

MAINE STATE LEGISLATURE

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

Volume II

First Regular Session

May 13, 1999 – June 19, 1999

Second Regular Session

January 5, 2000 – March 22, 2000

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

On motion of Representative TUTTLE of Sanford, the House **RECONSIDERED** its action whereby it voted to **RECEDE AND CONCUR**.

On further motion of the same Representative, the House voted to **INSIST** and ask for a **COMMITTEE OF CONFERENCE**. Sent for concurrence.

The following item was taken up out of order by unanimous consent:

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by House Rule 502.

Bill "An Act to Extend Term Limits for Elected Officials and Constitutional Officers"

(S.P. 377) (L.D. 1078)

- In Senate, Minority **OUGHT NOT TO PASS** Report of the Committee on **LEGAL AND VETERANS AFFAIRS READ and ACCEPTED**.

TABLED - May 28, 1999 (Till Later Today) by Representative STEVENS of Orono.

PENDING - Motion of same Representative to **RECONSIDER** whereby the Bill and Accompanying Papers were **INDEFINITELY POSTPONED**.

Representative STEVENS of Orono **REQUESTED** a roll call on the motion to **RECONSIDER** whereby the Bill and all accompanying papers were **INDEFINITELY POSTPONED**.

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. We've had two hours of debate on this bill. There's not much changed that could be added to testimony so I respectfully request that you vote against the reconsideration.

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

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. I'll be brief. I fortunately wasn't here when we did bring this issue up. It's a 12 to 1 report of the Committee on Legal and Veterans Affairs. Essentially, all we are doing is putting it out to referendum, allowing the people to make the decision as to the effect of this issue and all I'm saying is what are we afraid of. Are we afraid that the people are going to make that decision? Many of us know, who have been here over the years, the changes in this institution. It's an experiment. I think that we need to evaluate and allow the people to vote on that. As many of us are aware, term limits may remove some but they also take those who represent, in my opinion, their constituents well along with them. Maine over the recent years has lost many skilled lawmakers due to term limits. The voters can impose limits at the voting booth as they have done, I believe the 12 year is more acceptable, the executive says that he is in support of it. Turnover rates were appropriate before term limits. My understanding is before we had term limits the average time of service is 8 years, since then it has gotten to under 3 years. In

my opinion removing experienced legislators transfer powers to unelected staff. I don't need to go into detail. All I'm saying is let's give this a chance, let's send it out to vote. Let's let the people decide. What are we afraid of. I would ask that you support the motion to reconsider.

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

Representative **GERRY**: Mr. Speaker, Ladies and Gentlemen of the House. I must remind you that this went down in big numbers. Nothing has changed and also this is not a debate on whether or not we should or shouldn't have term limits. This is about extension of the years that we can serve. Some of the questions that were brought up before on term limits that most of the states that have enacted term limits that they are in the process of repealing them. It is not the case. I've got information that says that there's 18 states currently that have term limits, 7 of them have not taken any action to overturn their limits or to extend them. There are 10 states that have talked about extension or repeal, but they have come to no conclusion, no votes were taken. In one state, their governor stepped in and said that he would veto any repeal or extension, so respectfully; I request that you vote against this reconsideration.

I'm not afraid of sending this out to the voters, but I know that people have supported term limits and every citizen initiative that we have done, whether it was for the state term limits or for congressional term limits. I feel that it is not the time to send this back out so I respectfully request you to hold to your vote and not bow to the lobbying that was done to change your vote.

The **SPEAKER**: The Chair recognizes the Representative from Brunswick, Representative Davidson.

Representative **DAVIDSON**: Mr. Speaker, Men and Women of the House. I'm not going to debate the reconsideration motion. I would just say that I wish the House would join along with me on the reconsideration motion to have the good chair on a 12 to 1 report be able to consider the report because he was not able to be here for the debate last week. I'm sure we'd all like to allow the chairman the reconsideration motion on that.

The **SPEAKER**: The Chair recognizes the Representative from Winterport, Representative Brooks.

