

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE  
 SECOND REGULAR SESSION  
 46th Legislative Day  
 Tuesday, April 10, 2012

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

Prayer by Gary Crocker, West Gardiner.  
 National Anthem by Gary Crocker, West Gardiner.  
 Pledge of Allegiance.  
 Doctor of the day, Robert Weiss, M.D., Searsport.  
 The Journal of yesterday was read and approved.

**SENATE PAPERS**  
**Non-Concurrent Matter**

Bill "An Act To Revise the Target Prices for the Dairy Stabilization Program" (EMERGENCY)

(H.P. 1409) (L.D. 1905)

**PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-911)** in the House on April 5, 2012.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-535)** in **NON-CONCURRENCE**.

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

**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

Christina Kouros, of Cape Elizabeth, a junior at Cape Elizabeth High School, on her remarkable athletic accomplishments as a member of the Nordic ski team and the track team at the high school. Christina was born without a right leg and has recently won several sports championships at the state and national levels. She won 3 medals at the 2012 United States Paralympic Nordic Skiing World Cup at Cable, Wisconsin and Minneapolis, Minnesota in the sitting category. At the 2012 World Cup and United States Cross Country Ski Championships in Rumford, Christina won 1st in the 5 kilometer race and 2nd in the 7.5 kilometer race in the women's adaptive sit-ski competition. Last year, Christina was on the Cape Elizabeth High School Track Team and also competed in the Beach to Beacon race in the wheelchair category. She recently earned a varsity letter, was the first wheelchair athlete to earn a point at the Maine high school championships and received the New England Junior Wheelchair Athlete of the Year Award. We congratulate Christina on her exemplary attitude and send her our appreciation for being a motivation for other people in similar situations and being an inspiration to many. We send her our best wishes;

(HLS 1148)

Presented by Representative MONAGHAN-DERRIG of Cape Elizabeth.

Cosponsored by Senator DILL of Cumberland, Representative EBERLE of South Portland.

On **OBJECTION** of Representative MONAGHAN-DERRIG of Cape Elizabeth, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Monaghan-Derrig.

Representative **MONAGHAN-DERRIG**: Thank you, Mr. Speaker. Just a few more quick remarks of Christina. I just want

to personally congratulate Christina. She is a remarkable inspiration to all. She has done things beyond the regular athletic ability of many and I just can't tell you how proud I am of her. One of the articles that was written about her in *The Forecaster* had her talking about how she just didn't want to see people run by her home on Shore Road during the Beach to Beacon race. She wanted to be a part of it. As her Nordic ski coach Deven Morrill remarked, she had no interest in using some of the trails that were a little bit easier for the paralympic skiers. She wanted to go after the real trails and try out the real terrain. If that meant that she had to fall over a few times, well, she did, and she was one of those that it didn't faze her at all. I really do admire her grit, her grace, her confidence and hardly any whining. So I want to congratulate Christina and her mom and Deven.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Eberle.

Representative **EBERLE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. It's always a special privilege when we have student athletes here in the chamber with us to recognize their efforts, and it's a special privilege today to have Christina Kouros here. I add my congratulations to those of Representative Monaghan-Derrig and congratulate Christina on her remarkable achievements. Thank you.

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

**In Memory of:**

the Honorable Stanley V. Hall, of Windham, a former State Representative who served during the 103rd, 104th and 105th Legislatures and served on the Agriculture and Highway Committees. Mr. Hall was orphaned by the age of 10 and lived with his grandmother in Gray before moving to Windham where, at the age of 17, he started buying cattle and establishing a business as a livestock dealer and dairy farmer. In addition to taking care of 2 barns of dairy cows with his son Russell, Mr. Hall found time to give back to the community and to Maine's agriculture. He was a master of Pleasant River Grange, a member of Presumpscot Lodge AF & AM, Scottish Rite Bodies and a 32nd degree member of Kora Shriners. Mr. Hall served on Windham's Board of Selectmen, as a councilman and on Maine's Racing Commission. He was President of the Cumberland Fair for 29 years and served 3 terms as President of the Maine Association of Agricultural Fairs. He was inducted into the Skowhegan State Fair Agricultural Hall of Fame in 1993. Throughout his life Mr. Hall was a great supporter of Maine's youth and of their livestock and 4-H projects. In 1998, he earned the Lifetime Business Achiever Award from the Windham Chamber of Commerce. He will be sadly missed and lovingly remembered by his family and friends;

(HLS 1161)

Presented by Representative PLUMMER of Windham.

Cosponsored by Senator DIAMOND of Cumberland, Representative BRYANT of Windham, Senator ALFOND of Cumberland, Representative AYOTTE of Caswell, Representative BEAUDOIN of Biddeford, Representative BEAULIEU of Auburn, Representative BEAVERS of South Berwick, Representative BECK of Waterville, Representative BELIVEAU of Kittery, Representative BENNETT of Kennebunk, Representative BERRY of Bowdoinham, Representative BICKFORD of Auburn, Representative BLACK of Wilton, Representative BLODGETT of Augusta, Representative BOLAND of Sanford, Representative BOLDUC of Auburn, Representative BRIGGS of Mexico, Representative BURNS of Whiting, Representative BURNS of Alfred, Representative CAIN

