

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
41st Legislative Day
Friday, April 11, 2014

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

Prayer by Deacon Jeffrey D. Lewis, St. Michael Parish, Augusta.

National Anthem by Gorham Middle School Chorus .
Pledge of Allegiance.

Doctor of the day, Sydney Sewall, M.D., Hallowell.
The Journal of yesterday was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 414)

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

April 10, 2014

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk MacFarland:

With reference to the Senate's action whereby it insisted and asked for a Committee of Conference on the disagreeing action between the two branches of the Legislature on the Bill, "An Act To Clarify When Bonds May Be Issued" (H.P. 628) (L.D. 904)

I have appointed as conferees on the part of the Senate the following:

Senator Emily Cain of Penobscot

Senator Troy Jackson of Aroostook

Senator John Cleveland of Androscoggin

Sincerely,

S/Justin L. Alford

President of the Senate

READ and ORDERED PLACED ON FILE.

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

ORDERS

On motion of Representative NELSON of Falmouth, the following Joint Resolution: (H.P. 1346) (Cosponsored by Representatives: AYOTTE of Caswell, BEAR of the Houlton Band of Maliseet Indians, BEAUDOIN of Biddeford, BEAULIEU of Auburn, BEAVERS of South Berwick, BECK of Waterville, BENNETT of Kennebunk, BERRY of Bowdoinham, BLACK of Wilton, BOLAND of Sanford, BOLDUC of Auburn, BRIGGS of Mexico, BROOKS of Winterport, CAMPBELL of Newfield, CAMPBELL of Orrington, CAREY of Lewiston, CASAVANT of Biddeford, CASSIDY of Lubec, CHAPMAN of Brooksville, CHASE of Wells, CHENETTE of Saco, CHIPMAN of Portland, CLARK of Easton, COOPER of Yarmouth, COTTA of China, CRAFTS of Lisbon, CRAY of Palmyra, CROCKETT of Bethel, DAUGHTRY of Brunswick, DAVIS of Sangerville, DeCHANT of Bath, DEVIN of Newcastle, DICKERSON of Rockland, DILL of Old Town, DION of Portland, DOAK of Columbia Falls, DORNEY of Norridgewock, DUNPHY of Embden, DUPREY of Hampden, ESPLING of New Gloucester, EVANGELOS of Friendship, Speaker EVES of North Berwick, FARNSWORTH of Portland,

FITZPATRICK of Houlton, FOWLE of Vassalboro, FREDETTE of Newport, FREY of Bangor, GATTINE of Westbrook, GIDEON of Freeport, GIFFORD of Lincoln, GILBERT of Jay, GILLWAY of Searsport, GOODE of Bangor, GRAHAM of North Yarmouth, GRANT of Gardiner, GUERIN of Glenburn, HAMANN of South Portland, HARLOW of Portland, HARVELL of Farmington, HAYES of Buckfield, HERBIG of Belfast, HICKMAN of Winthrop, HOBBS of Saco, HUBBELL of Bar Harbor, JACKSON of Oxford, JOHNSON of Eddington, JOHNSON of Greenville, JONES of Freedom, JORGENSEN of Portland, KAENRATH of South Portland, KENT of Woolwich, KESCHL of Belgrade, KINNEY of Limington, KNIGHT of Livermore Falls, KORNFIELD of Bangor, KRUGER of Thomaston, KUMIEGA of Deer Isle, KUSIAK of Fairfield, LAJOIE of Lewiston, LIBBY of Waterboro, LIBBY of Lewiston, LOCKMAN of Amherst, LONG of Sherman, LONGSTAFF of Waterville, LUCHINI of Ellsworth, MacDONALD of Old Orchard Beach, MacDONALD of Boothbay, MAKER of Calais, MALABY of Hancock, MAREAN of Hollis, MARKS of Pittston, MASON of Topsham, MASTRACCIO of Sanford, McCABE of Skowhegan, McCLELLAN of Raymond, McELWEE of Caribou, McGOWAN of York, McLEAN of Gorham, MITCHELL of the Penobscot Nation, MONAGHAN-DERRIG of Cape Elizabeth, MOONEN of Portland, MORIARTY of Cumberland, MORRISON of South Portland, NADEAU of Fort Kent, NADEAU of Winslow, NEWENDYKE of Litchfield, NOON of Sanford, NUTTING of Oakland, PARRY of Arundel, PEASE of Morrill, PEAVEY HASKELL of Milford, PEOPLES of Westbrook, PETERSON of Rumford, PLANTE of Berwick, POULIOT of Augusta, POWERS of Naples, PRIEST of Brunswick, PRINGLE of Windham, RANKIN of Hiram, REED of Carmel, ROCHELO of Biddeford, ROTUNDO of Lewiston, RUSSELL of Portland, RYKERSON of Kittery, SANBORN of Gorham, SANDERSON of Chelsea, SAUCIER of Presque Isle, SAXTON of Harpswell, SCHNECK of Bangor, SHAW of Standish, SHORT of Pittsfield, SIROCKI of Scarborough, SOCTOMAH of the Passamaquoddy Tribe, STANLEY of Medway, STUCKEY of Portland, THERIAULT of Madawaska, TIMBERLAKE of Turner, TIPPING-SPITZ of Orono, TREAT of Hallowell, TURNER of Burlington, TYLER of Windham, VEROW of Brewer, VILLA of Harrison, VOLK of Scarborough, WALLACE of Dexter, WEAVER of York, WELSH of Rockport, WERTS of Auburn, WILLETTE of Mapleton, WILSON of Augusta, WINCHENBACH of Waldoboro, WINSOR of Norway, WOOD of Sabattus, Senators: President ALFOND of Cumberland, BOYLE of Cumberland, BURNS of Washington, CAIN of Penobscot, CLEVELAND of Androscoggin, COLLINS of York, CRAVEN of Androscoggin, CUSHING of Penobscot, DUTREMBLE of York, FLOOD of Kennebec, GERZOFISKY of Cumberland, GRATWICK of Penobscot, HAMPER of Oxford, HASKELL of Cumberland, HILL of York, JACKSON of Aroostook, JOHNSON of Lincoln, KATZ of Kennebec, LACHOWICZ of Kennebec, LANGLEY of Hancock, MASON of Androscoggin, MAZUREK of Knox, MILLETT of Cumberland, PATRICK of Oxford, PLUMMER of Cumberland, SAVIELLO of Franklin, SHERMAN of Aroostook, THIBODEAU of Waldo, THOMAS of Somerset, TUTTLE of York, VALENTINO of York, VITELLI of Sagadahoc, WHITTEMORE of Somerset, WOODBURY of Cumberland, YOUNGBLOOD of Penobscot)

JOINT RESOLUTION RECOGNIZING

PARKINSON'S DISEASE AWARENESS MONTH

WHEREAS, Parkinson's disease is a potentially devastating and immobilizing progressive disorder of the brain and spinal cord that causes paralysis, tremor, depression and isolation and is unpredictable in its outcome; and

WHEREAS, Parkinson's disease is estimated to occur in approximately 7,000 adults and in an unknown number of

children in the State, and numerous care providers in the State shoulder the responsibility of caring for those affected; and

WHEREAS, in a typical week, a Parkinson's disease patient requires an estimated 7 care providers, making the number of people directly touched each week in the State by Parkinson's disease close to 50,000; and

WHEREAS, Parkinson's disease symptoms are neither clearly understood nor exactly quantifiable by either the medical community or the general public, which creates distress and danger in the lives of Parkinson's disease patients, especially those arriving at emergency rooms in the State's hospitals; and

WHEREAS, upon arrival at an emergency room, a Parkinson's disease patient is often treated by medical personnel who are untrained in treating this disease, which causes inaccurate health assessments and leads to the use of inappropriate medications that may exacerbate the symptoms; and

WHEREAS, there are only two movement disorder neurologists in this State who specialize in Parkinson's disease, one in Scarborough and one in Westbrook, which makes access limited for prospective patients, and beyond these two physicians, there are insufficient treatments and no trained personnel at any level in the State; and

WHEREAS, in order to save lives, there is an urgent need to establish and fund a plan regarding Parkinson's disease to train and educate emergency room personnel, law enforcement personnel, firefighters, other public safety workers, emergency medical services' personnel, boat and shipping captains, directors of transportation and supervisors of state parks and recreational areas; and

WHEREAS, there is a network of 15 Parkinson's disease support groups statewide, located in Augusta, Waterville, Greater Bangor, Biddeford, the Blue Hill area, Bath, Brunswick, Cape Elizabeth, Camden, Falmouth, Greater Portland, Lewiston, Norway, Yarmouth and York, and 2 other groups, a younger onset group in Brunswick and a Parkinson's Plus group in South Portland; and

WHEREAS, the Maine Parkinson Society has a central resource at the Maine Medical Center campus in Falmouth, with satellite resources in all MaineHealth Learning Resource Center locations, including Norway, Scarborough, Falmouth, Portland and Maine Medical Center's East Tower; and

WHEREAS, April 11th is known globally as World Parkinson's Day, which is celebrated on Dr. James Parkinson's birthday, and April is Parkinson's Disease Awareness Month; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to express our support for and commitment to all efforts being made by the Parkinson's disease community to close the gaps in funding, services, training, education and care that currently exist; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Parkinson Society and the University of New England's College of Osteopathic Medicine.

READ.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Nelson.

Representative **NELSON**: Thank you, Mr. Speaker. Men and Women of the House, I had not intended to speak on this, but I rise in honor of this Joint Resolution and thank you all for being a part of it. My father was born 104 years ago in Skowhegan, Maine. He moved to Seattle, Washington, when he was nine.

He came with his family. He became fascinated with airplanes and spent the majority of his career at the Boeing Airplane Company. He is called the father of the 707. He was a brilliant structural engineer. There is an endowed chair at the University of Washington in honor of my father. When he was 64 years old he contracted, or came down with, was diagnosed with Parkinson's disease. And for the next 20 years we, as a family, dealt with that situation and that reality. It is a disease that affects people over the long-term. It is a corrosive thing that takes away your ability to move, your ability to speak, your ability to partake actively in life and it takes a toll on the caregivers. This Resolution recognizes that and urges us all to have compassion and to support all of the efforts that are being enacted everywhere to try to find cures or treatments for this devastating disease. Thank you, Mr. Speaker.

Subsequently, the Joint Resolution was **ADOPTED**.

Sent for concurrence.

