

MAINE STATE LEGISLATURE

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

Daily Edition

First Regular Session
beginning December 5, 2018

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ONE HUNDRED TWENTY-NINTH LEGISLATURE
FIRST REGULAR SESSION
52nd Legislative Day
Tuesday, June 11, 2019

The Speaker resumed the Chair.

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

Prayer by Pastor Brian Casey, North Windsor Baptist Church, Windsor.

National Anthem by Katelyn Robinson, Garland.

Pledge of Allegiance.

Doctor of the day, Janis Petzel, M.D., Islesboro.

The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

An Act To Increase Land Permit by Rule Application Fees (EMERGENCY)

(H.P. 1269) (L.D. 1784)
(C. "A" H-502)

PASSED TO BE ENACTED in the House on June 7, 2019.

Came from the Senate **FAILING** of **PASSAGE TO BE ENACTED** in **NON-CONCURRENCE**.

Representative TUCKER of Brunswick moved that the House **RECEDE**.

The same Representative **PRESENTED** House Amendment "A" (H-542) to Committee Amendment "A" (H-502), which was **READ** by the Clerk.

The SPEAKER: The Representative may proceed.

Representative TUCKER: The only purpose of this House Amendment is to strip the emergency preamble and the emergency enactor. If enacted, the bill will go into effect 90 days after our adjournment rather than right away.

Subsequently, House Amendment "A" (H-542) to Committee Amendment "A" (H-502) was **ADOPTED**.

Committee Amendment "A" (H-502) as Amended by House Amendment "A" (H-542) thereto was **ADOPTED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED** as Amended by Committee Amendment "A" (H-502) as Amended by House Amendment "A" (H-542) thereto in **NON-CONCURRENCE** and sent for concurrence.

ORDERED SENT FORTHWITH.

COMMUNICATIONS

The Following Communication: (H.C. 200)

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

June 10, 2019

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Hunt,

Pursuant to my authority under Title 29-A MRSA, Chapter 11, §1402-B, I am pleased to appoint Matt Boger of Concord, MA to seat five on the Organ Donation Advisory Council effective immediately.

If you have any questions, please do not hesitate to contact my office.

Sincerely,

S/Sara Gideon

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 577)

**MAINE SENATE
129TH LEGISLATURE
OFFICE OF THE SECRETARY**

June 10, 2019

Honorable Sara Gideon

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Gideon:

In accordance with 3 MRSA §158 and Joint Rule 506 of the 129th Maine Legislature, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Committee on Education and Cultural Affairs,

- Joshua A. Chalmers of Scarborough for appointment, to the Maine School of Science and Mathematics, Board of Trustees;
- Marian A. Reagan of Kennebunkport for appointment, to the Maine School of Science and Mathematics, Board of Trustees;
- Patricia A. Riley of Brunswick for appointment, to the University of Maine System, Board of Trustees;
- Timothy L. Doak of Fort Kent for appointment, to the University of Maine System, Board of Trustees.

Best Regards,

S/Darek M. Grant

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

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

**CONSENT CALENDAR
First Day**

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

(H.P. 1220) (L.D. 1708) Bill "An Act To Provide for the Merger of Hospital Administrative District No. 4 into MRH Corp., a Maine Nonprofit, Nonstock Private Corporation" (EMERGENCY) Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-537)**

(H.P. 1251) (L.D. 1757) Bill "An Act To Clarify Certain Standards for the Efficiency Maine Trust's Triennial Plan" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-539)**

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.

(H.P. 1295) (L.D. 1818) Bill "An Act To Clarify and Enhance Certain Maine Wildlife Laws" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-538)**

On motion of Representative DILLINGHAM of Oxford, was **REMOVED** from the First Day Consent Calendar.

On further motion of the same Representative, **TABLED** pending **ACCEPTANCE** of the Committee Report and later today assigned.

ENACTORS

Emergency Measure

Resolve, To Provide Sustainable Funding for Assisted Living Facilities

(S.P. 623) (L.D. 1839)

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. 123 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Mandate

An Act To Address Dangerous Behavior in the Classroom

(S.P. 425) (L.D. 1370)

(C. "A" S-237)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. 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. 124 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.

Acts

An Act Authorizing the Issuance on Request of Acquired Brain Injury Identification Cards

(H.P. 50) (L.D. 49)

(C. "A" H-519)

An Act To Feed Maine's Residents by Allowing Dairy Dealers and Producers in the State To Donate Fresh Milk to Food Banks in the State

(H.P. 216) (L.D. 292)

(C. "A" H-516)

An Act To Collect Data Regarding How Payment Is Made for Collection of Signatures for Direct Initiatives and People's Veto Referendums

(S.P. 164) (L.D. 499)

(C. "A" S-232)

An Act Regarding Kindergarten Readiness for Children Who Are Deaf and Hard of Hearing

(S.P. 204) (L.D. 642)

(C. "A" S-243)

An Act To Establish the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations

(H.P. 582) (L.D. 777)

(C. "A" H-493)

An Act Regarding Recording of Witness Interviews

(H.P. 589) (L.D. 801)

An Act To Provide the Same Retirement Benefits for State Employees Working as Emergency Communications Specialists as Are Provided to Law Enforcement Officers

(H.P. 607) (L.D. 833)

(C. "A" H-496)

An Act To Attract and Retain Firefighters

(S.P. 293) (L.D. 1014)

(C. "A" S-242)

An Act To Expand the 1998 Special Retirement Plan To Include Detectives in the Office of Investigations within the Department of the Secretary of State, Bureau of Motor Vehicles

(H.P. 871) (L.D. 1207)

(C. "A" H-497)

An Act To Expand the 1998 Special Retirement Plan To Include Detectives in the Office of the Attorney General

(H.P. 872) (L.D. 1208)

(C. "A" H-498)

An Act To Expand the Value of the Homestead Exemption to \$25,000 and State Reimbursement to 70 Percent of Lost Property Tax Revenue

(H.P. 895) (L.D. 1234)

(C. "A" H-482)

An Act To Establish a Green New Deal for Maine

(H.P. 924) (L.D. 1282)

(H. "A" H-460 to C. "A" H-413)

An Act To Amend Certain Laws Relating to High-impact Electric Transmission Lines

(H.P. 985) (L.D. 1363)

(C. "A" H-437; H. "A" H-504)

An Act To Amend Maine's Municipal Land Use and Eminent Domain Laws Regarding High-impact Electric Transmission Lines

(H.P. 1004) (L.D. 1383)

(C. "A" H-435)

An Act To Amend the General Assistance Laws Governing Reimbursement

(H.P. 1018) (L.D. 1403)

(C. "A" H-514)

An Act To Amend the Laws Governing the Collective Bargaining Rights of Employees of School Management and Leadership Centers

(H.P. 1025) (L.D. 1412)

(C. "A" H-494)

An Act To Create an Automatic Voter Registration System

(H.P. 1070) (L.D. 1463)

(C. "A" H-458)

An Act To Support Electrification of Certain Technologies for the Benefit of Maine Consumers and Utility Systems and the Environment

(H.P. 1071) (L.D. 1464)

(C. "A" H-477)

An Act To Ensure the Quality of and Increase Access to Recovery Residences

(S.P. 472) (L.D. 1523)

(C. "A" S-240)

An Act Concerning Nondisclosure Agreements in Employment

(H.P. 1112) (L.D. 1529)

(C. "A" H-448)

An Act To Improve and Modernize Home-based Care

(H.P. 1191) (L.D. 1655)

(C. "A" H-524)

An Act To Enhance the Ability of the State To Prosecute the Crime of Operating Under the Influence

(H.P. 1200) (L.D. 1676)
(C. "A" H-512)

An Act To Exempt Purchases by Pet Food Pantries from Sales Tax

(S.P. 567) (L.D. 1718)
(C. "A" S-241)

An Act To Amend the Maine Emergency Medical Services Act of 1982 and Related Provisions

(S.P. 573) (L.D. 1724)
(C. "A" S-234)

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.

Resolves

Resolve, To Establish the Work Group To Study the Use of Body Cameras by Law Enforcement Officers

(S.P. 198) (L.D. 636)
(C. "A" S-236)

Resolve, Directing the Maine Human Rights Commission To Implement a Pilot Program To Investigate and Report on Incidents of Harassment Due to Housing Status, Lack of Employment and Other Issues

(H.P. 937) (L.D. 1294)

Resolve, Requiring the Department of Health and Human Services To Examine Options for Upper Payment Limit Adjustments for MaineCare Services

(H.P. 1309) (L.D. 1838)

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

An Act To Establish Wage and Employment Parity between Adult and Child Protective Services Caseworkers in the Department of Health and Human Services

(H.P. 337) (L.D. 428)
(C. "A" H-139)

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

On motion of Representative MADIGAN of Waterville, was **SET ASIDE**.

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-139)**.

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-139)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-549) to Committee Amendment "A" (H-139)** which was **READ** by the Clerk.

The SPEAKER: The Representative may proceed.

Representative **MADIGAN**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. This amendment reduces the fiscal note by taking out the one week of training and removes language regarding the ratio of case workers to

supervisors and it also kind of gives the department some leeway in increasing salaries up to \$5 an hour, so that adult protective workers who work with truly some of our most vulnerable adults, elderly people with severe disabilities and dementia, so that they can do their work and we can work on recruitment and retention in that department. Thank you.

Subsequently, **House Amendment "A" (H-549)** to **Committee Amendment "A" (H-139)** was **ADOPTED**.

Committee Amendment "A" (H-139) as Amended by House Amendment "A" (H-549) thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-139) as Amended by House Amendment "A" (H-549)** thereto in **NON-CONCURRENCE** and sent for concurrence.

An Act To Require Education about African-American History and the History of Genocide

(S.P. 310) (L.D. 1050)
(H. "B" H-520 to C. "A" S-147)

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

On motion of Representative MOONEN of Portland, was **SET ASIDE**.

The same Representative **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: 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.

ROLL CALL NO. 222

YEA - Ackley, Alley, Andrews, Arata, Austin S, Babbidge, Babine, Bailey, Beebe-Center, Berry, Bickford, Blier, Blume, Bradstreet, Brennan, Brooks, Bryant, Caiazzo, Campbell, Cardone, Carney, Cebra, Cloutier, Collings, Cooper, Corey, Costain, Craven, Crockett, Cuddy, Curtis, Daughtry, Denk, Dillingham, Dodge, Dolloff, Doore, Doudera, Drinkwater, Dunphy, Evangelos, Farnsworth, Faulkingham, Fay, Fecteau J, Fecteau R, Foley, Foster, Gattine, Gramlich, Griffin, Grignon, Grohoski, Haggan, Hall, Handy, Hanley, Harnett, Harrington, Head, Hepler, Hickman, Higgins, Hobbs, Hutchins, Ingwersen, Javner, Jorgensen, Keschl, Kessler, Kinney, Kornfield, Kryzak, Landry, Lockman, Lyford, Madigan C, Marean, Martin J, Martin R, Mason, Mastraccio, Matlack, Maxmin, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Moonen, Morales, Morris, Nadeau, O'Connor, O'Neil, Ordway, Paulhus, Pebworth, Peoples, Perkins, Perry A, Perry J, Pickett, Pierce T, Pluecker, Prescott, Reckitt, Reed, Riley, Riseman, Roberts-Lovell, Rudnicki, Rykerson, Sampson, Schneck, Sharpe, Sheats, Skolfield, Stanley, Stearns, Stetkis, Stewart, Stover, Strom, Swallow, Sylvester, Talbot Ross, Tepler, Terry, Theriault, Tipping, Tucker, Tuell, Wadsworth, Warren, White B, White D, Zeigler, Madam Speaker.

NAY - Hymanson, Johansen.

ABSENT – Austin B, DeVeau, Hanington, Hubbell, Martin T, McLean, Verow.

Yes, 140; No, 2; Absent, 7; Excused, 1.

140 having voted in the affirmative and 2 voted in the negative, with 7 being absent and 1 excused, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Create an Additional Pathway To Certify Industrial Arts Teachers To Foster Career and Technical Subjects in Maine Schools

(H.P. 991) (L.D. 1369)
(C. "A" H-473)

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

On motion of Representative MOONEN of Portland, was **SET ASIDE**.

The same Representative **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 Hollis, Representative Marean.

Representative **MAREAN**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I stand to speak in favor of LD 1369.

This bill could be very beneficial for the school district that I represent, RSU 6. It's for rural towns. We probably are the largest school district in the State, certainly the largest rural district in the State. This bill could be very helpful in taking care of our students going forward and I'd appreciate it if you would follow my light. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Hiram, Representative Wadsworth.

Representative **WADSWORTH**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. Just a quick reminder; I put this bill in for Sacopee Valley High School. They've had a nearly impossible time finding replacements for two of their Industrial Arts teachers over the last five years. And the reason is that there aren't any colleges in Maine, New Hampshire or Vermont that offer the Bachelor's of Industrial Arts teaching degree. So, please check your vote on the earlier roll call and follow my light.

The **SPEAKER**: The Chair recognizes the Representative from Augusta, Representative Fecteau.

Representative **FECTEAU**: Thank you, Madam Speaker. We need Industrial Arts teachers. They don't get the same degrees as a part of their professional training. This lets IA teachers enter the classroom with a conditional certification, then they'll have to go on a path to get their higher degree, but it lets them get in the classroom and begin teaching students now while they're given three years to get their higher degree. They'll receive more professional development, they'll get mentoring, they'll have other peer supports and services, and they'll have to pass all the exams and all the other training that they have to pass on their route to a professional certification.

We are hurting for Industrial Arts teachers, as we've already heard. Our students want Industrial Art teachers. Their parents want Industrial Art teachers. Without this, we have nowhere to find them. You can't find them in Maine, you can't find them in New Hampshire. I implore my colleagues to vote with the will of education's customer, the students --

The **SPEAKER**: The Representative will defer. The Chair will remind Members to please take your conversations outside of the chamber so we can hear each other speak.

The Chair recognizes the Member from Augusta.

Representative **FECTEAU**: Thank you. I think they were just talking about the importance of this bill, Madam Speaker. They need and want these skills. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Fort Fairfield, Representative McCrea.

Representative **MC CREA**: Thank you, Madam Speaker. I rise in opposition to this bill.

It's not because I don't support Industrial Arts in schools. Over the last few years, we have spent a lot of effort and money into putting in CTE centers. However, there are several schools that either because of distance or for whatever reason, still desire to have Industrial Arts taught in their schools, and I totally understand that and support it. However, there are many parts of schools now that are having trouble getting staffing. It could be Foreign Languages, it could be Science teachers, it could be Industrial Arts, it could be many things.

