

# MAINE STATE LEGISLATURE

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

**Volume II**

**First Special Session**

May 26, 2005 – June 17, 2005

**Second Special Session**

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**Second Regular Session**

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Pages 737-1487

On motion of Representative NORTON of Bangor, the Majority Ought Not to Pass Report was **ACCEPTED**.

On motion of Representative STEDMAN of Hartland, the House **RECONSIDERED** its action whereby the Majority Ought Not to Pass Report was **ACCEPTED**.

The SPEAKER: The Chair recognizes the Representative from Hartland, Representative Stedman.

Representative **STEDMAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This may be a conversation that has no ending, but that may also be unable to change things that are in force right now. But, as you can see, I am on the Minority Report for this particular bill. This bill asks that we delay the implementation of any new grade 11 testing plan for a year until it is worked out properly and goes through the proper channels to get approved by this body. Contrary to that, the Commissioner took it upon herself, as required by law, to develop a plan because they had abandoned the MEAs this year and didn't have one developed to be used and it would have left us out of compliance with No Child Left Behind by not having a testing program for juniors. The upshot of that is that we might lose federal funding for grade 11 testing from the federal government that would amount to \$1.1 million. The total assessment from the federal government is \$4 million.

I guess that my main objection to this whole plan is how it went down. The Commissioner is required to have a plan for grade 11 testing. The Commissioner is also permitted to develop an alternative plan, but that was interpreted by the Commissioner and people in the education department that she had the right to go ahead and develop the plan and put it into effect without bringing it back to the Legislature for any kind of decision making. So, we are in this bind now where we have no plan other than the SAT to be used as a testing program for this year. I just feel that this is the wrong way to be doing things in this government and I think that we should be going through the legislative process to get changes in laws and changes in rules approved, especially when there as serious as this particular bill is. That is my reason for being on the Ought to Pass as Amended Report, the amendment is the fiscal note and does refer to the potential for losing federal funds for assessment of grade 11 students. I would like to have you consider this dilemma that I see we are in with this program. I do not feel, personally, that the SAT, even though it will be rewritten this year, will be designed to test Maine Learning Results. I don't understand how we are going to get a national test modified in any way that is going to accommodate the State of Maine specifically. The SAT is an aptitude test, not an accumulation of knowledge test and to use it as a way testing how our students are doing academically in subject matter is outside my ability to understand. We are assured that it is going to be modified, but I can't understand that if it is a national test to be used by millions of students how it will be adapted to the Maine program needs and still do the job that it is supposed to do nationally. I understand that the program itself is going to require that students be required to attend testing at several testing sites around the state on a Saturday and that means that every district is going to have to collect these students up, get them to these test sights and transport them back home again. There is an alternative to that and that is a makeup date during a midweek time. Now I can understand that there is a possibility that alot of students will not want to take it on a Saturday and give up their Saturday and would be very willing to give up a school day for the makeup. You can think about that one.

Also, this is an expense, which has not been computed into the process for local systems to be able to do this kind of program, as far as the transportation and gathering of these students together. I just think that it is an ill devised plan and

needs to be worked on more and I don't know what our alternative is, but I just think that this is a very poor way of handling such an important issue as far as the use of learning results and also the assessment of that learning results process. Thank you, Mr. Speaker.

On motion of Representative NORTON of Bangor, **TABLED** pending her motion to **ACCEPT** the Majority Ought Not to Pass Report and later today assigned.

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**CONSENT CALENDAR**

**First Day**

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

(H.P. 1209) (L.D. 1702) Bill "An Act To Increase Efficiency in Truck Hauling" (EMERGENCY) Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-749)**

There being no objections, the above item was ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

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**CONSENT CALENDAR**

**Second Day**

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

(S.P. 655) (L.D. 1738) Bill "An Act To Amend the Laws Governing Ferry Service Travel for Individuals with Catastrophic Illness" (EMERGENCY)

(S.P. 669) (L.D. 1752) Bill "An Act Regarding Licensure Requirements for Nurses"

(S.P. 673) (L.D. 1756) Bill "An Act To Address Emergency Licensure Procedures"

(S.P. 721) (L.D. 1804) Bill "An Act To Amend the Debt Collection Law"

(H.P. 1229) (L.D. 1721) Resolve, Creating a Forensic Board To Manage the Release of Certain Sex Offenders

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were **PASSED TO BE ENGROSSED** in concurrence and the House Paper was **PASSED TO BE ENGROSSED** and sent for concurrence.