On motion of Representative DAUGHTRY of Brunswick, the following Joint Resolution: (H.P. 1347) (Cosponsored by Representatives: BERRY of Bowdoinham, COTTA of China, GRAHAM of North Yarmouth, HARVELL of Farmington, HUBBELL of Bar Harbor, MASON of Topsham, MOONEN of Portland, TREAT of Hallowell)

JOINT RESOLUTION TO RECOGNIZE APRIL AS NATIONAL CONGENITAL DIAPHRAGMATIC HERNIA AWARENESS MONTH AND APRIL 19TH AS CDH AWARENESS DAY

WHEREAS, congenital diaphragmatic hernia occurs when the diaphragm fails to fully form, allowing abdominal organs to migrate into the chest cavity and prevent lung growth, causing underdeveloped lungs and poor pulmonary function; and

WHEREAS, the federal Centers for Disease Control and Prevention defines congenital diaphragmatic hernia as a birth defect, the cause of which is unknown, and congenital diaphragmatic hernia occurs in one of every 2,500 births, affects approximately 1,600 babies each year in the United States and has affected more than 600,000 babies throughout the world since 2000; and

WHEREAS, congenital diaphragmatic hernia patients often endure long-term complications, including pulmonary hypertension, pulmonary hypoplasia, asthma, gastrointestinal reflex, feeding disorders and developmental delays; and

WHEREAS, congenital diaphragmatic hernia survivors sometimes endure long-term mechanical ventilation dependency, skeletal malformations, supplemental oxygen dependency, enteral and parenteral nutrition and hypoxic brain injury; and

WHEREAS, congenital diaphragmatic hernia patients have a survival rate ranging from 62 percent to 90 percent; and

WHEREAS, babies born with congenital diaphragmatic hernia endure extended hospital stays in intensive care with multiple surgeries and congenital diaphragmatic hernia is as common a birth defect as spina bifida and cystic fibrosis; and

WHEREAS, congenital diaphragmatic hernia is treated through mechanical ventilation, heart and lung bypass machines and surgical repair; and

WHEREAS, patients often outgrow congenital diaphragmatic hernia surgical repair, leading to reherniation and requiring additional surgery; and

WHEREAS, the occurrence of congenital diaphragmatic hernia does not discriminate based on race, gender or socioeconomic status and is diagnosed in utero in only 75 percent of cases; and

WHEREAS, the average hospital bill for a congenital diaphragmatic hernia patient is \$500,000 and the total annual

cost of medical care for children with congenital diaphragmatic hernia in the United States is more than \$800,000,000; and

WHEREAS, the month of April has been designated as National Congenital Diaphragmatic Hernia Awareness Month and April 19th is designated as CDH Awareness Day; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize April as National Congenital Diaphragmatic Hernia Awareness Month and April 19th as CDH Awareness Day; and be it further

RESOLVED: That we encourage efforts to raise awareness and increase public knowledge about congenital diaphragmatic hernia and we encourage research on congenital diaphragmatic hernia in order to discover its causes and develop treatments and find a cure for this devastating birth defect.

READ.

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

Representative DAUGHTRY: Thank you, Mr. Speaker. Ladies and Gentlemen of the House. There are lots of birth defects that can affect newborns. Some of the better known are Spina Bifida, and Cystic Fibrosis. But there is a relatively common one that has yet to get the awareness it needs. Congenital Diaphragmatic Hernia, or CDH, affects 1 in 2,500 babies and yet when I ask folks about CDH very few people have heard of it, which is exactly why I stand before you today, to raise awareness of CDH.

What is it? It's a birth defect where the diaphragm fails to fully form. The lack of a fully formed diaphragm allows abdominal organs into the chest cavity and prevents lung growth causing a multitude of related organ and pulmonary issues. The cause is unknown and affects babies from all walks of life and ethnic backgrounds. CDH affects at least 1,600 babies a year and tragically takes the lives of 50 percent of those with the condition. Across the world every 10 minutes a baby is born with CDH. Babies who survive CDH endure extended hospital stays in intensive care with multiple surgeries. Many are dependent on long-term mechanical ventilation and have a supplemental oxygen dependency. Many end up with other things such as nutrition issues and brain injury. CDH is a destructive condition with long-term ramifications. I first learned about CDH when my friends Elizabeth and Chris Davis told me that their unborn son had been diagnosed with the condition. Knowing nothing about it, I asked about their son's chances of survival and was crushed to hear that CDH babies have only about a 50 percent chance of surviving and that after birth they are immediately rushed in to surgery. This is devastating news for any family to receive but Elizabeth and Chris faced this condition with awe-inspiring bravery and commitment. Thomas was born on August 21, 2013. Thomas is a fighter through and through, and he is here with us today. Chris and Elizabeth have been helped through this whole process by an inspiring group of friends and family, or as I like to call them, angels. Their friend Brandon helped lead a drive to raise money for his care. Their older son Jack helped them smile throughout the whole process. Other CDH families helped mentor them including the Matheises and Carvilles. And, when Thomas was in desperate need of blood, an overwhelming group of Mainers rushed down to Boston to donate. Including our own Hannah Heidt, a page in the Senate, who went down to donate. The whole community rushed to their side and there are so many to thank. But a few of the key folks are: Gary and Elaine Davis, Ed and Teresa Hampton, Aaron Labbe, Alison Labbe, the Staff at

Jen's Place, BIW, Parkview Hospital, and the whole CHERUBS community.

Thomas isn't the only baby with CDH in Maine. Rowan was a young girl born with CDH who left our world all too soon. Rowan's parents are with us today and wanted to have her story told. From Rowan's mom, Jess, "Before Rowan's diagnosis, we had never heard of CDH. We had been planning to birth at home when Rowan was diagnosed with CDH in the summer of 2011. We were referred to a doctor in Boston where they gave her a less than 20 percent chance of surviving this birth defect. When we were told, we set out on a quest to save her life and that landed us 1,200 miles away from home, to work with a surgeon who is well known for treating CDH. I was 39 weeks pregnant when I went into labor, two days before my scheduled C-section. Rowan was born and passed away on November 14, 2011. This beast, called CDH, took our daughter's life before she even had a chance to fight. For the past two years on her birthday, we have raised funds for families whose children are in the hospital, fighting this condition. We're in the process of starting a non-profit in her memory so we can raise more money, for these families."

CDH can strike any unborn baby. Its cause is completely unknown and there is a dire need for more research. I stand here before you today to not only raise awareness of CDH but to ask you to join with me in the cause. Please share with others what CDH is and what it does. If you are expecting or know a mother who is expecting ask her to be screened. Babies that are diagnosed before birth have a better chance of surviving. Mr. Speaker, let us honor Rowan's life by adopting this Resolution and honor Thomas' strength and all those who are affected by CDH. The more people who know about CDH, the more we can do to stop it. Thank you, Mr. Speaker.

Subsequently, the Joint Resolution was **ADOPTED**.
Sent for concurrence.

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

ORDERED, that Representative Katherine W. Cassidy of Lubec be excused April 4 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Mark N. Dion of Portland be excused April 7 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Allen Michael Nadeau of Fort Kent be excused March 11 and 12 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Jethro D. Pease of Morrill be excused March 31 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Jane P. Pringle of Windham be excused March 27, 28, 31, April 1, 2, 3 and 4 for personal reasons.

READ and PASSED.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

David McFarland, of Bridgton, on the occasion of his retirement after more than 20 years on the Board of Directors of Landmark Human Resources. Landmark Human Resources is an organization that has served individuals with developmental disabilities and their families for almost 40 years. We extend our appreciation to Mr. McFarland for his commitment to helping the citizens of the State and wish him well in his future endeavors;

(HLS 895)

Presented by Representative VILLA of Harrison.
Cosponsored by Senator HAMPER of Oxford.

On **OBJECTION** of Representative VILLA of Harrison, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Harrison, Representative Villa.

Representative **VILLA**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. David could not be here today but Landmark's director and volunteers are here to accept the Sentiment on his behalf. David McFarland has served for over 20 years on the board at Landmark. After the passing of his wife Barbara, he continued her work on the board helping to ensure that folks with developmental disabilities have the same opportunities and quality of life as those who do not. Martin Luther King, Jr. said, "Everybody can be great because anybody can serve. You don't have to have a college degree to serve. You don't have to make your subject and verb agree to serve. You only need a heart full of grace. A soul generated by love." Today, we thank David for giving back, for the generosity of his time, his love and spirit.

The **SPEAKER**: The Chair recognizes the Representative from Harrison, Representative Villa.

Representative **VILLA**: Thank you, Mr. Speaker. We also have some special guests today. Before I introduce them I want to thank Landmark for all the work that they do, all the volunteers that made the Special Winter Olympics happen, the athletes, coaches and parents, it's an honor to have you here. Today is about volunteers who give of their time, and about these special winter Olympians, who push themselves to the point that, what others see as roadblocks, they simply call it terrain.

One thing that I've learned and I'm certain many who volunteer would agree, that in helping others achieve and believe in endless possibilities, even when you question your own, it has the power to heal. It is truly in giving that you receive.

I also learned there is power in achievement and even power in failing, though you might not know it at the time, because I know this as a fact as do these athletes. Getting up, dusting off your knees and trying again will take you one step closer to your dreams. They know that though the terrain may at times be steep or slippery, you can achieve anything in life, if you make one promise to yourself, and that is never, never give up. I am inspired by these individuals and I hope you will be too. I would like to introduce the Director of Landmark. If Landmark is the oak tree, Mary Beth Sullivan is the roots of this wonderful group. Mary Beth Sullivan, please come forward. Thank you.

Now I would like to introduce our Western Maine Special Olympians: Jane Billings, Arthur Clawson, Nancy Lister, Nick LeBlanc, Nicole LeBlanc, Cindy Malloy, Paula Ouellette and Ruby Williams. Thank you all and welcome to your house, the House of Representatives. On behalf of the House of Representatives, the other body and the Chief Executive, we thank you for your courage and your strength. Welcome.

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

In Memory of:

Arthur Robert Warren, of Gardiner, a beloved educator, coach and family man. Mr. Warren was born in Brunswick and was a 1959 graduate of Brunswick High School. He received a bachelor's degree in education from the University of Maine, where he excelled in sports, including basketball, baseball and track. Mr. Warren had a successful 45-year career in education, school administration and coaching in Winthrop and Gardiner, and he also continued to play basketball as a member of the semi-professional Augusta Area All-Stars team. After several years of teaching and coaching, he earned a master's degree in education from the University of Maine and went into school administration, serving as principal at Central Street Elementary School in Gardiner and later at Gardiner Regional Middle School, where he served for 28 years, retiring in 2008. Mr. Warren loved reading and strove to pass that passion on to his family and students. The Gardiner Middle School Library was named in his honor. Mr. Warren will be greatly missed and long remembered by his loving family, his many friends and those whose lives he touched;

(HLS 894)

Presented by Representative GRANT of Gardiner.
Cosponsored by Senator FLOOD of Kennebec, Representative MARKS of Pittston.

On **OBJECTION** of Representative GRANT of Gardiner, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Gardiner, Representative Grant.

Representative **GRANT**: Thank you, Mr. Speaker. Ladies and Gentlemen of the House. Arthur Robert Warren of Gardiner died at his home on July 14 of last year after a long battle with ALS, or known as Lou Gehrig's disease. His 45-year career as an educator, coach and school administrator touched thousands of lives across the State of Maine. His memorial service was held at the school where he served for decades as Principal, and the gymnasium was packed on quite possibly the hottest day of the century. Despite the heat, the sense of loss, coupled with a celebration of a great life well lived, transcended the heat.

Art Warren was a great man. There was no question about that. He began his teaching and coaching career at Winthrop High School and then came to Gardiner where he taught History and Social Studies, coached basketball, tennis and cross-country. He was also a great reader and scholar and he could quote Shakespeare or Tennyson as easily as he could hold forth on the finer points of the three-quarter court.

He was also passionate about fishing. Art truly was a renaissance man. He could do anything he turned his mind or hand to. What really distinguished him, however, was his ability to teach and to inspire those he worked with, and for, to do their absolute best at whatever it was they were doing. He certainly had that impact on me. From my freshman year World History class with him I learned straight away that this was not just a coach who needed to teach so he could bring home trophies for the case in the lobby. He was a great coach because he was a great teacher, first and foremost.

