

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Sixteenth Legislature

OF THE

State Of Maine

VOLUME V

SECOND REGULAR SESSION

House of Representatives
January 5, 1994 to April 14, 1994

amendment basically gets rid of that and applies different standards in one part of the state versus another. Please vote to indefinitely postpone.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Members of the House: I must first thank the Representative from Augusta, Representative Daggett, in solving the problem in Aroostook County because obviously this is what this amendment would do. However, I think that it is fair that everyone be at bid, not only Aroostook County. So, I would also urge you to indefinitely postpone House Amendment "A."

The SPEAKER: The Chair will order a vote. The pending question is the motion of Representative Gean of Alfred that House Amendment "A" (H-1016) to Committee Amendment "A" (S-508) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

78 voted in favor of the same and 23 against, House Amendment "A" (H-1016) was indefinitely postponed.

Committee Amendment "A" (S-508) was adopted. The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-508) in non-concurrence and sent up for concurrence. Ordered sent forthwith.

HOUSE DIVIDED REPORT - Majority (7) "Ought to Pass" - Minority (6) "Ought Not to Pass" - Committee on State and Local Government on Bill "An Act to Impose Term Limits on Members of the United States Congress" (I.B. 2) (L.D. 1983) which was tabled by Representative PARADIS of Augusta pending acceptance of either Report.

Representative JOSEPH of Waterville moved that the House accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Jonesboro, Representative Look.

Representative LOOK: Mr. Speaker, Ladies and Gentlemen of the House: I do oppose this measure. I feel that term limits at the congressional level is not a good move to make. It takes a while, I am sure we would all consider this, to get used to or in tune with the process that goes along with this. Probably few of us have been in Washington. I have been there but I certainly don't know the process. What I have observed from being there several times is that I think it would be very difficult to become effective there. Therefore I feel that for Maine to do this would be very wrong.

In the past we have been very fortunate to have people there who have gained prestige and have used it to the benefit of our state. Therefore, I oppose this move.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Michael.

Representative MICHAEL: Mr. Speaker, Men and Women of the House: First of all, welcome to strange bedfellows time. It reminds me of the Grateful Dead line, "what a long strange trip it has been."

First of all I want to say that I fully respect whatever position people come down on today. I certainly respect the gentlelady from Jonesboro's position.

Let me just give you a little bit of background on where we sit. As you probably know the term limit

referendum now sits before us, we have the option of passing it today or sending it out to the voters. So, there are several people, some of which do not particularly support term limits, that have decided they would like to pass it now rather than have it on the ballot in the fall for whatever reason.

There are also people that support term limits that are voting against this including on the committee report, not because they oppose term limits but because they think it is a good idea to send it to the voters because that has been the tradition. So, this is one of those situations where you are on your own certainly. I don't know anybody whose light you can follow. So, it is one of those unusual situations.

I personally encourage us to pass this bill. And, as I said, if people here who support term limits feel they would like to vote no on this, send it out to the voters, we understand.

Certainly this is not a roll call that you can bring back home and prove anything with. Your stand on term limits has already been determined by the roll calls of the past couple or three years where you have already identified your position on term limits. The vote today is essentially, in my estimation, on whether or not we should pass this now or send it out to the voters.

I would like to describe briefly why I think we should pass it now. First of all there was considerable agreement in the world for term limits. Fifteen states have already passed it and those are initiative and referendum states. Seven more states are expected to have it on the ballot this November.

In addition, other interesting things have been occurring. For instance the State of New Hampshire last year failed by just one vote in its legislature to pass term limits and New Hampshire is not an initiative state. This year that same state had a motion to bring the bill back from the dead file which as you recall is a two-thirds vote in this body and it also is in the New Hampshire legislature. That failed by just six or eight votes. So, it is assumed that New Hampshire will be one of the non-initiative states for instance that is almost certain to pass term limits next year. There is already action going on for the election in the fall and people feel that they will be one of the states to pass it.

The State of Utah, which is in the same situation as Maine, that is it is an initiative state, has passed a term limits measure. That is going out to the voters in the fall. In addition, the state of Minnesota, which is not an initiative state, has a Governor which supports term limits and the House strongly supports term limits and the measure is currently being held up by the Democratic Senate. United States Democratic Senator Paul Lulstone has essentially gone back to Minnesota and said to the Senate get the heck out of the way, this is not what you want to be doing now. So, I think things are coming around where — and this is to partly answer the good gentlelady from Jonesboro's concerns — I think you will find that Maine will be far from alone in this effort. As I said, fifteen states have already passed it, there is another seven coming along. Two or three plus New Jersey which I didn't mention, are states which it is almost certain to pass, so this is an idea whose time is really coming around and it will be, I believe, the standard for the country.