I firmly believe that the answer to solving this shortage is not to lower our standards. And I know that there are alternative pathways to get people into these fields, including Industrial Arts. There is a supply and demand facet to this, okay? I understand that in some of those areas, such as Industrial Arts, training and preparing teachers is a difficult thing to find because the demand has decreased so much with the advent of CTE centers. Nonetheless, I still don't believe that the answer is, make it easier for people to enter the trade of teaching the skill, the craft of teaching, and not have the background. There are avenues whereby they can pick up these classes, they can go right directly into the classroom with permission by the DOE and they would be certified on a temporary basis, a conditional basis. That will last for three years as long as they are making progress to full certification. So, while I realize that it's definitely a difficulty, it is definitely a problem, it's definitely hard to do. In those cases where schools really need this, I think they need to support these people that wish to go into that avenue of teaching but, in the meantime, I am totally not in support of this bill. Thank you very much, Madam Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Alfred, Representative Sampson.

Representative **SAMPSON**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. So, there is a pressing need here. I was contacted as well as the Good Representative from Hiram and Hollis, and I know of others in this chamber and in the other chamber, who have been contacted by their administrators who are in a desperate situation. They have facilities but they don't have teachers. We've already heard that we can't get them trained.

To the issue of career and technical education programs that we have throughout the State, those are wonderful, but they are limited to 16 students per program and they are generally a two-year program. They do have a few one-year programs. This Industrial Arts opportunity will open up folks who can come into the classroom who have actual experience in the field who are then going to be able to provide students with exposure to a variety of things. It could be a half a year. It's not a full-time commitment and it's not taking children, you know, students out of the classroom or out of the school off campus to have to transport them to a local CTE center. So, this is more an in-house opportunity, more students can be exposed to this than would ever be able to be exposed at the career and technical centers. So, I would strongly urge this House to support this measure. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Standish, Representative Ordway.

Representative **ORDWAY**: Thank you, Madam Speaker. I'll use my teacher voice. Thank you, Madam Speaker, my Colleagues in the House. These Industrial Arts programs that we are losing throughout the State, they're not set up as CTE centers. This is giving our students some basic information about how things work. We graduate a kid that can change a tire, change the spark plug in his lawnmower, maybe or know which end of the screwdriver to hold. We're graduating kids,

we're losing these skills. I could go into, you know, back many years ago we had Home Economics, we lost that. Speaking from experience, my daughter knows how to make for supper reservations. We don't teach those things anymore. And without these teachers coming in, and it's a big loss, it's a big loss for education that we don't expose our kids to these different offerings. It's not saying they're going to go be a plumber or be a car mechanic; it's giving them some options. Thank you.

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Ingwersen.

Representative **INGWERSEN**: Thank you, Madam Speaker and Women and Men of the House. I rise today in opposition.

What's happening today in CTE and what's been happening for years in Maine schools is that we are moving away from Industrial Arts as a separately taught subject and we are moving towards CTE, STEM and engineering. I realize that there are still schools that there is a need for IA teachers due to retirement and also because of the increasing move towards STEM, CTE, engineering, design certification, which is growing.

So the question is today; do we allow folks to enter the classroom and begin teaching without completing the basic certification requirements that the Department of Education has already outlined for this endorsement area under Chapter 115? Requirements that are necessary in order to set foot in the classroom and begin to be effective, such as teaching the exceptional child in the classroom and classroom methods and basic classroom management. This bill does not require that.

We currently have teacher shortage in many endorsement areas in schools in Maine, critical shortages. But do we take away some of those important professional requirements that the DOE has laid out and laid out well? Are we going to remove these for those areas, as well? This bill, to me, removes a very basic and important requirements, Madam Speaker, requirements that are necessary in order to begin teaching in a very challenging and demanding profession. I should know; I've been in the classroom for 25 years. The DOE already has a good process for conditional certification.

This bill, to me, weakens the professionalism we demand of our most important professions. On the one hand, we are spending a lot of money to increase teacher salaries and here on the other hand, we're weakening the professionalism. Thank you.

The SPEAKER: There are five Members in the queue.

The Chair recognizes the Representative from Lewiston, Representative Handy.

Representative **HANDY**: Thank you, Madam Speaker, Members of the House. I really enjoyed my Industrial Arts classes when I was in high school. I had mechanical drawing, electricity, and woodworking, and those really added a lot to my life, but they did not add to my career. The reason they added a lot to my life is because I had qualified instructors; qualified instructors who were trained as teachers. I respect the apprenticeships that we have that are available to us in the classroom, but they should be supplementing the classroom, not taking on the role of a teacher. They are great professionals in the field, but they are not great unless they take the necessary courses to be trained as an educator. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Penobscot, Representative Hutchins.

Representative **HUTCHINS**: Thank you, Madam Speaker, Members of the House. I rise in support of this today.

Like I mentioned the other day, our superintendents in Hancock County are pleading with us to make a way to hire people for these positions, even if it's just for long enough to find someone that maybe is a full-time teacher. But I do take a little offense at the fact that someone that has perhaps worked in the field for years and years doesn't have the ability to teach a subject that of course they are absolutely familiar with and so, you know, I think you're missing an opportunity to get some of these different people into the; and on top of that, what you're missing is you're going to be ignoring students that will not get the chance to get some of this instruction, whether it's from a certified teacher or a noncertified teacher.

I talked to a young man the other day who runs a fairly good-sized construction company, probably has, oh, maybe a million dollars of equipment now, and he thanked me for being his first employer and teacher, as he put it. My point is, we need to be certain that children do have other choices on career paths and many times these Industrial Arts courses will open an eye, perhaps, as to something that they hadn't thought of before. So, I think we desperately need to do what our superintendents have asked us to do and open this up to employing people in this field in an easier fashion. Thank you.

The SPEAKER: The Chair is pleased to announce the presence in the gallery of Terry Babine, wife of Representative Shawn Babine of Scarborough. She is the guest of the Representative from Scarborough. Will Terry please rise and accept the greetings of the House?

There are eight Members in the queue.

The Chair recognizes the Representative from Dexter, Representative Foster.

Representative **FOSTER**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I'm somewhat confused by some of the testimony that I hear today.

The SPEAKER: The Representative will defer. The House will be in order. The Representative may continue.

Representative **FOSTER**: Thank you, Madam Speaker. I'm a little confused by some of the testimony that I hear today. I was not going to stand to discuss this bill. I am in favor of it, and from what I'm hearing, some of those folks who have been professional educators and maybe are now, are stating that our voc-tech high schools are getting people to come and teach courses with full training on teaching and that is absolutely not the case.

When I was on the schoolboard for 12 years and to this day, I know that the Tri-County Technical Center in Dexter often has to employ folks who are very skilled in the particular trade that they are going to be teaching but do not have certification and have to work towards that during their first few years. I see no difference with this. I think Industrial Arts education is important for our students, I had it when I was in school even though I was a college prep student going into engineering, I had drafting and I had the Industrial Arts class. And, certainly, in that day, my teacher was a certified teacher who had been trained in college to do that. Those people are no longer available and we need to look at the route that we take in most of our CTE positions and hire the people that are qualified and then train them, they need to get their certification, and then we also need to vet them to make sure that they are qualified to continue in the classroom. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Haggan.

Representative **HAGGAN**: Thank you, Madam Speaker. I read in the very trustworthy and reliable *Bangor Daily News* several years ago that 70% of all of our students that graduate from high school in Maine do not graduate from a four-year college. Thirty percent of all high school kids that graduate from high schools in Maine graduate from a four-year college.

I'm an eighth-grade teacher. I take 131 eighth graders to United Technology Center every year so that they will be able to see all of the wonderful things that are offered. To have an opportunity to bring Industrial Arts education into our high schools, I think is critically important to the youth of Maine, and therefore I support this issue. Thank you.

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

Representative **CAMPBELL**: Thank you, Madam Speaker, Men and Women of the House. I've been working with the superintendent of Bucksport for about four years on this.

It's a real burden for the superintendents to find good people in the Industrial Arts programs. So, one of my lead superintendents decided that he would go in. He's got a two-year degree from the now community college, technical college or then EMVTI. He's been a carpenter for 28 years, a cabinetmaker, superintendent of \$2 million projects, a Boy Scout leader and he enjoys teaching Industrial Arts. He instructs millwork and carpentry, computer technology and is the robotics instructor for Bucksport High School. Bucksport has had a hard time filling those positions. This will help. I encourage you to support the measure. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Calais, Representative Perry.

Representative **PERRY**: Thank you, Madam Speaker. I have a question because I feel like I'm really mixed up on what this bill really does and I'm going to read it because I get the sense we're looking for people who have experience in the world of Industrial Arts to teach, and I know there is a pathway to do this. But this amendment reads that the State Board will adopt rules relating to credentialing of education personnel to create a pathway for a teacher to obtain a conditional certificate, and a pathway for a teacher to obtain endorsement on a teaching certificate for a component of Industrial Arts as defined by the department. My question is; are we talking about reassigning skills and qualities to a teacher or are we looking to get industrial people into the classroom? I'm looking at this, and this is actually a pathway for a teacher to create a different credential, and this is my confusion.

The **SPEAKER**: The Chair would inquire of the Representative; is that a question that the Representative is posing to the body? The Representative from Calais has posed a question if there is anyone who is able to answer the question. There are a number of people in the queue, so please rise if you want to answer the question.

Okay, the Chair recognizes the Representative from Alfred, Representative Sampson.

Representative **SAMPSON**: Thank you, Madam Speaker, ladies and gentlemen. I will answer that question to begin with. That teacher is speaking of the individual who would want to become an Industrial Arts teacher in a school. So, that's what that is referring to. And, I do want to set the record straight and straighten some of this out.

First of all, there is no pathway currently. That is why this bill is before us. Secondly, this particular language of this bill was worked on very thoroughly with the certification department in the Department of Education and I was involved with the Representative from Hiram on the drafting of this

language. So, this is something that does not exist currently and we are trying to create a pathway in order to be able to bring these individuals in. They would come in, just like a teacher that is not certified can come in and get a provisional certification, and then there's three years where they have to earn and they have to meet certain criteria in order to then be fully certified. That is what this is talking about. It is not unusual to have an individual that doesn't have all kinds of training prior to; didn't come out of a teaching institution, that gets into the classroom and teaches. This is creating a pathway specifically for Industrial Arts to be able to allow them to do that. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Standish, Representative Ordway.

Representative **ORDWAY**: Thank you, Madam Speaker, my Colleagues in the House. This pathway could work, does work. My own personal experience; I went from working on automobiles in the Ford dealership, two weeks later I was standing in front of students. Yes, I was scared, but I had the ability to go in, teach my craft, and then over time take the applied technical education classes at the university. So, I have all of those credits, after I got the job. I've been successful at it, I hope, I have successful students. After 23 years, they haven't told me to get out. So, it does work. It can work. Please, please support this.

The **SPEAKER**: The Chair recognizes the Representative from Hampden, Representative Haggan.

Representative **HAGGAN**: Thank you, Madam Speaker. I would just like to concur with that. It is critically important that we have people that are professionals within their field, like in this area, to be able to come in and take methods classes and whatnot, get conditionally certified, and then work their way through, while they're teaching. So this is a great bill.

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

Representative **FECTEAU**: Thank you, Madam Speaker, Members of the House. I guess I need some clarification because it sounds like the Representative from Standish was able to teach in the classroom without having a four-year degree in the field but had experience outside the field. And I'm looking at Subsection 13019-H of the statute that is being amended by this bill before us and under the subsection which is referenced in the statute that's being amended before us, it says an educational technician certificate is issued for a five-year period and may be renewed in accordance with State Board rules, which must require at a minimum that the education technician, whether employed or unemployed, complete at least three semester hours, three semester hours of professional or academic study or the equivalent or in-service training designed to improve the performance of the educational technician in the field.

So, I guess I'm confused as to how there is not currently a pathway. This pathway is already referenced in statute. I need some clarification about why it is that this does not allow someone to get into the field already without having a four-year degree or equivalent and at the same time complete the three semester hours in order to have this pathway be viable for them. So, I'm not necessarily posing it as a question, but I'm happy to hear if anyone has an answer.

The **SPEAKER**: The Chair recognizes the Representative from Augusta, Representative Fecteau.

Representative **FECTEAU**: Thank you, Madam Speaker. To answer the Good Representative from Biddeford, he is referring to ed techs, educational technicians. Ed techs cannot be classroom lead teachers. This is about making it so ed

techs are support staff within schools. So, what he's referring to is ed techs and they're not allowed to be classroom lead teachers. We're trying to make classroom lead teachers.

And, so, to clarify some other points that I heard; this isn't about making it easier to get in or degrading the profession. It makes it so you can actually get in. You can't get a UMaine degree in Industrial Arts. It just can't happen. This lets them get in the door as trade professionals and be classroom teachers that are conditionally certified. They will still need a higher degree in order to get a professional certification, they'll still need at least that Bachelor's degree. So, it doesn't degrade the profession at all. To get a professional certification, you need all of the professional check the boxes as every other professional in the classroom has.

Our fantastic CTE schools, as great as they are, are only able to serve a small percentage of Maine students. That's by design. They only have so much space. We have 170,000 Maine students.

Industrial Arts within the traditional high school can serve 100% of our students. These skills in the traditional high school can best serve our ivy league-bound students or even our special education students that oftentimes cannot go to CTE schools. So, having Industrial Arts within the traditional high school, recruiting more Industrial Arts teachers, will allow more functional skilled training for special education students, and that is needed dearly. And Industrial Arts can play an important role in special education.

Chapter 115 rules do not handle this critical shortage. That's why this bill is in front of us. This pathway seeks to bring in Industrial Arts, it also seeks to bring in people with awesome professions and trade skills like automotive body repair, diagnostics and mechanics, welding, electrical, carpentry, computer-aided design. These are the skills of the 21st and 22nd centuries. Our students want this and education is about the students. Let's come together and do this today. Thank you.

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

Representative **FARNSWORTH**: Thank you, Madam Speaker. I do have some concerns about the comments about special education and while I recognize the fact that sometimes the skills that can be taught in CTE or in Industrial Arts or whatever, the hands-on kinds of things. Nevertheless, they can be valuable for people who have intellectual disabilities and that sort of thing. But, by the same token, it is that population that requires a much more highly-skilled level of teaching in order to be an effective teacher with that particular population. So, in that respect, I have serious concerns about focusing in on that particular population as being the reason for passing this through. We're talking about teachers who have much less capacity, much less training in terms of working with that population. Thank you.

The SPEAKER: The Chair recognizes the Representative from Athens, Representative Grignon.

Representative **GRIGNON**: Thank you, Madam Speaker. Many of us in the trades already train in-house, so we're training these people that could've had some of these skills that helped them throughout high school that was not available. I've got grown men coming to work for me, I have to teach them how to read a tape measure, you know, it's pretty sad; they've gone through 12 years of public school and wasn't able to, you know, learn to read a tape measure properly. You know, most of those that are trained in-house are electricians, plumbers, carpenters, they worked as apprentices under masters. So these people already, you know, they're being

trained beyond as adults, you know, within-house in small business situations.

