

MAINE STATE LEGISLATURE

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

Volume III

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Appendix
House Legislative Sentiments
Index

Pages 1215-1836

Conference and led Edward Little High School to a 30-4 regular season record over the last two seasons. During the later part of this year's season, she developed a stress fracture in her foot. In her absence from play time, the EL ladies lost six of its last seven games, including the KVAC rematch and Eastern A Quarterfinals. There are those who believe the girls would probably have played the state championship given that Kirsten would have remained healthy throughout the season. A great shooter, a great play maker and individual competitor, she scored over 1,000 points during her high school career, a feat she was able to achieve despite the fact that she was double and triple teamed on more than one occasion. Even more important than her athletic ability, Kirsten is an extraordinary young woman with exceptional intelligence, and she is a great role model. These personal traits and strengths no doubt played a role in her being admitted into Bowdoin College where she will compete in a premier program that has proven to be one of the perennial powerhouse teams in Division III women's basketball. Sounds like a great fit for this girl with varied talents. Thank you, Madam Speaker.

Subsequently, the Sentiment was **PASSED** and sent for concurrence.

**REPORTS OF COMMITTEE
Divided Report**

Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-386)** on Bill "An Act To Amend the Site Location of Development Laws To Include Consideration of Greenhouse Gas Emissions"

(S.P. 341) (L.D. 891)

Signed:

Senator:

GOODALL of Sagadahoc

Representatives:

BOLDUC of Auburn

KNAPP of Gorham

EBERLE of South Portland

DUCHESNE of Hudson

WALSH INNES of Yarmouth

WELSH of Rockport

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Senator:

SMITH of Piscataquis

Representatives:

HAMPER of Oxford

EDGECOMB of Caribou

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-386) AS AMENDED BY SENATE AMENDMENT "C" (S-489)** thereto.
READ.

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

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

CONSENT CALENDAR

First Day

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

(H.P. 389) (L.D. 551) Bill "An Act To Improve the Essential Programs and Services Funding Formula" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-793)**

(H.P. 1238) (L.D. 1741) Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation, a Major Substantive Rule of the Department of Education (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-795)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Papers were **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

The House recessed until 11:00 a.m.

(After Recess)

The House was called to order by the Speaker.

The following item was 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.

HOUSE REPORT - Ought to Pass as Amended by Committee Amendment "A" (H-790) - Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2010 and June 30, 2011" (EMERGENCY)

(H.P. 1183) (L.D. 1671)

TABLED - March 29, 2010 (Till Later Today) by Representative CAIN of Orono.

PENDING - ACCEPTANCE OF COMMITTEE REPORT.

Subsequently, the Unanimous Committee Report was **ACCEPTED.**

The Bill was **READ ONCE.** **Committee Amendment "A" (H-790)** was **READ** by the Clerk.

Representative CAIN of Orono **PRESENTED House Amendment "C" (H-798) to Committee Amendment "A" (H-790)**, which was **READ** by the Clerk.

The **SPEAKER:** The Chair recognizes the Representative from Orono, Representative Cain.

Representative **CAIN:** Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. This is a technical amendment brought to our attention by the Office of Fiscal and

Program Review that does three things. It first corrects a position count that was inadvertently left out of the budget. Second, it inserts two appropriations and allocation sections that were inadvertently omitted from the amendment. And three, corrects the amendment to offset a negative projected balance in the Fund for Healthy Maine, making sure that balance stays intact and on balance, as was the intent of the committee. All three of these pieces were reviewed. This amendment, which includes those three pieces, was reviewed by the Appropriations Committee yesterday, and it was the understanding of the committee that this will be offered today and I would ask for support. Thank you, Madam Speaker.

Subsequently, **House Amendment "C" (H-798)** to **Committee Amendment "A" (H-790)** was **ADOPTED**.

Representative JOHNSON of Greenville **PRESENTED House Amendment "B" (H-796)** to **Committee Amendment "A" (H-790)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Greenville, Representative Johnson.

Representative **JOHNSON**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. This amendment would provide an exemption from penalties established for nonconforming school administrative units if: 1) they can demonstrate that the school administrative unit would lose subsidy by consolidating or 2) because the reorganization plan would not have provided any greater educational benefit to students than what is provided to students enrolled in the schools currently operated by the school administrative units participating in the reorganization process.

