

MAINE STATE LEGISLATURE

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

Daily Edition

Second Special Session

beginning June 19, 2018

beginning at page H-1739

Committee Amendment "A" (H-779) as Amended by House Amendment "A" (H-794) 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-779) as Amended by House Amendment "A" (H-794)** thereto and sent for concurrence.

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

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

SENATE PAPERS

The following Joint Resolution: (S.P. 744)

JOINT RESOLUTION TO COMMEMORATE THE LIFE OF BARBARA BUSH, FORMER FIRST LADY OF THE UNITED STATES AND MOTHER OF THE 43RD PRESIDENT OF THE UNITED STATES

WHEREAS, the Maine State Legislature has learned of the death of Barbara Bush, former First Lady of the United States and mother of the 43rd President of the United States, and a longtime summer resident of Kennebunkport; and

WHEREAS, in 1945 the former Barbara Pierce, a native of New York State, married the Honorable George H. W. Bush, a young naval aviator who went on to a successful political career culminating in 1988 with his election as the 41st President of the United States, and they were married 73 years; and

WHEREAS, she became a popular First Lady, appreciated for her unpretentiousness and self-deprecation, and was a tireless advocate of adult literacy programs; and

WHEREAS, in Maine, she gave her time and resources to local causes and institutions, including the Maine Literacy Volunteers, The Barbara Bush Children's Hospital at Maine Medical Center and the University of New England, home to the George and Barbara Bush Center; and

WHEREAS, she and her husband had six children, two of whom also became successful politicians: the Honorable John Ellis "Jeb" Bush, Sr., who became Governor of Florida, and the Honorable George W. Bush, who became Governor of Texas and later the 43rd President of the United States; and

WHEREAS, the Members of the Senate and the Members of the House of Representatives wish to express the high esteem in which they hold the late Barbara Bush and the sadness with which they received the news of her passing; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-eighth Legislature now assembled in the Second Regular Session, pause in our deliberations to commemorate the life of Barbara Bush and to recognize her contributions to the Nation and the State of Maine; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be presented to the family of Barbara Bush as a token of our sympathy.

Came from the Senate, **READ** and **ADOPTED**.

READ and **ADOPTED** in concurrence.

SENATE PAPERS

Non-Concurrent Matter

An Act To Require Education and Training Regarding Harassment for Legislators, Legislative Staff and Lobbyists
(S.P. 695) (L.D. 1842)

(C. "A" S-387)

PASSED TO BE ENACTED in the House on March 27, 2018.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-387) AND SENATE AMENDMENT "A" (S-484)** in **NON-CONCURRENCE**.

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

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 DIVIDED REPORT - Majority (10) **Ought to Pass as Amended by Committee Amendment "A" (H-777)** - Minority (3) **Ought to Pass as Amended by Committee Amendment "B" (H-778)** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Ensure the Successful Implementation of Proficiency-based Diplomas by Extending the Timeline for Phasing in Their Implementation"

(H.P. 1152) (L.D. 1666)

Which was **TABLED** by Representative KORNFIELD of Bangor pending **ACCEPTANCE** of either Report.

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

The SPEAKER: The Chair recognizes the Representative from Alfred, Representative Sampson.

Representative **SAMPSON**: Thank you, Madam Speaker, Men and Women of the House. I'm speaking in favor of the Majority Ought to Pass as Amended Committee report on LD 1666. I ask for support for this measure.

The Education Committee received well over a hundred testimonies, unprecedented amount by the way, expressing many grave, clearly articulated concerns, and these teachers and administrators favored full repeal of the proficiency-based diploma law at approximately a ten to one ratio. For those schools who are; that are vested in this effort, they have the freedom to continue. If what they are doing is demonstrating success, of course, continue. By making proficiency-based diploma a permissive law, options open up for districts to determine what is best for their students. This shifts the control back to the local schools, local schoolboards, parents, and teachers. These schools will simply continue awarding the same diplomas using the requirements that have been in place for decades. Nothing changes. This is not an upheaval or a new approach. Schools will continue to follow the Maine Learning Results.

One superintendent stated in testimony we received: "I have heard my colleagues in the state talk about staying the course, that too much work has been done to turn back. I think that there couldn't be a better time to halt an act that is based on many other issues besides honorable ones. The act is all in support of private enterprises, intrusive to increase their bottom line. It is not about increasing student performance."