I, myself, am not a certified teacher. I've written procedures for the Army Corps of Engineers for large geothermal projects, I've consulted for professional engineers on large-scale projects, and trained the Army on drilling for water well projects abroad. My point is; if you have the experience, you have the knowledge, you are qualified. By 2026, we are looking at a shortage of near 70,000 electricians because all the electrical systems that are coming online that people are starting to purchase, buy in demand. The average water well driller in Maine is 55-years-old, plumbers are in need, and numerous other technical positions. I urge you to support this measure. Thank you.

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

Representative **HEAD**: Thank you, Madam Speaker. I'd like to pose a question to the Chair.

The SPEAKER: The Representative may proceed.

Representative **HEAD**: Substitute teachers are approved by the schoolboard and allowed to be in the classroom. They may work for their certification as a substitute. Is this correct? And wouldn't it be the same consideration? Thank you.

The SPEAKER: The Representative from Bethel has posed a question through the Chair if there is anyone who would wish to answer.

The Chair recognizes the Representative from Canaan, Representative Stetkis.

Representative **STETKIS**: Thank you, Madam Speaker. I rise in support of this bill as a product of middle school Industrial Arts classes.

Back about a hundred years ago when I was there, many of my peers, the only reason why they were interested in going to school was not for the academics, but for the opportunity to be in those shop classes, interact with their peers and learn skills that may not have been presented to them by their mothers, their fathers, their uncles, their aunts or their neighbors.

We currently have a situation where positions are not filled and there's future positions that are not going to be filled. It will be a huge disservice to our children and the opportunities for them to learn something that they can carry with them the rest of their life, introduce them to some ideas that maybe that could be a career path for them. An empty classroom and an empty shop is a huge disservice, you know, to the future generations that could experience these things. And, for that reason, there shouldn't be any question about how important this is and I would hope that everybody would support this. Thank you.

The SPEAKER: The Representative from Standish, Representative Ordway, having spoken twice, requests unanimous consent to address the House for a third time. Hearing no objection, the Representative may proceed.

Representative **ORDWAY**: Thank you. I just wanted to respond to the Good Representative from Biddeford.

My pathway to teaching is unlike a high school or a middle school pathway. The colleges have a different standard. We could go in and then do this. My example was that it works. My colleagues in my office, we have a Master's degree in Music, we have a Bachelor's degree in Communication, but they're very, very skilled tradesmen. So, the pathway from high school, middle school, is much different than the college requirements.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Kornfield.

Representative **KORNFIELD**: Thank you, Madam Speaker. I am in opposition to this bill. There is already a pathway in high needs areas. Superintendents can contact the credentialing department of the Department of Education and get a waiver to show that a person is working on their certification. So, the pathway exists. The problem is that the CTE centers, of which we have put an enormous amount of money into, have taken a lot of the jobs away from the Industrial Arts teachers. Most schools have repurposed those rooms and no longer have those classes. For better or for worse, I'm not arguing that. But those rooms don't even exist in many schools. In the few schools they do exist, those schools that are far from CTE centers, I understand this is a great need, but it's also a huge need in Foreign Language teachers, in Science teachers, in Math teachers, Computer Arts teachers. We have a lot of need areas and we have pathways to get these people into those classrooms. I think some people are kind of going between CTE programs and Industrial Arts programs. CTE programs produce the plumbers and the electricians. Those are not coming out of Industrial Arts classes. And, frankly, if you talk to some of the millennials and ask them about changing a tire, they would say they would go on YouTube to find out how to do it.

So, I would say that every person in here at some point in their career has had a teacher that knows their subject matter and can't teach. These courses that give certification really teach teachers how to teach. That's the professional part of the profession. And reading from the Department of Education certification department, the department does not support awarding any teacher endorsement without having the candidates complete basic certification requirements as outlined in Chapter 115. So, this shortcuts that. Thank you very much.

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

ROLL CALL NO. 223

YEA - Ackley, Alley, Andrews, Arata, Austin S, Bickford, Blier, Bradstreet, Campbell, Cebra, Corey, Costain, Curtis, Dillingham, Dolloff, Drinkwater, Evangelos, Faulkingham, Fecteau J, Foster, Griffin, Grignon, Haggan, Hall, Hanley, Harrington, Head, Hickman, Hutchins, Javner, Johansen, Keschl, Kinney, Kryzak, Landry, Lockman, Lyford, Marean, Martin J, Martin R, Mason, McDonald, Millett, Morris, O'Connor, Ordway, Peoples, Perkins, Perry J, Pickett, Pluecker, Prescott, Reed, Riseman, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Stewart, Stover, Strom, Swallow, Talbot Ross, Theriault, Tuell, Wadsworth, White D.

NAY - Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Carney, Cloutier, Collings, Cooper, Craven, Crockett, Cuddy, Daughtry, Denk, Dodge, Doore, Doudera, Dunphy, Farnsworth, Fay, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Hepler, Higgins, Hobbs, Hymanson, Ingwersen, Jorgensen, Kessler, Kornfield, Madigan C, Mastraccio, Matlack, Maxmin, McCrea, McCreight, Melaragno, Meyer, Moonen, Morales, Nadeau, O'Neil, Paulhus, Pebworth, Perry A, Pierce T, Reckitt, Riley, Roberts-Lovell, Rykerson, Schneck, Sharpe, Sheats, Sylvester, Tepler, Terry, Tipping, Tucker, Warren, White B, Zeigler, Madam Speaker.

ABSENT - Austin B, DeVeau, Hanington, Hubbell, Martin T, McLean, Verow.

Yes, 69; No, 73; Absent, 7; Excused, 1.

69 having voted in the affirmative and 73 voted in the negative, with 7 being absent and 1 excused, and accordingly

the Bill **FAILED PASSAGE TO BE ENACTED** and was sent to the Senate.

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

CONSENT CALENDAR

First Day

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

(H.P. 671) (L.D. 907) Bill "An Act To Ensure That Defendants in Foreclosure Proceedings Receive Proper Notification" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-543)**

(H.P. 910) (L.D. 1249) Bill "An Act To Prohibit the Abuse and Isolation of Older and Dependent Adults" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-546)**

(H.P. 1155) (L.D. 1596) Bill "An Act To Enhance the Long-term Stability of Certain At-risk Youth" (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-544)**

(H.P. 1202) (L.D. 1678) Bill "An Act To Authorize the Commissioner of Corrections To Designate Additional Employees of the Department of Corrections To Collect Biological Samples" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-547)**

(H.P. 1236) (L.D. 1738) Bill "An Act Regarding Medical Marijuana" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-545)**

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.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Taneli Koskela, of Bethel, who is a recipient of a 2019 Real Heroes Award from the American Red Cross of Maine for helping to save the lives of a couple sleeping in a burning house. We extend our congratulations and best wishes;

(HLS 517)

Presented by Representative **DOLLOFF** of Rumford.

Cosponsored by Senator **KEIM** of Oxford, Representative **HEAD** of Bethel.

On **OBJECTION** of Representative **DOLLOFF** of Rumford, was **REMOVED** from the Special Sentiment Calendar.

READ and PASSED and sent for concurrence.

Recognizing:

Trivett Clough, of Bethel, who is a recipient of a 2019 Real Heroes Award from the American Red Cross of Maine for helping to save the lives of a couple sleeping in a burning house. We extend our congratulations and best wishes;

(HLS 518)

Presented by Representative DOLLOFF of Rumford.
Cosponsored by Senator KEIM of Oxford, Representative HEAD of Bethel.

On **OBJECTION** of Representative DOLLOFF of Rumford, was **REMOVED** from the Special Sentiment Calendar.

READ and **PASSED** and sent for concurrence.

Recognizing:

Brady Chapman, of Milton Township, who is a recipient of a 2019 Real Heroes Award from the American Red Cross of Maine for helping to save the lives of a couple sleeping in a burning house. We extend our congratulations and best wishes;

(HLS 519)

Presented by Representative DOLLOFF of Rumford.
Cosponsored by Senator KEIM of Oxford.

On **OBJECTION** of Representative DOLLOFF of Rumford, was **REMOVED** from the Special Sentiment Calendar.

READ and **PASSED** and sent for concurrence.

Recognizing:

Peter Conway, of Milton Township, who is a recipient of a 2019 Real Heroes Award from the American Red Cross of Maine for helping to save the lives of a couple sleeping in a burning house. We extend our congratulations and best wishes;

(HLS 527)

Presented by Representative DOLLOFF of Rumford.
Cosponsored by Senator KEIM of Oxford.

On **OBJECTION** of Representative DOLLOFF of Rumford, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER:** The Chair recognizes the Representative from Rumford, Representative Dolloff.

Representative **DOLLOFF:** Thank you, Madam Speaker. I rise in recognition of these four young gentlemen who have received the Red Cross Heroes Award.

The Red Cross recognizes ordinary people who do ordinary things in service to others. They may be teachers, military personnel, first responders, or other everyday citizens who go above and beyond. We salute them for extraordinary courage, kindness and unselfish character. Whether they saved a life through quick action or saw and met a need in their community, they all embody the humanitarian spirit that is the heart of the American Red Cross.

These four local heroes spotted a fire in my family's Dolloff's homestead house where my Uncle John and Aunt Susan Dolloff resided. As they were passing by, they spotted the fire, they pulled over, they jumped out of their tree-trimming truck and started pounding on the front door, knowing there were people inside. My aunt and uncle had no idea that their house was on fire. The men say they ran inside to make sure the couple got out safely. Seconds later, the fire spread to the inside of the house, with flames in the ceiling. The couple and

their rescuers ran out of the house. The fire chief says they spotted the flames just in time.

So, today we recognize these fine young men, earning the American Red Cross Heroes Award, which salutes extraordinary courage, kindness and unselfish character. Thank you, Madam Speaker.

Subsequently, this Expression of Legislative Sentiment was **PASSED** and sent for concurrence.

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

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

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" (S-233)** on Bill "An Act To Provide Ready Access to Defibrillators in Businesses and Pharmacies"

(S.P. 355) (L.D. 1169)

Signed:

Senators:

DESCHAMBAULT of York
CARPENTER of Aroostook

Representatives:

WARREN of Hallowell
BEEBE-CENTER of Rockland
COOPER of Yarmouth
MORALES of South Portland
RECKITT of South Portland
SHARPE of Durham

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

Signed:

Senator:

ROSEN of Hancock

Representatives:

COREY of Windham
COSTAIN of Plymouth
JOHANSEN of Monticello
PICKETT of Dixfield

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-233).**

READ.

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

Representative PICKETT of Dixfield **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. 224

YEA - Ackley, Alley, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Carney, Cloutier, Collings, Cooper, Craven, Crockett, Cuddy, Daughtry, Denk, Dodge, Doore, Doudera, Dunphy, Evangelos, Farnsworth, Fay, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Hepler, Hickman, Higgins, Hobbs, Hubbell, Hymanson, Ingwersen, Jorgensen, Kessler, Kornfield, Landry, Madigan C, Martin J, Martin R, Mastraccio, Matlack, Maxmin, McCrea, McCreight, McDonald, Melaragno, Meyer, Moonen, Morales, Nadeau, O'Neil, Paulhus, Pebworth, Peoples, Perry A, Perry J, Pierce T, Pluecker, Reckitt, Riley, Riseman, Roberts-Lovell, Rykerson, Schneck, Sharpe, Sheats, Stanley, Stover, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, White D, Zeigler, Madam Speaker.

NAY - Andrews, Arata, Austin S, Bickford, Blier, Bradstreet, Ceбра, Corey, Costain, Curtis, Dillingham, Dolloff, Drinkwater, Faulkingham, Fecteau J, Foster, Griffin, Grignon, Haggan, Hall, Hanley, Harrington, Head, Hutchins, Javner, Johansen, Keschl, Kinney, Kryzak, Lockman, Lyford, Marean, Mason, Millett, Morris, O'Connor, Ordway, Perkins, Pickett, Prescott, Reed, Rudnicki, Sampson, Skolfield, Stearns, Stetkis, Stewart, Strom, Swallow, Theriault, Tuell, Wadsworth.

ABSENT - Austin B, Campbell, DeVeau, Hanington, Martin T, McLean, Verow, White B.

Yes, 89; No, 52; Absent, 8; Excused, 1.

89 having voted in the affirmative and 52 voted in the negative, with 8 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-233)** 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-233)** in concurrence.

Majority Report of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-540)** on Bill "An Act To Enact Laws Governing Private Vehicle Rentals"

(H.P. 1167) (L.D. 1615)

Signed:
Senators:

SANBORN, H. of Cumberland
FOLEY of York
GRATWICK of Penobscot

Representatives:

TEPLER of Topsham
BLIER of Buxton
FOLEY of Biddeford
LANDRY of Farmington
MASTRACCIO of Sanford
MELARAGNO of Auburn

PRESCOTT of Waterboro
SWALLOW of Houlton

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

Signed:

Representative:

MORRIS of Turner

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-540)** 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-540)** and sent for concurrence.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Legalize Keno and Historical Instant Racing"

(H.P. 1176) (L.D. 1633)

Signed:

Senators:

LUCHINI of Hancock
CYRWAY of Kennebec
HERBIG of Waldo

Representatives:

SCHNECK of Bangor
ACKLEY of Monmouth
ANDREWS of Paris
COOPER of Yarmouth
DOLLOFF of Rumford
HANINGTON of Lincoln
HUBBELL of Bar Harbor
McCREIGHT of Harpswell

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-535)** on same Bill.

Signed:

Representatives:

HICKMAN of Winthrop
STROM of Pittsfield

READ.

On motion of Representative SCHNECK of Bangor, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Allow Maine Clean Election Act Funds To Be Used for Election Recounts"

(H.P. 1210) (L.D. 1686)

Signed:

Senators:

LUCHINI of Hancock

CYRWAY of Kennebec
HERBIG of Waldo

Representatives:

SCHNECK of Bangor
ANDREWS of Paris
HUBBELL of Bar Harbor
McCREIGHT of Harpswell
STROM of Pittsfield

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-534)** on same Bill.

Signed:

Representatives:

ACKLEY of Monmouth
COOPER of Yarmouth
DOLLOFF of Rumford
HANINGTON of Lincoln
HICKMAN of Winthrop

READ.

Representative SCHNECK of Bangor moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative ACKLEY of Monmouth **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

The SPEAKER: The Chair recognizes the Representative from Monmouth, Representative Ackley.