of Orono, Representative CAREY of Lewiston, Representative CASAVANT of Biddeford, Representative CEBRA of Naples, Representative CELLI of Brewer, Representative CHAPMAN of Brooksville, Representative CHASE of Wells, Representative CHIPMAN of Portland, Representative CLARK of Millinocket, Representative CLARK of Easton, Representative CLARKE of Bath, Representative CORNELL du HOUX of Brunswick, Representative COTTA of China, Representative CRAFTS of Lisbon, Representative CRAY of Palmyra, Representative CROCKETT of Bethel, Representative CURTIS of Madison, Representative CUSHING of Hampden, Representative DAMON of Bangor, Representative DAVIS of Sangerville, Representative DILL of Old Town, Representative DION of Portland, Representative DOW of Waldoboro, Representative DRISCOLL of Westbrook, Representative DUCHESNE of Hudson, Representative DUNPHY of Embden, Representative EBERLE of South Portland, Representative EDGECOMB of Caribou, Representative ESPLING of New Gloucester, Representative EVES of North Berwick, Representative FITTS of Pittsfield, Representative FITZPATRICK of Houlton, Representative FLEMINGS of Bar Harbor, Representative FLOOD of Winthrop, Representative FOSSEL of Alna, Representative FOSTER of Augusta, Representative FREDETTE of Newport, Representative GIFFORD of Lincoln, Representative GILBERT of Jay, Representative GILLWAY of Searsport, Representative GOODE of Bangor, Representative GRAHAM of North Yarmouth, Representative GUERIN of Glenburn, Representative HAMPER of Oxford, Representative HANLEY of Gardiner, Representative HARLOW of Portland, Representative HARMON of Palermo, Representative HARVELL of Farmington, Representative HASKELL of Portland, Representative HAYES of Buckfield, Representative HERBIG of Belfast, Representative HINCK of Portland, Representative HOGAN of Old Orchard Beach, Representative HUNT of Buxton, Representative INNES of Yarmouth, Representative JOHNSON of Eddington, Representative JOHNSON of Greenville, Representative KAENRATH of South Portland, Representative KENT of Woolwich, Representative KESCHL of Belgrade, Representative KNAPP of Gorham, Representative KNIGHT of Livermore Falls, Representative KRUGER of Thomaston, Representative KUMIEGA of Deer Isle, Representative LAJOIE of Lewiston, Representative LIBBY of Waterboro, Representative LONG of Sherman, Representative LONGSTAFF of Waterville, Representative LOVEJOY of Portland, Representative LUCHINI of Ellsworth, Representative MacDONALD of Boothbay, Representative MAKER of Calais, Representative MALABY of Hancock, Representative MALONEY of Augusta, Representative MARTIN of Eagle Lake, Representative MAZUREK of Rockland, Representative McCABE of Skowhegan, Representative McCLELLAN of Raymond, Representative McFADDEN of Dennysville, Representative McKANE of Newcastle, Representative MITCHELL of the Penobscot Nation, Representative MONAGHAN-DERRIG of Cape Elizabeth, Representative MORISSETTE of Winslow, Representative MORRISON of South Portland, Representative MOULTON of York, Representative NASS of Acton, Representative NELSON of Falmouth, Representative NEWENDYKE of Litchfield, Speaker NUTTING of Oakland, Representative O'BRIEN of Lincolnville, Representative O'CONNOR of Berwick, Representative OLSEN of Phippsburg, Representative PARKER of Veazie, Representative PARRY of Arundel, Representative PEOPLES of Westbrook, Representative PETERSON of Rumford, Representative PICCHIOTTI of Fairfield, Representative PILON of Saco, Representative PRESCOTT of Topsham, Representative PRIEST of Brunswick, Representative RANKIN of

Hiram, Representative RICHARDSON of Carmel, Representative RICHARDSON of Warren, Representative RIOUX of Winterport, Representative ROCHELO of Biddeford, Representative ROSEN of Bucksport, Representative ROTUNDO of Lewiston, Representative RUSSELL of Portland, Representative SANBORN of Gorham, Representative SANDERSON of Chelsea, Representative SARTY of Denmark, Representative SHAW of Standish, Representative SIROCKI of Scarborough, Representative SLAGGER of the Houlton Band of Maliseet Indians, Representative SOCTOMAH of the Passamaquoddy Tribe, Representative STEVENS of Bangor, Representative STRANG BURGESS of Cumberland, Representative STUCKEY of Portland, Representative THERIAULT of Madawaska, Representative TILTON of Harrington, Representative TIMBERLAKE of Turner, Representative TREAT of Hallowell, Representative TURNER of Burlington, Representative TUTTLE of Sanford, Representative VALENTINO of Saco, Representative VOLK of Scarborough, Representative WAGNER of Lewiston, Representative WALLACE of Dexter, Representative WATERHOUSE of Bridgton, Representative WEAVER of York, Representative WEBSTER of Freeport, Representative WELSH of Rockport, Representative WILLETTE of Mapleton, Representative WILLETTE of Presque Isle, Representative WINSOR of Norway, Representative WOOD of Sabattus, Senator BARTLETT of Cumberland, Senator BRANNIGAN of Cumberland, Senator COLLINS of York, Senator COURTNEY of York, Senator CRAVEN of Androscoggin, Senator DILL of Cumberland, Senator FARNHAM of Penobscot, Senator GERZOFISKY of Cumberland, Senator GOODALL of Sagadahoc, Senator HASTINGS of Oxford, Senator HILL of York, Senator HOBBS of York, Senator JACKSON of Aroostook, Senator JOHNSON of Lincoln, Senator KATZ of Kennebec, Senator LANGLEY of Hancock, Senator MARTIN of Kennebec, Senator MASON of Androscoggin, Senator McCORMICK of Kennebec, Senator PATRICK of Oxford, Senator PLOWMAN of Penobscot, President RAYE of Washington, Senator RECTOR of Knox, Senator ROSEN of Hancock, Senator SAVIELLO of Franklin, Senator SCHNEIDER of Penobscot, Senator SHERMAN of Aroostook, Senator SNOWE-MELLO of Androscoggin, Senator SULLIVAN of York, Senator THIBODEAU of Waldo, Senator THOMAS of Somerset, Senator WHITTEMORE of Somerset, Senator WOODBURY of Cumberland.

On **OBJECTION** of Representative PLUMMER of Windham, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from Windham, Representative Plummer.

