

MAINE STATE LEGISLATURE

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

Daily Edition

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are in a dire financial situation and borrowing with interest of taxpayer dollars is irresponsible.

The majority of the \$20 million awarded, if this were to pass, would go to the University System and I just have a couple of facts here, that only 289 new jobs were created with \$26.8 million that was allocated as of 6/30/2011 through the Maine Technology Asset Fund. Many of these jobs that occur in the research and development phase are not permanent jobs. Ladies and Gentlemen of the House, we need permanent jobs. We need long-term jobs. Maine versus New England: Maine puts the university first when they put their funding out there; New England puts the private sector first. We put the private sector second and New England puts the university second. The university already receives \$14.7 million from the MEIF fund, which was debated earlier in this chamber, and these are existing funds, and we passed an amendment in this House to increase funding to outlying university systems, only to watch it fail in the other body. Let's get our house in order first before we throw more money at an issue. We need to fix the way Maine does R&D, who oversees it and only then can we achieve the success that Maine deserves. Thank you.

After reconsideration, the House proceeded to vote on the question, 'Shall this Bill become a law notwithstanding the objections of the Governor?' A roll call was taken.

The SPEAKER: The pending question before the House is 'Shall this Bill become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 368V

YEA - Beaudoin, Beaulieu, Beavers, Beck, Beliveau, Berry, Bickford, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Casavant, Celli, Chapman, Chipman, Clark H, Clarke, Damon, Dill J, Dion, Dow, Driscoll, Eberle, Eves, Fitts, Flemings, Flood, Fossel, Foster, Gilbert, Goode, Graham, Guerin, Hanley, Harlow, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Kaenrath, Kent, Keschl, Kruger, Kumiega, Lajoie, Longstaff, Lovejoy, Luchini, MacDonald, Maker, Malaby, Maloney, Martin, Mazurek, McCabe, McFadden, Monaghan-Derrig, Morrison, Moulton, Nelson, O'Brien, Peoples, Peterson, Rankin, Richardson D, Rochelo, Rosen, Rotundo, Russell, Sanborn, Shaw, Stevens, Strang Burgess, Theriault, Treat, Tuttle, Valentino, Volk, Wagner R, Webster, Welsh, Willette M.

NAY - Ayotte, Black, Burns DC, Cebra, Chase, Clark T, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Davis, Dunphy, Edgecomb, Espling, Fitzpatrick, Gifford, Hamper, Harmon, Harvell, Johnson D, Johnson P, Knapp, Knight, Long, McClellan, McKane, Morissette, Nass, Newendyke, O'Connor, Olsen, Parker, Parry, Picchiotti, Plummer, Prescott, Richardson W, Rioux, Sanderson, Sarty, Sirocki, Tilton, Timberlake, Turner, Wallace, Waterhouse, Weaver, Willette A, Winsor, Wood, Mr. Speaker.

ABSENT - Bennett, Cornell du Houx, Duchesne, Fredette, Gillway, Libby, Pilon, Priest, Stuckey.

Yes, 88; No, 53; Absent, 9; Vacant, 1; Excused, 0.

88 having voted in the affirmative and 53 voted in the negative, 1 vacancy with 9 being absent, and accordingly the Veto was **SUSTAINED**.

The Following Communication: (S.C. 846)

**STATE OF MAINE
125TH MAINE LEGISLATURE
OFFICE OF THE GOVERNOR**

May 29, 2012

The 125th Legislature of the State of Maine

State House
Augusta, Maine

Dear Honorable Members of the 125th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1781, "An Act to Restructure the National Board Certification Program for Teachers."

I am not vetoing this bill because I disagree with the benefits of National Board Certification. Rather, I am vetoing it because it is a band-aid to a problem - the need for highly qualified teachers—requiring a larger more coordinated state-wide solution. Moreover, this bill requires teachers to partially fund the program, while simultaneously paying union dues which are squandered on a host of activities not even remotely related to professional development.