Representative **BROOKS**: Mr. Speaker, May I pose a series of questions through the Chair?

The **SPEAKER**: The Representative may pose his questions.

Representative **BROOKS**: Mr. Speaker, Men and Women of the House. Question one, which election would we be asking the people to vote on this? Question two, how many terms would this extend us by and question three, if there are people who currently term limited, would it affect them?

The **SPEAKER**: The Representative from Winterport, Representative Brooks has posed a series of questions through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. In answer to the first question, the referendum would go out in 1999, the other question was it would affect people who are presently serving and it would extend it for two more years, to twelve years, from eight to twelve years.

The **SPEAKER**: The Chair recognizes the Representative from Scarborough, Representative Clough.

Representative **CLOUGH**: Mr. Speaker, Ladies and Gentlemen of the House. Just a quick reminder to everyone, the people have already spoken on this issue.

The **SPEAKER**: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. I had imposed term limits on myself in 1988, I was running for reelection, I had a name on the ballot; it was a very easy election. I went through and did an inventory of reasons why I wanted to be here. We had enacted what we thought was very progressive legislation on GPA, school construction, felt we had done some very positive things on job creation and decided it was time to go back home, that I had accomplished my goals. Ironically, those are the same issues that caused me to recycle myself three years ago. As we've debated this issue, there really hasn't been a discussion about the number of members in this body who have come back and they have brought back many years of legislative experience, Tuttle, Matthews, Tracy, Eleanor Murphy, Martin, Usher, they've all been here. Many times we feel like those old tribal sages are sitting in a hut somewhere, occasionally someone stops in, wants to talk about an issue, but there is legislative history in this chamber. There will always be legislative history in this chamber. We had a long debate about the voters, why did they vote that way. Some had said it was personalities some said it wasn't. I think what happened is the voters looked here to Augusta and they saw many of the same things they didn't like in Washington D.C., they saw that if you were here for an extended period of time, you became committee chairperson. There was a transition or a crossover where you began representing the department rather than the people back home. They saw a consolidation of power that would have occurred with Republicans or with Democrats and I think that's why they voted that way. Since December, if you caught me at different times in the last 5 or 6 months I had varying positions on this. In January and February with 26 brand new members in our caucus, if you had stopped and asked me, I would have said, I'm for easing back on the term limits. At the end of the session, I see those 26 members, the vitality, the energy looking for new solutions, in some cases the volatility they bring to this chamber and it's been good for the institution. So my position on extending term limits has come back full circle. I voted for it as a Maine citizen on what was enacted by the people of Maine, I continue to support. People of Maine were very wise, they knew that if you would like to continue your public service, you had the option of leaving for two years and then coming back or you can travel down the hall to the other body and there are many legislators who made that journey with term limits to the other end of the hall. They would tell you that they probably play a role similar to what George Washington said during the Constitutional Convention debate in Philadelphia. Members had come up and said, I don't fully understand how this Senate thing is suppose to work and George Washington had said to that delegate, when you drink your coffee is it too hot, and they said yes, and said what do you do with the coffee, and they said, I pour it into the saucer let it cool off a little bit and then I drink the coffee. We're the coffee cup; we're the hot volatile body. This is where people stay to listen to oratory, this is where things are unpredictable and part of that that keeps that vitality and unpredictability is the new blood and the new people and the voters said very clearly they want that turnover. They want you, as a politician, to make that decision, when my time is up do I go home, or do I go down to the other end of the hall, or do I run for

another office. So I think the people of Maine knew what they were doing. I think they spoke very clearly. I speak in support of that earlier vote.

The **SPEAKER**: The Chair recognizes the Representative from Wilton, Representative LaVerdiere.

Representative **LAVERDIERE**: Mr. Speaker, Men and Women of the House. I rise to remind us that this is a motion to reconsider. This is not the substance of the LD itself; this is a motion to reconsider. It's a common courtesy we extend to one another all the time. Those of you who have gotten up late and made your motions late, after something has been done, the courtesy has been extended to you to reconsider and that's all we're asking right now is that we reconsider. If you wish to keep to your position on the substance of the issue, you have every right to do so. This is merely a motion to reconsider and I would ask that you join with me in extending that courtesy to the member that requested it. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. I entered into that debate because the debate has started already. I have never objected to a motion to Reconsider and on the motion to reconsider I will be voting positive.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is the motion to reconsider. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 367

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Cameron, Campbell, 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, Glynn, Gooley, Green, Hatch, Heidrich, Honey, Jabar, Jacobs, Jodrey, Joy, Kane, Kneeland, LaVerdiere, Lemoine, Lovett, MacDougall, Madore, Mailhot, Martin, Marvin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Mendros, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Perry, Pieh, Plowman, Povich, Powers, Quint, Richard, Richardson J, Rines, Rosen, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shorey, Sirois, Skoglund, Snowe-Mello, Stanley, Stanwood, Stedman, Stevens, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Tracy, Tripp, True, Tuttle, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Gerry, Kasprzak, Labrecque, Mack, Pinkham, Richardson E, Shields, Trahan, Treadwell.

ABSENT - Goodwin, Jones, Lemont, Lindahl, Samson.

Yes, 137; No, 9; Absent, 5; Excused, 0.

137 having voted in the affirmative and 9 voted in the negative, with 5 being absent, the House **RECONSIDERED** its action whereby the Bill and all accompanying papers were **INDEFINITELY POSTPONED**.

The **SPEAKER**: The Chair recognizes the Representative from Orono, Representative Stevens.

Representative **STEVENS**: Mr. Speaker, Men and Women of the House. I respectfully request that you vote against the indefinite postponement.

Representative STEVENS of Orono **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

The **SPEAKER**: The Chair recognizes the Representative from Lewiston, Representative Mendros.

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I've heard a lot of talk about institutional memory and I find it ironic that the two people in our branch of government that have the most institutional memory, the good Representative from Eagle Lake, Representative Martin and the good Senator from Lewiston, Senator Berube, the one in each body that have the most institutional memory have both spoken in opposition to this and voted in opposition to this and yet we use institutional memory as the argument as why we should vote for this bill. I find that very ironic.

The **SPEAKER**: The Chair recognizes the Representative from Portland, Representative Saxl.

Representative **SAXL**: Mr. Speaker, Men and Women of the House. I thank the Representative from Orono for bring this issue back before us today and I urge you to join her in opposing the motion to indefinitely postpone this legislation. I listen with interest to my colleagues from across the aisle, the Representative from Kennebunk and his cataloguing of names of members who have come back to this great chamber and I thought that he made a great point. He talked about Usher and Tracy and Matthews and Murphy of Berwick, he talked about himself, Murphy of Kennebunk and of course, the Representative from Eagle Lake, Representative Martin and I thought about it and I smiled, because when I think about it, I know the Representative from Westbrook, Representative Usher, left here on his own. The Representative from Rome left here with the electorate and came back with the electorate. The Representative from Winslow left here on his own; the Representative from Kennebunk himself left here when he decided it was time to leave this chamber.

Ladies and Gentlemen of the House the people of the State of Maine are smart people. Term limits didn't bring most of the folks that the Representative from Kennebunk is talking about back, the voters did. The voters were wise enough to reelect the Representative from Rome; the voters were wise enough to ask the Representative from Westbrook to come back. For those folks that were taken away by term limits, like the Representative from Berwick, well we're glad the voters decided to bring her back too and her wisdom to this body. Yesterday, hearing her talk on the floor of the House and her perspective from years of working in this body brought a smile to my face and I think it brought a great sense of institutional memory to our debate, but remember even those folks who don't come back, or choose to come back after a sabbatical, about every two years a third of this body changes hands with or without term limits in the State of Maine. Elections work really well here in the State of Maine and the people of the State of Maine are smart. Without term limits we have the most women in the nation serving in this body. Since term limits that number has unfortunately diminished. I think that term limits, although they have been a great benefactor to me personally in my work in getting me to this corner have done a great deal to diminish this chamber. The people in the State of Maine and the voters in each and every one of our districts have had a chance to vote for you and have the power of limiting your terms right now. While I would prefer to vote today on an up or down vote on term limits, because I think they are a terrible idea anyway, I hope that we will begin to erode the

policy of term limits by extending the number of terms that members can serve in this body, to make sure that we continue to provide the best representation and have the greatest array of experience here in this body. Continue, know that there will always be a third of this body that are new members and will bring new vitality and new ideas to this chamber, but also know that the years of experience that are brought by people like my mother, the Representative from Bangor, and people like the Representative from Easton, Representative Kneeland, the people like the Representative from Portland, Representative Townsend will be sorely missed next year. I hope that you will vote against this motion to Indefinitely Postpone.

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

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. I think 12 years is a very, very long time. It certainly would seem like a long time if we were sentenced to it. I was thinking about the whole term limits issue and I think some of the arguments we've heard over the last few days on this debate are very similar to the arguments that were used during the election campaign when this referendum was passed. That people have the right to vote for their own legislators, they have the right to turn them out if they so choose, we have term limits at the ballot box and that people have been here too long and they should be driven out. These are the same arguments we've heard years ago when this was first passed, but I was thinking about this in some detail and I went and looked at the Register for the 117th Legislature and that was the last Legislature before term limits really kicked in. It was very interesting to read through that Register and see the lengths of service and count some numbers on it and it was really fascinating, because out of the 151 House members, you had 121 that had fewer than two terms experience, 121. Of the remaining 30, 25 had fewer than eight years experience, or four terms, of the remaining 5, 3 had more than 15 years or 8 terms and only 2 had more than 20 years, Don Strout and John Martin. So essentially, when we talk about career politicians, term limits was passed to get rid of two people. One of who has now returned under the auspices of the electorate, so that sort of extents my thesis about why I think 12 years is a long time, because most people wouldn't stay for 12 years, but if you look at the cumulative experience of the Legislature in the 117th Legislature it was 520 years, cumulative experience, in the 118th Legislature, when I came in, we had a cumulative experience of 360 years. Coming into the 119th is increased to 438 years, so it's growing back. Now I did the calculation and if everyone who is eligible gets reelected you'll have 620 cumulative experiences, so what's the net effect. People no longer come here with the idea, well I'm going to run for a term and if I like it I'll come back, maybe do 2 terms. They run with the idea that they are going to serve for 8 years. So they don't just simply drop off the face of the earth, which does exactly the opposite of what the electorate intended, which is to increase turnover. Rather interesting thesis I think, I think if you actually extended that to 12 years, you might actually encourage turnover rather than encourage stasis, which you now do with term limits set at 4 terms and I lay that before the body to think about that for a minute. We think about what the people actually intended, when in their anger at government they voted for term limits. Did they vote to turn over government? I think they did, but I don't think they accomplished what they set out to do, so I think we could actually be helping them in that intent rather than destroying the whole idea of term limits by doing this, so I think

this is a very good idea and I think we should move it forward. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bremen, Representative Pieh.

Representative **PIEH**: Mr. Speaker, Ladies and Gentlemen of the House. I rise hoping you will vote down the indefinite postponement of this bill and its papers. The year before I came, as the good Representative from Old Town demonstrated with the number of hours, there was a 75 member turnover that had nothing to do with term limits and so if you are looking for energy and young blood, new blood, this Legislature gets it on a regular basis. Also, I'll share with you, the person who personally financed the election for term limits, had she lived long enough, would have been one of my constituents and was a neighbor and a friend of mine and she lived to regret that she had done that. I'm sort of sorry that she's not around now, because I think she might contribute toward this referendum were she alive today. She felt she had made a decision, acted on that decision and ended up not being that happy with that decision. I looked at the roll call after this and I noticed that there were a lot of freshmen legislators that voted to indefinitely postpone this bill and its papers and it's interesting I voted against term limits and when I came here as a freshman I decided I was for term limits and I don't exactly know what the rationale for that was, it may have been energy and newness, and more opportunity for me if I wanted to be in a leadership position and now in my second term, I not positive I'm against term limits, but I'm definitely against 8 years and I think it would be very helpful to us to have a 12 year term limit and to look at that and to see if that doesn't work better. It has to do with a seasoned legislator being here and being able to rely on, I know when I came in two years ago; I had very few people that I could ask to help me with my decision making. It's a lot better for people who are freshmen this year because there are a lot fewer than the year that I came in, in 1996. So I encourage you to consider changing your perspective and your vote on this, if you voted to indefinitely postpone and give this bill its chance with the electorate. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative Murphy.

Representative **MURPHY**: Mr. Speaker, Ladies and Gentlemen of the House. I did come back after term limits. I don't believe in term limits. I didn't vote for term limits. I still don't believe in term limits. I've served here many years and every time it has been about a third turnover and I think that's a good turnover and I just hope that you will vote against indefinite postponement so that we can go on and put this out to the voter, because you put your name on a ballot every two years and they have a right to do whatever they want to. I put my name on a ballot back home for the Board of Selectmen; I got it, next year my term will be up on the Board, my term will be up here. I may have my name on the ballot for both and it's up to the voters of my town what they want to do and I will accept what they say. I do not believe in term limits and I hope that we vote against indefinite postponement.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Mitchell.

Representative **MITCHELL**: Mr. Speaker, Men and Women of the House. Perhaps I'm flattering myself that you care about what I feel about term limits, but I'm from a district that actually would be opposed to term limits because they lost someone they wanted to reelect and the perhaps I was Vassalboro's way of

wiggling around term limits, but I don't think every district in Maine has had that yet and I think that's the time when this will be right to send to the voters, when the people are ready. This should not be something that comes from in house; it should come from the people who put term limits in place in the first place.

I'm a little bit insulted at the idea as a freshman I'm only voting to indefinitely postpone to help myself. If you can't understand the principle stands, than I really don't know where to go. I'm opposed to term limits. I'm as opposed to term limits as everyone else who stood up and said term limits are a bad idea, but if you're opposed to term limits you can not in an intellectually consistent manner vote for this bill. You're institutionalizing term limits with your vote.

There are two possible options if this goes out to the voters. One it will pass, and if it passes then we have just locked in 12-year term limits, the thing that we have said is such a terrible idea, we've just locked it in, term limits are there. The other option is that it loses and now the people that are opposed to term limits are really in trouble because now we've locked in 8 years for much longer than we ever hoped to. If you are opposed to term limits, I'd think the correct way to go about this is to wait a few more years until the time is right. If you think you'd like the 12 years think about who might show up this November, it's an off year, the people who support term limits, I hate to generalize, but I would say are a much more energized crowd than the people who can intellectually rationalize that term limits are a bad idea, so I just don't see any reason to send this out right now. I think the time is wrong and I hope that you vote to indefinitely postpone this motion.

The SPEAKER: The Chair recognizes the Representative from Naples, Representative Thompson.

Representative **THOMPSON**: Mr. Speaker, Men and Women of the House. I'm rising to also ask you to vote against this motion to indefinitely postpone. I'm going to give you a little different viewpoint from the good Representative from Vassalboro. You know when I got here as a first term, I often would vote against a lot of things for a lot of different reasons and as I've been here awhile I've changed and I just seem to vote the way I want to vote and don't worry about a lot of the peripheral issues, but one thing I have learned up here is you can come up here and be an idealist and accomplish nothing or you can come up here and accomplish a portion of what you wish to achieve, because no one up here achieves everything they want. It's the nature of having to vote. We rule by the majority and that's how we pass things. We put in bills and we compromise what's in those bills to an extent to gain a consensus. To accomplish something rather than sticking ridged and accomplishing nothing.

