

# MAINE STATE LEGISLATURE

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

**Daily Edition**

**Second Regular Session**

January 4, 2012 – May 31, 2012

pages 1084 - 1604

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE  
SECOND REGULAR SESSION  
42nd Legislative Day  
Wednesday, April 4, 2012

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

Prayer by Pastor Charles L. Kelley, Unionville Church of God, Steuben.

National Anthem by Thad Zmistowski, Old Town.

Pledge of Allegiance.

Doctor of the day, Russell DeJong, M.D., Belgrade.

The Journal of yesterday was read and approved.

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

**COMMUNICATIONS**

The Following Communication: (H.C. 354)

**STATE OF MAINE  
DEPARTMENT OF AUDIT  
66 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0066**

Letter of Transmittal

The Honorable Kevin L. Raye

President of the Senate

The Honorable Robert W. Nutting

Speaker of the House

The Honorable Paul R. LePage

Governor of Maine

I am pleased to submit the Single Audit of the State of Maine for the fiscal year ended June 30, 2011. This audit was conducted in accordance with Government Auditing Standards, issued by the Comptroller General of the United States; the requirements of the Single Audit Act Amendments of 1996; and the Office of Management and Budget Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations. Our audit complies with 5 M.F.S.A. §243 and is a prerequisite for the receipt of federal financial assistance, which was \$3.6 billion during fiscal year 2011.

This document contains the following reports and schedules:

This document contains the following reports and schedules:

- Independent Auditor's Report
- Basic Financial Statements, Management's Discussion and Analysis, Notes to Financial Statements, and Required Supplementary Information
- Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance With Government Auditing Standards
- Independent Auditor's Report on Compliance With Requirements That Could Have a Direct and Material Effect on Each Major Program and on Internal Control Over Compliance in Accordance With OMB Circular A-133
- Schedule of Expenditures of Federal Awards
- Schedule of Findings and Questioned Costs
- Financial Statement Findings
- Indexes to Federal Program Findings
- Federal Findings, Questioned Costs and Corrective Action Plan

- Summary Schedule of Prior Audit Findings

On behalf of the Maine Department of Audit, I thank employees throughout Maine government who have assisted us during our audit. I know that we all work to improve financial reporting and accountability for our citizens and our State.

Please contact me if you have questions or comments about the 2011 Single Audit of the State of Maine.

Respectfully submitted,

S/Neria R. Douglass, JD, CIA

State Auditor

March 30, 2012

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

**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

Major Paul Bisulca, Jr., of the United States Marine Corps, presently living in Arlington, Virginia, and a member of the Penobscot Nation, who was honored by the 26 member tribes of the United South and Eastern Tribes, for his significant achievements as a Native American veteran in the United States Marine Corps. Major Bisulca is a Marine helicopter pilot with Marine Squadron One (HMX-1), where he currently is assigned for Presidential Support Flight Services. He is one of an elite group of pilots who rotate daily to fly the President of the United States. Major Bisulca has participated in 2 combat tours in Iraq, where he carried and proudly displayed the flag of the Penobscot Nation. The flag now hangs in a place of honor in the Penobscot Tribal Chief and Council Chambers. We send our appreciation to Major Bisulca for his dedicated service to the military, to the Penobscot Nation, to the State and to the Nation. We extend our congratulations to him on his receiving this significant honor;

(HLS 1090)

Presented by Representative MITCHELL of the Penobscot Nation.

Cosponsored by Senator SCHNEIDER of Penobscot, Representative DILL of Old Town.

On **OBJECTION** of Representative MITCHELL of the Penobscot Nation, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Penobscot Nation, Representative Mitchell.

Representative **MITCHELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today as a proud Representative for the Penobscot Nation and it's a privilege for me to recognize, once again, one of our young people from our community who has risen above the challenge and has honored not only his people but a nation. Paul Bisulca, Jr., was born in Bad Kreuznach, Germany. His parents, particularly his father, was in the Army and stationed in Germany at the time. His parents are Paul Bisulca, Sr., and his mother's name is Norma.

Young Paul has been in the military now for several years. He rose up through the ranks and always wanted to be a helicopter pilot. He began his pilot training flying the CH-46E Sea Knights and then went to the VH-3D Sea King and to the VH-60N White Hawk aircraft. Those three vehicles are not organic to the Marine Corps. He then received training in Miramar at the Medium Helicopter Squadron Training site, Miramar, California. Since then, he has participated in two combat tours in Iraq and has lived in both California and North Carolina serving as a

captain. In 2007, after having completing various levels of defense acquisition training and the Marine Corps command staff course, he achieved the rank of Major. In August 2010, Major Bisulca reported to Marine Helicopter Squadron One, or HMX-1, and served for Presidential Support Flight duties. He is a part of an elite group of pilots that rotate daily and fly the President of the United States.

Since this Sentiment has been written, Major Bisulca has been promoted. He has been promoted as the liaison to the White House for the United States Marine Corps, quite an achievement for a young tribal person. So it's a great deal of honor today for me to speak and to honor him in this way. Thank you, Mr. Speaker and Ladies and Gentlemen of the House.

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

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**Recognizing:**

Dan Shaw and Jon Shaw, of Gorham, on being named American Red Cross Real Heroes for Corporate Service by the American Red Cross of Southern Maine. Over the years, Dan and Jon have volunteered much of their time for and contributed financially to many nonprofit groups, municipalities and individuals in Maine. Because of their guidance and financial support a new housing facility was completed at Camp Sunshine in 2011, and the brothers also contribute significantly to other projects and charitable endeavors in southern Maine, such as the ALS Association, the Children's Miracle Network and the Neighbors Helping Neighbors heating assistance program. We acknowledge Dan Shaw's and Jon Shaw's commitment to helping others and we send them our appreciation. We extend our congratulations to them on receiving this honor;

(HLS 1133)

Presented by Representative KNAPP of Gorham. Cosponsored by Senator BARTLETT of Cumberland, Representative SANBORN of Gorham.

On **OBJECTION** of Representative KNAPP of Gorham, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

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**Recognizing:**

Fire Chief Fred LaMontagne, of Gorham, on his retirement from the Portland Fire Department after 27 years of dedicated service. Mr. LaMontagne has served as fire chief for 10 years and is the fourth-longest serving chief in the fire department's history. We extend our appreciation to Chief LaMontagne for his commitment to the citizens of Portland and wish him well in his future endeavors;

(HLS 1134)

Presented by Representative KNAPP of Gorham. Cosponsored by Senator BARTLETT of Cumberland, Representative SANBORN of Gorham, Senator ALFOND of Cumberland, Senator BRANNIGAN of Cumberland, Representative HASKELL of Portland, Representative RUSSELL of Portland, Representative CHIPMAN of Portland, Representative HINCK of Portland, Representative HARLOW of Portland, Representative LOVEJOY of Portland, Representative STUCKEY of Portland, Representative DION of Portland.

On **OBJECTION** of Representative KNAPP of Gorham, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

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**Recognizing:**

The Wildwoods Band, of Lincoln, on its winning top honors at the North American Country Music Associations, International, competition held at Pigeon Forge, Tennessee. The Wildwoods Band, with members Cathy Severance, Rich Nye, Doug Danforth and the Honorable Rod Carr, former member of the Maine House of Representatives, received the 2012 Traditional Country Band of the Year Award and the 2012 Traditional Country Vocal Group of the Year Award. Performing as a duo, Rod Carr and Cathy Severance were named the 2012 Traditional Country Duo of the Year. The annual competition includes talented musicians from the United States, Canada and Mexico. Throughout the course of the 2012 competition, more than 575 performances were held. We extend our congratulations to the members of The Wildwoods Band on their extraordinary success and send them our best wishes;

(HLS 1139)

Presented by Representative TURNER of Burlington.

Cosponsored by President RAYE of Washington, Representative GIFFORD of Lincoln, Representative CELLI of Brewer, Representative JOHNSON of Eddington, Representative DILL of Old Town, Senator SCHNEIDER of Penobscot, Senator ROSEN of Hancock.

On **OBJECTION** of Representative TURNER of Burlington, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

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**In Memory of:**

Francis J. Cassidy, Esquire, of Machias, whose compassion and caring in his work as an attorney made him a friend to the poor and vulnerable of Washington County and Hancock County. Mr. Cassidy lived in Franklin for 22 years and in Machias since 2003. He was a member of the 20th Maine Company B, a Civil War re-enacting group, for 20 years. Mr. Cassidy will be missed for his gentle nature by his family, friends and those whose lives he quietly touched;

(HLS 1132)

Presented by Representative BURNS of Whiting.

Cosponsored by President RAYE of Washington, Representative CELLI of Brewer, Representative BERRY of Bowdoinham, Representative GRAHAM of North Yarmouth.

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

**READ.**

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

Representative **BURNS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'm very pleased to bring forth this Sentiment today for Frank Cassidy. I formally met Frank Cassidy in 2008 in the campaign. As many of you here know that Frank's widow, Katherine Cassidy, was my opponent in two different election campaigns, and Katherine and I developed a good relationship with each other and, through that, I come to know Frank quite well. After I come to know Frank, I started to learn a little bit about him. He was a practicing attorney of course in Washington County and I found out, first of all, he had a great love for history and especially the reenactment of the Civil War. Anytime that type of event was going on

anywhere around the state, you could find Frank dressed in full period clothing, always involved in that activity and he really gained a lot of respect of his peers in doing that.

I also learned about Frank's work in Washington County with the less fortunate people, the indigent people, and he really took that to heart. He really developed a reputation. When I talked to my local district court judge, he certainly reiterated that, how much Frank poured into those folks in Washington County and, because of that, I arranged for a flag to be flown over the capitol and during the very last hours in Frank's life, Representative Graham and I went to Togus to present that to him. It was a great opportunity for us to show our appreciation to Frank and his family and all that he had contributed. I saw that, once again, how important Frank's life involvement in the community was when I attended his funeral and saw the amount of sentiment and outpouring from the people that gathered there and the comments that were made, and it was very impressive to me, the impact that he had on the Washington County people through his work as an attorney. So it is with great pleasure that I sponsor this today and thank you very much, Mr. Speaker.

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

Representative **GRAHAM**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in honor and memory of Frank Cassidy. I want to thank the good Representative from Whiting for presenting this memorial. I know Frank, really, through his loving wife Katherine. Katherine and I met through the Leadership Maine program and if any of you have been through that, you make friends for life, and I was the one that kind of nudged her to run for office. I was also extremely empathetic because she lost twice and so did I.

But what Katherine did for us was show us a true lesson of love. Katherine and Frank were only married for 10 years. Approximately a month after her loss to our good friend, Representative Burns, Frank was diagnosed with pancreatic cancer. As many of you know, pancreatic cancer is one of the worst things anyone can endure and unfortunately, rarely, if ever, is cured. So Frank and Katherine set off on a cross country journey connecting with friends and family that they had not seen for many, many years, and Katherine chronicled it throughout sending us Facebook messages and emails. She's a wonderful writer. She is now starting off in the next part of her life and I want to thank again Representative Burns for the wonderful, wonderful thing he did by bringing a flag to Frank. And I also want to mention Representative Celli, who wanted to be part of this memorial. He shared the love of the Civil War, as did Frank, and I know he would want to join in honoring Frank today. So thank you very much, Mr. Speaker, ladies and gentlemen.

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

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**REPORTS OF COMMITTEE**  
**Divided Reports**

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-884)** on Bill "An Act To Ensure Notification to Victims of Domestic Violence, Sexual Assault and Stalking When Defendants Are Released on Bail" (EMERGENCY)

(H.P. 1295) (L.D. 1760)

Signed:

Senators:

MASON of Androscoggin

GERZOSKY of Cumberland

WHITTEMORE of Somerset

Representatives:

PLUMMER of Windham

BLODGETT of Augusta

CLARKE of Bath

HANLEY of Gardiner

HASKELL of Portland

LAJOIE of Lewiston

MORISSETTE of Winslow

SANDERSON of Chelsea

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

Signed:

Representatives:

BURNS of Whiting

LONG of Sherman

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-884)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-884)** and sent for concurrence.

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Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-885)** on Bill "An Act To Expand Educational Opportunities for Maine Students"

(H.P. 1372) (L.D. 1854)

Signed:

Senators:

LANGLEY of Hancock

ALFOND of Cumberland

MASON of Androscoggin

Representatives:

RICHARDSON of Carmel

EDGECOMB of Caribou

JOHNSON of Greenville

LOVEJOY of Portland

MAKER of Calais

McFADDEN of Dennysville

NELSON of Falmouth

RANKIN of Hiram

WAGNER of Lewiston

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-886)** on same Bill.

Signed:

Representative:

McCLELLAN of Raymond

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-885)** Report.

**READ.**

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

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

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Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Phase Out Dirigo Health and Establish the Maine Health Benefit Exchange for Small Businesses and Individuals"

(H.P. 1099) (L.D. 1498)

Signed:

Senators:

WHITTEMORE of Somerset

SNOWE-MELLO of Androscoggin

Representatives:

RICHARDSON of Warren

FITZPATRICK of Houlton

McKANE of Newcastle

MORISSETTE of Winslow

PICCHIOTTI of Fairfield

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-867)** on same Bill.

