

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Nineteenth Legislature
State of Maine

Volume I

First Regular Session

December 2, 1998 – May 12, 1999

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

SENATE DIVIDED REPORT - Majority (9) **Ought to Pass** - Minority (4) **Ought to Pass as Amended by Committee Amendment "A" (S-152)** - Committee on **LABOR** on Bill "An Act to Validate Voluntary Collective Bargaining Provisions that May Affect Educational Policies"

(S.P. 333) (L.D. 987)

- In Senate, Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

TABLED - May 7, 1999 (Till Later Today) by Representative **HATCH** of Skowhegan.

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

On motion of Representative **SAMSON** of Jay, **TABLED** pending the motion of Representative **HATCH** of Skowhegan to **ACCEPT** the Majority **Ought to Pass** Report and later today assigned.

SENATE DIVIDED REPORT - Majority (11) **Ought to Pass as Amended by Committee Amendment "A" (S-181)** - Minority (2) **Ought Not to Pass** - Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Ensure that Agency Use of Collaborative Decision-making and Stakeholder Processes is Fair and Consistent with the Goals of the Maine Administrative Procedure Act"

(S.P. 755) (L.D. 2131)

- 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-181)**.

TABLED - May 7, 1999 (Till Later Today) by Representative **AHEARNE** of Madawaska.

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

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Newport, Representative **Kasprzak**.

Representative **KASPRZAK**: Madam Speaker, May I pose a question through the Chair?

The **SPEAKER PRO TEM**: The Representative may pose her question.

Representative **KASPRZAK**: Mr. Speaker, Men and Women of the House. I would appreciate an explanation of what this bill is about.

The **SPEAKER PRO TEM**: The Representative from Newport, Representative **Kasprzak** has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Madawaska, Representative **Ahearne**.

Representative **AHEARNE**: Mr. Speaker, Ladies and Gentlemen of the House. To answer my good friend from Newport's question, I will give a brief explanation of what this bill does. We did amend the bill and we made some significant changes. This was a collaborative effort, a compromise by the administration, Department of Transportation, Department of Labor, DEP, the AG's Office and we had other individuals who support it, which is the Maine Oil Dealer's Association, Maine Merchant's Association and Maine Petroleum Association. What

this bill does is requires that once an agency engages in a stakeholder's process that results in rulemaking, the agency will include a record of rulemaking that will require a list of all meetings held and the participants of each meeting and who they represent and a summary of the meetings, an analysis by the agency of the stakeholders process. Basically, what is coming about is there is a feeling that there wasn't enough notification, those interested parties were not coming together and were not known of these changes by all of these proposed rules. What this does is set up a process by which we try to include all those who have an interest in one piece of rule that has been coming before an agency. As I stated, it is a compromise effort and it's supported by many groups. I ask you to accept the Majority Ought to Pass Report.

Representative **KASPRZAK** of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Biddeford, Representative **Twomey**.

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. This really is a very important bill. What happens sometimes in our communities is things get planned and people don't have a say like the pipeline coming through your property. Perhaps some agency or someone doesn't think you have the right to be there. You don't have a say in this matter. What this does is really go back to the drawing board and have the rules written out so that everyone is included. Believe me, in our committee we had natural resources, the oil industry, I don't want to repeat what the chairman said, but there was such a collage of different groups of people. At one point, I had to question myself because there was the Chamber of Commerce and groups that sometimes I don't always side with. They all came together so truly there was an interest in this bill and this legislation. There really is a need for this legislation. There have been groups where agencies do not include them in the decision making process. I really believe this is an important bill. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Crystal, Representative **Joy**.

Representative **JOY**: Mr. Speaker, Men and Women of the House. This amendment, I believe, replaces the bill. It is a far cry from what the bill was that I signed on as a cosponsor. It has changed a great deal. It no longer is the bill that many people may think it is. I urge you to take a look at the amendment and make sure you really want to vote for it. Thank you.

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

ROLL CALL NO. 160

YEA - Ahearne, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Cameron, Chick, Chizmar, Cianchette, Clark, Collins, Colwell, Cowger, Davidson, Davis, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gerry, Goodwin, Gooley, Hatch, Honey, Jabar, Jacobs, Jodrey, Kane, Kneeland, LaVerdiere, Lemoine, Lemont, Lovett, Madore, Mailhot, Martin, Marvin, Matthews, Mayo, McAlevey, McGlocklin, McKee, McNeil, Mitchell, Murphy E, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL,

O'Neal, Peavey, Perkins, Perry, Pieh, Plowman, Povich, Powers, Richard, Richardson J, Rines, Samson, Sanborn, Savage C, Savage W, Saxl JW, Schneider, Shiah, Sirois, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, True, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Wheeler EM, Wheeler GJ, Williams.

