

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Sixteenth Legislature

OF THE

State Of Maine

VOLUME IV

FIRST REGULAR SESSION

Senate

May 19, 1993 to July 14, 1993

FIRST CONFIRMATION SESSION

October 14, 1993

The Chair ordered a Division.

Will all those in favor please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

14 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion of Senator **BERUBE** of Androscoggin, to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **FAILED**.

The Minority **OUGHT NOT TO PASS** Report **ACCEPTED** in **NON-CONCURRENCE**.

Sent down for concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Distribute the Power and Privilege of Serving in Elected Office"
H.P. 1076 L.D. 1442

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

BERUBE of Androscoggin
ESTY of Cumberland

Representatives:

GRAY of Sedgwick
WALKER of Blue Hill
LOOK of Jonesboro
KILKELLY of Wiscasset
ROWE of Portland
JOSEPH of Waterville
DUTREMBLE of Biddeford

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-548)**.

Signed:

Senator:

BUTLAND of Cumberland

Representatives:

AHEARNE of Madawaska
BENNETT of Norway
YOUNG of Limestone

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Which Reports were **READ**.

Senator **BERUBE** of Androscoggin moved that the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

Senator **BUTLAND** of Cumberland requested a Division.

On motion by Senator **HANLEY** of Oxford, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Esty.

Senator **ESTY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Unless I am incorrect, and we just received this so I am searching my memory, but I believe that this Bill dealt with term limits regarding Federal officials and I believe that one of the reasons why we voted Ought Not to Pass was because there was another vehicle to use as well as some people not supporting the idea. There is a vehicle that will be coming later to do this if the body would so choose. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Hanley.

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like to pose a question through the Chair to anyone in the chamber who is able to answer, maybe the good Senator from Cumberland could enlighten me as to exactly what piece of legislation might be coming forward that would deal with this issue of Congressional term limits.

THE PRESIDENT: The Senator from Oxford, Senator Hanley, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Cumberland, Senator Esty.

Senator **ESTY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I don't recall the L.D. number but I can tell you that it is Representative Joseph's legislation that is in the State and Local Government Committee. Thank you.

THE PRESIDENT: The Chair would inform the membership that debate on another L.D. is not proper before the body. The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator **CONLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I do have an answer to the question and it is not another L.D. To the good question posed by the Senator from Oxford, Senator Hanley, I believe it is an election. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Berube.

Senator **BERUBE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The Minority Report deals with a term limit for Congressional people and it will start in 1998 and would limit the House of Representatives in Washington to, I believe, four terms, and the U.S. Senate to two terms. We took objection, those of us on the Majority Report, simply because Maine is a small State. We are very fortunate in having a seniority on many committees and seniority, in fact, in the U.S. Senate. If you

would limit the terms in Washington you would find that we would probably be replaced by some states like California that have some 59 members in Congress. To Maine, having our Congressional people as seniority members of the Arms Services Committee or as Majority Leader for that matter, has served Maine well as we all know. I was reluctant to support the Bill because the risk was too great in losing some people who have seniority. Thank you.

Off Record Remarks

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Hanley.

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I was just checking my watch to see how much time I had to go on on this issue. I feel very strongly for the people not only of this State but for our entire nation. I have spoken on this point, last November as we were going door to door, knocking on doors, making that last pitch to try and get into the Legislature, people in 14 other States across this country had on their ballots an option to limit the terms of their Congressional members. 14 States, now I ask you, how many of you here know what the breakdown was as far as how many States adopted this proposal? Was it 12 - 2, was it 10 - 4? It was 14, each State that had it on their ballot voted for this. I asked this question on my questionnaire that I sent out. I received over 1500 responses on my questionnaire. 87% were in favor of Congressional term limits. I guess have to define what the good Senator from Androscoggin, Senator Berube, means when she says serves well. I would argue to the members of this Senate who are considering running for higher office, a Congressional office, could serve just as well. But if the definition of serving well, as far as from the level of seniority, is to bring home more pork, I would argue that that is not why we send our Representatives and our Senators back to Congress. I think anyone with good common sense, who has the best interest of the State of Maine can serve our State well. Bringing home more pork is not my definition of serving the State well and I would hope and trust that is not the definition of this chamber. I'm glad we had some discussion on this, the Bill came through with a very interesting title, An Act to Distribute the Power and Privilege, not fully allowing this chamber to know it is Congressional term limits that we are dealing with. When the vote is taken I ask that you members of the Senate take into consideration what your constituents told you when you were going door to door campaigning and what you feel is right for the State of Maine. I would say that my definition of serving well is not bringing home more pork and gaining more seniority, but having some common sense and the best interest of the State of Maine at hand. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator O'Dea.

