

MAINE STATE LEGISLATURE

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One Hundred and Twenty-Sixth Legislature
State of Maine

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Hobbins, Hubbell, Jackson, Johnson D, Johnson P, Jones, Jorgensen, Kaenrath, Kent, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Newendyke, Noon, Nutting, Parry, Pease, Peavey Haskell, Peoples, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Saxton, Schneck, Shaw, Short, Sirocki, Stanley, Stuckey, Theriault, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Verow, Villa, Volk, Wallace, Weaver, Welsh, Werts, Willette, Wilson, Winchenbach, Wood, Mr. Speaker.

NAY - Libby A.

ABSENT - Ayotte, Beaudoin, Bolduc, Campbell R, Doak, MacDonald S, Peterson, Winsor.

Yes, 142; No, 1; Absent, 8; Excused, 0.

142 having voted in the affirmative and 1 voted in the negative, with 8 being absent, and accordingly **House Amendment "A" (H-557) to Committee Amendment "A" (S-303)** was **ADOPTED**.

Committee Amendment "A" (S-303) as Amended by House Amendment "A" (H-557) 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" (S-303) as Amended by House Amendment "A" (H-557)** thereto in **NON-CONCURRENCE** and sent for concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-552)** on Bill "An Act To Change the Voting Requirements for the Withdrawal of a Municipality from a Regional School Unit" (EMERGENCY)

(H.P. 534) (L.D. 783)

Signed:

Senators:

MILLETT of Cumberland
LANGLEY of Hancock

Representatives:

MacDONALD of Boothbay
DAUGHTRY of Brunswick
HUBBELL of Bar Harbor
KORNFIELD of Bangor
MAKER of Calais
McCLELLAN of Raymond
NELSON of Falmouth
POULIOT of Augusta
RANKIN of Hiram

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

Signed:

Senator:

JOHNSON of Lincoln

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-552)** Report.

READ.

On motion of Representative MacDONALD of Boothbay, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-552)** was **READ** by the Clerk.

Representative MALABY of Hancock **PRESENTED House Amendment "A" (H-561) to Committee Amendment "A" (H-552)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Hancock, Representative Malaby.

Representative **MALABY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill has two components. One is to permit those schools which seek to withdraw from an RSU to do so with a simple majority, at least that was the original part. The amended version says for a two-thirds vote. The other component would be to force, not force but if after 90 days an agreement can't be reached, a facilitator need be appointed. When it came back from OFPR, it had a fiscal note attached to it. I sought to minimize that fiscal note by including some unallocated language within this amendment that speaks to the fact that if an SAU or community wishes to withdraw from an RSU, there would be no increase in the state component of their appropriations for administration, no EPS increase in that component, and that helped minimize the fiscal note, and I thank you and I ask for your vote.

Subsequently, **House Amendment "A" (H-561) to Committee Amendment "A" (H-552)** was **ADOPTED**.

Committee Amendment "A" (H-552) as Amended by House Amendment "A" (H-561) 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-552) as Amended by House Amendment "A" (H-561)** thereto and sent for concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Ensure Statewide School Accountability and Improvement"

(H.P. 1085) (L.D. 1510)

Signed:

Senators:

MILLETT of Cumberland
JOHNSON of Lincoln

Representatives:

MacDONALD of Boothbay
DAUGHTRY of Brunswick
HUBBELL of Bar Harbor
KORNFIELD of Bangor
NELSON of Falmouth
RANKIN of Hiram

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-558)** on same Bill.

Signed:

Senator:

LANGLEY of Hancock

Representatives:

JOHNSON of Greenville

MAKER of Calais
McCLELLAN of Raymond
POULIOT of Augusta

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought Not to Pass** Report.

READ.

Representative MacDONALD of Boothbay moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The **SPEAKER**: The Chair recognizes the Representative from Boothbay, Representative MacDonald.