NAY - Andrews, Bowles, Buck, Campbell, Carr, Clough, Cross, Daigle, Duncan, Foster, Gillis, Glynn, Heidrich, Jones, Joy, Kasprzak, Labrecque, Lindahl, MacDougall, Mack, McDonough, McKenney, Mendros, Murphy T, Pinkham, Rosen, Saxl MV, Sherman, Shields, Snowe-Mello, Stanwood, Stedman, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Winsor.

ABSENT - Cote, Green, O'Neil, Quint, Richardson E, Shorey, Mr. Speaker.

Yes, 106; No, 38; Absent, 7; Excused, 0.

106 having voted in the affirmative and 38 voted in the negative, with 7 being absent, the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. Committee Amendment "A" (S-181) was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, May 12, 1999.

HOUSE DIVIDED REPORT - Majority (9) Ought to Pass as Amended by Committee Amendment "A" (H-471) - Minority (4) Ought to Pass as Amended by Committee Amendment "B" (H-472) - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Make Certain Provisions for Exceptional Students Consistent with Federal Laws and Regulations"

(H.P. 1419) (L.D. 2026)

TABLED - May 7, 1999 (Till Later Today) by Representative BRENNAN of Portland.

PENDING - Motion of same Representative to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-472)** Report.

On motion of Representative BRENNAN of Portland, the Bill and all accompanying papers were **COMMITTED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (12) Ought Not to Pass - Minority (1) Ought to Pass as Amended by Committee Amendment "A" (H-470) - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Establish a School Voucher Program"

(H.P. 1520) (L.D. 2170)

TABLED - May 7, 1999 (Till Later Today) by Representative BRENNAN of Portland.

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

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from South Portland, Representative Glynn.

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. Before you is consideration of LD 2170, which is "An Act to Establish a School Voucher Program." The purpose of this bill is to provide parents and children the option and the ability to attend either a different public school or private school setting. I urge your consideration of the defeating of the pending motion of Ought Not to Pass.

School vouchers very much are something to be considered as a very sound alternative to some of the things we have educationally happening right now in Maine. I have a number of constituents I represent that would like to be able to have the ability to send their child to either a private school or a different public school for a host of reasons. Due to financial ability of the family, they are unable to offer their children this solution. I very much am an advocate of children and an advocate of their education. I have come to realize over the years that not everyone can learn in the public school setting that you have within your community. For some other children, a different setting is more appropriate. What really counts in my mind is what is best for the education of the child. I think that needs to be the foremost in the discussion.

I had a couple of constituents approach me specifically on this bill. I had one lady, her son, was very much interested in issues of band. Particularly, he had marveled at a drug program down in Biddeford. It had a wonderful drug program and the child was at the point where he was ready to drop out of high school. He felt that the only thing he really had to look forward to was, in fact, the playing of this musical instrument and making a career. Had that child been offered earlier an alternative for an academic program outside of the traditional school curriculum, I believe that child could have really gone forward to really become more interested in his studying. The parent tried unsuccessfully to get a transfer from one public school to another. The child really didn't have any options.

Another child that one of my constituents approached me on was a very sad case involving drug abuse in our school system. This child was very involved in drugs in the middle school. The parent felt that if the child could be taken out of the school setting and put into a different school setting with a different grouping of friends, that child hopefully could get back on the straight and narrow. Because no alternative was available for this child to be able to go into a private school setting or a different public school setting because the parent just simply couldn't afford to move to another school district and could not afford to send their child to private school. That child ended up dropping out of school. There are a lot of stories like that.

The last story I would like to share with you is a story of success. There was a girl that lives in my district. Her name is Jessica. Jessica had a reading problem and was finding it very difficult to learn in her educational setting in the public school. Her parents were able to afford to send them to a private school, which is located within the City of South Portland. Over the course of about a year, that reading deficiency was straightened out. It was a different setting for the child. Some different educational alternatives were available. Some different methodologies and a different school setting completely changed this girl.

Why I bring these stories to mind is because these are real people with real problems that a school voucher program could very much support. Right now we have a system, which essentially is if you are wealthy and if you are rich, you have the ability to send your child to the most appropriate school setting, public, private or a different public school. If you don't have the money, you have to settle for what you can afford, which is the public school setting. I am in no way trashing public schools. I am a product of the South Portland School System. I went through the school system the full way. I also went to the University of Maine System in greater Portland. I couldn't be a bigger booster of the South Portland School System. We have