

MAINE STATE LEGISLATURE

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

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May 26, 2005 – June 17, 2005

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ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
SECOND REGULAR SESSION
27th Legislative Day
Thursday, March 23, 2006

The House met according to adjournment and was called to order by the Speaker.

Prayer by Reverend Glenn Coombs, Chebeague United Methodist Church, Chebeague Island.

National Anthem by Mahoney Middle School 8th Grade Band, South Portland.

Pledge of Allegiance.

Doctor of the day, John Alexander, M.D., York.

The Journal of yesterday was read and approved.

COMMUNICATIONS

The Following Communication: (S.P. 819)

**STATE OF MAINE
122ND MAINE LEGISLATURE**

March 20, 2006

Sen. Lynn Bromley

Senate Chair, Joint Standing Committee on Business, Research and Economic Development

Rep. Nancy E. Smith

House Chair, Joint Standing Committee on Business, Research and Economic Development

122nd Legislature

Augusta, ME 04333

Dear Senator Bromley and Representative Smith:

Please be advised that Governor John E. Baldacci has nominated Donald Gean of Alfred for appointment to the Maine State Housing Authority.

Pursuant to Title 30-A M.R.S.A. §4723, this nomination will require review by the Joint Standing Committee on Business, Research and Economic Development and confirmation by the Senate.

Sincerely,

S/Beth Edmonds

President of the Senate

S/John Richardson

Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**.

READ and **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

The Following Communication: (S.P. 820)

**STATE OF MAINE
122ND MAINE LEGISLATURE**

March 20, 2006

Sen. Dennis S. Damon

Senate Chair, Joint Standing Committee on Marine Resources

Rep. Leila J. Percy

House Chair, Joint Standing Committee on Marine Resources

122nd Legislature

Augusta, ME 04333

Dear Senator Damon and Representative Percy:

Please be advised that Governor John E. Baldacci has nominated Timothy Harper of Mount Desert for appointment to the Marine Resources Advisory Council.

Pursuant to Title 12 M.R.S.A. §6024, this nomination will require review by the Joint Standing Committee on Marine Resources and confirmation by the Senate.

Sincerely,

S/Beth Edmonds

President of the Senate

S/John Richardson

Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **MARINE RESOURCES**.

READ and **REFERRED** to the Committee on **MARINE RESOURCES** in concurrence.

The Following Communication: (S.P. 821)

**STATE OF MAINE
122ND MAINE LEGISLATURE**

March 20, 2006

Sen. John M. Nutting

Senate Chair, Joint Standing Committee on Agriculture, Conservation and Forestry

Rep. John F. Piotti

House Chair, Joint Standing Committee on Agriculture, Conservation and Forestry

122nd Legislature

Augusta, ME 04333

Dear Senator Nutting and Representative Piotti:

Please be advised that Governor John E. Baldacci has nominated Richard Stevenson of Bath for appointment to the Board of Pesticides Control.

Pursuant to Title 22 M.R.S.A. §1471-B, this nomination will require review by the Joint Standing Committee on Agriculture, Conservation and Forestry and confirmation by the Senate.

Sincerely,

S/Beth Edmonds

President of the Senate

S/John Richardson

Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

READ and **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

The Following Communication: (S.P. 822)

**STATE OF MAINE
122ND MAINE LEGISLATURE**

March 20, 2006

Sen. Elizabeth M. Schneider

Senate Chair, Joint Standing Committee on State and Local Government

Rep. Christopher R. Barstow

House Chair, Joint Standing Committee on State and Local Government

122nd Legislature

Augusta, ME 04333

Dear Senator Schneider and Representative Barstow:

Please be advised that Governor John E. Baldacci has nominated Peter Cary of Cape Elizabeth for reappointment to the Maine Government Facilities Authority.

Pursuant to Title 4 M.R.S.A. §1602, this nomination will require review by the Joint Standing Committee on State and Local Government and confirmation by the Senate.

Sincerely,
S/Beth Edmonds
President of the Senate
S/John Richardson
Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

READ and **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** in concurrence.

The Following Communication: (S.P. 823)

STATE OF MAINE
122ND MAINE LEGISLATURE

March 20, 2006

Sen. Elizabeth M. Schneider
Senate Chair, Joint Standing Committee on State and Local Government
Rep. Christopher R. Barstow
House Chair, Joint Standing Committee on State and Local Government
122nd Legislature
Augusta, ME 04333

Dear Senator Schneider and Representative Barstow:
Please be advised that Governor John E. Baldacci has nominated Elaine Clark of Cumberland for appointment to the Maine Government Facilities Authority.
Pursuant to Title 4 M.R.S.A. §1602, this nomination will require review by the Joint Standing Committee on State and Local Government and confirmation by the Senate.

Sincerely,
S/Beth Edmonds
President of the Senate
S/John Richardson
Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

READ and **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** in concurrence.

The Following Communication: (S.P. 824)

STATE OF MAINE
122ND MAINE LEGISLATURE

March 20, 2006

Sen. Bruce S. Bryant
Senate Chair, Joint Standing Committee on Inland Fisheries and Wildlife
Rep. Thomas R. Watson
House Chair, Joint Standing Committee on Inland Fisheries and Wildlife
122nd Legislature
Augusta, ME 04333

Dear Senator Bryant and Representative Watson:
Please be advised that Governor John E. Baldacci has nominated Joseph Clark of Millinocket for appointment to the Inland Fisheries and Wildlife Advisory Council.
Pursuant to Title 12 M.R.S.A. §10151, this nomination will require review by the Joint Standing Committee on Inland Fisheries and Wildlife and confirmation by the Senate.

Sincerely,
S/Beth Edmonds
President of the Senate
S/John Richardson

Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE**.

READ and **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** in concurrence.

