

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

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

**Volume II**

**First Regular Session**

May 28, 2009 – June 12, 2009

**Second Regular Session**

January 6, 2010 - March 23, 2010

Pages 609-1214

With reference to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act To Clarify the Role of the Public Advocate" (H.P. 657) (L.D. 954), please be advised that President Mitchell has temporarily rescinded her appointment of Senator Roger Sherman of Aroostook and have replaced him with Senator Douglas Smith of Piscataquis until further notice.

Sincerely,  
S/Joy J. O'Brien  
Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

**ENACTORS  
Emergency Measure**

An Act To Provide Free Admission to State Parks to All Maine Veterans

(H.P. 1043) (L.D. 1488)  
(S. "A" S-340 to C. "A" H-572)

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

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

**CONSENT CALENDAR  
First Day**

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

(H.P. 1028) (L.D. 1475) 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-579)**

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. **ORDERED SENT FORTHWITH.**

**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.

Bill "An Act To Repeal the School District Consolidation Laws"

(I.B. 4) (L.D. 977)

- In House, Majority (8) **OUGHT NOT TO PASS** Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS READ and ACCEPTED** on June 3, 2009.

- In Senate, Minority (5) **OUGHT TO PASS AS AMENDED** Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-257)** in **NON-CONCURRENCE.**

**TABLED** - June 5, 2009 (Till Later Today) by Representative SUTHERLAND of Chapman.

**PENDING - FURTHER CONSIDERATION.**

Representative SUTHERLAND of Chapman moved that the House **INSIST.**

Representative TARDY of Newport **REQUESTED** a roll call on the motion to **INSIST.**

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 Boothbay, Representative MacDonald.

Representative **MacDONALD:** Thank you, Madam Speaker. I stand in opposition to the motion on the floor to Insist, because I think the House ought to have an opportunity to debate this issue and take another vote on it. Thank you, Madam Speaker.

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

Representative **JOHNSON:** Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I agree with the Representative from Boothbay. I think at this point the cards are on the table, the money is there. All we have to do is play out the hand.

Representative **MACDONALD** of Boothbay moved that the House **RECEDE AND CONCUR.**

Representative **DILL** of Cape Elizabeth **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR.**

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

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

**ROLL CALL NO. 243**

**YEA** - Austin, Ayotte, Berry, Boland, Browne W, Burns, Cebra, Celli, Chase, Clark H, Clark T, Cleary, Cotta, Crafts, Cray, Crockett J, Curtis, Cushing, Davis, Duchesne, Eaton, Edgecomb, Finch, Fitts, Flemings, Fletcher, Fossel, Gilbert, Greeley, Hamper, Harvell, Innes Walsh, Johnson, Knapp, Kruger, Langley, Lewin, MacDonald, Martin JL, McFadden, McKane, McLeod, Nass, Nutting, O'Brien, Pieh, Pinkham, Pratt, Prescott, Richardson D, Richardson W, Robinson, Sarty, Saviello, Schatz, Shaw, Tardy, Theriault, Thibodeau, Thomas, Tilton, Trinward, Weaver, Welsh, Willette, Madam Speaker.

**NAY** - Adams, Beaudoin, Beaulieu, Beck, Bickford, Blanchard, Blodgett, Bolduc, Briggs, Bryant, Butterfield, Cain, Campbell, Carey, Casavant, Connor, Cornell du Houx, Crockett P, Dill, Dostie, Driscoll, Eberle, Eves, Flaherty, Flood, Giles, Goode, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Jones, Kent, Knight, Lajoie, Legg, Lovejoy, Magnan, Martin JR, Mazurek, McCabe, Miller, Millett, Morrison, Nelson, Pendleton, Peoples, Percy, Perry, Peterson, Pilon, Piotti, Plummer, Priest, Rankin, Rotundo, Russell, Sanborn, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Sykes, Treat, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Webster, Wheeler, Wright.

**ABSENT** - Beaudette, Cohen, Gifford, Hanley, Harlow, Joy, Kaenrath, Rosen.

Yes, 66; No, 77; Absent, 8; Excused, 0.

66 having voted in the affirmative and 77 voted in the negative, with 8 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED.**

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

Representative **MacDONALD:** Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. As the body will recall, our last vote on this subject resulted in a defeat for the effort to repeal school consolidation. If we Insist then we will have upheld that vote. I'm in the hopes that we will not Insist and

that we will have an additional chance to take a vote and to, I hope, change the vote of the body on this matter.

