

MAINE STATE LEGISLATURE

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

Daily Edition

First Regular Session

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ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
FIRST REGULAR SESSION
28th Legislative Day
Wednesday, March 30, 2011

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

Prayer by Dr. Vince Patton, MCPOCG, USCG Retired, Director, Community Outreach, McLean, Virginia.

National Anthem by University of Maine Screamin' Black Bears Pep Band, Orono.

Pledge of Allegiance.

Doctor of the day, Jeffrey Lockhart, M.D., York.

The Journal of yesterday was read and approved.

SENATE PAPERS

Bill "An Act To Encourage Access to Health Care in Maine"
(S.P. 50) (L.D. 157)

Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.

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

Bill and accompanying papers **INDEFINITELY POSTPONED** in concurrence.

Non-Concurrent Matter

Bill "An Act To Modernize and Reduce the Cost of Driver Education"

(H.P. 178) (L.D. 201)

Minority (4) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TRANSPORTATION READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-12)** in the House on March 24, 2011.

Came from the Senate with the Majority (8) **OUGHT NOT TO PASS** Report of the Committee on **TRANSPORTATION READ and ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

COMMUNICATIONS

The Following Communication: (H.C. 121)

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

March 30, 2011

The Honorable Robert W. Nutting
Speaker of the House

2 State House Station
Augusta, Maine 04333

Dear Speaker Nutting:

Pursuant to Joint Rule 310, the Committee on Transportation has approved the request by the sponsor, Senator Hastings of Oxford, to report the following "Leave to Withdraw":

L.D. 206 Resolve, Directing the Department of Transportation To Repair and Maintain the Red Iron Bridge Crossing the Saco River in the Town of Fryeburg

Sincerely,
S/Heather J.R. Priest
Clerk of the House

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

At this point, a message came from the Senate borne by Senator COURTNEY of York of that Body, proposing a Joint Convention of both branches of the Legislature to be held in the Hall of the House at 11:00 in the morning for the purpose of extending to the Honorable Richard L. Pattenau, Chancellor of the University of Maine System, the Honorable John Fitzsimmons, President of the Maine Community College System and the Honorable William J. Brennan, President of the Maine Maritime Academy, an invitation to attend the Joint Convention and to make such communication as pleases them.

Thereupon the House voted to concur in the proposal for a Joint Convention to be held at 11:00 in the morning and the Speaker appointed Representative CURTIS of Madison to convey this message to the Senate.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills and Resolve were received, and upon the recommendation of the Committee on Reference of Bills were **REFERRED** to the following Committees, ordered printed and sent for concurrence:

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill "An Act Regarding the Publication of Information Related to Persons Convicted of Operating under the Influence of Alcohol or Drugs"

(H.P. 1002) (L.D. 1363)

Sponsored by Representative CEBRA of Naples.
Cosponsored by Senator COLLINS of York and Representatives: CHASE of Wells, CURTIS of Madison, HANLEY of Gardiner, McKANE of Newcastle, PLUMMER of Windham, SARTY of Denmark, WILLETTE of Mapleton, WILLETTE of Presque Isle.

ENERGY, UTILITIES AND TECHNOLOGY

Bill "An Act To Ensure Accurate Valuation of a Community Benefits Package for Communities That Host Wind Energy Developments"

(H.P. 1001) (L.D. 1362)

Sponsored by Representative DUNPHY of Embden.
Cosponsored by Senator WHITEMORE of Somerset and Representatives: BLACK of Wilton, CRAFTS of Lisbon, DAMON of Bangor, FOSTER of Augusta, PARKER of Veazie, RICHARDSON of Warren, RIOUX of Winterport, WINTLE of Garland.

Bill "An Act To Update the Maine Wind Energy Act To Include Low-emission Energy" (EMERGENCY)

(H.P. 1005) (L.D. 1366)

Sponsored by Representative GIFFORD of Lincoln.
Cosponsored by Representative: CRAY of Palmyra.

HEALTH AND HUMAN SERVICES

Resolve, To Ensure Patient Safety in the Use of Certain Imaging Equipment

(H.P. 1000) (L.D. 1361)

Sponsored by Representative TREAT of Hallowell.
Cosponsored by Representatives: BERRY of Bowdoinham, BOLAND of Sanford, GRAHAM of North Yarmouth, HINCK of

Portland, LOVEJOY of Portland, TUTTLE of Sanford, Senator: GOODALL of Sagadahoc.

Bill "An Act To Improve the Quality and Reduce the Cost of Health Care"

(H.P. 1003) (L.D. 1364)

Sponsored by Representative FITTS of Pittsfield.

Cosponsored by President RAYE of Washington and Representatives: CAIN of Orono, CUSHING of Hampden, FOSTER of Augusta, STRANG BURGESS of Cumberland, WINTLE of Garland, Senators: BRANNIGAN of Cumberland, PLOWMAN of Penobscot.

INSURANCE AND FINANCIAL SERVICES

Bill "An Act To Exempt Certain Mortgage Loan Originators from Licensing"

(H.P. 996) (L.D. 1357)

Sponsored by Representative CROCKETT of Bethel.

Cosponsored by Representatives: BURNS of Whiting, CHIPMAN of Portland, RICHARDSON of Warren.

Bill "An Act To Provide Prevailing Mortgages Attorney's Fees in the Foreclosure Process"

(H.P. 999) (L.D. 1360)

Sponsored by Representative CROCKETT of Bethel.

