, but certainly I'd like to thank Representative Nadeau from Winslow because she picked up on this and ran with it hard. I just think that without her effort, we wouldn't be where we are right now. I'd also like to thank the forest rangers who were truly engaged in a very controversial bill, but handled it in a very professional manner and certainly with a mission ready attitude. I'd also like to thank Representative Dion for chairing the committee and helping to steer this bill where it needed to go. Thank you, Mr. Speaker.

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

Representative **DION**: Thank you, Mr. Speaker. Good morning, Mr. Speaker, Men and Women of the House. I labored last night to try to determine what speech I would give today. I first considered that I would discuss the solemn, natural right that each one of us and, more especially, the forest rangers have to self-defense. I won't discuss that today. I also thought that I would open up with a visitation on the idea that those who are charged with commanding an agency have a responsibility to make sure that those under their command are safe, but my good friend from Augusta has covered that ground adequately. I want to bring you to a different perspective, that of the offender. When I was a young policeman and probably at the same era that my good friend from Sangerville, we actually received communications from one another on an ancient piece of technology called the teletype. It would print out narrations from other police agencies as to what was going on. As a young officer, my sergeant would read to our class, before we went out on the road, the teletype of the day, especially if it involved the assault and murder of a police officer. Here is what I learned: Offenders do not distinguish between uniforms. So we heard the final facts surrounding the death of troopers and deputy sheriffs, municipal police officers, conservation officers, and other types of nontraditional law enforcement specialists. What struck me then and continues to strike me now is often the facts would outline that they died in an event that was nothing, nothing in the sense

that it wasn't a response to a major felony, it wasn't the intervention into the major criminal act where everyone knew whose team was coming onto the field. It was over nothing. A speeding ticket, a stop sign, an inquiry as to what you were doing in that darkened space led to the officer's death. Just as a footnote, most officers that die in the line of duty, the engagement occurs between six and eight feet. It's not a long distance death. It's face to face.

Now, here is something for you to consider and I think you can harken back to the Chief Justice commentary today. We can't assume what the offender knows and most offenders, when they are debriefed after such an event, share a common narrative. They thought that the uniform in front of them, at that moment, knew everything that they had done or about to do, so therefore they took the affirmative first step in their assault against that officer. Yes, you could walk innocently into your own death and that's the horror of it all. For you, it appeared to be nothing. For them, it was everything and they took what steps they needed to survive that encounter. So don't think that someone in a rural area hidden, about to commit a crime or stashing his crime away, will say, "Oh my God, I'm all set. It's a ranger." All right, to them, it's a uniform.

I have to say, as a police officer, when I visit the memorial, the overwhelming majority of names on that memorial belong to wardens, so it tells me that rural Maine is not some type of paradise where words alone will resolve conflict. Today, when you vote, remember, as the Chief Justice told us today, most criminals are addicts and I'm not saying that that alone prompts their action, other than those who are in the field will tell you they are impulsive, they think not through their next step, and that's how they create the risk. So the argument that these gentlemen and gentlewomen do not have assignments or duties that should bring them in harm's way is misguided because it fails to calculate offenders do not engage in a similar analysis. So I'm going to ask for something today. I'm not going to ask that we pass this with the majority. I humbly ask this body that we pass with an overwhelming majority so it sends a clear mandate where it needs to go, down the hall and to the second floor, that we do respect their work and we need to support it. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 502

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Bennett, Berry, Black, Boland, Bolduc, Briggs, Brooks, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chase, Chenette, Clark, Cooper, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, DeChant, Devin, Dickerson, Dill, Dion, Doak, Dorney, Dunphy, Duprey, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Harvell, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jackson, Johnson P, Jones, Jorgensen, Kaenrath, Kent, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby A, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Newendyke, Noon, Nutting, Parry, Pease, Peavey Haskell, Peoples, Peterson, Pouliot, Powers, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Saxton, Schneck, Shaw, Short, Sirocki, Stanley, Theiault, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Verow, Villa, Volk, Wallace, Weaver, Welsh, Werts, Willette, Winchenbach, Winsor, Wood, Mr. Speaker.



NAY - Chapman, Chipman, Harlow, McGowan, Nelson, Plante, Stuckey.

ABSENT - Hamann, Johnson D, Malaby, Priest, Wilson.

Yes, 139; No, 7; Absent, 5; Excused, 0.

139 having voted in the affirmative and 7 voted in the negative, with 5 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-608)** was **READ** by the Clerk.

On motion of Representative McCABE of Skowhegan, **TABLED** pending **ADOPTION of Committee Amendment "A" (H-608)** and later today assigned.

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**Divided Report**

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-386)** on Bill "An Act To Promote and Enhance State Policy To Preserve and Support Existing Methods of Disposal of Municipal Solid Waste" (S.P. 545) (L.D. 1483)

Signed:

Senators:

BOYLE of Cumberland  
SAVIELLO of Franklin

Representatives:

WELSH of Rockport  
AYOTTE of Caswell  
CAMPBELL of Orrington  
CHIPMAN of Portland  
COOPER of Yarmouth  
GRANT of Gardiner  
MCGOWAN of York  
REED of Carmel

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

Signed:

Representatives:

HARLOW of Portland  
LONG of Sherman

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 "A" (S-389)** thereto.

