

# MAINE STATE LEGISLATURE

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

**Volume I**

**First Regular Session**

December 1, 2004 - March 30, 2005

**First Special Session**

April 4, 2005 – May 25, 2005

Pages 1-736

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

Resolve, To Establish the Study Commission Regarding Liveable Wages

(H.P. 854) (L.D. 1236)  
(C. "A" H-232)

Which was **TABLED** by Representative DUPLESSIE of Westbrook pending **FINAL PASSAGE**.

Representative TARDY of Newport **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 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. 137**

**YEA** - Adams, Ash, Babbidge, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Campbell, Canavan, Clark, Craven, Cressey, Crosby, Daigle, Davis K, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Duprey, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Gerzofsky, Glynn, Goldman, Grose, Hall, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Jennings, Koffman, Lerman, Makas, Marley, Marraché, Mazurek, McFadden, Merrill, Miller, Mills, Moody, Norton, O'Brien, Paradis, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Richardson D, Sampson, Saviello, Schatz, Sherman, Smith N, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

**NAY** - Annis, Austin, Bierman, Bishop, Bowen, Bowles, Brown R, Browne W, Cebra, Churchill, Clough, Collins, Crosthwaite, Curley, Curtis, Davis G, Edgecomb, Emery, Fitts, Fletcher, Flood, Greeley, Hamper, Hanley B, Jacobsen, Jodrey, Kaelin, Lewin, Lindell, Marean, McCormick, McKane, McKenney, McLeod, Millett, Moore G, Moulton, Muse, Nass, Nutting, Pinkham, Rector, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Seavey, Shields, Sykes, Tardy, Trahan, Vaughan.

**ABSENT** - Barstow, Berube, Bryant-Deschenes, Carr, Cummings, Fisher, Joy, Lansley, Lundeen, Ott, Patrick, Plummer, Rines, Smith W, Stedman, Thomas.

Yes, 82; No, 53; Absent, 16; Excused, 0.

82 having voted in the affirmative and 53 voted in the negative, with 16 being absent, and accordingly the Resolve **FAILED FINAL PASSAGE. ORDERED SENT FORTHWITH.**

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

An Act To Reestablish the Penobscot County Budget Committee

(H.P. 274) (L.D. 361)  
(C. "A" H-126; H. "A" H-280)

Which was **TABLED** by Representative DUPLESSIE of Westbrook pending **FINAL PASSAGE**.

Subsequently, this being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 125 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.**

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

HOUSE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (S-92)** - Committee on **LABOR** on Bill "An Act To Ensure Equity in Appeals of Workers' Compensation Cases" (S.P. 287) (L.D. 879)

Which was **TABLED** by Representative TUTTLE of Sanford pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

Subsequently, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence. **ORDERED SENT FORTHWITH.**

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

An Act To Distribute Revenue in the Law Enforcement Agency Reimbursement Fund to Municipalities and Counties and To Assist Law Enforcement Officers with Unmet Catastrophic Medical Needs

(S.P. 118) (L.D. 371)  
(C. "A" S-110)

Which was **TABLED** by Representative SAMPSON of Auburn pending **PASSAGE TO BE ENACTED**.

Subsequently, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

The House recessed until 4:30 p.m.

(After Recess)

The House was called to order by the Speaker.

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (H-334)** - Minority (6) **Ought Not to Pass** - Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Popular Election of the Constitutional Officers and the State Auditor

(H.P. 940) (L.D. 1357)

Which was **TABLED** by Representative SAMPSON of Auburn, pending her motion to **ACCEPT** either Report and later today assigned.

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

The **SPEAKER**: The Chair recognizes the Representative from Scarborough, Representative Clough.

Representative **CLOUGH**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to tell

you a little bit about this bill and my reasons for putting it in. During the later part of the summer I got to thinking about the process and how I found it difficult to accept it over the last several years and so on September 15th I put this legislation in and brought the language to the Revisor's Office. My reason for doing so is that these are very important positions with statewide responsibility and I believe that they should be elected for a four-year term. Also, that they need to be elected by the people of the state rather than appointed by the legislature. It is not necessary to have them, at the chance that the Legislature changes hands, be thrown out of office after just two years and that a four year term is more appropriate, given the responsibilities that they have.