Cosponsored by Senator HILL of York and Representatives: BEAULIEU of Auburn, CHIPMAN of Portland, MALONEY of Augusta, PRIEST of Brunswick, TREAT of Hallowell, WATERHOUSE of Bridgton, Senator: LANGLEY of Hancock.

Bill "An Act Regarding Protection Orders and the Prosecution of Domestic Violence Cases"

(H.P. 1004) (L.D. 1365)

Sponsored by Representative HINCK of Portland.

Cosponsored by Senator SHERMAN of Aroostook and Representatives: CLARKE of Bath, HUNT of Buxton, MORRISON of South Portland, STEVENS of Bangor, STRANG BURGESS of Cumberland, Senators: BARTLETT of Cumberland, HOBBS of York, PLOWMAN of Penobscot.

Committee on JUDICIARY suggested.

On motion of Representative NASS of Acton, **TABLED** pending **REFERENCE** and later today assigned.

STATE AND LOCAL GOVERNMENT

Bill "An Act To Enhance Local Control of Noise Ordinances"

(H.P. 998) (L.D. 1359)

Sponsored by Representative CROCKETT of Bethel.

Cosponsored by Representative: LONG of Sherman.

VETERANS AND LEGAL AFFAIRS

Bill "An Act To Amend the Requirements Concerning Restroom Facilities for Small Restaurants with Dual Liquor Licenses"

(H.P. 997) (L.D. 1358)

Sponsored by Representative FITTS of Pittsfield.

Cosponsored by Senator McCORMICK of Kennebec.

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

SPECIAL SENTIMENT CALENDAR

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

In Memory of:

the Honorable George H. Bunker, Jr., who represented Kossuth Township in the House of Representatives for 4 terms, from 1995 to 1998 and from 2001 to 2004, where he dedicated his time to the families of Maine. Mr. Bunker was born in Northampton, Massachusetts and moved to Topsfield when he was 17. He was a 1974 graduate of Lee Academy, and he met his high school sweetheart, Christine, in the blueberry fields. They were married in 1974. Mr. Bunker dedicated his life to public service and advocating for people in need. He spent 9 years in the United States Navy as a submarine missile fire control technician, and he worked for the Washington County Sheriff's Department as a deputy for 8 years, including time as a D.A.R.E. officer. He took over the family restaurant, The Log Cabin Restaurant, which became a local gathering place for friends and family. We acknowledge his dedicated service to his community, his State and his Nation. Mr. Bunker will be greatly missed and long remembered by his loving wife, Christine, his family and those whose lives he touched;

(SLS 166)

On **OBJECTION** of Representative BURNS of Whiting, was **REMOVED** from the Special Sentiment Calendar.

READ.

On motion of the same Representative, **TABLED** pending **ADOPTION** and later today assigned.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought Not to Pass** on Resolve, To Update the Study Regarding the Feasibility of Establishing a Single-payor Health Care System

(H.P. 50) (L.D. 57)

Signed:

Senators:

WHITTEMORE of Somerset

SNOWE-MELLO of Androscoggin

Representatives:

RICHARDSON of Warren

FITZPATRICK of Houlton

McKANE of Newcastle

MORISSETTE of Winslow

PICCHIOTTI of Fairfield

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-47)** on same Resolve.

Signed:

Senator:

BRANNIGAN of Cumberland

Representatives:

BEAUDOIN of Biddeford

BECK of Waterville

GOODE of Bangor

MORRISON of South Portland

TREAT of Hallowell

READ.

On motion of Representative CUSHING of Hampden, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Extend Coverage under the State's Mini-COBRA Law" (H.P. 53) (L.D. 60)

Signed:

Senators:

WHITTEMORE of Somerset

SNOWE-MELLO of Androscoggin

Representatives:

RICHARDSON of Warren

FITZPATRICK of Houlton

McKANE of Newcastle

MORISSETTE of Winslow

PICCHIOTTI of Fairfield

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-48) on same Bill.

Signed:

Senator:

BRANNIGAN of Cumberland

Representatives:

BEAUDOIN of Biddeford

BECK of Waterville

GOODE of Bangor

MORRISON of South Portland

TREAT of Hallowell

READ.

On motion of Representative CURTIS of Madison, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass** on Bill "An Act To Repeal the Restriction on Serving or Executing Civil Process on Sunday" (H.P. 81) (L.D. 95)

Signed:

Senators:

HASTINGS of Oxford

BLISS of Cumberland

WOODBURY of Cumberland

Representatives:

NASS of Acton

BEAULIEU of Auburn

DILL of Cape Elizabeth

FOSTER of Augusta

MALONEY of Augusta

PRIEST of Brunswick

ROCHELO of Biddeford

SARTY of Denmark

WATERHOUSE of Bridgton

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

Signed:

Representative:

MOULTON of York

Representative MITCHELL of the Penobscot Nation - of the House - supports the Majority **Ought to Pass** Report.

READ.

On motion of Representative NASS of Acton, the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE** and was assigned for **SECOND READING** Thursday, March 31, 2011.