The Following Communication: (S.P. 825)

STATE OF MAINE
122ND MAINE LEGISLATURE

March 20, 2006

Sen. Elizabeth H. Mitchell
Senate Chair, Joint Standing Committee on Education and Cultural Affairs
Rep. Jacqueline R. Norton
House Chair, Joint Standing Committee on Education and Cultural Affairs
122nd Legislature
Augusta, ME 04333

Dear Senator Mitchell and Representative Norton:
Please be advised that Governor John E. Baldacci has nominated the following as members to the Maine Community College System Board of Trustees:
Daniel Wathen of Augusta for reappointment
Dennis King of Freeport for reappointment
Carol Epstein of Bangor for appointment
Pursuant to Title 20-A M.R.S.A. §12705, these nominations will require review by the Joint Standing Committee on Education and Cultural Affairs and confirmation by the Senate.

Sincerely,
S/Beth Edmonds
President of the Senate
S/John Richardson
Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

READ and **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

The Following Communication: (S.P. 826)

STATE OF MAINE
122ND MAINE LEGISLATURE

March 20, 2006

Sen. Lynn Bromley
Senate Chair, Joint Standing Committee on Business, Research and Economic Development
Rep. Nancy E. Smith
House Chair, Joint Standing Committee on Business, Research and Economic Development
122nd Legislature
Augusta, ME 04333

Dear Senator Bromley and Representative Smith:
Please be advised that Governor John E. Baldacci has nominated the following as members to the Washington County Development Authority:
Edward Pellon of Machias for appointment
Scott Harriman of Machias for appointment
Normand Laberge of Trescott for appointment
James Frey of Milbridge for appointment
James Parker of Veazie for appointment
David Burns of Whiting for appointment

James Porter of Calais for appointment
Robert Tyler of Calais for appointment
Eric Robinson of Alexander for appointment
Pursuant to Title 5 M.R.S.A. §13083-C, these nominations will require review by the Joint Standing Committee on Business, Research and Economic Development and confirmation by the Senate.

Sincerely,
S/Beth Edmonds
President of the Senate
S/John Richardson
Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**.

READ and **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

The Following Communication: (S.C. 552)

**MAINE SENATE
122ND LEGISLATURE
OFFICE OF THE SECRETARY**

March 22, 2006
Honorable John Richardson
Speaker of the House
2 State House Station
Augusta, ME 04333-0002

Dear Speaker Richardson:

In accordance with Joint Rule 506 of the 122nd Maine Legislature, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Committee on Legal and Veterans Affairs as members of the State Liquor and Lottery Commission:

Orland G. McPherson of Eliot for reappointment;

Michael T. Peters of Dixfield for appointment;

Peter W. Danton of Saco for reappointment.

Upon the recommendation of the Committee on Natural Resources to the Environmental Protection Board:

M. Wing Goodale of Gorham for appointment;

Nancy C. Ziegler of South Portland for reappointment.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and **ORDERED PLACED ON FILE**.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Pursuant to Statute)

Department of Inland Fisheries and Wildlife

Representative WATSON for the **Department of Inland Fisheries and Wildlife** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 10: Significant Wildlife Habitat, a Major Substantive Rule of the Department of Inland Fisheries and Wildlife (EMERGENCY)

(H.P. 1481) (L.D. 2090)

Be **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218 in **NON-CONCURRENCE** and sent for concurrence.

ORDERS

On motion of Representative TARDY of Newport, the following Joint Order: (H.P. 1482)

ORDERED, the Senate concurring, that the Joint Standing Committee on Legal and Veterans Affairs shall study the adequacy of information provided by the Office of the Secretary of State regarding referendum questions and the accessibility of this information to the citizens of this State. The committee may report out, to the House, a bill relating to the study.

READ and **PASSED**.

Sent for concurrence.

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 57)

ORDERED, that Representative Jeff Kaelin of Winterport be excused Thursday, March 16th for personal reasons.

READ and **PASSED**.

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 519 and Joint Rule 213, the following items:

Recognizing:

the following members of the Maranacook Community High School Girls Alpine Ski Team, of Readfield, on their winning the 2006 Class B State Championship: skiers Alice Berry, Mary Berry, Jillian Blouin, Sasha Bogdan, Jen Bourget, Kayla Brown, Ashley Cox, Emily Crowell, Hannah DeAngelis, Katie Dutille, Katie Evans, Lauren Fish, Lyvia Gaewsky, Amy Gifford, Whitney Gill, Emily Harriman, Dencie Leveen, Val Lucas, Jen Monsulick, Catherine Nurse, Liz Nurse, Emily Perkins, Emma Prysunka, Monica Purington, Haley Schwartz, Aashley Thompson, Jane Tyler, Katie Whittemore, Morgan Wick and Annah Young; Head Coaches Ronn Gifford and Steve DeAngelis; and Assistant Coaches John Whitney and Kim Lynch. We extend our congratulations and best wishes to the team on this achievement; (HLS 1758)

Presented by Representative FLOOD of Winthrop. Cosponsored by Senator COWGER of Kennebec, Senator WOODCOCK of Franklin, Representative MOODY of Manchester, Representative JENNINGS of Leeds.

On **OBJECTION** of Representative FLOOD of Winthrop, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Winthrop, Representative Flood.

Representative **FLOOD**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to add my personal congratulations to the student athletes on the Maranacook ski team and their coaches.

The sports of cross country and alpine skiing have been long traditions at our school in Maranacook and I suspect that is because they have had a very strong and caring coaching staff throughout that time. I know that the teachings of this particular group from Coach DeAngelis and Coach Gifford and their assistants. They have the reputation of teaching not only life skills and ethics and so forth, but also the excellent techniques of classical, freestyle and slalom skiing.

I met all of these young people today and I am very, very impressed with them. I am proud of the staff for the values that they bring to our young people and I am proud of the athletes for their good sportsmanship, their well behaved manner and their

accomplishments and I am glad that they came here today to enjoy their season one more time and I want to say congratulations to the black bears. Thank you Mr. Speaker.

