

# MAINE STATE LEGISLATURE

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

**Volume II**

**First Special Session**

May 26, 2005 – June 17, 2005

**Second Special Session**

July 29, 2005

**Second Regular Session**

January 4, 2006 - April 6, 2006

Pages 737-1487

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)**