Signed:

Senator:

BRANNIGAN of Cumberland

Representatives:

BEAUDOIN of Biddeford

BECK of Waterville

GOODE of Bangor

MORRISON of South Portland

TREAT of Hallowell

**READ.**

Representative RICHARDSON of Warren moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

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

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Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-880)** on Bill "An Act To Review and Repeal Income Tax Return Checkoffs"

(H.P. 1347) (L.D. 1826)

Signed:

Senators:

COURTNEY of York

HASTINGS of Oxford

WOODBURY of Cumberland

Representatives:

KNIGHT of Livermore Falls

BERRY of Bowdoinham

BICKFORD of Auburn

BRYANT of Windham

HARMON of Palermo

PILON of Saco

WEAVER of York

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-881)** on same Bill.

Signed:

Representatives:

BENNETT of Kennebunk

WATERHOUSE of Bridgton

**READ.**

On motion of Representative KNIGHT of Livermore Falls, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

On motion of Representative CURTIS of Madison, the House **RECONSIDERED** its action whereby the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

Representative CURTIS of Madison **REQUESTED** a division on the motion to **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 PRO TEM**: The Chair recognizes the Representative from Livermore Falls, Representative Knight.

Representative **KNIGHT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise, I thought this would be a very simple bill that would slide through pretty quickly. But obviously that is not the case, so let me quickly explain. This bill is one that was worked at great length in the Taxation Committee. I was embarrassed to tell you at one point we had five individual reports on this issue. The committee continued to work and work and the report that I had passed is the compromise of that committee.

Basically what this bill does, it eliminates three current check-offs on Maine's income tax form, specifically the political parties. It also adds one new check-off, the check-off for the State Library and its programs which benefit many of the local libraries throughout this state. It was thought by many and the Speaker is among those – not you, sir, but the person at the mic – that the purpose of the Maine income tax return is of course to collect the income tax that are due from the citizens of this state. It is not really their responsibility to serve as the intermediary between philanthropies that they support and not. So what we've done for this check-off over the years, and many states do it, is to allow people to check-off and send a couple, three dollars to a charity of their choice.

This Majority Report actually is the compromise that we came to. I believe I don't wish to speak for the minority other than to tell you the Minority Report would eliminate all check-offs and philosophically I understand where they come from. It's a point that is easily defended. But this is the report that's met with a great majority of the committee and I stand by the report that I put in front of you. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: 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 to concur with my colleague from Livermore and to just add that the bill also, the amendment before us, would also ensure that the check-offs, the causes which currently benefit from those check-offs do in fact pay for the actual cost to administer the check-offs.

Currently, there is some inequity in how those costs are paid. Some of the check-offs pay relatively little. Some pay twice as much as it actually costs to administer the check-offs. So there is some very good sensible policies around paying as you go as well.

The current check-offs, which will be protected if we're able to approve the pending motion, include the Maine Veterans' Memorial Cemetery Maintenance Fund, the Maine Asthma and Lung Disease Research Fund. We're adding the Maine Public Library Fund, and there's the Companion Animal Sterilization Fund, the Maine Endangered and Nongame Wildlife Fund, also known as the chickadee check-off, the Maine Children's Trust, and the Bone Marrow Screening Fund, and last but not least the Maine Military Family Relief Fund. I think that sums it up.

But again, most of the committee feels very strongly that these are sensible reforms, very different from the bill we were originally presented with which would have eliminated the check-offs entirely and done away with our ability as a state and as taxpayers to contribute to good charities that help our state in many, many ways. So we're very pleased with the result and we hope you can support the pending motion. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative **WATERHOUSE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The previous speakers spelled it out pretty good. The issue I had and my fellow colleague that's on the Minority Report was the policy matter hasn't changed. We had a bill before us, Representative Burgess's bill, to put her concern on the check-offs. All these check-offs can make their case. They are good cases. They are good causes.

The one I got a lot of emails on was the welfare of the animals and from the animal shelters. We have an animal shelter in our district, the Harvest Hills Animal Shelter. I have all my animals from that shelter. We have fundraisers in Bridgton and the surrounding areas for that shelter. This winter and every winter we have what they call "Freezing for the Reason." Everybody jumps in the lake in January, collects money. We raised \$30,000 this winter. I have no problem with these various organizations.

The policy issue and the reason we killed Representative Burgess's bill in Taxation was, as a policy matter, we didn't think the Maine Revenue Service should be in the business of collecting this money for these organizations. If you want to contribute to these very well meaning organizations, write a check. So we took out, of deference to Representative Burgess, we didn't decide to use her bill as a vehicle to get rid of all the check-offs, we took out a committee bill. Now when we decided to do that, it was just about unanimous, both sides of the aisle said as a policy matter we shouldn't be using the Maine Revenue Service for this function. So we had a public hearing with the bill and things changed, but the policy issue was still there and most people, even on this report, agreed that, as a policy issue, Maine Revenue Service should not be doing this. So if you want to do what feels good to support these organizations, you can support the Majority Report. But if you think as a policy matter Maine

Revenue Service shouldn't be doing this, which the majority of the Taxation Committee at the time felt was the correct approach, then vote against the Majority Report. Thank you.

The SPEAKER PRO TEM: 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. 291**

YEA - Beaudoin, Beaulieu, Beavers, Beck, Beliveau, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Casavant, Chapman, Chipman, Clark H, Clark T, Clarke, Cornell du Houx, Curtis, Cushing, Dill J, Dion, Driscoll, Duchesne, Eberle, Edgecomb, Eves, Fitts, Fitzpatrick, Flood, Fossel, Gilbert, Gillway, Goode, Graham, Harlow, Harmon, Harvell, Haskell, Hayes, Hinck, Hogan, Hunt, Innes Walsh, Kaenrath, Knapp, Knight, Kruger, Lajoie, Longstaff, Lovejoy, Luchini, MacDonald, Maker, Maloney, Martin, Mazurek, McCabe, Monaghan-Derrig, Morrison, Moulton, Nass, Nelson, O'Brien, Peoples, Peterson, Picchiotti, Pilon, Priest, Rankin, Richardson D, Richardson W, Rosen, Rotundo, Russell, Sanborn, Shaw, Stevens, Strang Burgess, Stuckey, Theriault, Tilton, Treat, Tuttle, Valentino, Volk, Wagner R, Wallace, Weaver, Webster, Welsh, Willette A, Willette M, Winsor, Mr. Speaker.

NAY - Ayotte, Bennett, Black, Burns DC, Cebra, Chase, Cotta, Crafts, Cray, Crockett, Damon, Davis, Dow, Dunphy, Espling, Foster, Fredette, Gifford, Hamper, Hanley, Johnson D, Johnson P, Keschl, Libby, Long, Malaby, McClellan, McFadden, McKane, Morissette, Newendyke, O'Connor, Olsen, Parker, Parry, Plummer, Prescott, Rioux, Sanderson, Sarty, Sirocki, Timberlake, Turner, Waterhouse, Wood.

ABSENT - Bickford, Celli, Flemings, Guerin, Herbig, Kent, Kumiega, Rochelo.

Yes, 97; No, 45; Absent, 8; Vacant, 1; Excused, 0.

97 having voted in the affirmative and 45 voted in the negative, 1 vacancy with 8 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-880) was READ by the Clerk and ADOPTED.**

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-880)** and sent for concurrence.

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The Speaker resumed the Chair.

The House was called to order by the Speaker.

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Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-887)** on Bill "An Act To Permit Video Gaming for Money Conducted by Nonprofit Organizations" (H.P. 1078) (L.D. 1469)

Signed:

Senator:

PATRICK of Oxford

Representatives:

CAREY of Lewiston

CHIPMAN of Portland

LONGSTAFF of Waterville

RUSSELL of Portland

VALENTINO of Saco

WILLETTE of Presque Isle

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-888)** on same Bill.

Signed:

Senators:

FARNHAM of Penobscot

PLOWMAN of Penobscot

Representatives:

BEAULIEU of Auburn

DAMON of Bangor

JOHNSON of Eddington

**READ.**

Representative BEAULIEU of Auburn moved that the House **ACCEPT** the Minority **Ought to Pass as Amended Report**.

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

Representative **BEAULIEU**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. On any given day when the Veterans and Legal Affairs Committee meets, there are representatives of various organizations present in the room. They generally attend in order to advocate for pending legislation or to seek the Legislature's assistance in meeting the demands of an ever aging veteran population. Two of the more commanding personalities are Arnold Leavitt and Donald Simoneau, extraordinary individuals who have dedicated a good portion of their lives looking after the interests of their fellow veterans. They remain committed to the growth and development of their organization and to their goals, none more important than contributing to their communities and supporting a variety of programs to benefit their neighbors, educational programs and athletic activities for local youth groups. Promoting pride in their organization, their community and providing outstanding programs for young people are legendary contributions made by these organizations and these gentlemen. Unfortunately, time and technology have taken their toll on these organizations. As their membership numbers have dwindled over time, so too have the essential resources available to these groups in order to sustain their charitable work. As in past sessions, the members of the VLA Committee struggled with this issue in hopes of providing a resolution for a dilemma which has only grown worse, the veterans and other nonprofit organizations in our state.

The Minority Report on LD 1469 is the product of hours of public hearings and discussions about how to alleviate these problems and to increase the viability of these important organizations. The Minority Report simply permits veterans' organizations licensed to conduct games of chance to operate electronic and mechanical ticket dispensers. Although they may look like slot machines, they are nothing of the sort. These machines dispense sealed tickets which can be read electronically by the machine in order to determine if it is a winning ticket. The element of chance is not determined by the machine but by the ticket itself. Profits from these machines, as well as from other fundraising activities, would provide operational expenses as well as financial support for the charitable work these organizations are best known for. Interestingly enough, these very organizations used similar machines until they were found or forced to abandon them by state regulations, sometime around the early 1980s. Hopefully, you will see the value of permitting them to do so once again with a green vote today. I appreciate your having taken the time to listen to me and thank you, Mr. Speaker.

Representative CAIN of Orono **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **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 Pittsfield, Representative Fitts.

Representative **FITTS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think the good Representative from Auburn, Representative Beaulieu, framed the issue well. It is exactly why I brought this bill forward. But it's not just the veterans' organizations that are struggling; there are the fraternal organizations as well. A few years ago, the organizations that would benefit from this bill had one of their biggest revenue streams taken away from them when the state decided to crack down on what were then illegal video poker machines. Now that came at about the same time that the movement to bring casinos or racinos to the state was underway, so you add the lottery, the racinos, and all sorts of other pressures financially that have been placed upon these organizations, and what has resulted is a downward spiral. So I brought the bill forward in response to that issue, having served on what was then the Legal and Veterans Affairs Committee and hearing the issue over and over again as to how they were failing and that they didn't have revenue streams available that they had traditionally enjoyed, and that they were directly being competed against by lottery and the expansion of gambling in Maine through licensed casinos.

So as a result, the committee took this bill and worked very hard on it, and I think the Majority Report would reflect a better result and the potential for there actually to be a mechanism for these entities to move forward. One of the things that I have heard over and over again in result of the crackdown that occurred and the removal of the video poker machines that were previously being used was that there was no monitoring, no central control and therefore no way for the state to know whether they were being properly used. So the Majority Report actually allows for that central monitoring to happen. Now, by definition, the traditional video poker machines for all intents and purposes looked and acted just like a slot machine, so in the Majority Report that is exactly the way they are defined. They are treated like a slot machine because that's really what they act like.

Now when people want to talk about that this would be an expansion of gaming, right now there are about 1,000 slot machines that are unused that are licensed in this state. This bill affords 250 machines to those entities that could afford to make that investment. Now it is going to take an investment. These entities are going to have to come up with up to \$5,000 or more per machine in order to move this forward for them, but they are willing to use this as a vehicle to go forward. When I bring a bill forward and I go to the entities that you're trying to help and you ask them when the decision is coming from the committee "Which version of this actually works for you and which one doesn't?" the Majority Report actually works for them. There is very little interest in what the Minority Report does because most of these entities already have pull tab tickets as part of their normal licensed games of chance. So adding a variant to that doesn't really afford them another income stream. If you go or have ever been in an Elks Lodge or a VFW, you will see that often times they have basically a vending machine that you can buy these tickets in. To add a twist to that ticket that lights flash and bells ring is not the same thing and not the same entertainment value that comes from what was traditionally a video poker machine or whether you call it, a slot or whatever it



is, that has a higher level of incentive to play than just having a pull ticket that gets read for you rather than reading it yourself. So given that this bill, in the Majority Report, has the controls to protect the state, protect the public interests, has the vehicle that can afford these entities survival, I would like us to not accept the Minority Report and move into the Majority Report, which I think actually does accomplish something. Thank you, Mr. Speaker.

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

Representative **WILLETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today in opposition to the Minority Ought to Pass Report. I am on the Majority Report and not to be redundant to repeat what the good Representatives before me have said, I agree with everything that Representative Fitts has said, and Representative Beaulieu did craft the argument for this bill quite eloquently. What I would like to do in my speech is just hit a little bit on the highlights of the Minority Report and then talk about one of the fraternal nonprofit organizations that I belong to. First and foremost, when I came at this bill as a veteran, that's what I had solely in mind was basically to do anything that I could do to help the veterans. They are playing an important role in our communities as far as the works that they do and the charitable givings that go on. I felt we needed to include the fraternal organizations and nonprofits, especially the one that I want to hit on, the Elks Club. Elks Clubs in Maine are the most charitable organizations out there. Second, I think nationwide, the Elks Club actually gives out more student scholarships and college money than the Federal Government, so that's just one thing that I wanted to hit on and I'll bring up a couple more instances as far as to localize it to the state.