The basic arguments for term limits are as follows: I don't want to take a lot of your time, most people probably know how you feel about the issue itself but I just feel that I need to quickly say that progress has become (in the opinion of the supporters of the term limits) an elitist body of unbeatable incumbents. Only seven out of 1,000 unindited incumbents looses — that is in the last ten years for nation and state legislators. Seven out of 1,000 unindited incumbents.

You know the story about PAC funds, how it is easy to get money if you are an incumbent. Back in 1980 the PAC organizations when they were still relatively new would give half their money to challengers and half to incumbents. Ten or twelve years later those numbers have now changed to roughly 90 percent goes to the incumbents, ten percent to the challengers. That is because the incumbents of both parties got together and said, look, we may very well hold this against you if you give money to our challengers. So, the idea of a free debate and a competitive system has really dissolved in the last ten years.

The idea that we can vote these people out, which is an argument that you often hear that we have term limits at the ballot place on Election Day is really an illusion because you cannot vote them out. I can't vote them out and you can't vote them out and the incumbents literally cannot be voted out. They have a large staff to do all their work for them, studios to produce sound bites to send back home to the state, staff to write their press releases, to prop them up, people to do their makeup, their hair, they have \$200,000 worth of franking mail that goes out every year on the average, for your average House member. Only eight percent of that franking mail is in response to constituents inquiries.

In some election years more members leave the House and Senate by death than by defeat in the election. That is a rate that is on par with the House of Lords in England. So, we have gone past the point of really having a citizens congress, it is now essentially a royal body and that is the backbone of why we think we need term limits.

As I said, it is an idea whose time has come. It is not a new idea. Term Limits is an old idea. Aristotle supported term limits, Cicero supported term limits. Renaissance Venice had term limits. Cato supported term limits. Term limits was in the Articles of Confederation. It was removed from the Constitution because it was considered to be too detailed but Jefferson argued strongly for term limits as did Jackson, that is as in Jefferson Jackson. Also John Adams argued for it, George Washington, Ben Franklin, Abe Lincoln, and JFK and also my favorite Democrat, Harry Truman, supported term limits and he said that it would help cure senility as well as seniority both of which were terrible legislative diseases. So, it is an old idea but its an idea whose time has come.

I urge that this body pass this bill today while we have the chance and the opportunity and save us the hassle in the fall.

Once again I want to emphasize that I fully respect anyone's position wherever you come down on this issue.

The SPEAKER: The Chair recognizes the Representative from Norway, Representative Bennett.

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: I rise today only to clarify what I consider a little bit of confusion

that some of the members have expressed to me regarding this pending motion.

Generally I would vote against a citizen initiative even if I agree with it so that the voters could consider it. I did not vote that way in committee on this issue however because the group that was largely responsible for getting this issue on the ballot or before us today was ambivalent about that.

Why do I think this is a good idea and why do I think that we should pass it here today? Well, the Maine State Motto is "Dirigo", which means "I lead" and I think today we have an opportunity to lead. There is nothing that requires the leadership or the people more than the effort to limit the powers of government and there is nothing that requires the leadership of the states more than the effort to limit the powers of government and there is nothing that requires the leadership of the states more than the efforts to limit the expanding powers of the Federal Government. There is no issue that goes to the heart of political power more than term limits on political office. As office holders we all have a vested interest in this issue. But, as legislators we are compelled by our constitution to vote on this measure today. Fortunately, if we decide to vote against this bill, the people will have the final say and that is appropriate. It matters not what we do here, if we do not pass this bill the voters will act or have a chance to act. If we do pass this bill they will not have that chance and it will become law here through the legislative process.

The SPEAKER: The Chair will order a vote. The pending question is the motion of Representative Joseph of Waterville, that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Representative JOSEPH of Waterville requested a roll call on her motion to accept the Majority "Ought to Pass" Report.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth of the members present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Women and Men of the House: This is not a win/win situation nor either is it a lose/lose situation. I would call your attention to L.D. 1983 which imposes term limits on the members of Congress. As you know 54,513 valid signatures were turned into the Secretary of State requesting that this bill either be passed here or be passed by the people of Maine. I believe that the position that we are all in tonight is do you believe that the people of the State of Maine will approve this referendum issue dealing with term limits for Congress? As you know, I believe, we are unable to amend or change the law before you. I will say to you that my reason for voting in favor of this bill was not that I support term limits but I find the language in this bill particularly offensive and I truly do not — I would be embarrassed to send this out to the people because in the letters "a" through

"e" it talks about the reasons we need to do this, it is to prevent potential corruption in office. "B" to preserve the integrity of the ballot by limiting the corrupting influence and dominance of special interests. "C," to defend their right to stand for and hold public office by encouraging a larger selection of candidates. To protect and defend their rights to equal protection of the laws by giving more citizens of the state the opportunity to stand and hold public office and to insure that those who are elected to Congress will return to private life to live in this state under the laws they have made while serving in Congress.

