

MAINE STATE LEGISLATURE

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

Daily Edition

First Regular Session

December 1, 2010 – June 29, 2011

pages 1 - 1067

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
FIRST REGULAR SESSION
63rd Legislative Day
Thursday, June 16, 2011

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

Prayer by the Honorable Anne M. Haskell, Portland.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

An Act Regarding Labor Contracts for Public Works Projects

(S.P. 378) (L.D. 1257)

(S. "B" S-281 to C. "A" S-254)

PASSED TO BE ENACTED in the House on June 15, 2011.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-254) AS AMENDED BY SENATE AMENDMENT "C" (S-318)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Allow a Student Attending Private School Access to Public School Cocurricular, Interscholastic and Extracurricular Activities"

(H.P. 662) (L.D. 903)

House **INSISTED** on its former action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-490)** in the House on June 15, 2011.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-490) AS AMENDED BY SENATE AMENDMENTS "A" (S-293) AND "B" (S-307)** thereto and **ASKED** for a Committee of Conference in **NON-CONCURRENCE**.

The House voted to **INSIST** and **JOINED** in a **COMMITTEE OF CONFERENCE**.

COMMUNICATIONS

The Following Communication: (H.C. 201)

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

June 15, 2011

The 125th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 125th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 325, "Resolve, To Examine the Representation of Families by Nonattorney Advocates at Special Education Due Process Hearings."

Despite the best intentions of this Resolve's sponsor, I am concerned that resolves, such as this one, force us to spend limited resources exploring conceptual policy positions that may or may not be acted upon by the Legislature in the future. A flood of Resolves will serve to distract the State from the objectives of

shrinking government and creating jobs. While this resolve directs a working group to be convened by the Maine Developmental Disabilities Council, it requires participation by the Department of Education. With our current fiscal position, I am concerned that participation by the Department will divert limited resources from the priorities of the Department.

This Resolve anticipates voluntary participation by people from outside of state government. It is not necessary to pass a resolve for the Maine Developmental Disabilities Council to invite stakeholders to voluntarily participate in a working group on any issue. If the Council believes that a working group on the subject of this resolve is important, the Council can invite stakeholders to meet without direction from the Legislature. It is not appropriate for the State to attempt to coerce participation in such a process through Legislative action.

In addition, the subject matter of this Resolve involves complicated issues involving due process rights and the possible unauthorized practice of law. Since there are contentious issues involved and many of the stakeholders' positions are strongly held, it is unlikely that the process outlined will be productive. Passage of this Resolve may give the appearance that action is being taken on this issue when that is not actually the case.

For these reasons, I return LD 325 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/ Paul R. LePage

Governor

READ and ORDERED PLACED ON FILE.

The accompanying Resolve, To Examine the Representation of Families by Nonattorney Advocates at Special Education Due Process Hearings

(H.P. 258) (L.D. 325)

(C. "A" H-376)

The **SPEAKER**: The Chair recognizes the Representative from Woolwich, Representative Kent.

Representative **KENT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I strongly object to this veto. LD 325 is a special education bill. Briefly, it is a Resolve creating a study to address a parent's inability to afford legal representation in a due process hearing, a cost that schools can afford with taxpayer money and that most parents cannot, a problem that in some states has been solved by the certification of public advocates, a solution that this very committee would probably consider.

Late yesterday afternoon, just before we recessed for dinner, I received a formal written explanation from the second floor concerning the reasoning behind this veto. The second floor makes three major points concerning the veto of LD 325. Firstly, the statement reads that resolves such as this one distract the state from the objectives of shrinking government and creating jobs. Mr. Speaker, this is a voluntary 14-member group made up of 13 nongovernmental stakeholders and one Department of Education representative, whose participation is not essential and was volunteered, not mandated. The state and the government does not even have a seat at the table, so I do not see how this Resolve either distracts or expands government.

The second floor goes on to say that "resolves such as this one force us to spend limited resources." Mr. Speaker, this costs government and taxpayers nothing, nothing in time or money. It is staffed by MEASAT and is paid for by the Maine Developmental Disabilities Council. There is no forced spending of any limited government resources.

Finally, the second floor says the subject matter of this Resolve involves complicated issues, issues that are contentious and involve many stakeholders with strongly held positions and

any productive outcome is unlikely. Mr. Speaker, this merely defines exactly what we do here every day. The idea that a Resolve concerning complicated and contentious issues and strongly held opinions, that it predetermines failure is ludicrous and an odd statement to make to this body. Every study group that I can think of involves just these issues, whether it's LURC, whether it's milk pricing, whether it's pesticide notification. Mr. Speaker, there is no reason or logic to this veto. There is no critical thinking. I got absolutely no sense that the reasons, the reasoning behind this veto is even related to this Resolve, LD 325. This body should expect a more applicable, less generic explanation from the second floor before accepting a veto and the dismissal of the bipartisan work that this body has already done. As a body we must send a clear message that we do not accept a veto for veto's sake, a veto simply because you can. We expect a clear, thoughtful, critical explanation before we agree to dismiss the work that we have done. I will be voting against this motion and I ask you to join me in overruling this inexplicable veto. Thank you, Mr. Speaker.

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

Representative **DUCHESNE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Unlike the former speaker, I actually don't know a whole lot about this issue and don't have the strong feelings that the Representative from Woolwich has. I'm actually concerned about another completely different point and the point is that we are not New York. We are not California. We are not Pennsylvania. We are a part-timer, term-limited, overworked, underpaid Legislature and that's just the way our constituents like it, especially that underpaid part. We do not have the luxury of studying issues for six months; we don't do multiple work sessions. For the most part this Legislature deals with the routine matters with one hearing and one work session. When it comes to involved issues that we can't get our arms around, studying is how we think. Studying is crucial to Maine's system of government because the only way a part-time term-limited Legislature can do major issues that are complicated is to study them, and that's what we do. So when we get to the point where we are told that we are not allowed to even think about an issue, we risk slipping into irrelevance and that's not a good place for this body to be.

I will echo, I think, what comes out of the veto message that is on our calendar today. We are told in this veto message it is not necessary to pass a Resolve to invite stakeholders to volunteer or participate. We used to make that decision. We were the Legislature. We still think this is our job to do. It is not appropriate for the state to attempt to coerce participation in such a process through legislative action. It used to be. That's what the Legislature does, this is how we think. The subject matter of this Resolve involves complicated issues involving due process rights and the possible unauthorized practice of law. Since there are contentious issues involved and many of the stakeholders' positions are strongly held, it is unlikely that the process outline will be productive. That's the decision we used to make. I don't think it's a good idea for us to slip into irrelevance. There is a difference in how the Legislature thinks and how the Executive Branch might study an issue and that is the Legislature does it in public. It is a public process. When a stakeholder study group gets together that is public and we think things through in public. We think out loud. That is why it's important for the Legislature to maintain control over its own thinking process. So I urge this body, don't surrender your ability to think and don't surrender your relevance. If not on this bill, on some bill at some point the Legislature has to retain its ability to think out loud. Thank you, Mr. Speaker.

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

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

The SPEAKER: The Representative may pose his question.

Representative **MacDONALD**: I just was wondering what the Committee Report on this bill was initially and also what the action in our body was with respect to this bill when it came before us, if anyone has that answer. Thank you, Mr. Speaker.

Representative MacDonald of Boothbay **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

The SPEAKER: Did the Representative have an additional question?

Representative **MacDONALD**: Thank you, Mr. Speaker. I just wondered what the record shows as to the vote here in the House on that report.

The SPEAKER: The Representative from Boothbay, Representative MacDonald, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Hudson, Representative Duchesne.

Representative **DUCHESNE**: Thank you, Mr. Speaker. That's actually one of the reasons I felt it necessary to stand up. As I looked at the report and realized this was a unanimous report out of committee, that the Legislature completely agreed at the committee level, at the House level and at the Senate level, and when there is that kind of unanimity, I was curious as to why we were going down this path in the first place. Thank you, Mr. Speaker.

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

After reconsideration, the House proceeded to vote on the question, 'Shall this Resolve become a law notwithstanding the objections of the Governor?' A roll call was taken.

The SPEAKER: The pending question before the House is 'Shall this Resolve become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 199V

YEA - Beaudoin, Beavers, Beliveau, Berry, Blodgett, Boland, Briggs, Bryant, Cain, Casavant, Chapman, Chipman, Clark H, Clarke, Cornell du Houx, Cotta, Dill J, Driscoll, Duchesne, Eberle, Eves, Fitzpatrick, Flemings, Fossel, Gilbert, Goode, Graham, Hanley, Harlow, Harvell, Haskell, Hayes, Herbig, Hogan, Hunt, Innes Walsh, Kent, Keschl, Kumiega, Lajoie, Longstaff, Lovejoy, Luchini, MacDonald, Maloney, Martin, Mazurek, McCabe, Morrison, Moulton, Nelson, Parry, Peoples, Peterson, Pilon, Prescott, Priest, Rankin, Rochelo, Rotundo, Russell, Sanborn, Sarty, Shaw, Stevens, Strang Burgess, Theriault, Treat, Tuttle, Valentino, Volk, Wagner R, Webster, Welsh.

NAY - Ayotte, Beaulieu, Bennett, Bickford, Black, Burns DC, Burns DR, Cebra, Chase, Clark T, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dow, Dunphy, Edgecomb, Espling, Fitts, Flood, Foster, Gifford, Gillway, Guerin, Hamper, Harmon, Johnson D, Johnson P, Knapp, Knight, Long, Maker, Malaby, McClellan, McFadden, McKane, Morissette, Nass, Newendyke, O'Connor, Olsen, Parker, Picchiotti, Plummer, Richardson D, Richardson W, Rioux, Rosen, Sanderson, Sirocki, Tilton, Timberlake, Turner, Waterhouse, Weaver, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

ABSENT - Beck, Bolduc, Carey, Celli, Dion, Fredette, Hinck, Kaenrath, Kruger, Libby, O'Brien, Stuckey, Wintle.

Yes, 74; No, 63; Absent, 13; Vacant, 1; Excused, 0.

74 having voted in the affirmative and 63 voted in the negative, 1 vacancy with 13 being absent, and accordingly the Veto was sustained.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Provide Further Improvements to Maine's Health Insurance Law"

(H.P. 1185) (L.D. 1587)

Sponsored by Representative RICHARDSON of Warren.

Cosponsored by Senator WHITTEMORE of Somerset.

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

Committee on **INSURANCE AND FINANCIAL SERVICES** suggested and ordered printed.

Under suspension of the rules, the Bill was given its **FIRST READING WITHOUT REFERENCE** to a committee.

Under further 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** and sent for concurrence.

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

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.

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2011, June 30, 2012 and June 30, 2013 (EMERGENCY)

(H.P. 989) (L.D. 1348)

(C. "A" H-622)

TABLED - June 15, 2011 (Till Later Today) by Representative CURTIS of Madison.

PENDING - **PASSAGE TO BE ENACTED**.

The **SPEAKER**: The Chair recognizes the Representative from Naples, Representative Cebra.