Over the next three decades, I worked with him and even for him. I learned that he was what we sometimes call a born teacher. He cared about his students, his colleagues and his community, and he instilled the values he lived, not by words, but by example. He lived in our community and raised his family with

his wife of 51 years Catherine. And his sons and their families in turn were central to his life.

Art Warren is missed and will continue to be, but his contributions to our community and to our State will long outlive him. His teaching and coaching impacted lives like mine that have branched out in all directions. Art certainly impacted my life in so many important ways. I worked for him as a long-term substitute teacher, with him as the President of the PTA and parent of two children in his school. I served on the School Board and he continued to teach me in all these capacities. ALS is a cruel disease, and all the more so for someone with a lifetime passion for sports and fitness. Watching it take his life was horror beyond words.

Even in this, he taught all who knew him what grace and strength mean. So, incidentally, did his family, especially his loving wife Catherine. Every day of our sessions, we celebrate the lives of great Mainers in this chamber and it always inspires me. I appreciate the fact that remembering an official Legislative Sentiment, the lives of people like Art Warren, helps us remember who we are as a state, how much we have to be thankful for and how very much we have to live up to.

As a lifelong lover of Maine history, I thought it would be most fitting to enshrine Art Warren's name in the *Legislative Record* along with the others we all bring to this chamber, and to let his family and friends know that he will never be forgotten. His life has meaning far beyond physical boundaries through all of us he inspired. Thank you, Mr. Speaker and Esteemed Colleagues of the House.

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

In Memory of:

Carmaleta Farrington, of South China. Mrs. Farrington was born in Benton Falls and was a graduate of Lawrence High School in Fairfield. She was a member of the South China Community Church and was a past worthy matron of the Lily of the Valley Eastern Star Chapter 157 in Weeks Mills. Mrs. Farrington was a co-owner of Farrington's Clothing in South China for over 20 years. She also worked at MBNA and most recently was a corporate officer and cofounder of Break of Day Mental Health Group. Mrs. Farrington will be greatly missed and long remembered by her loving family and friends;

(HLS 915)

Presented by Representative DAUGHTRY of Brunswick. Cosponsored by Representative COTTA of China, Senator KATZ of Kennebec.

On **OBJECTION** of Representative DAUGHTRY of Brunswick, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **DAUGHTRY**: Thank you, Mr. Speaker. Ladies and Gentlemen of the House, when I asked those who knew and loved Carmaleta Farrington what was the one thing that set her apart, they said it was her deep, unwavering love of the State of Maine, her home place in her heart and also her deep unwavering love of all those around her. She had a huge heart that was open to everyone. Her daughter Kim said that Carmaleta always believed in the common good and in the decency of all human beings. Her door was opened to anyone who needed help, companionship or just a good family dinner. Kim said you never knew who you were going to find around the

dining room table at home. Carmaleta had many different positions throughout her life. She was the co-owner of Farrington's Clothing on Route 3 in South China for over 20 years, which she ran with her husband Paul. She worked at MBNA and most recently worked with Break of Day Mental Health Group. Carmaleta also ran for the State Legislature in 2000 and her family has been involved with Maine politics for years. Her daughter told me that she remembers serving here as a page when she was little. She said it looked a little bit different in the front though. Carmaleta will be greatly missed by her family. She is here with us today and she is here with her State. And I am honored to present this Sentiment in her honor. Thank you.

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

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

UNFINISHED BUSINESS

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

Expression of Legislative Sentiment Recognizing Master Sergeant David E. Orr, of South China and Fort Benning, Georgia, on the occasion of his retirement from the United States Army

(HLS 851)

TABLED - April 7, 2014 (Till Later Today) by Representative COTTA of China.

PENDING - **PASSAGE.**

READ.

Expression of Legislative Sentiment Recognizing James E. Orr, of Waterville, on his more than 23 years of dedicated military service

(HLS 852)

TABLED - April 7, 2014 (Till Later Today) by Representative COTTA of China.

PENDING - **PASSAGE.**

READ.

Expression of Legislative Sentiment Recognizing the distinguished military service of the late Sergeant Harvey E. Orr, of South China

(HLS 853)

TABLED - April 7, 2014 (Till Later Today) by Representative COTTA of China.

PENDING - **PASSAGE.**

READ.

The **SPEAKER**: The Chair recognizes the Representative from China, Representative Cotta.

Representative **COTTA**: Thank you, Mr. Speaker. Ladies and Gentlemen of the House, it is my pleasure deliver over these Sentiments to the Orr Family and I would like to recognize Harvey Orr, the father. Harvey Orr immigrated to the United States and became a U.S. citizen after entering the U.S. Army. While in the U.S. Army he served two combat tours, and upon leaving the Army, he settled in South China, Maine, with his wife, Irene, and their family. He raised livestock while his wife ran a floral greenhouse providing for their family. He loved his adopted country and, with his wife at his side, they made their way never

asking for anything and remaining a proud self-reliant family. Harvey Orr was an example of what makes America the land of opportunity and the land of the free.

The three sons of Harvey, while their individual choices and efforts, all served in the military. Kenneth, whom I mentioned earlier served in the Navy.

James Orr, the middle son of three, served in the United States Army until his retirement and now resides in Augusta, Maine, pursuing a career in real estate sales and he also serves as a veteran's advocate in the veteran's court. During his career, he was assigned to a mechanized infantry unit crewing the Bradley Fighting Vehicle and serving in combat in this capacity. His distinguished service is a tribute to his efforts and reflects proudly on his family. He is accompanied today by his son and his mother, Irene.

David Orr, the youngest of the three, somehow he also chose a career in the military and during his career was assigned to an armored unit as a scout in a Bradley Fighting Vehicle, serving in combat. David is in the process of retiring at Fort Benning, Georgia, and later will join his wife and two daughters. David served with distinction. Again, a tribute of his efforts reflect proudly on his family. Thank you, Mr. Speaker.

Subsequently, the Sentiments were **PASSED** and sent for concurrence.

**REPORTS OF COMMITTEE
Divided Reports**

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Require the Commission on Governmental Ethics and Election Practices To Make Public Declarations following a Determination of a Campaign Statement's Falsity" (S.P. 737) (L.D. 1834)

Signed:

Senators:

TUTTLE of York
MASON of Androscoggin

Representatives:

LUCHINI of Ellsworth
BEAULIEU of Auburn
FOWLE of Vassalboro
KINNEY of Limington
LONGSTAFF of Waterville
SAUCIER of Presque Isle
SCHNECK of Bangor
TURNER of Burlington

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-513)** on same Bill.

Signed:

Representative:

RUSSELL of Portland

Came from the Senate with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.
READ.

Representative LUCHINI of Ellsworth moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative WILLETTE of Mapleton **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** 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 Portland, Representative Russell.

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I rise in opposition to the pending motion. It's a rare occasion I get to stand up in support of a bill introduced on behalf of the Chief Executive. If Stephen Colbert were here, he'd call this the "truthiness bill." The sponsor, the good Senator Thomas, put it most succinctly in his testimony. Every year, the things we read in campaign materials and hear in radio ads or on TV become more ridiculous and, in some cases, more untrue. Should there be no restraint, no limit or no consequences for lying? There should be a mechanism to at least shame those who are behind some of the most outrageous statements, and that's really all that's being asked for in this bill.

Mr. Speaker, it has taken me six years, but for once, the good Senator Thomas and I agree on something. Truthiness is important. Some might suggest that this could be construed as censorship. But, just last May, the Chief Executive himself, whose bill this is, said, "The minute we start stifling our speech, we might as well go home, roll up our sleeves and get our guns out." If he believes so strongly in opposition to censorship, how could I possibly disagree? This isn't about stifling speech, Mr. Speaker, it's about truth.

Are there constitutional challenges to this bill? Well, the ACLU seems to think so. But fear not, the Chief Executive's legal counsel assures me it is well within the Constitution. It's a pretty reliable source in my book.

Mr. Speaker, supporting the pending motion nixes the truth and leaves everyday Mainers to sort out facts, truths, if you will, from a whopper of a fish story. Like this one, and I quote, "The only thing that I've heard is that if you take a plastic bottle and put it in the microwave and you heat it up, it gives off a chemical similar to estrogen. So the worst case is some women may have little beards." That was an actual quote by a politician who shall remain unnamed.

Mr. Speaker, do you really want to leave it up to the people to determine whether that's true or false? That's a tough one. Little beards? I don't know how that comes down on science. Or, how about the politician who alleged that Maine required a company to conduct buffalo and black fly censuses? No, Mr. Speaker, these are the most important issues of our time and it is absolutely imperative that a government agency give us a hand up on the truth – not a hand out, Mr. Speaker, just a hand up.

Mr. Speaker, the bottom line is this: If the Chief Executive wants candidates, political candidates, to be held accountable when they tell a whopper of a fish story on the campaign trail, then who exactly are we to stand in his way?

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 694

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Bennett, Berry, Black, Boland, Bolduc, Briggs, Brooks, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Clark, Cooper, Crafts, Cray, Crockett, Daughtry, Davis, DeChant, Devin, Dickerson, Dill, Dion, Doak, Dorney, Dunphy, Duprey, Esping, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gilway, Goode, Graham, Grant, Guerin, Hamann, Harlow, Harvell, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jackson, Johnson P, Jones, Jorgensen, Kaenrath, Kent, Keschl,

Kinney, Knight, Kornfield, Kruger, Kumięga, Kusiak, Lajoie, Libby A, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Peoples, Peterson, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Rykerson, Sanborn, Sanderson, Saucier, Saxton, Schneck, Shaw, Short, Sirocki, Stanley, Stuckey, Theriault, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Verow, Villa, Volk, Wallace, Weaver, Welsh, Werts, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Russell.

ABSENT - Cotta, Johnson D, McLean, Noon.

Yes, 146; No, 1; Absent, 4; Excused, 0.

146 having voted in the affirmative and 1 voted in the negative, with 4 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Eleven Members of the Committee on **EDUCATION AND CULTURAL AFFAIRS** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-508)** on Bill "An Act To Establish a Process for the Implementation of Universal Voluntary Prekindergarten Education"

(S.P. 577) (L.D. 1530)

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

NELSON of Falmouth

POULIOT of Augusta

RANKIN of Hiram

One Member of the same Committee reports in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (S-509)** on same Bill.

Signed:

Representative:

MAKER of Calais

One Member of the same Committee reports in Report "C" **Ought Not to Pass** on same Bill.

Signed:

Representative:

McCLELLAN of Raymond

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-508)**.

Came from the Senate with Report "A" **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-508) AS AMENDED BY SENATE AMENDMENT "A" (S-518)** thereto.

READ.

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

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought to Pass as Amended**.

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

The SPEAKER: The Chair recognizes the Representative from Limington, Representative Kinney.

Representative **KINNEY**: Mr. Speaker, Men and Women of the House, I rise in opposition to the pending motion. I do so not against the bill itself. I am objecting to the funding source. The Maine National Guard operates a vehicle repair facility known as the Maine Military Authority at the Loring Commerce Centre in Limestone, Maine. The MMA is hurting for work and presently has laid off Maine State Employees due to the lack of funding and due to the lack of vehicle repair work. The MMA rebuilds, among other vehicles, school busses. This bill is reducing the funding for school bus refurbishing by \$69,877. As for the Majority Report, this must be a good bill. And, if, in fact, it is, there should be a funding source available that does not take desperately needed funding and work from the Maine Military Authority and our citizens of Aroostook County, Maine. Thank you, Mr. Speaker.