Research clearly demonstrates the single most important single factor in student progress is an effective teacher. Over the last year, I have repeatedly challenged the largest organization of teachers in the state - the Maine Education Association—to refocus its efforts on improving teacher effectiveness. Unfortunately, the union bosses have declined my offer matching dollar-for-dollar any union increase in funding towards improving the profession of teaching.

In fact, just days ago - the executive director of the union stated "[m]aking sure we have highly skilled work force is the job of the employer ... In this case, the people who fund this are the local school districts and the state." That is not an acceptable answer from the largest organization of teachers in the State.

Yet, the union refuses to focus on improving teacher quality. Instead of better educating educators, the union is suing the State to block release of insurance data that would decrease the overhead cost of education. Instead of looking for new ways to inform teachers on the latest pedagogical techniques, the union is participating in political campaigns and lobbying efforts with nothing to do with education. Instead of working towards ensuring that every Maine student has a quality teacher in the front of the classroom, the union is focused on providing golf and skiing discounts.

Worse yet, this program would require the teachers themselves to partially fund the program. Rather than fund this new program on the backs of teachers, I propose eliminating teacher certification fees and working with the MEA to refocus its efforts on professional development of teachers not the pet political projects of union bosses. Maine teachers are undercompensated. We should be lowering the cost of being a teacher while providing the best professional development opportunities possible.

Unfortunately, this bill would simply provide a false victory and an excuse to not take on real substantive reforms resulting in better teachers in the classroom. I believe that we - the state, the local districts, superintendents, parents, and yes, the teacher union — must all work together for what is best for the student.

For these reasons, I am returning LD 1781 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,
S/Paul R. LePage
Governor

Came from the Senate, **READ** and **ORDERED PLACED ON FILE**.

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

The accompanying An Act To Restructure the National Board Certification Program for Teachers

(S.P. 618) (L.D. 1781)
(S. "A" S-610 to C. "A" S-488)

In Senate, May 31, 2012, this Bill, having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

26 voted in favor and 9 against, and 26 being more than 2/3 of the members present and voting, accordingly it was the vote of the Senate that the Bill become law and the veto was overridden.

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

Representative **BELIVEAU**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise as a high school history teacher in support of this bill, and against the veto. The reason given by the Executive for his veto of this bill, the reason was that this bill, a bill to support Maine's National Board Certified Teachers, our absolute all-star, rock star, best and most effective teachers in the state, the Executive said this bill is merely a band-aid for a problem that is much bigger, the problem about overall teacher quality.

If this bill is only a band-aid – and a band-aid is too small of a fix – believe me, I would be the first one to propose major surgery. I would propose teacher pay increases across the board to a profession that the Executive himself says is undercompensated.

But it would appear, in these economic times, that we can't afford major surgery right now. But we all know that any patient would certainly benefit from a band-aid over nothing.

Let me compare this situation to a business. If you ran a business, and you had one employee in particular who worked the hardest, was the most productive, was the most innovative, whom all other employees sought advice from, and who unquestionably produced the best results for your company, you would find a way to reward this employee both for his or her superlative work, and as an incentive to keep up the great work.

If we don't support our absolute best teachers with this small measure of extra support, we are saying that their extra efforts are worth the exact same as the absolute worst teacher who simply worked the same number of years. I urge you to support Maine's shining examples of educational leadership, and please follow my light. Thank you, Mr. Speaker.

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

Representative **WAGNER**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. We all know that excellent teachers are the key to an excellent education. LD 1781 is a bill that not only supports but promotes excellence in teaching. The Commissioner of Education strongly supported LD 1781 in committee. The Education and Cultural Affairs Committee unanimously supported LD 1781. Both bodies of the Legislature unanimously supported LD 1781. We must continue to show the parents and the children of this state that we are determined to use all means possible, including support for National Board Certification to provide the best teachers in the State of Maine. Please join me in voting yes. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Nelson.

Representative **NELSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As you've just heard, the Education Committee as well as this House and the

body at the other end of the hall voted unanimously in favor of this bill. I believe that every child in the State of Maine deserves the most effective teacher in their classroom, and I believe that we must find ways to support and develop the teaching profession by investing in that profession.