Representative **ACKLEY**: Thank you, Madam Speaker. Madam Speaker, I'm the sponsor of this bill and this bill is about whether we want our Legislature to be as welcoming to unenrolled members as it is to party members. Originally, this was the shortest bill possible. It was one word. What it does is it makes Clean Election funding able to be used in the event of a recount request, as well as all the associated legal fees. As many of you know, I have some experience with this kind of thing in the last election cycle. In fact, the Secretary of State now calls me by my new nickname, Landside Ackley. Of course, it's unwise to make fun of others if you can't make fun of yourself.

The first piece of advice I received from those who had gone through this process before was to get some legal experienced representation to ensure a fair and accurate recount. When I called the Ethics Commission to inquire if unspent Clean Elections funds could be used to pay for it, I was told that the statute was clear. When Clean Elections laws were updated in 2006, a provision was inserted to prevent the recount cost funding because political parties had traditionally paid for those costs. What was forgotten back then was what happens when a non-party candidate wishes to have legal representation at a recount. And the implications of this statute, leaves an unenrolled Clean Elections candidate between a rock and a few hard places. They can go without representation, which would not be smart, they can pay the costs from their own pocket, which is expensive, they can do a two-week fundraiser like they're a traditional candidate which, of course, is a contradiction to the reason why people run clean, or they can go to a party and ask for help, which means they're not quite independent. Now, none of these options are appealing to an independent Clean Elections candidate and party candidates do not need to make these decisions and hence we have this bill.

When the bill got to committee, we heard concerns about how it might create incentives for recounts so it was amended to apply only when some other candidate requests one. We heard concerns about added expenses and so we amended the bill only to apply to legal representation and only if there are unspent Clean Elections funding's left over. Now, I imagine every Member of this body can point to injustices that our laws create. This bill begs the question; why would we allow the law to continue to favor major party candidates compared to unenrolled ones?

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

ROLL CALL NO. 225

YEA - Alley, Andrews, Arata, Austin S, Babbidge, Babine, Berry, Bickford, Blier, Blume, Bradstreet, Brennan, Brooks, Caiazzo, Campbell, Corey, Costain, Craven, Crockett, Cuddy, Curtis, Dillingham, Dolloff, Doore, Doudera, Drinkwater, Dunphy, Farnsworth, Faulkingham, Fay, Fecteau J, Fecteau R, Foley, Foster, Gattine, Griffin, Grignon, Haggan, Hall, Handy, Hanley, Harrington, Head, Hubbell, Hutchins, Hymanson, Ingwersen, Javner, Johansen, Jorgensen, Keschl, Kinney, Kornfield, Kryzak, Landry, Lockman, Lyford, Madigan C, Martin J, Martin R, Mason, Mastraccio, McCrea, McCreight, McDonald, Melaragno, Millett, Moonen, Morris, Nadeau, O'Connor, O'Neil, Ordway, Perkins, Pickett, Pierce T, Prescott, Reed, Riley, Roberts-Lovell, Rudnicki, Sampson, Schneck, Sharpe, Sheats, Stanley, Stearns, Stetkis, Stewart, Stover, Strom, Swallow, Sylvester, Terry, Theriault, Tucker, Tuell, Wadsworth, Warren, White B, White D, Madam Speaker.

NAY - Ackley, Bailey, Beebe-Center, Bryant, Cardone, Carney, Cebra, Cloutier, Collings, Cooper, Daughtry, Denk, Dodge, Evangelos, Gramlich, Grohoski, Harnett, Hepler, Hickman, Higgins, Hobbs, Kessler, Marean, Matlack, Maxmin, Meyer, Morales, Paulhus, Pebworth, Peoples, PerryA, Perry J, Pluecker, Reckitt, Riseman, Rykerson, Skolfield, Talbot Ross, Tepler, Tipping, Zeigler.

ABSENT – Austin B, DeVeau, Hanington, Martin T, McLean, Verow.

Yes, 102; No, 41; Absent, 6; Excused, 1.

102 having voted in the affirmative and 41 voted in the negative, with 6 being absent and 1 excused, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-536)** on Bill "An Act To Authorize a Local Option Sales Tax on Meals and Lodging and Provide Funding To Treat Opioid Use Disorder"

(H.P. 915) (L.D. 1254)

Signed:

Senators:

CHIPMAN of Cumberland
SANBORN, H. of Cumberland

Representatives:

CLOUTIER of Lewiston
DENK of Kennebunk
MATLACK of St. George
STANLEY of Medway
TERRY of Gorham

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

Signed:

Senator:

POULIOT of Kennebec

Representatives:

TIPPING of Orono

BICKFORD of Auburn

KRYZAK of Acton

MAREAN of Hollis

STEWART of Presque Isle

READ.

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

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

The **SPEAKER**: The Chair recognizes the Representative from Portland, Representative Sylvester.

Representative **SYLVESTER**: Thank you, Madam Speaker. LD 1254 allows a municipality to impose a local option sales tax of 1% on short-term lodging and meals. The tax must be approved by a referendum and the bill spells out the terms of the referendum.

The **SPEAKER**: The Representative will defer. The House will be in order. The Representative may continue.

Representative **SYLVESTER**: Thank you, Madam Speaker. The bill spells out the terms of the referendum and so this is not a tax that will be foisted upon a community, this is a self-imposed tax considered by the residents of each town.

Now, why would any town do that? Well, by targeting meals and lodging, this tax would largely be paid by tourists in the service centers of our fine State. The imposition of the tax would be most desirable in cities and towns where a large number of tourists come. This is due to the fact that our out-of-state visitors who are providing jobs with their presence are a burden on roads, police, water, and other infrastructure, while providing no direct local tax benefit to the municipalities which host them. LD 1254 allows tourists to be a direct benefit to the towns they visit, and that is why the Maine Municipal Association supported local option tax for the first time ever.

Now, why target tourists? Well, what I heard overwhelmingly from people who reached out to me from all over the State with questions about local option tax, was the desire to keep the tax from being imposed on things like cars and tractors and farm feed, regular grocery items, etcetera. No one wanted local residents to carry the bulk of paying the tax, yet that's the benefit to parts of the State where tourists go. What about the rest of the State? How does the rest of the State benefit from LD 1254? It's always been my intention that the whole State should benefit from Maine's largest industry; tourism.

State money helps attract people here, so why shouldn't all Mainers benefit? I want to thank the Taxation Committee and the Good Representative from Medway for helping to amend this bill to make it similar to the version that I introduced last session. Originally, this bill tried to send money to go to opioid programs but my original bill from the 128th and this bill in its amended form, goes to produce economic development in rural Maine. What this bill does in its amended form is to allow the lion's share of the tax that is collected in towns that

pass a referendum, or 75%, to stay with the towns that enacts the tax while the other 25% gets distributed to the Maine Rural Development Association.

The MRDA is part of the Finance Authority of Maine and the mission of our MRDA is, in their own words: Wondering what to do with that abandoned old factory on Main Street? Need some help revitalizing your downtown? Need to entice new business investments? The Maine Rural Development Authority might just be the answer you're looking for. The Maine Rural Development Authority was established by the Maine Legislature in 2002 to assist Maine communities in realizing their economic development goals. MRDA provides financial assistance to communities and their development partners to help develop speculative commercial and industrial buildings and to help develop/redevelop underutilized commercial industrial properties. MRDA provides several programs to communities, such as commercial facilities development programs, speculative buildings program, the rural manufacturing and industrial site redevelopment program. And the goals of these programs are to foster job creation, to encourage business development in Maine, to restore employment opportunities and to create employment opportunities in areas of economic need. In other words, in my words, they help bring jobs and investment to the rural parts of Maine.

Now, some people might ask; why would a Representative from Portland care about investment in rural Maine? Well, Madam Speaker, my district can't thrive if the rest of the State is failing. We must all rise together. And this bill allows municipalities not only the local choice, it allows regions to work together through the Regional Development Corporations to build regional economic strategies by rebuilding the infrastructure of our abandoned buildings and our downtowns.

Now, Madam Speaker, there are folks who don't like the idea of a tax even from tourists, and I could talk on and on about the children sleeping on my streets and the folks who come to Portland as a service center from all over the State, but I understand that nobody wants to hear about Portland's problems. But I try to see bills from the other districts' point of views, and I suppose if I were not from a district which sees a lot of tourists but doesn't benefit from it in any way or if I were not from, or if I were from a district that didn't need jobs to move from its area or to its area or if I didn't have old buildings begging to be refurbished into new enterprises or a place where the downtown didn't need to be revitalized, then I might not vote for LD 1254. Yet if I was from a service center district, or I was from a district where my constituents needed new jobs, where my residents needed new opportunity, where I hope the economy of the future would find its way to my streets, then I'm not sure how or why I would be able to turn away this opportunity, from my way of thinking. Because, let's be clear, this is millions of dollars to invest in the State's best projects through the MRDA, to help the parts of the State that need it the most, thrive, while at the same time helping service centers provide services without breaking the backs of property taxpayers.

Madam Speaker, my first day as a legislator, I sat at a table with the Good Representative from Medway and the Good Representative from Fort Fairfield, and they talked my ear off about how they needed young people to stay in their district and how they needed jobs. And the Good Representative from Medway said to me; someone just needs to give rural Maine a chance. And that's what this bill, by spreading the benefit of tourism, does. We talk an awful lot in

this town about bringing opportunity to this State. I think about it all the time and all our neighbors need is a chance. LD 1254 gives service centers and rural Maine that chance by taxing the folks from away to help those who call Maine their home, Madam Speaker. With that, I ask you, my good colleagues, to support LD 1254 and the Majority Ought to Pass as Amended. Thank you, Madam Speaker.

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

Representative **BICKFORD**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I urge you to not support the pending motion.

This is a perennial bill. It's been with us since at least the 119th Legislature. In the 119th Legislature, I will read to you from the journal. It says the Joint Standing Committee on Taxation has voted unanimously to report the following bills out Ought Not to Pass. One of those bills is LD 1167, "An Act to Establish the Local Option Tax on Liquor, Meals and Lodging". They all raise concerns that regarding tax policy, tax administration, ease of taxpayer compliance, and revenue fund transfers are why we need this. Notwithstanding the opinion of the Attorney General, this bill presents potential issues with Maine's Constitution.

Testimony from Maine Revenue Service stated that the local option tax legislation poses a genuine issue with respect to the delegation of the Legislature's taxing authority. Under Article 9, Section 9, of the Maine Constitution, I quote, the Legislature shall never in any manner suspend or surrender the power of taxation. The biggest reason I oppose this bill, is it's going to hurt our poorest Maine taxpayers, those with the least ability to pay. It creates a system of haves and have nots. It creates a division between communities with means and without.

If adopted, this policy will create chaos and hurt communities and the families who live in them. It's been stated over and over again that this is needed because of cuts to revenue sharing, but these bills have been proposed even when revenue sharing was funded at its fullest; 1999, ladies and gentlemen. This bill has been amended to take away the funding for opioid use disorders and it puts 25% of all revenue to the Maine Rural Development Authority. Maine Rural Development Authority is a small business development corporation. It's like FAME. This money that goes to the Maine Rural Development Authority does not go to all the rural communities. They currently have 22 projects on the books. Out of those 22 projects, six of those are in the biggest service center communities we have in the State of Maine. That means that over 90% of the rural communities in this State don't benefit at all with the local option sales tax. It does not provide direct property tax relief. Please follow my light and vote no on the pending motion. Thank you, Madam Speaker.

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

Representative **BRENNAN**: Thank you, Madam Speaker, Men and Women of the House. If you reference the Maine Constitution, it makes it very clear that the Legislature has the authority to require; require local municipalities to make provision for education. At the same time, it doesn't say that the Legislature has any responsibility for funding local education. And that's the imbalance that we are trying to address here.

The overwhelming majority of services provided to the public are provided at the local level. Our K through 12 education is provided at the local level. However, and unfortunately, the overwhelming majority of tax revenue and

policy is still controlled by the State. Outside of property tax and excise tax, local municipalities have no other way of generating revenue except different parking fees here and there. If I were to describe the Maine tax code, I would call it narrow and one-dimensional. If you look at states across the country, they provide a number of different taxing options for local municipalities to provide fire, police and education. And while this bill is not perfect and does not significantly reform our tax code in the State of Maine, it is a step in the right direction, and I hope that people in this chamber will be able to support this as a way of continuing to provide some type of property tax relief and revenue generation for local municipalities. Thank you.

The SPEAKER: The Chair recognizes the Representative from East Machias, Representative Tuell.

Representative **TUELL**: Thank you, Madam Speaker. I would rise in opposition to this and for several reasons.

First, in regards to the Maine Rural Development Association, which may be a great organization, I certainly worked with them in a past life, but, you know, there are a lot of other great rural economic development organizations around this State. A lot of them I have had occasion to serve on the board of directors of one in my own community. I know other folks in the body have as well in their communities that are very much on the ground, working with local businesses. So, that's one reason I would oppose this.

I would also oppose it because we have history and we had an agreement on revenue sharing some 40-ish years ago and I think we would do well to be respecting that agreement historically as opposed to going down this road. So, thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Medway, Representative Stanley.

Representative **STANLEY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, local option is just what it says; local option. You can vote for it and have it or you cannot vote for it and not have it or don't vote at all. It all depends on what you want to do in your municipality.

The thing, though, that we're missing the point on is unless you live in a rural area, you aren't seeing the deterioration of these rural areas. And this is an opportunity to put some money into these rural areas and create some jobs. And that's why I think most of us are here are for jobs. Because I hate to say it is, you live in a small town and you're my age, like most of the people in that small town, it won't be long before you're not there no more, you're going to be six feet under. And by being six feet under, the town deteriorates a little more because you have no youth. The youth is gone. You look when you go to your graduation, a lot of you people, look at the class, the number of people that used to graduate and look at the numbers today; they're way down. And then you take a look at your population and a lot of old people, like myself.

And what we have to do as a State and we have to get over this, we have to make an investment. And this is an investment in the rural areas of the State. If this becomes law on the scenario it is right now, in ten years, \$40 million would've been invested in the rural parts of this State. If it takes off, like it could, it could be \$100 million invested in 10 years in the rural parts of this State. And, I'll tell you, you know, I don't live around here and everything looks like it's hunky-dory, but I'll tell you what, out here five or six years ago you'd come in to Augusta from any road and you was taking life, not really your life in your hands, but pretty rough. Because they didn't put no money into it, because they couldn't

afford it. Nothing personal. But, no, but they didn't put no money into it, and this is an opportunity for communities to invest in something that they see in their infrastructure that they could use.