In the Minority Report, the one thing that I want to drive home to you is that one of the arguments we heard during the work session and the public hearing was the fear that we're going to have all of these mini casinos popping up all across the state. That couldn't be any further from the truth. Casinos cannot be dubbed a casino if it's a private entity and a nonprofit organization. These slot machines, if we grant them, you will never even know they're in your community. If you're driving down the street and you drive past your Elks Club or your KC Hall or your VFW, there will not be a flashing sign on the side of the building saying we have slots because, if you're not a member, you cannot even look at that slot machine. Now if you have a friend that's a member and he wants to bring you in, he can bring you in and you can utilize that slot machine. But each organization has a different varying number on the amount of guests that you can bring in. In Presque Isle at the Elks Club you can only bring in one member at a time. So I want to dispel the notion that we are going to be allowing mini casinos all across the state. It couldn't be any further from the truth. Before any of these crop up in your municipalities, in the Majority Report, they must receive approval from the municipality, either by the people or the officers holding power in local government. On the fiscal note, if any of you have cared to look at the fiscal note, they crafted those numbers with only 100 slot machines in mind. In that fiscal note, municipalities do get 10 percent back to the community. So the one argument that I heard earlier was this could cost municipalities money if they chose to put this on a ballot. I think it would be a onetime cost that would be recouped by the 10 percent that the municipalities would get back, so I don't think that that's a valid argument in and of itself.

Representative Fitts hit on this. The Minority Report offers no oversight. That was something that really turned me off. I believe that if we're going to allow this to occur in our state for the nonprofits and the fraternal organizations, they need to be held

under the same scrutiny that we presently hold Hollywood, now Casino, and Oxford which will soon be coming online here in the coming months. Let's see, the cascade, this is the one thing that really drove it home to me, just the distribution of slot revenues. Thirty percent of the net proceeds are collected and given to the Gambling Control Board to distribute in this manner; 10 percent to the board for administrative purposes; 8 percent to the General Fund; 2 percent to the Gambling Addiction Fund; and most importantly, 10 percent directly given to your municipalities. That number, to me, really hit it home. In Presque Isle, we have been laying off firefighters and police officers. I'm not saying that this would be the golden ticket to keep those positions filled, but in a day and age when we're asking more and more from our municipalities to take over from the state's share, I think anything that we can do to help ease the blow to our municipalities, I think we ought to do that.

To wrap this up, I really want to hit home to some of the charitable givings that a lot of these fraternal organizations do. I just want to hit on what I know. I am a member of the VFW, the American Legion and the Elks Lodge in Presque Isle. But charitable givings by the Maine Elks Lodge, in 2011 – there is a long list, I'm just going to hit some of the big ones – youth activities, \$123,000; handicap and needy programs in the state, \$324,000; vet services, if we even feel that our brothers at the VFW, they're having a hard time, we kick in \$223,000; senior citizen programs all around the state, almost \$210,000. So it's getting harder and harder every year as our enrollments decline, our population of memberships is getting older. The younger crowd, when they're coming back and either retiring out of military service or just ending their time in service, it's hard to get them attracted to what we have to offer. This is just one more tool in the tool box. We know this is not going to be the cure-all, end-all for all of our financial woes, but if we can add this to the tool box and it helps, then I'm all for it and I really hope that all of you will follow my light and vote red on the Minority Ought to Pass Report. Thank you, Mr. Speaker.

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

Representative **THERIAULT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will not go over. I thank the good Representative from Presque Isle, he gave you a lot of information here. But as a member of the American Legion, I fully support the Majority Report on this. Basically one of the things that happens with the Legion in Madawaska, it is one of the best contributors to activities in the community and one of them that I especially like that stands out is the supporting of the Angel Flight. Where we live and the distance for people to travel to Boston and other areas for cancer treatments, etcetera, it's a very, very nice thing to have.

One of the other things that we need to point out and I need to point out is people in my area can cross the border which is maybe two miles away and go to a casino right in Edmundston, New Brunswick. We would like to keep our people at home and help to contribute to those things that we need to have in our area. Thank you.

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

Representative **CAREY**: Thank you, Mr. Speaker. Mr. Speaker, I will be brief and focus simply on the process in our committee. As our good chair discussed, the members of our committee spent a lot of time trying to understand how we can support the veterans' organizations or the fraternal organizations that do so much in all of our communities. I ask you to oppose the pending motion.

The bill, as has been mentioned, was brought forward by a

number of these groups. The committee took all the language that was there and wanted to start from scratch and make sure that the language that we had, if we went forward, was strong and had a significant amount of regulation, and we have that. What we have done is taken the regulation that is required of the commercial facilities and the existing one in the state and the one that is going to be opening in Oxford County, briefly, have brought that to these nonprofit organizations in full amount. So this is a very strong level of regulation. I sat down personally with the director of the Gambling Control Board for over two hours to write the bill and to make sure it was able to be implemented and that it would be a strong law.

I want to highlight a couple of things that Representative Fitts referenced, the so-called gray machines that exist in some of these halls from the old law that when some gambling was legal on machines like this. If an organization would choose to go forward, they need to give up any of those in those posts, so we're going to be moving away from some ambiguity that exists in practice right now to a place that is more able to be overseen and more tightly regulated and appropriately regulated.

Finally, the language before you in the Minority Report, my experience in supporting the Majority Report is there are a number of members of our committee who couldn't get there and this, the Minority Report, was a good faith effort to try to meet some of the issue that was brought before us. From my perspective, I have not heard any of the representatives of the organizations who brought this concern to us, I have not heard any of them that have asked us to support this Minority Report, either in the committee or personally. So thank you for your time and I ask you to vote against the pending motion. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Crockett.

Representative **CROCKETT**: Thank you, Mr. Speaker. Mr. Speaker, Distinguished Members of the House. The most feared words in America today are "I'm with the government and I'm here to help" and this bill is a prime example of that situation. I'm a member of VLA and I would have been on the Minority Report and I voted on it several times, but I guess we reconsidered it so many that I didn't make it on the final cut. So let's just recap the evolution of this bill. It came to us to help the gray machines, as the good Representative from Pittsfield had mentioned, and that's where we started from. We wanted to get these nonprofits back to where they were. Then it evolved. It now includes language that allows slot machines, even though we're told they're not going to have slot machines. It includes 250; the Majority Report includes the addition of 250 slot machines statewide. Now those 250 machines, there are certain criteria set out and the Majority Report did a good job of trying to establish that criteria, but it's still unclear how many organizations can actually get those machines and whether that's right now or whether that's two years from now, and I know there is an implementation of 2013 they have to apply by, but we don't know how many organizations can apply in the state. So, in other words, each organization can only apply for five machines. There's 250 total machines. That means 50 organizations in the state at max. Who chooses? Does Madawaska get it? Does Bethel get it? Does Kittery get it? Who chooses? Here's the problem, the board chooses. Well, it's going to become inherently unfair at some point. That's why it's more or less an unworkable bill, because one of the reasons we pushed anything was because Hollywood Slots came online as a casino. Oxford is coming online in another year. So we wanted to help these nonprofits that were affected negatively by the casinos. We wanted to get them back up. Then some people and I think Representative

Fitts's initial intent was to help the overall fundraising because these nonprofits that have relied on beano for all these years to raise money, beano is not a real popular game with people in my generation. That may come as a shock to some people, but the reality is there is just not an expanding market seeking out beano games around the State of Maine. So they are facing that and now they want slot machines to solve and fix that gap. It's not workable.

There's questions about the fiscal note. We have, all of the sudden, a dynamic fiscal note that a revenue producer has been generated. The problem with that is if it's members only, then how can they possibly calculate that without knowing all of the members? There is too many problems with the Majority Report. The Minority Report, granted it's trying to help because we're government and that's what we want to do, so in the spirit of compromise we went with this Minority Report and my name should appear on it. I apologize if I missed the reconsideration at that point it came out of committee, but I would support the pending motion. Thank you.

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

Representative **CAREY**: Thank you, Mr. Speaker. Mr. Speaker, I rise again simply to answer the question posed by the good Representative from Bethel about who chooses. The concern that he raises of putting the Gambling Control Board in a difficult place was in fact raised by the board, so I wanted to spend some time on the mechanism to make sure that the regulator is not put into a difficult position in making a judgment call. As the Representative from Bethel said, there needs to be, by 2013, if folks apply, there is up to 100 in that first round. The applications will begin in October of next year, the looking at the applications. If more than 100 have applied, there will be some kind of a lottery or randomized drawing just to determine of the valid applications what's the ordering. It cuts off at 100. The next year, if there's more, when more machines are let to be allowed to be licensed, then anybody who is on the list is able to go forward at that point. This is something that we went out of our way to make sure that there would not be, the Gambling Control Board, put in a difficult position of making the judgment call. So this is simply based on the law and there is a mechanism in there that allows them to choose. Thank you.

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

#### ROLL CALL NO. 292

YEA - Beaulieu, Bennett, Black, Burns DC, Cebra, Crafts, Cray, Crockett, Curtis, Damon, Davis, Dow, Dunphy, Eberle, Espling, Flood, Foster, Fredette, Gifford, Gillway, Hamper, Harmon, Hayes, Johnson D, Johnson P, Kaenrath, Knapp, Knight, Long, Malaby, McClellan, McKane, Moulton, Nass, Newendyke, O'Connor, Parker, Picchiotti, Plummer, Richardson W, Rioux, Sarty, Timberlake, Waterhouse, Winsor, Mr. Speaker.

NAY - Ayotte, Beaudoin, Beavers, Beck, Beliveau, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Casavant, Chapman, Chase, Chipman, Clark H, Clark T, Clarke, Cornell du Houx, Cotta, Cushing, Dill J, Dion, Driscoll, Duchesne, Edgecomb, Eves, Fitts, Fitzpatrick, Fossil, Gilbert, Goode, Graham, Hanley, Harlow, Harvell, Haskell, Hinck, Hogan, Hunt, Innes Walsh, Keschl, Kruger, Lajoie, Libby, Longstaff, Lovejoy, Luchini, MacDonald, Maker, Maloney, Martin, Mazurek, McCabe, McFadden, Monaghan-Derrig, Morissette, Morrison, Nelson, O'Brien, Olsen, Parry, Peoples, Peterson, Pilon, Prescott, Priest, Rankin, Richardson D, Rosen, Rotundo, Russell, Sanborn,

Sanderson, Shaw, Sirocki, Stevens, Strang Burgess, Stuckey, Theriault, Tilton, Treat, Turner, Tuttle, Valentino, Volk, Wagner R, Wallace, Weaver, Webster, Welsh, Willette A, Willette M, Wood.

ABSENT - Bickford, Celli, Flemings, Guerin, Herbig, Kent, Kumiega, Rochelo.

Yes, 46; No, 96; Absent, 8; Vacant, 1; Excused, 0.

46 having voted in the affirmative and 96 voted in the negative, 1 vacancy with 8 being absent, and accordingly the Minority **Ought to Pass as Amended** Report was **NOT ACCEPTED**.

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

Representative TUTTLE of Sanford **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**: 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. 293**

**YEA** - Ayotte, Beaudoin, Beavers, Beck, Beliveau, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Casavant, Chapman, Chipman, Clark H, Clark T, Clarke, Corneil du Houx, Cotta, Dill J, Dion, Driscoll, Duchesne, Edgcomb, Eves, Fitts, Fitzpatrick, Flood, Gilbert, Goode, Graham, Hampe, Hanley, Harvell, Haskell, Hinck, Hunt, Innes Walsh, Johnson P, Keschl, Kruger, Lajoie, Longstaff, Lovejoy, Luchini, MacDonald, Maker, Maloney, Martin, Mazurek, McCabe, McFadden, Monaghan-Derrig, Morrison, Moulton, Nass, Nelson, Newendyke, O'Brien, Olsen, Parry, Peoples, Peterson, Pilon, Plummer, Prescott, Priest, Rankin, Richardson D, Rioux, Rosen, Rotundo, Russell, Sanborn, Sanderson, Shaw, Sirocki, Stevens, Strang Burgess, Stuckey, Theriault, Tilton, Treat, Turner, Tuttle, Valentino, Volk, Weaver, Webster, Willette A, Willette M, Winsor, Wood.

**NAY** - Beaulieu, Bennett, Black, Burns DC, Cebra, Chase, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dow, Dunphy, Eberle, Espling, Fossel, Foster, Fredette, Gifford, Gillway, Harlow, Harmon, Hayes, Hogan, Johnson D, Kaenrath, Knapp, Knight, Libby, Long, Malaby, McClellan, McKane, Morissette, O'Connor, Parker, Picchiotti, Richardson W, Sarty, Timberlake, Wagner R, Wallace, Waterhouse, Welsh, Mr. Speaker.

ABSENT - Bickford, Celli, Flemings, Guerin, Herbig, Kent, Kumiega, Rochelo.

Yes, 95; No, 47; Absent, 8; Vacant, 1; Excused, 0.

95 having voted in the affirmative and 47 voted in the negative, 1 vacancy with 8 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-887)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-887)** and sent for concurrence.

