

# MAINE STATE LEGISLATURE

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

**Daily Edition**

**Second Regular Session**

beginning January 6, 2016

beginning at page H-1188

**CONSENT CALENDAR****First Day**

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

(S.P. 660) (L.D. 1627) Bill "An Act To Implement Certain Recommendations of the Maine Proficiency Education Council" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-504)**

On motion of Representative McCABE of Skowhegan, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ**.

The same Representative **REQUESTED** a roll call on **ACCEPTANCE** of the **Unanimous Ought to Pass as Amended Report**.

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

The **SPEAKER**: The Chair recognizes the Representative from New Gloucester, Representative Espling.

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

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

Representative **ESPLING**: I just would like to have a little bit of information about the bill and if there's a fiscal note. Thank you.

The **SPEAKER**: The Representative from New Gloucester, Representative Espling, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bangor, Representative Kornfield.

Representative **KORNFIELD**: This was our diploma bill and, as anyone who's been a teacher or a parent knows, being firm and being fair is a very hard line to walk. And that's what we tried to do. We did more work on this bill than any other bill to have a unanimous vote on it and we really wanted to make sure that we were tough, but kids could achieve a diploma. So, we phased in the eight proficiency areas over time and also allowed kids, for instance the first class to graduate with a proficiency diploma is English, Social Studies, and another proficiency area of their choice. We did this way so that all schools have to have eight proficiencies available to kids. So, we were very pleased with our end of the bill. Our folder was about this big, but we were very pleased with the outcome of it.

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

**ROLL CALL NO. 587**

YEA - Alley, Babbidge, Battle, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Burstein, Campbell J, Campbell R, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Crafts, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Dunphy M, Edgecomb, Evangelos, Farnsworth, Fecteau, Foley, Fowle, Frey, Gattine, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Greenwood, Guerin, Hamann, Harlow, Harrington, Hawke, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Lyford, Maker, Malaby, Marean, Martin J, Martin R, Mastraccio, McCabe, McClellan, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Nutting, Ordway, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Seavey, Sherman, Short, Stanley, Stearns, Stetkis, Stuckey, Sukeforth, Tepler, Timberlake, Tipping-

Spitz, Tucker, Tuell, Verow, Wadsworth, Ward, Warren, Welsh, White, Winsor, Wood, Mr. Speaker.

NAY - Austin, Buckland, Dillingham, Dunphy L, Espling, Farrin, Fredette, Gerrish, Hanley, Head, Lockman, Long, O'Connor, Sanderson, Sawicki, Sirocki, Skolfield, Theriault, Timmons, Turner, Vachon, Wallace.

ABSENT - Bates, Grohman, Hanington, Kinney M, McElwee.

Yes, 124; No, 22; Absent, 5; Excused, 0.

124 having voted in the affirmative and 22 voted in the negative, with 5 being absent, and accordingly the **Unanimous Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-504)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-504)** in concurrence.

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

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

Bill "An Act To Clarify the Appointment Process"

(S.P. 690) (L.D. 1681)

Report "B" (6) **OUGHT TO PASS AS AMENDED** of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-474)** in the House on April 8, 2016.

Came from the Senate with that Body having **INSISTED** on its former action whereby Report "C" (1) **OUGHT TO PASS AS AMENDED** of the Committee on **STATE AND LOCAL GOVERNMENT** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-475)** in **NON-CONCURRENCE**.

Speaker EVES of North Berwick moved that the House **INSIST**.

Representative ESPLING of New Gloucester moved that the House **RECEDE AND CONCUR**.

Representative McCABE of Skowhegan **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**: The Chair recognizes the Representative from Wales, Representative Greenwood.

Representative **GREENWOOD**: Thank you, Mr. Speaker, I rise in support of the pending motion to Recede and Concur. In looking at LD 1681, it is a real, simple change. The other body has taken the compromise position that whenever there be an appointment process by the Chief Executive, whether it be under a 30A appointment or boards and commissions, that a list be presented. And a list would be defined as "two or more."

During the committee hearing, the good Representative from Friendship, Representative Evangelos, was the one that had suggested the compromise package of two and that is what it is before us today coming back from the other body, is the compromise package for a list of two or more. So I would ask for