CONSENT CALENDAR

First Day

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

(S.P. 85) (L.D. 279) Bill "An Act To Amend Indemnification Notification Laws" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass**

(S.P. 80) (L.D. 271) Bill "An Act To Establish Standards Pertaining to the Feeding of Deer" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A"** (S-15)

(S.P. 88) (L.D. 299) Bill "An Act Regarding the Southern Maine Veterans Memorial Cemetery" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A"** (S-14)

(S.P. 114) (L.D. 401) Bill "An Act To Enhance Penalties To Protect Senior Investors" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A"** (S-16)

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

CONSENT CALENDAR

Second Day

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

(S.P. 21) (L.D. 6) Bill "An Act To Provide a Sales Tax Exemption for Bags Provided by Redemption Centers for Returnable Containers" (C. "A" S-11)

(S.P. 46) (L.D. 104) Bill "An Act Regarding Audits of State Agency Expenditures To Recover Overpayments and Lost Discounts" (EMERGENCY) (C. "A" S-12)

(H.P. 330) (L.D. 412) Resolve, Regarding Legislative Review of Portions of Chapter 882: Designation of Bisphenol A as a Priority Chemical and Regulation of Bisphenol A in Children's Products, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)

(H.P. 58) (L.D. 70) Bill "An Act To Include Independent Practice Dental Hygienists in MaineCare" (C. "A" H-49)

(H.P. 87) (L.D. 105) Resolve, Regarding Legislative Review of Chapter 13: Municipal Service Fee, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY) (C. "A" H-50)

(H.P. 154) (L.D. 177) Bill "An Act To Require Licensed Veterinarians To Honor Prescriptions from Other Licensed Veterinarians" (C. "A" H-46)

(H.P. 179) (L.D. 202) Bill "An Act To Modify Child Support Enforcement Procedures" (C. "A" H-45)

(H.P. 317) (L.D. 391) Bill "An Act Concerning Models for Teacher and Principal Evaluations" (C. "A" H-52)

(H.P. 336) (L.D. 443) Bill "An Act To Require Prompt MaineCare Decisions on Care for Children with Life-threatening Conditions" (C. "A" H-51)

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

BILLS IN THE SECOND READING

House as Amended

Bill "An Act To Extend the Dental Care Access Credit for Dentists Who Practice in Underserved Areas of the State" (EMERGENCY)

(H.P. 141) (L.D. 164)

(H. "A" H-44 to C. "A" H-35)

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

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

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

In Convention

The President of the Senate, the Honorable Kevin L. Raye in the Chair.

The Convention was called to order by the Chair.

On motion by Senator COURTNEY of York, it was **ORDERED**, that a Committee be appointed to wait upon the Honorable John Fitzsimmons, President of the Maine Community College System, the Honorable Richard L. Pattenau, Chancellor of the University of Maine System, the Honorable Dr. William J. Brennan, President of the Maine Maritime Academy, the Campus Presidents and their Boards of Trustees to inform them that the two branches of the Legislature are in Convention assembled, ready to receive such communications as pleases them.

The Order was **READ** and **PASSED**.

The Chair appointed the following:

The Senator from Hancock, Senator Langley
The Senator from Androscoggin, Senator Mason
The Senator from Cumberland, Senator Alford
The Representative from Carmel, Representative Richardson
The Representative from Caribou, Representative Edgecomb
The Representative from Dennysville, Representative McFadden
The Representative from Greenville, Representative Johnson
The Representative from Calais, Representative Maker
The Representative from Raymond, Representative McClellan
The Representative from Lewiston, Representative Wagner
The Representative from Falmouth, Representative Nelson
The Representative from Portland, Representative Lovejoy
The Representative from Hiram, Representative Rankin

The Representative from Passamaquoddy Tribe, Representative Sockomah
Subsequently, Senator LANGLEY from Hancock, for the Committee, reported that the Honorable John Fitzsimmons, President of the Maine Community College System, the Honorable Richard L. Pattenau, Chancellor of the University of Maine System, and the Honorable Dr. William J. Brennan, President of the Maine Maritime Academy, would attend forthwith.

The Chair welcomed to the Convention the Honorable John Fitzsimmons, President of the Maine Community College System, the Honorable Richard L. Pattenau, Chancellor of the University of Maine System, the Honorable Dr. William J. Brennan, President of the Maine Maritime Academy, the Campus Presidents, the Boards of Trustees and guests.

The Chair recognized in the House Gallery representing the Maine Community College System Board of Trustees: Doris Belisle-Bonneau of Auburn; Kenneth Hoeflick of Standish; Dennis King of Freeport; and the Honorable Daniel Wathen of Augusta.

The Chair recognized in the House Gallery the Presidents of the Maine Community College System: Dr. Scott Knapp of Central Maine Community College; Dr. Lawrence Barrett of Eastern Maine Community College; Dr. Barbara Woodlee of Kennebec Valley Community College; Mr. Timothy Crowley of Northern Maine Community College; Dr. James Ortiz of Southern Maine Community College; Dr. Joyce Hedlund of Washington County Community College; and Dr. Charles Lyons of York County Community College.

The Chair also recognized in the House Gallery representing the University of Maine System Board of Trustees: Honorable Stephen Bowen, Commissioner of Education; Marjorie Medd of Norway, Paul Mitchell of Waterville, William Johnson of Saco, and Victoria Murphy of Portland.

The Chair also recognized in the House Gallery Presidents of the University of Maine System: Dr. Robert Kennedy, UMaine; Dr. Allyson Hughes Handley, UMaine Augusta; Dr. Theodore Kalikow, UMaine Farmington; Wilson G. Hess, UMaine Fort Kent; Dr. Cynthia Huggins, UMaine Machias; Dr. Donald Zillman, UMaine Presque Isle; Dr. Selma Botman, University of Southern Maine; as well as Jason Yates, a student at University of Maine at Augusta, and Michael Dubyak, Chief Executive Officer of Wright Express.