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

Representative **McCLELLAN**: Thank you, Mr. Speaker. Good morning, Ladies and Gentlemen of the House. I rise in opposition to LD 1530 for a few reasons and I'll just speak for a moment about them, sir. The title of this bill is "An Act To Establish a Process for the Implementation of Universal Voluntary Prekindergarten Education" and my first point, Mr. Speaker, would be that we already have that. Local schools already can do this and I believe during the testimony we were given, I couldn't find it when I looked last night, but we were given a list of many school systems that actually already do this. I know my wife is an administrator in Auburn. They already do this. So, we don't need to make a law to do it.

Another point, Mr. Speaker, is that, at this point, at age seven, a child is expected to go to school. You can go a little bit earlier, but you are expected by seven. And there are people in the community that are concerned that even though this does not mandate kids going to school at this point, that is a step towards more institutionalization of our kids getting into school and actually making the age for kids to go to school. We had a superintendent speak during, this summer, we had a group of panel discussions on this, which actually were very good, good discussions, and one of the superintendents, actually from a local area around here stated, "Don't be kidded, we want your kids at zero." So, I think there is some kind of a thought about getting kids into schools as soon as possible.

Now, I was just reading, Mr. Speaker, about Head Start and I didn't know this. Head Start began in 1965 and apparently, it spent about \$1.85 trillion since then. And a study in 2010 by the Obama Administration in Washington, the Department of Health and Human Services says that there's no lasting academic advantage to this work to this point. And so there's a chart we were given today, an orange chart, that says different to that. So I guess I would ask everybody to hop on your computers and start reading what's on the internet. I actually was on this morning. I was actually surprised how much negativity there was towards Head Start and Pre-K.

To continue with that, there are a lot of studies that actually I've read recently that show that children that are enrolled in Pre-

K programs actually become behavior problems. I was surprised to read this and seeing that bullying is on the rise in our schools, I wondered if there was a connection to that, although that's certainly not a scientific thought there.

Another thought, Mr. Speaker, is we're already not fully funding education and I hear all the time people stand up and say we can't do this because we're not fully funding education. Well, this is going add another program to our education system that we're not fully funding as it is.

As I begin to close, Mr. Speaker, I would say that I think many people here believe that spending is equated with success. And I think people might believe, you know, in the schools earlier is going to equate with success. And I would just say that that's not an absolute truth. Neither one of those statements is an absolute truth. And I guess my final thing, I kind of stole this from the internet today, and we talked about it in our caucus, Mr. Speaker, is that Pre-K, this Pre-K bill, I think there's some good things in it, perhaps, and for some people there are, but again I'll go back to say schools can do this already, Mr. Speaker. They don't need a law to do this. They can do it now. But, perhaps the biggest thing that this thing doesn't address is that I think our problem with our school system is parental involvement and not what our teachers are doing. It's the parental involvement and this bill doesn't do anything. In fact, it probably makes it more all right for parents to check out. So, there's a lot there, Mr. Speaker, and I would respectfully ask you all to join me in voting against LD 1530. Thank you, Mr. Speaker.

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

ROLL CALL NO. 695

YEA - Beaudoin, Beaulieu, Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Crockett, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Doak, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Johnson P, Jones, Jorgensen, Kaenrath, Kent, Knight, Kornfield, Kruger, Kumiaga, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Marean, Marks, Mason, Mastraccio, McCabe, McElwee, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Peoples, Peterson, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Volk, Welsh, Werts, Wilson, Winchenbach, Mr. Speaker.

NAY - Bennett, Black, Campbell R, Chase, Clark, Crafts, Cray, Davis, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harvell, Jackson, Keschl, Kinney, Libby A, Lockman, Long, Malaby, McClellan, McGowan, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Reed, Sanderson, Sirocki, Timberlake, Turner, Tyler, Wallace, Weaver, Willette, Winsor, Wood.

ABSENT - Ayotte, Cotta, Johnson D, McLean, Noon.

Yes, 103; No, 43; Absent, 5; Excused, 0.

103 having voted in the affirmative and 43 voted in the negative, with 5 being absent, and accordingly Report "A" **Ought to Pass as Amended was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-508) was READ** by the Clerk.

Senate Amendment "A" (S-518) to Committee Amendment "A" (S-508) was READ by the Clerk and **ADOPTED.**

Committee Amendment "A" (S-508) as Amended by Senate Amendment "A" (S-518) 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.**

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

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I rise in support of Passage to be Engrossed of this bill and I do so because I believe that this bill has the potential, Mr. Speaker, to be the most important thing, the most important thing that this Legislature does. Why the potential? Why is it not simply the most important thing? Mr. Speaker, because, as amended today by Senate Amendment "A", there's a mechanism in place that we, that all of us in the future, that you, because I'm term limited, will need to protect. You will need to protect the paltry \$4,000,000 per year that is provided by this bill and make sure that it is there for implementation of universal voluntary Pre-K. You all will need to protect the statutory commitment to universal voluntary Pre-K so that it can be in place for all of our young people, for all of us, by 2018. Those of you who come back will need to see this through.

But today, Mr. Speaker, we take a first step. It's one small step for the 126th Legislature, but it is, potentially, one giant leap for Maine. We will, in the future, also need to look into the even earlier years. We need to better support parents in those earliest and most vulnerable and most powerful years when the foundation of the brain is built, the foundation of all other learning that will build on.

Why is it the most important that this Legislature may do? I think all of us here know the research. We've seen it. So I want to speak to it on a more personal level. I've had the great good fortune, Mr. Speaker, thanks to you, of serving as the House Chair of the Maine Workforce and Economic Future Committee. We've had an incredible bipartisan experience. We listened to business leaders and economic development specialists around the state. We heard from higher-ed leaders and we heard powerful ideas. And fortunately we were able to put many of them in place. Focused on business. Focused on return on investment. Focused on higher education. I don't believe that any of those things are as important as this bill.

I've had the good fortune in my eight years here as serving as the lead on the Taxation Committee and of serving on the Energy and Utilities Committee. Incredible, important ideas were advanced in those committees that were transformative for Maine and Maine's economy. But I have heard nothing in my almost eight years here that is as important, as powerful, as transformative as early education. And, specifically, steps that we can take like the bill before us. This bill is transformative.

As a teacher for 20 years, I was very fortunate and I received awards and thanks and credit I did not deserve. It was the early educators and those who helped them who made the real difference in the lives of my students for 20 years. So, I was proud of the work I did. But I also know that the success of the students that I did have, many of them who could read at an advanced level coming into fourth grade was due to the early educators. And there were others who had a foundation that was not solidly built, and was much harder to build upon.

Mr. Speaker, there are 34 children a day born in Maine. We can do this. We can take this first step today together, and this first giant leap for Maine together. And, Mr. Speaker, I request a roll call.

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

Amendment "A" (S-508) as Amended by Senate Amendment "A" (S-518) thereto.

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 Boothbay, Representative MacDonald.

Representative **MacDONALD**: Thank you, Mr. Speaker. Men and Women of the House, I rise to echo the sentiments just expressed by the good Representative Berry on this topic and would just point out to the members, as many of you may know, there's a growing body of scientific evidence that supports the idea that we need to help the development of children's brains in their earliest years. And there's also a growing body of evidence that programs that intervene and help in children's lives when they are not going well. When there are toxic events that happen in children's lives, there's a growing body of evidence that good programs can help reverse the potential for bad outcomes in children's lives. One of the things that this bill does is puts a priority on funding early childhood programs of public Pre-K programs in communities that have a preponderance of disadvantaged kids, and I think this will work greatly to their advantage. The program that this bill puts into place is one of those kinds of quality programs that will make a difference in our kids' lives. It offers a voluntary Pre-K program by making available startup funds to interested districts. Currently, Maine funds public Pre-Kindergarten through the EPS school funding formula, but for students who enroll in it, it takes two years for district state subsidy to fully catch up. Because of this gap, there are systems that forgo the development of these early childhood programs.

In committee, we heard wonderful, and to me in some ways startling, testimony from both law enforcement and the military. We're used to hearing testimony from education stakeholders, but in front of us came retired General Earl Adams who spoke on behalf of Mission Readiness, and you've got a summary of his comments that have come around to your desk. And that was signed by 20 admirals and generals here in the State of Maine talking about the need to provide military readiness, and they said early childhood, Pre-Kindergarten, public pre-school was important to ensuring that we have military readiness in our country. Then we had Sherriff Mark Westrum come from the organization Fight Crime: Invest in Kids who told us that this was the most important thing that our committee and this Legislature could do to help lower and keep the crime rate in Maine low. So, we had this amazing testimony in front of the committee. I urge you to join with those who testified in support of this in committee to vote for this bill, now at this moment, when it's ready to be engrossed and would only summarize to say that early childhood programs are indeed smart investments. We know that we've learned that for every dollar that is invested in Pre-K, it's been shown to have a return of \$17 for every dollar spent. In summary Mr. Speaker, I ask you to support this bill and I thank you all for your earlier supportive vote and look forward to more of the same. Thank you, Mr. Speaker.

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

Representative **JOHNSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I appreciate the opportunity to speak on this bill. I am strongly in favor of this. Had you asked me to support this bill as little as five years ago, I don't think I would have. I would have said that this is a parent's responsibility. And I still believe that it is a parent's responsibility, but the fact of the situation is today, in our society, is that we have a significant number of families that cannot, or will not, meet that responsibility. Therefore, I think this is essential. We have

had testimony after testimony after testimony that this is a good thing to do.

Now, to be clear, this really doesn't establish mandatory pre-school programs. It still leaves it up to those parents that can take on that responsibility by themselves. But it does provide a capability for people who cannot or will not and that is purely voluntary. It doesn't require any school district to do anything that they don't get funding to do. I think one of the key moments in my change of thought came about three years ago when I was talking to our superintendent about a pre-school program, and we have kind of a token one now. It's not really effective because of finances. And she said to me, she said, "I'm going to take this on because it's important for us to do." And she is a superintendent of a minimum receiving town that has a school population of about 55 percent free and reduced lunch. So, this is a really serious issue. This is a modest step forward and I would ask everyone to follow my light. Thank you.

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

Representative **MAKER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, this bill is now what I would have liked to have seen in the first place. But it got there. My concern right now is the same as mentioned right now. I thought the funding, any funding, would come from excess money from the casino. I am very disappointed that this money, the 69,000, is now coming from the bus refurbishing. That bothers me to a great extent because that isn't what we've been told from the beginning. And if there was a way to get rid of the 69, I probably would stay with my vote. But we certainly need to do something about this whole problem. Thank you.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Nelson.

Representative **NELSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I don't very often rise on bills but this is an issue that I feel very, very strongly about. All of the evidence, all of the testimony and all of the support that I have heard for so many years reemphasized the importance of early learning. And the programs that allow our children to succeed in school, children who arrive at school unready to learn, not ready to learn, are at a disadvantage from the get-go and they never catch up. So, I think that to put in place as a state policy something that will indeed give every child in the State of Maine access to programs that will help them enter school ready and be able to succeed. It will now only, you've heard the reports of what the return on that investment is, but it also means that throughout their school career they will need less in ways of special education, less in special tutoring and we hope that they will indeed do great honor to our state. There's a reason why sheriffs, law enforcement, military, security people and businesses throughout the state support this. And I urge you to support this. Thank you, Mr. Speaker.