The question we all have is why should we approve this amendment? The answer is simple. The school consolidation law was a one size fits all law that required communities to do things that were against their own self interests. About 55% of the school systems had to make no change and some districts were able to consolidate and save money. On the other hand, several rural schools complied with all the required actions of the consolidation law and found that the consolidation options available to them provided no cost savings or no educational advantage. As a result, the voters turned down the consolidation plans. It makes no sense to penalize these school districts. Several are in areas of the state that are the most economically depressed.

We need to ask ourselves why are we penalizing these communities and what is the impact of our action? We have set up a situation where these communities could vote to consolidate and see their cost of education rise, therefore hurting kids. Or, they could decline to consolidate and save money only to see the State penalize their decision. Either way, kids and communities lose.

What is the goal of the consolidation? Are we trying to save money? Are we trying to improve education? I submit the consolidation effort was primarily promoted to save money. By any information available it has not achieved either goal.

I want this body to understand the impact, the pain and the anguish that we are visiting on some of our school districts in my House district.

First, SAD 4. The superintendent, in response to an article in the *Bangor Daily News*, made the following points in reaction to the quoted remarks of a member of this body's Appropriations Committee.

Let's compare SAD 4 with the school system that is in this Representative's district. SAD 4 covers 6 towns and 220 square miles and has a median family income of less than \$30,000.

SAD 4 has closed 4 small elementary schools seven years ago and will close 2 more in June. Closing these beautiful

schools is agonizing work for a community. The closing of these two schools will result in 700 students being housed in 2 buildings and save a documented \$375,000.

SAD 4 has several cooperative arrangements to save money with adjacent school districts. They share Special Education Services with SAD 68, provide transportation services to School Union 60, and their Piscataquis Valley Adult Education Cooperative serves 18 towns and is being used as a model for efficiency both in Maine and nationally.

SAD 4 has a vibrant staff and its use of technology is acclaimed by our own Department of Education.

SAD 4's budget is 5% over the 100% EPS mark, that which the Department of Education has determined to be the minimum adequate amount for students to achieve the learning results.

Now let's look at the school system in the other Representative's district and you will be able to understand the frustration our consolidation efforts have caused for some of our school leaders in rural areas.

This RSU has three towns in an area much more compact than SAD 4 with a median family income of \$52,000. Before consolidation the major town in this RSU spent \$3,135 more per pupil than SAD 4. That would amount \$40,775 in a 13 year public education career. The budget for this new RSU is a shocking 33% over the EPS mark. Per pupil system administration cost in this RSU are 24% higher than SAD 4. Per pupil building administrative costs are 74% higher.

The Superintendent sums up my feeling exactly in his OPED and I quote: "How on Earth could anyone with a shred of common sense suggest that it would be even remotely appropriate for SAD 4 to send penalty money to units like this all over Maine that obviously have tremendous financial resources? It is shameful. Period. Particularly when the state is not even coming close to its obligation in General Purpose Aid."

I have another example, equally compelling, that I have provided to your desk from the Special Education Director of SAD 41. If you read it you will hear the hurt, the frustration and yes the disgust in her words.

I have never been more certain of the "rightness" of an action as I am with this one. It is clear to me. If it is not to you then it is my failing for not being able to articulate it correctly. I ask that you do the right thing and approve this amendment.

Representative **CAIN** of Orono moved that **House Amendment "B" (H-796)** to **Committee Amendment "A" (H-790)** be **INDEFINITELY POSTPONED**.

The **SPEAKER**: The Chair recognizes the Representative from Orono, Representative Cain.

Representative **CAIN**: Thank you, Madam Speaker. Madam Speaker, I applaud the Representative for his passion and his consistency on this issue. This issue has simply been considered by the Education Committee earlier this session. In fact, it was a Minority Report that this House did not accept last week, I believe it was on Friday, and I certainly look forward in the future to working with the Representative on any opportunity to continue to improve the school district reorganization law. With that, I ask for support of a motion to Indefinitely Postpone. Thank you.