**READ.**

On motion of Representative GRANT of Gardiner, 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.

**Senate Amendment "A" (S-389)** to **Committee Amendment "A" (S-386)** was **READ** by the Clerk and **ADOPTED**.

**Committee Amendment "A" (S-386) as Amended by Senate Amendment "A" (S-389)** 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 Senate Amendment "A" (S-389)** thereto in concurrence.

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

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-392)** on Resolve, To Create a State-run Virtual Academy Providing Maine Students with Access to Online Learning through Their Existing School Districts (EMERGENCY) (S.P. 689) (L.D. 1736)

Signed:

Senators:

MILLETT of Cumberland  
JOHNSON of Lincoln  
LANGLEY of Hancock

Representatives:

MacDONALD of Boothbay  
DAUGHTRY of Brunswick  
HUBBELL of Bar Harbor  
JOHNSON of Greenville  
KORNFIELD of Bangor  
MAKER of Calais  
NELSON of Falmouth  
RANKIN of Hiram

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-393)** on same Resolve.

Signed:

Representatives:

McCLELLAN of Raymond  
POULIOT of Augusta

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (S-392)** Report.

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-392)**.

**READ.**

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

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

Representative **MacDONALD**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of the motion on the floor to accept the Majority Ought to Pass on this bill. I would just like inform the House that this is a bill that had strong bipartisan support in the committee. Eleven voted in favor of this, two against. It also had strong support from major educational institutions and organizations in the state, including the Maine School Boards Association, the Maine Education Association, and the Maine School Management Association. There was some testimony in opposition. Five folks spoke in opposition. All of them, except one, had connections or have connections to the for-profit companies that would benefit by the operation of virtual charter schools in the state. I think this is a sensible bill that the vast majority of our committee saw as a

sensible bill, that gives us some time for the state to work on providing online education to more of our Maine public students, and it gives us some time to work out thoughtful solutions to this problem instead of rushing headlong into the operation of these for-profit virtual charter schools in the state. The Speaker may know and the rest of the members of the House may know that one aspect of the virtual charter schools around the country has been that they've had high attrition rates, they've had low test scores, they've had low graduation rates. I think it's time for us to take a short break here of a few months and look at what the state might be able to do to provide online learning for the vast majority of our students, which is what this bill would do, and I ask your support for it. Thank you, Mr. Speaker.

Representative BERRY of Bowdoinham **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended Report**.

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 Scarborough, Representative Volk.

Representative VOLK: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the current motion. In addition to my duties as State Representative from Scarborough, I also serve as board president of Maine Connections Academy and I have been a member of the board for two rounds of charter school applications. I have received no compensation for the hours we have dedicated. Our board is completely volunteer. We are almost through our third and most rigorous application round. A moratorium on all other virtual schools highjacks a carefully created evaluation and approval process established to review applications in a manner insulated from the electoral politics of the Legislature. The Maine Charter School Commission has taken its task very seriously. I was involved in the two prior commission reviews and the current process is a careful, deliberative response to prior concerns. It is only fair that the current charter school applications be given the due process they deserve, after the hours and hours of time and considerable costs associated with developing applications that respond to what the committee and commission have said they wanted to see in an application. I would add that any members are welcome to have a look at these public documents, although I will warn you they are over 600 pages. I am proud to be on the board of Maine Connections Academy because I personally know families who want and some who very much need this option. Maine students, particularly those in rural areas, deserve an online option and they have already been waiting. That brings us to the students who will enroll in one of these virtual charter schools. One of the reasons I personally have so much passion and, frankly, willing to risk political capital by supporting such a controversial institution in this state as a virtual public charter school is for the kids. Education should be about the kids. It shouldn't be about Maine School Management. It shouldn't be about the teachers union. It should be about the kids and the families.

I'm not, nor have I been an educator, unless you count some substitute teaching that I did before running for office; however, I am a mother of four and I know and have known a lot of kids through personal acquaintance in the last 22 years of being a mother. Off the top of my head, I can list children for whom a virtual charter school might be a blessing and I'd like to tell you about them, in order to illustrate the breadth of students we may have the privilege of helping on their journey through school. Abby was my daughter's best friend until she moved to Arizona this year, but she almost couldn't attend our local school because