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

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought Not to Pass** on Bill "An Act To Ensure Certain Protections to Communities Hosting Waste-to-energy Facilities"

(S.P. 560) (L.D. 1578)

Signed:

Senators:

COWGER of Kennebec
MARTIN of Aroostook
SNOWE-MELLO of Androscoggin

Representatives:

JOY of Crystal
WHEELER of Kittery
DAIGLE of Arundel
DUCHESNE of Hudson
ANNIS of Dover-Foxcroft
EBERLE of South Portland
KOFFMAN of Bar Harbor
ROSEN of Bucksport
THOMPSON of China

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-507)** on same Bill.

Signed:

Representative:

TWOMEY of Biddeford

Came from the Senate with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

READ.

Representative DUCHESNE of Hudson moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Twomey.

Representative **TWOMEY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This is really about my community and communities that have facilities like incinerators in them and I would, just out of respect to the people that I represent, would ask for a roll call so that I could vote in opposition to this. Thank you.

Representative TWOMEY of Biddeford **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: 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. 388

YEA - Annis, Ash, Austin, Berube, Bierman, Bishop, Blanchard, Blanchette, Bliss, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant-Deschenes, Burns, Cain, Carr, Cebra, Churchill, Clark, Clough, Collins, Cressey, Crosthwaite, Cummings, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dugay, Dunn, Duplessie, Duprey, Eberle, Edgecomb, Emery, Faircloth, Farrington, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Glynn, Goldman, Hall, Hamper, Hanley B, Hanley S, Harlow, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Koffman, Lerman, Lewin, Lindell, Makas, Marean, Marley, Marraché, McCormick, McKane, McKenney, McLeod, Merrill, Millett, Moore G, Moulton, Muse, Nass, Nutting, O'Brien, Ott, Percy, Pineau, Pingree, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Sampson, Saviello, Seavey, Sherman, Shields, Simpson, Smith N, Stedman, Sykes, Tardy, Thomas, Thompson, Trahan, Vaughan, Watson, Wheeler, Woodbury.

NAY - Adams, Babbidge, Beaudette, Bryant, Campbell, Canavan, Craven, Crosby, Eder, Finch, Grose, Hogan, Hutton, Jackson, Lundeen, Mazurek, Moody, Norton, Patrick, Perry, Pilon, Pinkham, Rines, Schatz, Smith W, Twomey, Valentino, Webster, Mr. Speaker.

ABSENT - Barstow, Bowen, Dudley, Fischer, Greeley, Hotham, Lansley, McFadden, Miller, Mills, Paradis, Tuttle, Walcott.

Yes, 109; No, 29; Absent, 13; Excused, 0.

109 having voted in the affirmative and 29 voted in the negative, with 13 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

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

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Implement Recommendations of the Study Commission Regarding Liveable Wages Concerning the State Earned Income Tax Credit"

(H.P. 1428) (L.D. 2027)

Signed:

Senator:

COURTNEY of York

Representatives:

HANLEY of Paris
McCORMICK of West Gardiner
WOODBURY of Yarmouth
CLOUGH of Scarborough
BIERMAN of Sorrento
SEAVEY of Kennebunkport

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-865)** on same Bill.

Signed:

Senators:

STRIMLING of Cumberland
PERRY of Penobscot

Representatives:

CLARK of Millinocket
HUTTON of Bowdoinham
WATSON of Bath

READ.

Representative CLARK of Millinocket moved that the House **ACCEPT the Minority Ought to Pass as Amended Report.**

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

Six Members of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-860)** on Bill "An Act To Make Revisions to the Laws Governing Pesticide Control"

(H.P. 1330) (L.D. 1890)

Signed:

Representatives:

PIOTTI of Unity
JODREY of Bethel
JENNINGS of Leeds
MAREAN of Hollis
FLOOD of Winthrop
TWOMEY of Biddeford

Five Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-861)** on same Bill.

Signed:

Senator:

RAYE of Washington

Representatives:

CARR of Lincoln
LUNDEEN of Mars Hill
SHERMAN of Hodgdon
EDGECOMB of Caribou

Two Members of the same Committee report in Report "C" **Ought to Pass as Amended by Committee Amendment "C" (H-862)** on same Bill.

Signed:

Senators:

NUTTING of Androscoggin
BRYANT of Oxford

READ.

Representative PIOTTI of Unity moved that the House **ACCEPT Report "A" Ought to Pass as Amended.**

The SPEAKER: The Chair recognizes the Representative from Unity, Representative Piotti.

Representative PIOTTI: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This bill has three reports and the pending motion supports Report "A". But, before I talk about the differences in the three reports I wanted to talk a little bit about the similarities. All three reports include some changes to pesticide law dealing with the board of pesticide control that could have been contentious and controversial, but the committee worked them through and, on those provisions, came to a unanimous feeling and I am very proud of the committee's work for that. But there was one item that we couldn't come to agreement on and that deals with how the Board of Pesticide Control issues rules. Report "A", which is the pending motion, would keep rule making as it is done currently: in the hands of qualified experts within the Board of Pesticide Control. There is still a full public process with a public hearing and if there are ever problems with these rules any party has the right for redress to come and offer a bill and have the committee

deal with it, but it doesn't get the committee bogged down in the details of major and substantive rule making on a highly technical subject. Report "A" works for a lot of us because the system works. The Board of Pesticide Control has a very good track record of not making anyone happy. The environmentalists don't like them, sometimes the farmers don't like them, and sometimes the pesticide operators don't like them. They do a good job I think if everyone is a little bit on edge. It is not a politicized group and there rule making is not politicized and many of us feel that it should stay that way. Report "B" would make every rule and every amendment to every rule, no matter how small, have to come before the committee for review and, in essence, politicize rule making. Report "C", which is a bit of a compromise, although not really, would require that every new rule, but not amendments to old rules would need to come before the board. The pending motion, which supports Report "A", speaks to a practical, common sense, Maine way of doing things, which says don't fix it if it is not broken. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Lincoln, Representative Carr.