My own reasons for doing this, we do believe obviously that the Executive may well have an action to take on this that would be contrary to what many members in this body want, but I would just remind members that we are dealing with a process that was initiated back in 2006, I believe, in a very closed process without the involvement of all the stakeholders. Eventually, yes it was opened up to the House, but we saw this item appear in a Chief Executive's budget in January 2007, much to the surprise of everyone, and I think much to the bad policy results that took place came from the way this was initiated. It was supposed to save money. I don't think that the money has been saved. And, by the way, I do think, I would take issue with those who say this bill has all been about money, as if that were not important in the educational important. It is important in the educational world. It is important in the educational world and we do need to save money, we do need to be efficient, but this bill is not the process by which it should be done. In fact I think demonstrably money has not been saved. And, furthermore, I believe the public has been angered by the way in which this has transpired and we have essentially torn the body politic of our local communities apart by the way in which this was done, by the changes that it is forcing on people in our local communities.

Finally, I would say this, that even if this were just about money, the research, all of the work that's been done to discover whether or not consolidation saves money, is very mixed. There is no solid evidence that school consolidation itself actually saves any money, even if we had done it all the right way. So I believe that we ought to, as in the words of Representative Van Wie last week, repeal and repair. That's what I think we should be doing. I think we ought to take another look at this. I do think that we need another structure in the state that will take a very high administrative cost down to more of a national level. We can't afford what we're doing now. It's just that we've done this the wrong way, we're at the wrong point in this thing. We need to stop, stop and repair this and repeal it and start working again on a better track. That's my strongly held view on this, Madam Speaker. I thank you for allowing me to speak on this. Ladies and Gentlemen of the House, thank you.

The SPEAKER: A roll call having been previously ordered, the pending question before the House is to Insist. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 244**

YEA - Adams, Beaudoin, Beaulieu, Beck, Blanchard, Blodgett, Bolduc, Briggs, Bryant, Butterfield, Cain, Campbell, Carey, Casavant, Connor, Cornell du Houx, Crockett P, Dill, Dostie, Driscoll, Eberle, Eves, Flaherty, Flood, Giles, Goode, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Jones, Kent, Kruger, Lajoie, Legg, Lovejoy, Magnan, Martin JR, Mazurek, McCabe, Miller, Millett, Morrison, Nelson, Pendleton, Peoples, Percy, Perry, Peterson, Pilon, Piotti, Plummer, Priest, Rankin, Rotundo, Russell, Sanborn, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Treat, Tuttle, Valentino, Wagner J, Wagner R, Watson, Webster, Wheeler, Wright.

NAY - Austin, Ayotte, Berry, Bickford, Boland, Browne W, Burns, Cebra, Celli, Chase, Clark H, Clark T, Cleary, Cotta, Crafts, Cray, Crockett J, Curtis, Cushing, Davis, Duchesne, Eaton, Edgecomb, Finch, Fitts, Flemings, Fletcher, Fossel, Gilbert, Greeley, Hamper, Harvell, Innes Walsh, Johnson, Knapp, Knight, Langley, Lewin, MacDonald, Martin JL, McFadden, McKane, McLeod, Nass, Nutting, O'Brien, Pieh, Pinkham, Pratt, Prescott, Richardson D, Richardson W, Robinson, Sarty, Saviello, Schatz, Shaw, Sykes, Tardy, Theriault, Thibodeau,

Thomas, Tilton, Trinward, Van Wie, Weaver, Welsh, Willette, Madam Speaker.

ABSENT - Beaudette, Cohen, Gifford, Hanley, Harlow, Joy, Kaenrath, Rosen.

Yes, 74; No, 69; Absent, 8; Excused, 0.

74 having voted in the affirmative and 69 voted in the negative, with 8 being absent, and accordingly the House voted to **INSIST**.

**ENACTORS  
Acts**

An Act To Clarify the Role of the Public Advocate

(H.P. 657) (L.D. 954)

(S. "A" S-260 to C. "A" H-165)

On motion of Representative ADAMS of Portland, 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**.

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-165) as Amended by Senate Amendment "A" (S-260)** thereto was **ADOPTED**.

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 **Senate Amendment "A" (S-260) to Committee Amendment "A" (H-165)** was **ADOPTED**.

Representative ADAMS of Portland moved that **Senate Amendment "A" (S-260) to Committee Amendment "A" (H-165)** be **INDEFINITELY POSTPONED**.

Representative THIBODEAU of Winterport **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE Senate Amendment "A" (S-260) to Committee Amendment "A" (H-165)**.

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 Adams.

Representative **ADAMS**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I would urge you not to vote in favor of the position contrary to my own, because that would thus preclude us from being able to present the House amendment about which we entertained ourselves in conversation yesterday, for which the previous colloquy was conducted with the Speaker. I urge you, and then follow my light. Thank you.

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

Representative **FITTS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Continuing to back this bill up and the Indefinite Postponement of Senate Amendment "A" will put this bill in Non-concurrence, will put us in posture of batting this thing back and forth several more times, and in the end, we won't have fixed it because it's fine the way it is. We have passed it to be Engrossed. Any further efforts to amend it, and I have read the amendment that is proposed and don't feel that it is necessary. I think we've done enough work to