Research has shown that the National Board Certification program contributes to increasing teacher effectiveness and is considered to be the gold standard of teacher professional development. It is one of the most effective teacher preparation programs that we have or teacher ongoing training programs that we have, and we all know that ongoing learners and lifelong learners are better teachers to the children that they are teaching. The program is challenging. It is rigorous. It requires great time and energy of the teacher and we have heard that from all the teachers that testified in front of our committee. It requires up to three years of investment of time, of being evaluated and submitting materials to improve one's teaching. Our state, for 14 years, has supported these teachers by offering a stipend. I don't believe this is the time to change that.

While the Chief Executive may have issues with the MEA, the Maine Education Association, vetoing this bill only serves to hurt teachers and students. Why would we penalize our teachers that are doing their part to improve their practice and trying to be as good as they can be? The bigger picture is that if the field of teaching does not feel that the Commissioner or the Chief Executive supports them, then why are they going to try to improve and better themselves? This bill honors all teachers, public teachers in the State of Maine as well as those teachers who teach in our private academies, and I urge you to overturn this veto and support the teachers of the State of Maine. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Lincolnville, Representative O'Brien.

Representative **O'BRIEN**: Thank you, Mr. Speaker. I didn't think I would get to speak before this body again, but I am happy to see all of your smiling faces nonetheless. As a legislator representing a school district with a high school that has 15 percent of its teachers with National Board Certification, each year I get a flurry of emails from constituents deeply concerned about this issue. In fact, even at family gatherings I've got to answer for our state's policy in this department because my own older brother is a National Board Certified Teacher.

My brother, who teaches at his alma mater where he was valedictorian, emailed me this yesterday: "In my 18 years teaching mathematics in private and public schools in Switzerland, Taiwan, Australia, and Maine, the National Board Certification experience was, without question, the best professional development experience of my career."

"I strongly feel that if every teacher in American classrooms went through the National Board Certification process, our education system would be the best in the world." And my brother knows this because he has taught in many different schools across the world, where he was paid a lot more I might add.

And he further goes on to write: "When I read the National Board standards for mathematics and other disciplines, they describe the teachers I would like for my own three daughters."

"Furthermore, to suggest that the union does not support professional development is a complete falsehood. I tried for my National Board Certification two years ago on my own and failed. It was then I learned that the MEA offers a monthly training session in Augusta with paid facilitators to support our path to National Board Certification, and I have done that for 14 years. These classes were a huge factor in finally receiving my board certification in 2011."

The local principal of my school wrote: "I can tell you that earning National Board Certification is by far the best way for teachers to demonstrate that they are truly among the best teachers in the country. What more could Maine want than to have teachers who have gone before a National Board to earn this distinction. Not supporting teachers who want to go through this rigorous process and not to reward those who have succeeded is a slap in the face to good teaching."

My former math teacher, who is also a National Board Certified Teacher and not a member of any union, wrote me: "Forget that teachers are underpaid, forget that teachers who have negotiated contracts that have frozen their pay to help out struggling school districts over the last several years, and forget that some teachers are not members of any MEA or union. The reality is that teachers are like any other professional. They need professional development that encourages growth, reflection and time to learn and implement new skills that make them more effective in their jobs. This program is a very inexpensive form of professional development that yields great results for the civil servants educating our children."

As my colleagues in the House know, I will not be here next year, but I have recently been offered my dream job – writing. My former high school teacher, a National Board Certified Teacher, who like no one else (save my own mom), inspired me to become a writer, cited (using perfect APA intext citations, I might add) in this letter to me:

"Teachers who pursue National Board Certification tend to have at least ten years of teaching experience, hold a master's degree, frequently engage in professional development, and tend to seek professional challenges. Teacher leaders are attracted to the challenge and learning opportunity available through National Board candidacy. However, teachers who have actually earned the certification are more likely to be perceived as leaders. A survey of Chicago Public School teachers reported that 50 percent of NBCTs hold school leadership positions, compared to 32 percent of other teachers. In fact, research shows that more leadership opportunities are offered to NBCTs than non-NBCTs, which can sustain their desire to continue teaching."