Representative **CEBRA**: Thank you, Mr. Speaker. I rise in support of the pending motion and I just have a few brief comments on the Highway Fund budget, just for the edification of the body. This bill would enact the same provisions that LD 1043, the General Fund Biennial Budget, enacts as far as merit freezes, longevity payments, retirement incentive program reforms, and pensions and health insurance reforms. It is the same as the General Fund budget. We needed to do that so that the Highway Fund and the General Fund look the same, are the same provisions. This budget eliminates seven vacant positions in the Secretary of State's office. It also eliminates 59 vacant positions in the Department of Transportation and freezes another 10 positions for two years so that we put that freeze in

place. There are 600 miles a year that need to be maintained in our MST, Maintenance Surface Treatment, and this budget does that in both years. We've managed to meet the goal. The goal was 600 miles a year and we've managed to do that in this budget.

One important factor of this budget is that it provides an additional \$10.5 million of URIP money, Urban Rural Initiative Program money, back for our towns for roadwork, for the municipalities for roadwork. A key piece in this budget was the \$833,000 that the committee unanimously supported in its repaying municipalities the money that we promised them to be reimbursed for their salt sheds. There are nine towns that will be reimbursed and they will be reimbursed the total amount of that money that the state owes them. This bill also repeals the gas and special fuel tax indexing, effective in 2012 and 2013, and it also fixes an issue that the MDOT was having with motor vehicle registration fees from inhabitants of certain island communities, that those funds are redirected now towards the Maine State Ferry Service.

I stand in total support of this. We had, for the first time I think in a while, we had a 13-0 unanimous Ought to Pass as Amended Report. I really would like to thank the former chair of the committee and the minority lead of the committee, Representative Mazurek, for his hard work. It is a great thing to be able as a chair of a committee to have sitting to your immediate left the most recent former chair of that committee, his institutional knowledge. You know, when I think about the Transportation Committee and the work that we've done in this session, when you add up the institutional knowledge and the experience on that committee, I think it adds up to about 75 or 78 years of Transportation Committee experience, and that experience, with being able to look back at the history of the Highway Fund, being able to look at the needs for the Department of Transportation, for the Secretary of State's Motor Vehicle, for the State Police, that kind of institutional knowledge is priceless and it's just a fantastic benefit for the people of the State of Maine. Longtime members of that committee – Representative Hogan and Representative Peoples and Representative Rosen – have been just fountains of information and it has been just such a pleasure to be able to lead that group in this session.

I need to just thank Commissioner – well, first I need to thank the Secretary of State for the work that he is doing. Motor Vehicles, they've been able to fix some of the issues that we have had a long-term problem with, six-year and five-year driver's licenses all sort of piling up at one time, and they've gotten things implemented that former Secretary of State Dunlap had started. So there has been a seamless transition there and there has been good work all along as far as Motor Vehicles and getting that wait time at Motor Vehicles' agencies down to just about 20 minutes. It's a fantastic thing. Former Secretary of State Dunlap started that and current Secretary of State Summers is continuing that work, and we're just continually looking to improve that system.

Commissioner Bernhardt over at MDOT, with this budget, has committed to doing what needs to be done, doing more with the resources that we have available. The people over at MDOT, you know, I had mentioned that we are eliminating 59 vacant positions. The MDOT has reduced its size every year in the last, as far as I can remember, three bienniums and this is just a continuation of that streamlining of MDOT. They do a fantastic job over there. Commissioner Bernhardt has made that commitment and it has just been great experience getting this budget a unanimous Ought to Pass out of committee and the work that the committee has done. I thank every member of the

committee. This is an Emergency Enactor so I'm going to request a roll call, Mr. Speaker, and I thank you again.

Representative CEBRA of Naples **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

Representative **MAZUREK**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I appreciate the kind words that the Representative from Naples has said. It was a rather long difficult task to come up with the highway budget. It's very important to note, I believe, that the highway budget is vital to the economic development and maintenance of our economic system here in Maine, whether it's highways, whether it's the ferry service, whether it's the bridges. We talk about the pillars of economic development. I think one of them has to be our transportation system. It's also a jobs driver because coming up after we pass the transportation budget, contracts will go out to a number of private contractors for roadwork, bridgework, whatever else has to be done to maintain our roads. Thousands of people will be put to work because of the Highway Fund. However, there are some concerns I would like to talk about.

One of them, I think, is the doing away with the indexing. Now this is a steady source of revenue. I know it's a tax that many people complain about, but it does provide an ample source of revenue for the state to maintain its MST projects. For example, in the year 2012, we're going to lose about \$3 million, in 2013, about \$8 million, and part of the loss will be you'll see some deterioration in our snowmobilers, in our snow trails, our boating activities. If we maintain this doing away with indexing, over the next eight years we would lose approximately one and a half times the highway budget. So it's a lot of money that has to be made up somewhere. Now we're going to make it up somehow because it costs money to maintain our infrastructure. So we're going to do away with one tax and we're going to tax something else. We're going to increase fees, we're going to do some other things. If you want to have good roads you're going to have to pay for them and I think we have to realize that fact. Nobody is going to make these roads magically improve. We take a break from paying for them, we take a break from maintaining them for a year or six months, the winter comes, the spring comes and the roads continue to deteriorate. There is no question about that. They do not take a holiday. They do not improve on their own.

Another factor is the use of the TransCap Trust Fund. This is a fund that was established to take and use as a basis for long-term capital projects with a life of over 10 years. Now we're taking \$4.2 million of that and we're going to put it into MST, short-term projects, life that has about five to seven years. So we're taking and we're going to borrow money for 10 years to do something that's only going to last five years. It doesn't make sense. It's not good fiscal policy.

The other concern I have as being a member of the Transportation Committee for seven years is this year I don't see any transportation bonds. What happens, if we don't have a transportation bond, we don't have a bond for our bridges, we're running out. We've got about \$55 million left. I think we can fix one bridge for that in our bridge account. We have four major bridges and when I mean major bridges, bridges are classified and these are the highest classification that are in very, very dire straits. We're going to have to do that if we want to avert a major tragedy or tragic accident in the future. So, yes, we've worked hard. We passed the budget, we're going to create jobs this summer, but don't forget these concerns. Don't think that next

year when your people begin to call and say "What can we do?" we're going to be all right in 2012, probably 2013, but it's the future that I'm concerned about. It's the future. So again, I want to thank the committee for their hard work in putting together this year's budget, but please do not put aside the concerns I've just mentioned. Thank you very much.

The **SPEAKER**: The Chair recognizes the Representative from Old Orchard Beach, Representative Hogan.

Representative **HOGAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I do agree with most everything that's been said here, but the major problem that we have in Transportation is sustainable funding. We've lost indexing, there was some sustainable funding there. We've lost less money through TransCap. The commitment by the second floor to new bonding, less federal money, less General Fund money, we have a real money problem. This year we were able to do just 63 miles of reconstruction. That's a pitiful number for the amount of mileage that we have in this state, so I have to agree with Representative Mazurek on his statements. But through it all, we did get through it and I do have to commend Representative Cebra and Senator Collins for their leadership. We thank them. They were very respectful of all committee members and I know that we do appreciate that. Thank you, Mr. Speaker.

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

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

ROLL CALL NO. 200

YEA - Ayotte, Beaulieu, Beavers, Beliveau, Bennett, Bickford, Black, Blodgett, Briggs, Burns DC, Burns DR, Cain, Casavant, Cebra, Chapman, Chase, Clark H, Clark T, Clarke, Cornell du Houx, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dill J, Dow, Driscoll, Duchesne, Dunphy, Eberle, Edgecomb, Espling, Eves, Fitts, Fitzpatrick, Flemings, Flood, Fossel, Foster, Gifford, Gilbert, Gillway, Graham, Guerin, Hamper, Hanley, Harmon, Harvell, Haskell, Hayes, Herbig, Hogan, Hunt, Innes Walsh, Johnson D, Johnson P, Kent, Keschl, Knapp, Knight, Kruger, Lajoie, Long, Longstaff, Luchini, MacDonald, Maker, Malaby, Maloney, Martin, Mazurek, McCabe, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Nelson, Newendyke, O'Connor, Olsen, Parker, Parry, Peoples, Picchiotti, Pilon, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Rioux, Rochelo, Rosen, Rotundo, Sanborn, Sanderson, Sarty, Shaw, Sirocki, Stevens, Strang Burgess, Theriault, Tilton, Timberlake, Treat, Turner, Tuttle, Valentino, Volk, Wagner R, Waterhouse, Weaver, Webster, Welsh, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

NAY - Beaudoin, Berry, Boland, Bryant, Chipman, Goode, Harlow, Kumiega, Lovejoy, Morrison, Peterson, Russell.

ABSENT - Beck, Bolduc, Carey, Celli, Dion, Fredette, Hinck, Kaenrath, Libby, O'Brien, Stuckey, Wintle.

Yes, 126; No, 12; Absent, 12; Vacant, 1; Excused, 0.

126 having voted in the affirmative and 12 voted in the negative, 1 vacancy with 12 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

Expression of Legislative Sentiment Recognizing Marc Solomon Korobkin, of Portland

(HLS 570)

TABLED - June 15, 2011 (Till Later Today) by Representative HASKELL of Portland.

PENDING - **PASSAGE**.

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

Representative **HASKELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. This young man is here today and he is somebody that if you get a chance to speak to, you will enjoy meeting. I always like it when people describe someone as "seemingly serious and quiet" because you know underneath that boils some real passion for ideas, for education, and for things that he truly cares about, and Marc is a wonderful example of that kind of dedication in his life to affect change.

He has been, besides being the valedictorian of a school with very high standards, he is currently captain of three of their important academic clubs at Portland, the math team which should be enough of a challenge, but also the Academic Decathlon and the Future Business Leaders of America, where he also serves as their state level secretary. He was a student representative to the Family Living Advisory Board, a group of professionals who review the sexuality curriculum at the high school level, and last year he was one of the few students selected by the staff to attend a summer program called Democracy In Action, the 10-day experiential learning seminar focused on the legislative process, no less, where the students studied and debated bills into law. Marc has also been an active participant in Key Club for four years, is a peer tutor for math in his last two years.

Besides this academic excellence he has also received the Harvard Book Award, which is a very prestigious award, and last year as a junior he was inducted into the National Honor Society. Outside of school he has worked for the last three years at a hotel and after experiencing the death of an elderly family friend, Mark started volunteering his time at a Meals on Wheels program last summer, and he has been a Jewish Community Alliance volunteer for the last four years. Here is a bright down-to-earth motivated active individual and I would suggest that, ladies and gentlemen, we do well to remember the name Marc Korobkin because I believe that we're going to see a lot of this young man as time goes on, and I offer my congratulations on his status as valedictorian of his class. Thank you, Mr. Speaker.

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

Expression of Legislative Sentiment Recognizing Mikhaila Rose Fogel, of Portland

(HLS 568)

TABLED - June 15, 2011 (Till Later Today) by Representative HASKELL of Portland.

PENDING - **PASSAGE**.

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

ENACTORS

Emergency Measure

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to

the Proper Operations of State Government for the Fiscal Years Ending June 30, 2011, June 30, 2012 and June 30, 2013

(H.P. 778) (L.D. 1043)

(H. "A" H-636 and S. "H" S-324 to C. "A" H-620)

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

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

Representative **ROTUNDO**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Those of us who have had the privilege of serving on Appropriations this session felt like we were completing a marathon when we voted the budget out last Thursday night and I ask your patience with me as I thank some of those people who helped us to get to the finish line. This was a particularly difficult and challenging budget and there are many people who deserve appreciation.