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

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

**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 Amend the Laws Relating to Motorized Scooters, Motor-driven Cycles and Mopeds" (EMERGENCY)

(H.P. 1027) (L.D. 1464)  
(C. "B" H-730)

- In House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-730)** on January 10, 2006.

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-730) AND SENATE AMENDMENT "A" (S-441)** in **NON-CONCURRENCE**.

TABLED - February 2, 2006 (Till Later Today) by Representative MARLEY of Portland.

PENDING - FURTHER CONSIDERATION.

On motion of Representative MCKENNEY of Cumberland, the House RECEDE.

The same Representative PRESENTED House Amendment "A" (H-747), which was READ by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative McKenney.

Representative MCKENNEY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Sometimes around here we do things that are way more complicated than we need to and this is one of those examples. This bill before you came to us as a very simple request from the Secretary of State's Office to put some teeth into the statute regarding those little tiny motorized toys that some people call pocket bikes. There is really no effective way to regulate these and they are dangerous to be on the street with. The bill that was before you, LD 1464, was a Unanimous Report out of committee, went under the hammer in this body, and a member of the other body put an amendment on it that completely negates the bill. In other words, if he his amendment passes or the bill fails, the result is the same. There is no method of enforcement for these motorized toys that are dangerous to have on the street.

Some parents buy these toys and then don't provide any adequate supervision. Instead they rely on these things as mechanical babysitters and put them out on the street. This amendment would change that and put it back to the original intent of the statute that went before the committee and I hope that you accept it. Thank you.

Subsequently, House Amendment "A" (H-747) was ADOPTED.

The Bill was PASSED TO BE ENGROSSED as Amended by Committee Amendment "B" (H-730) and House Amendment "A" (H-747) in NON-CONCURRENCE and sent for concurrence.

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

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#### ENACTORS Acts

An Act To Restore the Funding to the Fund for the Efficient Delivery of Local and Regional Services

(H.P. 1219) (L.D. 1712)  
(C. "A" H-741)

Reported by the Committee on Engrossed Bills as truly and strictly engrossed, PASSED TO BE ENACTED, signed by the Speaker and sent to the Senate.

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#### SENATE PAPERS

The following Joint Order: (S.P. 775)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, February 14, 2006, at 10:00 in the morning.

Came from the Senate, READ and PASSED.

READ and PASSED in concurrence.

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Resolve, Regarding a Monument for Women Veterans of Maine (EMERGENCY)

(S.P. 776) (L.D. 2013)

Came from the Senate, REFERRED to the Committee on LEGAL AND VETERANS AFFAIRS and ordered printed.

REFERRED to the Committee on LEGAL AND VETERANS AFFAIRS in concurrence.

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#### CONSENT CALENDAR

##### First Day

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

(S.P. 741) (L.D. 1942) Bill "An Act To Change the Name of Little Island to Chickering Island" Committee on STATE AND LOCAL GOVERNMENT reporting Ought to Pass

(S.P. 657) (L.D. 1740) Bill "An Act To Establish the Athens Standard Water District" Committee on UTILITIES AND ENERGY reporting Ought to Pass as Amended by Committee Amendment "A" (S-444)

There being no objections, the above items were ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

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

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On motion of Representative BISHOP of Boothbay, the House adjourned at 11:18 a.m., until 10:00 a.m., Tuesday, February 14, 2006 pursuant to the Joint Order (S.P. 775) and in honor and lasting tribute to the Honorable Stanley R. Tupper, of Boothbay Harbor.