I understand your dilemma. I believe that the majority of the State and Local Government Committee that voted in favor of the bill are feeling exactly like you did when they registered their vote. They felt that the public has spoken as far as term limits for legislators. The public has spoken as far as whether or not they wish to impose term limits on members of Congress and now this bill is before us as a peoples representative and we have the opportunity to pass this bill.

The SPEAKER: The Chair recognizes the Representative from Wiscasset, Representative Kilkelly.

Representative KILKELLY: Mr. Speaker, Men and Women of the House: I consider myself a fairly pragmatic person and there are three very plain and simple reasons why I believe it makes sense to pass the bill that is before us. One is based on the conversations I have had with people in my district. I am convinced it is going to pass, whether we pass it here tonight or whether it goes out to the voters in November.

Second, is that we have an opportunity to save some money. Instead of spending the money that it would take to send this out we have an opportunity to bypass that process. We have been asked by over 50,000 people to in fact put this into statute and we have an opportunity to do that.

The third reason is that I believe that the final decision will actually rest in court. That can either happen now by passing it or it can happen a year from now after the people have passed it. Either way, I believe that is what is going to happen. I think that it makes a great deal of sense for us to listen to the 60,000 people that in fact signed the petition and sent it forward to us and again you can think back to your down districts and if you believe that it would pass or not and how you feel you need to vote on it is of course up to you.

Again, given the conversations I have had in my district I do believe it is going to pass and I think that we do have an opportunity here to save the people of this state the cost of this referendum as well as the fact that we have so many other races this fall that more confusion added to that, I am not sure would make a great deal of sense.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Coffman.

Representative COFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: I originally had strong feelings on this matter and they have been tempered somewhat. They have been tempered by the fact that I have come down here among you, have worked with you, gotten to know you, gotten to respect you and have seen the process and the difficulty that we are all under here.

It is with mixed feelings that I have to tell you

why the public is supporting this as strongly as they are. They view this as a wake-up call. I have said all along that it is too bad it has come to this.

Why are people supporting term limits so strongly? I can tell you what my constituents say, workers' comp, nothing has changed. Talk to small business, talk to injured workers. The problems have not been solved. We have not solved them. If we can't solve their problems they want us out, they want somebody else in. The high cost of electrical rates, electricity, there is another one, we can't seem to solve that problem. All the people are saying, if we can't solve it they want us out and they will put somebody else in.

The regulatory nightmare in this state, if we can't solve that then they want us out and they will put somebody in that will. They are tired of the status quo. It is nothing personal but they see nothing changing. That's the reality.

Again, I just say that it is too bad that it has come to this.

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Libby.

Representative LIBBY: Mr. Speaker, Men and Women of the House: I just want to rise briefly. I will not stand up very long. I know everybody is tired.

It is my observation and belief, I am not necessarily going to sit around and say that the public is going to vote for this because I am not sure that they are going to vote for this. The major reason that I see is that because it is a state by state process if you vote for term limits in your state and the next state over doesn't have term limits then the next state over can leave their senator or congressman in as long as they want and I would think that there is an inherent advantage for that state for a senator or representative to move their way up and be in a position of power whereas term limits would be forcing our state to do just the opposite. Somebody may be moving up the ranks and all of a sudden they have to leave because of term limits. I am not sure, I would like to see the public debate. I just want to make that point before we all finish this debate.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Coffman.

Representative COFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: I just wanted to clarify one point. I was speaking about state issue. As a collector of signatures (at a time when nobody was getting paid for them) people didn't care if we were talking state-wide term limits or congressional term limits, they are putting us all in the same bag, they want us all out because of the issues that affect their daily lives.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of one-fifth of the members present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the Representative from Rome, Representative Tracy.

Representative TRACY: Mr. Speaker, Ladies and Gentlemen of the House: I had no intentions of rising to my feet but I would like to make a comment — that Representative Coffman of Old Town had made.

The people have a right to term us out now. We call it the voting booth with a ballot box. Every two years they have a right to do that so I would suggest that you accept not to pass this bill.

The SPEAKER: A roll call has been ordered. The pending question is the motion of Representative Joseph of Waterville that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 326

YEA - Ahearne, Barth, Bennett, Birney, Carr, Chonko, Coffman, Cote, Cross, DiPietro, Dore, Gamache, Gould, R. A.; Greenlaw, Jacques, Joseph, Joy, Kerr, Ketterer, Kilkelly, Melendy, Michael, Morrison, Nadeau, Ott, Paradis, P.; Pendexter, Pendleton, Pineau, Plourde, Poulin, Ricker, Ruhlin, Swazey, Tardy, Thompson, Townsend, G.; Vigue, Walker, Whitcomb, Winn, Young, Zirkilton, The Speaker.