Representative CARR: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I just want to go on record saying that I agree with just about everything that the previous speaker mentioned. We did agree on the meat of the subject, but we do disagree on the matter in which the rules should be handled. We received a considerable amount of testimony on this bill and there were two people who spoke in favor and they were the sponsor and Bob Batteese of the Board of Pesticide Control. The others including Jim McGregor of the Maine Merchants' Association and people from the pest management family. Carolyn Manson of Maine Tourism, Bob Tardy, Chris O'Neil, Will Everett, Amy Joseph, and Greg Dugal of the Maine Inkeepers'. One of the things that I think, and I wrote it down to quote it again, was that Jim McGregor from the Maine Merchants' Association said, "The largest problem facing business now is not the Legislature, but the departments taking up rules when the Legislature is not in."

In the history of the Maine Legislature rule making is actually a new thing that has been developed over the last several years. I think that we would all agree that in the last few years rule making, which actually makes law without the Legislature being involved, has really increased and I think that we should all be concerned that there are things happening out there that we are not aware of and the best way to be aware of it is that if we are going to have rule making is to make sure that he departments bring back these rules and that they are reviewed by the people who have oversight over that committee. That is why I voted this way; that is why we have a divided report. We do agree on the rest of this, but I believe firmly that rule making should all be major substantive rules, especially in a case where these people, even though they are well qualified and know their job, it is still good to review what we do because we don't have all of the answers. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Saviello.

Representative SAVIELLO: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Today I will be supporting the Majority Report. As many of you know I used to be on the Board of Pesticide Control for fifteen years and served as the chair for eight of those fifteen years and we did a good job balancing all concerns. In fact, as my good friend said, many of our actions were always considered to be bad. Everybody was mad at us and it didn't matter whether it was the applicator or the environmental group and, in fact, many of our votes are

unanimous and on that board there are four applicators and three members of the public.

Years ago pesticides used to be in the newspaper all of the time. In fact, they were in there more times than I am. We don't need to start doing anything with this particular group. The board works; it is not broken. There are other groups that we need to fix and this is not one of them. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Hodgdon, Representative Sherman.

Representative **SHERMAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Representative Carr and I are on the same side on this bill and I think the thing that struck me was that Jim McGregor had written an article entitled "Thursdays' Government" and what he meant by that was that every Thursday you will see notices in the paper of rules and rule changes and I think that we have come to a point where many of us feel that there isn't adequate oversight on those rules and I think what we are talking about in part is that those major substantive rules really impact and effect people. So, all we are asking for is that someone take a look at that. I would commend our good chair, Representative Piotti. He has done a great job and has gotten us together on most things. This one just happens to be one that is a little bit different in our view.

Representative CARR of Lincoln **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought to Pass 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 acceptance of Report "A" Ought to Pass as Amended. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 389

YEA - Adams, Ash, Babbidge, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Brown R, Bryant, Burns, Cain, Campbell, Canavan, Churchill, Craven, Crosby, Cummings, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Fisher, Flood, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hogan, Hutton, Jennings, Jodrey, Koffman, Lerman, Makas, Marean, Marraché, Mazurek, McKane, Merrill, Millett, Moody, Muse, Nass, Norton, O'Brien, Patrick, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rector, Richardson W, Rines, Rosen, Sampson, Saviello, Schatz, Shields, Simpson, Smith N, Smith W, Sykes, Thompson, Trahan, Twomey, Valentino, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Bierman, Bishop, Bowen, Bowles, Browne W, Bryant-Deschenes, Carr, Cebra, Clark, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Duprey, Edgecomb, Emery, Finch, Fitts, Fletcher, Glynn, Hall, Hamper, Hanley B, Jackson, Jacobsen, Joy, Kaelin, Lewin, Lindell, Lundeen, McCormick, McKenney, McLeod, Moore G, Moulton, Nutting, Ott, Pinkham, Plummer, Richardson D, Richardson E, Richardson M, Robinson, Seavey, Sherman, Stedman, Tardy, Thomas, Vaughan.

ABSENT - Barstow, Berube, Dudley, Dugay, Fischer, Greeley, Hotham, Lansley, Marley, McFadden, Miller, Mills, Paradis, Tuttle, Walcott.

Yes, 83; No, 53; Absent, 15; Excused, 0.

83 having voted in the affirmative and 53 voted in the negative, with 15 being absent, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-860)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Monday, March 27, 2006.

CONSENT CALENDAR

First Day

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

(H.P. 1384) (L.D. 1976) Resolve, Regarding Legislative Review of Portions of Chapter 120: Release of Data to the Public, a Major Substantive Rule of the Maine Health Data Organization (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 1271) (L.D. 1831) Bill "An Act To Allow Law Enforcement Agencies To Maintain Public Sex Offender Registry Websites" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-867)**

(H.P. 1329) (L.D. 1889) Bill "An Act To Amend the Election Laws" (EMERGENCY) Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-866)**

(H.P. 1355) (L.D. 1914) Bill "An Act To Increase Wheelchair Van Services Reimbursement Rates" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-871)**

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

CONSENT CALENDAR

Second Day

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

(S.P. 627) (L.D. 1682) Bill "An Act To Support Sibling Rights in Child Welfare Custody Matters" (C. "A" S-500)

(S.P. 702) (L.D. 1785) Bill "An Act To Promote Economic Development by Enhancing Educational Opportunities" (C. "A" S-497)

(S.P. 723) (L.D. 1923) Bill "An Act To Maintain Standards for the Plumbing Profession" (C. "A" S-496)