Representative **MacDONALD**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. This is a bill that I see as the follow on to the grading system that was put in place by the Department of Education and the present administration, whereby schools were graded A through F. This bill would give the Commissioner power to essentially do a state takeover of failing schools. It expands the Commissioner's so-called failing schools. My worry is that the methods that will be used to designate schools as failing are really similar to or perhaps even exactly similar to the methods that were used to identify schools as failing schools in this past year when that system was put in place. This bill would seek to expand the power of the Commissioner to not only disapprove schools or designate schools are failing, not only Title I schools but all schools in the state would require a school improvement plan be put in place and if that school improvement plan was not working as deemed by the Commissioner, the Commissioner's power would be expanded to bring in a turnaround team, if you will, to the school which would include replacing principals, putting staff members under improvement plans or rather professional development plans that were put together, designed by the state Department of Education. It could redesign the school day. It could redesign school curriculum. It could even go into, the Commissioner and the Department of Education could even look into nonacademic issues, such as safety measures and discipline within the school. I see this as nothing but an extension of that A through F grading system that was flawed and I believe it represents an unwarranted potential takeover of local public schools by the state Department of Education. Mr. Speaker, we all want better schools, but this is a punitive law, as I see it, or bill that would propose to be a law, that would probably be most punishing to those school districts that have disadvantaged kids in them where education is hardest. I also would point out that anyone who supports this bill, it seems to me, is implicitly supporting the power of the state over local control. This bill seeks to provide a system by which the Commissioner of Education, the Department of Education can move in, take over a local school essentially, which they deem to be failing, and take it over from local control. To me, supporting this bill essentially says the state knows better than the localities as to what constitutes an adequate education at the local level. Mr. Speaker, for all of those reasons, I am standing in support of the Majority Ought Not to Pass and would ask that the rest of the House join me in supporting the Ought Not to Pass on this bill. Thank you, Mr. Speaker.

Representative BERRY of Bowdoinham **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** 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 Bangor, Representative Kornfield.

Representative **KORNFIELD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I've been a public

school teacher all my life, so admittedly I am biased, but I happen to think that the public schools in Maine are pretty darn good. But let's be more specific. We represent the entire state and I want each of you to think about the public schools you represent. Are any of them so bad that the state should take them over, fire the principal and teachers, as well as let students leave to go to a private school or another public school at the town's expense? We all talk about local control and most of us believe in it. If there is a problem in a school, the place to start is the school board. You need to talk to the school board if there is a problem and you want change, or reelect the people who are on the school board. They are an elected body. Talk to them and then don't reelect them if there is really this much of a problem. So let's not talk about state takeover of our public schools. Thank you, Mr. Speaker.

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

Representative **JOHNSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I disagree with almost all of what has been said here, with the exception of that we have many good schools in Maine. This bill is not designed to close schools and I think characterization of that is disingenuous at best. This is a bill that would allow a mechanism for the Department of Education to provide assistance to those schools that are struggling, and I would request that the Clerk read the report.

The same Representative **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

The **SPEAKER**: The Chair recognizes the Representative from Morrill, Representative Pease.

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

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

Representative **PEASE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'd like to pose a question through the Speaker. Yesterday and today, we have been talking about school bills. We keep hearing about punitive law and punitive rules. I do not know that this has ever been to a court, so are we talking punitive by the court decision or by someone's opinion. Thank you.

The **SPEAKER**: The Representative from Morrill, Representative Pease, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Boothbay, Representative MacDonald.

Representative **MacDONALD**: Mr. Speaker, thank you and my attempt, my answer to that question will be that this bill in and of itself establishes what I would call punitive measures that will be put in place by the Department of Education. It does not involve court proceedings of any kind. While I am up, I might try to address what I think is a misinterpretation of my comments by my good friend, the Representative from Greenville, Representative Johnson. This bill does not call for the closing of any schools. That is not what this bill is about. It does call for and I can read to you from the bill. It does call where schools are deemed to be failing by the Commissioner, it does provide for replacing the current -- and I'm reading from the bill -- "replacing the current principal if that principal is not capable of leading turnaround efforts" It calls for "Ensuring that teachers are effective by reviewing, [at the state level], the quality of staff and retaining those determined to be effective" This is again the Commissioner and the state that are doing this. "Redesigning the school day, week or year to include additional time for student learning and teacher collaboration." It sounds great, but this is all based upon judgments that will be made by the Commissioner