Representative **DAVIS** of Sangerville **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-796)** to **Committee Amendment "A" (H-790)**.

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 Chapman, Representative Sutherland.

Representative **SUTHERLAND**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. My colleague on the Education and Cultural Affairs Committee, I think, expressed his frustration very well. I think he made his message. But I need to back up just a little bit.

I have served with 12 great folks on the Education and Cultural Affairs Committee for the past two years. It's kind of bittersweet in a way that although I'm really excited to be getting done next week, I think in another way I'm going to miss all those folks. We have spent hours talking about exactly the issues that have been before us, equal quality of education for all the children in the State of Maine. Equal quality of education, and how do we do that? People have been struggling in this state for a long time. We know that every child is entitled to a free and appropriate public education and we would like it to be of equal quality for all our kids. And that's what we focused on and sometimes we take a bend but come back to that. We have, and I know it's not appropriate to talk about other pieces of legislation so I will not, but we have worked to try to provide the means to get at the issue before us that my colleague from the southern part of paradise so aptly discussed just a few minutes ago. Although I understand the problem, we have ways; we have a mechanism that we're going to be looking at it. We are fortunate to have the services of MEPRI, the Maine Educational Partnership Research Institute, that will be looking at a lot of those issues so that we can address them in the broad picture. Even though it was well expressed, I thank all of the colleagues on my committee that have worked so hard and are moving us forward into the future in terms of equal educational opportunities for all kids. I ask you to follow my light. Budget language is not the place to be making significant public policy changes to education. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Celli.

Representative **CELLI**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I have to agree with my colleague behind me. The situation in Brewer is that to pay for additional salaries within the combined units and to pay the Brewer taxpayers' share of sending students to other high school other than the Brewer High School, because those communities that have school choice, the Brewer taxpayers are going to have to have an increase in their taxes to cover \$800,000. It's easier for them to stay out of it and it's cheaper to pay the penalty. Why are we penalizing our schools anything? This was supposed to save money. It's not saving money for the citizens of Brewer. It's not helping our students. It's not increasing their education one bit, it's decreasing it. So I urge you not to support the resolution to stop this amendment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Sangerville, Representative Davis.

Representative **DAVIS**: Thank you very much, Madam Speaker. I just wanted to rise and speak briefly. My colleague here on my left, appropriately so I might add, is absolutely right about what he had to say when he got up and offered his amendment. When he talked about SAD 4, he spoke to my heart because I know an awful lot about SAD 4. The six small towns has 18 members on their school board and I was privileged to be their chairman for five years. It's a very vast school district. It's very rural. There's far more moose and deer than there are people to say the least.

A number of years ago when the Maine Educational Assessment Tests were beginning, and after they'd been in place for a year or two, our kids weren't doing very good and I asked one of the superintendents to be, he was at that time the principal

of the school, why we weren't doing better. He said to me, well, you know, they're the children of woodcutters and mill workers and you can't expect too much. Well had I had the power, I would have fired him right on the spot. I was disgusted with him. The next year Piscataquis Community High School was number two in the State of Maine in mathematics, and that year we were on the bottom of per capita funding for the kids, on the bottom, but they were number two, number two in math. Don't tell me that the children of mill workers and cord cutters can't do it. That's bologna. It's absolutely bologna. SAD 4, this year, is closing two schools, the little school in Parkman, the little school in Guilford. My granddaughters go to the school in Parkman and they're closing it. While I was on the school board, we rebuilt the school in Parkman and we built a state of the art facility, and we rebuilt the primary school in Guilford and we built a state of the art facility, and now we're closing it. Funding, no money, no nothing. This last Saturday in the town of Sangerville, they voted to tear down the school that was closed a number of years ago. They're going to tear that one down. Guess what folks? They're going to be punished. They're going to be punished because they voted the way they wanted to instead of the dictates of Augusta. Follow my light. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Whiting, Representative Burns.