of severe asthma. Our old school has fairly well documented air quality issues and, in fact, will close at the end of this year and be replaced by a brand new building. Maggie is a high school freshman, who is an accomplished equestrian, who is also on the autism spectrum. As she progresses in her sport and her passion, she will need to travel down the East Coast in order to compete. Having the flexibility of a virtual charter school would be preferable to missing school days while traveling or forgoing competition out of state. Collin is another freshman on the autism spectrum. The transition to high school has been a rocky one and he has to be convinced to go to school nearly every day. He has few friends outside of his neighborhood and it is too distractible to function in most mainstream classrooms. He spends much of his school day in the resource room with kids who have behavioral issues. Zack was bullied so badly in eighth grade that his parents scraped the money together to send him to a private school for two years. When they could no longer afford the high tuition, they went back to the district and asked to have him sent to another district through a superintendent's agreement, which was permitted. Rather than have his high school career interrupted, Zack may have been better off enrolled in a virtual school. Elena, a sophomore, was adopted from Eastern Europe shortly before she started kindergarten and has never quite caught on with the other children socially. She is miserable at school but loves to skate. Living where she does in a rural area, she can't skate as much as she might because of school responsibilities. Morgan is a junior and skates a lot. In fact, she has qualified to compete nationally several times. She should really be training in Boston and could easily take the train, but can't because of her school schedule. Not having as much access to ice time in the Portland area limits her ability to be truly competitive. Katrina, now a junior, was in seventh grade when she began having trouble holding down food. After much testing and many pounds, the emaciated girl underwent surgery. She had lost six months of school. Her sophomore year, she lost several months again when she was diagnosed with mono. Matthew is a seventh grader with an IQ that is off the charts. He is completely bored in school and acts out as a result, often challenging his teachers on facts and figures. He is often right. His parents are considering sending him to the Baxter Academy, but he would be in class with high school students, not exactly optimal for a seventh grader.

Then there is my son, Dylan, who many of you have heard about before, now 22 and diagnosed with Asperger's syndrome when he was eight, in sixth grade our local school changed his behavior plan without our permission. When he came home agitated day after day, we saw the writing on the wall and begged them to put things back the way they had been, but the school refused to change their plan. Two weeks after, they called us and told us to come pick him up. They couldn't handle him anymore. He was out of school for two and a half months before they approved an out of district placement for him at a day treatment school. The day treatment program was a complete disaster. He was placed in a class with children whose behavioral issues were the result of abuse and neglect, not a neurological disorder. There is a difference. There is a huge difference. He made no academic progress whatsoever in the year and a half he attended and never completely recovered the lost learning time. Having a virtual charter school, such as either of the two currently being looked at and considered by the Maine Charter School Commission, would have saved our district tens of thousands of dollars. Day treatment programs are extremely expensive. It would have saved our family nearly two years of turmoil and frustration. So this is why I am passionate about allowing virtual charters to move forward now. How many other



kids out there have needs similar to these kids, similar to the need that my kid had whose names I can come up with off the top of my head? We're all happy to be here serving the state. We should be putting the children first, not the MEA, not Maine School Management, the children. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bar Harbor, Representative Hubbell.

Representative **HUBBELL**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. Just over two years ago, our Chief Executive issued an executive order giving the Department of Education one year to develop a plan to expand digital learning opportunities available to Maine students. Unfortunately, constraints of resources and time have kept the Department from realizing the Chief Executive's vision, and the greater community of 185,000 Maine students is still missing the real promise of accessing the growing world of digital learning opportunities through Maine's public schools. This bill will kick start that effort by charging Maine schools and teachers immediately to negotiate an agreement with New Hampshire's successful Virtual Learning Academy to provide content to students through Maine schools and under the oversight of Maine teachers. This bill further charges the Department of Education and Maine's public education stakeholders to collaborate in developing a statewide exchange and formed by those already successfully in operation in other states for Maine schools to access and exchange both locally and globally produced digital content from single lectures and units to full term length classes, nor did it more efficiently meet the greatest range of student learning needs. As we in this chamber well understand, we owe it to Maine's taxpayers to employ state funding for education as efficiently and effectively as possible. For less than the \$3 million cost of a single virtual charter school which would exclusively educate only a handful of specially interested students, this bill offers access to digital learning to all Maine students, full time, part time, private schooled, home schooled. Please join me in support of this bipartisan bill and in support of the Chief Executive's vision for broader more customized Internet opportunities for all Maine students. Thank you.

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

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The goals of the bill are laudable and appreciative; however, the effects of the bill are somewhat cloudy. The fundamental issue here that's really going on, folks, is that there is a moratorium in the bill and the moratorium will be in effect until, at least my understanding is that the moratorium will be in effect until next year. We have two pending applications before the Charter School Commission which this legislation will essentially stop dead in its tracks, and so while I understand the good intentions of the bill and the work that's being done on it, I question whether or not this body – and I can be corrected if someone wants to correct me – if the effect of this bill is not going to be stopping two applications currently before the Maine Charter School Commission which meets in a couple of days. So that's my real concern here, folks. Thank you.

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

Representative **CASAVANT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In 1968, the candidate for President of the United States uttered these famous words: "We have nothing to fear but fear itself...and the boogeyman." Now, the candidate was a guy by the name of Patrick Paulsen, who some of you, who are old like me, probably remember he was part of the Smothers Brothers. I always

remember that line because, of course, with boogeymen, you always think of something from your childhood, something that's scary, and there is a boogeyman in this chamber right now and, of course, it's the whole issue of charter schools and some of it relates to the fear of the unknown. Some of it, I think, relates to the fear of possible success, that there are individuals who are really afraid that virtual schools or charter schools would succeed and they are worried what that might mean. One of the dynamics of opposition that I keep hearing, of course, is the idea of the possible loss to school systems and as the Representative from Scarborough indicated, that should not be our criteria. The criteria is what is best for kids and that's what I am concerned about all the time when we discuss these things, what is best for kids. Now, obviously, charter schools are not good for everyone. Virtual schools are not good for everyone, but it fits a certain dynamic, a certain group of individuals who might need them as was already expressed and as an educational choice that already exists in 30 other states, so it's not something that is new and out of the box.

