

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Sixth Legislature
State of Maine

Daily Edition

First Regular Session
beginning December 5, 2012

beginning at Page 1

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Buy American-made Products"
S.P. 311 L.D. 890
(C "A" S-303)

In Senate, June 18, 2013, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-303)**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-303) AS AMENDED BY HOUSE AMENDMENT "A" (H-557)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **GOODALL** of Sagadahoc, the Senate **RECEDED** and **CONCURRED**.

Out of order and under suspension of the Rules, the Senate considered the following:

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** 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

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-552)**.

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

The Minority of the same Committee on the same subject reported that the same **Ought Not To Pass**.

Signed:

Senator:

JOHNSON of Lincoln

(Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought To Pass as Amended** Report.)

Comes from the House 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" (H-552) AS AMENDED BY HOUSE AMENDMENT "A" (H-561)** thereto.

Reports **READ**.

Senator **MILLETT** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Johnson.

Senator **JOHNSON:** Thank you Mr. President. Ladies and gentlemen, I rise to speak in opposition to the pending motion. We've got a number of towns going through this process, in my own school district as a matter of fact. The history of this is that originally the withdrawal, the requirement, was a two-thirds vote of the community in order to withdraw. I was persuaded to join, in the last Legislature, to changing that to 50% of the voters that turned out in the most recent Gubernatorial election. What this would do is lower that to half the people that show up to vote the matter of whether to withdraw or not. That's a very low bar to be undoing an agreement which a lot of work goes into. A lot of work goes into communities being part of school systems and trying to make those school systems work, trying to make them better, and working to build a larger community of teachers and students that share their experiences and help each other succeed. I don't think it's advisable that we treat this so lightly. We want to undo school systems that have joined together with merely a vote of half that bothered to show up on the day that they vote. I think that that's irresponsible and I would remind people that there have been an awful lot of elections lately, and we heard about this in front of the Education Committee on a number of bills, in which the turnout was a frighteningly small percentage of the population, particularly for issues that are not major elections. It seems to me that this a bit like a marriage. You get into a marriage by saying "I do" but getting out of one takes a little more work, and for good reason, because there's a lot of involvement, a lot of commitment, and a lot of things that depend upon what you build in that marriage together. I urge you to vote with me against the pending motion. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Langley.

Senator **LANGLEY:** Thank you Mr. President. Men and women of the Senate, I rise to support this, the Majority Report. We've worked on this a couple of sessions now and while I would agree that in most cases you would want to have a system in place that made it a little bit more cumbersome to get out, to make people really think about that, but the system to get in was just a majority. In my town a little over 200 people showed up for that vote to get

into an RSU. It seems like it would be fair to do it just the same way to get out. The circumstances were then, almost a foregone conclusion, that you were going to face penalties if you didn't vote for consolidation. The sort of stick to that was if you didn't vote you were going to be penalized, a withholding of GPA. A town that was nearby me that I represented when I served in the other Body stuck to their guns and did not. They voted not to join, not to consolidate, and, as the years have gone by, they have looked like the ones who took the better road. They said "We'll forego, we'll take the penalties from that." As it turned out, that was the better way to go. It will be interesting to note, maybe some of the irony, I think the good Senator from Lincoln will have the same position as the second floor will have on this particular bill. It will be interesting if it comes back to us, the irony in that. My district is involved in this process at this very moment. In talking to my colleagues who I taught school with for over 30 years and the kids and the parents, finding a way to sort of get out and get our system back under local control is very important. Thank you and I appreciate the support on this vote.

On motion by Senator **JACKSON** of Aroostook, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Johnson.

Senator **JOHNSON:** Thank you Mr. President. Ladies and gentlemen, since the roll call has been taken care of that part of my reason to stand is taken care of. I did want to briefly mention and remind people that what we're voting on here would make it easier; it would lower the requirement for exiting. I'm not looking to increase and I'm not looking to make it harder for people, but I don't think that we should say that a small percentage of a community turning out should undermine the structure put in place by a lot of people working to make a good school system and try to make it better. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Millett to Accept the Majority Ought to Pass as Amended Report, in concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#324)

YEAS: Senators: BURNS, COLLINS, CUSHING, DUTREMBLE, FLOOD, HAMPER, KATZ, LANGLEY, MASON, MILLETT, PATRICK, PLUMMER, SAVIELLO, SHERMAN, THOMAS, VALENTINO, WHITTEMORE, YOUNGBLOOD

NAYS: Senators: BOYLE, CAIN, CLEVELAND, CRAVEN, GERZOFISKY, GOODALL, GRATWICK, HASKELL, HILL, JACKSON, JOHNSON, LACHOWICZ, MAZUREK, THIBODEAU, TUTTLE, WOODBURY, THE PRESIDENT - JUSTIN L. ALFOND

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **MILLETT** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-552) **READ**.

House Amendment "A" (H-561) to Committee Amendment "A" (H-552) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-552) as Amended by House Amendment "A" (H-561) thereto, **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Ensure Statewide School Accountability and Improvement"

H.P. 1085 L.D. 1510

Reported that the same **Ought Not to Pass**.

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-558)**.

Signed:

Senator:

LANGLEY of Hancock