And I also look at the tourist towns down along the coast. They have to put law enforcement people out; hire summer help. This is an opportunity to help pay for that without going to the taxpayer and making him pay for that. And, you know, when I go to my local diner and I buy, I don't know, buy something, I spend a little bit of sales tax, this is money that I could be spending that way or I could be spending around \$30 a thousand. And, I'll tell you what, \$30 a thousand is a lot more expensive than one cent or two cents. And, to me, I feel that we have to take a good hard look at what we're doing in this State because the municipalities are in need because if you ever served on a board, you know all of a sudden something will come up and you have no money, you got to go to the taxpayer and raise the money. And by raising the money, you're increasing that mill rate, probably, and by increasing the mill rate, you've got a property tax problem. That doesn't help the property tax problem. This is something that a lot of people from away will pay for and, like I said, it's a local option. If you don't want to do it in your community, that's your business.

But the thing that I'd really like to emphasize is that the help that you could give the rural areas of this State. And now you look around here, you look at the Rangeley area, you look at the Millinocket area, look at down Lubec, look at down in Stonington. Look around these small towns. You know, the fishing industry isn't what it used to be, the forest industry isn't what it used to be, tourism is starting to take its place. By having tourism, you've got to have somebody make a little investment. You take a Main Street in some of these small towns, you put a business in there, an eatery or whatever, a diner, that's increasing valuations, that's helping everybody in that community, and it's also providing some jobs for somebody. And once you get this baseline in place, the opportunity is there for somebody major to come in and put a business in there. Because what's going on in this country today, is they want to locate in these rural areas, a lot of businesses, because this is what their employees want. And when they do that, you've got to have the mechanism in place to have the infrastructure there and it takes money. If you don't put no money into this, you're not going to have nothing. And I'm going to use Brunswick Landing down the road here. Brunswick Landing, with all the money that's gone into Brunswick Landing, it's been four or five thousand jobs. It's a good thing. Why you got four or five thousand jobs? Because somebody invested money.

And that's what we as a State have got to start doing in these rural areas is investing some money. By investing money, you're going to get a return on what you invest. And by investing what your return, when I go to high school graduation, instead of having 30 kids, I'll have 70 kids. Or when I go down the street, I'll see a woman pushing a baby carriage, which I don't see in my district hardly at all anymore, and I think a lot of people in these rural areas don't see that either. And, to me, that is our future, these rural areas. It's watching somebody push the baby cart down the Main Street and having the mother and the father and two or three other little ones running around with them. That's good, that's what we want, and that's what we need. And by not doing nothing, and I'll tell you what, the baby carriage is gone, the old person like myself is gone, and a lot of these little small communities are going to disappear. They're not going to disappear but

they're not going to be very many people there, and the people that live there are going to be just like me, paying \$30 a thousand or more, and that's ridiculous. To live in the town of Medway, you pay \$30 a thousand; absolutely ridiculous.

But my whole thing here is this is a chance to put an investment in the cities and towns, an investment in the rural parts of the State because I'll tell you all these municipalities from what's gone through with revenue sharing and other things; and there's things that we've done here in Augusta, have made it harder for these municipalities to operate. And, to me, that's the key. And the service center is a key, because one in six jobs are in a service area as part of nonprofit. One in 24 in a rural area is by a forest product industry. So, I'll tell you, you know, we want to change things around, we got the opportunity to do that, and we ought to be doing it. Thank you.

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

Representative STEWART: Thank you very much, Madam Speaker, Ladies and Gentlemen of the House. With all due respect to my good friend and colleague on the other side of the aisle, I rise today in opposition to this motion and would urge this body to support the tri-partisan Minority Report.

I wanted to cover a couple of details here, the first of which is that this is a regressive tax, so it's going to be impacting folks who are on the lower end of the income spectrum more so than folks on the upper end of the income spectrum. I don't think that's something that folks in here actually want to support. Second of all, it's been mentioned a number of times that rural Maine, you know, I do take a little bit of issue with the fact that some folks are trying to use this as a way to suggest that this is going to help rural Maine in some significantly meaningful manner. I think if you were to look at where the negotiations are at in terms of the budget, you're going to see that our side of the aisle, does in fact support this organization to the tune of \$4 million above and beyond what the baseline is, as of the latest negotiations. We do not need a local option sales tax to support MRDA. That's a fallacy. There's other ways to do it, there's other ways to do it more effectively, and ways that aren't going to be increasing the tax burden on hardworking Mainers.

Beyond that, I think it's also important to note the fact that there is, as has been alluded to today, there is no guarantee that that money is actually going to be going where we think it's going to go. And if you look at the title of this bill, I'll draw Members' attention to that real quick; An Act to Authorize the Local Option Sales Tax on Meals and Lodging - wait for it - to Provide Funding to Treat Opioid Use Disorder. Okay, then, subsequently it took another turn in committee where it was 25% was going to be going to the municipalities that ultimately raise the revenue, and then took yet another turn in an effort to once again make a more attractive offer to folks that represent rural parts of the State, by putting money into the MRDA account.

Call me a skeptic, but I don't think that that's actually the concern with this bill, it's more about just getting a local option sales tax. It's more about just expanding taxes in a regressive manner on hardworking Mainers. And that's something that I take issue with, and as a member of this committee we worked this bill very hard and I want to thank my colleagues on the committee who came together on that and originally supported a different report out in a majority manner that would've in effect prevented this from moving forward. Unfortunately, that didn't happen, and here we are today. However, I don't think that the legacy of the 129th Legislature should be that we

expanded taxes to hardworking, low-income Mainers. But that's in effect what you're doing if you support this bill.

So, with that, I would respectfully ask that my colleagues follow my light and vote this measure down so that that way we can move on to the tri-partisan Minority Report. Thank you very much, Madam Speaker.

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

Representative **CLOUTIER**: Thank you, Madam Speaker, Women and Men of the House. Maine's municipalities need to have access to new sources of revenue such as local option sales taxes.

This year in Lewiston, the property tax makes up 72% of General Fund revenues, excluding schools. That's up from 65% in 2010. Not only are we over reliant on property taxes, that reliance has grown over time. To be this property tax-dependent creates significant issues particularly for Maine's service center communities that must provide services and infrastructure to support far more than the resident populations. These communities account for 80% of the State's retail sales and 77% of wage and salary jobs. On average, their property tax rates are 28% higher than that of suburban and rural communities. In our area, the State-adjusted property tax in the Town of Greene is just about \$9 less per thousand than that of Lewiston. On a \$100,000 home, a Greene resident pays about \$900 less in property taxes per year than a similar Lewiston resident. This distorts economic decision-making, pushing population out of service center communities, leaving underutilized infrastructure and sunk investment behind an increasing service and infrastructure demands in surrounding areas, leading to an overall increase in the cost of local government.

Thirty-eight other states allow for local option sales taxes. Unlike the property tax, this tax will potentially be paid by everyone who comes to our community and who uses our infrastructure and our services. It will more equitably share the burden including exporting a significant amount out of state. Thank you.

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

Representative **KESCHL**: Thank you, Madam Speaker. May I pose a question?

The SPEAKER: The Representative may proceed.

Representative **KESCHL**: Yes, throughout this debate I've heard good reasons for and against this particular measure that's before us, but I also heard the Good Representative from Lewiston's admonition that passing it would violate Article 9, Section 9 of the Constitution, which prohibits the Legislature from passing on the power of taxation. So, my question is; if passed, won't this bill be in violation of the Maine State Constitution?

The SPEAKER: The Representative from Belgrade has posed a question through the Chair and it looks like the Representative from Orono is ready to answer. The Chair recognizes the Representative from Orono, Representative Tipping.

Representative **TIPPING**: Thank you, Madam Speaker. Madam Speaker, this question was brought up pretty early on in our discussion and we tabled this bill for a couple weeks to make sure we actually got in writing from the Attorney General. The letter clearly stated that the Attorney General did not think there was a significant constitutional concern on that provision.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Perry.

Representative **PERRY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise today in support of this motion.

I heard in caucus today this was a good bill, it was close, but maybe not quite there. We've been close for 30 years on this and we've never been quite there and I think it's time we move forward. There's no guarantees with what will happen with this, but when we passed special tax exemptions for the airplane industry, for the boat industry, for financial institutions, for the movie industry, there was no guarantees it was going to create jobs. Over my time in the Legislature, to put a little context in some of the --

The SPEAKER: The Member will defer. The Chair will remind the Member to please direct comments towards the rostrum.

The Chair reminded Representative PERRY of Bangor to address his comments toward the Speaker.

The SPEAKER: The Member may proceed.

Representative **PERRY**: The 14 years I served previous in the Legislature, we cut the sales tax from 6 to 5%, we repealed the snack tax, we created the homestead exemption. In my district this year at 25,000, that's \$600 a year of property tax relief. We rescued the circuit breaker program, made a \$3,000 maximum direct property tax relief program for the State. We repealed the personal property tax on business equipment. We created pine tree economic development zones, no taxes for five years if you want to create jobs. We funded hundreds of millions of dollars of new school funding to lower property taxes, with no new taxes to pay for it.

Over the years, I think you can see, we've done all we can within our means to lower tax burden for the most needy. If you talk about the most needy with a 1% sales tax on meals and lodging, on meals if some of our most needy people walk into a market like mine and want to buy a prepared meal and they use their food stamp benefit, there is no sales tax at all. The most needy people I see in my neighborhood are barely getting by paying their rent, they're not spending a lot of money on dining out at class A restaurants or staying in hotels. They're hardworking families, they go out once in a while for dinner, it's 50 bucks, a hundred bucks, it's 50 cents or a dollar on their meal when they choose to go out.

But what's punishing people in the district I represent, Bangor, part of Bangor and part of Orono, we have a punishing property tax rate. It was \$18 per thousand eight years ago, it's over \$23 per thousand and we have high valuations. We're all in this together. I don't begrudge any community that has a low mill rate. But for our communities that provide so much service to such a great area on the backs of such a small population within, this is just one tool that we need, we've been begging for, for years, that will help give some relief. I assure you that money collected in Bangor, and I believe every service center, will go directly to property tax relief because we have to. We can't bear any more, at least in Bangor and Orono. Thank you.

The SPEAKER: The Chair recognizes the Representative from Winter Harbor, Representative Faulkingham.

Representative **FAULKINGHAM**: Thank you, Madam Speaker. I rise in opposition to the pending motion.

I would echo what the Representative from Presque Isle said. I feel like rural areas are getting used as a scapegoat here and the thought that 1% tax is going to be a huge property tax relief really doesn't pass the smell test. Places like where I live might have one or two restaurants and a 1% tax is not going to give them relief. The problem that is the

issue here that is being said by everybody is the problem with revenue sharing and if we have a problem with revenue sharing, that is what we should be working on and not adding another tax out there on the poor people of the State of Maine. Thank you. Please oppose the motion.

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

ROLL CALL NO. 226

YEA - Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Caiazzo, Cardone, Carney, Cloutier, Collings, Cooper, Craven, Crockett, Cuddy, Daughtry, Denk, Dodge, Doore, Dunphy, Evangelos, Farnsworth, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Hickman, Hubbell, Hymanson, Ingwersen, Jorgensen, Kessler, Kornfield, Landry, Madigan C, Martin J, Martin R, Mastraccio, Matlack, Maxmin, McCrea, McCreight, McDonald, Meyer, Moonen, Morales, Nadeau, O'Neil, Paulhus, Peabworth, Peoples, Perry A, Perry J, Pierce T, Reckitt, Riley, Riseman, Roberts-Lovell, Rykerson, Schneck, Sharpe, Sheats, Stanley, Sylvester, Talbot Ross, Terry, Tucker, Warren, White B, Zeigler, Madam Speaker.

NAY - Ackley, Alley, Andrews, Arata, Austin S, Babbidge, Bickford, Blier, Bradstreet, Brooks, Bryant, Campbell, Cebra, Corey, Costain, Curtis, Dillingham, Dolloff, Doudera, Drinkwater, Faulkingham, Fay, Fecteau J, Foster, Griffin, Grignon, Haggan, Hall, Hanley, Harnett, Harrington, Head, Hepler, Higgins, Hobbs, Hutchins, Javner, Johansen, Keschl, Kinney, Kryzak, Lockman, Lyford, Marean, Mason, Melaragno, Millett, Morris, O'Connor, Ordway, Perkins, Pickett, Pluecker, Prescott, Reed, Rudnicki, Sampson, Skolfield, Stearns, Stetkis, Stewart, Stover, Strom, Swallow, Tepler, Theriault, Tipping, Tuell, Wadsworth, White D.

ABSENT – Austin B, DeVeau, Hanington, Martin T, McLean, Verow.

Yes, 73; No, 70; Absent, 6; Excused, 1.

73 having voted in the affirmative and 70 voted in the negative, with 6 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-536)** 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-536)** and sent for concurrence.

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

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

(H.P. 1295) (L.D. 1818) Bill "An Act To Clarify and Enhance Certain Maine Wildlife Laws" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-538)**

Which was **TABLED** by Representative DILLINGHAM of Oxford pending **ACCEPTANCE** of the Committee Report.

Subsequently, the Unanimous Committee Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-538)** was **READ** by the Clerk.

Representative THERIAULT of China **PRESENTED House Amendment "A" (H-560)** to **Committee Amendment "A" (H-538)**, which was **READ** by the Clerk.

The SPEAKER: The Representative may proceed.

Representative **THERIAULT**: Thank you, Madam Speaker. This amendment is just to add an emergency onto the bill so that we can take care of the moose hunt this fall. That's all it does. Thank you.

Subsequently, **House Amendment "A" (H-560)** to **Committee Amendment "A" (H-538)** was **ADOPTED**.

Committee Amendment "A" (H-538) as Amended by House Amendment "A" (H-560) thereto was **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-538) as Amended by House Amendment "A" (H-560)** thereto and sent for concurrence.

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

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (12) **Ought to Pass as Amended by Committee Amendment "A" (H-459)** - Minority (1) **Ought Not to Pass** - Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Amend the Laws Governing Elections"

(H.P. 1232) (L.D. 1730)

TABLED - June 5, 2019 (Till Later Today) by Representative SCHNECK of Bangor.

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

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-459)** was **READ** by the Clerk.

Representative SCHNECK of Bangor **PRESENTED House Amendment "A" (H-525)** to **Committee Amendment "A" (H-459)**, which was **READ** by the Clerk and **ADOPTED**.

The same Representative **PRESENTED House Amendment "C" (H-555)** to **Committee Amendment "A" (H-459)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Oxford, Representative Dillingham.

Representative **DILLINGHAM**: I'm sorry; may I pose a question through the Chair?

The SPEAKER: The Representative may proceed.

Representative **DILLINGHAM**: Could someone on the committee actually explain the amendment to me, please?

The SPEAKER: The Representative from Oxford, Representative Dillingham, has requested an explanation of the amendment.

The Chair recognizes the Representative from Bangor, Representative Schneck.

Representative **SCHNECK**: Thank you, Madam Speaker. This amendment clarifies that a person may not engage in improper influence or advertising on public property within 250 feet of a voting place regarding a candidate for an office that is on the ballot for the election being held that day.