LD 1736, in my opinion, is a bad bill. It negates all the work that has been ongoing for the past three years by the proponents of virtual schools. It's not even advocating a virtual school for the state. It's advocating a catalog system out of New Hampshire. Talk about irony, going to New Hampshire to pluck and choose certain types of courses. It does absolutely nothing to advance the concept of school choice by parents and students. I say let parents choose the quality of the product. Let the Charter Commission do its job. The Legislature established the Charter Commission to review charter school proposals. This bill unfairly changes the charter school rules while applications are pending, stopping three years of work. Yes, too many, this might seem threatening to public schools, but we have a problem in schools that nobody wants to address. First, we're losing more students all the time to home schooling. I ask, why? We're losing more schools to private schools when parents can afford that option. I ask, why? The reality is that there are people who are not satisfied with the public school model despite all of the assets, whether it's gymnasiums or cafeterias or whatever it is, there are some people who are still not satisfied with that. So I ask, why can't we satisfy that? Why can't we deal with what's best for kids? In all aspects of our society, we claim that competition is good. It creates a better product. Perhaps competition in schooling and new curriculums in innovations might improve our product, the successful learning of our children.

Many of you have been lobbied hard on this bill. It's been talking about out of state interests and out of state money that local educators know better. The bottom line is that money for tuition goes for curriculum in these products, in these types of schools, and I still say if it's a good product and has students benefit, what's wrong with that? Absolutely nothing. Yes, if it's anything, it is a challenge to our public school system. It is a challenge for our school system to do better, a motivator. Nobody complained when FedEx and UPS challenged the post office. I'm not saying it made the post office better, but competition is supposed to be good in our culture. Why don't we apply it to public schools? Yes, we have nothing to fear but fear itself and the boogeyman, but I don't believe in boogeymen. I am not intimidated by the forces of educational change. Now, I have to say, for full disclosure, I am on the board of the Maine Virtual Academy and I say that because I taught for 35 years and I've told this body before I saw kids fall through the cracks of the public school system because they did not fit into that system and we did nothing for them. I say let's give them an opportunity to have something that might fit their particular needs. As mayor of Biddeford, I'm chairman of the school board. Am I scared by

this? Absolutely not because I feel we have a good school system. So I say, in terms of competition, bring it on. In terms of virtual schools, bring it on. Thank you very much.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. I'd like to speak on the last three speakers. I mean, where were they when, 10 years ago, we voted to fund these public schools at 55 percent? It has not been done. It's going backwards to the other way. But now, all of the sudden, we've got all kinds of other schools that they want to fund and then say that they can't wait a year. They want to do this and do this now. Well, the bottom line is, I've been waiting for 10 or 12 years to see the public schools funded at 55 percent. The good Representative from Scarborough said this is about children, not about the teachers union. Well, I have to agree with her this time. This isn't about the teachers union and it is not about management. It's about children and the children have been deprived of 55 percent for 12 years that I know of and maybe longer. So let's do first things first. The 55 percent is the law that I voted on and it passed and has never been done. So tell me what the big rush is that the good Representative in back of me or the leader on the other side can't wait a year for. I've been waiting, as I said, 12 years, and I'm still here and the children haven't been taken care of.

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

Representative **KUSIAK**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. I support the bill before us and I speak as an educator. I've been a classroom teacher, I've been a special education teacher, I've been a special education administrator, and I'm currently a teacher educator. I've been on a local school board for 15 years. I've heard much support from this bill from educators, yes, but I've also heard support from this bill from constituents who are not educators but are concerned about their taxpayer dollars going to support a for-profit school. I'll be very brief about what's great about this bill. Senator Langley has proposed a brilliant bill here that would support state-supported virtual classes that can be used in blended education settings. Blended settings mean that there will be educators who will be there to support and monitor students as they pursue virtual coursework. They will be able to provide assistance to the students as they access the content that may not be available in their own school. This project will be far more successful for students based on what we know about how students learn and develop. So please support this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Daughtry.

Representative **DAUGHTRY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill before us, I rise in support of the motion before us. This bill has disappointingly been overwhelmed by the conversation regarding virtual charter schools and the moratorium included in this bill, and the conversation has completely overshadowed the heart and true purpose of this bill. This bill would serve all Maine children, not just a few hundred like the few virtual charter schools would. There is a need for digital learning in our state. We have an 18th century school system for a 21st century world and this bill would be a strong step for Maine to bring our school system and our students into the 21st century world. I wanted to spend a quick little time talking about the assets within the bill and not the controversy. Yes, this would have us partner with the New Hampshire Virtual School, but this is saving us money. It's taking advantage of a system that's already there in our

neighboring state and has a proven track record of offering a diverse range of courses for students.