Eight Members of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-876)** on Bill "An Act To Establish the Department of Agriculture, Conservation and Forestry" (EMERGENCY)

Signed:

Senators:

SHERMAN of Aroostook  
THIBODEAU of Waldo

Representatives:

EDGEComb of Caribou  
BLACK of Wilton  
CRAY of Palmyra  
FOSTER of Augusta  
GIFFORD of Lincoln  
TIMBERLAKE of Turner

Three Members of the same Committee report in Report "B" **Ought Not to Pass** on same Bill.

Signed:

Senator:

SCHNEIDER of Penobscot

Representatives:

KENT of Woolwich  
O'BRIEN of Lincolnville

Two Members of the same Committee report in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (H-877)** on same Bill.

Signed:

Representatives:

DILL of Old Town  
McCABE of Skowhegan

**READ.**

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

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

Eight Members of the Committee on **JUDICIARY** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-882)** on Bill "An Act To Implement Recommendations of the Right To Know Advisory Committee Concerning a Public Records Exception for Proposed Legislation, Reports and Working Papers of the Governor"

(H.P. 1331) (L.D. 1805)

Signed:

Senator:

HASTINGS of Oxford

Representatives:

NASS of Acton  
BEAULIEU of Auburn  
FOSEL of Alna  
MOULTON of York  
PRIEST of Brunswick  
SARTY of Denmark  
WATERHOUSE of Bridgton

Four Members of the same Committee report in Report "B" **Ought Not to Pass** on same Bill.

Signed:

Senator:  
WOODBURY of Cumberland

Representatives:  
MALONEY of Augusta  
MONAGHAN-DERRIG of Cape Elizabeth  
ROCHELO of Biddeford

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (H-883)** on same Bill.

Signed:  
Senator:  
DILL of Cumberland

**READ.**

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

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

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

On motion of Representative CURTIS of Madison, **TABLED** pending the motion of Representative NASS of Acton to **ACCEPT** Report "A" **Ought to Pass as Amended** and later today assigned. (Roll Call Ordered)

**CONSENT CALENDAR  
First Day**

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

(H.P. 1263) (L.D. 1711) Bill "An Act To Mandate the Use of Standardized Risk Assessment in the Management of Domestic Violence Crimes" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-890)**

(H.P. 1312) (L.D. 1787) Bill "An Act To Create Efficiencies in the Administration and Enforcement of the Maine Uniform Building and Energy Code" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-892)**

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.

**BILLS IN THE SECOND READING  
House as Amended**

Bill "An Act To Encourage Enrollment in High School Electrical Education Programs"

(H.P. 1353) (L.D. 1833)  
(H. "A" H-871 to C. "B" H-837)

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

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

The House recessed until 2:00 p.m.

(After Recess)

The House was called to order by the Speaker.

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

**REPORTS OF COMMITTEE  
Divided Report**

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-514)** on Bill "An Act To Amend the Laws Governing Freedom of Access"

(S.P. 456) (L.D. 1465)

Signed:  
Senators:  
HASTINGS of Oxford  
DILL of Cumberland  
WOODBURY of Cumberland

Representatives:  
NASS of Acton  
BEAULIEU of Auburn  
FOSSEL of Alna  
MALONEY of Augusta  
MONAGHAN-DERRIG of Cape Elizabeth  
MOULTON of York  
PRIEST of Brunswick  
ROCHELO of Biddeford  
SARTY of Denmark

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

Signed:  
Representative:  
WATERHOUSE of Bridgton

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-514).**

**READ.**

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

The Bill was **READ ONCE.** **Committee Amendment "A" (S-514)** was **READ** by the Clerk and **ADOPTED.**

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-514)** in concurrence.

**CONSENT CALENDAR  
First Day**

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

(S.P. 603) (L.D. 1755) Bill "An Act Regarding the Interstate Compact for Adult Offender Supervision" Committee on

**CRIMINAL JUSTICE AND PUBLIC SAFETY reporting Ought to Pass as Amended by Committee Amendment "A" (S-513)**

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.

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**REPORTS OF COMMITTEE  
Committee of Conference**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act To Amend the Law Regarding the Sale of Wood Pellets" (EMERGENCY)

(H.P. 1219) (L.D. 1610)

has had the same under consideration, and asks leave to report: That the Senate **RECEDE** from **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-727) AS AMENDED BY HOUSE AMENDMENT "A" (H-755)** and **SENATE AMENDMENT "A" (S-450)** thereto. **RECEDE** from **ADOPTION OF COMMITTEE AMENDMENT "A" (H-727) AS AMENDED BY HOUSE AMENDMENT "A" (H-755)** and **SENATE AMENDMENT "A" (S-450)** thereto and **INDEFINITELY POSTPONE** same. **READ** and **ADOPT COMMITTEE OF CONFERENCE AMENDMENT "A" (S-510)**. **PASS** to be **ENGROSSED AS AMENDED** by **Committee of Conference Amendment "A" (S-510)** in **NON-CONCURRENCE** and send down forthwith for concurrence.

That the House **RECEDE** and **CONCUR**.

Signed:

Senators:

COURTNEY of York  
SAVIELLO of Franklin  
JACKSON of Aroostook

Representatives:

WEAVER of York  
HARMON of Palermo  
PILON of Saco

Came from the Senate with the Committee of Conference Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY CONFERENCE COMMITTEE AMENDMENT "A" (S-510)** in **NON-CONCURRENCE**.

The Committee of Conference Report was **READ** and **ACCEPTED**.

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

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**COMMUNICATIONS**

The Following Communication: (H.C. 355)

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

April 4, 2012

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 Committees have voted unanimously to report the following bills out "Ought Not to Pass:"

Environment and Natural Resources

L.D. 1458 An Act To Transfer Recycling Technical Assistance and Solid Waste Policy Responsibilities from the State Planning Office to the Department of Environmental Protection (EMERGENCY)

Veterans and Legal Affairs

L.D. 227 An Act Relating to the Establishment of Casinos

L.D. 1539 An Act To Improve Laws on Gaming

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

Sincerely,

S/Heather J.R. Priest

Clerk of House

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

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**CONSENT CALENDAR**

**First Day**

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

(H.P. 1376) (L.D. 1858) Bill "An Act To Ensure Effective Teaching and School Leadership" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-900)**

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

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

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**ENACTORS**

**Emergency Measure**

An Act To Establish the Dairy Improvement Fund

(S.P. 653) (L.D. 1869)

(C. "A" S-512)

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. 124 voted in favor of the same and 4 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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**Emergency Measure**

An Act To Ensure the State's Authority over the Operation of Gambling Activities

(S.P. 657) (L.D. 1880)

(C. "A" S-507)

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. 114 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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**Acts**

An Act To Promote a Qualified Logging Workforce and Ensure an Adequate Wood Supply for Maine Mills

(S.P. 428) (L.D. 1383)

(C. "A" S-509)

An Act To Improve Efficiency Maine Trust Programs To Reduce Heating Costs and Provide Energy Efficient Heating Options for Maine's Consumers

(S.P. 649) (L.D. 1864)  
(C. "A" S-508)

An Act To Rename the Maine Jobs Council as the State Workforce Investment Board and Make Changes to Its Structure

(S.P. 655) (L.D. 1874)  
(C. "A" S-511)

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.

#### Emergency Measure

An Act To Amend the Charter of the Bingham Water District and To Direct That Certain Issues Be Studied

(H.P. 1363) (L.D. 1842)  
(C. "A" H-879)

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. 118 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

#### Acts

An Act To Amend the Sex Offender Registration Laws

(H.P. 1117) (L.D. 1514)  
(C. "A" H-873)

An Act Regarding the Fee for Amusement Ride Inspections and the Development of Options To Move the Responsibility of the Inspections from the Office of the State Fire Marshal

(H.P. 1287) (L.D. 1745)  
(C. "A" H-874)

An Act To Implement Certain Recommendations of the Criminal Law Advisory Commission

(H.P. 1374) (L.D. 1856)  
(C. "A" H-872)

An Act To Amend the Charter of the Lewiston-Auburn Water Pollution Control Authority

(H.P. 1403) (L.D. 1901)

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

An Act To Reform Telecommunications Regulation

(H.P. 1309) (L.D. 1784)  
(C. "A" H-869)

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

On motion of Representative FITTS of Pittsfield, was **SET ASIDE**.

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

Representative FITTS: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. LD 1784, "An Act To Implement Recommendations To Reform Telecommunications Regulation," may be the most important bill that the Energy, Utilities and Technology Committee moved through this year. This legislation updates Maine's decades old telecommunication statute that recognizes the competitive telecommunications industry of the 21st century. Many months

of intense study went into the creation and the crafting of this legislation and most of that work was done at the Public Utilities Commission, but it was also done under, with the cooperation and under the watchful eye of industry, the public advocate, numerous consumer groups, and they all worked to review and update the statutes related to telecommunications.

The PUC presented a final report to the Energy, Utilities and Technology Committee that led to the crafting of what now is LD 1784. All the stakeholders, the PUC, the OPA, industry and consumer groups negotiated for many weeks to arrive at what is now a consensus which will become and has become this amended bill. LD 1784 received a unanimous vote out of the committee, Ought to Pass as Amended, and it was done going back through that same grueling process that all of those various other groups did. The committee learned a lot about telecommunications in the process, but I think in the end we've created what will be a remarkable piece of work and I rise today to thank the committee for their hard work and to thank all of the people who participated. I think they should be proud of the work that they've created and I hope moving forward that we will continue to move towards a very competitive telecommunications industry, with less regulation but not no regulation. People will still have provider of last resort protection, consumer protections exist as if they did today. But the system itself will be modernized and I think that's the most important part. I thank you Mr. Speaker and Ladies and Gentlemen of the House.

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

#### REPORTS OF COMMITTEE

##### Ought to Pass Pursuant to Resolve

Report of the **Joint Standing Committee on Education and Cultural Affairs** on Bill "An Act To Implement the Recommendations of the Stakeholder Group To Review the Maine State Grant Program"

(S.P. 680) (L.D. 1908)

Reporting **Ought to Pass** pursuant to Resolve 2011, chapter 14, section 4.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**.

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** in concurrence.

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

#### 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 DIVIDED REPORT - Majority (11) **Ought to Pass as Amended by Committee Amendment "A" (S-441)** - Minority (1) **Ought Not to Pass** - Committee on **TAXATION** on Bill "An Act To Ensure Harvesting of Timber on Land Taxed under the Maine Tree Growth Tax Law"

(S.P. 459) (L.D. 1470)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-441)**.

TABLED - March 30, 2012 (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" (S-441)** was **READ** by the Clerk.

Representative MacDONALD of Boothbay **PRESENTED House Amendment "A" (H-891) to Committee Amendment "A" (S-441)**, which was **READ** by the Clerk.

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

Representative **MacDONALD**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I think this is a good bill as far as it goes. I do think that one critical element that was, in my view critical element, that was left out of it is the ability for taxpayers in local communities to actually understand what are the plans that exist within the community and my amendment is a simple attempt to make those plans more available within certain limits to the local taxpayers.

As you may know, the bill calls for an improvement in the current Tree Growth program by allowing an audit by the Forest Bureau and that's a good thing, but what that audit does not allow is for any local taxpayer to get any substantive information about what are in the Tree Growth plans in the local communities. As you know, there are millions of acres of land in Maine in Tree Growth and there are millions of dollars of tax abatements that are offered under that program. That's all a good thing because I think it helps our forest products industry and it keeps some land out of development, when properly used, that otherwise might have gone into development. But the problem is, Mr. Speaker, that when these plans are adopted in a community, the community's costs for schools and other local services do not go down. So when these abatements are offered through the Tree Growth Plan, other taxpayers have to take up the slack and pay the bill that is represented by the abatement to the Tree Growth owner. So I believe that is in a broad public interest that taxpayers whose own taxes are affected by these plans have access to the plans so that they can at least understand what it is that's being done, so that they can make a judgment on their own as to whether or not they are being fairly or unfairly asked to contribute more to the local municipal budgets.

The amendment that I put forward does not look back at all. In fact, it would not take effect until January 1, 2014, and only any plan that was created after 2014, when it's updated after 2014, would be impacted by this. So, Mr. Speaker, I do believe that this is a rational "let the sun shine in" on what are the practices in the Tree Growth Plan for any given community. It gives our fellow taxpayers the ability to look more deeply into what makes up the elements of the Tree Growth Plan in their community and to better make better informed decisions about how to go forward with this kind of a plan. This is a state plan that has a major effect on local taxpayers because it affects your local property tax. I would point out, in conclusion, that property tax information in every community is a matter of public record, except for this kind of information. So I think that the adoption of this amendment to this bill would make it even better and I ask for your support for this amendment. Thank you, Mr. Speaker.

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. I rise to speak against my good friend from Boothbay, Representative MacDonald. This bill has been vetted over the last two years by the Tax Committee at great length, this bill along with 1138, and we've worked very hard to stiffen the requirements to make this process more transparent. I'd like to say a couple things about it.

Under the current Tree Growth Plan, enrolled parcels are subject to several levels of scrutiny. Those charged with enforcing the Tree Growth Tax Law have full access to the Tree Growth management plans. When those plans are approved, the assessors or the selectmen can see those plans. They are available. The landowners must obtain a forest management and harvest plan prepared by a licensed professional forester. The landowners are required every 10 years to submit a statement from a licensed professional forester to the local tax assessor stating that the enrolled parcel is being managed according to that plan. This is a very, very complex piece of tax law. If a municipality has any questions or concerns about a particular parcel of land enrolled in the program, under existing statute, existing law today, the community can direct the Maine Forest Service to provide them with assistance in looking at the plan, to ascertain whether or not that plan is being followed as written. Further, it's not known by many that prior to cutting any wood the landowners must file a harvest notification form with the Maine Forest Service. That information is also available to municipalities.