First I want to thank all my colleagues on the committee whose dedication, hard work, and patience enabled us to work through the differences that often existed among us. Committee members, Democrats and Republicans, gave one another the benefit of the doubt when the going got tough as we worked through one enormous challenge after another. All committee members displayed an abundance of good will over the past months and for that I'm truly grateful.

I want to thank all of those people who supported us and guided us with our work, people like House staff member Bill Brown and caucus members who encouraged us, who shared their policy expertise with us, and who sometimes even fed us meals.

I want to thank you, Mr. Speaker, and the Representative from Orono, Representative Cain, for your support and the faith that you all had in us by leaving us alone to do our work. I am grateful to the Revisor's Office, Sandy Matheson and her staff at MePERS, and I especially want to thank Grant Pennoyer and his fabulous staff at OFPR whose expertise, professionalism and graciousness were critical to our work. Staff like Chris Nolan were invaluable to us as we worked weekend after weekend and late night after late night. Our stellar principal analyst, Maureen Dawson, was always so helpful and always had a smile on her face, regardless of the fact that she has been totally sleep deprived over the past few weeks and has been working under enormous pressure.

Finally I want to thank my good colleague from the other body, the Senator from York, Senator Hill, and especially our Appropriations chairs, the Senator from Hancock, Senator Rosen and the Representative from Winthrop, Representative Flood, for their exemplary leadership and for their patience, respect, and for forbearance shown to us throughout the last five months. The thoughtfulness, kindness, courage and integrity displayed by the Representative from Winthrop, Representative Flood, as he demonstrated to honoring the committee process brought us to where we are today.

When the Appropriations Committee started working on this budget more than four months ago, the common wisdom in the State House was that we would never be able to achieve a bipartisan, unanimous budget. If there is a message to the amended bill before you, it is that the process works when it is honored and allowed to run its course. Our weeks of listening to the public, the deliberations and input from the Legislative Oversight Committees, the weeks of lively and respectful discussion within the Appropriations Committee and the give and take among the members all helped us to accomplish the impossible.

You see it before you, a budget which comes a long way from

the Chief Executive's original proposal. Our caucus was particularly concerned with keeping our promise to our public employees in the budget and maintaining a safety net for our most vulnerable in the state – the elderly and the disabled, those in the greatest need. You see our caucus imprint in these areas in the budget. You see the changes we were able to make to the pension proposals and we are proud of the restorations we made to the Fund for a Healthy Maine and programs like Drugs for the Elderly and MaineCare Buy-In program, which serves thousands and thousands of our elderly throughout the state. We would have liked to have done even more around the pensions and we would have liked to have made changes to the tax package by sending more money back to our local communities for property tax relief, but this is a 2/3 budget and we knew we couldn't get everything we wanted.

There are parts of this budget that some of us like more than others. All Appropriations Committee members advocated strongly for the concerns and values of their caucuses, knowing that eventually we would need to find constructive ways to resolve our differences and we did that. Our committee didn't have the luxury of not compromising and not voting out a budget. Failure was not an option for us, just as it is not a realistic option for us today. Failure is also not an option for the people of Maine and so I hope you will join us in supporting LD 1043 as amended. Thank you, Mr. Speaker.

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

Representative FLOOD: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I appreciate the kind words of the Representative from Lewiston, Representative Rotundo. It is a distinct honor to serve with her. Regarding this bill, I did want to thank the kind people and hardworking people at OFPR. I also wanted to be sure we thanked the Democrat and Republican leaders in both bodies for their patience and for their guidance when we needed it. Also all members of this chamber and the other body had a great deal of influence on this process and I think if you look at it carefully you'll see your stamp is on this budget bill as well. Of course I want to thank my colleagues on the Appropriations Committee, I can't possibly thank you enough, and also the good Commissioner for DAFS, Commissioner Millett, a good friend and a hardworking gentleman who helped us throughout this process and I want to be particularly sure that I note that he helped us a lot at the end. I especially want to say thanks to the Senator from Hancock, Senator Rosen. Those of you who may not have worked with him closely over the years, I want to be sure you know he is a man of outstanding intellect, understanding and a strong sense of purpose. It is a distinct honor to work beside him in Room 228.

I think when people work together in a trusting environment, in an empowering atmosphere, anything is possible and as the Representative from Lewiston said, we did need that to help us get through this to a unanimous support.

I think the people of Maine have very high expectations of us – and it's rightfully so – and it's our duty to deliver results and I hope the results of this budget meet your needs and also the needs of the people.

The people expect us to put aside partisanship and to solve problems. I hope the results that we brought in this budget indicate our strong willingness to do just that – to work together to solve problems. I also earnestly hope that our efforts here please the Executive Branch. We hope that our unanimous work facilitates their leadership of our state.

I could not be prouder of the people I work with here, Republicans, Democrats, Independents, and I wish to thank them

all again for their leadership, everyone in this body, and wish you all a good summer.

In closing I did want to say "Let's not do this again right away...that would be great..." Thank you, Mr. Speaker, and thank you very much Ladies and Gentlemen of the House. Mr. Speaker, I request a roll call.

Representative FLOOD of Winthrop **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

Representative CAIN: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise to support enactment of LD 1043, the biennial budget for Fiscal Years 2012 and 2013. Mr. Speaker, for the first time since the early nineteen seventies House Democrats negotiated this budget from a minority position.

Personally, I have now helped to work and balance the budget as a member of the Appropriations Committee, as House Chair of the Appropriations Committee, and now as Minority Leader in the House. All three biennial budgets that I have been fortunate to participate in have come to this floor with a unanimous committee vote and that makes me very proud to serve in this body.

This time was different, though, for us as House Democrats, because the values of our caucus and of our party, as Democrats, were not easily discernable in the initial budget document, as proposed more than 5 months ago by the Chief Executive. We found the size and structure of the tax package out of sync with the needs of Maine's economy. We found the cuts and initiatives in the Department of Health and Human Services dangerous and harmful to Maine's most vulnerable. And we felt promises to our public employees and retirees with fixed incomes were in jeopardy and the impact was too great on their limited family budgets.

But our values were reflected in the process, they were reflected in the transparent and thorough process established and ably led by the Representative from Winthrop and the Senator from Hancock. They were reflected in the hours and weeks of public hearings when people came from every corner of this state to express the impact they feared from the initial proposals. They were reflected in the thorough and transparent work sessions of the committee. And they are reflected in the budget before us today.

Though as House Democrats we still have concerns about the future implications, the tax package has changed in size and scope to have a greater benefit to Maine people and Maine companies. The changes in Health and Human Services increase accountability in safety net programs while maintaining support for the elderly, the disabled, and the working poor. And promises are being kept to our public employees – who work hard every day to ensure that our children are taught, are roads are cared for, and the vital services of state government continue to work for the people of Maine. We owe our current and retired public sector employees our thanks and gratitude, and I am pleased that all of the most harmful proposals to their pensions and healthcare were removed during the budget process.

I want to thank the Representative from Lewiston, Representative Rotundo, the Representative from Eagle Lake, Representative Martin, the Representative from Freeport, Representative Webster, and the Representative from Bangor, Representative Stevens, for so ably representing our caucus positions on so many tough issues. I also want to thank my

friend, the Representative from Winthrop, Representative Flood and his entire "team" on the Appropriations Committee. I commend and thank all those whose work and dedication during the process led to this outcome.

And to you, Mr. Speaker, I thank you for sharing my philosophy of leadership and the budget – "if they need us, they'll call us, and we'll be there to hang on the rail and watch the final vote."

This session has been different for House Democrats in many ways, but what this budget and today's vote demonstrate is that despite political changes, some forms of consistency are possible and desirable. When the process is consistent, and the process is respected, a unanimous product and a bipartisan vote will follow.

The best work we do, we do together. I am honored to be a part of this kind of process. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Madison, Representative Curtis.

Representative CURTIS: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. On behalf of the Republican caucus and all of us in the 125th, we want to take this time to extend our appreciation to the Representative from Winthrop, Representative Flood, and the good Representative from Lewiston, Representative Rotundo, and their fellow Appropriations Committee members on carrying out an awesome responsibility of delivering to this body LD 1043. Their commitment in time and in patience went well beyond their call of duty. Our appreciation needs to be extended not only to each of them, but to the family members that shared their time, allowed them to share their time with us here in this chamber. So thank you members of the committee, each one of you.

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

Representative MARTIN: Thank you, Mr. Speaker. Mr. Speaker, Members of the House. First I want to also thank the Representative from Winthrop, Representative Flood, and other members of the Appropriations Committee for the work of achieving this goal. I also want to take this opportunity to thank Republican leadership who made the decision not to go to a majority budget and to make the decision that we could accomplish a two-thirds budget before the end of this session. It was the right decision and I'm really pleased that that decision was made. As a person who has also in the previous served as a member of the minority on the Appropriations Committee in the '60s, I want to point out that the work isn't much different, whether you serve in the minority or the majority, because in both sides, if you're going to achieve a budget, it has to be by two-thirds vote and there has to be a give and take both ways.

In addition, I want to thank the person who served on Appropriations many years ago, the Commissioner of DAFS, who was our advisor through this and was, when I was a member of the Appropriations Committee many years ago, when he was a member of the Legislature. So our thanks go to everyone who participated and my belief that the job was done. None of us got what we wanted fully, but I believe in the end we have a budget that can serve the people of Maine.

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

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

ROLL CALL NO. 201

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Beliveau, Bennett, Berry, Bickford, Black, Boland, Burns DR, Cain, Cebra,

Chapman, Chase, Clark H, Clark T, Clarke, Cornell du Houx, Cotta, Cray, Crockett, Curtis, Cushing, Damon, Dill J, Dow, Driscoll, Duchesne, Dunphy, Eberle, Edgecomb, Espling, Eves, Fitts, Fitzpatrick, Flemings, Flood, Fossil, Foster, Gifford, Gillway, Graham, Guerin, Hamper, Hanley, Harmon, Harvell, Haskell, Hayes, Herbig, Hogan, Hunt, Innes Walsh, Johnson D, Johnson P, Kaenrath, Keschl, Knapp, Knight, Kruger, Kumiaga, Lajoie, Libby, Long, Longstaff, Luchini, MacDonald, Maker, Malaby, Martin, Mazurek, McCabe, McClellan, McFadden, McKane, Morissette, Morrison, Moulton, Nass, Nelson, Newendyke, O'Connor, Olsen, Parker, Parry, Peoples, Picchiotti, Pilon, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Rioux, Rochelo, Rosen, Rotundo, Sanborn, Sanderson, Sarty, Shaw, Sirocki, Stevens, Strang Burgess, Theriault, Tilton, Turner, Tuttle, Valentino, Volk, Wagner R, Waterhouse, Weaver, Webster, Welsh, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

NAY - Blodgett, Briggs, Bryant, Burns DC, Casavant, Chipman, Crafts, Davis, Gilbert, Goode, Harlow, Kent, Lovejoy, O'Brien, Peterson, Russell, Stuckey, Timberlake, Treat.

ABSENT - Bolduc, Carey, Celli, Dion, Fredette, Hinck, Maloney, Wintle.

Yes, 123; No, 19; Absent, 8; Vacant, 1; Excused, 0.

123 having voted in the affirmative and 19 voted in the negative, 1 vacancy with 8 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

Reference was made to Bill "An Act To Allow a Student Attending Private School Access to Public School Cocurricular, Interscholastic and Extracurricular Activities"

(H.P. 662) (L.D. 903)

In reference to the action of the House on June 16, 2011 whereby it Insisted and Joined in a Committee of Conference, the Chair appointed the following members on the part of the House as Conferees:

Representative PICCHIOTTI of Fairfield
 Representative McCLELLAN of Raymond
 Representative CASAVANT of Biddeford

COMMUNICATIONS

The Following Communication: (H.C. 205)

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

June 15, 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 following Joint Standing Committee has voted unanimously to report the following bills out "Ought Not to Pass":

Appropriations and Financial Affairs

L.D. 141 An Act To Increase the Retirement Age for New State Employees to 65 Years of Age

L.D. 181 An Act To Promote Fiscal Transparency in State Government

L.D. 542 An Act To Ensure Retirement Benefits for Members of the Maine Public Employees Retirement System

- L.D. 1133 An Act To Reform the Maine Public Employees Retirement System
 L.D. 1304 An Act Pertaining to Retirement Benefits for State Legislators

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

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

READ and ORDERED PLACED ON FILE.

**REPORTS OF COMMITTEE
 Divided Reports**

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-240)** on Bill "An Act To Restore Equity in Education Funding"

(S.P. 395) (L.D. 1274)

Signed:

Senators:

LANGLEY of Hancock
 MASON of Androscoggin

Representatives:

EDGECOMB of Caribou
 JOHNSON of Greenville
 MAKER of Calais
 McCLELLAN of Raymond
 McFADDEN of Dennysville
 RANKIN of Hiram

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

Signed:

Senator:

ALFOND of Cumberland

Representatives:

RICHARDSON of Carmel
 LOVEJOY of Portland
 NELSON of Falmouth
 WAGNER of Lewiston

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (S-240)** Report.

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-240) AS AMENDED BY SENATE AMENDMENT "A" (S-273)** thereto.

READ.

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

Representative CAIN of Orono **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 Greenville, Representative Johnson.

Representative **JOHNSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is a bill that I would like to go over some of the background on. This funding mechanism that supports the allocation of EPS funding has a long and storied history and it's important to understand how we got to where we are. The model was enacted in the 121st Legislature, LD 1924, in 2004 and was amended by the 122nd Legislature in LD 1 in 2005.

The purpose of the funding formula and the distribution of those funds was to provide adequate funds for programs and services for all students to meet the Maine Learning Results. The formula is a complex formula and uses over 25 variables in the categories of: School Personnel, Supplies and Equipment, Specialized Services, District Services, Resources for Specialized Student Populations and School Level Adjustments.

The variables were developed by a study group under the guidance of the State Board of Education and are reviewed and modified by the Education Committee based on analysis from MEPRI, a research organization of the University of Southern Maine. Several assumptions and variables of the EPS formula are arbitrary and based on educational expert opinion.

Examples are: the model school size was based on the average of existing schools (K-8 and 9-12) leading to a one size fits all model. The Regional Salary Index is one of the most controversial aspects of the model. That was calculated by averaging the teacher salaries in 35 regional areas. The result is they were calculated at a point in time and locked in the factor that salaries are multiplied by in the EPS formula. This was done at the beginning of the EPS and has not been updated. The effect is to provide a lower recognized subsidy for school districts that had low salaries for teachers forever. Its relationship to the relative cost of living or even labor costs in general is only coincidental. The Regional Salary Index varies from .84 to 1.09. Equally arbitrary variables are for the economically disadvantaged and small and isolated schools.

What do some of the professional organizations have to say about this formula? The Maine School Management Authority reviewed EPS at its 10-year anniversary in June 2009. I would like to read some of the comments from that report: "What it isn't is a representative model of how to fund small schools in rural areas." "It treats school funding in a rural state under the assumption that one size fits all. The model inadequately addresses the unique features of the state."

Even one of the key authors says it doesn't cover the wide range of courses, like advanced placement, designed to challenge all students. If you're talking about a comprehensive program, it does not define that.

Many believe that the EPS formula was hijacked in 2005 in LD 1 to serve as a spending cap. It was never intended to serve that purpose.

There is much public misunderstanding of EPS and the variation of state aid to school districts varies greatly from about 6% for minimum receivers to as high as 82%.

Is school funding fair? A national group issued a report in September 2010. The title is "Is School Funding Fair? A National Report Card." It was done by scholars from Rutgers University and the Educational Law Center. Some of their conclusions are: Maine gets an A for funding level. We do a good job relative to our income in supporting schools. It gets a D for funding distribution. The authors of that report looked at funding levels of school districts in four groups of 0% poverty, 10% poverty, 20% poverty, 30% and above poverty. Maine ranked near the bottom nationally in distribution of funding with the amount spent per student decreasing in each group from 0%

poverty level to the 30% and above poverty level. Maine's High/Low rating is 85% compared to the highest rated states, those that distribute a larger amount of funding to economically disadvantaged. The leaders are Utah at 151% and New Jersey at 140%.

Last Month, Scott Porter, Superintendent of East Machias, presented an example of winners and losers using Department of Education sources. I want to give you a couple of examples. These examples are not meant to say that winners didn't deserve that or losers didn't deserve that. They are only examples of what has occurred. In the winner category: Yarmouth, 116% increase in four years. Cumberland, 95%; Brewer, 62%; Windham, 61%. Among the losers: Jonesport, 95%; Greenville, 80%; Damariscotta, 76%; Steuben, 67%. That just gives you an idea of what has happened, not the rationale for why it happened. It should be noted that the EPS formula is complex and all cases of inconsistent or unfair treatment in the distribution of state aid are not described by my comments today. The EPS formula and distribution of state aid desperately needs an independent review of how to modify it for all school districts. I have the word of the Commissioner of Education that he is highly in favor of that effort.

LD 1274 is a modest change that would redistribute less than 0.7% of GPA to school districts that have seen severe decline in state GPA under EPS. It is implemented in school year 2012-2013 when 19 million new dollars are added to GPA so no school district is projected to lose subsidy based on LD 1274. LD 1274 will make the following adjustments: A 10% adjustment to the staffing levels of teachers and support staff for school administrative districts of less than 1,200 students. This addresses the staffing requirements of smaller school districts caused by the one size fits all assumption of the EPS formula. It does not apply the dreaded labor market factor to the benefits cost for each SAU. SAU costs are consistent across the state so it doesn't make any rational sense to apply a factor of 0.84 in some of our poorest districts to reduce that calculation. Benefits costs across the state are basically consistent. It provides minimum subsidy provisions for school administrations that have economically disadvantaged populations greater than the state average. This addresses some of the funding distribution problems identified in the report "Is School Funding Fair? A National Report Card."

Ladies and gentlemen, this is a modest change that helps some of our most disadvantaged school districts in Maine. It does not fix all the problems in school funding. We will consider other initiatives to do that important work. I urge everyone to support LD 1274. It is the right thing to do. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Harrington, Representative Tilton.

Representative TILTON: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the pending motion. I want to just tell you a little bit about the school districts in the area that I live in and how the EPS funding formula as it's currently designed has affected my local districts, well, my two local districts and my nine towns and how we've dealt with it. The two complete school districts in my House District are the Moosabec CSD and SAD 37. The Moosabec CSD is comprised of the towns of Jonesport and Beals Island. These towns are obviously very small. The people who live there year-round are clambers, fishermen, they dig worms for a living, but they have a lot of waterfront. I would say that this is probably a good time to remind people that waterfront property does not directly equate into ability to pay. Only money in your pocket indicates ability to pay and the Jonesport area is 60 percent of state median income. Sixty percent, that's almost half of the

median income in the state, and yet they are a minimum receiver under the current funding formula. Last I checked they got about \$30,000 for a special ed, but it is a very small amount and so those two small communities that are 60 percent of state median income are paying for their schools almost 100 percent from the taxes raised on local citizens. They are just sucking it up and paying it because they feel so strongly that they want to keep their schools intact.

Secondly is SAD 37. This is actually the school district that I am a product of. My two children finished school from SAD 37. There are six towns in that district, five of them are coastal. There are about 730 students in SAD 37. The largest town in the district has about 1,200 people, the smallest has about 400. Four times schools in our district have been recognized as Title I distinguished schools, so even though we're small, we do a good job. Our high school, Narraguagus, has fewer than 300 students; all six towns send to that school. So I think you will agree with me that this is a small district doing quite well academically with not a lot to work with.

When the EPS funding formula went into effect, I think it was about 10 years ago now, we lost a million dollars from our budget overnight. Bang, a million dollars gone. I don't know how a million dollars just being taken from your budget affects school districts elsewhere in the state, but I can tell you, for us, it was a bad, bad day. We have since then lost funding every year, meaning every year when the numbers come out we get less money than we got the year before. Now some people may think, well, you rural areas, you've got way too much money, more than you needed, more than you deserved, you were wasteful, you probably should have been smarter with your money, you should have been more thrifty, but listen to what our district has done as a result of these funding reductions just in the last couple of years. Our budget reductions from '08 and '09 to 2010 and 2011, we reduced our budget by another \$682,000, our local taxes to pay for education increased by \$614,000, while the state allocation decreased by \$768,000 in order to fund a budget that was \$584,000 less than the previous year. We got less state subsidy in 2010 and 2011 than we received 21 years ago. Now it was actually more than 21 years ago when I was a student in that school district, but I can tell you we didn't have that many more students then than we do now. So this is really a big net decrease. We closed Columbia Falls Elementary School in 2009 and 2010. Five out of our six towns had their own elementary schools, now four have their own elementary schools. The school board actually voted to close another of our local schools in 2009 and 2010, but the citizens of Cherryfield, whose population is, I don't know, maybe around 1,000, voted to keep that school open and use local funding to do it. We reduced the teaching force by seven teachers in the year 2010 and 2011. We reduced from five full-time elementary principals to 1.29. I don't know who the .29 is, but I imagine they have four or five other jobs as well. But we had five elementary school principals and we now have fewer than two. We reduced from two full-time high school administrators to 1.5. We reduced central office staff by one assistant superintendent and a half of a receptionist. Our total reduction of elementary positions is 28. Our high school positions were reduced by 9.5. Total staff reductions is over 40. This is the real kicker for me. We reduced from 45 elementary classroom teachers to 28. That's a 40 percent reduction. Now I was never very good at math. We had good math teachers; I was not good at math. But this is almost half, isn't it? We have reduced our teaching staff by almost half as a direct result of the accumulation of the effect of the EPS funding formula on my district.

Will LD 1274, as it's presented here, restore our funding or

solve all of our problems? No, but it will provide a little relief and is a modest bit of progress toward a fair and equitable funding formula. Thank you, Mr. Speaker.