Now I choose even though I am against term limits to try to accomplish something and that is to say a 12-year term limit is a better situation than an 8-year term limit. I don't feel like I'm compromising anything, not my ideals. In a perfect world I would like to do away with term limits. Do I think that's possible this year, no. Do I think it's possible that term limits might be changed to 12 years; I think it's possible? By voting to send this out to the voters to change it to 12 years, I'm not compromising my principles; I'm trying to achieve something that I think is a better result than what we have now. You know the ultimate issue of whether you agree with term limits or don't, that's fine, that's up to you. If you agree with term limits, it's easy to stay where it is, if you're opposed to them I guess there's a mixed

result, but I'm here to say that it is a reasonable position to be opposed to term limits and to vote to send out a 12 year term limit to the voters.

The **SPEAKER**: The Chair recognizes the Representative from Lincoln, Representative Carr.

Representative **CARR**: Mr. Speaker, Ladies and Gentlemen of the House. Just take a minute, yesterday we debated for an hour and a half or two hours an item that we had debated the day before for an hour and a half or two hours and today we are doing the same thing again. An item that had been debated for a considerable amount of time, an item that had been defeated by quite a substantial margin and what this reminds me of, when one of my boys was young, he would come to me and ask me if he could do something and I said no and a couple days later he'd catch me at another time and say, can I do that and I'd say no. Well after he had done that three or four times, he kind of wore me down and I'd finally say yes and that's what this kind of reminds me of. We have so many chances of coming back, if something doesn't suit our fancy on a vote, we keep coming back to it until everyone is just worn down on it and I just ask those of you who voted for this motion the last time, please stick with your motion. Let's put this to bed and get on with some other business.

The **SPEAKER**: The Chair recognizes the Representative from Winslow, Representative Matthews.

Representative **MATTHEWS**: Mr. Speaker, Men and Women of the House. I appreciate as I'm sure many of you do the opportunity to give this issue a thorough discussion and especially for a good friend of mine, Representative Tuttle, who I have served with and consider it an honor to serve with him these years. Ladies and gentlemen my concern is that we really, as I mentioned the other day, have to look at the balance of power. Look at the position of the Legislature and I'm greatly concerned that if we don't attempt to balance our power with the Executive Branch, we will become, unfortunately, not a co-equal branch. The turn over as has been mentioned, the problem of having leadership only be able to serve for one term, the kinds of issues that that raises. A very powerful executive, in his ability to marshal department heads and others to his side in their cause and how do we off set that as a Legislative Branch, the people's House. I think the issue of extension of term limits is a good one and it really goes to the Constitution, that we are a co-equal branch of government and we ought to be able to play on an even playing field and right now I think term limits doesn't allow us to do that, so I hope that you will look at this issue of 12 years, I think it is very fair and ladies and gentlemen, the most important part and the only part I would accept with this debate is that this issue gets decided by the people. I have no problem of letting the public in Maine decide this issue and that's exactly what this bill does and it talks about having a strong parity with the executive branch, the people's House, the Legislature, as envisioned in the Constitution. I hope you will give it consideration.

The **SPEAKER**: The Chair recognizes the Representative from Hampden, Representative Plowman.

Representative **PLOWMAN**: Mr. Speaker, Men and Women of the House. I was not a proponent of term limits. I knew why they were being instituted, I thought and I saw the changes that happened in the few years directly after it. However, I will say that in the last two years I have seen people grow in this job faster than they did my first term and my second term and my third term. The people that have grown in this year alone to take

on issues that are incredibly complex show me that the people of the State of Maine can send someone here mid-session and send someone who is very able. I will say that we are on equal footing. There are term limits for the governor. We also have judges that have to come before us every seven years in order to be renominated. We are the third leg of the stool and term limits have been voted in by the people. They didn't vote them in for only one reason. The most important reason I heard, even though I didn't agree with term limits per se, I do agree with the philosophy I heard. We want the people who tell us how to live, who make our public policy to come back out and live under it for two years before they come back and start again. Get a fresh look, find out what's happening, because as you know, when you get here this is your own little world. We don't know what is going on out there and you have a few months off between now and December to find out. If you want to get rid of term limits, do it up and honest and say to people, do you want term limits or longer term limits. I'm torn, I'm term limited and you know what, my family is the most grateful family in the world, I think, because it did pass. My kids keep saying you can't run again can you Mom, they are thrilled, but it never kept anyone from running against me to my great dismay. Every time I thought they'd leave me alone this time, it didn't happen. Plenty of people were opposed, some people were upset and aren't sitting here anymore and people chose not to run, but right now the people decided for two reasons that they want term limits. One is come back and be with us for awhile, it's not an unreasonable expectation. I ask you to please support the motion to indefinitely postpone.