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

Representative **SIROCKI**: Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I recently attended a Scarborough Board of Education meeting and one of the Board members expressed a concern I hadn't thought of. And that is that, in our community anyway, we have many fine and affordable, effective, a variety of different sizes, range of private-sector pre-schools. And there was some concern about how this would affect those private industries that are providing jobs, pay taxes. With it being provided by the schools system, would that put them out of business? And I would also like to say that as someone who struggled with the cost of pre-school, I was, for a time, involved with a mother's co-op preschool. And we all

pitched in and worked together and provided a co-op preschool for a number of children together on a rotating schedule. And that worked out really well and I am in opposition to this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Chase.

Representative **CHASE**: Thank you, Mr. Speaker. Ladies and Gentlemen of the House, it reminds me of a quote that "The road to Hell is paved with good intentions." Well, Ladies and Gentlemen of the House and Mr. Speaker, this is a freeway. Once again, the government is reaching into our families and trying to get our children at even a younger age. I don't agree with this particular bill at all for that reason. If there are parents out there who are not capable of taking care of their children, or wanting to, then we should be addressing that group and not putting a right now, voluntary, but you want to bet in the next two years it will be mandated to have younger children going to school. Those children, from birth to kindergarten, right now, need to be with their mothers and fathers and their families and getting that bonding done. Thank you.

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

Representative **McCLELLAN**: Thank you, Mr. Speaker. Ladies and Gentlemen of the House, just a couple of other things that I'll point out just from listening to the conversation. As I mentioned earlier this summer, we came together. I think this bill was actually was a two-year, it was a carry-over bill, so we did come together as a committee, the Education Committee, last summer and had a panel of I think 10 speakers. All were proponents of the bill and some people who were against the bill wanted to get involved and weren't allowed. So that was part of my initial reluctance on this bill. And when you ask a panel member, a non-profit that works with kids, "Do you want more kids, do you want more funding" and they say, "Yes," I'm not quite sure that's really a panel discussion. That's kind of obvious.

I heard a few minutes ago someone spoke and said there's a return on this work of \$17 for every dollar. Well, we heard a couple, I think a couple of people mentioned that \$1.85 trillion has been spent on Head Start kind of programs since 1965. And would anybody sit here and argue that there's been a \$17 per dollar return on that work? Is our education system better because of that work? And I'll just finally say people are standing up and saying all the evidence, all the studies, that is not true. If you Google "Pre-K, good or bad" you'll see a mix of studies that say it's the best thing ever and you'll see other studies that are concerned about it. So I again say vote this down and this should be a local issue, Mr. Speaker. Thank you.

The SPEAKER: The Chair recognizes the Representative from Freedom, Representative Jones.

Representative **JONES**: Thank you, Mr. Speaker. Men and Women of the House, I rise to address the concerns raised by good Representative from Wells. I think we all agree that a child born in the State of Maine is a citizen of the State of Maine and that we all share responsibility for his or her upbringing, including parents. I would ask the good Representative from Wells if it is indeed the parents responsibility for this early childhood upbringing, what programs do we currently have in place or are currently being proposed in this house that have the demonstrated efficacy of improving children's long-term learning that can possibly compete with universal early childhood education. Thank you, Mr. Speaker.

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

Representative **HAYES**: Thank you, Mr. Speaker. Men and Women of the House, I will make this brief. I come from a

community that has had a publicly funded voluntary pre-school program for 23 years. Some of you have met my son Harry. He was in the first class when he was four years old. It has been a wonderful program. It started as a grant. We ran it for three years on grant money. We adopted it and then funded it through the public school budget ever since then.

It significantly improves cognitive ability of those students. It makes them ready for Kindergarten. We've seen our graduation rates improve as a result. And it really involves parents because the parents whose children take advantage of these programs often are not with their children during the day, not because they're bad parents, but because they're working so that they can afford to support their families and we don't have to do it. So this is an opportunity for those children to have a structured curriculum that will help prepare them for Kindergarten and help them be successful. We don't need it because we have bad parents in Maine, ladies and gentlemen. We don't have bad parents in Maine. We have parents who are working, who are supporting their families, and this is a better opportunity for their children in many instances. It's a voluntary program. It's been a wonderful experience in my community and I highly recommend it to the rest of you. I think we will find, whatever the data is, that it does pay back more than it costs in the long run. That has been our experience locally. And again, I would stress that the opportunity to participate for children, it is those children whose parents are, in fact, out earning a living in order to better provide for them, who will most benefit from this. Thank you, Mr. Speaker.

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

Representative **TURNER**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I rise today in opposition of this bill not because I'm against education. I support education 100 percent. However, if local control, back home they want to do this, they can do this. So, we don't need a bill that dictates this. And if they want to get grants, they can get grants. So, I say we don't need a bill to legislate this. Thank you very much, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Belgrade, Representative Keschl.

Representative **KESCHL**: Thank you, Mr. Speaker, may I pose a question to anyone that cares to answer?

The SPEAKER: The Representative may proceed.

Representative **KESCHL**: First, we had Head Start. Now, we have a proposal for Pre-K. When will we have a proposal for Pre-Pre-K? Thank you.

Representative **DAUGHTRY**: Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I rise in favor of the pending motion. I've heard a lot of conversation today about we don't need to do this. Local communities can already do this. This is about providing money to help local communities create such programs. I've heard folks saying that we have private programs, why would we introduce a piece of legislation that would take away from these very successful private programs? Well, it doesn't. One of the key parts of this bill that we discussed in committee was insuring that part of the language around the grant is that these communities who apply from these funds have to prove that they've been looking at collaborations with private establishments. That way there's no one program taking away from each other. It's a collaborative partnership to do what's best for our kids. We've also heard that children this young shouldn't be in school. Well, I harken back to a poster that I've seen many times. I think we have one actually in our committee chair's room, and I've seen it in many schools. It says, "Everything I need to learn in life, I learned in Kindergarten or Pre-K." And

folks, that's right. What we're hearing from employers these days is that Maine graduates don't have soft skills. What are soft skills? The ability to share, look someone in the eye, speak eloquently, pick up after yourself, look someone in the eye when you're shaking your hand. Basic skills that you learn in, oh, that's right, pre-school.

We need to do this. There is overwhelming evidence. And yes, parents should be an active participant in a child's education at this point. But they can be partners. And for many kids in Maine, they don't have parents who are home. They have parents that are working three to four jobs. In my community alone, I have three children that are homeless at this age and only have the care of their siblings. So, one size doesn't fit all and having a public voluntary pre-school program will create an option for those children. I've also heard mention of the funding that would be taken away from the bus refurbishing area up in Limestone. I felt the need to rise and mention that was made at the recommendation of the Commissioner of Education Jim Rier. So, I think everyone needed to know that that came from the Department of Education and it wasn't something that was slipped in at the last moment. So, I urge you to stand and take a strong stand for our children. Make sure that all of Maine kids have the access to pre-school. Thank you.

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

Representative **MacDONALD**: Thank you, Mr. Speaker. Apologies for rising a second time. I just wanted to comment on a couple of things that have been said here. First of all, this is not a mandate. It enshrines local control. Local communities will have the opportunity to write grant proposals to the Department of Education in order to receive the funding that will come under this bill. And those grant proposals, by the way, in response to Representative Sirocki's concern about the existence of other private sector Pre-K programs, one of the priorities of these grants will be that the public school program show coordination and collaboration as broadly as possible with other existing Pre-K programs in the community. So, it's locally controlled. It's a voluntary program on the part of parents and it's going to, I think, pave the way for quality programs in the State of Maine. Representative, McClellan, the good Representative from Raymond, has suggested that there are studies out there that show that these programs don't have lasting effect. I would only say that there are a variety of studies that are out there. What I think they show is that good programs do have lasting effects. There are programs that have not had lasting effects. What we are proposing here in Maine is quality programs, good programs that will have lasting effect on our economy and on the wellbeing of our citizens. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from New Gloucester, Representative Espling.

Representative **ESPLING**: Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I heard it said that parents are active participants and I don't believe, as a parent, that I want to be only an active participant in my child's life. I think that our focus is so off. Parents are in charge of their children. Parents are in charge of their children and they, as parents, and we, as parents, allow the schools, the schools to be the active participants in our child's lives. We have it backwards and that's what my fear is with legislation like this, is that we keep pulling from the parents and saying that they're not the ones in charge, but that we should be. That government should be in charge because we know better. And sure, there are some bad parents out there, but we shouldn't make something possibly mandatory, at some point, because I do read literature and understand there is a movement to try to make this mandatory for younger and

younger children. Parents are in charge. We allow schools to be the active participants in our children's lives. We need to try to remember that. That's my underlying philosophy. I know others might not agree with me, but please, understand who's really in charge and that the schools are the active participants, not the parents. Thank you.

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

Representative **STUCKEY**: Thank you, Mr. Speaker. I would just remind folks that good early childhood education teacher training has at its basic premise that parents are a child's first and most important teacher and any pre-school program that doesn't understand that certainly does not reflect what I would consider good early childhood education, including Head Start. The Head Start mantra is that parents are their children's first and best educators and the Head Start program and good early childhood programs understand that and develop programming that supports parents in their roles as the primary caregivers and educators of their children. Thank you, Mr. Speaker.

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

Representative **GRAHAM**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I stand in strong support of this bill. I started to understand what this bill was all about in the early 2000s as we looked at early care and education. As a pediatric nurse practitioner, I was working as a childcare health consultant and then started working in pediatric neurology. This makes a huge difference in the development of children's brains. The former Attorney General Steve Rowe was a staunch advocate for this type of work, how we need to invest in our kids now. Invest in our kids prenatally, quite honestly. But this is a very important way that we invest now. In the early 2000s, for every dollar we spent a \$7 dollar return. Much, much better than Wall Street. And I would venture to say that now that's double. So I strongly urge you to support this. It makes an enormous amount of sense for the betterment for all our children and all our families. Thank you.

The SPEAKER: The Chair recognizes the Representative from Fort Kent, Representative Nadeau.

Representative **NADEAU**: Thank you, Mr. Speaker. Ladies and Gentlemen of the House, just a short note as a reminder. This is again jobs in northern Maine. Again, would the vote be the same if the same amount of money was taken from every county. I wonder if the vote would be the same. Most recently, you already know how many times I stood up and talked about the jobs and you can take the money from northern Maine and you can continue to fund all kinds of things that you want to fund. I contend that then money that's taken from Northern Maine does not take into account that the number of people that it's going to educate are not going to be as many in Aroostook County as all over the State. So, I contend that there's a problem with this bill.

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

Representative **KUSIAK**: Thank you, Mr. Speaker. Briefly, before we vote, in this body, we've been concerned about the cost of health care, and we've talked about that often. As I was listening to floor speeches today, I was reminded of a study that I heard about. I think I was riding in the car and heard it on the radio. It was a study that was published in the *Journal of Science*, published within the last few months that showed how high-quality pre-school prevents chronic diseases. It was a longitudinal study of students in the south over several decades. Particularly, there is reduction in obesity and heart disease. So, this is a good bill. There are a number of good reasons to support it. Thank you.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Villa.