I certainly hope and expect that our Representatives in the Maine Legislature will make decisions, regarding educational policies that affect student learning, that are based on sound research.

Furthermore, I would just like to say please put politics aside on this issue and do what's best for the students. This one should not be partisan or controversial. Thank you.

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

Representative **McCLELLAN**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House. I, too, am going to support LD 1781. I'm on the Education Committee and just real quickly I'll mention, as has been said, we actually spent two years discussing this concept in a couple of different bills. We talked to a lot of educators and found it was extremely rigorous standards to this program. It's like taking a master's program in about a month's time in terms of how hard it was and the people we met were very impressive, the people that we talked to, the teachers, the educators. There is also, once you complete this, there is an expectation of giving back and bringing leadership to your school which is certainly a valuable thing.

We've figured out that this program can pay for itself. There will be no new money applied to it. It's going to be moneys that's already in the budget, it will just be put into this path, and it's already funded to some extent because this is a program that's been ongoing. It's been going on for quite a while and just was not able to be fully funded at this point.

As I look at this, Mr. Speaker, in a year where I think we made a lot of changes in education and a lot of changes I think very positively, we did a lot of things which I would say were children and kids first. This is an opportunity for us to give back to the teachers and educators in the public schools. I would certainly suggest everyone support this, and thank you, Mr. Speaker.

After reconsideration, the House proceeded to vote on the question, 'Shall this Bill become a law notwithstanding the objections of the Governor?' A roll call was taken.

The SPEAKER: The pending question before the House is 'Shall this Bill become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 369V

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Beliveau, Berry, Bickford, Black, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Casavant, Celli, Chapman, Chase, Chipman, Clark H, Clark T, Clarke, Cotta, Cray, Crockett, Cushing, Damon, Davis, Dill J, Dion, Dow, Driscoll, Dunphy, Eberle, Edgecomb, Eves, Fitts, Fitzpatrick, Flemings, Flood, Fossil, Foster, Gifford, Gilbert, Goode, Graham, Hamper, Hanley, Harlow, Harmon, Harvell, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Johnson P, Kaenrath, Kent, Keschl, Knapp, Knight, Kruger, Kumiega, Lajoie, Longstaff, Lovejoy, Luchini, MacDonald, Maker, Malaby, Maloney, Martin, Mazurek, McCabe, McClellan, McFadden, McKane, Monaghan-Derrig, Morissette, Morrison, Moulton, Nass, Nelson, Newendyke, O'Brien, Olsen, Parry, Peoples, Peterson, Picchiotti, Plummer, Prescott, Rankin, Richardson D, Richardson W, Rioux, Rochelo, Rosen, Rotundo, Russell, Sanborn, Sanderson, Sarty, Shaw, Stevens, Strang Burgess, Theriault, Tilton, Timberlake, Treat, Turner, Tuttle, Valentino, Volk, Wagner R, Wallace, Weaver, Webster, Welsh, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

NAY - Burns DC, Cebra, Crafts, Curtis, Espling, Guerin, Johnson D, Long, O'Connor, Parker, Sirocki, Waterhouse.

ABSENT - Bennett, Cornell du Houx, Duchesne, Fredette, Gillway, Libby, Pilon, Priest, Stuckey.

Yes, 129; No, 12; Absent, 9; Vacant, 1; Excused, 0.

129 having voted in the affirmative and 12 voted in the negative, 1 vacancy with 9 being absent, and accordingly the Veto was **NOT SUSTAINED**.

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

COMMUNICATIONS

The Following Communication: (H.C. 379)

STATE OF MAINE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY

May 15, 2012

The Honorable Kevin L. Raye, President of the Senate
The Honorable Robert W. Nutting, Speaker of the House
125th Maine Legislature
Augusta, Maine 04333

Dear President Raye and Speaker Nutting:

We are pleased to report that all business which was placed before the Joint Standing Committee on Agriculture, Conservation and Forestry during the Second Regular Session of the 125th Legislature has been completed. The breakdown of bills and papers before our committee follows: