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Legislative Record
House of Representatives
One Hundred and Nineteenth Legislature
State of Maine

Volume I

First Regular Session

December 2, 1998 – May 12, 1999

Bill "An Act to Submit Legislative Term Limits to Referendum in November 1999"

(H.P. 472) (L.D. 679)

(Committee on **LEGAL AND VETERANS AFFAIRS** suggested)
 TABLED - January 28, 1999 by Representative TUTTLE of Sanford.

PENDING - Motion of Representative GERRY of Auburn to REFER to Committee on **STATE AND LOCAL GOVERNMENT**.

Representative TUTTLE of Sanford **REQUESTED** a roll call on the motion to **REFER** the Bill to the Committee on **STATE AND LOCAL GOVERNMENT**.

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 Sanford, Representative Tuttle.

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. In reference to LD 679, after much discussion with the sponsor, chairs of the Committee on Legal and Veterans Affairs, also with the chairs of the Committee on State and Local Government, the Clerk and the President of the Senate and the presiding officer of this body, we have concurred that this bill should be referred to the Committee on Legal and Veterans Affairs. Specifically because it is a referendum issue, historically, they have always gone to Legal and Veterans Affairs because they handle election law. Therefore, it is for that reason that I will oppose the motion to refer this bill to the Committee on State and Local Government in hopes that we would send this bill to the Committee on Legal and Veterans Affairs, which it was referred to in the first part.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative Ahearne.

Representative **AHEARNE**: Mr. Speaker, Ladies and Gentlemen of the House. I must concur with good friend from Sanford, Representative Tuttle. This bill should go to Legal and Veterans Affairs. It has to deal with a referendum with term limits. If it were just an issue statutory language on term limits, it would be proper to send it to State and Local Government, but, however, this is a referendum issue with term limits and it deals with elections. It should go to Legal and Veterans Affairs. I would hope that you would defeat the pending motion so we could have the proper motion to send it to Legal and Veterans Affairs.

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

Representative **GERRY**: Mr. Speaker, Ladies and Gentlemen of the House. The reason why I referred this to State and Local Government instead of Legal and Veterans Affairs was a simple issue that our committee is looking at probably six or eight term limit bills from one gamete of changing them from one side to the other. I just felt it was appropriate, the issue of term limits, whether or not it should go back to the people for a vote, whether we thought term limits was right or wrong for whatever the reason, should come back to our committee, which is State and Local. Regardless of the fact that it had a referendum clause to it.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Labrecque.

Representative **LABRECQUE**: Mr. Speaker, Ladies and Gentlemen of the House. If you will take a moment to look at the language in the bill, you will see that it is dealing with an election. Election laws come before Legal and Veterans Affairs. I do ask that you follow the light of Representative Tuttle and Representative Ahearne. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Reference to the Committee on State and Local Government. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 10

YEA - Andrews, Belanger, Buck, Gerry, Glynn, Gooley, Honey, Jodrey, Jones, Joy, Kasprzak, Mack, Marvin, Mendros, Nass, O'Brien, Perkins, Pinkham, Richardson E, Rines, Shields, Shorey, Snowe-Mello, Stedman, Tobin J, Trahan, Treadwell, Waterhouse, Weston.

NAY - Ahearne, Bagley, Baker, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Cameron, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gillis, Goodwin, Hatch, Heidrich, Jacobs, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, MacDougall, Madore, Mailhot, Martin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Mitchell, Murphy E, Murphy T, Muse, Norbert, Nutting, O'Neal, O'Neil, Peavey, Perry, Pih, Povich, Powers, Quint, Richard, Richardson J, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Sirois, Skoglund, Stanley, Stevens, Sullivan, Tessier, Tobin D, Townsend, Tracy, Tripp, True, Tuttle, Twomey, Volenik, Watson, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

ABSENT - Bragdon, Campbell, Gamache, Green, Jabar, Lovett, Plowman, Shiah, Stanwood, Thompson, Usher.

Yes, 29; No, 111; Absent, 11; Excused, 0.

29 having voted in the affirmative and 111 voted in the negative, with 11 being absent, the motion to **REFER** the Bill to the Committee on **STATE AND LOCAL GOVERNMENT** **FAILED**.

Representative TUTTLE of Sanford moved that the Bill be **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS**.

Representative GERRY of Auburn moved that the Bill be **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and the Committee on **STATE AND LOCAL GOVERNMENT**.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. I would hope that you would defeat this motion. We have had a vote on this issue already. I refer again to the issue that it is a strictly referendum issue. Because of that, I would ask that you would defeat the motion and would request a roll call, Mr. Speaker.

Representative TUTTLE of Sanford **REQUESTED** a roll call on motion to **REFER** the Bill to the Committee on **LEGAL AND VETERANS AFFAIRS** and the Committee on **STATE AND LOCAL GOVERNMENT**.

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 Gerry.

Representative **GERRY**: Mr. Speaker, Ladies and Gentlemen of the House. The reason I have made this joint reference is, one, State and Local Committee has been referred at least six or more possible bills dealing with term limits from one range of changing them to the other. The other part of why I wanted Legal and Veterans Affairs is to settle the dispute on

referendum. To find out from the public what they think of whether or not this should go back to the people.

The SPEAKER: The Chair recognizes the Representative from Waldoboro, Representative Trahan.

Representative **TRAHAN**: Mr. Speaker, Men and Women of the House. Since I have been in Augusta, I have found that there are a lot of things that appear one way and then end up being different. I get the feeling that the Representative would like to have this bill heard on the floor. We are going through these motions to guarantee that this bill will reach her committee and be heard. Personally, I am not afraid to debate this on the floor. I think we should look at this bill and we should vote on it and it should be a recorded vote. It is a very important issue. I think out of respect for the Representative who seems to be fighting desperately to get this to a committee, that we should send it there. Thank you.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative Ahearne.

Representative **AHEARNE**: Mr. Speaker, Men and Women of the House. I think it should be properly before Legal and Veterans Affairs and not State and Local Government for the reasons that I think we said that we would like it to be. I don't see how that is going to be an issue. The real problem looks like it would come back to this body and the other body and we will have great discussion on this and there will be a recorded vote. That is pretty much a guarantee. I ask you to defeat the pending motion and it should go to Legal and Veterans Affairs.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Tripp.

Representative **TRIPP**: Mr. Speaker, Men and Women of the House. When I submitted this legislation, I didn't realize we were going to have such a problem of referencing. It seems to me that it is a simple fact of sending it to Legal and Veterans Affairs. Get it done. We will have the debate on the House floor. I urge you to defeat the motion that is currently pending.

The SPEAKER: The Chair recognizes the Representative from Fryeburg, Representative True.

Representative **TRUE**: Mr. Speaker, Men and Women of the House. I wasn't going to speak on this, however, because I am not now a member of the Legal and Veterans Affairs Committee, but it seems to me and I know that serving six years on this particular committee that all of the elections and referendums and so forth are referred to that committee. Also, if somebody want to check, I voted for term limits. However, I think there is something else that should be considered and that is that each time that we, as individuals, are going to take exceptions that it is not going to come to their committee and then we have to go through this process, it is entirely new, as the good Speaker has said and I am a little leery of the process being changed at this time. I would urge you to support the first vote. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Reference to the Committee on Legal and Veterans Affairs and the Committee on State and Local Government. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 11

YEA - Andrews, Bowles, Buck, Clough, Gerry, Glynn, Jones, Joy, Kasprzak, MacDougall, Mack, Madore, Marvin, Mendros, Nass, O'Brien, Pinkham, Rosen, Schneider, Shields, Shorey, Snowe-Mello, Stedman, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Winsor.

NAY - Ahearne, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bryant,

Bull, Bumps, Cameron, Carr, Chick, Chizmar, Cianchette, Clark, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gillis, Goodwin, Gooley, Hatch, Heidrich, Honey, Jabar, Jacobs, Jodrey, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Mailhot, Martin, Matthews, Mayo, McAlevey, McDorough, McGlocklin, McKee, McKenney, McNeil, Mitchell, Murphy E, Murphy T, Norbert, Nutting, O'Neal, O'Neil, Peavey, Perkins, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Sherman, Sirois, Skoglund, Stanley, Stevens, Sullivan, Tessier, Townsend, Tracy, Tripp, True, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler EM, Wheeler GJ, Williams, Mr. Speaker.

ABSENT - Bragdon, Campbell, Gamache, Green, Lovett, Muse, Plowman, Shiah, Stanwood, Thompson.

Yes, 30; No, 111; Absent, 10; Excused, 0.

30 having voted in the affirmative and 111 voted in the negative, with 10 being absent, the motion to **REFER** the Bill to the Committee on **LEGAL AND VETERANS AFFAIRS** and the Committee on **STATE AND LOCAL GOVERNMENT FAILED**

Subsequently, the Bill was **REFERRED** to the Committee on **LEGAL AND VETERAN AFFAIRS**, ordered printed and sent up for concurrence.

Bill "An Act to Increase State Funding for the Purchase of School Buses"

(H.P. 522) (L.D. 729)

- In House, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** on January 26, 1999.

- In Senate, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE**.

TABLED - February 2, 1999 (Till Later Today) by Representative SHIAH of Bowdoinham.

PENDING - **FURTHER CONSIDERATION**.

On motion of Representative TOWNSEND of Portland, the House voted to **RECEDE AND CONCUR**.

Bill "An Act to Provide Term Limits for the Secretary of the Senate and the Clerk of the House of Representatives"

(H.P. 654) (L.D. 904)

(Committee on **STATE AND LOCAL GOVERNMENT** suggested)

TABLED - February 2, 1999 (Till Later Today) by Representative AHEARNE of Madawaska.

PENDING - **REFERENCE**.

On motion of Representative AHEARNE of Madawaska, **TABLED** pending **REFERENCE** and specially assigned for Thursday, February 4, 1999.

Bill "An Act to Provide Computers for Use in the Legislature" (EMERGENCY)

(H.P. 666) (L.D. 922)

(Committee on **STATE AND LOCAL GOVERNMENT** suggested)

TABLED - February 2, 1999 (Till Later Today) by Representative AHEARNE of Madawaska.