Representative **VILLA**: Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I rise in support of this bill. Education can offer a way out of poverty and that begins with educational opportunities for every child starting at birth. There is growing awareness that the early years are the most important learning years. Most brain development occurs before a child turns five and research shows early educational experience can set the course for all future learning. This is about the future of Maine. We need to think about what Maine will look like in 10 to 15 years. Educated students will contribute to Maine's future and our economic growth. We can ignore science and the importance of early childhood development, but in doing so, we cut off our nose to spite our face. The facts are there. We can ignore them or we can act proactively to set the stage for future generations of Mainers by giving them the best opportunity to succeed. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Engrossed as Amended by Committee Amendment "A" (S-508) as Amended by Senate Amendment "A" (S-518) thereto. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 696

YEA - Beaudoin, Beaulieu, Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chenette, Chipman, Cooper, Crockett, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Doak, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Johnson P, Jones, Jorgensen, Kaenrath, Kent, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Maker, Marean, Marks, Mason, Mastraccio, McCabe, McElwee, McGowan, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Peoples, Peterson, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Tipping-Spitz, Treat, Tyler, Verow, Villa, Volk, Welsh, Werts, Wilson, Winchenbach, Wood, Mr. Speaker.

NAY - Ayotte, Bennett, Black, Campbell R, Chase, Clark, Cotta, Crafts, Cray, Davis, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harvell, Jackson, Keschl, Kinney, Libby A, Lockman, Long, MacDonald S, Malaby, McClellan, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Reed, Sanderson, Saucier, Sirocki, Theriault, Timberlake, Turner, Wallace, Weaver, Willette, Winsor.

ABSENT - Chapman, Johnson D, McLean, Noon.

Yes, 102; No, 45; Absent, 4; Excused, 0.

102 having voted in the affirmative and 45 voted in the negative, with 4 being absent, and accordingly under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-508) as Amended by Senate Amendment "A" (S-518)** thereto in concurrence.

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

REPORTS OF COMMITTEE

Divided Report

Eleven Members of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-511)** on Bill "An

Act To Provide Additional Authority to the State Board of Corrections"

(S.P. 730) (L.D. 1824)

Signed:

Senators:

GERZOFISKY of Cumberland
DUTREMBLE of York
PLUMMER of Cumberland

Representatives:

DION of Portland
CASAVANT of Biddeford
KAENRATH of South Portland
LAJOIE of Lewiston
MARKS of Pittston
PEASE of Morrill
PLANTE of Berwick
TYLER of Windham

One Member of the same Committee reports in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (S-512)** on same Bill.

Signed:

Representative:

WILSON of Augusta

One Member of the same Committee reports in Report "C" **Ought Not to Pass** on same Bill.

Signed:

Representative:

LONG of Sherman

Came from the Senate with Report "A" **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-511)**.
READ.

Representative DION of Portland moved that the House **ACCEPT** Report "A" **Ought to Pass as Amended**.

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

Representative **DION**: Mr. Speaker, this committee did a lot of work on this bill. Now, I'm going to work very hard because the last time that I rose as chair of the committee I had somewhat of a minor arrogance, presuming that a Majority Report should dictate the decision of this body. I took the critique from my colleague in the far corner and also private counsel from my good friend from Livermore Falls as to the political value of Majority and Minority Reports. So, I will try to behave in a more acceptable fashion today. I may struggle in my tendency to look left as I speak and my colleague from York has chastised me for that as well, Mr. Speaker. So, with all due respect, I will be staring at the window today. It's a nice window.

But, none the less, back to serious matters. A year ago, we began our work at examining the Board of Corrections and the relationship between the state and counties at how to manage correctional activities at the local level. The budget allocation for county jail system is \$82,000,000. The municipalities of Maine contribute \$62,000,000 and that's a capped contribution, and I just want you to bear that in mind for a moment. And at the time that we were assigned this task, the media reported that the jails were in crisis, both financially and operationally. And to those who were informed, we knew that there were serious misgivings about how the Board of Corrections functioned. As a result of the committee work, Mr. Speaker, you and the President of the other

body concluded that a commission should be charted to fully explore the reasons for those conflicts and lack of resources and anxiety inside the system.

That commission met in the autumn and involved all key stakeholders from all levels of the problem, both in the state and in the county. They did good work. They then began, at the beginning of this session, to work with the members of the Criminal Justice Committee. As a result of that, we have before us today a bill that incorporates 30 provisions of new law to a statute that now runs over 19 pages. We saw the issues. We addressed the issues. We involved every one of the key stakeholders and yes, we even took feedback from the Executive Branch. And I have to commend Commissioner Ponte for his work with us. We recognized there problems with the financial formula. We recognized there were issues with budget allocations. We witnessed the inability of the Board of Corrections to make decisions in a timely fashion because there were cloudy or non-existent lines of authority. We did the work. We answered the critiques, and when it was over we secured the endorsement of all those key partners, the Maine Sherriff's Association, the Maine County Commissioners, the Maine Municipal Association to name a few. Even Labor came to the table as personnel costs were a key issue to be resolved and they joined this effort. And the report reflects that work.

I will not review all 30 of the provisions that are now incorporated in this bill, but let me say it this way. If some of you believe that you should vote this down so a state takeover can occur, then I stand willing and able to help you try to figure out where you're going to find the \$62,000,000 that the municipalities may or may not contribute to that state takeover. That's serious money. If, in fact, you push it back down to the counties because somehow that feels like the right thing to do, that feeling has an immediate price tag of \$20,000,000 and there would be no choice for the municipalities but to impose a significant rise in the property tax rate to make up the difference, just to establish and maintain current spending levels.

If we move forward, I believe we still afford county government a viable and relevant role in the management of their jails, yet, at the same time, we provide the state with three-fifths of the voice on the Board of Directors to ensure compliance and oversight. And, if we fail to pass this bill, I hate to use the word crisis because it is often overused, or disaster, which is always out of proportion. I'll just say it plain. We run out of money in June and the sheriffs will be left with 15 different crashes in slow motion. When the money runs out, they will open their doors and begin to furlough inmates based on the threat they pose to the public safety, and they will lay off their staff. That's not a political issue. That's just a true and direct consequence of a shutdown in funding. And it has happened in other states. And, I, for one, would feel terrible if we made a decision that placed that responsibility to open the gate upon the sheriffs of this state. So, I hope for your support and I want you to be confident that all the critiques that you've heard about the Board of Corrections may, in fact, have been true. But I can tell you today we have done our best to correct those deficiencies and would enjoy your support moving forward. Thank you, Mr. Speaker.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought to Pass as Amended**.

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

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

Representative WILSON: Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I probably won't speak as short, for

one, nor as eloquent as my good friend, the Representative from Portland and former sheriff, which, I think, is important for everyone to know. But, no, seriously, I've only ever written, this is my second speech that I've ever written to this body. But, I did it because I wanted to make sure that I covered all the points because this bill is, in my opinion, not only the most comprehensive bill that I believe we've worked on in committee, but perhaps the most important bill that we've had the luxury of working on in committee in the last two years. So I just wanted to say, you know, this bill is a bipartisan bill. It had a strong report from the committee and, again, it represents two years' worth of work, not only from our committee but also the work of a task force that was done over the summer as well. You know, the task force looked at studying issues that were plagued by the Board of Corrections, which most of you are fully aware of.

I just want to share a little bit of history because I know a lot of you are not aware of the Board of Corrections at all. The Board of Corrections was incepted in 2008 in response to a shortage of bed space through the Department of Corrections at the State Prisons. There were literally inmates sleeping on the floor at that time. And we were considering sending inmates to out-of-state institutions in order to find a place to place them. And, of course, out-of-state institutions wouldn't voluntarily do it for no cost, so the cost to the system would have been extremely high, in the millions of dollars. As a result, to keep it as simple as possible, the Board of Corrections was created in response to that. And it effectively eliminated the shortage and saved the state millions of dollars.

However, though, the Board of Corrections was definitely was not created perfect. It had many shortcomings and, in my opinion, was set up for failure from day one. It was destined to fail because it wasn't given the tools to be successful. Specifically, the Board of Corrections was tasked with managing costs and administering a system, but they were never given the authority to do so. The result was the counties effectively giving large pay increases, in one instance nine percent, and then just giving the bill to the Board of Corrections and saying, "Here, you pay this."

Obviously, that's unacceptable. It quickly became apparent that the Board of Corrections was going to consume most of its time with just simply managing budgets. And they were unable to do many of the other things that they were tasked with, which was many things including curbing and reducing recidivism. It became pretty obvious that they had to have the authority to control the county budgets for the jails.

Imagine, just for a second, you know, comparing this to a business. If you had a business with multiple departments, and those departments essentially could submit whatever bill they wanted to the business and the business had no way of controlling the spending at those departments, obviously, a business, in that type of situation, would fail. It just simply would because there would be no mechanism for the business to effectively manage its costs moving forward. The BOC's struggles, to be clear, are rooted deeply in a lack of authority that was given to them in 2008. It's been plaguing them since then. And that's what we're trying to fix.

So, I want to just talk quickly about some of the components of the bill that I thought were very important. There are a lot of components. I'm not going to go through them all. One thing it does do is it institutes a budget growth factor, which was mentioned by the Representative from Portland. And it requires approval for those county budgets that are submitted within that budget growth formula. So, that will help to control the growth of those budgets and give those counties predictability. As they move forward, it will give them some type of a guideline as to

where they should consider keeping their budgets within.

It authorizes the BOC to manage bed space. This seems like a no-brainer to me. The Board of Corrections should have the authority to manage their own bed space and move inmates around instead of having what we currently have, the Department of Corrections. Why would we ever have the Department of Corrections essentially managing the bed space for county inmates? It just doesn't make sense. The Board of Corrections should have that authority.

It reduces the membership of the Board of Corrections from nine members to five members. This is important because we all serve on committees and we understand that, at times, it is difficult for us to reach consensus. While we may fail to reach consensus on policy issues, they're struggling to do the same, but it can be on funding issues. Issues of importance, effectively, if they're unable to reach agreement on these policies, it could mean that the system would suffer, that county jails would suffer, inmates would suffer. You know, so we firmly believe that reducing the size of that membership will ultimately lead to better, more timely decisions being made by the Board of Corrections.

It allows the Board of Corrections to enter contracts on the behalf of counties for goods and services. I know there are some people that are skeptical about that in this very chamber. I want to address that. If you've taken economics, if you've studied economics, if you've owned businesses, you understand economies of scale. Quite simply put, if the system is requiring the entire system to purchase collectively, they can purchase in volume. When you purchase in volume you enjoy volume discounts. And the system, as a whole, saves more money. Yes, there may be instances where a specific county could go out and contract for a service, or a good, and maybe get it cheaper than the system as a whole could. The problem with that is a result of that county going and doing their own purchasing, for a service or a good, is that the remaining counties within the system ultimately end up paying more because there is less of a volume. It is extremely important for people to understand why we did that.

It ensures standardization across the system. This is extremely important. Not only is it legally required that we have standardization across the system and equal treatment of inmates and equal access to services and programming, but it's just the right thing to do.