Representative **PLUMMER**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Stanley Hall was my friend. Stan was a self-made man. At the time of his death, he owned several farms. I knew Stan virtually all of my life. I first learned about people from listening to my parents talk about them. They did talk about Stan Hall and they always thought very highly of Mr. Hall. I don't need to tell you about Stan's service to the town of Windham, to Cumberland County and as a State Representative because I know you all listened very carefully as the House Clerk read that to you. Instead what I'd like to do is tell a quick story about my service on the Windham Town Council with Stan Hall and a lesson Stan taught me in being a true conservative.

In 1974, the town of Windham changed from selectman to council-manager form of government. There were 21 candidates in that race and elected were three former selectmen, another old school person from the town, a couple of young guys and myself. Well, maybe at that time I was one of the young guys. I found

myself often being a swing vote in 4-3 votes, sometimes voting with the old school, sometimes voting with the new guys. One issue, in particular, stands out in my mind that I was involved with. The town of Windham, prior to this, had never owned a front end loader. They had always hired the services. They decided they needed one. They also decided they needed my swing vote, so I sat down with the town manager and the public works director and they told me they had located a very, very good used loader. They didn't look at new loaders because they knew Stan wouldn't vote to spend the money to buy a new loader, and they knew if Stan didn't vote for it a couple of the other councilors would not vote for it as well. When it came to the workshop, they laid out very well their plans and how this loader was in great shape and would serve the town well. At the end of the discussion, Stan said, "If you need a loader, why don't you buy a new one? There's no point in buying somebody else's problems." The town bought a new front end loader and I learned a lesson, a lesson that I carry with me to this day. I am pleased to tell you that Stanley Hall was my mentor. I am proud to tell you that Stanley Hall was my friend and I believe I am a better person by having known Stanley Hall.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Bryant.

Representative **BRYANT**: Stan Hall, I've known him for 25 years, unlike Representative Plummer who has been in Windham forever. But I tell you, he was a pillar of the community, the whole family was well known in the community and you have heard the accolades in the Sentiment and the short message from Representative Plummer so I'll sit down. He is missed in Windham, he was a great man and he won't be ever forgotten. Thank you.

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

Representative **HASKELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I know it seems a bit odd to have a Representative from Portland talking about somebody from Windham, but I did live in Gorham for 30 years and that's pretty close to Windham, it kind of touches right on it. For years and years and years, my family did business with Hall Implement and I got to tell you, this is not the kind of a company like your ordinary company. This was the place where you go in and they always knew your first name, they were always glad to see you. They were a pillar of the community, an example of how business ought to be run, the way business ought to be run, the way people ought to be treated, and it made a difference in what those towns look like to have a company like that standing for as long as it did and as long as it has there in Windham. Thank you.

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

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

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The following item was taken up out of order by unanimous consent:

#### **UNFINISHED BUSINESS**

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

Expression of Legislative Sentiment Recognizing Frank Johnson, of Augusta

(HLS 1117)

TABLED - April 2, 2012 (Till Later Today) by Representative CAIN of Orono.

PENDING - **PASSAGE.**

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

Representative **TUTTLE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. It is an honor for me to speak on Frank Johnson's Sentiment. I've known Frank for over 30 years and today is Frank's 62nd birthday. So I know, Mr. Speaker, a few years. Hi Frank. So Frank, congratulations on your birthday today. He is one of the most dedicated and hardworking public servants I have known in my life. Frank has worked, as the Clerk has said, as a state employee for 45 years, rising from a clerical aide in the Department of Education to the Executive Director of the Employee Health and Benefits Division where most of us have worked with him. When I first met Frank, I was a little bit trimmer and had more hair. Frank still has his hair but it's a little bit whiter. So Frank, when you're on the beach with your surfboard like the old days, give me a call, I might want to join you. Mr. Speaker, I believe there are others who would like to speak on this Sentiment, but I would ask that after they speak that the Sergeant-at-Arms escort Frank Johnson to the well of the House to receive his Sentiment for 45 years of dedicated public service.

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

Representative **ROTUNDO**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I stand in praise of Frank Johnson. Maine has led the nation in the reduction of costs to state employee health care. This is attributable in very large part to Frank Johnson's wise and effective leadership. State employees are healthier and Maine taxpayers have saved money as a result of Frank's work. I thank Frank for his outstanding leadership. We will miss him greatly, but his wonderful work lives on in the healthier lives of state employees that he's championed. I send him my very best wishes for a long and healthy retirement. Thank you.

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

Representative **BLODGETT**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I also would like to congratulate Frank on his well deserved retirement and to thank him for his many dedicated years to the service of the State of Maine. My husband and I have known Frank and his family for many years, and he is also one of my constituents. Again, congratulations, Frank, on a job well done. Thank you.

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

Representative **CAIN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I just want to add my thanks and appreciation to Frank Johnson for his work on behalf of the State of Maine, on behalf of the people of the State of Maine for so many years. We could always rely on Frank in the Committee on Appropriations and Financial Affairs to be there when we needed him. Sometimes it was the middle of the night, I think, we might have called him a few times. But he always stepped up, he always came with an attitude that said "Yeah, we can figure that out" and, in the end, particularly the way we deliver and manage health care services through our state's insurance plan are better and truly a model for the nation because of Frank, and that will be his legacy, that we can always hope to come with as good of an attitude as he has and to leave the place better than we found it like he has. Thank you, Mr. Speaker.

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

Representative **BOLAND**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I also wanted to say congratulations to Frank Johnson and say how much I appreciate his can-do attitude. As a freshman coming here and having my big agenda to be wellness and prevention and sort of getting a lot of yawns in the beginning, he was someone who was willing to say "Yeah, we can do that." Of course, he probably already had things on his mind that way anyhow, but always positive and always ready to say "Yeah, I think we can figure that out." Just a great guy. Thank you so much.