The Chair requested the Honorable Richard L. Pattenau, Chancellor of the University of Maine System, to please step forward and address the Joint Convention.

Chancellor **PATTENAUDE**: Mister President, Mister Speaker, honorable members of the 125th Maine State Legislature; President Fitzsimmons; President Brennan; Trustees; Presidents; distinguished guests and friends.

It is always an honor to stand before you and briefly report on the University of Maine System ...or as briefly as an academic can, given a podium and an audience.

My report focuses on three topics: Where we were when last I spoke in this setting; where we are as a University System today; and where we are going.

But let me start with a moment of myth busting. The myth is that universities change slowly and may be resistant to change. It's not true anymore. It can't be true anymore. The times do not allow it.

Let me address the first topic. Just over two years ago the economy was rapidly falling apart, jobs were being lost, and revenue forecasts were dropping like a rock. To assess our situation, we did a comprehensive four year financial projection. The results were startling. We found that if we did not change how we did business we would face a \$43 million dollar structural deficit in four years. The Board of Trustees and I agreed that fixing this was priority #1. We proceeded with a broad-based and public planning process that produced our multi-year plan called New Challenges, New Directions, approved by our Trustees in November 2009. It has three basic goals: Achieve long-term financial sustainability; keep education affordable; and meet the changing educational and research needs of Maine's organizations and Maine people of all ages.

So, where are we today? Goal 1—long-term financial sustainability—we have made remarkable progress in just over two years: Like many businesses, we have trimmed our workforce reducing the number of employees by 7%; we finished last year with expenditures \$5 million below the prior year; we cut our unfunded liability for retiree healthcare by more than half, saving \$185 million; our endowments are back to pre-recession levels; we are making slow but steady progress on funding deferred maintenance; and all the universities and the System have balanced budgets.

How did this happen? It took clear goals, hard work, persistence, and sacrifice: Our employees have gone two years without basic raises... and for senior managers it has been three years; the System office budget was cut deeply; we have fewer deans, fewer colleges, fewer senior administrators than two years ago; programs have been trimmed, suspended, or combined while judiciously adding new programs through reallocation. And I will share more on that with you in a moment.

The credit for this hard work goes to the campuses. Our presidents and campus leaders have done an outstanding job of managing their resources. They have relied on the help and support of the Board of Trustees, unions, faculty, staff, and the volunteers who make our universities great. This is not easy work. This is not joyful work. But this is essential work.

Effective financial management is a core responsibility for all of us at the University, reflecting the trust given to us by you and by the people of Maine. We take it very seriously.

What is the bottom line, so to speak? Maine's University System is becoming even more efficient, has solid control of its finances and is maintaining quality. Do we have sufficient funding? Of course not. You expected me to say something different there? That will not, however, stop us from making progress and that is a promise.

Let me turn to goal 2—affordability. This year, we have the smallest increase in tuition in 8 years, an average of 4.8% for in-state undergraduate students. I would like to repeat that. With all the financial challenges we face, this year we have the smallest tuition increase in eight years. How did this happen? The trustees, the presidents and I are clear on our view of tuition. It is not a means to fill budget holes. Low tuition is a policy statement, not a financial safety valve. This is critical, particularly in Maine, where affordable tuition is a key to student retention and graduation. And it will make an extraordinary difference to Maine because of what it does for our students and what it does for our citizens.

In report after report, the relationship between education levels, income, and employment are crystal clear: As educational achievement goes up income goes up; as educational achievement goes up unemployment goes down.

As you know, an individual with a baccalaureate degree will earn \$1 million more in their lifetime than a high school graduate.

To me this says one thing: higher education is economic development. And, if we secure flat funding as the Governor has proposed—and for which we are appreciative—next fall we will again keep our tuition at the lowest increase in years. I want to also express our thanks to the Committee on Education and Cultural Affairs for their unanimous support of the Governor's budget.

Sometimes you need to put a human face on these abstract ideas, facts and goals. Joining us today are students from all of our campuses who will be visiting your offices today to tell their stories. But I would like now to briefly tell you the story of three UMS students. They are powerful evidence of the transformative power of education.

First, Becky McKinnell. She came from Massachusetts to attend University of Southern Maine. She completed an "Arts & Entrepreneurial Business Program" that changed her life's focus. In that program, she created a business called "iBec" which specializes in graphic and web design. Perhaps you have heard of her: Business Week named her a "Top 25 Entrepreneur – Age 25 and Under" and she was also the U.S. Small Business Administration's "Maine Young Entrepreneur of the Year" last year. I want to point out she can't join us today because she is busily operating her business in Portland. She has steadily expanded her firm since she graduated and now employs eight people. Since you can't meet her, I encourage you to meet Becky online at ibeccreative.com.

Heather Martin, another story. Heather Martin is a native of Caribou and a graduate of Richmond High School. She's earned numerous awards as an undergraduate engineering student at UMaine. Today she is a graduate student in UMaine's Civil & Structural Engineering Program. She is working on developing the first-ever model for deep-water off-shore wind technology. In April, Heather will travel with Professor Habib Dagher and others to test the floating model wind turbine in the Netherlands. What an adventure for a young woman born in Caribou. When she graduates, she plans to live and work in Maine. She is in classes today preparing for the work in the Netherlands. So when you visit Habib's lab, say hello to Heather.