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. What this legislation does, it recognizes that small schools cannot hope to achieve the economy of scale that larger schools do for their support staff, so it applies a 10 percent reduction to pupil/staff ratios for all SAUs with less than 1,200 pupils. It provides a slight increase for a minimum subsidy district with a high percentage of economically disadvantaged students, greater than the average percentage of free and reduced lunch. It states that the labor market adjustment will not be applied to benefit costs because, unlike salaries which do reflect to some degree the cost of living in an area, benefits like health insurance are essentially the same cost across the state and should not be weighted by cost of living formulas. These changes will not impact next school year budget. These conditions would not be put in place until fiscal year '12-'13. When 19 million new dollars are added to K-12 education in fiscal year '13, all districts in the state will gain subsidy or remain unchanged using current fiscal year data. If local conditions change valuation and student populations, districts could lose subsidy or gain more subsidy than projected. If enacted, this bill will shift between \$6 million and \$7 million to rural Maine.

I need to talk a little bit about Calais because I know some are going to bring this forth and claim that Calais gets 80 percent of their costs paid for by the State of Maine. That would be wonderful. The City of Calais would love that, and if you could do it soon, it would be really, really good. But what you need to know also is that Calais pays for the vocational education program for the city of Eastport and Baileyville. They pay no money into that, so we get refunded. We have a large population called Children's Project of special education students in Calais and that in itself is costing us additional funds. We also have debt service in Calais. A question came up about consolidation. Calais did way before this, consolidated three buildings to two buildings. We moved our seventh and eighth graders with our high school and we moved our fifth and sixth graders with our elementary school. We've consolidated. We've dropped art and music which is the love of my life and it kills me every time I have to say this, and as a city councillor I used to say to them all the time, you know, you need to put this back in, but there is no funds. Our kids are hurting because we are not receiving the funds to help educate our kids. Thank you.

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

Representative **WAGNER**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, and my Colleagues from Downeast and my Colleague from Greenville. It would be flip to say I feel your pain. I don't, but I understand your pain I'm pretty sure. My concern is as the Representative from Greenville had stated, the commissioner and most of us on the committee, maybe all of us on the Education Committee, want EPS independently evaluated and that should happen very soon. As a result, it seems to me, we should wait until this independent evaluation takes place before playing with the formula, even though the cause is just. The \$19 million that would be so wonderful to have, I wonder if it will be around in 2013? I hope it is. But in any case, I think we need to wait on this despite the good cause. Thank you, Mr. Speaker.

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

Representative **McFADDEN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Representative Johnson explained this pretty much to the detail that we need to be listening to, but I still have a few more points I want to make. First of all, this is a bipartisan bill. This is not one side of the aisle versus another. This is to partially correct the EPS funding formula. It won't correct it, but it will partially correct it. It's not one part of the state versus another part of the state. It's only about SAUs with less than 1,200 students.

What does it do? It reduces some pupil/staff ratios by 10 percent. For example, it reduces students in the library from 800 to 720, media assistants from 500 to 400, help from 800 to 750, guidance from 250 to 225 and I can keep going on. But this is very critical to the smaller schools around the state because they don't have the population in the schools to meet these ratios. It recognizes smaller schools cannot hope to achieve the economy of scale that larger schools do for the staff, so that it must apply a 10 percent reduction to pupil/staff ratios with less than 1,200 students. These changes will help some, but it's not the complete answer to the flawed EPS funding formula.

The second part of it reduces the reasonable salary adjustment for teachers and other school level staff. It states that the labor market adjustments will not apply to benefit costs because, unlike salaries which do reflect to some degree the cost of living in the area, benefits like health insurance are essentially the same costs across the state and they should not be used in the formula. It also shows the labor markets across the state, the 35 regions across the state, which range from 84 percent to 109 percent, and it depends on the employment in the area. Let me give you an example of a labor market salary of regional adjustment. Not in my district, but we have two towns on the St. Croix River in Washington County. I'm going to name the towns Perry and Robbinston, they are in the same district and Perry is in the 84 percent regional labor market and Robbinston is in the 96 percent. Now when they send in the April 1st and October 1st enrollments for students and so forth and so on to run it through the EPS funding formula, and when they pay their central office staff and so forth and so on, the line 15 on your 279 shows your regional adjustment and Perry receives 84 percent back of the state average. Robbinston receives 96. Now you see they are paying out the same amount basically for the central office, for teachers and so forth and so on, and they are next door to each other. The towns are almost identical. They are approximately the same size and have approximately the same evaluation, but the markets are really, really messed up.

I just want to read a few of the labor market areas across the state so you can see where you fall. First of all, Lewiston and Auburn, they're in .98, so they are a little bit less than the average. Norway and Paris, .94. And by the way, this is from the Department of Education. This isn't something that's been made up like some of the figures that we've been looking at. Stonington, .95. Augusta, .95. Waterville, .97. Bucksport, .94. Jonesport, .84. Machias, .84. Bangor, 1.02. That means they receive two percent above the average. Now this is the stickler. Out of Bangor is .89, the towns surrounding. I think it's like Levant and maybe Veazie and I'm not sure just what towns outside, but the people from Bangor know. Lincoln, 86 percent. Rumford, 93. Ellsworth, 93. Dexter, 93. Patten, 88. Millinocket, 88. Houlton, 86. Greenville, 95. Presque Isle, 90. Up in the northern part, Van Buren, Fort Kent and Madawaska is 99. I think you can do it to the Fraser paper mill up there. But now Portland is 1.08. They receive 8 percent more. Now if I was representing Portland, I wouldn't vote for this bill because I don't want to lose 8 percent. But if I lived in one of those districts

where it's less than 1, I certainly would be supporting it because it would help me as far as the labor market goes.

Okay, the other piece is increased GPA to minimum receivers. The high property valuation is a problem. I also have another piece from the Education Department. I'm taking another town that's not in my district, it's Lubec, and I think probably a lot of you know what happened to Lubec two years ago. Let me just tell you what their valuation was in 2005. It was \$99 million. In 2011, it was \$171 million. So you see the great increase and the main reason is Lubec is like three peninsulas. There is Lubec itself, it's a peninsula. North Lubec is a peninsula. South Lubec is a peninsula. It's all waterfront and that's what's happened to the valuation. Their GPA from the state two years ago or three years ago was over \$600,000. Today it's around \$35,000. It's so bad that they had to close their high school a year ago and transport the kids 30 or 35 miles on the bus, and it's also so bad today that they are thinking about closing their elementary school. Now can you imagine busing kindergarten and first graders and second graders 30 or 35 miles every day? I can't and I'm sure no one in here would want this to happen. Now if an SAU has ocean frontage, lake frontage or river frontage, any water frontage, it increases the peninsula valuation. That's what has happened to Lubec. It has also happened to Jonesport and it has also happened to Eastport. It has happened and I'm sure there are towns down the coast that I don't know about that the same thing has happened to. This increased valuation, in turn, greatly lessens your GPA due to the increased fiscal capacity of the municipality. Minimum receivers' above average economically disadvantaged students will see a slight increase in the GPA and the economical advantage, as we know, are students that are on free and reduced lunch.

Some final thoughts. EPS was designed to meet Maine's Learning Results, so all students in the state receive the same education. We know that's not happening because we don't have the extra dollars to put in education that some of the other more fortunate do. We saw a set of numbers awhile back, a week or two ago, that I disagreed with but maybe they were correct, I don't know, but it showed the GPA, the amount the state sends out to the towns, and it also shows the GPA the towns must raise and that's all it shows. It's not a true picture because what happens is the state tells you how much GPA you are going to get from the state and then the other figure they had on there was how much you must raise. You must raise that much locally to get the full amount from the state. But there is also, in order to run your district, your SAUs, you have to raise additional local and that's what was left out. That's why Representative Maker is talking about the 80 percent. As a matter of fact, that also shows Dennysville at 80 percent. But I've been on the school board there for years and years and years and I had my own figures, not my own, the board figures. I knew that was just a little bit off. Since \$19 million new dollars will be infused in GPA for fiscal year 2012, all SAUs will receive an increase. Some will receive a lot more. These minimum receivers and the less fortunate districts with less wealth will see more. My understanding, there is around \$6 million that would flow and this is only approximately one half of 1 percent of the total amount for GPA for the year 2012. The property-rich and wealth-poor areas should gain under this, so the gap will lessen some, and the ability to pay, that's the key, the ability to pay is not really a coastal valuation. It's the ability to pay. If you have a town on the coast and there is no business there, it's just a town itself and some of these towns don't even have a store. They don't have a garage, they don't have anything. That needs to be taken into consideration.

Okay now the other thing, the DOE testified for and fully support LD 1274 and they recognize the formula doesn't work for

rural Maine. Now it was just mentioned by my good friend Representative Wagner that there was an independent study coming up. I believe the Education Committee has recommended that they use \$600,000 for an independent study. It wouldn't be done by the Department of Education. It wouldn't be done by MEPRI, David Silvernail and his crew from southern Maine, the University of Southern Maine. We hear that this study, why pass this bill, why don't we wait for the study? Well, let me ask you a question. When the school regionalization formula came into effect, are we waiting and waiting and to fix that? We've been fixing that piece by piece by piece ever since it became law and we're still fixing it and it's still not perfect and it will probably never be perfect. So we need to pass this piece of legislation now. This is the first piece of it and then we can do the study and go on from there and do what we need to make this right for all of Maine. Thank you, Mr. Speaker.

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

Representative BURNS: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The good thing about waiting your turn in the queue is that everything has been said. The bad thing about being first is you might get it wrong. I will try not to bore you with much more detail. I don't think we have a corner on the market on this side of the aisle with that, but we can hold our own. The issue here, in my opinion, and you've heard it over and over again and we hear it about a lot of other bills, is fairness.

I appreciate the fact that the good Representative from Lewiston, Representative Wagner, said that he really couldn't feel the pain. He could understand it because he is absolutely right. He can't feel the pain. I can't even feel the pain and I live right next door to the town of Lubec and I've talked about that several times to you folks. I'm going to mention it one more time, Representative McFadden just mentioned it, the fact that they had to close their school down after losing almost all of the \$600,000 in subsidy. It wasn't because of mismanagement. It wasn't because of a lot of other factors that people will throw at you. The fact was that they just couldn't afford to keep the schools open. Imagine 75 people turning out to that last school board meeting having to make that difficult decision, many of them leaving the place crying because they were losing their high school after all of these years. Here we are coming up in July with the 200th anniversary of the town of Lubec, the year before they lose their high school and there is a threat of losing their grammar school. As I said last night, I just asked you to think about that, how devastating that is.

Eastport is facing some of the same situations because, as the Representative said, one has three peninsulas and the other one is an island, Eastport losing over 65 percent of their state funding in the last several years. How do you make up those losses? That's why I say this is a matter of fairness. It's not a matter of mismanagement. They work with what they have. It's not the fault of the city of Eastport or the folks in Lubec or the rest of the coastal towns that you've heard from or folks in Greenville, that their property values have skyrocketed. It's not their fault. It's all about who's willing to come in and pay for those properties. People from out of state, well-to-do Mainers. It's nobody's fault the property is for sale. If they want to come in and buy it, there goes your property value ratings. But with some of the highest unemployment rates in the state, Washington County has very little to meet that demand with, especially in the communities of Lubec, Trescott, Machiasport, Cutler where I represent. So again, we think it's about fairness.