It directs the Board of Corrections to do what we think is extremely important, to have an independent study done for capital improvements. Right now, there's no strategy moving forward for capital improvements for any of the county jails. That's obviously a recipe for disaster moving forward. You have to know what is the next most important project to be funded as you move forward. And it should be done independently with engineers. And a thorough assessment should be done of all the facilities, not just done by the janitor at Kennebec County who thinks the boiler needs to be replaced. It needs to be done at a unified level. As a result, it creates the Capital Improvement Fund to perform those future capital improvements once that study has been completed.

Another very important thing it does, it ensures and establishes a uniform accounting system. Right now, you have county jails from all the various counties that are supporting their budgets in various forms. There is no consistency. Can you imagine having 16 budgets coming at you? Well, not 16, I guess, 14. But if you have the various counties coming at you with various different budgets and different formulas, can you imagine the nightmare that that would create? Imagine having a business and all of your various departments submit budgets to you and they all do it in a different formula. It's impossible. The Board of

Corrections is spending way too much time worrying about just funding.

Another thing it does, it addresses the Federal Board of Revenue, which, of course, many of us are aware, has caused problems recently with a lawsuit that resulted from Somerset County. This will establish a formula that will allow counties with federal boarders to maintain 25 percent of that revenue for their own debt service, but will require 75 percent of the Federal Board of Revenue to be retained with the Board of Corrections to be shared in the unified system. We think that's an equitable way to do it. We feel that it will allow for those individual counties to apply to their Federal Board of Revenues to debt service, but will also benefit the system and will encourage them to continue to seek out federal boarders. I shouldn't, not that they want to be seeking them, but will encourage them to continue to keep those federal boarders they currently have.

Another thing that it does, and this is the final point that I will raise about the components within the bill, is it establishes the due process components and requires mediation as a component of the due process. This is extremely important because it will hopefully eliminate any future lawsuits from happening against the Board of Corrections. And I feel firmly that if due process and mediation were required under current law, the lawsuit with Somerset County would have never happened. So, I think that's important for people to know.

Lastly, well not lastly, I told you I was going to go on for a little bit, so please bear with me. I wanted to share with you some testimony that was provided on behalf of the Chief Executive, and that was dated the 21st of March. And it says, "The administration believes there is more work to be done on this bill in order to provide a more centralized control over the jail system. The administration believes, at this time, the only viable options include a return of control of the jails to the counties, or to grant authority of the jails to the Department of Corrections. A State takeover. The administration cannot stress enough for the need of a concentration of decision-making authority." That's what we're trying to do, people.

So, I want to just talk about that for a just a second. The two options there, return to the original system that we had. As was suggested before, this would lead to an immediate property tax increase. Right now, the counties are paying at 2008 levels. Obviously, inflation has led to large increases since 2008. So, it's a good deal for the counties, I guess, and a good deal for the municipalities, because they're effectively, right now, footing only 70 percent of the costs. If they return to the former system, they'll be footing 100 percent of the costs. It's going to lead to large property tax increases, people. That's very important for people to know.

State takeover, I can almost guarantee that will lead to an immediate closure of facilities to consolidate facilities and services which will obviously harm the rural areas and the small jails. Some of these small jails, it just doesn't make sense to keep them open if you go to a statewide system, or a state takeover system with the Department of Corrections in charge. I could almost guarantee that.

Secondly, it was asked to Commissioner Ponte, the Committee asked Commissioner Ponte if he had a plan for a state takeover. The response was, "No." There is no plan for a state takeover despite its suggestion. He said that it would be difficult to do so, but that it could be done. Might I suggest that if you're going to suggest that the state should take over the Board of Corrections, that you, at least, have a plan to do that.

I want to share a couple of other letters real quick. Kennebec County Commissioners, dated March 27, 2014. "We cannot let this system fail, not can we consider creeping back onto the

property tax. We fear the advocates of a return to the property tax do not fully appreciate the ramifications of the LD 1 cap imposed during the Baldacci Administration. We would return to the days of 'cannibalizing our county departments' to feed the jail."

Another one. April 10, 2014, Kennebec County Commissioners. "We acknowledge that inevitably some county officials will not support this legislation and nostalgically hope to return to the good-old-days of sixteen silos warehousing inmates. We cannot afford, both financially, or morally to return to that model."

Another thing that we need to realize. The fourth quarter payments, which are set to go out almost immediately, are tied to this bill. It's \$1,200,000. If we fail to pass this bill, we fail to fund the jails for the fourth quarter of this year, right now. That means \$1,200,000 will not go out to those counties. It will result in immediate furloughs. That's obviously a problem. Anybody that's ever been in a jail, whichever way you ended up there, I guess, realizes that it's important to have a healthy staff to inmate ratio. When you lay off a number of people, that ratio then becomes unsafe for the existing workers.

I lost my spot, give me half a second. I will conclude because I know I've been going on for a bit. And thank you for your patience. You know, the Maine County Commissioners Association supports this bill. The Maine Sheriffs Association supports the bill. I encourage you to please vote with your taxpayers. Vote to save the state money. Support the bill. Give the Board of Corrections the authority to do the job that they are tasked to do and the authority that they should have had all along. I am urging you to please follow my light on this bill. It's extremely important. Thank you, Mr. Speaker and Ladies and Gentlemen of the House.

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

Representative **ROTUNDO**: Thank you, Mr. Speaker. Men and Women of the House, I would like to underscore the fact raised by the previous speakers that critical supplemental funding for the fourth quarter payment to the county jails is linked to passage of this bill. The Supplemental Budget for fiscal year '14, which is now law, is structured in a way that this fourth quarter funding, critical to all county jails, is not available unless this bill passes. If this funding does not flow to the county jails, they will be in crisis. The Task Force that reviewed the Board of Corrections and the Criminal Justice Committee have done very good work. Please support passage of this Majority Committee Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative Plante.

Representative **PLANTE**: Thank you, Mr. Speaker. Colleagues of the House, let's look at this in the terms of six years we have had the Board of Corrections in existence. And in six years there have been many cost savings methods brought forward and implemented through the Board of Corrections. Our jails have seen the ability to control their costs, whereas before the property tax was the way to bail out the increased costs for the jail system.

Now, currently we're finding out that this tax cut may have its limitations only because we've got one area where the Board of Corrections has no authority over, personnel costs. Now, what this bill does is it creates a system, an accounting practice, whereby we can actually control the costs at a state level and yet still allow for the counties to deal with these personnel costs and the State Board of Corrections does not get involved in the collective bargaining process. And it's part of this that we look at, and we see this ability to create a system. That's what we're

creating here, a system. We don't have two options available if we don't take the route we have proposed here in LD 1824. There's this idea of a full state takeover, or a full return to the counties. I tell you this, if you try a full state takeover, if I can get that out, it will not work.

As the Representative from Portland, Chair Dion, pointed out, good luck finding the \$62,000,000. It's not there. So you will be returning it back to the counties. But, you can look at the last six years that we've brought forward with the tax cap and say goodbye to that when we return it to the counties, because there's no way they're going to be able to pick up that \$20,000,000 and not find a way to keep it at 62 that they've been paying the last six years. There's no ability to control the costs if we go with the all-or-nothing approach.

We have spent months dealing with this issue. There is no other way to go about this. The Flanagan Report, brought forward to us, that we just delved into for months, told us exactly those options were a failure. We have no other choice. If you want to run this thing efficiently, you need to have a Board of Corrections that has authority. You need to have the counties on board, and they were.

This system required all the counties to get involved and to make their case as to why we needed a stronger Board of Corrections with county involvement. We got that here right now. That is what we have brought forward. If we don't make this work, and we don't pass this bill, we have to close down jails, we have to lay off workers, we have to let inmates go, we have to deal with what California is dealing with. I submit to you that is the wrong approach, one that we are not in favor of. To control the costs, LD 1824 gives us the operational power to do so, it gives the Board of Corrections meaning and authority and to give the counties stability and the taxpayers the certainty that they will not have to have their property tax delved into again to pay for increased costs for irresponsible action. Thank you.

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

Representative **DUNPHY**: Thank you, Mr. Speaker. Mr. Speaker, we have no choice, I think, I just heard said. And if that's the case, we've already lost local control of the jails. I find that disturbing.

I've received a number of emails and calls from two counties that I represent, or from people in two counties that I represent, and my understanding of what went on historically is that the counties bailed out the DOC at a lower rate saving the taxpayers millions of dollars back in 2008. And I would suggest that, as they say, no good deed goes unpunished. The opposition that I have heard, states number one, they oppose any change in the local tax cap, which this does. This bill gives the BOC the power to commit to contracts yet the counties will be financially responsible for those contracts.

If this bill passes, the concern is that within three to five years local control will end. It sounds like maybe that's already happened since we have no choice. The state promised to fund the county jail but never corrected Somerset County's assessment from 5.3 to 4.8, even though the BOC has been approving the budget at 4.8. The bill only works if the BOC is properly funded. Good luck with that. It hasn't been, apparently, since 2008.

The BOC can place inmates in wrong facility classifications with no recourse from the local sheriff. If these are local jails, and the state hasn't taken over, what's the BOC allocating them for anyway? If 85 percent of the funding comes from county taxes, the counties should have more representation on the BOC. And I would suggest that Somerset County has been roughed up pretty hard. They haven't paid the bills from here in 18 months, in some

cases.

The BOC would have the ability to downsize or close facilities. These are county jails. They're not the BOC's jails. They're really not even the state's jails. They belong to the counties and county taxes pay for those. I believe that the sheriffs should be allowed to manage their own jails.

Enforcement authority, this allows the state agency to take over county jails owned by county taxpayers. Somerset County took a stand and the state did not pay the county \$280,000 worth of prison fees, which forced the county to close its doors to state and out-of-county inmates. It's created a burden in some of the local counties.

It was stated that the BOC was not created without flaws, but we've had six years to correct those flaws. And Somerset County ends up suing because there's a lack of willingness to cooperate. That doesn't make sense to me. The BOC should be there to represent this county.

The capital improvements, I believe there is a capital improvement fund, but I also believe that in Franklin County, they couldn't get those funds and the jail is just in horrific condition. And, again, why should the BOC be managing bed space in county jails? I'm voting against this bill and, I guess, my lack of knowledge didn't prevent me from speaking any more than it has most of us in here. But, I'm speaking on behalf of a number of my constituents and I'll be voting against this bill. Thank you, Mr. Speaker.

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

Representative **McCABE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, while I don't disagree with everything the good Representative from Embden rose and spoke of, I disagree with some key points. I rise today in support of my seatmate, the Representative from Portland, Representative Dion. I also will stare out the window as well today. I'll look back towards Somerset County. While I'm doing that, I will think of the taxpayers of Somerset County. I'll think of the taxpayers that would have been burdened more if this bill didn't come forward, if this bill doesn't pass, if the cap was lifted. I just can't imagine if the property tax cap was lifted in Somerset County to allow more funding to come from county residents, the devastation this would cause.

Somerset County is a poor county. We have a state-of-the-art facility. We have a state-of-the-art facility with state prisoners in there. So, while it's a county facility, there are state prisoners there. The BOC plays a role in the operations there. The bill that's before us seems to take into consideration the lawsuit that Somerset County went through. The lawsuit that Somerset County prevailed. We prevailed. There's an MOU out there. I believe once the county signs that MOU there will be some back payment.