This is also especially needed in a state like ours that's very rural. We have a large geographical area to cover and not all students have the same educational offerings. This bill would put in place a marketplace of classes, so say a student in Fort Kent wants to take Japanese and it's not offered at their local school. They would be able to enroll in this online school and see if Japanese is being offered either in Maine or through New Hampshire or potentially, hopefully, anywhere throughout the country. If it was, they'd be able to enroll and as part of their school day, they'd be able to sit there and take Japanese and take advantage of a curriculum that we can only just begin to imagine. Think about the classes that you might have wanted to take. Maybe you rushed through your Math curriculum or maybe you wanted an obscure History course. This bill would make sure that your grandchildren and your grandchildren's children would have those types of educational offerings. I mean, the opportunities here with this bill are endless and I really hope that you can set aside the moratorium, realize that it's time limited, it's only for a few months. If this goes forward, the charter schools will be able to go forward as well and in tandem. But this would serve all Maine children, not just a few, and it's a huge opportunity. So I urge you to follow my light and I strongly support this bill. Thank you.

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

Representative **MacDONALD**: Thank you, Mr. Speaker. My apologies for rising a second time. I think it's been alleged, I guess, by some of our speakers here that support for this bill represents caving into fear about new things. I say the opposite, that this support for this bill recognizes two realities, not fear but reality. The first reality is that the Chief Executive has charged the Department of Education to develop online learning capabilities for all of the children of the state, not just the 750 or so that might or might not enroll in the proposed virtual charters that are before us. That's one reality. This bill would make that promise from the Chief Executive a reality by directing the Department to move in that direction and I think would be a great benefit to all Maine students. The second reality is that if you want to talk about what's good for kids, the record on virtual charter schools is very mixed. In fact, it was amusing to me to discover that a representative from Connections Academy, when speaking to the Virginia Legislature this year, said that they could offer three levels of classes to students, option A that would cost \$7,500. That would be with a student ratio of 35 or 40 to 1 teacher. Or they could have option B at \$6,500, with a student/teacher ratio of 50 to 1. Or option C at \$4,800, with a student/teacher ratio of 60 to 1.

Mr. Speaker, these virtual public charter schools are being offered as being run by for-profit companies that will squeeze profits out of the tax money that's going to them to offer education like this with higher pupil/teacher ratios and lower standards, lower graduation rates and the rest. I know that we've allowed virtual public charter schools under our current law, but this bill, while it attempts to make good on the Chief Executive's charge to create a virtual academy for all students, it says let's take a thoughtful pause of the next 12 months, actually more like nine or 10 months, to look at how this virtual academy could be brought into reality for all children in this state and, at the same time, take, perhaps, a more thoughtful look at the overall record of these public virtual charter schools which, if you look at any of the literature, show very dubious results with respect to student achievement, student graduation rates and all the rest.

Mr. Speaker, for those two reasons combined together, I say we should support this bill. We should support the Chief Executive's initiative for virtual charter learning for all of our students in the state and, at the same time, that would give us a chance to look at thoughtfully whether or not we ought to be proceeding with these virtual charter schools in the State of Maine. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Boland.

Representative **BOLAND**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the kind of school that is envisioned but opposed to the moratorium. If you have never had a child that really needed supports and couldn't get them, then I could understand why you think a year isn't a bad thing and it's good to save taxpayers money at the expense of that child's future, but that's what it is. I had one child who sailed through the public schools, all the way, no problem, National Honor Society, and I had another who didn't, not because he wasn't as intelligent but because he learned differently. You can call it ADD if you want, but it was a different way of learning and needed some things that weren't being offered and they were very, very modest. I couldn't get any teachers there, in spite of multiple IEPs to comply with the IEPs. It might have been helpful if his father hadn't died because they would often say, "Oh, his father died. You know, he's still suffering with that." That wasn't the reason. I hired, actually, the best consultant I could find who was actually the consultant to the director of the special ed department, and still, she was not heard, and these were small accommodations, really. I can't tell you how heartbreaking it is to see such small things be denied to a child who needs to learn. In fact, ultimately, he had a therapist and the therapist, with a statewide reputation, national reputation now, he said, "You've got to get him out of that school." There was an opportunity to go to a different school, a school that aspired to be a charter school for years but had not, I think, ultimately, gave up on it, but one semester at that different school, being taught in different ways, changed my son's life. He could have ended being one of the many young people we heard about this morning from Judge Saufley, who dropped out of high school, did not graduate, but because he could benefit from a different way of teaching and getting it and being accepted and acknowledged and supported for who he was, one semester there changed his life, brought back his self-esteem, told him he was okay and he could be looking to other ways of learning and different things to do, and it made all the difference in the world. He came back, ultimately, to the public school to make sure he got all the course he needed at that time. It wasn't that we were against the public schools. It's just that the public schools were not able to accommodate. So I would ask that you respect the family that is trying hard to have a child educated. I don't think anyone knows better than the parents what's going on with a child and seeing what is working and what really isn't working. I went so far to ask for a review from the state and when the state came down to review, the teacher was saying, "I don't do it that way. I don't do it that way. We don't do that here." When the state came down to do the review, guess what? They agreed with me and they came back and they said, "You're not doing what you're supposed to do. You need to do this and that's it." What happened, as a result, was the principal of the school took me into his office privately and angrily told me how wrong I was to do that and how upset he was with me. Nobody else present, of course, just that sort of thing, and the teacher went on denying the very small accommodations. Well, that's the kind of thing that many of you might not have experienced, but in fact many people do, and perhaps that's why so many of the people that we see