We're talking about a \$19 million stipend here that's going to help provide some equity across the state. We think if you folks

are willing to pass this bill, it's a start. Only about \$6 million of that is going to be used to meet some of these unmet needs in these rural communities. But I just want to keep reemphasizing it's not about mismanaging. It's a matter of making the very best that you can out of what you have to work with. People who go out and work every day, work several jobs trying to pay their taxes, trying to keep their schools open, but because of what we see and what you've heard over and over again, at least for the last three years that I've been here, an inequitable funding formula causing small schools, rural schools, coastal schools to face a deficit they just can't cope with and having to close down their schools. Maybe some of them need to be closed, maybe they don't. The point is when your school closes and you have very little else in your community, what's next? When you have to send your high school kids 35 to 40 miles one way to another school and then you have to consider the possibility of sending your grammar school kids the same distance, those are pretty difficult issues to face. I hope people haven't made their mind up hard and fast about this. I hope they've been listening this morning.

Again, some of these things have to be said, some of these facts have to be presented. I realize or I guess I would say I'm glad this is happening during the daylight hours. Even though I look around, there is no hockey game, there's only about half of us here, I hope those of you that are here are listening and have an open mind. These are really important issues that we're talking about, extremely important issues. It's not about the haves and have nots, it's about the fairness situation. Every kid in this state deserves an opportunity to have a good education, whether it's in a charter school, a private school, a public school, it doesn't matter to me. What matters is they all have to have the same opportunity. People enjoy going Downeast on the coast seeing the beauties that we have, and I appreciate that. The more that come, the merrier, as far as I'm concerned. Spend the winter there, eke out a living, see what it's like. They have what they have because they work hard, not because somebody gives them something that they don't deserve. This is a fairness issue. I just implore you to consider that and I would ask you to follow my light and vote to support this. Thank you very much, Mr. Speaker, and Ladies and Gentlemen of the House.

The SPEAKER: The Chair recognizes the Representative from Palermo, Representative Harmon.

Representative **HARMON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in favor of the pending motion. Currently, Mr. Speaker, the EPS regional salary cost indexing includes health insurance benefits for staff members across the state. Although salaries may vary across the state, health benefits do not. Hence this would be only 84 percent of the cost to Washington County or 95 percent of those costs to Somerset is unfairly underfunding the districts for costs that are equal across the state. LD 1274 removes the cost of benefits from this calculation helping more rural parts of Maine pay for these very necessary benefits.

Currently, Mr. Speaker, the EPS formula utilizes two-year old state property value data to determine the distribution of funds for schools. As property values change, sometimes significantly, either up or down, this one-year snapshot doesn't actually reflect the current ability to pay of the local school units. LD 1274 allows school units to use a three-year average of property values to determine their ability to pay or their two-year-old values, whichever is lesser. Much like our averaging student enrollment data to try to account for shifting populations, this allows for an averaging of property values which also accounts for shifting values. Overall, it helps to mitigate the pendulum effect to some

and/or it helps to mitigate large swings of property values allowing assessments to catch up.

Currently, Mr. Speaker, the EPS funding formula takes Title I funds from each local school unit. These funds are distributed based upon a formula at the Federal Government level and brings those funds into the formula as a state contribution, essentially subtracting those funds from our allocations. Some would argue that this is more than accounted for by including Title I teachers in the salary matrixes. However, that only works if you spend the majority of your funds on Title I teachers. Many rural schools do not. Instead they spend their funds on educational technicians or on supplies, equipment and on professional development, none of which are accounted for within the EPS. Title I funds are supposed to be distributed directly to school units accounted for within EPS. Title I funds are supposed to be distributed directly to the school units from the Federal Government based upon their formulas. EPS should stay out of it. LD 1274 removes the Title I calculation from EPS in its entirety, also removing Title I teachers from the ratio calculations so Title I funds can flow directly to school units as they are intended to do.

In conclusion, Mr. Speaker, LD 1274 ultimately does this: One, it allows school systems using three averages of state values versus the one snapshot year that is two years behind that is used now. Two, it allows a larger per pupil amount to be calculated for economically disadvantaged students. Three, it allows school systems that are under 1,200 to get a 10 percent reduction in the ratio calculations. Four, it allows Title I funds to be removed from the EPS funding allocation. Currently the state uses federal funds within the EPS formula. Five and lastly, it allows health benefits to be removed from the regional salary cost indexing calculations. Health benefits cost the same cost to the state regardless of where you live. Thank you, Mr. Speaker. If a roll call hasn't been requested, I request that the yeas and nays be taken.

The SPEAKER: A roll is already in order. The Chair recognizes the Representative from Deer Isle, Representative Kumiega.

Representative **KUMIEGA**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. As a school committee member I've been arguing inequities of the EPS formula since it was first proposed. EPS has been bleeding the life out of small rural schools since its inception. I honestly didn't think this body could enact legislation more harmful to small rural schools until the school consolidation came along. Some have referred to this bill as spreadsheet politics, where members decide their votes based solely on the effect LD 1274 will have on schools in their district. I ask members to vote based on what's right, not what's politically right. Thank you, Mr. Speaker.

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

Representative **CHAPMAN**: Thank you, Mr. Speaker. Mr. Speaker, Colleagues and Friends of the House. Half a dozen years ago I did a detailed analysis of the effect of the EPS funding formula. I was an outspoken critic of it because it could show that the effect the EPS funding formula had at that time and for every year after that was to move money from the small schools to larger schools, whether that was the intent or not the intent.

The only other comment I'd like to make is to second the comment of my colleague from Deer Isle, Representative Kumiega, who I think very clearly points out that the benefit to this statewide policy is not merely the sum of the benefits to each of our local areas. I'd like to point out that seven years ago when

I was doing this detailed analysis, the EPS funding formula had a very, very minor effect in my home town, but I recognized that it would have a devastating effect to some of my neighbors and other areas of the state. I think that that's the important point here. We have to recognize that people around the state are all our neighbors and we need to look out for all of their welfare. 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 apologize for rising twice, but I wanted to make one comment in regard to Representative Wagner's comments. I appreciated them very much and they were accurate. I am committed with whatever time I have left in this world to change the EPS funding formula. However, I recognize it is not a near-term task. We should all understand the difficulty of changing that because no matter what you do to change it, there are winners and losers. So it is not a simple thing to do. The best possible is three years out, the best possible, and I'm not sure how long I'm going to live, but I'm going to try to change that with whatever time I have left.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Edgecomb.

Representative **EDGECOMB**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is for real. You're lucky, Mr. Speaker. I could go on for a considerable amount of time on the EPS formula and we definitely would miss lunch, but I just want to make one point. This is not scientific, but it's a result of working in Aroostook County in education and working in Washington County. But students that leave and move out of Washington County and Aroostook County have a tendency when they leave to go to Bangor and places south, and I'm sure that if you live in those cities and towns in southern Maine that you would like to have intelligent young people move into your community. When students, my observation is also when they leave Portland they don't usually move to Aroostook County or move to Washington County, they leave the State of Maine. So you educate them and they leave. We educate them and we send them to you. Please keep that in mind.

The SPEAKER: The Chair recognizes the Representative from Veazie, Representative Parker.

Representative **PARKER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We're hearing very little today from those who actually gain out of the EPS formula. As you know, I represent Bangor and standing up and speaking in favor of this motion basically could suggest that I want to take money away from my city. The \$19 million that is being added is additional money. We're going to get the money we would have received and now we're going to get some additional. It's not a reduction in what we get by getting less than we'd like to get, but I think this is a fairness situation because it's about time we did something for the smaller communities. We've had a lot of debate here today from the small communities trying to survive and we've heard little, if anything, from the big communities who now can take advantage, because if we leave it as it is and we study it, we can keep that money in the big communities. That's not what we should be looking at. We should try to be fair. This is an opportunity to take \$19 million out of nearly \$1 billion worth of money to tweak it a little bit to help some of these small communities survive. I think it's time we support this motion. I think then as a body we should look at this EPS formula. It's going to be a long difficult battle to get those who have to give to those who haven't, but that has to be done in the future. This is just a short-term solution to help maybe a few small communities and I think we have to support this motion.

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. 202

YEA - Ayotte, Beliveau, Bennett, Black, Blodgett, Briggs, Burns DC, Cebra, Chapman, Chase, Clark H, Clark T, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dow, Duchesne, Dunphy, Edgecomb, Espling, Fitts, Fitzpatrick, Flemings, Flood, Fossel, Foster, Gifford, Gilbert, Gillway, Guerin, Hamper, Hanley, Harmon, Harvell, Hayes, Johnson D, Johnson P, Keschl, Knapp, Knight, Kumiega, Libby, Long, Luchini, MacDonald, Maker, Malaby, Maloney, Martin, McClellan, McFadden, Morissette, Moulton, Nass, Newendyke, Parker, Parry, Peterson, Picchiotti, Rankin, Richardson D, Richardson W, Rioux, Rosen, Sanderson, Sarty, Theriault, Tilton, Treat, Turner, Waterhouse, Weaver, Willette A, Willette M, Winsor, Mr. Speaker.

NAY - Beaudoin, Beaulieu, Beavers, Beck, Berry, Bickford, Boland, Bolduc, Bryant, Burns DR, Cain, Carey, Casavant, Chipman, Clarke, Cornell du Houx, Dill J, Driscoll, Eberle, Eves, Goode, Graham, Harlow, Haskell, Herbig, Hogan, Hunt, Innes Walsh, Kaenrath, Kent, Kruger, Lajoie, Longstaff, Lovejoy, Mazurek, McCabe, McKane, Morrison, Nelson, O'Brien, O'Connor, Olsen, Peoples, Pilon, Plummer, Prescott, Priest, Rochelo, Rotundo, Russell, Sanborn, Shaw, Sirocki, Stevens, Strang Burgess, Stuckey, Timberlake, Tuttle, Valentino, Volk, Wagner R, Webster, Welsh, Wood.

ABSENT - Celli, Dion, Fredette, Hinck, Wintle.

Yes, 81; No, 64; Absent, 5; Vacant, 1; Excused, 0.

81 having voted in the affirmative and 64 voted in the negative, 1 vacancy with 5 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. Committee Amendment "A" (S-240) was **READ** by the Clerk.

Senate Amendment "A" (S-273) to Committee Amendment "A" (S-240) was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-240) as Amended by Senate Amendment "A" (S-273) thereto was **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED** as Amended by Committee Amendment "A" (S-240) as Amended by Senate Amendment "A" (S-273) thereto in concurrence.

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

CONSENT CALENDAR

First Day

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

(S.P. 353) (L.D. 1153) Bill "An Act To Regulate the Bonded Indebtedness of the State" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-317)**

(H.P. 1076) (L.D. 1467) Bill "An Act To Improve Timely Access to Health Care Data" (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-655)**

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

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

(H.P. 1089) (L.D. 1480) Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-656)**

On motion of Representative NASS of Acton, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (H-656)** was **READ** by the Clerk.

On motion of Representative NASS of Acton, Joint Rule 311 was **SUSPENDED** for the purpose of offering an amendment.