An assistant superintendent gave testimony in support of repeal, citing problematic consequences, and I quote: "The

push towards general proficiency in every subject sacrifices the fostering of specialists. For example, an artist might need to give up AP Art in favor of remedial math." Finally, one of the approximate 130 original heartfelt letters from teachers can be summed up with this excerpt, quote: "Want to have an immediate impact in the betterment of education in Maine? End all initiatives. Pull the plug on all consulting, and the resultant savings could be shared by districts and taxpayers alike. Leave the standards in place as guidelines and let communities decide what's best for their children." This bill does just that. I ask you follow my light. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from East Machias, Representative Tuell.

Representative TUELL: Thank you, Madam Speaker. I also rise in support of this motion. I think it's a testament, and it doesn't often get credited, but this is a fine example of bipartisanship. And I know folks on both sides really worked hard to stand behind local schools, local communities, -parents, on this issue. I think it's an emotional issue for a lot of people. I know some areas really love proficiency-based diplomas and really love the path they're on, and that's great, but there are those that don't necessarily. There are communities -- every community is different. But, yet, everybody wants the best for their kids, and every community should have a measure of local control in deciding that, so I definitely will be supporting this bill, and urge others do, as well. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Brooksville, Representative Chapman.

Representative CHAPMAN: Thank you, Madam Speaker. I'd like to just clear up a couple matters regarding proficiency-based education for those who may not have given this a lot of thought. One of the difficulties in having a system that's optional is that students don't stay in the same school all the time. In fact, a fairly large percentage of students change schools during their school career, and disproportionately, those are students whose families are of lesser means. And, so, if we think about what's going to work for the kids, we've got to think about the problem of a student that transfers from one school using one system to another using another system. We also have to think about what the fiscal costs are for maintaining those two systems.

But the other thing that I wanted to make mention of, Madam Speaker, is the proficiency-based education is not new. It's been used very successfully in this state in public education for decades, and I'm referring of course to the career and technical education portion of our public education system, which has been a proficiency-based education system from its inception. So, I think it's important to recognize that what's at issue here is how the educational system functions. What ought not to be at issue here is what the changing sands of the political winds have been. It's curious to me that the very organizations that were promoting this, and it was a contentious matter when I was a freshman legislator, are now on the opposite sides of the issue, not promoting proficiency-based education.

The politics will swim back and forth and up and down and go through its contortions of irrationality forever, but those of us in education who have worked on these issues for many years understand the need for thinking about the effect that it has on the students, and so I would be opposing the pending motion. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Kornfield.

Representative KORNFIELD: Thank you, Madam Speaker. Just to clarify, we are not speaking about proficiency-based education; we are only speaking about proficiency-based diploma. The proficiency-based diploma has been implemented very irregularly throughout the state. The diploma has become a point of contention in some towns, so the Majority Report makes this kind of diploma optional. This will be a local schoolboard decision. This will not affect the proficiency-based education that all towns are required to implement. Thank you, Madam Speaker.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-777) was READ** by the Clerk.

On motion of Representative HERBIG of Belfast, **TABLED pending ADOPTION of Committee Amendment "A" (H-777)** and later today assigned.

At this point, the Speaker recognized the Representative from Westbrook, Representative BATES, the Representative from Portland, Representative COLLINGS and the Representative from Pittsfield, Representative STROM, and they were added to the roll call of the Second Special Session of the 128th Legislature.

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

Bill "An Act To Ensure the Successful Implementation of Proficiency-based Diplomas by Extending the Timeline for Phasing in Their Implementation"

(H.P. 1152) (L.D. 1666)

Which was **TABLED** by Representative HERBIG of Belfast pending **ADOPTION of Committee Amendment "A" (H-777).**

Representative KORNFIELD of Bangor **PRESENTED House Amendment "A" (H-797) to Committee Amendment "A" (H-777), which was READ** by the Clerk and **ADOPTED.**

Committee Amendment "A" (H-777) as Amended by House Amendment "A" (H-797) 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-777) as Amended by House Amendment "A" (H-797) thereto and sent for concurrence.**

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

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment May 2, 2018, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (H-751) -** Minority (4) **Ought Not to Pass -** Committee on