NAY - Adams, Aikman, Aliberti, Anderson, Ault, Bailey, H.; Bailey, R.; Beam, Bowers, Brennan, Bruno, Cameron, Campbell, Carleton, Caron, Carroll, Cathcart, Chase, Clark, Clement, Cloutier, Clukey, Coles, Constantine, Daggett, Dexter, Donnelly, Driscoll, Dutremble, L.; Erwin, Faircloth, Farnsworth, Farnum, Farren, Fitzpatrick, Gean, Gray, Hale, Hatch, Heeschen, Heino, Hichborn, Hoglund, Holt, Hussey, Jalbert, Johnson, Kneeland, Kontos, Lemke, Lemont, Libby Jack, Libby James, Lindahl, Lipman, Look, Lord, MacBride, Marsh, Marshall, Martin, J.; Michaud, Mitchell, E.; Mitchell, J.; Murphy, Nash, Nickerson, Norton, O'Gara, Oliver, Pfeiffer, Plowman, Rand, Reed, G.; Reed, W.; Robichaud, Rotondi, Rowe, Rydell, Saint Onge, Saxl, Simonds, Simoneau, Skoglund, Small, Spear, Stevens, A.; Stevens, K.; Strout, Sullivan, Taylor, Townsend, E.; Townsend, L.; Tracy, Treat, True, Tufts, Wentworth.

ABSENT - Cashman, Foss, Hillock, Kutasi, Larrivee, Martin, H.; Pinette, Pouliot, Richardson.

Yes, 44; No, 98; Absent, 9; Paired, 0; Excused, 0. 44 having voted in the affirmative and 98 in the negative, with 9 being absent, the Majority "Ought to Pass" Report was not accepted.

Subsequently, the Minority "Ought Not to Pass" Report was accepted and sent up for concurrence. Ordered sent forthwith.

By unanimous consent, all matters having been acted upon, with the exception of matters being held, were ordered sent forthwith.

An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 for Training Equipment for the Maine Technical College System (BOND ISSUE) (H.P. 1442) (L.D. 1968) (C."A" H-970) which was tabled by Representative PARADIS of Augusta pending passage to be enacted.

Subsequently, in accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 126 voted in favor of the same and 5 against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the

Senate. Ordered sent forthwith.

An Act to Authorize Department of Transportation Bond Issues in the Amount of \$21,300,000 to Improve Rail and Port Facilities and Make Improvements at State and Municipal Transportation Facilities (S.P. 697) (L.D. 1895) (BOND ISSUE) (Governor's Bill) (S. "A" S-540) which was tabled by Representative JACQUES of Waterville pending passage to be enacted.

On motion of Representative O'GARA of Westbrook, under suspension of the rules, the House reconsidered its action whereby L.D. 1895 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Senate Amendment "A" (S-540) was adopted.

The same Representative presented House Amendment "A" (H-1068) to Senate Amendment "A" (S-540) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative O'Gara.

Representative O'GARA: Mr. Speaker, Men and Women of the House: This amendment provides for the question to be put to the voters in November rather than in June.

Subsequently, House Amendment "A" (H-1068) to Senate Amendment "A" (S-540) was adopted.

Senate Amendment "A" (S-540) as amended by House Amendment "A" (H-1068) thereto was adopted.

The Bill was passed to be engrossed as amended by Senate Amendment "A" (S-540) as amended by House Amendment "A" (H-1068) thereto in non-concurrence and sent up for concurrence. Ordered sent forthwith.

Representative JACQUES of Waterville moved that the House reconsider its action whereby Bill "An Act to Make Statutory Changes to Implement the Recommendations of the Legislature's Total Quality Management Committee" (EMERGENCY) (H.P. 1083) (L.D. 1449) (C. "A" H-951; H."A" H-1063) failed of passage to be engrossed.

On further motion of the same Representative, tabled pending his motion to reconsider whereby the Bill failed of passage to be engrossed and specially assigned for Thursday, April 7, 1994.

On motion of Representative JACQUES of Waterville, the House reconsidered its action whereby An Act to Revise the Laws of Maine to Incorporate the Office of Rehabilitation Services within the Department of Education (EMERGENCY) (H.P. 1431) (L.D. 1956) (Governor's Bill) (C. "A" H-909) was passed to be enacted.

On further motion of the same Representative, tabled pending passage to be enacted and specially assigned for Thursday, April 7, 1994.

Representative SULLIVAN of Bangor moved that the