On the handout that I gave out you will see how we compare with other states. The secretaries of state are elected by the voters in 35 states and elected by the Legislature in only three – Maine, New Hampshire and Tennessee. They have a four-year term in those 35 states where they are elected as opposed to two-year terms in the three states where they are elected by the Legislature.

As far as the Attorney General goes the voters elect the Attorney General in 43 states. They are elected by the Legislature in only one – Maine. They serve a four-year term in 47 states and a two-year term in the states of Maine and Vermont.

Treasurers and Chief Financial Officers are elected by the voters in 37 states and elected by the Legislature in four states with a four year term in forty states and a two year term in only four. State Auditors are elected by voters in 20 states and elected by the Legislature in one state – Maine. They have four year terms in the 20 states in which they are elected, including Maine. I think that the present system should be made to conform to the majority of states. The election would be held every four years beginning in 2006 and in the case of a vacancy an appointment would be made by the governor for the unexpired term until the next election and then an election held for the replacement through the expiration of the term. So, I would ask you to consider this bill. I think it is the right thing to do. The Maine people will find this to their liking and I get a lot of questions from people about why we don't elect them. The fiscal note is minimal, it's plus or minus \$8,000 so it should not have a fiscal note that should be a problem for us and so I would appreciate your support. Thank you.

On motion of Representative CUMMINGS of Portland, **TABLED** pending the motion of Representative RICHARDSON of Brunswick to **ACCEPT** the Majority Ought to Pass as Amended Report and later today assigned.

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The Chair laid before the House the following item which was **TABLED** earlier in today's session:

An Act To Sustain Maine Schools and Libraries  
(S.P. 439) (L.D. 1259)  
(C. "A" S-116)

Which was **TABLED** by Representative CLARK of Millinocket pending **PASSAGE TO BE ENACTED**. (Roll Call Ordered)

The **SPEAKER**: The Chair recognizes the Representative from Arundel, Representative Daigle.

Representative **DAIGLE**: Mr. Speaker, May I pose a question through the Chair?

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

Representative **DAIGLE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Last year in the remaining days of the Legislature there was an amendment to the budget proposed to compensate public libraries for the lack of

federal funding if they chose not to implement Internet filters. Could someone please explain to me if the funding referred to in this bill is related to the denial of federal funds by the federal government for not cooperating by putting Internet filters on their computers. Thank you.

The **SPEAKER**: The Representative from Arundel, Representative Daigle has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from South Portland, Representative Bliss.

Representative **BLISS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This is not related to that. This is related to the fact that the money that was set aside in the School and Library Fund specifically to allow upgrades of equipment and software in schools and libraries has had a hunk taken from it in the last couple of years for an entirely different purpose by several different Chief Executives. Money that we anticipate coming from the feds – and we have no reason to believe that it will not come – has not yet been forthcoming.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Passage as an Emergency Measure. All those in favor will vote yes, those opposed will vote no.

The **SPEAKER**: A roll call having been previously ordered. The pending question before the House is Enactment. 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. 138

YEA - Adams, Annis, Ash, Babbidge, Beaudette, Blanchard, Blanchette, Bliss, Bowen, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Clark, Craven, Cummings, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Emery, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hogan, Hutton, Jackson, Jennings, Koffman, Lerman, Makas, Marley, Marraché, Mazurek, McCormick, McFadden, Merrill, Miller, Mills, Moody, Moore G, Muse, Nass, Norton, O'Brien, Ott, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rector, Richardson M, Richardson W, Rosen, Sampson, Saviello, Schatz, Smith N, Sykes, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Austin, Bierman, Bishop, Bowles, Brown R, Browne W, Campbell, Cebra, Churchill, Clough, Collins, Cressey, Crosthwaite, Curley, Duprey, Edgecomb, Glynn, Hall, Hamper, Hanley B, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Lindell, Marean, McKane, McKenney, McLeod, Millett, Moulton, Nutting, Pinkham, Richardson D, Richardson E, Robinson, Seavey, Sherman, Shields, Tardy, Thomas, Trahan, Vaughan.

ABSENT - Barstow, Berube, Bryant-Deschenes, Carr, Crosby, Curtis, Greeley, Lansley, Lewin, Lundeen, Plummer, Rines, Smith W, Stedman.

Yes, 93; No, 44; Absent, 14; Excused, 0.

93 having voted in the affirmative and 44 voted in the negative, with 14 being absent, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED**.