(S.P. 737) (L.D. 1936) Bill "An Act To Include Oral Health Assessment with Other Preschool Testing for Maine's Children" (C. "A" S-498)

(S.P. 766) (L.D. 1986) Resolve, To Name the New Bridge over the Penobscot River (C. "A" S-503)

(S.P. 774) (L.D. 2012) Bill "An Act Amending and Restating the Charter of The President and Trustees of Colby College" (C. "A" S-501)

(H.P. 1431) (L.D. 2034) Bill "An Act Relating to Mergers and Consolidations of Corporations without Capital Stock" (EMERGENCY)

(H.P. 1445) (L.D. 2051) Resolve, To Name the New Bridge in Augusta Spanning the Kennebec River "Cushnoc Crossing"

(H.P. 893) (L.D. 1296) Bill "An Act To Provide for Victims of Trafficking" (C. "A" H-864)

(H.P. 1429) (L.D. 2031) Bill "An Act To Authorize Certain County Jail Employees To Perform Ministerial Functions Related to Preparing Personal Recognizance or Unsecured Appearance Bond" (EMERGENCY) (C. "A" H-863)

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

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 Continue the Tourism Cooperative Marketing Fund"

(S.P. 652) (L.D. 1698)
(C. "A" S-502)

Bill "An Act To Require the Maine State Retirement System To Divest Itself of Certain Holdings"

(S.P. 675) (L.D. 1758)
(C. "A" S-493)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the Senate Papers were **PASSED TO BE ENGROSSED AS AMENDED** in concurrence. **ORDERED SENT FORTHWITH**.

Bill "An Act Regarding the Sharing of Costs in Certain School Districts" (EMERGENCY)

(S.P. 750) (L.D. 1953)
(C. "A" S-495)

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

On motion of Representative BOWLES of Sanford, was **SET ASIDE**.

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENGROSSED as Amended** and later today assigned.

ENACTORS

Emergency Measure

An Act To Improve the Water Quality and Safety of Phillips Lake

(S.P. 691) (L.D. 1774)
(C. "A" S-484)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 127 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

Emergency Measure

An Act To Improve Water Monitoring at Clam Flats

(H.P. 1268) (L.D. 1828)
(C. "A" H-784)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion Representative PERCY of Phippsburg, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** in **NON CONCURRENCE** and sent for concurrence.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs - Private Non-Medical Institutions

Level III, a Major Substantive Rule of the Department of Health and Human Services

(H.P. 1405) (L.D. 2003)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

Representative FISCHER of Presque Isle **REQUESTED** a roll call on **FINAL PASSAGE**.

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 acceptance of Final Passage. All those in favor will vote yes, those opposed will vote no.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 390

YEA - Adams, Annis, Ash, Austin, Babbidge, Beaudette, Berube, Bierman, Bishop, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant, Bryant-Deschenes, Burns, Cain, Campbell, Canavan, Carr, Cebra, Churchill, Clark, Clough, Collins, Craven, Cressey, Crosby, Crosthwaite, Cummings, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Duprey, Eberle, Eder, Edgecomb, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Glynn, Goldman, Greeley, Grose, Hall, Hamper, Hanley B, Hanley S, Harlow, Hogan, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Koffman, Lansley, Lerman, Lewin, Lindell, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McCormick, McKane, McKenney, McLeod, Merrill, Millett, Moody, Moore G, Moulton, Muse, Norton, Nutting, O'Brien, Ott, Patrick, Percy, Perry, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Robinson, Rosen, Sampson, Saviello, Schatz, Seavey, Sherman, Shields, Smith N, Smith W, Stedman, Sykes, Tardy, Thomas, Thompson, Trahan, Tuttle, Twomey, Valentino, Vaughan, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - NONE.

ABSENT - Barstow, Emery, Hotham, Hutton, McFadden, Miller, Mills, Nass, Paradis, Simpson, Walcott.

Yes, 140; No, 0; Absent, 11; Excused, 0.

140 having voted in the affirmative and 0 voted in the negative, with 11 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs - Private Non-Medical Institutions Level IV, a Major Substantive Rule of the Department of Health and Human Services

(H.P. 1406) (L.D. 2004)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 128 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs - Private Non-Medical Institutions Level II, a Major Substantive Rule of the Department of Health and Human Services

(H.P. 1407) (L.D. 2005)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 113 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs: Level IV Residential Care Facilities, a Major Substantive Rule of the Department of Health and Human Services

(H.P. 1408) (L.D. 2006)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 121 voted in favor of the same and 1 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs: Assisted Living Programs, a Major Substantive Rule of the Department of Health and Human Services

(H.P. 1409) (L.D. 2007)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 118 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs - Private Non-Medical Institutions Level I, a Major Substantive Rule of the Department of Health and Human Services

(H.P. 1410) (L.D. 2008)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 113 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**,

signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs: Level I Residential Care Facilities, a Major Substantive Rule of the Department of Health and Human Services

(H.P. 1411) (L.D. 2009)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 119 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs: Level II Residential Care Facilities, a Major Substantive Rule of the Department of Health and Human Services

(H.P. 1412) (L.D. 2010)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 121 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs: Level III Residential Care Facilities, a Major Substantive Rule of the Department of Health and Human Services

(H.P. 1413) (L.D. 2011)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 122 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

Acts

An Act To Make Technical Changes to the Gambling Laws
(S.P. 665) (L.D. 1748)
(C. "A" S-488)

An Act To Amend the Laws Governing Permanency Guardians
(H.P. 1292) (L.D. 1852)
(C. "A" H-817)

An Act To Amend the Laws Governing Real Estate Appraiser Licensing To Comply with Federal Law

(H.P. 1360) (L.D. 1919)
(C. "A" H-810)

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.

