

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

**One Hundred And Sixteenth Legislature**

OF THE

**State Of Maine**

**VOLUME II**

**FIRST REGULAR SESSION**

**House of Representatives**  
May 17, 1993 to July 14, 1993

## ROLL CALL NO. 164

YEA - Adams, Ahearne, Aliberti, Ault, Beam, Bowers, Brennan, Caron, Carroll, Cashman, Cathcart, Chase, Chonko, Clark, Clement, Cloutier, Coffman, Coles, Constantine, Cote, Daggett, DiPietro, Dore, Driscoll, Dutremble, L.; Erwin, Faircloth, Farnsworth, Fitzpatrick, Gamache, Gean, Gould, R. A.; Gray, Gwadosky, Hale, Hatch, Heeschen, Hichborn, Hogle, Holt, Hussey, Jacques, Johnson, Joseph, Kerr, Ketterer, Kilkelly, Kontos, Larrivee, Lemke, Martin, H.; Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Norton, O'Gara, Oliver, Paradis, P.; Pfeiffer, Pineau, Pinette, Plourde, Poulin, Pouliot, Rand, Richardson, Ricker, Rotondi, Rowe, Saint Onge, Saxl, Simonds, Stevens, A.; Stevens, K.; Strout, Sullivan, Swazey, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, Vigue, Walker, Wentworth, Winn, Young.

NAY - Aikman, Anderson, Bailey, H.; Bailey, R.; Bennett, Birney, Bruno, Cameron, Campbell, Carleton, Clukey, Cross, Dexter, Donnelly, Farnum, Farren, Foss, Greenlaw, Heino, Hillock, Joy, Kneeland, Kutasi, Lemont, Libby James, Lindahl, Lipman, Look, Lord, MacBride, Marsh, Marshall, Murphy, Nash, Nickerson, Ott, Pendexter, Pendleton, Plowman, Reed, G.; Robichaud, Simoneau, Spear, Taylor, Thompson, True, Tufts, Whitcomb, Zirkilton.

ABSENT - Barth, Carr, Jalbert, Libby Jack, Nadeau, Reed, W.; Ruhlin, Rydell, Skoglund, Small, Tardy, The Speaker.

Yes, 90; No, 49; Absent, 12; Paired, 0; Excused, 0.

90 having voted in the affirmative and 49 in the negative with 12 being absent, the Majority "Ought to Pass" Report was accepted, the bill read once.

Committee Amendment "A" (H-545) was read by the Clerk and adopted.

Under suspension of the rules, the bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (H-545) and sent up for concurrence.

The Chair laid before the House the following matter: Majority Report of the Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-546) on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow Maine Citizens to Propose Constitutional Amendments by Initiative (H.P. 994) (L.D. 1336) and Minority Report of the same Committee reporting "Ought Not to Pass" on same RESOLUTION which was tabled earlier in the day and later today assigned pending the motion of Representative Joseph of Waterville that the House accept the Minority "Ought Not to Pass" Report.

On motion of Representative Joseph of Waterville, retabled pending her motion that the House accept the Minority "Ought Not to Pass" Report and later today assigned.

The Chair laid before the House the following matter: Majority Report of the Committee on State and Local Government reporting "Ought Not to Pass" on Bill "An Act to Distribute the Power and Privilege

of Serving in Elected Office" (H.P. 1076) (L.D. 1442) and Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-548) on same Bill which was tabled earlier in the day and later today assigned pending the motion of Representative Joseph of Waterville that the House accept the Majority "Ought Not to Pass" Report.

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

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: This bill, because its title is not that obvious to you, deals with the offices of the U.S. House of Representatives and U.S. Senate and limiting terms thereto. Some of us on the committee felt that where the voters this year would be having the opportunity to establish term limits on legislators and other state officials that it would be appropriate as well for us this year to deal with the issue of term limits for our members of Congress and our U.S. Senators.

Mr. Speaker, I respectfully ask the House to reject the pending motion, to give this bill a chance to be debated and heard and perhaps amended if the members of the House care to.

I request the yeas and nays.

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

Representative MICHAEL: Mr. Speaker, Men and Women of the House: I am not going to debate this bill long because I think most folks have made up their mind on how they feel about the philosophy of term limits.

I just want to give you a couple of pieces of information. This amended version, as the Representative from Norway said, applies only to the federal officers, Congress and the U.S. Senate. The effective date is 1998, so we effectively exempted out the next election where, for instance, George Mitchell will be running. We have exempted out the election after that where Bill Cohen will be running and in 1998, if you think of the two Congress people we have, I don't think either of those people are going to be hanging around the House in 1998, so I think we have effectively postured this in a way that it will affect new Congress people that we may have in the next few years.

One other important thing, this is a 12 year term limit, 12 years is the most modest term limit number that anybody proposes anywhere. Five or six years ago, when the term limit idea was first introduced, 12 years is what you heard, but now the standards across the country is six and eight years. Indeed, most of those thirteen or fourteen states which passed term limits in 1992, the last election — by the way, none of them failed to pass a term limit proposal that were on the ballots and out of all those states I think almost all of them were eight year term limits. That translates into eight years for Congress, 12 years for the U.S. Senate by the way those terms limits are worded.