The same Representative **PRESENTED House Amendment "A" (H-657) to Committee Amendment "A" (H-656)**, which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-656) as Amended by House Amendment "A" (H-657) thereto was **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-656) as Amended by House Amendment "A" (H-657)** thereto and sent for concurrence.

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

ENACTORS

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Schedule for Redistricting

(H.P. 387) (L.D. 494)

(C. "A" H-76; H. "B" H-565)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being a Constitutional Amendment, a two-thirds vote of the House being necessary, a total was taken. 132 voted in favor of the same and 7 against, and accordingly the Resolution was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Assist Persons Who May Be Eligible for Social Security Disability Assistance

(H.P. 737) (L.D. 1001)

(C. "A" H-619)

An Act To Amend the Maine Medical Use of Marijuana Act To Protect Patient Privacy

(H.P. 951) (L.D. 1296)

(C. "A" H-615)

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (H-617)** - Minority (5) **Ought Not to Pass** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Impose a Lifetime Maximum on the Receipt of Welfare Benefits"

(H.P. 1114) (L.D. 1511)

TABLED - June 15, 2011 (Till Later Today) by Representative **STRANG BURGESS** of Cumberland.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

Representative **STRANG BURGESS** of Cumberland moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

The **SPEAKER**: The Chair recognizes the Representative from Cumberland, Representative **Strang Burgess**.

Representative **STRANG BURGESS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This was a bill that was passed through our committee and it has been sitting on the table because it has been included in the budget. Since we have now passed the budget, we no longer need this bill. Thank you.

Subsequently, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

The **SPEAKER**: The Chair recognizes the Representative from Augusta, Representative **Maloney**, who wishes to address the House on the record.

Representative **MALONEY**: Thank you, Mr. Speaker. If I had been present, I would have voted on LD 494, I would have voted yes. If I had been present on LD 1043, I would have voted no. I ask that the record would reflect that.

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

The House recessed until 2:00 p.m.

(After Recess)

The House was called to order by the Speaker.

BILLS RECALLED FROM GOVERNOR

(Pursuant to Joint Order - House Paper 1181)

An Act To Allow Retired Dentists To Obtain a License To Practice in Nonprofit Clinics

(H.P. 1155) (L.D. 1573)

(C. "A" H-397)

- In House, **PASSED TO BE ENACTED** on June 3, 2011.

- In Senate, **PASSED TO BE ENACTED** on June 3, 2011.

On motion of Representative **PRESCOTT** of Topsham, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENACTED**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED**.

The same Representative **PRESENTED** House Amendment "A" (H-658) which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Topsham, Representative Prescott.

Representative **PRESCOTT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just a brief explanation, this is a bill that came out of the LCRED Committee, "An Act To Allow Retired Dentists To Obtain a License To Practice in Nonprofit Clinics." It was a unanimous report and all this amendment does is reduce the fee for a limited biennial license and renewal of a limited biennial license from \$200 to \$75. Thank you.

Subsequently, House Amendment "A" (H-658) was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by Committee Amendment "A" (H-397) and House Amendment "A" (H-658) in **NON-CONCURRENCE** and sent for concurrence.

(Pursuant to Joint Order - House Paper 1182)

Resolve, To Study the Cost of Providing Behavioral Health Care and Substance Abuse Services

(H.P. 711) (L.D. 967)

(C. "A" H-424)

- In House, **FINALLY PASSED** on June 3, 2011.

- In Senate, **FINALLY PASSED** on June 6, 2011.

On motion of Representative STRANG BURGESS of Cumberland, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Resolve was **FINALLY PASSED**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Resolve was **PASSED TO BE ENGROSSED**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby Committee Amendment "A" (H-424) was **ADOPTED**.

The same Representative **PRESENTED** House Amendment "A" (H-663) to Committee Amendment "A" (H-424) which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Cumberland, Representative Strang Burgess.

Representative **STRANG BURGESS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to briefly explain to you what this amendment does. This is also another unanimous report from the Health and Human Services Committee. What this bill does is change the report back date for the information to the State of Maine, to the Department of Health and Human Services, from March 2012 to June 2012. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Gorham, Representative Sanborn.

Representative **SANBORN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This Resolve was once again a unanimous vote of approval out of committee. The purpose was to save money in our health care system by preventing patients with behavioral health or substance abuse issues to avoid unnecessary emergency room visits. We know that about 30 percent of these patients could be seen and treated safely in a more cost-effective way and with better quality in an outpatient setting. We know other states have better systems and are looking for a better model in our state to base our changes on. It is indeed exceedingly difficult for me to understand how it is that the Chief Executive doesn't want to make an effort to find efficiencies in the system sooner rather than later. If it had not been for the tremendously hard work with the House Democrats on Appropriations and Health and Human Services, along with an incredibly hardworking and brilliant advocates for the needy, sick, our children and our elders, we would not have been able to find and save revenue in this new biennial budget to allow us to afford many of the safety net programs we rescued from the Chief Executive's budget proposal. This was the right thing to do. LD 967 is an attempt to do more of that good work. I am sorry that our Chief Executive is not able to recognize this. I hope the Legislature will. Thank you.

The Chair ordered a division on the motion to **ADOPT** House Amendment "A" (H-663) to Committee Amendment "A" (H-424).

A vote of the House was taken. 62 voted in favor of the same and 57 against, and accordingly House Amendment "A" (H-663) to Committee Amendment "A" (H-424) was **ADOPTED**.

Committee Amendment "A" (H-424) as Amended by House Amendment "A" (H-663) thereto was **ADOPTED**.

The Resolve was **PASSED TO BE ENGROSSED** as Amended by Committee Amendment "A" (H-424) as Amended by House Amendment "A" (H-663) thereto in **NON-CONCURRENCE** and sent for concurrence.

(Pursuant to Joint Order - House Paper 1183)

Resolve, To Improve Communication Regarding and the Coordination of Care for Children Who Are Prescribed Antipsychotic Medications

(H.P. 476) (L.D. 646)

(C. "A" H-408)

- In House, **FINALLY PASSED** on June 3, 2011.

- In Senate, **FINALLY PASSED** on June 6, 2011.

On motion of Representative STRANG BURGESS of Cumberland, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Resolve was **FINALLY PASSED**.

On further motion of the same Representative, the Resolve and all accompanying papers were **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES** in **NON-CONCURRENCE** and sent for concurrence.

(Pursuant to Joint Order - House Paper 1184)

An Act To Improve Preventive Dental Health Care and Reduce Future Avoidable Costs

(H.P. 826) (L.D. 1114)

(C. "A" H-501)

- In House, **PASSED TO BE ENACTED** on June 7, 2011.
 - In Senate, **PASSED TO BE ENACTED** on June 7, 2011.

On motion of Representative STRANG BURGESS of Cumberland, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENACTED**.

On further motion of the same Representative, the Bill and all accompanying papers were **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES** in **NON-CONCURRENCE** 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.

SENATE REPORT - Ought to Pass as Amended by Committee Amendment "A" (S-305) - Committee on INSURANCE AND FINANCIAL SERVICES on Bill "An Act To Further Improve Maine's Health Insurance Law"

(S.P. 515) (L.D. 1580)

- In Senate, Unanimous **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-305)**.

TABLED - June 15, 2011 (Till Later Today) by Representative CURTIS of Madison.

PENDING - ACCEPTANCE OF COMMITTEE REPORT.

Subsequently, on motion of Representative CURTIS of Madison, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** in **NON-CONCURRENCE** and sent for concurrence.

Bill "An Act To Provide an Income Tax Credit for Logging Companies That Hire Maine Residents"

(S.P. 100) (L.D. 338)

- In Senate, Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

TABLED - June 10, 2011 (Till Later Today) by Representative CUSHING of Hampden.

PENDING - ADOPTION OF COMMITTEE AMENDMENT "A" (S-41).

Representative MARTIN of Eagle Lake moved that **Committee Amendment "A" (S-41)** be **INDEFINITELY POSTPONED**.

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

Representative **MARTIN**: Thank you, Mr. Speaker. Committee Amendment "A" was actually the amendment that was put on by the minority, since the original proposal from the committee was Ought Not to Pass on the bill itself. So this motion would kill the proposal that had been put forth by the minority, and after this point, hopefully, give the bill its Second Reading and then I will offer a House Amendment to the bill.

Subsequently, **Committee Amendment "A" (S-41)** was **INDEFINITELY POSTPONED**.

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

Representative MARTIN of Eagle Lake **PRESENTED House Amendment "B" (H-339)**, which was **READ** by the Clerk.

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

Representative **MARTIN**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House. What basically the amendment does is that it reverses the process by which there would be a credit. The credit would be on the fuel that is used in the logging industry. It would apply to anyone who is in the business itself. There is a limit placed on it as well. Frankly, I'm pleased that it's been around as long as it has. It gave me an opportunity to work with the other members of the other body and I believe we have agreement pretty much as to whether or not it's a viable option. I'd ask the members to appreciate and vote for the present amendment.

Representative CURTIS of Madison moved that **House Amendment "B" (H-339)** be **INDEFINITELY POSTPONED**.

Representative MARTIN of Eagle Lake **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-339)**.

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

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

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in opposition to the pending motion and I do so because I think it's only right and just that we provide a tax credit on fuel for commercial forestry, similar to what we have just extended in the budget as recently as yesterday to commercial fishing.

Fishing, farming and forestry are Maine's three great legs of our natural resources stool, our traditional economy. This bill would allow one leg of that stool to be significantly stronger. Please vote against the Indefinite Postponement. Thank you.

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

Representative **MARTIN**: Thank you, Mr. Speaker. Much has been said to members of the House about wanting to help people in the wood industry in northern Maine. This allows that opportunity because what it does basically is to allow for a credit on the fuel that is used in the woods industry. It's actually critical that we have some ability to provide some deduction, some ability to people who are trying to earn a living in northern Maine. So I would urge you to vote against the motion to Indefinitely Postpone.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "B" (H-339). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 203

YEA - Beaulieu, Bennett, Bickford, Black, Burns DC, Burns DR, Cebra, Chase, Cotta, Crafts, Cray, Curtis, Cushing, Damon, Dow, Dunphy, Espling, Fitts, Flood, Fossil, Foster, Gillway, Guerin, Hamper, Harmon, Johnson D, Johnson P, Keschl, Knapp, Knight, Maker, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Newendyke, O'Connor, Olsen, Parker, Parry, Picchiotti, Plummer, Prescott, Richardson D, Richardson W, Rioux, Rosen, Sarty, Sirocki, Strang Burgess, Tilton, Timberlake, Volk, Waterhouse, Weaver, Winsor, Wood, Mr. Speaker.