The third story I would like to share with you today. Jason Yates is from Rockland and is a UMA student majoring in Justice Studies. Jason represents our rapidly growing number of time-bound and place-bound students who are taking a combination of online and in-person classes at multiple campuses to get their university degree. Jason also represents another type of student: he is a veteran of the U.S. Marines who served not one, but two tours in Iraq. He tells us that he is able to pursue his studies thanks to the G.I. Bill, the ability to take courses at multiple campuses simultaneously, and the wonderfully supportive environment at the University of Maine Augusta. I'd ask you to join me in greeting Jason and thanking him for his military service and for all those who served or have served. Jason, would you please stand? He is an inspiration.

These are three stories of the impact that a college education has on people's lives. This is happening every day on our university campuses. And this opportunity must be accessible and affordable. And when it is...higher education is economic development.

Goal 3—enhancing our service to the people and organizations of Maine—where we are going. Working in partnership with you, with our communities, and with Maine's businesses we need to accomplish the following together: graduate more students; increase our support for the businesses of Maine; encourage and support research, business development, and entrepreneurial efforts.

But, how do we best do this? To assist us in focusing our

work, we partnered with Laurie Lachance head of the Maine Development Foundation and Dana Connors, head of the State Chamber of Commerce.

At our request and with the chamber's much appreciated financial support, MDF drilled down into their recent report, *Making Maine Work*, to prepare a focused report for us entitled—*Making Maine Work: the Role of Maine's Public Universities*. And we have distributed that.

Their unbiased review did two things. First, it revealed just how much work the University of Maine System campuses are already doing, and, second, it clarified what needs to be done. Here are some examples I would like to share with you: We have created OnlineMaine, a central website for access to online degrees and student support at all our universities, which will be managed by UMA. Our universities are on a path to double the number of online degrees being offered to adult, working, and rural students—we will add a dozen new degrees next fall. We are establishing student success centers on all of our campuses for one-stop advising and retention, such as the centers in place at the University of Southern Maine. We are drawing millions of dollars from out-of-state sources to fund STEM initiatives including a recent \$3.2 million dollar National Science Foundation ADVANCE Grant to the University of Maine focusing on increasing the number of women in the sciences. We are creating a System-wide Energy Sustainability Management Degree utilizing information from many sources including the pioneering work at the University of Maine at Presque Isle. UMaine continues to expand its world leadership position in offshore wind technology. UMFK is partnering with Fort Kent High School next fall to pilot the state's first early college high school program bringing a cohort of juniors to the campus for dual enrollment. We will be offering Doug Hall's "Innovation Engineering" Program on all campuses, drawing on the successful program at the University of Maine. UMF has created a Masters Degree in Special Education to be offered statewide via the Internet. University of Maine Machias is expanding its applied science research in marine biology led by Professor Brian Beal. Our nursing programs are working with the major health providers across the state to plan for tomorrow's workforce in healthcare.

I want you to know how much good work is going on on our campuses. We are very proud of it. We are very committed to this work. The list could go on. It would be easy to be complacent. But I want to mention three elephants in the room.

The first is remediation. Current remediation rates are unacceptable at our institutions. They are near the national average, but they must improve. President Fitzsimmons and I are joining with Commissioner Bowen of the Department of Education to prepare a "Complete College America" grant focusing on college preparation, remediation, and retention. And if we aren't funded, we will find a way to pursue this very important work, albeit, more slowly.

The second elephant is transfer. I am tired of talking about the transfer problem. It's time to solve it. President Fitzsimmons and I are in full agreement on this. We have formed a permanent joint work group on transfer that has one simple goal—identify transfer issues between the community colleges and the University System, and also between our universities, and fix them.

Our campuses have been working hard but we need to take a better approach, a more comprehensive approach. We will report to you in a year.

The third elephant in the room is the responsiveness of the University System to business needs.

I recently heard a presentation by Mike Dubyak, President

and CEO of Wright Express, a technology intensive company with about 500 employees in Maine. He and several Maine business leaders are concerned about the number of computer science, information science, and information management graduates coming out of our universities.

These graduates are particularly critical because of the information age in which we are and our changing economy, these skills are essential to all businesses—small and large, north and south, current and emerging.

A rough estimate is that we will have to double the number of graduates from the current 50-60 per year. If we don't, we will stifle business expansion and it will negatively impact business location decisions.

The University of Maine System has 5 programs of this nature on our 7 campuses. Much good work is being done. We are told that our graduates are of high quality, but there just aren't enough of them.

So today I am pleased to announce the formation of the University-Business Information Technology and Computer Science Partnership. Its goal is very clear: in four years we will double the number of graduates from our programs. I have asked Mike Dubyak to co-chair this with me as we move forward.

Business and higher education leaders will gather soon to set this in motion. I will ask President Fitzsimmons and Commissioner Bowen to join us. We will have recommendations and a work plan ready by this fall. This is a critical initiative for us and for the State. And it is an example of what you will see from the University of Maine System in the future. Why? Because we know that higher education is a key to economic growth. And to paraphrase something that you've heard a bit lately, I also want you to know the University of Maine System is open for business.

All of us in the University of Maine System know we must continue to change and evolve. As we do we will not lose track of all the good things that higher education is about—personal growth and discovery, creating and preserving knowledge, and helping our students become lifelong learners and better citizens.