So, just an idea, it looks like the term limit ideas are coming down the pike, it looks like it is going to be passed. If we don't send something out, probably somebody else is going to put something on the ballot by referendum or initiative and it is just something to think about. This November, there will be an initiative on the ballot for state term limits. If a couple of terms ago we had passed a 12 year term limit, that would be the standard and now

it looks like we will be having an eight year limit imposed on legislators. Just something to think about — perhaps we ought to pass this thing out.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair.

If I understand this particular measure, it only applies to those federal positions, the members of Congress and the United States Senate and that the effective date in this bill is 1998. As I remember and I stand corrected, the initiated referendum that appears to be heading to the voters this Fall would require term limits for members of this chamber and the other body effective in 1996. As I look at the original bill before us, the effective date was also 1996. My question is, why the sponsor or those who subscribe to this change would choose to hold those members of Congress to a lesser standard by backing off the effective date to 1998 when the legislation that has been advanced by citizens of this state would make term limits effective for members of the Maine State Legislature effective 1996? Is this in fact an attempt to preserve some members of Congress and Senate from the same standard that we would be held to this November?

The SPEAKER PRO TEM: Representative Gwadosky of Fairfield has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Auburn, Representative Michael.

Representative MICHAEL: Mr. Speaker, Men and Women of the House: In regard to Representative Gwadosky's question, certainly if you want to bring the issue up, we can amend this to go into effect in 1996, I won't object to that. In fact, we postured this bill in a way that we thought would have the greatest chance of passage, that is the sole reason for it, I believe. Members of the committee can speak differently if they saw a different reason but I think we just postured this in the most likely way that we could get this passed. To me, 12 years starting in 1998 removes a couple of the problems and a couple of the objections.

I certainly would have no objection to amending this to have it go into effect the same time as the referendum that will be voted on by the people this November.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for speaking a second time on this measure. Comforted by the thoughts and words of the good Representative from Auburn, Representative Michael, I find that I could support this bill if in fact you were willing to change the effective date to 1996 to treat everyone the same. I would encourage members to support this measure. If so, I will offer an amendment on Second Reading to make this effective for 1996.

The SPEAKER PRO TEM: 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. 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 PRO TEM: The pending question before the House is the motion of Representative Joseph of Waterville that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

## ROLL CALL NO. 165

YEA - Adams, Aliberti, Anderson, Beam, Bowers, Brennan, Cameron, Caron, Carroll, Cashman, Cathcart, Chase, Chonko, Clark, Clement, Coles, Constantine, Daggett, DiPietro, Donnelly, Driscoll, Dutremble, L.; Erwin, Faircloth, Farnsworth, Farren, Fitzpatrick, Gamache, Gray, Gwadosky, Hale, Hatch, Heesch, Heino, Hichborn, Hognlund, Holt, Jacques, Johnson, Joseph, Ketterer, Kilkelly, Kneeland, Larrivee, Lemke, Lipman, Look, Marshall, Martin, H.; Michaud, Mitchell, E.; Morrison, Murphy, Nadeau, Nash, Norton, O'Gara, Pfeiffer, Pineau, Pinette, Rand, Richardson, Ricker, Rotondi, Rowe, Saxl, Simonds, Spear, Stevens, K.; Strout, Sullivan, Swazey, Townsend, E.; Townsend, L.; Tracy, Treat, Walker, Wentworth, Winn.

NAY - Ahearne, Aikman, Ault, Bailey, H.; Bailey, R.; Bennett, Birney, Bruno, Campbell, Carleton, Cloutier, Clukey, Coffman, Cote, Cross, Dexter, Dore, Farnum, Foss, Gould, R. A.; Greenlaw, Hillock, Hussey, Joy, Kerr, Kutasi, Lemont, Libby James, Lindahl, Lord, MacBride, Marsh, Michael, Nickerson, Oliver, Ott, Paradis, P.; Pendexter, Pendleton, Plourde, Plowman, Pouliot, Reed, G.; Reed, W.; Robichaud, Simoneau, Stevens, A.; Taylor, Thompson, Townsend, G.; True, Tufts, Whitcomb, Young, Zirkilton.

ABSENT - Barth, Carr, Gean, Jalbert, Kontos, Libby Jack, Melendy, Mitchell, J.; Poulin, Ruhlin, Rydell, Saint Onge, Skoglund, Small, Tardy, Vigue, The Speaker.

Yes, 79; No, 55; Absent, 17; Paired, 0; Excused, 0.

79 having voted in the affirmative and 55 in the negative with 17 being absent, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

The Chair laid before the House the following matter: Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act to Protect Private Property" (H.P. 514) (L.D. 672) and Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-551) on same Bill which was tabled earlier in the day and later today assigned pending the motion of Representative Cote of Auburn that the House accept the Majority "Ought Not to Pass" Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Kingfield, Representative Dexter.

Representative DEXTER: Mr. Speaker, Men and Women of the House: Before I go any further, I wish to apologize, the only other time I got up and made a brief statement I forgot to say "Men and Women of the House" but a colleague reminded me and excused me because I am just a freshman.

To start off with, I guess I caused a little eruption here with this simple bill.

I want to go back first to the Spring of 1940 when I took a job on the last river drive on the