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

**REPORTS OF COMMITTEE**

**Divided Reports**

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-527)** on Bill "An Act To Create the Leased Space Reserve Fund and To Amend the Law Regarding the Issuance of Securities under the Maine Governmental Facilities Authority"

(S.P. 678) (L.D. 1904)

Signed:

Senator:

THOMAS of Somerset

Representatives:

COTTA of China

BOLDUC of Auburn

CASAVANT of Biddeford

HARVELL of Farmington

KAENRATH of South Portland

MOULTON of York

TURNER of Burlington

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-528)** on same Bill.

Signed:

Representative:

BOLAND of Sanford

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-527)**.

**READ.**

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

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-921)** on Bill "An Act To Implement Recommendations of the Committee To Review Issues Dealing with Regulatory Takings"

(H.P. 1334) (L.D. 1810)

Signed:

Senators:

DILL of Cumberland

WOODBURY of Cumberland

Representatives:

BEAULIEU of Auburn

MALONEY of Augusta

MONAGHAN-DERRIG of Cape Elizabeth

MOULTON of York

PRIEST of Brunswick

ROCHELO of Biddeford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-922)** on same Bill.

Signed:

Senator:

HASTINGS of Oxford

Representatives:

NASS of Acton

FOSSEL of Alna

SARTY of Denmark

WATERHOUSE of Bridgton

**READ.**

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

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

**ENACTORS**

**Emergency Measure**

An Act To Provide Incentives To Foster Economic Growth and Build Infrastructure in the State

(H.P. 310) (L.D. 384)

(H. "A" H-909 to C. "A" H-895)

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. 119 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

Resolve, Regarding Legislative Review of Chapter 30: Maine Uniform Accounting and Auditing Practices for Community Agencies, a Major Substantive Rule of the Department of Health and Human Services

(H.P. 1404) (L.D. 1902)

(C. "A" H-914)

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. 120 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.

**Acts**

An Act Regarding the Distribution and Sale of Spirits

(H.P. 664) (L.D. 905)

(C. "A" H-915)

An Act To Standardize the Definition of "Independent Contractor"

(H.P. 960) (L.D. 1314)

(H. "B" H-897 and H. "C" H-916 to C. "A" H-832)

An Act To Change Document Filing Fees for County Registries of Deeds

(H.P. 1137) (L.D. 1550)

(C. "A" H-711; H. "A" H-851)

An Act To Limit MaineCare Reimbursement for Methadone Treatment

(H.P. 1361) (L.D. 1840)

(C. "A" H-912)

An Act To Expand Educational Opportunities for Maine Students

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

(H. "B" H-901 to C. "A" H-885)

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

An Act To Prepare Maine People for the Future Economy

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

(S. "C" S-529 to C. "A" S-477)

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

On motion of Representative MALONEY of Augusta, 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 Augusta, Representative Maloney.

Representative **MALONEY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'll be brief. I just wanted to be sure that the body knew that last Friday I learned that the parents of the top six performing students in eighth grade at Hall-Dale are removing their children from the school district because of the way standards-based education has been implemented there. Parents tell me their children used to love school and now they hate it. One parent who is also a teacher writes to me that now her son's school adopted standards-based education, he never has any homework. This is a quote. "He has never studied for an assessment, he doesn't need to. Instead he takes an assessment and then after the teacher identifies what he has done wrong, he fixes his mistakes. This is how he becomes proficient or even how he exceeds the standard. This worries me because this approach will fail him in college and the workforce."

The failure of this approach is reflected in Hallowell's test scores. Yesterday I passed out a green sheet that shows that in the two years that standards-based education has been in place in Hallowell, their math test scores have gone down over 30 percent. This is very concerning. So now we have the answer to does standards-based education work? Well, not in Hallowell. We continue to have no information on the other five schools that implemented standards-based education at the same time as Hallowell. We've been shown some positive outcomes for one small school in Maine that implemented many changes in addition to standards-based education at the same time. So there are schools in Maine that like standards-based education and schools that hate it.

In the Augusta School System, we tried standards-based education a few years ago and we abandoned the program when

it didn't help our students. Instead we tried a different approach, a different program in the high school that has been very effective. In fact, it cut our dropout rate in half. But don't worry, I'm not going to ask the entire state to adopt this program just because it works at Cony in Augusta. Different solutions are best for different areas. If we pass this bill today, we are saying that we know better than all the local school boards and superintendents of our state. I ask you to trust that they are trying. If standards-based education is right for them, they can adopt it without this bill. If it is not, then this bill will force them to and there is one thing we know for sure about standards-based education. If it's going to work, it will only work when the entire community is behind it.

Finally, the cost of implementing standards-based education in just six districts in Maine was over \$1.2 million. At Cony Middle School, after-school sports are on the chopping block due to lack of money. Everywhere else in government we are trying to contain costs. Can we really afford to force schools to spend so much money on a new program that may or may not work for them? Thank you.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'll be brief. I agree with the words of the good Representative from Augusta. Mostly I'm concerned with the lack of data to prove that this is a program that's going to work statewide, that we're going to be able to implement this in a school in Brownville, Maine, as well as Portland, Maine, and I'm more concerned that we've created a funding mechanism which is now going to take \$2 million essentially out of GPA, even though it's got to be above this year's funding level to implement this program. So that's money that will not be going to the kids, that's money that will not be going to their education. It's going to be going to the teachers to understand this new program, which we really clearly don't understand. So I will be voting against Enactment.

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

Representative **GRAHAM**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will also be very brief. I wasn't going to speak on this, but I think it's very important to point out three things. One is that this was a Unanimous Report out of the Education Committee. I trust the work that our colleagues have done. They have heard and worked with the Department of Education for, from what I understand, two years. I can't be on that committee because I am serving on another one, but I do trust the hard work that they do.