that are troubled that Judge Saufley was talking about drop out of school. They don't have a recourse. They don't have a place to go that they can feel okay and catch on. So I would just ask that you keep in mind that we can support public schools and if this kind of a venture were able to be there, right now, I think that would be fantastic, but it isn't. And we know how stressed our funds are, we don't know if it will ever happen, and children haven't got the time to waste in not learning what they need to learn. So I would ask you to try to respect the family and their efforts. Certainly, nobody wants their child to have to have different accommodations, but if they find something, if they want to search for something, let them. Don't stand in their way, please. Thank you.

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

Representative **JOHNSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is a particularly difficult speech for me to give because I'm a sponsor on this bill and through the course of considering the bill itself, I feel strongly about the potential, the same potential that was asked by the executive office in 2012 to establish this capability in our state and has not been done. Yesterday, we were considering a different bill and we had a presentation by the chair of the Maine Charter School Commission against that particular bill, but her comments also apply to this bill and I learned some things at that meeting and I learned some things today by the debate today and I wanted to highlight a few of the things that were asked for in the RFP. The schools may only cover grades 7 to 8 and I'm talking about the virtual schools that are under consideration at this time, and they can only have 750 after 5 years. Conceivable, if both were chosen, that would be 1,500 after 5 years. There must be weekly synchronization interaction with the student and the teacher. A demonstration on how the curriculum is aligned is required. There are rigorous requirements on the part of the parents to participate in their child's education and from my 70 years of experience, that is probably one of the most important things that we can consider. So I believe this plan is rigorous that the state Commission has put in place. I believe that the moratorium for a year is unacceptable. I believe that competition in our system is good, so I'm going to have to change my mind and vote against the pending motion for all of those reasons. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Raymond, Representative McClellan.

Representative **McCLELLAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I agree with my counterpart, Representative Johnson from Greenville, that this has been a real hard bill to work on in the Education Committee, so I just thought I'd add a couple of things to help people decide. First off, Senator Langley, I think, did a great thing in looking at the virtual charter school situation and trying to be collaborative. He tried to pull various parties to the table and I think a lot of what he crafted, Mr. Speaker, I very much agree with in terms of process and in terms of offerings. I would also say, Mr. Speaker, sitting on that committee, a lot of the peers I have on that committee, even the ones I disagree with, I've gotten to know them well and I know where their heart is and even though we disagree, I think, in many cases, my peers definitely have what's best for kids in their heart. Again, even though I may agree or disagree with that, for me, unfortunately, leadership and lobbies kind of got involved with this and they grabbed this situation. I really think that this bill ends up being all about the moratorium, and so, to me, when I hear that, it makes me think this is clearly not about kids at that level. For me, personally, Mr. Speaker, I struggle with, actually whatever happens today I'm going to

struggle with, whether it's a moratorium or whether we go forward and approve virtual schools, Mr. Speaker, because I like the idea and I supported fully the idea of charter schools in the beginning. I like the idea of competition and I think what it brings to the table. Mr. Speaker, I think, at the end of the game, down the road, at some point, it is my belief and my hope that this competition is going to make also public schools stronger and perhaps even be a day we don't have to have charter schools anymore because the public schools have gotten rid of all the muck that we, the legislators, have put on to them. The problem is, Mr. Speaker, is kind of that middle ground, after things begin and we start playing with money and maybe neither side gets what they need in total. So I definitely empathize with that and that fuzzy time in the middle is, I think, really concerning to me.

Now, last year, Mr. Speaker, on the Education Committee, former Commissioner Bowen came forth with a plan to pull the charter school funding out of the funding formula, put it separately and, perhaps, resolve that problem. Unfortunately, that didn't happen, that was defeated, again, another clue to me that this is not really a discussion about kids. As I get to sit down now, I'll just throw a couple things out from what I've heard on the discussion today. Again, I like a lot of the concepts in this bill. I've heard the demonizing of for-profits today on the floor and actually in discussions recently, and I just wonder what happened in our society that we look at for-profits, we look at success and we say that's bad. I tried to think yesterday when we were discussing for-profits versus non-profits and I thought of the inventions in history and all of the places we've gone to, and I thought, well, it was because people had freedom, they had the ability to create and I don't know why that's a bad thing. I don't know what's happened. I also heard on the floor, Mr. Speaker, a few moments ago, another person and this happens periodically when we discuss education, the 55 percent funding level. I don't know how many of us were here at that time, but we're here now, we're responsible, I guess, and so when I hear that 55 percent, it never happened, we never got to that level, Mr. Speaker, I wonder, well, who was the Chief Executive at that time, who was the Legislature, who was in charge that we didn't do that, because that bill, as I remember, basically said, "Do it now." People that were there at that time chose not to do that, so when that comes up, I guess I have to own it because I sit in this seat, but I wonder, who were the people that didn't do it when it was their charge? I'll close, Mr. Speaker. I've also heard the word "choice" used today. I find that to be a funny word, Mr. Speaker, because sometimes we find choice is a great thing and then sometimes we find out choice is not a good thing. I guess, when I just try to be on a basic level, that gets confusing to me. I'll say again, I'm not really excited about either answer today, Mr. Speaker, and I thank you for your time.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Daughtry.