In addition, just a few days ago, this body approved LD 1138. That body of law has put in a very important new piece which is attestation language requiring that the property, anybody managing under this plan must attest that the land is being run in accordance with the managed plan and that the trees that are harvested on that land are for commercial purposes. It's kind of ironic that the amendment that is being proposed actually weakens enforcement, because it allows landowners to bring back any information which they consider proprietary. This means that those enforcing the law may not have access to the information in the plan which currently is available.

The Tree Growth Tax Law program is the most important program we have in Maine to keep forestland as forestland and repeated attacks are counterproductive to make this important program work. Mr. Speaker, I would move that the amendment being proposed be Indefinitely Postponed.

The same Representative moved that **House Amendment "A" (H-891) to Committee Amendment "A" (S-441) be INDEFINITELY POSTPONED**.

Representative CAIN of Orono **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-891) to Committee Amendment "A" (S-441)**.

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 Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise today in opposition of this amendment. I first want to thank the Taxation Committee for their work on this important issue in addressing this very important program and some issues that citizens of Maine had with this program. But I think that the motion or the amendment before us is a major concern. You know, I hear different reasons for it but I feel it's very unnecessary.

A lot of the information that people seem to be requesting has more to do with tax rates and can already be obtained through your town office or through working with your assessor. I personally feel that the plan, the Forest Management Plan,

is really a plan that's between the landowner, land manager and the forester. It's really not something that is needed to be found in the town office. The assessors have the ability to request that plan if they have questions or concerns currently, and I feel that's probably a more appropriate avenue for viewing that plan. So at this time I rise in opposition.

And I also think, we talked a lot about the tax breaks associated with this program, but there's also a value to communities for open space. I think of when the school bus stops at my house, it stops to pick up children. But typically the school bus doesn't go and stop at a woodlot to pick anybody up, but come Saturday morning I might drive out to someone's woodlot, where I might go hunt. The adjacent properties have a higher land value because of that open space and forested land for recreation, so I sort of question our intent at this time and I hope folks will follow me in voting against this amendment. Thank you, Mr. Speaker.

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 in support of the good Representative from Boothbay in his effort to both ensure that Tree Growth does accomplish its intent, which is to create jobs and to ensure commercial forestry on parcels that are subsidized, and also to ensure that the public's right to know is protected.

I think that both the jobs concern and the public's right to know trump the other, I will say, legitimate points that have been made here on the other side of the argument. The underlying policy here is good, but if we can go vote down the Indefinite Postponement, then we can ensure that job creation and the transparency that I think we would all agree are important.

Tree Growth is a growing program. In 1977, just seven years after it was first enacted, there were only 5,000 parcels, roughly, that were in Tree Growth. Today 22,000, more than four times as many parcels, are in Tree Growth. Many of those increasingly are on shoreland and I don't just mean shoreland along the coast, along our saltwater frontage, but also inland on the lakes and ponds. This shoreland is very restricted in terms of what can be cut and it is also incredibly valuable property, which should be taxed at a reasonable rate.

Tree Growth, unfortunately, has come to be used as a tax dodge, and that is very unfortunate because it defeats the purpose to create jobs and it also requires that other taxpayers foot the bill. Ninety-five, often times more than 95 percent of the value of land can be exempted from taxation, and who pays for that? The neighboring taxpayers. It's everybody else, and often times a single landowner can avoid hundreds of thousands of dollars, even millions, cumulatively, in taxes requiring others to foot the bill and that's not right. We've had members of both sides of the aisle come forward with stories about that from their communities back home and with the concern that there is not enough transparency now within the Tree Growth program, and that the relatively small benefit of allowing this secrecy is far outweighed by the need to create jobs and to ensure transparency.

Mr. Speaker, right now, if I choose not to pay my taxes or am late in a payment, I might be listed in the annual report for not having paid \$200. That's public information. I believe it should be. But if I am avoiding \$200,000 in payment, I may be able to walk away unscathed, either publicly or otherwise. I think the public has a right to know. We all want to know that our tax dollars are creating jobs, so I urge all the members to vote down the pending motion and go on to Accept this excellent amendment from the Representative from Boothbay. Thank you.

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

Representative **MacDONALD**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in opposition to this motion as you might expect and only do so because the good Representative and chair of Tax, Representative Knight, mentioned that my amendment would, in making this motion, mentioned that my amendment would weaken the improvements that have been made in the Tree Growth Tax program through both the previous bill that he referenced and also this bill. I don't think that the amendment that I'm offering would weaken it. I think what weakens tax bills is when the general public does not have transparency in understanding why a piece of property ought to be given such an abatement. I think that's what weakens public support for programs that we have. I do believe that if there's full transparency, the more sunshine that we can place on this bill, as well as on any other tax bill of this type, the stronger the bill will be, because I do believe there will be more public acceptance of these plans because, by and large, they are good plans. It's only a few of the bad apples that make the public have a suspicion about them.

I would point out that Tree Growth is not the only tax abatement system that we have. We abate taxes for churches and for schools and for certain kinds of nonprofits that do public good. Everyone has access to the information about what those institutions do. They can see them. They know them, they understand them. They are seldom questioned. I do think that in the case of Tree Growth, people do not see the benefit without, in this case, they will be given more information about what's going on with these Tree Growth plans. I believe they will build stronger support for them through this kind of amendment than otherwise. So again, I ask that you vote against Indefinite Postponement and go on to be able to vote on the substance of this amendment. Thank you, Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-891) to Committee Amendment "A" (S-441). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 294**

YEA - Ayotte, Beaudoin, Beaulieu, Bennett, Black, Burns DC, Cebra, Chase, Clark T, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Davis, Dow, Dunphy, Edgecomb, Espling, Fitts, Fitzpatrick, Flood, Fossil, Foster, Fredette, Gifford, Gillway, Guerin, Hamper, Harmon, Harvell, Hayes, Johnson D, Johnson P, Keschl, Knapp, Knight, Libby, Long, Maker, Malaby, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Newendyke, O'Connor, Olsen, Parker, Parry, Picchiotti, Plummer, Prescott, Richardson D, Richardson W, Rioux, Rosen, Sanderson, Sarty, Sirocki, Strang Burgess, Tilton, Timberlake, Turner, Volk, Wallace, Waterhouse, Weaver, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

NAY - Beavers, Beck, Beliveau, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Casavant, Chapman, Chipman, Clark H, Clarke, Cornell du Houx, Dill J, Dion, Driscoll, Duchesne, Eberle, Eves, Flemings, Gilbert, Goode, Graham, Hanley, Harlow, Haskell, Hinck, Hogan, Hunt, Innes Walsh, Kaenrath, Kent, Kruger, Kumiega, Lajoie, Longstaff, Lovejoy, Luchini, MacDonald, Maloney, Martin, Mazurek, McCabe, Monaghan-Derrig, Morrison, Nelson, O'Brien, Peoples, Peterson, Pilon, Priest, Rankin, Rotundo, Russell, Sanborn, Shaw, Stevens, Stuckey, Theriault, Treat, Tuttle, Valentino, Wagner R, Webster, Welsh.

ABSENT - Bickford, Celli, Damon, Herbig, Rochelo.  
Yes, 76; No, 69; Absent, 5; Vacant, 1; Excused, 0.



76 having voted in the affirmative and 69 voted in the negative, 1 vacancy with 5 being absent, and accordingly **House Amendment "A" (H-891) to Committee Amendment "A" (S-441) was INDEFINITELY POSTPONED.**

Subsequently, **Committee Amendment "A" (S-441) was ADOPTED.**

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

Subsequently, under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-441)** in concurrence.

**HOUSE DIVIDED REPORT - Majority (8) Ought Not to Pass - Minority (5) Ought to Pass as Amended by Committee Amendment "A" (H-782) - Committee on HEALTH AND HUMAN SERVICES** on Bill "An Act To Clarify Case Management Supervision Authority and Ensure Access to Case Management Services" (EMERGENCY)

(H.P. 1244) (L.D. 1692)

**TABLED - March 15, 2012 (Till Later Today)** by Representative **STRANG BURGESS** of Cumberland.

**PENDING - Motion of same Representative to ACCEPT the Majority OUGHT NOT TO PASS Report.**

Subsequently, Representative **STRANG BURGESS** of Cumberland **WITHDREW** her motion to **ACCEPT** the Majority **Ought Not to Pass Report.**

Subsequently, on further motion of the same Representative, the **Minority Ought to Pass as Amended Report** was **ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-782) was READ** by the Clerk and **ADOPTED.**

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-782)** and sent for concurrence.

**An Act To Prepare Maine People for the Future Economy (MANDATE)**

(S.P. 439) (L.D. 1422)

(C. "A" S-477)

**TABLED - March 28, 2012 (Till Later Today)** by Representative **CURTIS** of Madison.

**PENDING - PASSAGE TO BE ENACTED.**

Representative **TREAT** of Hallowell moved that the rules be suspended for the purpose of **RECONSIDERATION.**

Representative **CURTIS** of Madison **REQUESTED** a roll call on the motion to suspend the rules for the purpose of **RECONSIDERATION.**

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

The **SPEAKER:** A roll call has been ordered. The pending question before the House is to suspend the rules for the purpose of Reconsideration. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 295**

**YEA -** Beaudoin, Beavers, Beliveau, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Casavant, Chapman, Chipman, Clarke, Cornell du Houx, Dill J, Dion, Driscoll, Duchesne, Eberle, Eves, Flemings, Gilbert, Goode, Graham, Hanley, Harlow, Haskell, Hinck, Hunt, Innes Walsh, Kaenrath,

Kent, Kruger, Kumiega, Lajoie, Longstaff, Lovejoy, Luchini, MacDonald, Maloney, Martin, Mazurek, McCabe, Monaghan-Derrig, Morrison, O'Brien, Peterson, Pilon, Priest, Rotundo, Russell, Sanborn, Stevens, Stuckey, Theriault, Treat, Tuttle, Valentino, Webster, Welsh.

**NAY -** Ayotte, Beaulieu, Bennett, Black, Burns DC, Cebra, Chase, Clark H, Clark T, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Davis, Dow, Dunphy, Edgecomb, Espling, Fitts, Fitzpatrick, Flood, Fossel, Foster, Fredette, Gifford, Gillway, Guerin, Hamper, Harmon, Harvell, Hayes, Hogan, Johnson D, Johnson P, Keschl, Knapp, Knight, Libby, Long, Maker, Malaby, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Nelson, Newendyke, O'Connor, Olsen, Parker, Parry, Peoples, Picchiotti, Plummer, Prescott, Rankin, Richardson D, Richardson W, Rioux, Rosen, Sanderson, Sarty, Shaw, Sirocki, Strang Burgess, Tilton, Timberlake, Turner, Volk, Wagner R, Wallace, Waterhouse, Weaver, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

**ABSENT -** Beck, Bickford, Celli, Damon, Herbig, Rochelo.

Yes, 62; No, 82; Absent, 6; Vacant, 1; Excused, 0.

62 having voted in the affirmative and 82 voted in the negative, 1 vacancy with 6 being absent, and accordingly the motion to suspend the rules for the purpose of **RECONSIDERATION FAILED.**

Representative **CURTIS** of Madison **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 Newport, Representative **Fredette.**

Representative **FREDETTE:** Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. If my understanding is correct, this is a vote for LD 1422 for Enactment and I'm opposed to this bill. When I was in caucus today I used the example of when I was in high school I asked a girl out for a date, and when we went out on the date, I like to eat lobster and she liked hamburgers, but I told her "No, you have to eat lobster because I like lobster." Then when the date got done, I told her she had to pay. Subsequently, there was not a second date. That's essentially what this bill is. It's a date saying you have to eat what I want to eat and you have to pick up the bill.

If you look at the fiscal note, if you actually take the time to go to your computer and you actually look at the fiscal note prepared by the Committee AFA, it reads, and I will just read this very quickly, that it requires local school administrative units to transition to proficiency-based standards for awarding a high school diploma by January 1, 2017. To the extent that the development of the methodology for implementation can be provided by the working group, the Department of Education, the cost to school administrative units may be moderate. However – this is the important part – pursuant to the mandate preamble, the 2/3 vote of all members elected to each house exempts the state from the constitutional requirement to fund 90 percent of the additional cost. So this is a mandate that your local school units, your local taxpayers, are going to be paying for.

Traditionally, Republicans have been opposed to mandates and I'm opposed to this because it's a mandate. We sort of have a hybrid of this system within our own RSU. It's currently being used in the K-8 program with the more traditional method at the high school. When I get a report card from my son who is in the middle school, quite frankly, I have a very difficult time understanding what it's telling me, and that's this system here. Now my daughter who is at the high school and when I get her report card, I look at it and it has A's, B's, and C's – actually, it has all A's – but I can understand what it means. But if we want

to and I understand that the argument is going to be that this works well in some school units, in some areas of the state this works well and I think that's great, but why do we have to mandate it to everybody because it works well in a few school districts? Because we think here in Augusta we can mandate and we're going to tell you that this is going to work better, that you have to do this. Quite frankly, that's what I ran against, that we ought to be running everything out of Augusta and we ought to be mandating everything. I'm going to be voting against this bill and I will highlight just one last thing on the fiscal note. When it says local cost, it says moderate statewide. But we don't have a fiscal note on this because it has a preamble. Thank you, Mr. Speaker and thank you, Ladies and Gentlemen of the House.