Senator **O'DEA:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I sat and listened with great interest to the remarks of the Senator from Oxford, Senator Hanley, as he spoke about

Congressional term limits and the need for them and the popularity for them across the country. I listened to how he talked about the 14 States that enacted them in different ballot initiatives and referendums this past November. Then I thought about all of the people in this great land, from Maine to California, who re-elected 92% of their Congressional incumbents, including the people here in Maine. I think this is another one of those issues with a great deal of emotional appeal but when people sit down and think about it there are many compelling reasons not to do it. I would urge you to vote against the Minority Report. Thank you.

Off Record Remarks

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator **PEARSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I will be brief, I just hope that 49 States adopt this and we are the only exception, because then we will have the advantage of having people in office in Washington who have the institutional knowledge and the experience and the seniority to advance the concerns and the feelings of the people of the State of Maine, because I don't care what you say, with seniority and with history and with some background you are able to serve your people better. If I didn't believe that I wouldn't have run again myself. Thank you.

Senator **HALL** of Piscataquis moved to **TABLE 1 LEGISLATIVE DAY**, pending the motion by Senator **BERUBE** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **HALL** of Piscataquis to **TABLE 1 LEGISLATIVE DAY**.

The Chair ordered a Division.

Will all those in favor please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

10 Senators having voted in the affirmative and 23 Senators having voted in the negative, the motion of Senator **HALL** of Piscataquis, to **TABLE 1 LEGISLATIVE DAY**, pending the motion by Senator **BERUBE** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **FAILED**.

THE PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Hall.

Senator **HALL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. One thing I would like to remind you is that there was a petition drive in this State that obtained over 80,000 signatures. If this motion carries you are ignoring all of those people. I have no problem with the present representation that we have, but I question how many excellent representatives that we haven't had because we don't have term limits, it's something you may

want to consider. We all know that 90% of incumbents are re-elected, and we all know what the reason is for that, if you will search just a little bit to think about it. We are here to represent the people in this State, not our personal concerns, but the people that send us here. I ask you to please consider that for just a second before you make your choice. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Carey.

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would tell the Senator from Piscataquis, Senator Hall, that having been on Apportionment and doing fairly well with figures, that 80,000 people is only 6 1/2% of the State's population. I would also tell the good Senator that one of the reasons that some people who are much better than anyone of us here don't run is because they do not want to have their private lives scrutinized. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **BERUBE** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

A vote of Yes will be in favor of **ACCEPTANCE**.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators **BALDACCI, BEGLEY, BERUBE, BRANNIGAN, BUSTIN, CAREY, CIANCHETTE, CLEVELAND, CONLEY, ESTY, FOSTER, GOULD, HANDY, LAWRENCE, LUDWIG, MARDEN, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE**

NAYS: Senators **AMERO, BUTLAND, CAHILL, CARPENTER, HALL, HANLEY, HARRIMAN, KIEFFER, LUTHER, SUMMERS, WEBSTER**

ABSENT: Senator **TITCOMB**

23 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **BERUBE** of Androscoggin, to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

On motion by Senator **PEARSON** of Penobscot, **ADJOURNED** until Friday, June 4, 1993, at 9:00 in the morning.