Representative STEWART of Presque Isle **REQUESTED** a roll call on the motion to **ADOPT House Amendment "C" (H-555) to Committee Amendment "A" (H-459)**.

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 Presque Isle, Representative Stewart.

Representative **STEWART**: Thank you, Madam Speaker. Just to get a little bit of clarity; is that the same House Amendment that was provided through our caucus earlier numbered 527 or is that a different amendment than what was provided earlier?

The SPEAKER: The Chair will advise the Member that all Members are provided with the same amendments through our regular system and I believe four amendments that were published. So, let me just walk through this, try to be as careful as I can so everyone understands where we are. We just adopted House Amendment A, which is House Amendment 525. Okay, that unanimously went under the hammer. Now in front of us is House Amendment C with a filing number of H-555. That is the pending question before us.

The Chair recognizes the Representative from Bangor, Representative Schneck.

Representative **SCHNECK**: This is amendment 555. The first amendment that we did, fixed a problem that the MMA they brought an amendment to us and they decided it wasn't a good idea, that's what that took care of. This second amendment is (H-555). This has to do with behavior in a polling place. And the third amendment, which we haven't taken up yet, I guess I can't speak about it.

The SPEAKER: That's correct. You will be able to speak to that matter when it's before us.

Representative **SCHNECK**: So, anyway, there was another amendment that we're not going to be taking up today and that might be the one because no one would've been able to see this amendment. I signed it just as session began this morning so it became available on the system at that moment.

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

Representative **STROM**: Thank you, Madam Speaker, and I rise in support of this pending motion.

What the committee on Veterans and Legal Affairs was trying to do with this legislation, what we believe this amendment is going to take care of, is we felt like there was an issue with people at the polls collecting donations. Whether it was Clean Elections, traditional; we all felt that that wasn't the proper place to be collecting campaign donations. You're not supposed to be campaigning whatsoever there and it just didn't sit right with us, the idea of collecting money there and we didn't want the voters to feel like if they're going to go out and vote that day that they're going to be hit up for cash while they're there.

So, this language has been reviewed, I've been told, by the Attorney General, and what this amendment is going to do, we've been told, is, if you are a registered candidate for office, this will take care of that; you will not be allowed to collect funds there at the polls even if you are not on the ballot that day or if the office you are seeking is not on the ballot that day.

I'm specifically, then, thinking of a possible presidential primary coming up in the future. That would prevent people who are not on the ballot that day from collecting funds or doing any campaigning there. Thank you.

Subsequently, Representative STEWART of Presque Isle **WITHDREW** his **REQUEST** for a roll call.

The SPEAKER: The Chair recognizes the Representative from Penobscot, Representative Hutchins.

Representative **HUTCHINS**: Thank you, Madam Speaker. I got my questions answered up back, I think, but if you'd like me to give you a few minutes on a question of your choosing, I'd be happy to do so.

Subsequently, **House Amendment "C" (H-555) to Committee Amendment "A" (H-459) was ADOPTED.**

Committee Amendment "A" (H-459) as Amended by House Amendments "A" (H-525) and "C" (H-555) thereto was ADOPTED.

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

Representative SCHNECK of Bangor **PRESENTED House Amendment "A" (H-526) which was READ** by the Clerk and **ADOPTED.**

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-459) as Amended by House Amendments "A" (H-525) and "C" (H-555) thereto and House Amendment "A" (H-526) and sent for concurrence.**

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

Bill "An Act To Bring Maine's Laws Concerning Implied Consent in Operating a Motor Vehicle into Compliance with Recent Opinions of the United States Supreme Court"

(H.P. 567) (L.D. 762)

- In House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-284)** on May 28, 2019.

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-284) AS AMENDED BY SENATE AMENDMENT "A" (S-198)** thereto in **NON-CONCURRENCE.**

TABLED - June 7, 2019 (Till Later Today) by Representative MOONEN of Portland.

PENDING - **FURTHER CONSIDERATION.**

Subsequently, the House voted to **RECEDE AND CONCUR.**

HOUSE DIVIDED REPORT - Majority (7) Ought to Pass as Amended by Committee Amendment "A" (H-518) - Minority (5) Ought Not to Pass - Committee on LABOR AND HOUSING on Bill "An Act To Allow Public Employers of Teachers to Negotiate Regarding Educational Policies"

(H.P. 203) (L.D. 240)

TABLED - June 7, 2019 (Till Later Today) by Representative SYLVESTER of Portland.

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

Representative BRADSTREET of Vassalboro **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

The SPEAKER: The Chair recognizes the Representative from Vassalboro.

Representative **BRADSTREET**: Thank you, Madam Speaker, Members of the House. As I rise in opposition to the motion, I would like to remind the House that the current labor relations law already requires that schoolboards meet and consult with employees on educational policy.

LD 240's passage would be an unfruitful and expensive attempt to solve issues that really need to be addressed by those who are duly elected by local bodies and are charged with addressing these matters. It would undermine over 50 years of established law and upset what is a delicate balance currently existing under our public sector bargaining law. Setting educational policies should never be developed behind the closed doors of a negotiation session, which would be the result of the enactment of LD 240, but in the open, conducted by those people the citizens have chosen to represent them.

The Maine Supreme Court has stated educational policies, and I quote, involve value choices so fundamental that binding decisions concerning them should be made by persons directly responsible to the people. May I also add in the long run LD 240 will prove to be extremely expensive for Maine taxpayers. Other parts of our educational system such as building maintenance and upgrades, technology upgrades, transportation, and a multitude of other components that are delivering quality education for Maine's students will suffer. Please vote against this motion. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Babbidge.

Representative **BABBIDGE**: Madam Speaker, I'd like to ask a question of the Chair, if I may, and I'd like to speak following the answer to the question. Is that possible?

The SPEAKER: The Chair would ask for a clarification. Is the Member asking to ask a question of the Chair or is the Member --?

Representative **BABBIDGE**: Ask a question of the body, actually.

The SPEAKER: The Representative may proceed with his question.

Representative **BABBIDGE**: Thank you. Madam Speaker, what's in the calendar is not the title of the bill that is on the board and I'm wondering about educational policy? Would that be on the --?

The SPEAKER: The Chair would answer that because there is a limited amount of space on the board, the entire title of the bill is not listed on the Board, but the entire title of the bill is listed on the calendar on page 20. What is not listed on the board is regarding educational policies.

Representative **BABBIDGE**: Okay, thank you. Educational policies in the plural, I wondered if it were correct. I know that schoolboard members around the State are somewhat concerned about this bill and I would be very concerned by that title. But this is about planning periods and what I would consider to be a working condition. If you consider it an educational policy, it's one educational policy, and that's the clarification that I was asking, if anybody has a different answer. If not, I can continue.

The SPEAKER: The Representative from Kennebunk has posed a question through the Chair if there is anyone who wishes to answer.

The Chair recognizes the Representative from Portland, Representative Sylvester.

Representative **SYLVESTER**: Thank you, Madam Speaker. I would answer the Good Representative that this bill is limited to just planning and preparatory periods. The original bill had other items in it but this bill now is just planning and preparatory periods and the negotiations of that matter, that specific matter.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Haggan.

Representative **HAGGAN**: Thank you, Madam Speaker. I urge a no vote on LD 240.

I've met with my principal, superintendent, assistant superintendent, many times in the last several months on this matter. The bill has changed. I met with my schoolboard director a couple of weeks ago, all with the same issues, among my principal and other concerned teachers.

This bill will make education policy negotiable in areas that would dramatically increase the cost of education for local property taxpayers. The information is summed up well here because the truth is just because legislation requires implementing planning time, workload discussion, and more, does not mean that the use of those items will without a doubt result in positive benefits for students and schools, nor that this is even necessary to improve education. Education policy currently is and should remain a local decision. Schoolboards are elected by the people to create policy. Taxes will go up, administrators will be in nonstop negotiation, and residents will lose local control. Through schoolboard meetings, the public, including teachers, parents and students, and taxpayers, have a chance to speak. Negotiating education policy will cost money. When the two sides disagree and reach an impasse, it will go to arbitration and that could carry a hefty price tag. Debate will focus on the adults in the building instead of the students we are charged to serve. This bill would make education policy negotiable in Maine, including involuntary transfers, teacher prep time, and a third very broad expensive category called teacher workload.

LD 240, which had its first public hearing in February, originally called for negotiating of all education policy. It was narrowed down to four policies and then amended last week to allow negotiation of teacher prep time.

As for the amendment to LD 240, teachers have prep periods now, and they vary in length and frequency. Negotiating these periods would make the system rigid, affect the number of courses we offer, likely require additional teaching staff and change class schedules during the day and week. It would raise the cost of education and be bad for students because it would make the system inflexible. That is counter to the reality that individual student needs vary and consultation time with other teachers is important time that doesn't fit neatly into a negotiated prep period. Thank you.

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Dodge.

Representative **DODGE**: Thank you, Madam Speaker, Men and Women of the House. I rise today as a retired teacher with 31 years' experience in the classroom.

I ask for support for LD 240, which would allow teachers to negotiate over preparation time. I strongly believe this should be part of negotiations as an important part of an educator's working conditions. This is an important initiative that will improve instruction. It is not unreasonable to ask for time in the day to tutor students, to consult with IT, to research supplemental materials, to prepare math manipulatives and science lab components, to conference over test scores, to inform lesson units or a multitude of other similar functions. On some occasions, it might be a quick check-in with the guidance

department, principal or school resource officer. There are sometimes crucial contacts and tasks that cannot be easily accomplished outside the parameters and time frames of the school day.

Madam Speaker, here are a few examples illustrating why there is a need for this bill to negotiate prep time and prep time only. Currently, many teachers find that their prep time will be used covering a class for a teacher who is absent, attending a mandatory meeting or training, proctoring a standardized test, attending a pep rally, assembly, or other all-school event, or remaining in their classroom while an art, music or physical education teacher teaches their class. Often these decisions are made by the principal, leaving a teacher no time in the day to engage in activities that support great teaching.

This bill does not remove local control from the schoolboard, voters or taxpayers. I believe it would be beneficial for schoolboards, parents and members of the public, to hear and understand how teacher time is sometimes diverted from appropriate best uses. LD 240 in no way hurts our most vulnerable students. In fact, I believe negotiating and granting of preparation time would enhance the development and refinement of instruction to better meet the needs of all students. Negotiating over planning time does not silence the voice of parents, citizens and taxpayers in any way. This bill is good for students, it is good for the teaching profession and delivery of great lessons. Please support LD 240. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Waterford, Representative Millett.

Representative MILLETT: Thank you, Madam Speaker and Ladies and Gentlemen of the House. LD 240 in its original form would've uprooted 50 years of collective bargaining history. And I'd like to speak to that history in terms of what was essentially decided in 1969 and that has been subjected to litigation in every year since that time.

First of all, in order to understand the enormous significance of the bill and its title, one must first understand the history that led to a balancing of interests in the structure of that 1969 law. The prohibition of bargaining over matters of educational policy is one of three essential pillars to the Municipal Public Employee Labor Relations Act which mandated collective bargaining with unions representing school and municipal employees for the first time in 1969. In full disclosure, I was a member of that Legislature and voted for this bill only after being assured that those three pillars that are referenced in that comment were resolved satisfactorily, not only to this body and the body at the other end of the hall, but the then Governor Kenneth Curtis. Because it was landmark legislation then, and to turn back the clock 50 years and rewrite it today would be similarly significant for generations to come.

The first of those three pillars was the right to strike and whether or not that should be allowed. It was quickly disposed of because there was not the support for that notion for public employees either at the school or municipal level at the time and thankfully it still remains that way. The second pillar was the ability to at the point of resolution of disputes between the employer and the employee union, what steps could be taken to resolve those disputes. There are voluntary steps like mediation and fact-finding, and then there was one that involves an outside party coming in and making binding determinations, called arbitration. It was necessary to make a clear distinction at that time of what subjects that binding arbitrator brought in from outside, even from out of the State,

could actually make and impose upon schoolboards and municipal officials. It was said and determined in the law that the three major cost centers of a school budget could not be subjected to binding arbitration, those being salaries, pensions and insurance.

The third pillar, and the one that was necessary to get this law into an enactable form, was the subject of today's debate. And that is, to what extent could employers of teachers actually engage in the negotiating process which was carved out to be their mandatory obligation to confer and negotiate over wages, hours and working conditions. And the modifier to that was except that employers of teachers shall meet and consult but not negotiate over matters of educational policy. The schoolboard, seen as the peoples' representative in this newfound process of actually taking decisions away from schoolboard meetings and meeting behind closed doors to actually determine a collective bargaining agreement, was essential in that carve out and making it very clear that public employers of teachers while they could confer and negotiate but they could confer and discuss but not negotiate matters of educational policy.

The law became effective in 1969 and resulted in formal collecting bargaining at both the municipal and school level in the years to come. Four years later, after an arbitrator came in in the City of Biddeford, where they had had a very contentious discussion of matters that they were unclear, both the Board of Education and the teachers union, of whether the subjects they were talking about were educational policy or not, many of them were left to a binding arbitration process where the arbitrator actually ruled almost exclusively on the side of the union and said many of these issues, six in particular, were not matters of educational policy and therefore imposed a binding arbitration decision.

The City of Biddeford appealed the case all the way to the Maine Supreme Court, which in 1973 actually made two monumental decisions, one of which was split on a three to three vote on whether the law in question, namely the Municipal Public Employee Labor Relations Law, was in fact constitutional. Because in the case of the court decision, three members said the language relative to the meaning confer but not negotiated educational policy lacked appropriate standards. And they said, in their view, it was unconstitutional. The other three, and written in their defense was an esteemed justice at the time, Justice Sydney Wernick, said he thought there were appropriate standards and he went on to opine on six different issues and made a determination that he felt the decision of educational policy revolved around the statutory responsibilities of the schoolboard. That was a monumental decision and it actually involved mostly the constitutionality of the law and all of the many educational policy or working conditions issues in dispute. It actually helped a bit in clarifying negotiations going forward and it is important to understand that even though the bill started out to reverse that entire pillar of the law, the issue before us today is the planning and preparation period issue. And I might point out that of the six issues discussed in the law court decision in Biddeford in 1973, 50 more issues have been in dispute over the years, and the issue of planning and preparation periods has been resolved by the law court twice in favor of saying they are educational policy decisions. In August of 1979, the court ruled in a case involving the school district in Mexico versus their teacher's association and five years later in 1984, the Sanford teacher's association versus the school committee had the same issue resolved, and that is that planning and preparation periods are

matters of educational policy and not subjects of working conditions.