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'm in the unique position like just a few in this House of being both a legislator and deliverer of this LD and the parent at the receiving end of this legislation. As a legislator, I am extremely bothered at the lack of effort to get buy-in at the foundational, most impacted level of this legislation. All the lobbying effort has happened here under this roof and when I went home two weeks ago to call a meeting with parents and administrators of my district, the parents had a blank stare and then alarm, because they did not know what this legislation meant, they didn't know what it was and it is their kids in this system. The teachers rolled their eyes. Two of the superintendents I talked to, everyone lacked enthusiasm. It's another initiative. It is going to cost in time and it is going to cost in money, and you know what? As a legislator, it's going to be the poorer districts that are impacted the most. They have the greatest disparity in student population and they will have to do the most work to implement this. The wealthier districts with the resources, already the bulk of their graduating classes are proficient. They will have the least to do.

And local control? Proponents argue that this doesn't take away local control. That doesn't encourage me. I don't want my teachers and districts spending their time inventing a curriculum in the next five or perhaps eight years that's going to work for my kid. The bulk of his education – he's going into the third grade – his entire K-12 will be eaten up with my district trying to figure out a system that might work, might work, because there are no outcomes for this yet in this state. There are no outcomes. I've talked to, I've been in communication with the many voices we've been hearing in the last few weeks concerning this. Most of those voices in support are coming from districts and schools that have already bought into this. They had the choice at a local level. A teacher from Hall-Dale said 80 percent of the teachers voted for this. None of the teachers in my district voted for this, none. They've got buy-in, they've got investment and I hope that they've got parents on board as well. But they haven't done that in my district.

I also have heard from supporters of this, teachers, who agree with me that there's no quantitative substantive outcomes for this. There aren't any yet. It hasn't been in place. We've heard that this has been in place somewhere since 1999. No, standards-based curriculum has not. Standards-referenced curriculum has. We have that in my school in Woolwich. What that means is that NECAP, Common Core tests are given and they reference the scores on that to a standard, and they either read it or not and nothing changes. The standards-based curriculum is that they change how they teach in the schools and that has not been in place. The often referenced Hall-Dale School, a teacher said "Well, we've only really had this in place for one year." Standards-based. They've had standards-

referenced. They have had no outcomes. They don't know that this works and they're going to mandate it. They're going to mandate this statewide and as a parent that's a huge concern for me, and the parents I talked to it's "Well, you know, it sounds like a great idea." Yes, it does sound like a good idea. It would have worked for me. I wasn't a great student. As a parent, like anyone under this roof who actually is a parent is going to be mostly impacted by this, and that would be any child seventh grade and under. I know that you, like me, stand with a certain ferocity concerning this because I am the guardian of my son's future education and I do not want it to be an experiment, and if it's going to be implemented in my school district, I want parents to be on board, I want teachers to be on board, I want my superintendents to be on board and I don't care if the legislators are on board. They have nothing to do with it and I want outcomes. This is the same mistake that we made with RSUs and that's pushing this through without getting the appropriate local buy-in, and we know what happened with RSUs. There is no buy-in for this in my district. Thank you.

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

Representative **WAGNER**: Thank you, Mr. Speaker. I regret the Representative from Woolwich for him that his school district has no buy-in, parents no buy-in. Unfortunately, we could not go throughout the state and teach everybody, inform everybody about all aspects of this proposal. We did here. We had extensive public hearings. We worked this bill and worked this bill and worked this bill, and we came up with what you have before you unanimously, despite some very definite differences of opinion within the committee. What I have heard is that nobody likes No Child Left Behind, or very few people do. What I have heard is that people are very upset by the fact that remediation is necessary for kids going to community colleges. Up to 45 to 50 percent of those students need remedial work. That's not proficiency. I have also heard and I'm sure we all have heard that people are not terribly happy with the fact that kids are promoted strictly on the basis of time spent in a seat.

What education is, is teaching students to be competent, to be proficient in core scales, core areas, that we as a state designate. This is a change for sure. No change is pretty. Really? No change is nice and neat. We can't package this and put a beautiful bow on it, but we've got to start somewhere and this is the time to do that. It is just not right for our students to be graduating without knowing how to add, subtract, multiply and divide, and that is true. Local control is very much in place, in my opinion. How this develops will be up to the local school boards. There are districts as you know – Searsport, some places down south – who have already implemented much of what this bill proposes. That information will be available. It would not be a matter of inventing the system all over again. We do have experience and it will be shared. In my opinion, this has been vetted about as much as possible and it's time to move ahead and support this proposal. Thank you, Mr. Speaker.

The SPEAKER: The Chair would remind members when they are recognized, they should rise, thank the Speaker, and address their colleagues by saying "Ladies and Gentlemen of the House" or "Women and Men of the House" or some such verbiage.

The Chair recognizes the Representative from Hiram, Representative Rankin.

Representative **RANKIN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today to address LD 1422, "An Act To Prepare Maine People for the Future Economy." Winston Churchill once said "Courage is what it takes to stand up and speak. Courage is also what it takes to

sit down and listen." Well, I've done a lot of listening recently and I finally found my voice and I cannot keep still regarding this bill. I am asking all of you to listen carefully because this is really urgent.

For almost four years, the Education Committee has struggled with the awesome challenge of how do we help our students. We have failed far too many of them. After four years, we have made very little progress until this bill, when our committee finally reached the decision that this bill provided many of the answers that we have been seeking. It's not perfect, but it is much better than nothing. Bless those schools where teachers and students who, in spite of all odds, found the courage to lead the way with standards-based education, and they have generously agreed to meet with all who wish to be advised or have them come and visit them. This is not a one-size-fits-all. It cannot happen overnight. Each school can progress at its own speed, but there will be progress which has been sorely lacking for years.

Let's face it folks, our system is broken. When every college president who visited told us four years ago that many high school kids who enrolled after graduation, they enrolled in college classes, they were unprepared and had to take remedial courses. After 13 years of education, they were rather shocked to find they weren't ready for college and some of them quit, they were so discouraged. Yes, a shocking and deplorable situation it is. Four years later it remains. This is unacceptable. We must no longer ignore the reality that it is staring us right in the face. Thirteen people, six of them new to this session, have put their heart and soul into the Education Committee work. We are committed to the children, their parents and their teachers. We know some of you have misgivings and are frightened by the word "mandate." However, we need to remember that our children face new challenges every day and our committee urges you to find the courage to take a leap of faith and join us on this journey to a bright and successful future for all, especially the children who will represent the future of Maine and the future of the United States of America. Thank you, Mr. Speaker.

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

Representative **McCLELLAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I also rise in support of LD 1422 and I also was one of the people on the committee and I'll share some of what you've heard already. We did have public hearings. We had much discussion. We actually visited off campus. We went and spent days at school. Like many of you, I've gotten emails. I'm assuming I maybe got more because I'm on the committee and might have been probably 2.5 to 1 in favor and that includes parents as well as educators. I also had the privilege, Mr. Speaker, of visiting some schools over the last year in both Tampa, Florida, and Providence, Rhode Island, that are using standards-based systems. What I noticed in those schools, as well as the schools in Maine that I visited that are using them, I noticed eye contact with all the students, I noticed confidence, and when you talked to these students, they know what they're doing, why they're studying it and what they're trying to learn, what they're working on. Now my kids attended a school 10 years ago that was working this way, rubrics and the whole thing, and they both graduated, both are young adults and were very successful in college, well prepared for college and are prepared for life at this point.

Recently, I heard the Chamber of Commerce say that leading schools in Maine are doing this. Today I heard the Portland Chamber say this is a jobs bill. We've heard, Mr. Speaker, about the fiscal note. Educators I've talked to, administrators, have said they're surprised at the fiscal note because they think they

already have the money to shift around within their own systems, in terms of the training that would be necessary in the work, that would be necessary to go to this system. They think they've got it covered already. Now my kids, as I said earlier, attended a school that actually the first day my son started seventh grade and my daughter started ninth grade, middle school and high school, it was the first day of the school building, first day of this going towards the standards system. In honesty, the school system did a very poor job of marketing the change and so parents were very upset, they didn't understand. "What do you mean my kid's not going to be getting an A or a B?" It was awkward and I mean literally, you know, torches in the streets people were so angry. The school started to engage the parents and the families and started explaining the benefits of this approach and eventually it began to go well. Parents started to buy into it. As I said earlier, it was actually the students who quickly became the defendants of this system, as they saw how this method was impacting positively their education.

I've also, I mentioned I've heard about the report cards and this bill does not make you switch to a different kind of report card. You can still have your A's and your B's if you want. Our school didn't do that and so there was a concern, and this again, this is 10 or some odd years ago, there was a concern. What are colleges going to make out of this new system if the report card in our system, an A was called distinguished and there was text with it? How is a college going to interpret that? So what our school system did was they asked each teacher if they would contact the college they attended, send them a report card, send them the background information and get an interpretation. Would the college be able to interpret this if students applied? I'm happy to report 100 percent of the returns affirm that all the colleges thought this was a great way to go. They thought it was not a problem for them at all.

As I close, Mr. Speaker, I arrived in this last two-year session to the Education Committee and I was alarmed and I have some education background. My wife is a principal, a lot of family members are teachers or librarians in school systems and I've done a school board, so I have a sense of what's going on in education. I heard from the Education Committee how destroyed the relationship was between the Education Committee and the Department of Education because of things like the consolidation and just a lack of any collaboration. The Department seemed to do whatever they want. The Education Committee representing us was just dismayed. For six weeks I heard about this. To their credit, Governor LePage and Commissioner Bowen had accepted the challenge of taking that negative energy on and turning it totally around. The Chief Executive and the Commissioner had clearly stated over and over and over and over, they want kids to be put first. They created a positive relationship now with the Education Committee that represents everybody in this room. When we look to the Department, we have great trust that when we ask them for research or we ask them for things, they're going to deliver on it, they're going to get back to us immediately. LD 1422 is a piece of a bigger picture to me of a plan that our committee and our Department and our Chief Executive is working on to clean up the education system in this state that's a mess in a lot of ways, and when I say that, again having a principal as a wife, I'm not talking about principals or teachers or superintendents. I'm talking about what we've dumped on the public education system. I think this bill is a piece of a bigger picture of how we can turn this around and make the education system in Maine as strong and something we can be proud of, and so I clearly plan to support LD 1422. Thank you, Mr. Speaker.

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. If this is a jobs bill, I really wish I had been informed a long time ago, along with the LCRED Committee, which we could have probably taken the time to find out the details of this bill. I feel like it has come at the last minute and we've really, really been trying to look at all of the things that are involved as a committee would and although I appreciate the efforts of the committee, there still seems to be remaining a lot of controversy. All I ask is that we slow down. Sometimes inaction is the best action. Let's remember consolidation. My district is not in favor of this, at least at this time. It doesn't mean that they won't be in the future and, for that, I will be supporting my colleague from the other side of Topsham and I will be opposing LD 1422. For the record, my experience of all three of my children, who I realize may not be a representation of all, performed excellently in Maine schools and are going on to colleges.

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

Representative **HAYES**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this Unanimous Report from the Education Committee. A brief history lesson might be in order. My research indicates that we adopted the Maine Learning Results back in 2007 and they begin with a set of guiding principles which are basically our goals. I'm going to read them to you: The Guiding Principles state that each Maine student must leave school as: A clear and effective communicator, as a self-directed and lifelong learner, as a creative and practical problem solver, as a responsible and involved citizen, and as an integrative and informed thinker. Those are the broad goals of the Maine Learning Results. They are followed up by a set of very detailed standards organized by content area and subject.

I ask each of you, are we generating these outcomes consistently for our youth? I've reached the conclusion that we are not, not because we don't have a good set of goals and standards, not because we don't have good teachers, but generally one of the things that I've learned in my 50 plus years is we tend to get what we measure or what we count. I don't know what an A measures, Mr. Speaker. I don't know what a B measures. But I'll tell you, when you've got a standards-based report regarding skills and competency, I can tell you what that measures.

I, too, have had some personal experience as a school board member. I served on school boards when these competencies were being discussed and promoted and I couldn't embrace with greater enthusiasm the recommendations in this bill coming from the Education Committee. Unlike school consolidation which had only been done in one school district voluntarily before we passed that legislation, standards-based measurement of student performance has been done in a variety of school districts around the state. There is a lot of information out there to help those folks that we will now be saying, you will move in this direction. They have a lot of information to learn from folks who have gone before them and we owe this to the young people that we are educating on a regular basis in our schools. I think this is a very important tool and it's timely and appropriate, and I thank you very much for your attention.

The SPEAKER: The Chair recognizes the Representative from Deer Isle, Representative Kumiega.

Representative **KUMIEGA**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. My son attends a high school that is using a standards-based program in tandem with

traditional grades and credits. As a school committee member, I supported moving to that program. The main point that you need to know about standards-based education is that it shifts the emphasis from what you know to what can you do. Instead of asking students to cram their heads full of facts and remember them just long enough to pass a test, they have to demonstrate skills. The high school my son attends uses some of the skills like a clear and effective communicator and a critical thinker and problem solver. Students have to demonstrate the ability to do that. This is not an easy or quick change to make. Schools need to dedicate a lot of time and effort to make the change. But if it is done as part of a well thought out school improvement plan, moving to standards-based education works very well as a way to improve your school. Thank you, Mr. Speaker.