But the new normal is all about rebuilding our economy and creating opportunities for people to live and work in Maine. So look out, Boston and New York, we want our kids back in Maine and we are going to work to make that happen. We ask your support in our work. Flat funding is essential to ensuring our vitality and our continued progress. Because, simply put, higher education is economic development. Thank you very much.

The Chair then requested the Honorable John Fitzsimmons, President of the Maine Community College System, to please step forward and address the Joint Convention.

PRESIDENT FITZSIMMONS: Thank you for having me. President Raye, Speaker Nutting, honorable members of the 125th Maine Legislature, Chancellor Pattenade, President Brennan, and friends of higher education, I am honored to come before you this morning to discuss the role that our seven community colleges are playing to address the serious economic and educational challenges our state is facing.

Before I begin, I would like to thank Chancellor Pattenade and the university presidents for helping to create a collegial environment that has led to greater collaboration and support and respect between the two systems. I am also pleased to be joined by President Brennan this morning. I have known Bill for twenty-five years, and I can assure you that under his leadership the Maine Maritime Academy is in great hands.

For the past twenty-one years, I have had the great privilege of being the President of the Maine Community College System. I am especially proud of how our staff, faculty, and administrators

have responded to the ever increasing demand on our System. In spite of challenging budgets and frozen salaries, they have stepped up when Maine people needed them most.

We are united in our respect and pride of the 18,000 students who choose our colleges. We understand their struggles, their sacrifices, and their commitment to better themselves and their families through education. Our students truly inspire us. It is our privilege to share in their journey, because they represent not only the best of Maine, but the future of Maine.

Our role and mission is unique. Since their inception, community colleges have played a critical role in preparing America's workforce. More than a century ago, William Harper, the president of the University of Chicago, was deeply concerned about the academic preparation of the students applying to his university. Rather than limit enrollment to all but a few, he built a new model of higher education. Dr. Harper's plan created the first junior college, designed to strengthen a student's academic performance and to offer programs that would lead directly to employment. One hundred and ten years later, Dr. Harper's junior college is the model for our present day community colleges.

Today, the 1,100 community colleges in this country serve nearly 50% of the nation's undergraduates. Our seven colleges take great pride in serving the dual mission put forth by Dr. Harper: Preparation and Transfer. Over the last few years our students have transferred to over 170 colleges in 40 states, and I also am very proud that nearly 1,800 students are currently enrolled in baccalaureate degree programs in our University of Maine System, and our workforce development: among the graduates of our occupational programs, 93% land jobs or continue their education. Ninety-two percent of our employed graduates are working right here and contributing to the Maine economy.

Some people refer to our institutions as blue-collar colleges. We consider that a badge of honor. Our graduates repair your cars, build your homes, and tend to your loved ones in hospitals and nursing homes. They prepare your meals, fix your computers, and when you call 911, it is the graduates of our police, fire, and EMT programs who are responding to your emergency. Our graduates are the foundation on which our economy is built.

For many of our students, our colleges offer an important first step or second chance. But don't confuse second chance with second class. Community college alumni are everywhere: from Jim Lehrer of the NewsHour; to Eileen Collins, the first woman to command a Space Shuttle; to Rich Peterson, President of Maine Medical Center; and your own: Senator Langley, the Chair of the Education Committee and business owner.

And they include one of our own: Jim Ortiz, the president of Southern Maine Community College. Jim came to this country from Puerto Rico as a young child. He didn't plan to go to college until a high school teacher convinced him that he should. He enrolled at Queensborough Community College and he went from there to earn his bachelor's degree, master's degree and doctoral degrees. Jim joined us nine years ago and under his leadership SMCC has been transformed. Its enrollment has grown from 2,800 students in 2002 to 7,000 students today. Jim will retire this July after 25 years of touching the lives of tens of thousands of community college students.

President Ortiz: you are a powerful reminder to all of us: It is not where students start their journey, but where it leads. Thank you, my friend. We will miss you.

A recent report from Georgetown University found that 59% of all new jobs by 2018 will require post-secondary education. Maine will need 136,000 workers with a two-year degree. Right

now we have a little more than half, about 75,000. Report after report has documented the link between educational attainment and economic prosperity. In Maine, that link is broken. Only 37% of our citizens hold a college degree, compared to 46% in the rest of New England. And that's the primary reason why Maine has the lowest per capita income in New England.

Maine people have gotten the message and they are flocking to our colleges which have grown by 76% in eight years and 22% in the last two.

Even with this significant growth, our colleges had to turn away 5,300 qualified students this past fall. In January, students applying to SMCC's nursing program got letters congratulating them on gaining a spot in the program—for the fall of 2014. That's right, three years away. If you want to fully understand the impact of this situation, I encourage you to visit our admissions offices to see the disappointment on the faces of prospective students when they learn that they must reapply next year—or later.

Again this year, the state won't be able to increase support to our colleges to meet the pent-up demand. We are appreciative of Governor LePage for flat funding higher education, especially in light of double digit cuts in colleges across the nation. Nonetheless, Maine has experienced a steady decline of state support. Over the last eight years, the state's share of our budget has dropped from 47% to 34%. We have grown our enrollment through the entrepreneurial skills of our employees and by winning grants and building partnerships with the private sector. We have plans to keep moving forward and our focus is on the following.

Accessibility and affordability. First, our commitment to accessibility. We have an aggressive goal of increasing our enrollment from 18,000 students to 25,000 students over the next five to seven years.