Now, I would like to make a couple points clear before concluding. I have the greatest respect for teachers, teaching as a profession, and of the high quality of good teaching and good student learning. I also have a feeling that schoolboards are the protectors of the taxpayers and the children of the taxpayers in their role that they perform each and every day. I think that even though this bill only selects planning and preparation periods and some of the speakers have already said well, that doesn't cost any money, I would just offer a couple of suggestions. You can't create a separate period of time within a class schedule for all teachers, irrespective of the size of the school, the level of grades, or the actual current situation of school systems in Maine, without impacting the schedule. The schedule is clearly a matter of educational policy. You can't take a self-contained classroom and create time within the day without bringing another instructor or an ed tech in. In many cases, that's a monetary issue and I think certainly within the framework and the context of the issue before us. I think that over the years, 50 in nature, hundreds of millions of dollars have been spent of public and private monies in all of the negotiations that have occurred over that half century. It is unfair at this point in time, in my view, to begin to rewrite history even by cherry-picking one issue and now saying well, forget about all that history and all of that expenditure and all of that hard work, we're going to start a new chapter in our lives.

So, I don't think this is good policy, not good legislation. I would urge you, not in the spirit of enmity or antagonism towards schoolboards or teachers or the roles that they play, but just to acknowledge this is not the time to rewrite a half century of history. I thank you.

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

Representative **BRENNAN**: Thank you, Madam Speaker, Men and Women of the House. I have spent hours, days and weeks with public testimony and presentations on educational policy. I believe that teacher planning and preparation is educational policy and that's why I'm voting against the pending motion.

Let me explain, though. There's a considerable amount of evidence that shows teacher planning and preparation affects the performance of teacher and it affects student outcome. If you believe that's true, if I believe that's true, then that becomes educational policy and that should be debated in the public as an educational policy and making sure the teachers have appropriate planning, appropriate preparation, so that we can assure and continue to have high standards for students and to dictate what student outcomes would look like.

Secondly, I think it's very clear that this is a resource allocation issue and that that should be open to public debate and public discourse. Lastly, and probably most important, this is an infringement, really, it strikes to the heart of local policymaking and local governance. And anybody here who has served on a local school board or within municipal government knows how hard you work to tailor educational policies and programs to fit your community. This bill, if passed, would be a mandate to local communities, local school boards, in terms of how they shape that educational policy. And, for that reason, I'm opposed to the pending motion and I hope others will join me in voting this down.

The SPEAKER: The Chair recognizes the Representative from Winterport, Representative Cuddy.

Representative **CUDDY**: Thank you, Madam Speaker. I rise today in support of the Majority Ought to Pass as Amended Report.

I spent four years on the RSU 22 school board, Madam Speaker, and in our last negotiations I was chair of the negotiations committee. I have negotiated contracts in the public and private sector both. When we came to a point where the teachers wanted to discuss things like planning and prep periods, I was all in. It was clear to me from my time negotiating in the private sector that these were working conditions. This affects their daily life, this affects how they do what they do on a daily basis. But I was pulled back by the administration and was given basically a list of a number of things that simply can't be talked about. This was my introduction to the idea of educational policy. There are some things where it makes sense for the administration to have a say and there are some things where it makes sense for the administration to negotiate that with the teachers.

And I think that's the point I really want to make here today, is that we're not saying every teacher has to have a prep period every single day in their own classroom. We're not saying anything about that in this bill. We're saying that a district, the administration, the board, have to negotiate with the teachers, talk to the people who on a daily basis spend their time doing this work about how they're going to be able to plan and prepare for their day with those kids. It doesn't have to be a rigid system. It doesn't have to be any particular system at all. Each district can, by talking with their teachers, by working with them in a place where the teacher's voice has some strength, they can then have that discussion and they can wind up finding what works best for their community.

In the four years that I served on a schoolboard, we never had one public comment that dealt with teacher's planning and prep time. We had public comment at the beginning of every single meeting. No one ever came to talk to us about whether or not their child's teacher had enough planning and prep time. It wasn't something we dealt with at the policy level at the schoolboard meetings. It was something the administration dealt with teachers on directly on a daily basis. They had to meet and consult, that's true. It's a place where teachers and administration can come together and they can talk about the things that are upsetting to them or the things they need to work on, but it's a place where the administration only has to listen. At the bargaining table, the teacher's voice has some authority and it's important that they have that authority, which they've already shown they use wisely, in order to try to adjust this part of their working conditions.

There has been a great deal of discussion today around the cost of something like this and if there is proper staffing currently, if there is proper prep time currently, there will be no cost because the schools are already taking care of it. But if there is a problem, if there is a deficit in these things that is holding teachers back, that is making their lives more difficult, and teachers want to work around that, there still may be no cost because you're in a negotiation. It's a place where there's give and take. There's so much money available in the budget, there's so much money that we all know as school board members our local property taxpayers are going to be okay with and are not going to be okay with. It's a give and take. All I'm asking, all this bill asks, is for us to allow teachers to have that voice in this discussion, Madam Speaker.

So, I hope that folks will respect teachers by word and deed, and they will vote for the Majority Ought to Pass.

The SPEAKER: The Chair recognizes the Representative from Dexter, Representative Foster.

Representative **FOSTER**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. First of all, I will state I do respect teachers. My three children are all teachers and my wife is a teacher. I stand opposed to this motion and I would echo and greatly appreciate the position taken by the Good Representative from Portland. I served on the school board for 12 years in my small district and AOS 94, SAD 46. I was on the negotiating committee all 12 years and served as chair and lead negotiator for the board the last eight.

The association brought many issues forward to the board to look at at times when we were negotiating contracts. Some, quite a few that were non-negotiable, including preparation time and planning time. We did not, at our negotiations, tell them that they were non-negotiable items and we wouldn't talk about them, we entertained their concerns, we made adjustments at times where it was practical, but in the end these certainly are board policy items and as stated by the Good Representative from Waterford, these should remain non-negotiable because in the end the superintendent and his administration needed to look at how preparation and planning time could be provided, but yet, would not negatively affect scheduling and length of day, which are board policy issues. So, I would ask that you follow my light and vote against this proposal. Thank you.

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

Representative **BERRY**: Thank you, Madam Speaker, Men and Women of the House. I've heard it said today that this is about educational policy and I've also heard it described as a resource allocation issue by those opposed to the measure. I rise in support of the pending motion because I've spent 19 years in public school education and I have benefited enormously from that experience. I have taught with the finest individuals who all of them were in it for the students and not for the money. And I think that we would do well as policymakers to spend time in classrooms to understand the day-to-day lives of our teachers and to listen to them more in the policy decisions that we make here.

I taught about half of my 19 years in New York City public schools and then about half back home in Maine. And in New York, I was able to negotiate for myself an arrangement where I actually reduced my planning and prep times in order to reduce class size, and to have my students for longer portions of the day and to be able to take them on educational adventures, taking advantage of all that the city has to offer. And it was a richly rewarding experience both for me and for my students, I believe. That flexibility does come down to money. This is fundamentally a financial question. Time, Madam Speaker, is money, as the saying goes. Planning and prep time is time and, like money, it should be subject to negotiation. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Dover-Foxcroft, Representative Higgins.

Representative **HIGGINS**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I'm probably one of the few people that's not the only one in the body that's had the experience of being a classroom teacher for a long time. The Good Representative from Waterford was talking about when the law first came in for negotiating contracts. I, in fact, was a negotiator on behalf of our teachers' association. I also served 11 years as a high school principal and certainly resource allocation was a prime consideration, certainly wanting to make sure that we provided the opportunity and time for our teachers to interact with one another, interact with the professionals, other professionals in the school, and certainly interact with

student on a more informal basis rather than just in classrooms. I've also had the opportunity to serve as a systems administration of the superintendent of schools, and certainly, resource allocation and determining of who makes decisions becomes really important and served as the lead negotiator for the administration.

So, I think I clearly understand the balance that comes into play. It's not about whether I think we all respect the hard work and dedication of our teachers, we recognize that it's important that they have the opportunity to be prepared for their courses, but one of the things that's obvious to me is not all grade levels and all schools across the State of Maine are the same. Simply, a kindergarten teacher finding prep time is a more difficult issue than it perhaps is for somebody that teaches at the high school. The other thing that is in play is that in smaller schools, particularly at middle school and high school, it is oftentimes difficult to limit the number of preparations for an individual teacher. Certainly it's preferable if you only have one or two, but in our very small schools you often find people are teaching in multiple different areas. The question becomes; who makes those decisions? Who is best capable of making those decisions? And what recourse do people have, do teachers have, if, in fact, they feel that the administration is not adequately responding to their needs?

The difficulty in negotiating is if there's a difference of agreement about if it was a working condition. Now we turn over the decision-making of that if we go to mediation or if we end up with eventually to binding arbitration, people outside of the system end up making those decisions. I'm not sure that's exactly what we want here. I think we want local people making local decisions. It's important that the teacher voice be heard. If conditions, in fact, are impacting their ability to be effective in the classroom and that, in turn, affects the ability of students to succeed in our schools.

One of the things that hasn't been talked about is that if, in fact, an administrative decision is made and it has a significant impact, those in fact grievances can be filed and there's a process by which those can be adjudicated. So there is a legal voice that is available that's short, certainly, of negotiating working conditions, and usually that would be based upon an individual or certainly limited number of situations. Ultimately, somebody has to make the decision. Somebody has to be responsible for making the decision about how our schools operate. The question is, should that be through negotiations and the complexities that are involved, or by the school board members who are publicly elected in your communities. It's not unusual to hear school board members are oftentimes replaced because they're not responsive to the needs of our schools, the needs of our teachers, the needs of our administrators and, certainly, the needs of our students.

I believe that we should maintain the current system we have and I would ask you not to support the pending motion. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Portland, Representative Collings.

Representative **COLLINGS**: Madam Speaker, Ladies and Gentlemen of the House, it's that time of year and that time of the day so let me say to all my colleagues I apologize for rising a first time and I'll try not to rise a second one.

I just really want to directly say I think what this comes down to is respecting teachers who are professionals and listening to them. We have people on the administration side saying that this is, in their mind, a policy decision and teachers should have a limited role and that's a whole different discussion and I think if it was all about policy, I think teachers

more than anyone should be involved in that discussion, as should anyone in an industry that's on the ground everyday doing the job. But what I directly want to say is that, this is really a working condition and it's about someone's work schedule and at all levels we are placing more duties, more mandates on teachers, they have a limited time to do more, the needs of students are more, they're asked to be doing more, and what ends up happening is they go home on the weekends, they stay up until midnight with prep and planning. They may spend eight, 10, 12, 14, 15 hours beyond what's in their contract to do the work. Anyone in any job that has to do so much time of work away from the work site obviously would like to talk about that. So, I'm almost, for once, rendered speechless to say why teachers shouldn't have a say in the job that they do and they're on the ground doing every day.

Now, there are, of course, great superintendents, great school boards, great community members that support teachers, and I commend them for that, and if that works good in your school, fine, continue to do it. But there's places where that doesn't happen and for those places, we need to respect teachers and let them be involved in the process of planning their work time, their work schedule, which entails working so many hours above and beyond the classroom to make sure the kids in this State have the best education. So, please vote for this motion.

The SPEAKER: The Chair recognizes the Representative from Guilford, Representative Stearns.

Representative **STEARNS**: Thank you, Madam Speaker, and I'd like to thank the Good Representatives from Waterford, Portland and Dover-Foxcroft for their skillful and accurate view of the business about negotiating school policy. We have a luxury in our caucus when it's regarding school policy, we don't Google it, we Sawin it, and that's a tremendous advantage when you want accurate information.

There is a real problem with the amount of time that our school teachers have to spend on items that are not related to good instruction. We refer to it often as time creep. It is real, it's measurable and it's problematic. However, this instrument of changing to be able to negotiate a policy matter, what the courts of Maine have decided is a policy matter, is not the correct instrument to change that. We do have some abilities in this body to change that by carefully, carefully reflecting on every piece of legislation that we make to ensure that it's not adding duties that do not add to academic achievement onto the plates of our teachers.

This is a monetary item and it's a problem-solving item at the school level. Once items are negotiated and put into a collective bargaining agreement, administration or the teaching staff, the members of the collective bargaining unit cannot deviate from that. One year the staffing might be fine to be able to say hey, listen, this is great, let's negotiate in a planning period for every school teacher, we're going to have team time, etcetera. Three years later, that may not be the case. You may have an administrator that needs to come to a teacher and say, you know, every two weeks there's going to be a day when you won't have a planning period. You can't do that, it's outside of the collective bargaining agreement. Or, and Representative Higgins may remember this, I believe he was the superintendent at the time, he may not have heard about it, but my last five years that I taught school was in a school that had an eight-period day. And the principal came to me and asked me if I would teach 41 out of the 40 periods. I said what do you mean by that and he showed me this huge schedule which looked like some kind of a space mission diagram, and he said if you do this, it frees up everything in the whole

building. I can do amazing things. And I said if you leave me alone, I'll do it. We negotiated, if you will, on the side. I taught my schedule, he was a happy camper, and probably Representative Higgins didn't know about it in the superintendent's office. That would not have been allowable if that had been in the collective bargaining agreement. I simply couldn't've gone up to an administrator and said I'm willing to teach an extra period today because I've got some students that need it. It couldn't happen.

So, we need to recognize the time creep, the enormous amount of tasks that have been placed on our teaching force, but passing the current bill as it is is, in my opinion, is not the correct instrument to do that. Thank you.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Babbidge.

Representative **BABBIDGE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I can't give you the date, but it was a Tuesday, but I clearly recall a short moment years ago at the end of a long day, I came home very tired and thinking of the correcting of papers that was always ahead of me. My daughter, too, had just got home from athletic practice and was sitting in the kitchen at the counter looking at a tall pile of five or six thick books, pondering the work ahead of her. I was waiting for the inevitable and justified complaint. Yes, we give too much homework. But, instead, she said gosh, I love Late-Start Wednesdays. I was so proud of her for having a positive thought at such a stressful moment.

Many years ago, Kennebunk High School had adopted Late-Start Wednesdays where teachers and professional enrichment time where our teachers could be taught or collaborate with each other from 7:45 to 9:15. Students didn't have to be in attendance until their 9:15 class. Yes, I loved my daughter's attitude. I realized that, for her, Late-Start Wednesday was a planning period to be used to get work done.

We in Maine don't have a problem with the dedication of Maine's teachers; not dedication, but a too-common problem is the accumulation of stress, burnout and overall mental health because attitude is a teacher's greatest tool. Teachers need to be tolerant, to be able to discipline and then start anew with that very same child, but fatigue is an obstruction to best practice education. I recall one year when I went a day and a half before getting a planning period, then another day and a half, and so on for the entire year. I am sure, given the needs of the hundred plus students I encountered each day that I was less than my best regarding tolerance at the end of an exhausting day. Teachers multitask and juggle responsibilities. It's what they do. But stress and exasperation do not lend themselves to proper interaction with a child or with a large group of children, whether they be six or 16. What is important is attitude.