Representative **BURNS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise not to support the motion to Table but to support the Amendment that the good Representative from Greenville offered. I just want to say a couple of things about this. I realize we've been discussing this now for it seems like ions, but there's a couple of important things. This is a law, a very unpopular law for school consolidation that we're trying to make fit over the entire state, and I'm sorry it doesn't fit everybody. Two particular aspects of it really concern me. When a school finds no cost savings and they find no educational value to it and they're struggling to keep their schools open as it is, and I have the same issues in my area as the Representative from Greenville does. When you close a school down because there's no funding left and you have to transport those kids 35, 40 miles on the worst roads in the state, these are issues. This should be about what is best for the kids. Until the state starts to meet its obligation and its pledge to fund schools at 55 percent, I think we can find it in our hearts to make some exemptions and special considerations for schools that are doing their very best to stay open. My folks are fishermen, lobstermen, clambers. They deserve the same chance as anybody else. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Blue Hill, Representative Schatz.

Representative **SCHATZ**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I guess this is my "let my people go" speech. As you know, four years ago when this school consolidation appeared in the budget, I was one of 29 of us that voted against it, and we fought the good fight to try to make the legislation more suitable to our schools. And penalties were a big feature and a feature that never went away. We did have a reprieve, yes, for one year. But now that the ground is clear and the way is clear to go forward, I feel that these penalties should also go away. I oppose the present motion and hope you would follow my light. Thank you.

The SPEAKER: The Chair recognizes the Representative from Dennysville, Representative McFadden.

Representative **McFADDEN**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I didn't plan to rise on this issue, but I need to support Representative Johnson's amendment. I think each and every person in this

House needs to stop and think, do I have a district or do I have a town within my district that's being penalized, and if you have a town or a district inside of your district that is being penalized, you need to think twice before you vote to Indefinitely Postpone this amendment. Thank you very much, Madam Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "B" (H-796) to Committee Amendment "A" (H-790). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 329

YEA - Adams, Beaudette, Beaudoin, Beck, Berry, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Butterfield, Cain, Campbell, Carey, Casavant, Cleary, Cohen, Connor, Crockett P, Dill, Dostie, Driscoll, Duchesne, Eberle, Eves, Flaherty, Flemings, Flood, Giles, Goode, Hanley, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath, Kent, Knapp, Kruger, Lajoie, Legg, Lovejoy, Magnan, Martin JR, Martin JL, Mazurek, McCabe, Miller, Millett, Morrison, Nelson, Nutting, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Piotti, Priest, Rankin, Rotundo, Russell, Sanborn, Shaw, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Tardy, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Webster, Welsh, Wheeler, Wright, Madam Speaker.

NAY - Austin, Ayotte, Beaulieu, Bickford, Browne W, Burns, Cebra, Celli, Chase, Clark H, Clark T, Cotta, Crafts, Cray, Crockett J, Curtis, Davis, Eaton, Edgecomb, Finch, Fitts, Fletcher, Fossel, Gifford, Gilbert, Greeley, Hamper, Harvell, Johnson, Joy, Knight, Langley, Lewin, MacDonald, McFadden, McKane, McLeod, Nass, O'Brien, Pinkham, Plummer, Pratt, Prescott, Richardson D, Richardson W, Robinson, Sarty, Saviello, Schatz, Sykes, Theriault, Thibodeau, Thomas, Tilton, Weaver, Willette.

ABSENT - Cornell du Houx, Cushing, Rosen.

Yes, 92; No, 56; Absent, 3; Excused, 0.

92 having voted in the affirmative and 56 voted in the negative, with 3 being absent, and accordingly **House Amendment "B" (H-796) to Committee Amendment "A" (H-790) was INDEFINITELY POSTPONED.**

Representative JOHNSON of Greenville **PRESENTED House Amendment "A" (H-794) to Committee Amendment "A" (H-790)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Greenville, Representative Johnson.

Representative **JOHNSON**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. This amendment is trying to correct one of the shortfalls in our funding formula for schools. We have another committee bill, and I should say that I have been pleased this year to be a member of the Education Committee. I think the Education Committee has done a lot of good work and I think highly of all members of the committee. You will see later LD 551, which is the committee bill to make some adjustments to the Essential Programs and Services funding formula. It is a long term approach. This amendment is designed to correct and easily identify part of the problem. General Purpose Aid to education to local school districts is made up of two elements.