Second, I represent Gray, North Yarmouth and Pownal. Gray was a school district that was really struggling for many years. It is now recognized statewide and nationwide for the hard work they've done and it's much due to standards-based education.

Thirdly, I have a son who has dyslexia. He went to a very high achieving high school, but he was humiliated every day because of the way he learned wasn't the way other kids learned. He graduated, went to a college where he struggled even more because he was afraid to ask for help. He now is finishing up in a school for students who have dyslexia and I will be very honest with you. If standards-based education was there, when my son was at this very high achieving school, his needs would have been much better met. So I urge you to support this and I understand the misgivings of many, but I think it's time that we move forward. Thank you, Mr. Speaker.

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

**ROLL CALL NO. 310**

YEA - Beaudoin, Beavers, Beliveau, Bennett, Berry, Black, Boland, Briggs, Cain, Carey, Casavant, Cebra, Chapman, Chase, Clark H, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Driscoll, Duchesne, Dunphy, Eberle, Edgecomb, Eves, Fitts, Fitzpatrick, Flemings, Gifford, Gillway, Graham, Hamper, Harmon, Haskell, Hayes, Herbig, Hinck, Hunt, Innes Walsh, Johnson P, Knapp, Kruger, Kumiega, Lajoie, Lovejoy, Luchini, Maker, Malaby, McCabe, McClellan, McFadden, Monaghan-Derrig, Morissette, Moulton, Nass, Nelson, Newendyke, Parry, Peoples, Picchiotti, Pilon, Rankin, Richardson D, Rioux, Rochelo, Rosen, Rotundo, Russell, Sanborn, Sarty, Shaw, Strang Burgess, Stuckey, Tilton, Timberlake, Turner, Volk, Wagner R, Weaver, Webster, Welsh, Winsor, Wood, Mr. Speaker.

NAY - Ayotte, Beaulieu, Beck, Blodgett, Bolduc, Bryant, Burns DC, Chipman, Clark T, Clarke, Cornell du Houx, Cotta, Dill J, Dow, Espling, Flood, Fossel, Foster, Fredette, Gilbert, Goode, Guerin, Hanley, Harlow, Harvell, Hogan, Johnson D, Kaenrath, Knight, Libby, Long, Longstaff, MacDonald, Maloney, Martin, Mazurek, McKane, O'Brien, O'Connor, Olsen, Parker, Peterson, Plummer, Priest, Richardson W, Sanderson, Sirocki, Stevens, Theriault, Treat, Tuttle, Valentino, Wallace, Waterhouse, Willette A, Willette M.

ABSENT - Bickford, Celli, Dion, Kent, Keschl, Morrison, Prescott.

Yes, 87; No, 56; Absent, 7; Vacant, 1; Excused, 0.

87 having voted in the affirmative and 56 voted in the negative, 1 vacancy with 7 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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An Act To Restore Departmental Management over Costs of State-paid Child Care

(S.P. 671) (L.D. 1894)  
(C. "A" S-515)

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

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

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

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 Sanford, Representative Tuttle.

Representative **TUTTLE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I would hope that we would vote against Enactment. The purpose of the bill is to repeal the requirement that the state engage in collective bargaining with non state employee family child care providers. The bill will not create any jobs in Maine, rather it would take away the rights of family child care providers to have a voice in ensuring quality child care for every working family in Maine. Family child care providers have a right to sit down with the state as needed to discuss and attempt to resolve the systematic issues of administration and policy that impact their joint interest in enhancing the quality of child care in the family child care system throughout our state.

Like other small businesses, Maine family child care providers should be able to both associate with each other and have a

voice in the regulation affecting their small businesses. Through their joint association, family child care providers are advocating for sensible child care policies and regulation, including legislation affecting the child care voucher system and other regulations. All child care businesses struggle to make ends meet, but those taking subsidy children struggle the most. Luckily, last session attempts to cut the subsidy rates failed because it would have caused these businesses to stop taking in subsidy children.

Maine child care providers are committed to government efficiency and a thriving business environment, job creation, and lowering the numbers of unemployed and those receiving assistance, which this bill undermines. Empowering Maine's child care providers with a voice in the decision which affect their profession is a step towards removing Maine barriers to affordable and quality child care. Building and improving upon the network of quality child care facilities is essential to all workers in the state and our economy as a whole. Collective bargaining is a valuable tool in regard because it increases productivity, decreases turnover and creates a strong culture of mutual respect. For that reason, I would ask that you vote against the pending motion. Thank you, Mr. Speaker.

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

**ROLL CALL NO. 311**

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

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

ABSENT - Bickford, Celli, Dion, Kent, Keschl, Morrison, Prescott.

Yes, 75; No, 68; Absent, 7; Vacant, 1; Excused, 0.

75 having voted in the affirmative and 68 voted in the negative, 1 vacancy with 7 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

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The following item was taken up out of order by unanimous consent:

**Emergency Measure**

Resolve, To Authorize the Legislature To Contract for an Independent Review To Evaluate the Essential Programs and Services Funding Act

(H.P. 702) (L.D. 958)  
(C. "B" H-920)

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. 131 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.

**Acts**

An Act To Reform Land Use Planning in the Unorganized Territory

(H.P. 1325) (L.D. 1798)  
(H. "A" H-926 to C. "A" H-918)

An Act To Encourage Enrollment in Electrical Education Programs

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

An Act To Amend the Liquor Laws of the State

(S.P. 667) (L.D. 1889)  
(C. "A" S-532)

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.

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

The House recessed until 6:00 p.m.

(After Recess)

The House was called to order by the Speaker.

The following item was taken up out of order by unanimous consent:

**REPORTS OF COMMITTEE  
Pursuant to Joint Rule 309**

From the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Make Voluntary Membership in a Public Employee Labor Organization in the State"

(H.P. 251) (L.D. 309)

Received by the Clerk of the House on April 10, 2012, pursuant to Joint Rule 309.