and by the state Department of Education, essentially taking over the operation of the school that is deemed to be not approved or ineffective under this bill. Again, I refer you back to the failed grading system that was used by this administration and by the current Department of Education to label schools as failing. We all saw what happened there. We know that there was a problem with that whole system because it started to label schools, it did label schools with disadvantaged students as being primarily those schools. There were some exceptions, but that's where the target was, where the F's were. Schools that are having a hard time educating students, students with high levels of poverty. We want to help them. We don't want to blame them. We don't believe, I don't believe and I think the majority of the committee does not believe that the Commissioner of Education or the state Department has the solution to their problems. The solution to their problems lies in better local schools, accountable school boards, enough resources in those school districts so that those students can be adequately taught, not a state takeover of those schools. Thank you, Mr. Speaker.

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

Representative **McCLELLAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As often happens, the Representative from Greenville has said much of what I would have said. I'll just add a few more points to the discussion. I heard the comment made a few times that this is a local versus state issue and I would beg to differ. I would say the theme of our committee this year was "institutions versus kids." This year, most of the bills I would say, or many of the bills, and I would say the budget, sought to just place no accountability on our school systems. One day in the hallway, I spoke with some of the leaders of the NEA, the local union, and I asked them if they thought the schools in Maine were good, and they said, "Excellent." I said, "Every school?" They said, "Yes, every school in Maine was excellent." Now, there is a local school in my area, it's not in my district but nearby, that, over time, with the Bush law on accrediting schools, had some very poor results and they were at risk of having their principal removed. A good man, I know him well and he made a choice to retire before he was removed, and it was a very painful thing for that community, but their achievements weren't very strong. And I just noticed in the paper, this year, after a three or four years difference, that school is being held up to some of their accomplishments now nationally. Yes, there are occasions when perhaps we do need to step in because the school board doesn't choose to spend the money the schools should have or for other reasons like that. Mr. Speaker, just in closing, again, on the committee, to me, this year, the theme was "institutions versus kids" and institutions are winning. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Naples, Representative Powers.

Representative **POWERS**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I just wanted to clarify what the good Representative from Raymond, Representative McClellan, said about Lake Region High School. With this law, Lake Region High School received a D after this improvement, and this D grade was received after the Commissioner had been at that high school two weeks prior and had said, "Wow, when the grades come out, we're going to hold this school up as a standard in how improving schools are working." Then the D grade came and that was based on a lot of misnomers, a lot of factors that were really taken out of context. I just want to make sure that we understand that there is a lot of danger here and it is a great high school, they are making great strides, but they would be taken over if this bill passed. Thank you.

The SPEAKER: The Chair recognizes the Representative from Calais, Representative Maker.

Representative **MAKER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to agree with a lot of what our good Representative from Raymond said. The federal government has put out a listing of poor performing schools for quite a while. I asked at the committee level and I will ask again now. I would like to see a comparison, see how those schools have improved. I was disappointed in this. I think you heard yesterday that there were some of us that didn't like the grading system, but in these particular bills, there was no discussion between the two. That's why that the majority passed most of these. There was no discussion to see if maybe we agreed with some of these statements they were saying. They were bound that these bills were not going to pass with no discussion and no hope. I mean, there are schools, and I have to say I have one in my area that needs improvement and I would welcome the help to get that. I don't know what that help would be, but I think by saying not to pass it, then they don't have to help them pass it. They don't have to help my school or any other school in the State of Maine because not all schools are great. There are a lot that are, but there are some that need some help. I will be voting in opposition to this. Thank you, Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 372

YEA - Beaulieu, Beavers, Beck, Berry, Boland, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby A, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nelson, Noon, Peoples, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Villa, Welsh, Werts, Mr. Speaker.

NAY - Ayotte, Bennett, Black, Campbell R, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harvell, Jackson, Johnson D, Johnson P, Keschl, Kinney, Lockman, Long, Maker, Malaby, Marean, McClellan, McElwee, Nadeau A, Nadeau C, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Pouliot, Reed, Sanderson, Sirocki, Timberlake, Turner, Tyler, Verow, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Beaudoin, Bolduc, Doak, MacDonald S, Peterson.

Yes, 91; No, 55; Absent, 5; Excused, 0.

91 having voted in the affirmative and 55 voted in the negative, with 5 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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