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

Representative **MALONEY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Maine would be the first state in the nation to adopt a bill like the one before us, the first state to mandate a bill like this. Why would we force every school district in the state to spend limited resources on this program? Currently, if school districts want to adopt this, they can. But before we force the entire state to do this, I have one simple request: Show me that it works. We've heard eloquent testimonials about this program in different school districts in the State of Maine. It's wonderful to hear these testimonials. I would like to see the test scores before implementation and the test scores after implementation. I would like to see that this program actually improves education in Maine before we require the entire state to do it.

Last year, there were public hearings on this bill, but it is my understanding there were not public hearings on the Committee Amendment this year. In my district, junior high and freshmen sports are already on the chopping block this year. My district can't afford this bill and, in fact, my district tried a version of this bill several years ago. Parents hated it and they pulled it back. Now we're going to force my district to go back to spend precious resources when we can't even afford to give kids freshmen sports. We're going to be forced to spend resources on something people in my district don't want. If you like it in your district, that's fantastic and you can do it without this bill. The only guaranteed winners of this statewide mandate are outside education consultants who will be paid hundreds of thousands of taxpayer dollars to tell Maine teachers how to teach. I am sure there is one thing that is clear. This is a controversial bill. Don't force this on every district in our state. Allow local school districts to decide for themselves. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative O'Connor.

Representative **O'CONNOR**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It takes initiative and incentive to learn. It also takes a good family to help rear those children along. Unfortunately, over the decades, what we've watched is our educational system deteriorate. We've watched the failures, despite what we've tried. This bill is just another shuffling of the deck chairs and what this bill does is offer more power to government and takes away local control. I had said that I would never vote for a mandate, especially when it would cost my district money. My district is already doing this. They are trying to implement it and have been trying. It's not working and it's costing a lot of money, and it's caused a lot of confusion, as well, with parents. Again, it takes initiative and incentive and it takes a family unit, and that has been deteriorating and as long as that continues to happen, our schools will continue to deteriorate.

The **SPEAKER**: The Chair recognizes the Representative from Caribou, Representative Edgcomb.

Representative **EDGEComb**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Mr. Speaker, I remember the huge massive crowds when we did consider consolidation, when the meetings were held at the Civic Center and we had to divide those who wanted to testify into two groups so that the Appropriations Committee heard the testimony as well as the Education Committee, and I'm sure the good Representative from Orono remembers those days. I don't know of anyone who was against consolidation any more than I was and 90 percent of the people there were opposed to it and yet we did force this upon the public. But that isn't why we're here today. I actually will vote for this bill for standards-based education because I believe that it will help improve or increase the test scores in their schools if we do this. In 1963, when I started teaching, I did this in my classes and yet I don't know if it was years before I ever heard the words "standards-based education."

Let me give you an example. If a coach had what he or she considered the best basketball player in the State of Maine and that coach worked only with that top player and not really worked with the rest of the team to teach the girls the skills that they would need to be a top team, I don't think that team would be successful. That would be the same way in a classroom when it comes to test scores. I felt good about standards-based or that type of a procedure and I'm not in favor of forcing it on anyone. I do believe in local control. But when I taught welding to my students, for example, if I was going to teach a flat weld, then after the bookwork they went into the shop and they did a flat weld and when they reached the competency of the level of the standard that I thought was adequate, they moved to the next level of doing a vertical weld and then maybe off to a horizontal weld to doing a corner weld, to doing a lap weld and ending with a butt weld. But the students may move on faster doing one of those processes, then let's say that a student is two or three steps ahead of another student and when you have 24 kids in a class and no ed tech to help out, then you would ask some student that would be very proficient to go in the booth and help another student, and this really worked well and made that student feel good and it helped me get all the students.

I believe that a large percentage of those students actually ended up being proficient in welding, so I felt confident that if a bar broke on a cultivator, for example, that they could make that repair. Not only that, when we did a bend test on the butt weld and if a student could, their results from their bend test at times could exceed mine that I gave them as an example, then that student left the class with a big smile and really felt good about themselves and I also felt good about the class because of all of them being able to perform that, perform the level that I wanted them to be at. The same thing if it was parliamentary procedure that I was teaching and where every student had to be able to conduct a meeting, be a chair and conduct at least five parliamentary bills a piece as well as those participating had to be able to perform five parliamentary bills a piece. Those are only examples. This is the reason why I support this and I think that the bottom line is we can bring all the students up to a level where their potential is reached to score high on a test rather than rely on those good kids that you had in the class to score high, the potential to improve those in the bottom half of your class, bring their scores up and you'll see that your schools will be considered to be highly proficient. Thank you.

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 just wanted to make a few points based on my own experience. The Maine Learning Results was adopted when my daughter was in preschool and I actually remember even before they were adopted attending community-based planning meetings to devise the learning results, to set priorities, to think about educating students in a new way. The process was quite remarkable and new to many because it actually included not only school administrators and teachers, but also parents, businesses, community members that didn't even have kids in the school, and yes, students. My daughter is now 22.

We, as a state, have still not required that the diplomas that we award in our schools are based on these learning results. We have standards that are not enforced. The teachers in my district have asked me "Gee, whatever happened to learning results? We know we have them and we're trying to teach to them, but when are we going to actually put them to work? Why aren't they enforced?" I honestly haven't known what to tell them. So I guess my primary message here is let's not let any more time go by before putting a line in the sand and saying, look, here are the standards, here's what we expect students to know when they graduate from high school. We'll let the local communities figure it out for themselves; give the local school boards the ability to try things, change things. I don't believe we're going to need a lot of outside consultants in my district. My teachers know how to do this.

But when my children were at home, they had standards. For instance, they had a curfew. Their standard was be home by 9 o'clock, and it worked, they were home by 9 o'clock. You know why the standard worked? The standard worked because it was enforced. If you have standards and don't enforce them, you will be rewarded with poor performance. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Biddeford, Representative Beaudoin.

Representative **BEAUDOIN**: Thank you, Mr. Speaker. I rise in support of 1422. I don't know about your town, but in mine the children cannot read that well, they cannot speak English. When you say "me and," since when do you come first? Since when do you speak like that? At least not in my day you didn't. I've been quite disgusted with a lot of the schools and the way they're teaching apparently. I laud this committee for all of their hard work. I thank you.

I've heard a lot this afternoon, a lot about money too. I'm not saying I'm happy to be spending money; I'm not, but if it means that those children will get finally a good education, isn't it worth it? Think about it. I'm sure there are some kids that are very smart. I had one. The other one had a harder time. Let's think about this a little bit. Let's think about the kids we're talking about. Their lives are ahead of them, their whole lives. So maybe I'm hoping that, like the others, that you can say a little bit or let's do it. Let's think about the children. Let's see what happens with them. I thank you, Mr. Speaker.

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

Representative **JOHNSON**: Thank you, Mr. Speaker, I think. Mr. Speaker, Ladies and Gentlemen of the House. I would like to associate myself with the people that have spoken in favor of this because they have covered a lot of the points that I would have covered. What I would like to do is say let's all take a look at ourselves in the mirror. Let's look at 20 percent dropout rates. Let's look at 50 percent remedial requirements in the community college system, 24 percent of remedial requirements in the university system. We heard from General Libby the other day that 70 percent of the people are not qualified to go into the

military service, either for academic or physical reasons, and we should say to ourselves in that mirror "How's that working for you?"

Now we've spent a lot of time on this bill in the Education Committee and I understand the difficulty people have with change, but I think it's time to change and I think it's time to move on with this program. It's part of a larger set of initiatives that are outlined in the strategic plan. All of those are important, but I think this is one of the most important and I think I would just like to suggest that those of you who are sitting on the fence, let's try to overcome some of these adverse statistics that we have. Thank you very much.

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

Representative **LOVEJOY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. You've heard from most of the members of the Ed Committee today and there's a reason that we're all supporting it. We've been listening to all the problems our schools have. We've talked about the fact that there's so much need for remediation. Having taught at the university level in a public university in this state, I can tell you that there are students that never would have gotten through high school when I went to school because we have let our standards slip. You have to teach them how to do basic algebra in a college course. You have to teach them how to read. You have to teach them how to write. You have to correct grammar. That's not a good reflection on our system at all. We've gone to passing students along. That isn't working very well for us.

When we look at the issues as far as standards, keep in mind that there are different ways to do standards. But if you look at the leading countries in the world, they do it a little bit differently. There's high stakes testing at the end. A lot of our students would really suffer if they had to go through that. This allows standards to be built at all levels. I've advocated for years that we start reforming from kindergarten up, one year at a time, requiring that they meet standards. I do see some issues with some of the high school students who are going to be caught because they haven't been held to strong standards in the past. There's no way to work around that. We have to take and move forward in terms of requiring a quality education, both from our teachers and the work from the students.

I understand there's a lot of controversy. But as others have said, I heard a number of people that were all very clustered in one area, who were very concerned, almost all from one school district. On the other hand, I heard from a lot of people across the state who were very supportive of this. Our students have varying skills. Do we want to make them march in lockstep if they have varying skills? I don't think so. If you've got a kid that is reading, they are in the fourth grade and they are reading at an eighth grade level. Are you going to teach to them and try and guide them the same way you would with some of the lower performers in that class? Why not let them move along? Some schools are doing this, there's no question, but it does require a commitment and the first commitment it requires is from the people in this room. I hope you'll vote green on this.

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've made my whole life teaching. I taught for about 40 years. I taught in Rhode Island, I taught in Massachusetts, Connecticut. I taught in parochial schools, public schools and I had all sorts of students. I've been listening very intently to this conversation today and we're leaving out a couple of things, I think, that are really important.

Number one, I haven't heard very many people talk about their parents and their role in this new philosophy. At every school I've been in and every place I've been in, every state I've taught in, without parental cooperation, whether it's been members of my football team or members in my classroom, if I didn't get the parents' backing and their support with their students, those kids were very hard to work with. We seem to be ignoring, we seem to be thinking that we can make this change without any inputs from the parents. I know that I've heard that I guess you people on the committee have gone around and got some input, but not nearly as much as I think we should have gotten. I find it ironic that here we are, all products of the educational system, creating a system that's supposed to be better than the one that got us here. What's that say about us?

So I think change is good, I really do. But I think what we have to do is we have to do it gradually. We have to make sure that when we get the program finally done, we can do a couple of things. We can get it going so that the kids and the parents buy into it and the teachers buy into it, and that the communities can afford this change. All of the communities in and around the Midcoast are finding it very difficult right now to fill budgets, to fill teaching positions. We're talking about cutting positions. So before we make anything mandated, let's look at what we have and what we can do so that when we institute something as major as this, we do it right, take our time and do it right. I know it would be nice to say, oh yeah, we all walked out of here and we've changed education in Maine. Did we change it for the better or did we change it for the worse? I hope we can change it for the better, but that's going to take a little time and a little more effort than just what we're doing right now. Thank you.

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

Representative **MacDONALD**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in opposition to the current motion and I think much has been said; I won't be long. As the good Representative Maloney said, show me the scores. I think we're all saying show me the money as well. I think this is an unfunded mandate that we shouldn't be putting on our schools at a time of stress within the school budgets all across the state. I just think it's a mistake to do that. I think there are many good ideas contained in this bill that could be well implemented if we had gone about it in a different way.

I, like Representative Edgecomb, was here in the beginning of the whole school consolidation process. I was at the Civic Center and saw the huge outpouring of public interest, both pro and con, mostly con, on that whole process. But this mandate as it stands now did not really, this was an amendment that really did not have a clear public hearing. I think if we'd had a clear, full public hearing on this mandate, we would have had a lot more public input and perhaps it would have been having a different debate right now. I have the greatest respect for the Education Committee. I know that they've worked long and hard on this, but I do think that we should unwind this process, go back, look at it again, see how we can help schools utilize some of the good ideas that are in this bill but don't make it a mandate on the whole state at this time. Thank you, Mr. Speaker.

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 also rise reluctantly in opposition to the pending motion, but I do so because I support the goals of this bill. Unfortunately, in education reform and in the history of education reform, the road to failure has been paved with good intentions. I want best really to make sure that in order to succeed here that we do everything possible to gain

the buy-in of our communities, of our parents, our teachers, even our students before we rush forward.

I've been a teacher for 20 years, but more importantly, perhaps, right now, I am a parent of a second grader and a fourth grader, and I too want those children not to be guinea pigs, unsuccessfully, but if they need to be guinea pigs to be the subject of successful experimentation. I believe that that can happen. I think that change is good, that we do need to shake things up. All of us do better when our beliefs are challenged, when we're challenged to improve, to think differently and to try a new way. But if this will succeed, it will succeed not because we dictated it from Augusta but because we supported it. I want this to be a textbook example of how to succeed and not how to fail, like so many textbook examples of failure before.

The great author Seymour Sarason, a historian of education, wrote a book in the 1990s called "The Predictable Failure of Educational Reform" and talked about how reform after reform, after reform, after reform has failed because fundamental lessons about buy-in and about change were forgotten or ignored because the idea seemed like a good one. And support for communities and buy-in really are the crux of success.