On motion of Representative CURTIS of Madison, the Bill was **TABLED UNASSIGNED**.

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

SENATE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (S-527)** - Minority (1) **Ought to Pass as Amended by Committee Amendment "B" (S-528)** - Committee on **STATE AND LOCAL GOVERNMENT** on

Bill "An Act To Create the Leased Space Reserve Fund and To Amend the Law Regarding the Issuance of Securities under the Maine Governmental Facilities Authority"

(S.P. 678) (L.D. 1904)

Which was **TABLED** by Representative COTTA of China pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-527)** was **READ** by the Clerk.

Representative BOLAND of Sanford **PRESENTED House Amendment "B" (H-930) to Committee Amendment "A" (S-527)**, which was **READ** by the Clerk.

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

Representative **BOLAND**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This amendment supports the Majority Report, but it amends it with one sentence which is that "The commissioner shall recommend that Bangor Hydro Electric Company use design criteria that take into consideration available safety precautions against damage from solar storms and electromagnetic pulses in any structures constructed on the property...." The reason I ask for that is because we've got many things on our desks, but as you'll see there was one that is orange and it talks about this and it describes how the infrastructure is vulnerable. What Bangor Hydro proposes to do is to build a substation in large part to service Eastern Maine Medical Center. So what this does – and I've worked on this with Deputy Commissioner David Emery who is okay with that, he has a concern about these issues also – what it does is ask that there be protections built in against this kind of risk.

As you'll see, there is a letter from this Avi Schnurr who is an international expert on the whole thing. It basically recommends that there have been studies by all kinds of federal agencies and they all come to the conclusion that we, because we're in a highly developed country, that we are particularly vulnerable to problems from solar storms, as we saw just about a month ago, and the concern about a solar flare hitting us. So this is inexpensive kind of precautions that can be built in. But again, all this amendment does is recommend that Bangor Hydro consider that because it would protect the structure, if and when there is that kind of a strike, from having to be rebuilt or totally retrofitted. So it's a \$3 million investment and so I thought it was worth asking, and the Deputy Commissioner agreed, to ask Bangor Hydro to look at the best available low-cost protections that they might build into it. No mandates. So I request that you support this amendment as just an extra piece of insurance for this structure. Thank you.

Representative CURTIS of Madison moved that **House Amendment "B" (H-930) to Committee Amendment "A" (S-527)** be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-930) to Committee Amendment "A" (S-527)**.

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 Indefinite Postponement of House Amendment "B" (H-930) to Committee Amendment "A" (S-527). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 312**

YEA - Ayotte, Beaulieu, Bennett, Bickford, Black, Burns DC, Casavant, Cebra, Chapman, Chase, Clark T, Cotta, Crafts, Cray,

Crockett, Curtis, Cushing, Damon, Davis, Dow, Edgecomb, Espling, Fitts, Fitzpatrick, Flood, Fossel, Foster, Fredette, Gifford, Gillway, Graham, Guerin, Hamper, Harmon, Johnson D, Johnson P, Keschl, Knapp, Knight, Libby, Long, Maker, Malaby, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Newendyke, O'Connor, Olsen, Parker, Parry, Picchiotti, Plummer, Prescott, Richardson D, Richardson W, Rioux, Rosen, Sanderson, Sarty, Sirocki, Strang Burgess, Tilton, Timberlake, Turner, Volk, Wallace, Waterhouse, Weaver, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

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

ABSENT - Beck, Celli, Dion, Harvell, Kaenrath, Kent, Mazurek.

Yes, 77; No, 66; Absent, 7; Vacant, 1; Excused, 0.

77 having voted in the affirmative and 66 voted in the negative, 1 vacancy with 7 being absent, and accordingly **House Amendment "B" (H-930) to Committee Amendment "A" (S-527)** was **INDEFINITELY POSTPONED**.

Subsequently, **Committee Amendment "A" (S-527)** was **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-527)** in concurrence.

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

**COMMUNICATIONS**

The Following Communication: (H.C. 359)

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

April 10, 2012

The Honorable Heather J.R. Priest

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Priest:

It is my pleasure to appoint the following conferees to the Second Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act To Amend the Law Regarding the Sale of Wood Pellets." (H.P. 1219) (L.D. 1610).

Senator Jonathan T.E. Courtney of York

Senator Thomas B. Saviello of Franklin

Senator Troy D. Jackson of Aroostook

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

Sincerely,

S/Kevin L. Raye

President of the Senate

**READ and ORDERED PLACED ON FILE.**

**ENACTORS**

**Emergency Measure**

An Act To Revise the Target Prices for the Dairy Stabilization Program

(H.P. 1409) (L.D. 1905)

(S. "A" S-535)

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

**Acts**

An Act To Enhance Career and Technical Education

(S.P. 650) (L.D. 1865)

(H. "A" H-896 to C. "A" S-518; S. "A" S-530)

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

An Act Relating to Navigators under Health Benefit Exchanges

(H.P. 1098) (L.D. 1497)

(H. "B" H-925 to C. "A" H-840)

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

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

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

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 Hallowell, Representative Treat.

Representative **TREAT**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. This bill is unnecessary, it's contrary to federal law and it won't help our constituents afford health care. Please vote no.

The **SPEAKER**: The Chair recognizes the Representative from Newcastle, Representative McKane.

Representative **McKANE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will just reiterate what this bill does. It makes sure that we have qualified people acting as navigators in exchanges. It's not the end of the world to give them a little bit of education and require that they have a little bit of certification. It won't disqualify anybody. Thank you.

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. 313**

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

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

ABSENT - Beck, Celli, Dion, Harvell, Kaenrath, Kent, Mazurek.