In order to enable more Maine people to achieve their goal of a college degree, our Board of Trustees created The Foundation for Maine's Community Colleges in 2010. Its leadership team quickly launched a fundraising campaign and set a minimum goal of \$10 million. Just halfway through our campaign, I am proud to announce that we have raised \$8.7 million.

We have been successful because of the extraordinary people who have volunteered to assist in this effort—our co-chairs former Governor John McKernan and Lisa Gorman, Dan Wathen, Elaine Rosen, Donald Sussman, and Leon Gorman and the Foundation is ably led by Beth Shorr. Their enthusiastic support coupled with the deep respect the business community holds for our colleges has led to a very productive first campaign.

Our Board of Trustees has laid out an aggressive plan for our future, and the Foundation is playing a critical role in four new initiatives that will increase our colleges' capacity to serve more students: In the Mid-Coast region...the closure of the Brunswick Naval Air Station will ultimately mean the loss of 40,000 jobs. The silver lining of this bad situation is that Southern Maine Community College will acquire \$77 million worth of buildings and grounds at the Base to expand its academic offerings in high demand, high growth fields. And the University of Maine will be working in partnership with SMCC to bring its highly respected engineering program to the Brunswick campus. When fully operational, SMCC's Mid-Coast campus will serve an additional 2,000 community college students each year.

The Kennebec Valley region is facing the possible closure of Good Will-Hinckley's 2,400 acre campus and loss of that organization's much needed social and educational services. At the same time, Kennebec Valley Community College has doubled its enrollment and is in need of additional facilities. We are currently in negotiations with Good Will-Hinckley to buy 13

buildings and 690 acres. The property includes a 300-acre certified organic farm that would become the home of an innovative associate degree program in agricultural sciences. If we are successful, an expansion to Good Will-Hinckley will enable KVCC to enroll another 1,500 students.

In southern Maine...a new pilot program will test ways to assist the 188,000 Maine adults who have earned some college credit but do not have a college degree. Research shows the two biggest barriers are time and money, and we have an answer. Thanks to a major gift from The Kresge Foundation, we will launch *Accelerate ME*, a program that will offer students free tuition, fees and books and enable them to finish their degree within one year. The pilot will provide Maine with a model for how to reengage this large group of students and to help close the troubling education gap that exists between Maine and the rest of New England.

And, finally, across rural Maine, communities are facing a daunting challenge. With 59 percent of new jobs requiring some post-secondary education, how are residents of Somerset County going to compete with only 25 percent holding a college degree? Or Oxford and Washington Counties, where only 28% have college credentials? 504,000 Mainers live in rural communities. More than 70% of their workforce is heading towards only 41% of the new jobs. The consequences of inaction are dire.

Since 2007, our System and its partners have invested \$6.6 million in programs aimed at addressing the workforce and educational challenges confronting rural Maine. In addition, we have created a program called Bring College to ME that delivers full associate degree programs, as needed, in rural areas of the state. To date, we have served nearly 1,000 students from 175 rural communities. We intend to remain focused on the needs of rural Maine so that people can find educational and economic opportunity no matter where they live in this state.

Our second commitment is to remain affordable. You cannot be accessible unless you are affordable. Several years ago, we hired a research firm to conduct an ability to pay study of our current and potential students. Here is what it found: if we raised tuition \$2 per credit hour or \$60 per year it would have a marginal impact, but if we raised it \$5 per credit hour or \$150 per year, we would lose 22% of our enrollment. Clearly, price matters. I am proud to report that we have frozen our tuition for 8 of the last 12 years. And after much sacrifice our colleges' tuition at \$2,520 per year is now the lowest in New England.

Our pledge to our students and to you is a simple one: we will do everything we can to keep our tuition the lowest in New England until Maine is no longer the poorest state in the region.

In this country, we share a bedrock belief that America can be, should be, and is a land of opportunity for all. Our forefathers knew that education was the means to achieve that ideal. From the creation of the first public school in Boston in 1635, to the establishment in the late 1800s of public land grant universities, to the birth of community colleges in the 1900s, your legislative predecessors believed that public education was critical to the common good and was the great equalizer. Whether you are the son of a potato farmer from Aroostook or you are the daughter of a mill worker from Madison, your future should be determined by your innate intelligence and drive and not by your family's net worth. That belief is the foundation on which our American value system is built. It is our privilege and obligation to preserve and protect those values. We, the policy makers in this chamber, hold the future of Maine in our hands. We know that in this knowledge-based economy, education is the foundation on which the future of Maine will be built. And by protecting and investing in education we choose hope over despair, prosperity over poverty, and civility over chaos. Let it be said that during our

watch we didn't just pass the torch, but rather we helped it burn more brightly in every corner of Maine. Thank you. May God bless the great State of Maine.

The Chair then requested the Honorable Dr. William J. Brennan, President of the Maine Maritime Academy, to please step forward and address the Joint Convention.

President **BRENNAN**: Thank you. That is very kind of you. President Raye, Speaker Nutting, legislative leaders, members of the 125th Maine Legislature, President Pattenaude, President Fitzsimmons, and all of the guests here. My name is Bill Brennan and as I approach the first anniversary as president of the Maine Maritime Academy, it is my sincere pleasure to have the opportunity to share with you some of the ways in which Maine Maritime Academy enhances higher education outcomes in Maine. I also wish to thank you for providing me and Maine Maritime Academy the chance to share this podium with my colleagues, and I assure you I intend to be brief.