Does this mandate educational policy as negotiable or any specific policy regarding planning periods? No, this proposal does not. A planning period is that coveted period of unscheduled time that educators use to make schools work. It's to do all that is necessary beyond formal instruction time. For me, it was a time that students used to come in for extra help. It was when they, thankfully, could make up a test without missing their bus to go home after school. It was when we could create instructions and materials for parents to pick up for a student who was absent due to sickness. It was when I could correct papers to make a larger dent in the homework essays collected of the 40 tests administered the previous day. It was when I could get to a duplicating machine to prepare for

the next class. My career started with the use of mimeographs and filmstrips and ended with laser printers and internet whiteboards. But the proper use for the excerpt I wanted took preparation time. There was always plenty to do, but the most important thing was to take a deep breath because a teacher's most effective tool is his attitude.

Some think teachers and their teachers who volunteer to be on a negotiations committee have immense power, they do not. We in this Legislature has purposefully crafted laws that give school boards the upper hand. We have given them the power to simply say no, so much so that there's often a question whether they meet the federal responsibility to bargain in good faith. But salaries, benefits, and working conditions are, by law, subject to be discussed in negotiations and, believe me, that year that I had a planning period every other day, that lack of a planning period was definitely a working condition that put a serious hardship both on me and my students.

The question before us allows Maine teachers to have the ability to bring a discussion about planning periods to the negotiations table; something that tens of thousands of teachers elsewhere in New England and the country can do in their states. Most teachers love kids and their mission in the classroom and they would teach for whatever is offered. So, they are committed to their jobs regardless of compensation and this is an advantage or a disadvantage for teachers in negotiations. The mental health of a school, the school environment that you witness walking down the hall, depends on the healthy, patient, caring interaction between teachers and students. Teachers with a good attitude make that happen. We are not mandating a planning period policy in this legislation. What we are mandating is that it is a proper subject for discussion in negotiation. Because, believe me, it is a working condition, and having it as a subject to investigate could translate into better educational practice for both teachers and students.

The school board is not being replaced. They still are a part of whatever decision is made. Regarding taxpayer dollars and resource allocation, we are not dictating the result, only requiring a good faith discussion. Regarding rewriting history, we don't want to do that. We understand the caution of that Legislature recognizing for the first time in 1969, teachers' right to collectively bargain like their peers in other professions had done for decades. The legislative job is not to rewrite history, but to improve the status quo, and we have come a long way from that distrust of 50 years ago.

Regarding the law court, the Supreme Court, Supreme Judicial Court, they interpret what we make as rules and it's time to clarify that a planning period is a working condition in the modern era.

I ask you to vote for the bill for the thousands of teachers, elementary and secondary, who are excited to give their best to Maine's children and who live in all of our communities. But if not for them, do it for the child who sits in the class at the end of the day in front of a physically tired and emotionally stressed teacher. To me, it is about attitude impacted by a working condition. It's about effective schools. Pressing your green light is a vote for teachers, for children, and for the parents and grandparents who want the best for them. Thank you, Madam Speaker.

The SPEAKER: There are two Members in the queue.

The Chair recognizes the Representative from Fort Fairfield, Representative McCREA.

Representative **McCREA**: Thank you, Madam Speaker. I think I've had lots of planning time to say what I want to say.

As most of you know, I taught school for a long, long time. In fact, the Good Representative from Waterford mentioned that this law came into effect in 1969, which was the end of my first teaching year. So, I have been at it for a long, long time. Two or three years later, I became a negotiator for the teachers' union in Fort Fairfield and served as their chair of the negotiations team until I retired in 2016. So, I've been there, and I've been in the classroom all of those years.

I also, oddly enough, was on my town council for 15 years and there was one day, no kidding, one day that I went from a negotiations session as the representative of the town against the highway department, an hour and a half later, I was representing the teachers in front of the school board. So, I've seen both sides, and I have to be honest, I do believe that there are certain places and certain topics that, for sure, are policy. I don't care if it's from the town or from the school, there are things that school boards, speaking of the school side, that they really should be the people making those decisions on behalf of their town, their students, their school. I believe that.

Over that long period of time, I have seen what used to be really adequate planning time where you really had time to consider how you wanted to prepare your lessons, what you wanted to do and all of that. It was good, it was appropriate. Slowly but steadily, that amount of planning time has been eroded for a lot of reasons. We've spoken a lot here in the House about mandates that take extra time and impact the school day, and how are the teachers going to be able to possibly do all of these things that we mandate here in Augusta. Committee work, it seems to have gone exponentially into the realm of very much time involvement. IEPs where we do plans for kids that really need specific learning plans. Test preparation, not just tests in my science class, but test preparation for the MEAs and how to take them all this. The evaluation process of ourselves and our staffs, that's taking more time. It's a good process but it takes time, okay?

What's happened over the last few years is that staff has had to be reduced for a lot of reasons, or at least staff time has had to be reduced for a lot of reasons. Many, many teachers would tell you, no exaggerations, they're putting in 12-hour days to get their job done in a way that they feel as though they're doing a good job. It's a lot harder to walk into my anatomy class that last year with all of things that have been foisted upon us to feel like other than just well, I did a pretty good job in that class because I had been doing it for a long time, I knew what I was doing, and when I had the time to really spend time getting that class ready and walking out and saying man, that was what I'm all about. That's my great class. So, I think we've watched planning time disappear to a great degree, sometimes because of money, sometimes because of other things that impact our day. I think this has to be a negotiable issue. I mean, it's negotiations. It isn't a gift, it isn't a beg, okay? It's a negotiations. You've got teachers all over the State that literally are willing to give up some other part of a negotiated contract to get the time that they need to make those great classes. So, I urge your support on LD 240 and I thank you very much for the time, Madam Speaker.

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

Representative **SYLVESTER**: Thank you, Madam Speaker. I want to thank both the Good Representative from Waterford, I think, in fact, the whole chamber would like to thank him because his great knowledge and the depth of the

history that he went through has cut out more than a third of my speech. And I think we all can be thankful for that.

And I want to thank the Good Representative from Dover-Foxcroft for honing the question, which is the struggle between resources and the ability to allow our teachers to do the job and to provide them the things that they need. Now, this bill is a very simple bill in one way, in that it just allows teachers to negotiate over prep time. But there's a couple of questions and, I promise, there's been much debate, I'm only going to hit on things that I think have not been covered.

Why is this important? The inability to properly prepare to do their job is the number one reason that teachers leave the profession. It is costly. We have talked quite a bit, Madam Speaker, about the costs or the proposed costs or the potential costs of this bill, but it is costly to train a teacher. It is one of the number one costs within the system. And we talk about retaining teachers and that ability for a teacher at the end of the day to have job satisfaction where they say I did a good job today is one of the most important things that keep and retain teachers. An electrician, a lobsterman, a lawyer, if they didn't have time to look at their gear, to look at their equipment, to look at their cases before they had to do their job or they had to do it at 2:00 in the morning, we would not consider that they were doing a good job. Now, we say that we want to retain teachers, yes, but we also want to attract them. But in Maine we have a very long probationary period and yet, we do not give the new teachers the time that they need to prepare to be successful. And then we wonder why so many of them do not make the cut.

Now, there's been conversation about the history of Maine putting this law in place but many other states have also put collective bargaining laws in place for teachers. In fact, every other New England state allows their teachers to negotiate over many of the educational issues that we in this State prohibit teachers from negotiating and yet the sky has not fallen. Teachers go to work, school boards go to work, students learn and society moves forward. And somehow being able to negotiate over these things does not end all those things and, in fact, in places like Thornton Academy or in places like Portland where the school board has agreed to negotiation over this particular thing of prep periods, things have been okay when both sides came together, came to an agreement, and found something they could put into contract language.

Now, when we talk about bargaining, what do we mean? I appreciate the folks who were here in the Legislature when this was passed and I appreciate the folks who have stood up who are long-time school teachers or administrators or school boards for the experience that they bring. I have actually negotiated school contracts. And so what do we mean by mandatory? By mandatory, we mean that when one of the sides brings a proposal to the table, you have to actually say yes or no. And some things, like pay, you have to actually come up with an agreement, a signed agreement, but for working conditions, you have to actually say out loud yes or no or make a counter proposal. As the Good Representative from Fort Fairfield said, you have to give something up to get something. And that is how negotiations work and that is how it would work here. There's been conversation about the flexibility of administrations to do what they need to do. Language that is crafted for professional contracts is very, very different than the language that is written in a factory or in some other kind of workplace. It is often written in order to have the most flexibility, or to have an ability for both sides to come together in a case of new situation and craft new

language. I have written contract language over such items that said the policies of these will be discussed at the beginning of the year and agreed upon by both sides and that will be the policy. That's all it said. Contract language is only as inflexible as both sides make it.

Lastly, or maybe near lastly, I might have another one, we talked about the ability of the public to have a say in these. Maybe there's two things. These things are very rarely brought up in school boards because these policies do not exist. As the Good Representative from Waterford said, and this is the key part of that decision, is that school boards must craft these policies and yet they have not crafted these policies. When the MEA did a FOA of all school boards in the State to find out what written policies were in place, less than 10% of them had written policies and of those 10% many of those policies were, the superintendent shall decide. That's not a policy. We in this body look at policies that are not working, look at history that is not working, look at situations where there need to be fixes and we fix them. This is a law that seeks one thing; to keep our teachers in the classroom and to attract people to the profession who we will then retain in the classroom.

Lastly, and I promise this time it's actually lastly, there's been discussion about grievances, that there's already legal language where folks could grieve these things. They cannot grieve them because they are non-negotiable. They can go into the principal's office or they could go into the superintendent and they can talk about them, but there is no ability for the teachers to actually come to any sort of redress, like permissive bargaining, where one side can just say no, I don't want to talk about it, meet and consult means one side, the administrative side, can say I don't want to talk about this, and that stops the conversation. To have a grievance, to be able to have a policy where both sides can hold themselves accountable, it needs to be in the collective bargaining agreement and that is what this law seeks to do and I hope that you will support the Ought to Pass as Amended motion. Thank you.

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

ROLL CALL NO. 227

YEA - Alley, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Brooks, Bryant, Caiazzo, Cardone, Carney, Collings, Cooper, Craven, Crockett, Cuddy, Daughtry, Denk, Dodge, Doore, Dunphy, Farnsworth, Fay, Fecteau R, Gattine, Gramlich, Handy, Harnett, Hepler, Hickman, Hobbs, Ingwersen, Jorgensen, Kessler, Landry, Madigan C, Martin J, Martin R, Matlack, Maxmin, McCrea, McCreight, McLean, Melaragno, Meyer, Moonen, Morales, O'Neil, Paulhus, Pebworth, Peoples, Perry A, Perry J, Reckitt, Riley, Riseman, Roberts-Lovell, Sharpe, Sheats, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, White B, Zeigler, Madam Speaker.

NAY - Andrews, Arata, Austin S, Bickford, Blier, Bradstreet, Brennan, Campbell, Cebra, Cloutier, Corey, Costain, Curtis, Dillingham, Dolloff, Doudera, Drinkwater, Evangelos, Faulkingham, Fecteau J, Foley, Foster, Griffin, Haggan, Hall, Hanley, Harrington, Head, Higgins, Hubbell, Hutchins, Hymanson, Javner, Johansen, Keschl, Kinney, Kornfield, Kryzak, Lockman, Lyford, Marean, Mason, Mastraccio, McDonald, Millett, Morris, Nadeau, O'Connor, Ordway, Perkins, Pickett, Pierce T, Pluecker, Prescott, Reed, Rudnicki, Sampson, Schneck, Skolfield, Stearns, Stetkis,

Stewart, Stover, Strom, Swallow, Theriault, Tuell, Wadsworth, White D.

ABSENT - Ackley, Austin B, DeVeau, Grignon, Grohoski, Hanington, Martin T, Rykerson, Verow.

Yes, 71; No, 69; Absent, 9; Excused, 1.

71 having voted in the affirmative and 69 voted in the negative, with 9 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-518)** 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-518)** and sent for concurrence.

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

SENATE PAPERS

The following Joint Order: (S.P. 624)

ORDERED, the House concurring, that Bill, "An Act To Increase the Number of Franklin County Commissioners," H.P. 695, L.D. 940, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

Came from the Senate, **READ** and **PASSED**.

READ.

Representative DILLINGHAM of Oxford **REQUESTED** a roll call on **PASSAGE**.

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 Knox, Representative Kinney.

Representative **KINNEY**: Thank you, Madam Speaker. I stand in opposition to the pending motion.

This bill came to the State and Local Government Committee. Every Franklin County Representative and the Senator heard from their constituents that they've been having some issues with their three current commissioners. They weren't present outside of occasional meetings that would occur monthly, I believe it was. Two of them would actually leave the State, the county, and then some even leave the State when they're not in session for these meetings, at least so we were told.

In committee we came to a compromise to allow the residents of Franklin County to vote during the 2020 November general election as to whether or not they want this change. The change would then occur after the next census, during the regular reapportionment schedule. This will not affect the sitting commissioners as they are up for reelection in between. And we passed this, this was a unanimous committee report, and I request that we vote down this pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Sinclair, Representative Martin.

Representative **MARTIN**: Thank you, Madam Speaker. Madam Speaker and Ladies and Gentlemen of the House, the only reason that this is being recalled from the Governor's office is because of a technical error on the piece of legislation, so we can correct it and move it forward. As the Good

Representative from Knox mentioned, this, in fact, came out of the State and Local Committee with the unanimous report and there's no desire to change that vote. It's just a technical error that needs to be corrected.

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

Representative **KINNEY**: Thank you, Madam Speaker. May I ask a question through the Chair?

The SPEAKER: The Representative may proceed.

Representative **KINNEY**: Thank you. I'm curious what the technical error was.

The SPEAKER: The Representative from Knox has posed a question through the Chair. The Chair recognizes the Representative from Sinclair, Representative Martin.

Representative **MARTIN**: Thank you, Madam Speaker. For those of you that are familiar with LD 940, you will recall that the county has to go to referendum and poll every community in the county to, in fact, increase the county commissioners from three to five in that district. During the transition period, it was brought to our attention that because of the transition period and from the time that this is enacted to the time that all the communities vote on the positive note, because of the dates, it just clearly changes a date to make sure that the transition period moves forward in an orderly fashion.

Subsequently, Representative DILLINGHAM of Oxford **WITHDREW** her **REQUEST** for a roll call.

Subsequently, the Joint Order was **PASSED** in concurrence.

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

On motion of Representative TUCKER of Brunswick, the House adjourned at 2:48 p.m., until 10:00 a.m., Wednesday, June 12, 2019, in honor and lasting tribute to Robert A. Frost, Jr., of Brunswick.