First, is the EPS funding formula. This is a complex formula that tries to set a minimum expenditure that each school district should expect to pay to provide the resources necessary to meet the Maine Learning Results. It should be understood, that this is a minimum estimate, and doesn't account for full funding for all elements that we commonly include as necessary activities of a school district. Roughly 85% of school districts exceed the EPS formula calculated amount. This indicates to me that the vast majority of school districts are attempting to provide the

resources necessary to run their schools. This being said, I believe that many of the variables in the EPS formula were arbitrary or based on educated guesses at the time of its inception. Other variables were based on data that has grown old and to change it now would result in winners and losers. The older these data elements get, the less relevant they become. This causes many significant problems. Perhaps most importantly, many of these variables in the EPS formula do not have a clearly defined educational purpose. Therefore, aspects of the formula are not defensible. Hopefully, LD 551 will address this part of the problem.

The second element is the fund distribution part of the process that was implemented as a result of LD 1 passed by the Legislature in 2005. I would like to point out in reaction to a comment previously that educational policy doesn't belong in the budget, but that's where it started out. LD 1 established funding caps for municipalities and caps that were implied for school districts. It is this aspect of our system of providing General Purpose Aid that is responsible for much of the wild and uncontrolled variation in GPA support to communities and, in my opinion, is a leading cause of the inability of many communities to consolidate school systems. The level of state GPA support relies heavily on a community's valuation to determine the percentage of the state's contribution of the EPS formula generated cost of education. When schools that are trying to consolidate have wide differences in valuation it becomes extremely difficult for these communities to reach an equitable sharing of the cost of a consolidated district. The realities of the valuation process often results in significant and changing variations in valuation among member communities of a school district. This results in cost shifts. We have seen many cases of communities that consolidated only to find out that the allocation of the GPA changes substantially. Many now wish they could undo the consolidation they agreed to a few short months ago.

My amendment addresses a situation of unfairness that results in communities that are anomalies in our large system of General Purpose Aid allocation. They are communities that have poverty levels above the state average yet receive minimum GPA subsidy from the State. The structure of the amendment defines the eligibility as: the school administrative unit is a minimum receiver pursuant to the appropriate statute, the school administrative unit's percentage of economically disadvantaged students are above the state average, and the school administrative unit must actually operate a school.

The amount of the adjustment is the difference between the state share of the allocation and the amount computed as the school administrative unit's allocation for economically disadvantaged students, which the appropriate statute specifies the percentage currently of special education funds that a minimum receiver actually receives. This percentage is scheduled to be 35% in the school year 2011-12. This amendment adds to the 35% of special education costs, currently provided to minimum receivers, an equal 35% of the amount calculated by the EPS formula for disadvantaged students only for those minimum receiving school districts that operate a school that has a disadvantaged student population above the state average.

If this amendment had been in effect this year it would have benefited 7 small school districts with high levels of poverty and involved a cost shift of \$162,796, roughly \$20,000 per district. I request your support of this amendment that would become effective in 2011-2012. Thank you very much.

Representative CAIN of Orono moved that **House Amendment "A" (H-794) to Committee Amendment "A" (H-790) be INDEFINITELY POSTPONED.**

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Cain.

Representative **CAIN**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I am happy to stand before you and say that this budget, which this amendment proposes to address, does not include any changes to the Essential Programs and Services formula. That was the resounding message that we heard from every superintendent that came before us during the public hearings and in the work sessions that followed. They said, this is not the time to adjust the formula. The way the money was pulled out of the formula in the proposed cuts is exactly the way it should be restored. I am very glad that there are not changes to the Essential Programs and Services formula in this budget. I'm glad that that work remains with the Education Committee.

I would also add that when changes are made to the EPS formula, there is a ripple effect across the entire allocations to every district across the state. When you adjust one part, it either takes away or adds to everybody else's. I feel comfortable and confident, Madam Speaker, that this budget, without this amendment, responsibly restores the funding that was set to be cut in the exact same way it was pulled out in the first place. Thank you, Madam Speaker.

Representative **JOHNSON** of Greenville **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-794) to Committee Amendment "A" (H-790)**.

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 Chapman, Representative Sutherland.