Resolves

Resolve, Regarding Effective Administration of the MaineCare Program

(S.P. 142) (L.D. 444)
(C. "A" S-486)

Resolve, Regarding Hospital Free Care Guidelines

(H.P. 597) (L.D. 846)
(C. "A" H-816)

Resolve, Directing the Department of Health and Human Services To Review How It Handles Services Provided to Persons with Developmental Disabilities and Mental Retardation

(H.P. 1096) (L.D. 1555)
(C. "A" H-815)

Resolve, Directing the Commissioner of Health and Human Services To Develop Strategies To Keep Senior Citizens Safe from Falls

(H.P. 1214) (L.D. 1707)
(C. "A" H-814)

Resolve, Regarding Substance Abuse Treatment Services

(H.P. 1315) (L.D. 1875)
(C. "A" H-818)

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

An Act To Amend the Law Relating to the Crime of Visual Sexual Aggression against a Child

(H.P. 1225) (L.D. 1718)
(H. "A" H-826 to C. "A" H-766)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative DUPLESSIE of Westbrook, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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 Enactment. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 391

YEA - Adams, Annis, Ash, Austin, Babbidge, Beaudette, Berube, Bierman, Bishop, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant, Bryant-Deschenes, Burns, Cain, Campbell, Canavan, Carr, Cebra, Churchill, Clark, Clough, Collins, Craven, Cressey, Crosby, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Duprey, Eberle, Eder, Edgecomb, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Glynn, Goldman, Grose, Hall, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hutton, Jackson, Jacobsen, Jodrey, Joy, Kaelin, Koffman, Lansley, Lerman, Lewin, Lindell, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McCormick, McKane, McKenney, McLeod, Merrill, Millett, Moody,

Moulton, Muse, Nass, Norton, Nutting, O'Brien, Ott, Paradis, Patrick, Percy, Perry, Pineau, Pingree, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Sampson, Saviello, Schatz, Seavey, Sherman, Shields, Simpson, Smith N, Smith W, Stedman, Sykes, Tardy, Thomas, Thompson, Tuttle, Twomey, Valentino, Vaughan, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - NONE.

ABSENT - Barstow, Cummings, Emery, Faircloth, Greeley, Hotham, Jennings, McFadden, Miller, Mills, Moore G, Pilon, Rines, Trahan, Walcott.

Yes, 136; No, 0; Absent, 15; Excused, 0.

136 having voted in the affirmative and 0 voted in the negative, with 15 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

On motion of Representative DUDLEY of Portland, the following House Order: (H.O. 58)

ORDERED, that the House Rules be amended by adding a new House Rule 108 to read:

Rule 108. Distribution of documents. Only official documents of the House and Senate, including, but not limited to, legislative documents, amendments, orders, calendars and supplements, may be distributed in the Hall of the House. This rule does not apply to personal communications sent to a member of the House. All other documents distributed at the request of a member must be delivered to the Office of the Clerk of the House and space in the partisan offices must be designated for delivery of these documents; space in the State House complex must also be made available for delivery of these documents under these conditions for members not enrolled in a political party.

READ.

On motion of Representative DUDLEY of Portland, the House Order was **REFERRED** to the House Committee on **HOUSE RULES**.

The House recessed until 12:05 p.m.

(After Recess)

The House was called to order by the Speaker.

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 DIVIDED REPORT - Majority (8) Ought to Pass as Amended by Committee Amendment "A" (H-729) - Minority (3) Ought Not to Pass - Committee on LEGAL AND VETERANS AFFAIRS on Bill "An Act To Extend Term Limits"

(H.P. 371) (L.D. 496)

TABLED - January 5, 2006 (Till Later Today) by Representative PATRICK of Rumford.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

On motion of Representative PATRICK of Rumford the Bill was **SUBSTITUTED** for the Report.

The Bill was **READ ONCE**.

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on Bills in the **Second Reading**.

The **SPEAKER**: The Chair recognizes the Representative from Waldoboro, Representative Trahan.

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

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

Representative **TRAHAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Could someone please explain now the posture that this bill is in and what this bill would do?

The **SPEAKER**: I will attempt to explain. We are asking for a suspension of the rules to give this bill its second reading in order to put it in the right posture for an amendment that will be offered. As I understand it will be Representative Canavan's amendment that is twelve years with no retroactivity and a referendum in November if I recall correctly. In order to get us to that point we are moving along to put it in the right place.

Representative **CANAVAN** of Waterville **PRESENTED House Amendment "A" (H-811)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Waterville, Representative Canavan.

Representative **CANAVAN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The amendment before you proposes to extend term limits to 12 years and requires voter approval of the bill through the referendum process and my reason for proposing the 12 year extension is simply that virtually all of the voters that I have polled on this issue say that they favor that option as opposed to eliminating term limits altogether. The rationale for sending the amendment out to referendum is that Maine people voted for term limits and thus Maine people should decide whether an appeal is in order.

As I contemplated introducing this amendment I read through many arguments, both pro and con, raised over time in the issue of term limits and during that process my eyes stopped on a line written by columnist George Will back in 1996. Will said this, "The strongest argument for limits is that careerism is the dominant motive of most legislators." George Will's columns are a good read, but he obviously wasn't talking about Maine when he wrote that piece. There is little evidence to show that Maine Legislators are driven by careerism and, in fact, the record shows that the majority of those who serve here leave before they are term limited out, but let's look at some of the other things that term limit proponents said back in 1993 to persuade voters. They said that limits would offer voters more choices and more competitive elections and when you look around, indeed there are many new faces among us, but I would submit that it is the Clean Election Law, passed in 1996 and first implemented in the year 2000, and not term limits that has brought about changes we see here in the political and electoral landscape in Maine. The new law has, in fact, allowed Mainers who would never otherwise dreamed of serving in the Legislature to seek and win political office. Another argument used repeatedly to support the concept of term limits was the power of incumbency and that is the ease with which sitting lawmaker can collect large sums of money to win elections. It is an argument that may have had merit in 1993, but not anymore.