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

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

**CONSENT CALENDAR**

**First Day**

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

(H.P. 1383) (L.D. 1868) Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-928)**

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

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

(H.P. 1414) (L.D. 1910) Bill "An Act To Allow the Town of Fort Kent To Create a Downtown Tax Increment Financing District Using the Current Assessed Value of the Downtown" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-929)**

On motion of Representative CURTIS of Madison, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ**.

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

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-533)** on Bill "An Act To Restructure the Department of Health and Human Services"

(S.P. 664) (L.D. 1887)

Signed:

Senators:

McCORMICK of Kennebec

FARNHAM of Penobscot

Representatives:

STRANG BURGESS of Cumberland

FOSSSEL of Alna

MALABY of Hancock

O'CONNOR of Berwick

PETERSON of Rumford

SANDERSON of Chelsea

SIROCKI of Scarborough

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

Signed:

Senator:

CRAVEN of Androscoggin

Representatives:

EVES of North Berwick

SANBORN of Gorham

STUCKEY of Portland

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-533)**.

**READ.**

On motion of Representative STRANG BURGESS of Cumberland, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-533)** was **READ** by the Clerk.

Representative EVES of North Berwick **PRESENTED House Amendment "A" (H-934)** to **Committee Amendment "A" (S-533)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from North Berwick, Representative Eves.

Representative **EVES**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I offer a House Amendment as it relates to a very specific provision within the Department of Health and Human Services restructuring bill. The amendment that I put forward relates to the Intensive Case Management program. This program works with our forensic population in our county and state correctional facilities, in addition to individuals with serious and persistent mental illness in our communities. Many of you have approached me out of concern because of the impact this will have on our communities. We should all be concerned about the impact this may have on our communities. This is a serious public safety concern. There is good reason why we have supported this program for the past 16 years. The State of Maine put the system of intensive case managers in place after the 1996 bludgeoning of four nuns in Waterville by...

The SPEAKER: Will the Representative defer? The House is in order. The Representative may proceed.

Representative **EVES**: Thank you, Mr. Speaker. I was reviewing some history of this program and why it was initially implemented and why I believe it should be continued to be supported. Again, there is good reason why we have supported this program for the past 16 years. The State of Maine put the system of intensive case managers in place after the 1996 bludgeoning of four nuns in Waterville by a severely mentally ill man who was an AMHI class member. His mother had tried for three days to get him help from a local mental health agency, but it was a weekend and they didn't have staff. Because of an electrical storm, the phone switch at AMHI for emergency calls had been knocked out. No one called her back. The Intensive Case Management program was put in place in response to a serious public safety concern. The program is working and to change it now would be a mistake.

To be fair, the Department agreed to retain the forensic part of the Intensive Case Management program, but they are moving forward with the portion of the proposal that would contract out

the community piece and this is the piece that my amendment addresses. The Department would contract out the community piece through a program called PATH, which helps people with mental illness find housing. There are three key problems with this proposal. First, this population is not that neatly divided and homelessness is often a symptom of their mental illness and not the only issue they are dealing with. Second, not all people with mental illness are homeless. And third, because this population moves in and out of correctional facilities and Maine communities, the presence of intensive case managers working in both the correctional system and in Maine communities is essential to ensure the population transitions safely into the new surroundings. And while the Department is sure that they can write a contract that is so tight and performance-based, that the same work that the intensive case managers perform now would continue by the way of private contractors, retired Chief Daniel Wathen testified during the Health and Human Services Committee that it's difficult to write a contract that details everything that intensive case managers do.

While Chief Wathen noted it is technically possible to write a contract that covers this critical work, when it comes to assigning the actual work it would likely require a negotiation with the agency about coverage and reimbursement and often there is not time to do that. This proposal saves no money and it could potentially cause great harm. Mr. Speaker and Ladies and Gentlemen of the House, I hope that you will see the wisdom in continuing to keep the program as it currently is and thank you for the opportunity to speak.

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

Representative **STRANG BURGESS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just want to share with you all that I appreciate the efforts that the good Representative has raised about the very, very important intensive case managers. We actually, through the time that we worked this bill which was quite some number of times, understood the extreme importance. These positions or the role is not going away. It will be continued. It is simply going to be put out through a contract and happen that way.

Chief Wathen testified in favor of this piece of legislation. He understood what we were doing and he believes that it can succeed. We have already heard from a number of folks in the field who have stepped forward and are very interested in being involved in this contract, so we have complete confidence that the service is still going to be provided to those most needy in our state. We did redo the bill and brought in, as the Representative said, the forensic piece of the intensive case management. So we think we've created here a really nice hybrid model that will work and will work well for our citizens of the State of Maine. Thank you.

Representative CURTIS of Madison moved that **House Amendment "A" (H-934) to Committee Amendment "A" (S-533) be INDEFINITELY POSTPONED.**

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-934) to Committee Amendment "A" (S-533).**

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 Indefinite Postponement of House Amendment "A" (H-934) to Committee Amendment "A" (S-533). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 314**

YEA - Ayotte, Beaulieu, Bennett, Black, Burns DC, Cebra, Chase, Clark T, Cotta, Crafts, Cray, Crockett, Curtis, Cushing,

Damon, Davis, Dow, Dunphy, Edgcomb, Espling, Fitts, Fitzpatrick, Flood, Fossel, Foster, Fredette, Gifford, Gillway, Guerin, Hamper, Harmon, Johnson D, Johnson P, Keschl, Knapp, Knight, Libby, Long, Maker, Malaby, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Newendyke, O'Connor, Olsen, Parker, Parry, Picchiotti, Plummer, Prescott, Richardson D, Richardson W, Rioux, Rosen, Sanderson, Sarty, Sirocki, Strang Burgess, Tilton, Timberlake, Turner, Volk, Wallace, Waterhouse, Weaver, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

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

ABSENT - Beck, Celli, Dion, Harvell, Kaenrath, Kent, Mazurek.