We also need to remember that when we talk about measurement, that we don't always get what we measure. If you're a farmer and you're trying to fatten up your pig, you don't do it by weighing the pig. You can weigh the pig as much as you want but the pig's not going to get any fatter. You need to feed the pig if you want it to get fatter and we need to teach the children if we want them to get smarter.

We could demand of our health care system that everybody be healthy, but it wouldn't make it happen. We need to provide the funding to do that. We could demand of our police and our military that we all be safe, that no one ever be the victim of a crime. But it's not going to happen without funding. And we could demand of our businesses that they make us all prosperous, but they won't have that without our support as well. It's not just support in terms of do this, do this and everything will be better. It's financial support, it's working together to say "How can we make things better?" And I believe a lot of that work has been done and I compliment the Education Committee on so much of this groundwork being done, so that we are, I believe, very close to success in this effort.

I really do believe in the goals of standards-based education. That's how I began my teaching; it's how I continue to work as an educational staff developer. It is what we need to do. But when we do it without the parents, without the buy-in, without the teachers, no, and time and again we've destroyed relationships by forgetting that basic lesson. So I hope that we can at least slow this down, defeat the current motion so that there is the opportunity to offer some amendments. I do know that there are some amendments that folks have that would provide some support. I think those deserve to have an opportunity.

And I would encourage people, in closing, if you haven't had the chance because this did hit a lot of us at the last minute for whatever reason, if you haven't had the chance to just ask your community not just "Do you support the concept?" – especially your teachers and your educators, "Do you support the concept?" – but also "Do you think there should be a little bit of help with the transition, do you think that there should be a little bit of support financially so it isn't just an unfunded mandate?" But there is some assistance for professional development, for workshops, for visiting a school that's doing it right, for helping schools that are doing it right to take their show on the road. Support, I think, is the least we can do to make sure that this great goal is a success and that our children, if they're going to be guinea pigs, are experimented on successfully. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative SANDERSON: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today in opposition for the pending motion. We've heard a lot things said today and I agree with a lot of them, so I'm going to keep this very, very brief. This is something that could have a lot of merit, but again, as others had said, I believe we need to slow down a little bit on this. I've taken a look around, I've done a bit of research and I still have so much questions that just aren't being answered, and I think it's important that we get these answers.

Out in Colorado, Adams 50 District has implemented this program and in the K-5 grades there are 14 schools. Of the 14, 13 of them have implemented the standards-based model that is being put forth by the RISC folks who are working with us in Maine to implement this. One of the schools has kept the standards-referenced model. That school, at this time, is outperforming 2 to 1. Now I'm not sure why. This may be that the standards-based students are doing well, but we just don't have the assessment tools correct yet to maybe measure the proficiency of where they are. There's too many questions. I just don't know where they are. And when yes we're hearing a lot from one particular school district from the teachers and administrators saying "Please pass this," but I'm hearing a lot from the parents as well. Some of the parents who are friends of mine who are saying "This isn't working out so well for my child. My child is not a self-motivated child and this method of learning is just not right for them."

When we talk about setting, enforcing, not enforcing standards or creating standards and having them enforced, we have standards in place right now to meet the learning results. Are we not enforcing those? If we're not enforcing those standards that we have in place right now, what makes us think that when we move to a new system those standards are going to be enforced? I ask that you all join me, and others here, and say wait a minute, let's take a look at this. Let's watch and see how this is working out before we mandate this and insist that every school district in this state move to this model. Thank you.

The SPEAKER: The Chair recognizes the Representative from Glenburn, Representative Guerin.

Representative GUERIN: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. My town Glenburn voted last week to withdraw from our RSU. This has been a controversial issue between the good citizens of Glenburn and will now be an added expense to the taxpayers. Glenburn did not ask to join an RSU. They were not interested in participating, but we forced them. I will not be voting in favor of another school mandate. I will leave this educational decision to the citizens of my local school system. Please join me in voting red for local control.

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

Representative BEAUDOIN: Thank you, Mr. Speaker. I don't usually get up twice, especially for anything. This is my first time. I've heard a lot this afternoon and I've heard a lot of people say "Let's wait, let's wait." Nobody's mentioned a time limit of any kind. Nobody's said how long should we wait. Meanwhile, we still have a big, big problem with the schools. Our children are getting worse. So does anybody have any idea of how long did they want to wait? 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. I just received an email from the Maine PTA representative who had sent us all

letters saying they were in favor of this bill. I also would like to respect my colleagues in the Education Committee that we worked very, very hard. For us, we visited schools, we talked to children and what I am about is children. We need to do something and we all know the process here. If we don't like it, if things aren't working right, we bring it back and we change it. I guess I don't see the big problem with this. What? Is this different than any other bill? We're trying to help our children. As I've said to you before and I will continue to say to you, any time children are involved, I'm going to stand up for them. I'm not standing up for teachers, principals or anybody else, but for those children who need us. Thank you, Mr. Speaker.

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

Representative **EDGCOMB**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Mr. Speaker, after eight years, I don't think you want me to leave here never having spoken twice on the same bill, so this is my chance. When I hear of students being kept back in school, it disturbs me deeply and I've instructed teachers they're not to do that unless the parent demands it. I always ask them "What are you going to do next year that you're not doing this year, and if you ever think about keeping that kid back, then you better get with it because they're going to be moving to the next grade." I believe that this bill will help prevent that by keeping kids up to speed. Thank you, Mr. Speaker.

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

Representative **JOHNSON**: Thank you, Mr. Speaker, and I apologize for rising twice. Ladies and Gentlemen of the House, I'll make this quick. We've heard a lot about mandated costs, that we have over 20 school systems now that are doing it within their own resources. So you can have costs and you can have costs. You can make it as big as you want or you can keep it as small as you want. We have a very small group and actually it's in a different Representative's district, but I covered that town, and they are one of the poorer communities living in upper Somerset County and they are doing it on their own. It does take time, but I would remind people that in this bill, the date that's on the line is 2017 with a three-year waiver, if necessary, and I just would reiterate that we do know customized learning works for kids. You find the right buttons to push and you push them for that kid and that kid will learn. We have had testimony this year and last year from the Maine School Management Association, the Principals' Association, the MEA, school boards, businesses and the PTA. Now some can say we don't have a consensus of the 1.3 million people in Maine, but we have good representation. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Hiram, Representative Rankin.

Representative **RANKIN**: I just wanted to say that we have had at least three pages of lists of schools all over the state that are dealing with this or want to deal with it, are very excited about it, and also all the colleges had let us know they approve of this. As Representative Johnson just said, the education associations. I would like to say just one more thing before I sit down, is so what if we become the first state in the nation to start this program. We are well familiar with, as Maine goes, so goes the nation. I would be very proud if we were the ones to open our eyes and do what we should for our kids. It's not to say that we are disrespecting the parents or the teachers, but certainly, as Representative Maker said, the children come first. Thank you, Mr. Speaker.

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

Representative **BOLAND**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'm just responding to your call, Mr. Speaker. I really have been hesitant to speak because so many people have spoken, but I just had to say that I'm going to vote for this bill, even though I've been back and forth on it, because my town wants me to. The curriculum director and I've had some conversation, rather extensive, on this, and I know that Sanford has been working really hard and been getting really good reviews on what's been going on. They've really been on this very much and worked really hard, as I said, got the good reviews. But she said finally, I think between other conversations, but what she said to me is "We've done a lot. We're really enthusiastic. The kids seem to respond well, but at this point we need the mandate."

I think we can take some heart, those of us who do have some reservations, in the fact that I don't think we should ever underestimate the ability of schools, teachers and in fact any of us to resist change, and so perhaps this will be an evolving kind of change here in Maine because people will be motivated, maybe positively and maybe negatively, in such a way that gets us to a better, better place. My big concern has always been what the standards themselves are and I regret that I have not been able to get answers to that that satisfied me.

I work a lot with some of these scientists on some of the things I bring to the House that some of you might think sound a little wild, but the concern in this country is that we are losing some of our best scientists to other countries now because there's not enough recognition of the need for high standards. We really have to bring the kids up one way or another and I think it's kind of crazy that we're actually debating whether or not they need to meet standards. I just hope they're high enough.

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

Representative **TUTTLE**: Thank you, Mr. Speaker. Like the previous few speakers, I have nothing new to add to the debate. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Kittery, Representative Beliveau.

Representative **BELIVEAU**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise as a high school teacher in support of proficiency-based standards. This system sets high academic expectations for students. We are telling kids "Here is the standard and we know you can achieve at this level. In fact, we won't leave you alone. We will continue working to support you until you do achieve at this standard." This is a great empowering message for kids to receive from their teachers.

Also, think of the motivation for many students when we say "Hey, here's the knowledge and set of skills you need to master in order to earn your diploma. If you can do this in three years instead of four, then more power to you." I know many students will embrace the opportunity to tackle the required standards at an accelerated pace so that they can spend their two or three or even four semesters taking the classes they really want to take. In this regard, the approach will provide extra motivation for students.

There is excitement in the education world about the potential for proficiency-based standards. Kittery's high school, Traip Academy, is currently redesigning the entire high school experience with proficiency-based standards as a central pillar and with Kittery's school committee unanimously in support of the approach. When the position was posted for the new Traip principal, 19 applicants put their hat in, many citing Traip's new progressive approach as the reason for their interest. For high standards, for motivating students, that's why as a teacher I'm in



support of proficiency-based standards. However, I am disappointed at the way we're going about this. We haven't heard all the ideas that are out there. We had an opportunity to today and we shut that opportunity off. There are some ways to improve this bill. That's why I say I'm in support of these standards and I have real heartburn over the bill. 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. Since I'm the last to speak, I'll make it short. I'll go back to the school reorganization bill which was only schools under 2,500 had to comply to it, not the whole state had to comply to it. So there was a lot of controversy. This bill, the entire state needs to comply to it, so I think it probably will work. I have to support it because of what I've been hearing from the community college system. I don't want to repeat what's been going on, but we keep hearing from Mr. Fitzsimmons about kids aren't ready to learn when they come to college. We hear it from the University of Maine System. We haven't heard it from Maine Maritime so much. But we need to do something. We need to have some level here someplace where kids have to do certain things. They just don't have seat time like it's been mentioned several times. But we do need to change. We need to go forward and do what's right for the kids. I keep hearing about the fiscal note. I realize there is a fiscal note, but I also keep hearing from the commissioner, from the Chief Executive, kids first. So we've got to keep that in mind when we vote. Thank you, Mr. Speaker.

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

Representative **BERRY**: Thank you, Mr. Speaker. Permission to pose a question through the Chair to anyone wishing to answer.

The SPEAKER: The Chair didn't understand your question.

Representative **BERRY**: I request permission to pose a question through the Chair.

The SPEAKER: The Representative may pose his question.

Representative **BERRY**: Thank you, Mr. Speaker. My question is simply this: If the bill as it is currently before us is in fact such a good one, it has been so carefully thought through, why is it that we were not offered the opportunity to offer amendments a moment ago?

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

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.

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

**ROLL CALL NO. 296**

YEA - Beaudoin, Beliveau, Bennett, Boland, Briggs, Cain, Carey, Casavant, Cebra, Chapman, Chase, Cotta, Cray, Crockett, Curtis, Cushing, Dion, Driscoll, Duchesne, Eberle, Edgecomb, Eves, Fitts, Fitzpatrick, Gifford, Gillway, Graham, Hamper, Harmon, Haskell, Hayes, Hunt, Innes Walsh, Johnson P, Keschl, Knapp, Kruger, Kumiega, Lajoie, Longstaff, Lovejoy, Luchini, Maker, Malaby, McCabe, McClellan, McFadden, Monaghan-Derrig, Morissette, Morrison, Moulton, Nass, Nelson, Parry, Peoples, Picchiotti, Pilon, Rankin, Richardson D, Rosen, Rotundo, Russell, Sanborn, Shaw, Strang Burgess, Tilton, Timberlake, Tuttle, Volk, Wagner R, Weaver, Webster, Welsh, Winsor, Wood, Mr. Speaker.

NAY - Ayotte, Beaulieu, Beavers, Berry, Black, Blodgett, Bolduc, Bryant, Burns DC, Chipman, Clark H, Clark T, Clarke, Cornell du Houx, Crafts, Davis, Dill J, Dow, Dunphy, Espling, Flemings, Flood, Fossel, Foster, Fredette, Gilbert, Goode, Guerin, Hanley, Harlow, Harvell, Hinck, Hogan, Johnson D, Kaenrath, Kent, Knight, Libby, Long, MacDonald, Martin, Mazurek, McKane, Newendyke, O'Brien, O'Connor, Olsen, Parker, Peterson, Plummer, Prescott, Priest, Richardson W, Rioux, Sanderson, Sarty, Sirocki, Stevens, Stuckey, Theriault, Treat, Turner, Valentino, Wallace, Waterhouse, Willette A, Willette M.

ABSENT - Beck, Bickford, Celli, Damon, Herbig, Maloney, Rochelo.

Yes, 76; No, 67; Absent, 7; Vacant, 1; Excused, 0.

76 having voted in the affirmative and 67 voted in the negative, 1 vacancy with 7 being absent, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED** and was sent to the Senate.

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

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On motion of Representative KESCHL of Belgrade, the House adjourned at 4:47 p.m., until 10:00 a.m., Thursday, April 5, 2012.