Representative **SUTHERLAND**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Very briefly, I totally understand the problem my colleague was talking about; however, as he referenced, there is a better vehicle by which to look at the entire funding formula. As the good chair of the Appropriations Committee pointed out, once you tweak one piece, it's like dominos and so it has to be all looked at together. So I would encourage you please to follow my light. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-794) to Committee Amendment "A" (H-790). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 330

YEA - Adams, Beaudette, Beaudoin, Beck, Berry, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Butterfield, Cain, Carey, Casavant, Cleary, Cohen, Connor, Cornell du Houx, Crockett P, Dill, Dostie, Driscoll, Duchesne, Eberle, Eves, Finch, Flaherty, Flemings, Flood, Goode, Hanley, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath, Kent, Knapp, Kruger, Lajoie, Legg, Lovejoy, Magnan, Martin JR, Martin JL, Mazurek, McCabe, Miller, Millett, Morrison, Nelson, Nutting, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Piotti, Pratt, Priest, Rankin, Robinson, Rotundo, Russell, Sanborn, Shaw, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Sykes, Tardy, Theriault, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner R, Watson, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Austin, Ayotte, Beaulieu, Bickford, Browne W, Burns, Cebra, Celli, Chase, Clark H, Clark T, Cotta, Crafts, Cray, Crockett J, Curtis, Davis, Eaton, Edgecomb, Fitts, Fletcher, Fossel, Gifford, Gilbert, Giles, Greeley, Hamper, Harvell, Johnson, Joy, Knight, Langley, Lewin, MacDonald, McFadden, McKane, McLeod, Nass, Pinkham, Plummer, Prescott,

Richardson D, Richardson W, Sarty, Saviello, Schatz, Sykes, Thibodeau, Thomas, Tilton, Wagner J, Weaver.

ABSENT - Campbell, Cushing, Rosen.

Yes, 96; No, 52; Absent, 3; Excused, 0.

96 having voted in the affirmative and 52 voted in the negative, with 3 being absent, and accordingly **House Amendment "B" (H-794) to Committee Amendment "A" (H-790) was INDEFINITELY POSTPONED.**

Committee Amendment "A" (H-790) as Amended by House Amendment "C" (H-798) 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.**

Representative **TARDY** of Newport **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended.**

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Engrossed. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 331

YEA - Adams, Beaudette, Beaudoin, Beaulieu, Beck, Berry, Blanchard, Blodgett, Boland, Bolduc, Briggs, Browne W, Bryant, Butterfield, Cain, Carey, Casavant, Clark H, Cleary, Cohen, Connor, Cornell du Houx, Cotta, Crockett P, Curtis, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Eves, Finch, Fitts, Flaherty, Flemings, Flood, Fossel, Gilbert, Giles, Goode, Hanley, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath, Kent, Knapp, Kruger, Lajoie, Langley, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, Miller, Millett, Morrison, Nelson, Nutting, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Pinkham, Piotti, Pratt, Priest, Rankin, Richardson D, Robinson, Rotundo, Russell, Sanborn, Schatz, Shaw, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Sykes, Tardy, Theriault, Tilton, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Austin, Ayotte, Bickford, Burns, Cebra, Celli, Chase, Clark T, Crafts, Cray, Crockett J, Davis, Edgecomb, Fletcher, Gifford, Greeley, Hamper, Harvell, Johnson, Joy, Knight, Lewin, McFadden, McKane, McLeod, Nass, Plummer, Prescott, Richardson W, Sarty, Saviello, Thibodeau, Thomas, Weaver.

ABSENT - Campbell, Cushing, Rosen.

Yes, 114; No, 34; Absent, 3; Excused, 0.

114 having voted in the affirmative and 34 voted in the negative, with 3 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-790) as Amended by House Amendment "C" (H-798) thereto and sent for concurrence. ORDERED SENT FORTHWITH.**

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

BILLS IN THE SECOND READING

Senate as Amended

Bill "An Act To Promote the Establishment of Innovative Schools" (EMERGENCY)

(S.P. 706) (L.D. 1801)

(C. "A" S-455)

Was reported by the Committee on **Bills in the Second Reading** and **READ** the second time.