Yes, 74; No, 69; Absent, 7; Vacant, 1; Excused, 0.

74 having voted in the affirmative and 69 voted in the negative, 1 vacancy with 7 being absent, and accordingly **House Amendment "A" (H-934) to Committee Amendment "A" (S-533) was INDEFINITELY POSTPONED.**

Subsequently, **Committee Amendment "A" (S-533) 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 CAIN of Orono **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (S-533).**

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 North Berwick, Representative Eves.

Representative **EVES**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to speak in opposition to LD 1887 and against the pending motion. The committee spent a number of hours going over the proposal with the Department. I was pleased that the Department responded to a couple of our recommendations and made necessary changes to the bill. Most notably was a language change that initially gave the authority to the Commissioner go well beyond the scope of this bill. That was amended to only be limited to what was actually in this bill and that change was appreciated. I have already spoken to the intensive case manager program and the changes that have happened there, I will not spend any more time on that. But my concerns about the bill go beyond the Intensive Case Management program. I am both concerned about the substance of the bill and the process.

The process for discussing a major restructuring of a department this size should have started earlier in the session. As in the past with restructuring proposals, there should have been more back and forth between the committee and the Department as they developed their plans, and before approving anything, I would like to have had more detail in terms of what the Department was going to do. While some of the details were filled in during our work sessions, the proposal still remained vague and unclear. At this time, I do not feel confident that the Department is ready to move forward with a restructuring of this

magnitude. The Department talked of making program operations more efficient and effective, but the proposals were vague and we wondered if the resources are really there to do what they said they wanted to do.

In addition, recent events have led me to question the capacity of the Department to implement these kinds of drastic changes at this time. My confidence and I believe the confidence of this Legislature has been shaken. The Department needs to focus on getting a number of problems in order right now and I worry that this may be a distraction. I know that this bill will likely get the support of the majority at this time, but I would urge all of you to think carefully before you support this aggressive restructuring effort. The Department of Health and Human Services is responsible for the health and well being of some very vulnerable Maine people, including children in the child welfare system and people struggling with severe and persistent mental illness. We as a Legislature have a responsibility to make sure that any changes in the Department do not harm their ability to take care of these vulnerable populations and carry out the mission of the Department. I worry about the capacity of the Department to make the changes that they are talking about and continue to serve well the populations they are asked to serve.

As I said in committee, I really do hope I reflect on this vote several years down the road and I'm proven wrong. I hope that this restructuring is a success and we see all the things that we were promised, a more efficient, more successful department that is able to focus on prevention and serve people well. The problem is that we don't have enough information about the plan and the steps the Department is going to take to get there. There is simply too much at stake to be unclear about the roadmap and the compass that is being used to get us there. So at this time, Mr. Speaker, I will not be supporting this bill and I urge you to defeat the pending motion. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Engrossed as Amended by Committee Amendment "A" (S-533). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 315**

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

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

ABSENT - Beck, Celli, Dion, Harvell, Kaenrath, Kent, Mazurek, Mr. Speaker.

Yes, 75; No, 67; Absent, 8; Vacant, 1; Excused, 0.

75 having voted in the affirmative and 67 voted in the negative, 1 vacancy with 8 being absent, and accordingly under

further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-533)** in concurrence.

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

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

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-929)** - Committee on **TAXATION** on Bill " An Act To Allow the Town of Fort Kent To Create a Downtown Tax Increment Financing District Using the Current Assessed Value of the Downtown" (EMERGENCY) (H.P. 1414) (L.D. 1910)

Which was **TABLED** by Representative CURTIS of Madison pending **ACCEPTANCE** of the Committee Report.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-929)** was **READ** by the Clerk.

Representative EDGECOMB of Caribou **PRESENTED House Amendment "A" (H-933)** to **Committee Amendment "A" (H-929)**, which was **READ** by the Clerk.

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

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

The SPEAKER: The Representative may pose his question.

Representative **BERRY**: Thank you, Mr. Speaker. For those who have been unable to review this amendment, perhaps the content of the amendment and the motivation for it could be explained briefly.

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

Representative **EDGECOMB**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I didn't get out of that one. This pertains to the fire that happened in Fort Kent and is best summarized by the one sentence summary in the amendment, which is "This amendment allows the Town of Fort Kent to use the equalized assessed valuation of the town on April 1, 2012 for the calculation of general purpose aid for local schools for fiscal year 2012-13." Thank you.

Subsequently, **House Amendment "A" (H-933)** to **Committee Amendment "A" (H-929)** was **ADOPTED**.

**Committee Amendment "A" (H-929)** as Amended by **House Amendment "A" (H-933)** 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-929)** as Amended by **House Amendment "A" (H-933)** thereto and sent for concurrence.

The following item was taken up out of order by unanimous consent:

**UNFINISHED BUSINESS**

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

SENATE DIVIDED REPORT - Majority (12) **Ought to Pass as Amended by Committee Amendment "A" (S-523)** - Minority (1) **Ought to Pass as Amended by Committee Amendment "B" (S-524)** - Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Promote Transparency in Government"

(S.P. 624) (L.D. 1806)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-523)**.

TABLED - April 6, 2012 (Till Later Today) by Representative BEAULIEU of Auburn.

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

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-523)** was **READ** by the Clerk.

Representative CROCKETT of Bethel **PRESENTED** House **Amendment "A" (H-935)** to **Committee Amendment "A" (S-523)**, which was **READ** by the Clerk and **ADOPTED**.

**Committee Amendment "A" (S-523)** as Amended by **House Amendment "A" (H-935)** thereto was **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (S-523)** as Amended by **House Amendment "A" (H-935)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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On motion of Representative PLUMMER of Windham, the House adjourned at 7:47 p.m., until 10:00 a.m., Wednesday, April 11, 2012 in honor and lasting tribute to the Honorable Stanley V. Hall, of Windham.