NAY - Ayotte, Beaudoin, Beavers, Beck, Beliveau, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Casavant, Chapman, Chipman, Clark H, Clark T, Clarke, Cornell du Houx, Davis, Dill J, Dion, Driscoll, Duchesne, Eberle, Edgecomb, Eves, Fitzpatrick, Flemings, Gifford, Gilbert, Goode, Graham, Hanley,

Harlow, Harvell, Haskell, Hayes, Herbig, Hogan, Hunt, Innes Walsh, Kaenrath, Kent, Kruger, Kumiega, Lajoie, Long, Longstaff, Lovejoy, Luchini, MacDonald, Maloney, Martin, Mazurek, McCabe, Morrison, Nelson, O'Brien, Peoples, Peterson, Pilon, Priest, Rankin, Rochelo, Rotundo, Russell, Sanborn, Sanderson, Shaw, Stevens, Stuckey, Theriault, Treat, Turner, Tuttle, Valentino, Wagner R, Webster, Welsh, Willette A, Willette M.

ABSENT - Celli, Crockett, Fredette, Hinck, Libby, Malaby, Wintle.

Yes, 60; No, 83; Absent, 7; Vacant, 1; Excused, 0.

60 having voted in the affirmative and 83 voted in the negative, 1 vacancy with 7 being absent, and accordingly the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-339) FAILED.**

Subsequently, **House Amendment "B" (H-339) was ADOPTED.**

Subsequently, under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "B" (H-339) in NON-CONCURRENCE** and sent for concurrence.

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

HOUSE DIVIDED REPORT - Majority (9) Ought to Pass as Amended by Committee Amendment "A" (H-629) - Minority (4) Ought Not to Pass - Committee on TAXATION on Bill "An Act To Promote Fair and Efficient Resolutions in Tax Disputes"

(H.P. 1010) (L.D. 1371)

TABLED - June 15, 2011 (Till Later Today) by Representative KNIGHT of Livermore Falls.

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

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

The Bill was **READ ONCE. Committee Amendment "A" (H-629) was READ** by the Clerk.

Representative KNIGHT of Livermore Falls **PRESENTED House Amendment "A" (H-660) to Committee Amendment "A" (H-629), which was READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Livermore Falls, Representative Knight.

Representative KNIGHT: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill and the amendment to which I speak eliminates the current appellate division within the Department of Administrative and Financial Services, Bureau of Revenue Services, and replaces it with an independent appellate office. The bill changes provisions relating to the position of taxpayer advocate...

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Berry, and asks why the Representative rises.

Representative BERRY: Thank you, Mr. Speaker. Point of Order. I believe the debate right now is focused on the amendment only.

On **POINT OF ORDER**, Representative BERRY of Bowdoinham asked the Chair if the remarks of Representative KNIGHT of Livermore Falls were germane to the pending question.

The SPEAKER: The Representative will attempt to confine his remarks to House Amendment "A."

The Chair reminded Representative KNIGHT of Livermore Falls to stay as close as possible to the pending question.

Representative KNIGHT: Thank you, Mr. Speaker. I will attempt to do that. The amendment that I have placed is an effort to eliminate the fiscal note that was once attached to the original motion. The amendment essentially changes language. It uses the word "hires" instead of "appoints." It essentially, as I said, eliminates all references to the manner in which a person that would be appointed to the appellate process in the Department of Maine Revenue Services, the manner of pay. Apparently here in the State of Maine, if one is appointed or one is elected to a position, it changes the process. I frankly have had a hard time understanding why that is the case, but working on this last night at great length, I filed a series of amendments and the bottom line is this amendment gets us to a point where we can eliminate the fiscal note.

This amendment also, I would point out, has been put in to help the Maine taxpayer, so that if they do have a conflict with the department, they can have an independent review of any dispute they might have with the department. That's not the case now and this amendment really permits the passage of the bill so we can get to that position. I understand that there may be some opposition to this bill. The opposition will come from a party, I believe, who is a sponsor of the bill...

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

Representative BERRY: Thank you, Mr. Speaker. We've just heard numerous references again to the bill. I do want to ask that we observe the rules of this chamber and restrict our comments to the amendment, which, as I understand it, simply relates to the fiscal note and a way to reduce that. Thank you, Mr. Speaker.

On **POINT OF ORDER**, Representative BERRY of Bowdoinham asked the Chair if the remarks of Representative KNIGHT of Livermore Falls were germane to the pending question.

The SPEAKER: The Chair would ask the Representative to confine his remarks to House Amendment "A."

The Chair reminded Representative KNIGHT of Livermore Falls to stay as close as possible to the pending question.

Representative KNIGHT: I apologize, Mr. Speaker. I will do my very best to try to explain the fiscal note. That doesn't make a lot of sense unless you understand the underlying motion and I believe the objector knows that's the situation and hence the reason for the continued objections. So I will sit down.

The SPEAKER: The Chair will allow enough leeway for you to tie the fiscal note to the bill itself.

Representative KNIGHT: Well, then let me attempt again to tie the fiscal note to the bill. We all know here in Augusta all bills that come before us quite often carry a fiscal note. This particular fiscal note is a positive fiscal note. It is positive to the extent of about \$15,000 a year. The reason for that, as I said, is we've changed some of the language in the underlying bill, so we use the word "hire" instead of "appoint." If we had a fiscal note, the underlying bill is dead on the arrival at the table, probably, because there was a lack of funding. So the amendment has essentially been placed on this bill to bring it to fruition and that's really all I have to say until we hear objections and I will be glad to speak to them. Thank you, Mr. Speaker.

Subsequently, **House Amendment "A" (H-660) to Committee Amendment "A" (H-629) was ADOPTED.**

Committee Amendment "A" (H-629) as Amended by House Amendment "A" (H-660) thereto was ADOPTED.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-629) as Amended by House Amendment "A" (H-660)** thereto and sent for concurrence.

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

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

COMMUNICATIONS

The Following Communication: (H.C. 206)
**SENATE OF MAINE
125TH LEGISLATURE
OFFICE OF THE PRESIDENT**

June 16, 2011

The Honorable Heather J.R. Priest
Clerk of the House
2 State House Station
Augusta, Maine 04333
Dear Clerk Priest:

In reference to the action of the Senate on June 14, 2011 in which it Insisted and Asked for a Committee of Conference on L.D. 204, "An Act Regarding the Membership of the Midcoast Regional Redevelopment Authority Board of Trustees" (S.P 54) I am pleased to appoint the following as conferees on the part of the Senate:

Senator Jonathan T.E. Courtney of York
Senator Nichi S. Farnham of Penobscot
Senator Stanley J. Gerzofsky of Cumberland

Please contact my office if you have any questions regarding these appointments.

Sincerely,
S/Kevin L. Raye

President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 207)

**SENATE OF MAINE
125TH LEGISLATURE
OFFICE OF THE PRESIDENT**

June 16, 2011

The Honorable Heather J.R. Priest
Clerk of the House
2 State House Station
Augusta, Maine 04333
Dear Clerk Priest:

In reference to the action of the Senate on June 15, 2011 in which it Insisted and Asked for a Committee of Conference on L.D. 903, "An Act To Allow a Student Attending Private School Access to Public School Cocurricular, Interscholastic and Extracurricular Activities" (H.P 662) I am pleased to appoint the following as conferees on the part of the Senate:

Senator Brian D. Langley of Hancock
Senator Garrett P. Mason of Androscoggin
Senator David R. Hastings of Oxford

Please contact my office if you have any questions regarding these appointments.

Sincerely,
S/Kevin L. Raye
President of the Senate

READ and ORDERED PLACED ON FILE.

CONSENT CALENDAR

First Day

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

(H.P. 627) (L.D. 830) Bill "An Act To Establish a Debt Limit for the State" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-665)**

(H.P. 1168) (L.D. 1583) Bill "An Act To Provide Oversight in Certain Negotiations" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-662)**

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

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

ENACTORS

Emergency Measure

An Act To Allow Table Games at a Facility Licensed To Operate Slot Machines on January 1, 2011

(H.P. 1044) (L.D. 1418)
(C. "A" H-522)

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

On motion of Representative DAMON of Bangor, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-522)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "B" (H-659)** to **Committee Amendment "A" (H-522)** which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-522) as Amended by **House Amendment "B" (H-659)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-522)** as Amended by **House Amendment "B" (H-659)** thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

Acts

An Act To Encourage Transparency in the Department of Education

(S.P. 158) (L.D. 566)
(S. "A" S-315 to C. "A" S-300)

An Act To Change the Campaign Contribution Limits

(S.P. 260) (L.D. 856)
(S. "A" S-220; S. "B" S-297)

An Act To Restore the Health Care Provider Tax to 6 Percent

(H.P. 752) (L.D. 1016)
(C. "A" H-649)

An Act To Amend the Maine Consumer Credit Code To Conform with Federal Law

(S.P. 415) (L.D. 1338)
(C. "A" S-311)

An Act To Extend Employment Reference Immunity to School Administrative Units

(H.P. 1030) (L.D. 1402)

An Act To Establish the Maine Wild Mushroom Harvesting Certification Program

(S.P. 436) (L.D. 1407)
(C. "B" S-306)

An Act To Fully Enfranchise Voters

(H.P. 1087) (L.D. 1478)
(H. "B" H-654 to C. "A" H-508)

An Act To Reduce Energy Prices for Maine Consumers

(S.P. 501) (L.D. 1570)
(S. "A" S-310 to C. "A" S-272)

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

Acts

An Act Related to Authorization of GARVEE Bonds

(S.P. 353) (L.D. 1153)
(C. "A" S-317)

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

An Act Regarding Labor Contracts for Public Works Projects

(S.P. 378) (L.D. 1257)
(S. "C" S-318 to C. "A" S-254)

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

On motion of Representative CAIN of Orono, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

On motion of Representative CUSHING of Hampden, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned. (Roll Call Requested)

An Act To Restore Equity in Education Funding

(S.P. 395) (L.D. 1274)
(S. "A" S-273 to C. "A" S-240)

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

On motion of Representative CAIN of Orono, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

On motion of Representative CUSHING of Hampden, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned. (Roll Call Requested)

ORDERS

On motion of Representative COTTA of China, the following Joint Order: (H.P. 1187)

ORDERED, the Senate concurring, that Bill, "An Act To Protect Legislative Intent in Rulemaking," H.P. 426, L.D. 543, and all its accompanying papers, be recalled from the Governor's desk to the House.

READ and PASSED.

Sent for concurrence.

ENACTORS

Emergency Measure

Resolve, To Authorize the State To Acquire a Landfill in the Town of East Millinocket

(S.P. 500) (L.D. 1567)
(H. "A" H-635 to C. "A" S-282)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 105 voted in favor of the same and 27 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

ORDERS

On motion of Representative CURTIS of Madison, the following Joint Order: (H.P. 1188)

ORDERED, the Senate concurring, that when the House and Senate adjourn, they do so until Tuesday, June 28, 2011. The House will convene at 9:00 in the morning and the Senate at 10:00 in the morning.

READ and PASSED.

Sent for concurrence.

On motion of Representative STRANG BURGESS of Cumberland, the following Joint Order: (H.P. 1189)

ORDERED, the Senate concurring, that Bill, "An Act To Clarify the Responsibilities of the Maine Developmental Services Oversight and Advisory Board," H.P. 827, L.D. 1115, and all its accompanying papers, be recalled from the Governor's desk to the House.

READ and PASSED.

Sent for concurrence.

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

On motion of Representative CURTIS of Madison, the House adjourned at 6:08 p.m., until 9:00 a.m., Tuesday, June 28, 2011 pursuant to the Joint Order (H.P. 1188).