The reductions in the contribution limitations imposed by the Clean Election Act have played a far more significant role in reducing the influence of money in politics and leveled the playing field for challengers than have term limits. But the large issues we need to examine with respect to term limits are as

follows. First of all, have limits in their present form best served the people of Maine? And, secondly, have they been good for this institution that all of us, regardless of party affiliation revere because of what it stands for? Until recently, most arguments, pro and con, were largely speculative, but a book released by several University of Maine scholars last year provides us with some evidenced based research and I am not going to go into great detail about its conclusions except to say that it highlights, in depth, the problems inherent in a legislative body that lacks experience and institutional memory. A study by the Pew Foundation supports the arguments advanced by the Maine group.

One issue often neglected by researchers in assessing the impact of term limits is their effect on the quality of constituent services and for me this is the greatest issue of all. We all know that the ability to respond adequately to questions and concerns raised by constituents is a critical part of our work. Often we are the conduits for citizens to access their government. To respond effectively requires at least a basic knowledge of a broad range of public policy issues and of the role of the various agencies within state government. Just a few examples of the issues that I have been called on to deal with: workers comp, diesel emissions, mental health issues, insurance problems, Medicaid eligibility, and flu vaccine. I could go on, but my point is experience is key to providing good services and it is only with time that we become sufficiently adept at doing justice to this job.

In closing I would point out that this amendment, as written, won't affect the political future of anyone sitting in either this body or the other because the extension of term limits to twelve years doesn't apply to anyone now serving, but what the amendment will ultimately do is enable our successors to become more seasoned, experienced legislators better equipped to deal with the ever widening scope of complex issues that are brought to this institution each year and better prepared to resolve the problems that constituents bring to us. Today I ask for your help and your vote in supporting this amendment. It is a proposal that will do absolutely nothing to advance any of our political careers, but will, I believe, if passed by voters, help those who succeed us in better serving Maine people. A quote by Alexander Hamilton best sums up what I have tried to convey here today, "Nothing appears more plausible at first sight, no more ill founded upon close inspection, than term limits."

Representative **BOWLES** of Sanford **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-811)**.

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 Auburn, Representative Shields.

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

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

Representative **SHIELDS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. If this is adopted and goes forward to the voters and the voters vote no are they voting no on twelve years or are they voting no on term limits or both?

The **SPEAKER**: The Representative from Auburn, Representative Shields has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Very briefly, my answer would be twelve years Mr. Speaker.

ROLL CALL NO. 393

The SPEAKER: The Chair recognizes the Representative from Waldoboro, Representative Trahan.

Representative **TRAHAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am going to vote against this amendment and I want to tell you why. Being a termed out legislator and having spent some time here at the State House I have seen the ill effects of term limits and I believe that if we are going to do anything with term limits the value in whatever we do is the public debate that will occur after our action. If the issue is that term limits have weakened this institution and taken away some of the democracy of the system, then I think that we should just do away with term limits and end it period. We should ask that question to the public. I personally believe that they would leave term limits in place, but what you would have would be a great public debate about the impacts of term limits. I personally would much rather see an end to term limits period and have that public debate, but I can't support just extending it. We still have term limits ladies and gentlemen; it will just be for a longer period of time. The real issue and the real debate should be about ending term limits.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-811). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 392

YEA - Ash, Babbidge, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Cain, Canavan, Clark, Craven, Cummings, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Faircloth, Farrington, Fisher, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hogan, Hutton, Jackson, Jennings, Koffman, Lerman, Lundeen, Makas, Marley, Marraché, Mazurek, Merrill, Moody, Norton, O'Brien, Patrick, Percy, Perry, Pineau, Pingree, Pinkham, Piotti, Richardson M, Rines, Sampson, Schatz, Simpson, Smith N, Smith W, Thompson, Tuttle, Twomey, Valentino, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Adams, Annis, Austin, Berube, Bierman, Bishop, Bowen, Bowles, Brown R, Browne W, Bryant-Deschenes, Burns, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosby, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Duprey, Eder, Edgecomb, Finch, Fischer, Fitts, Fletcher, Flood, Glynn, Hall, Hamper, Hanley B, Jacobsen, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, Marean, McCormick, McKane, McKenney, McLeod, Millett, Moulton, Muse, Nass, Nutting, Ott, Pilon, Plummer, Rector, Richardson D, Richardson E, Richardson W, Robinson, Rosen, Saviello, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Trahan, Vaughan.

ABSENT - Barstow, Emery, Greeley, Hotham, McFadden, Miller, Mills, Moore G, Paradis, Walcott.

Yes, 67; No, 74; Absent, 10; Excused, 0.

67 having voted in the affirmative and 74 voted in the negative, with 10 being absent, and accordingly **House Amendment "A" (H-811) FAILED ADOPTION.**

Representative RICHARDSON of Brunswick moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

Representative GLYNN of South Portland **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **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: A roll call has been ordered. The pending question before the House is acceptance of the Minority **Ought Not to Pass** Report. All those in favor will vote yes, those opposed will vote no.

YEA - Adams, Annis, Austin, Babbidge, Berube, Bierman, Bishop, Bliss, Bowles, Brown R, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clark, Clough, Collins, Cressey, Crosby, Crosthwaite, Curley, Curtis, Davis G, Davis K, Driscoll, Duchesne, Duplessie, Duprey, Eberle, Eder, Edgecomb, Farrington, Finch, Fischer, Fitts, Fletcher, Flood, Glynn, Hall, Hamper, Hanley B, Jackson, Jacobsen, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, Marean, McCormick, McKane, McKenney, McLeod, Millett, Moody, Moulton, Muse, Nass, Nutting, O'Brien, Ott, Percy, Pilon, Pingree, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Saviello, Seavey, Sherman, Shields, Smith N, Stedman, Sykes, Tardy, Thomas, Thompson, Trahan, Tuttle, Valentino, Vaughan, Webster, Woodbury.