Proposals for an institution devoted to nautical training began in Maine in the 1930s. Educational and civic leaders throughout the state—led by Senator Ralph Leavitt of Portland—prompted the creation of the Maine Maritime Academy by act of the 90th Maine Legislature on March 21, 1941. Almost exactly 70 years later, I am pleased to report that the traditional undergraduate programs represent more than half of our undergraduate student body of 928 students. These academic majors lead to a bachelor of science degree and a U.S. Coast Guard license as a third mate or third assistant engineer in the U.S. Merchant Marine. I am also very proud to tell you that my dad was a member of the first class of Maine Maritime Academy in 1943.

Our graduates continue to be reputed as some of the best engineers and deck officers in their international industry. They offer professional, competent services that support our nation's sealift operations in times of crisis and play an active role in the daily flow of world trade, 90% of which is maritime based, and this should be an ongoing source of pride for the people of the State of Maine.

With the state's support Maine Maritime Academy has substantially diversified over the years. While remaining true to our original purpose of graduating merchant mariners, we have in true Maine spirit worked to maximize what we have and what we do best. We have matured to offer a contemporary, fully co-educational college setting with a diverse student population and a special mix of uniformed midshipmen and students who follow a traditional college lifestyle.

Maine Maritime Academy continues to embrace the role of the ocean as the core of our curriculum, but with an updated mission that is far broader than our founding. We remain committed to a very specialized mission, diversifying only in ways that build upon our key competencies, infrastructure, instructional methodology and our faculty expertise.

Our 18 associate, bachelor and master degrees are in engineering, management, science, and transportation. With each major providing truly hands-on learning opportunities for each of our students, we are a career-oriented college, unique in that we represent a valuable state/federal partnership that prepares young women and men to take on leadership roles in their chosen fields. We offer a familiar yet challenging setting to Maine students, in a small college environment where hard work is appreciated and rewarded.

This year Maine students represent 80% of our student body and they come from all of the state and from every county and legislative district. It is also interesting to note that a large proportion of our alumni choose to become or remain residents of

this state during the course of their career. Thus the State of Maine derives value on both ends. We educate Maine students. We prepare them to succeed in their careers and through that success they return economic value to the state. We encourage and support dramatic personal growth through community service or guided peer mentoring and leadership training. Again recalling our seafaring foundation, one has to learn to follow, to serve in order to someday lead. It may sound like a cliché but it still resonates with today's youth and that is reassuring.

Our Regiment of Midshipmen, our respected student-run leadership training model, is a federal requirement for students seeking an unlimited U.S. Coast Guard license, but it is available to all of our students. Sixty percent of our undergraduate student body benefits from the regiment's major emphasis on providing students with the basic management and leadership training and experience necessary to meet the demands of today's business environment.

We subscribe to a method for learning that incorporates the ocean as a classroom, and in this way a focus on hands-on experience, practice and real life application is a critical component of our success. On any given day our students may be sailing to Labrador, heading up a lifeboat exercise off the coast of England or dispatching a transport fleet as part of an international intern freight operation. Quite simply, it is a combination that works, and it creates not only competency in our graduates but confidence in them and in their employers.

In testimony to this our job placement rate is the envy of most institutions. Of those students who graduated last May, an excess of 90% of them had jobs within their chosen field within six months of graduation and some of those jobs paid salaries in the six figure range. We have also enjoyed four consecutive years of placement as one of the nation's top baccalaureate colleges for the northern region by *U.S. News & World Report*, as well as placement among the nation's top engineering colleges in the category of best undergraduate engineering programs.

At the present time Maine Maritime Academy is in a strong and vibrant position. Our applications are so robust that many programs are already at quota for the coming academic year. Enrollment is at record levels and given the physical constraints of our Castine campus, we are at maximum capacity. Our retention rate is the best of any public institution in this state and rivals those of many of the private institutions.

We are supported by a talented and dedicated Board of Trustees who tirelessly donate their time to provide guidance to the college. They bring a suite of talent that includes top leadership expertise in shipping, energy, finance, and government. Our specialization has allowed us to make contributions on behalf of the people of Maine to an industrial setting that encompasses the domestic and international use of the world's oceans as an avenue for the free flow of international trade, for domestic security and energy.

We are increasingly recognized for our innovation in maritime education and for our specialization. We are sought out by industry, such as by our friends at the American Bureau of Shipping, a leading classification society, as an academic resource for undergraduate research in areas of interest to them. Most recently this has involved thermoelectric energy generation from stack waste heat and its application to hybrid vessels. Other industry-focused, student-centered research has exploited tidal energy generation, biodiesel development and biofouling countermeasures. Maine Maritime Academy is proud to be the host institution for the only in-stream tidal energy device testing facility in the United States. This facility and its federal permissions is just but one of the recent examples of how we

continue to offer hands-on student experiences while maximizing our strengths and serving industry.

Thank you, Senator Raye and Speaker Nutting, for the opportunity to address this Joint Convention. Due to the legislative support over the years our students have experienced an atmosphere where they learn to embrace challenges, develop hands-on experience and, upon graduation, are prepared to achieve their goals. Thank you very much.

President Fitzsimmons, Chancellor Pattenade, and President Brennan withdrew amid the applause of the Convention, the audience rising.

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

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

(After the Joint Convention)

The House was called to order by the Speaker.

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

On motion of Representative TURNER of Burlington, the House adjourned at 12:00 p.m., until 10:00 a.m., Thursday, March 31, 2011.