Representative **DAUGHTRY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I apologize for rising a second time. I just wanted to clarify one item. This bill is not about public versus charter. This is not about a public virtual versus a charter virtual. It's not one versus the other. Yes, there is a moratorium contained within the bill, but it's not intended to obliterate virtual charter schools. Instead, it's there to call for a quick timeout and give all interested parties time to come together and discuss what the best online options are for all Maine students. The two Maine virtual charter school operators, K12 and Connections Academy, there has even been discussion about including them in the process of how we go forward, whether we involve them or just work with the New Hampshire Virtual Academy. It's a goal to bring everyone involved to the

table, including some of the good Representatives who have spoken before about their own personal experience of online learning. I think this gives us an excellent chance to stop and come together and talk about what comes next. Listening to the speeches before me, it sounds like we're going to hold the education of all Maine students hostage to the needs of a few virtual charter schools. I've also heard conversation about the need for competition. This bill does not get rid of competition. The moratorium, as soon as it is lifted, will give the go ahead to the two other proposed virtual charter schools, will then be able to compete on the same level with all other schools and have that great competition that we've heard discussed. But what this bill ensures is that there is an option for students in all education avenues, whether you're homeschooled, whether you're in a charter school, whether you're at a private school, or whether you're at a public school. Let's please not get the controversy confused with the heart of this bill. This is an excellent opportunity for our students, so please follow my light. This is a huge, huge opportunity. Thank you.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Volk.

Representative **VOLK**: Thank you, Mr. Speaker. I also apologize for rising a second time. I just wanted to point out a couple of things as I've been listening to the debate here, and I think that this is a healthy debate. I think that we're all learning a lot and it's always good to have this information be available to the public. I believe that it's right around 50 public schools in Maine already subscribe to virtual courses. I know that Scarborough High School has a subscription for virtual courses. Kids from Scarborough already can take courses virtually that they can't take, that aren't offered within the walls of Scarborough High School. This is really not providing something that isn't currently available to public schools. I also want to talk about the for-profit. I want to clear up that a little bit and the Representative from Biddeford talked about it a little bit. I just want to reiterate what he said and that is that these virtual charter schools in the State of Maine are going to be run by a volunteer board made up of Maine people. I can only speak for Maine Connections Academy, would be hiring Maine teachers who would reside and work in the State of Maine for all core courses. Yes, Connections Academy, Connections Education, K12 are for-profit companies. I know in the case of Connections Education, they are owned by Pearson Publishing. Pearson Publishing makes almost all of the textbooks that all of our public schools purchase. They also create many of the curriculums that are also purchased by our public schools. So if we're going to suggest that we are not going to do business with for-profit companies, I don't know where we're going to get our textbooks or our curriculum from. I also want to talk about the graduation rates and I want to just point out that many of the students entering virtual charter school are entering because they have been failing in their local public school. If things were going well, they probably would not make that decision to go to a virtual charter school. Often times, those kids are already behind, so many, many times they catch up. Many times they actually return to their public school after a year or two. We would consider that a success. We often are a bridge to go back to the public school in the same way that the highly expensive day treatment program that my son was tutored to was a bridge to return to him to the public school, which did eventually happen, I'm guessing at a cost of around \$60,000 for 18 months. Thank you.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Pouliot.

Representative **POULIOT**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I'm really curious

where the players who were pushing this bill forward behind the scenes were since we had an opportunity to do this for the last two or three years. I'm really frustrated by this bill because it pairs a really good concept, the study of state run virtual academy with a moratorium, and the second that I proposed, in committee, to take off the moratorium, they just ran away from supporting this idea. It really, to me, proves that this bill is not about the best interest of all kids and let's do the right thing, because why would that have not been brought to the table before? It's really about this moratorium for the two pending virtual academies that are before the Charter Commission that this Legislature approved to do the work of reviewing and vetting out these charter schools before them. So I really think that we need to call a spade a spade. I've got an amendment that's pending right now. We haven't seen it yet because this wasn't even on the calendar today and it's been rushed through at lunch hour when half of the people are gone, probably getting a sandwich somewhere, and I just think that it's important for us to focus on what's really being discussed here which is an effort to put forward a moratorium on virtual charter schools. I would say that this does not hold all Maine kids hostage as was suggested by the good Representative, a good friend of mine, from Brunswick. This is something that could have been done to date without this bill and it wasn't done and the only reason that these interest groups came to the table to support it this time and were in favor of virtual education was because the moratorium was tied to that. Evidence is clear to support that because once you discuss taking off the moratorium, they don't want to see this go forward. If they did, then they would support my amended version, which is the whole bill without the moratorium. So that's all I have to say about this and hopefully I can get your support and vote no or in favor of the amendment when that comes forward. Thank you.