NAY - Ash, Beaudette, Blanchard, Blanchette, Brannigan, Brautigam, Bryant, Burns, Canavan, Craven, Cummings, Daigle, Dudley, Dugay, Dunn, Faircloth, Fisher, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hogan, Hutton, Jennings, Koffman, Lerman, Lundeen, Makas, Marley, Marraché, Mazurek, Merrill, Norton, Patrick, Perry, Pineau, Pinkham, Piotti, Rines, Sampson, Schatz, Simpson, Smith W, Twomey, Watson, Wheeler, Mr. Speaker.

ABSENT - Barstow, Bowen, Browne W, Cain, Emery, Greeley, Hotham, McFadden, Miller, Mills, Moore G, Paradis, Walcott.

Yes, 90; No, 48; Absent, 13; Excused, 0.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Webster.

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

The SPEAKER: The Representative is out of order.

Representative **WEBSTER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I cannot ask a question now?

The SPEAKER: We are now in the middle of a vote. A question with respect to the issue of this particular vote is not in order. A point of order with respect to a malfunction of your button or if the motion is improper on the board or something of that nature is appropriate before the body at this time.

90 having voted in the affirmative and 48 voted in the negative, with 13 being absent, and accordingly the Minority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

SENATE PAPERS

The following Joint Order: (S.P. 828)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Monday, March 27, 2006, at 10:00 in the morning.

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

READ and **PASSED** in concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 591) (L.D. 1609) Bill "An Act To Establish the Uniform Partnership Act" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-506)**

(H.P. 802) (L.D. 1159) Bill "An Act To Promote Transportation Investments within Downtowns and Urban Compacts" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-873)**

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Protect Children from the Onset of Autism"

(H.P. 1366) (L.D. 1947)

Signed:

Senators:

MAYO of Sagadahoc
MARTIN of Aroostook
ROSEN of Hancock

Representatives:

PINGREE of North Haven
GROSE of Woolwich
MILLER of Somerville
WEBSTER of Freeport
SHIELDS of Auburn
CAMPBELL of Newfield
LEWIN of Eliot
GLYNN of South Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-872)** on same Bill.

Signed:

Representatives:

WALCOTT of Lewiston
BURNS of Berwick

Representative SOCKALEXIS of the Penobscot Nation - of the House - supports the Majority **Ought Not to Pass** Report.

READ.

Representative PINGREE of North Haven moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Glynn.

Representative **GLYNN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to support the Majority Ought Not to Pass Report and urge my colleagues to do the same. This bill as presented, LD 1947, is not a good proposal and one that the State of Maine should not adopt.

What this bill would do is that this bill would lead to the limitation of lifesaving drugs in the state of Maine and would prohibit drugs that contain Thimarisol to be offered to people and, as a result, would create a shortage of vaccinations in this state and would harm the public health. This bill was opposed by many individuals that came forward and it is based on junk science. The bill title itself, "An Act to Protect Children from the Onset of Autism" is, in itself, quite offensive and is misleading and just plain wrong. There is no cure for autism and passage of this bill will not protect children from the onset of autism, it is not possible. I ask my colleagues to join me in opposing this bill and when the vote is taken I request the yeas and nays.

Representative GLYNN of South Portland **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: 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. 394

YEA - Adams, Annis, Ash, Austin, Babbidge, Beaudette, Bierman, Bishop, Blanchard, Blanchette, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant-Deschenes, Cain, Campbell, Canavan, Carr, Cebra, Churchill, Clark, Clough, Collins, Cressey, Crosby, Crosthwaite, Cummings, Curley, Curtis, Daigle, Davis K, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Duprey, Eberle, Edgecomb, Faircloth, Finch, Fisher, Fitts, Fletcher, Flood, Glynn, Goldman, Grose, Hamper, Hanley B, Hanley S, Harlow, Hogan, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Koffman, Lansley, Lewin, Lindell, Lundeen, Marean, Marley, Marraché, Mazurek, McCormick, McKane, McKenney, McLeod, Merrill, Millett, Moody, Moulton, Muse, Nass, Norton, Nutting, O'Brien, Ott, Patrick, Percy, Perry, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Robinson, Rosen, Sampson, Saviello, Schatz, Seavey, Sherman, Shields, Simpson, Smith N, Smith W, Stedman, Sykes, Tardy, Thomas, Thompson, Trahan, Valentino, Vaughan, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Bryant, Burns, Craven, Davis G, Eder, Farrington, Fischer, Gerzofsky, Hall, Hutton, Jackson, Lerman, Makas, Tuttle.

ABSENT - Barstow, Berube, Bliss, Emery, Greeley, Hotham, McFadden, Miller, Mills, Moore G, Paradis, Twomey, Walcott.

Yes, 124; No, 14; Absent, 13; Excused, 0.

124 having voted in the affirmative and 14 voted in the negative, with 13 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.**

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-869)** on Bill "An Act To Correct Deficiencies in the Divorce Laws"

(H.P. 1252) (L.D. 1812)

Signed:

Senators:

HOBBINS of York
BROMLEY of Cumberland
HASTINGS of Oxford

Representatives:

SIMPSON of Auburn
FAIRCLOTH of Bangor
GERZOFKY of Brunswick
CANAVAN of Waterville
BRYANT of Windham
DUNN of Bangor

BRYANT-DESCHENES of Turner
NASS of Acton

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

Signed:

Representatives:

SHERMAN of Hodgdon

CARR of Lincoln

READ.

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

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

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

On motion of Representative GOLDMAN of Cape Elizabeth, the House adjourned at 1:09 p.m., until 10:00 a.m., Monday, March 27, 2006 pursuant to the Joint Order (S.P. 828) and in honor and lasting tribute to Laura Lee Page, of Cape Elizabeth.