We're in a situation in Somerset County where if we don't actually receive that money at this time, the county will not be able to make payroll at the end of the month. So, that's that issue.

As we look at the bill before us, I can't imagine if we don't pass this bill today what this will mean for Somerset County. We can't really go back to the taxpayers. I represent the good people of Skowhegan. We are the service center for Somerset County. The county offices are located, for the most part, in Skowhegan. We also pay the largest portion of taxes to the county. So, today when I vote, I vote for the people of all of Somerset County, the people of my district, who support this effort to move the issue of the debt forward.

This bill addresses issues around the Federal Boarder Revenue. It addresses issues that I think are very favorable to

Somerset County. I thank the Representative from Portland. He's kept me abreast of the work of this bill. I thank the folks on the committee for doing an amazing job. And I think it's important that we look, that we look for efficiencies that are in this bill. It respects the county management, but at the same time, it promotes a level of sharing and county collaboration that's needed. We're not debating, anymore, whether or not this should be a system. It is a system. If folks want to go and repeal the system, I think we need to have that in another debate. But, for now, for the taxpayers of Somerset County, I'm going to support this measure. Thank you.

The SPEAKER: The Chair recognizes the Representative from Morrill, Representative Pease.

Representative **PEASE**: Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I rise in support of this bill as a member of the Criminal Justice Committee. We worked hard and long on this. There's a couple of things. The BOC was created in 2008, you've already heard that. But, one of the things that's been referred to, but not really discussed, is that when the BOC was created, it was given responsibility. In business, you do not give responsibility to anyone, or any department, unless you give them authority to do the job. That's the same way with us here in the House. We have responsibility to the citizens, but if we don't have authority to cast a vote, we can't do the job. So, that's the first thing.

So now, we're asking, it hasn't been a pleasant ride for BOC because they didn't have the authority to make things happen. The Flanagan Blue Ribbon Commission brought forth a number of changes that they felt needed to be made. We listened for, I don't know how many days we put into that. And we heard those. And we incorporated those.

You really have two choices here today, other than the one that's in front of you. Allow the Board of Corrections to do their job, that's the choice that's before you, and give them a chance to do it and do it right. Will it work? None of us can guarantee that. But we sure as heck hope that we've got the right things in place.

The other choices are to let the DOC, the Department of Corrections, take over the county jails. We know for a fact that if that happens, there are 15 county jails out there, and for those of you that say, "Oh he's missing one," we have Lincoln and Sag that have a combined jail, Two Bridges. But if DOC takes over we know we'll be down to four jails, very quickly. The four super jails – York County, Cumberland County, Two Bridges and Somerset County – that is what we'll have. If DOC goes ahead as planned, we may lose a jail or two. We still may. There'll be the smallest of the jails with the closest transportation. We don't know that for a fact, but it's a possibility, and I don't want anyone to think it isn't.

The other thing is we talked a lot about revenue sharing in here earlier. We've talked about mandates. And we've talked about mandates on the roads bill, which a mandate was probably only going to be a couple of hours work. If we return these jails to the counties, and I was a county commissioner, if we return these jails to the counties, we're looking at an immediate tax increase on the counties that's going to be a lot larger than any mandate that's been on any county or any property tax in the last 20 years. It's that simple because the county jail, the function of a county jail is one of the more expensive functions in your county. Your registry of deeds makes money. Your probate almost breaks even. Your law enforcement control is a cost, but your county jails are a big cost. If these go back to the county, then we have got a serious mandate back on the towns.

So, with that said, the last thing I do want to end up with is a lot of the problems that we've had with making this work come from Somerset County. Not because of, it was just inherent that

it had a brand new jail and there was some programs that was set up that didn't fund that properly.

Now, in this work, one of the places that we worked the most is with Somerset County on the federal boarding and what revenues they should receive from the federal boarding. To hear that Somerset County is not with this now is a real surprise because we spent a lot of time working with Somerset County on the Federal Revenue Boarding and other aspects of this whole proposal. We have no choice, no good choice but to go ahead with this proposal. Thank you, ladies and gentlemen.

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

Representative LAJOIE: Thank you, Mr. Speaker. Mr. Speaker and Ladies and Gentlemen of the House, much has been said this morning and all in the proper direction. The good Representative from Augusta, Representative Wilson, said quite a bit, and I really appreciate that. He usually does in the committee and he's well respected for that and his opinions. The good Representative from Portland, Representative Dion, I really can't say a lot of anything bad about this gentleman. And the reason I say that is as our chairman he basically led us on the path that we currently are in now. I've been in the State Legislature now for six years. I've been on the committee for six years. I came on shortly after the commission was created. When I first sat down in front of Appropriations with my committee and listened to the first report from the commission, I said, as Representative Wilson said, "How the heck is this ever, ever going to work?" I just could not understand. Underfunded and, even then, taking money away from the commission with really no direction, no goals, no objectives and they had to start from the very beginning.

Six years have passed and I've been on this Committee and I saw some gain every year that I've been on. However, this year was the greatest year, for me, as a senior member of that committee, to see the progress that was made. And that was because, I believe, all the players finally saw a path that they wanted to obtain equally and get to the same destination and that was for a process to work and work properly. Save the taxpayer moneys as well. And I saw that.

I think the other thing that happened, this year especially, is we had a diverse group of individuals on the committee. We had individuals that were past and/or current commissioners. We had sheriffs, law enforcement, fire service, of course, and we also had individuals on there that had none of that experience and, at critical times, brought up specific questions that we, in public safety, would almost take verbatim. In other words, yes, I understand that, however, these individuals didn't understand it and it brought out an explanation that made sense and set a direction. The good Representative from Portland, Representative Dion, in his current position and occupation, would many times change the question around to make more sense and have a better explanation, which made it a lot easier for everyone to understand.

I strongly, I encourage you to please accept the report as Ought to Pass. It's the right path to go into. And I'll leave you with this last thing. Almost 200 years ago, Maine became a state. When it became a state, it took upon itself many responsibilities. Those responsibilities were many towns and municipalities. Here we are, close to 200 years and we are still a Maine. We still have many communities that work under certain directions of our state as the jails would be working under certain directions of the commission. So, therefore, I say, please, vote yes. Thank you.

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

Representative MARKS: Thank you, Mr. Speaker. Men and Women of the House, this morning you had the Muskie Report dropped on your desk. If you look at it, it says, "Maine ranks lowest in adult incarceration rate in the nation." Now, that is good. The bad thing is Maine Corrections expenditures are the fourth lowest in the nation. We don't spend what other states spend in corrections.

Another point, imagine if you were a police officer and you just arrest a bad guy and you are transporting him to jail and you get at the sally port and there's a sign that says, "Sorry, no room at the inn." You don't have options. You cannot unarrest him and you probably don't want to take him home. What are you going to do? We need to support this. I'll give a lot of credit to our chair, former Sheriff Dion. Who knows this subject better than he? And I certainly followed him on this. My two counties support this and so do I and I hope that you would also. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Newcastle, Representative Devin.

Representative DEVIN: Thank you very much, Mr. Speaker. Mr. Speaker and Ladies and Gentlemen of the House, I just wanted to make one quick point, and that is, if you're not from York or Somerset or Lincoln or Cumberland Counties and you don't think this is going to impact you, I want you to understand that you will be impacted. For instance, we've been talking about Lincoln and Sagadahoc County. We take prisoners from Waldo County and we take them from Knox County as well. If this bill doesn't pass, and fourth payments aren't made, Two Bridges Jail is going to have to be shut down drastically and Lincoln County and Sagadahoc County are not going to have any option but to send your prisoners that we're holding for you from Waldo and Knox County back north up to your counties. So, like all the other speakers that have spoken previous to me, I encourage you to support this bill. Thank you.

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

ROLL CALL NO. 697

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

NAY - Black, Davis, Dunphy, Gifford, Harvell, Johnson P, Kusiak, Libby A, Lockman, Long, MacDonald S, Maker, Peavey Haskell, Sirocki, Turner, Willette.

ABSENT - Ayotte, Chapman, Johnson D, McLean, Noon.

Yes, 130; No, 16; Absent, 5; Excused, 0.

130 having voted in the affirmative and 16 voted in the negative, with 5 being absent, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-511)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-511)** in concurrence.

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

UNFINISHED BUSINESS

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

SENATE DIVIDED REPORT - Majority (7) Ought to Pass as Amended by Committee Amendment "A" (S-483) - Minority (6) Ought Not to Pass - Committee on ENERGY, UTILITIES AND TECHNOLOGY on Bill "An Act To Amend the Maine Administrative Procedure Act and Clarify Wind Energy Laws"

(S.P. 692) (L.D. 1750)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-483)**.

TABLED - April 8, 2014 (Till Later Today) by Representative **BERRY** of Bowdoinham.

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

Representative **FREDETTE** of Newport **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 Orono, Representative **Tipping-Spitz**.

Representative **TIPPING-SPITZ**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I just want to say we had a long debate about this bill before and I don't think we got to what the core of the bill really does. All it simply does is when we change the application process for establishing wind turbines we make sure it goes through a rule-making process. We make sure there's public input, we make sure there's sunlight and we make sure we know why changes were made. That's all it does and I think that's in the best interest for both people who want to see more wind energy and people who maybe think we need to rein back the rules. So, I think this is a good bill and I think everyone should support it.

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

Representative **DUNPHY**: Thank you, Mr. Speaker. Mr. Speaker, we hashed this over. I would disagree with the Honorable Representative from Orono. This does a lot more than that and I would suggest, also, that if we're going to play this kind of a silly game we should play it with all rules, with any permitting process. But, we're not going to do that. For some blatant, obvious reason that we can't talk about here, this one

specific industry was selected as preferential treatment. So, if we're not going to make this uniform across the board, let's kill it. Let's do the right thing. Let's vote against this bill.

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. 698

YEA - Beaudoin, Beck, Berry, Bolduc, Brooks, Carey, Casavant, Cassidy, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dill, Dion, Dorney, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Herbig, Hickman, Hobbins, Hubbell, Jorgensen, Kent, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, Monaghan-Derrig, Moonen, Moriarty, Nadeau C, Nelson, Peoples, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Welsh, Werts, Mr. Speaker.

NAY - Beaulieu, Beavers, Bennett, Black, Boland, Briggs, Campbell J, Campbell R, Chase, Clark, Crafts, Cray, Crockett, Davis, Dickerson, Doak, Dunphy, Duprey, Espling, Evangelos, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harlow, Harvell, Hayes, Jackson, Johnson P, Jones, Kaenrath, Keschl, Kinney, Knight, Libby A, Lockman, Long, MacDonald S, Maker, Malaby, Marean, McClellan, McElwee, Morrison, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Peterson, Pouliot, Reed, Sanderson, Short, Sirocki, Timberlake, Turner, Tyler, Villa, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Ayotte, Chapman, Cotta, Johnson D, McLean, Noon.

Yes, 76; No, 69; Absent, 6; Excused, 0.

76 having voted in the affirmative and 69 voted in the negative, with 6 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-483)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-483)** in concurrence.

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

On motion of Representative **WALLACE** of Dexter, the House adjourned at 1:04 p.m., until 9:00 a.m., Monday, April 14, 2014 in honor and lasting tribute to former member of the House **William F. Reed**, of Dexter, **Arthur Robert Warren**, of Gardiner and **Carmaleta Farrington**, of South China.