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

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I want to rise and acknowledge the words of the good Representative from Greenville, Representative Johnson, who serves as the Republican lead on this committee, who I understand voted initially to favor the bill and who just a moment ago indicated, in fact, after and upon reflection, that he couldn't support the bill. I think that that is a comment of courage to be a person who works in a committee and works with his colleagues, particularly, in this instance, a Republican Senator, to vote out a bill and then upon reflection, say, "Look, I don't think I can do this. I don't think it's the right vote." So I want to acknowledge what I think are really important words from our Republican lead on that committee and close by simply stating one last time that the passage of this bill will, in essence, stop two applications coming before the Charter School Commission. I think that's what's really going on here and I think that's the real purpose and that's why I'm going to be voting against this bill. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Boothbay, Representative MacDonald, having spoken twice now, requests unanimous consent to address the House a third time. Is there objection? The Chair hears no objection. The Representative may proceed.

Representative **MacDONALD**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. A number of people have spoken to the effect that this bill is all about a moratorium. I have spent some time talking with the sponsor of this bill, the good Senator Langley, the Republican Senator from Ellsworth on this bill and I know that is not the focus of this bill. He has spent time in New Hampshire looking at the New Hampshire Virtual

Academy run by the State of New Hampshire, and he was greatly impressed by the work that had been done in that state and greatly impressed by their willingness to work with us to see if we could find a way to spread the kind of good work that they're doing through the public schools of the State of New Hampshire to students in the State of Maine, through either an online catalog of courses that could be accessed by our public schools or more actively by an online academy that would actually provide courses to our students. So the thrust of Senator Langley's bill is to make good on the requirement that was put forward by the Chief Executive, that we develop such an academy for our public school students in this state. I believe he felt that, at the same time, it was useful to take a thoughtful pause in the development in the virtual public charters. As we go forward with this wider state work, I think the two are linked, but I don't think it's about the moratorium. It's really about the creation of a state academy and taking some time to do the most thoughtful thing for the greatest majority of Maine students. That's what this bill is about, Mr. Speaker. I hope people will recognize that and support it. Thank you.

The SPEAKER: The Chair recognizes the Representative from Buckfield, Representative Hayes.

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

The SPEAKER: The Representative may pose her question.

Representative **HAYES**: Thank you, Mr. Speaker, and I may have missed this so I will apologize before stating my question, but my question is could someone help me understand why a pause in the application process within the Charter School Commission is necessary in order to proceed with the DOE proposal regarding virtual charter schools. Why are these two related? I do not understand.

The SPEAKER: The Representative from Buckfield, Representative Hayes, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bowdoinham, Representative Berry.

Representative **BERRY**: Thank you, Mr. Speaker. I'm just going to address myself directly to the question, but in the words of the sponsor of the bill from a green *Bangor Daily News* article we have in front of us. The sponsor and another member of the Legislature write, "It is imperative, however, that we move forward at a pace that allows us to identify best practices. Due diligence will ensure that we spend our state's public education funds on the most efficient virtual learning model that benefits the greatest number of Mainers." Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Pouliot.

Representative **POULIOT**: Thank you, Mr. Speaker. I guess I didn't jump up quick enough. To answer the good Representative from Buckfield's question, they don't need to be tied together. That was the point that I was trying to make just a few minutes ago and thank you for bringing that up.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 503

YEA - Beaudoin, Beaulieu, Beavers, Beck, Berry, Bolduc, Briggs, Brooks, Campbell J, Carey, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, Devin, Dickerson, Dill, Dion, Dorney, Dunphy, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Harlow, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Malaby, Marks, Mason,

Mastraccio, McCabe, McClellan, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Peterson, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Turner, Verow, Villa, Werts, Winchenbach, Mr. Speaker.

NAY - Ayotte, Bennett, Black, Boland, Casavant, Chase, Cotta, Crafts, Cray, Crockett, Davis, Doak, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harvell, Hayes, Jackson, Johnson P, Keschl, Kinney, Libby A, Lockman, Long, MacDonald S, Maker, Marean, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Pouliot, Reed, Sanderson, Sirocki, Timberlake, Tyler, Volk, Wallace, Weaver, Willette, Wilson, Winsor, Wood.

ABSENT - Campbell R, Clark, DeChant, Hamann, Johnson D, Welsh.

Yes, 94; No, 51; Absent, 6; Excused, 0.

94 having voted in the affirmative and 51 voted in the negative, with 6 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Resolve was **READ ONCE**. **Committee Amendment "A" (S-392)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, February 26, 2014.

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#### SENATE PAPERS

Bill "An Act To Designate Maine State Housing Authority To Receive Funds from the National Housing Trust Fund" (EMERGENCY)

(S.P. 714) (L.D. 1790)

Came from the Senate, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

**REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

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

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On motion of Representative LUCHINI of Ellsworth, the House adjourned at 1:40 p.m., until 10:00 a.m., Wednesday, February 26, 2014 in honor and lasting tribute to Lawrence Earl Poulin, of Ellsworth.