The **SPEAKER**: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. I, too, have no problem with the people deciding this issue like the good Representative from Winslow. I do have a problem with the process though. This decision to have term limits for us up here came from the people. They gathered the signatures, got it on the ballot and voted on it. If we feel real strong as a body about this issue and they say they have support in the hinder land to do something about extending these term limits, I would respectfully suggest that they do what the other citizens do when we pass laws up here that they don't like, they gather signatures, they make their case and they put it on the ballot. That's where it should come from. It came from the people; this action to do something different should be by the people. Get out there, make your case, gather the signatures and put it on the ballot.

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

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. I'd like to thank the body for allowing me the chance to speak on this issue because I feel so strongly about. As chairman of the committee, I wasn't here on the initial vote was held and irregardless of how you are voting on this issue tonight, I do extend to the membership the chance to allow me my opportunity to speak on this issue and I sincerely thank you. I hope that we would vote against the motion to indefinitely postpone that this is an issue that the public should be able to look at again with some experience. I think that putting this issue to referendum is the way that it should be resolved and I'd ask that you defeat the pending motion of indefinite postponement.

The **SPEAKER**: The Chair recognizes the Representative from Buxton, Representative Savage.

Representative SAVAGE: Mr. Speaker, Men and Women of the House. Being a first term, I guess I can't talk too much to what's happening in leadership and how that compares to previous terms. I can say, however, that in my first term I was lucky enough to be a member of the Utilities and Energy Committee, a committee that was in my mind the epitome of how legislation should be created. We had a very bipartisan committee. We spoke well with each other and we relied on each other across party lines. That committee had a lot of technical information in front of it on a day-to-day basis, had a lot of members of the lobby who have been here longer than most of us will ever imagine being here. It's a very technical area and people don't move in and out of it very easily and we could pit the lobby against each other often and see how they responded to those question, but when it came right down to it, if the lobby was on the same side of the issue, if both sides of the lobby was on the same side of an issue, we had to look to the people who knew what had happened in previous years and those were the other legislators who had been here. I guess I need to preference my remarks with that, but I need to go on and say, the people did send term limits to us, but we see how they work, we see them on the ground here and I think we have the responsibility to send it back and say this is why we're sending it back. They had a chance to vote on it, but they only had a chance to vote on one set of years and that was 8, we don't know if they would have voted for 12, 20, whatever. In closing I guess I just want to say that the people who seem to think that the people having hurt long enough and hard enough so we shouldn't send it out yet are engaging in some sort of perverse game of chicken with their own constituents. A game of uncle, making their own constituents hurt long and hard so that then they will get their way. I don't think we were sent here to do that.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Saxl.

Representative SAXL: Mr. Speaker, Men and Women of the House. I'm one of those term limited people, this is my last term that I am going to be able to serve and I hate the idea, I must say that it has really been with me as we've served this session. However, what we have before us is not an opportunity to repeal term limits but rather to extend the term, so I will be voting for indefinite postponement because I believe we should have the opportunity to send out to the voters the repeal of term limits and I hope perhaps in the short session we will be able to have that before us. Thank you.

The SPEAKER: The Chair recognizes the Representative from Oakland, Representative Nutting.

Representative NUTTING: Mr. Speaker, Men and Women of the House. I rise with some trepidation this evening because after hours of argument last night and again tonight, I feel somewhat like the good Representative from Vassalboro, Representative Mitchell, I'm not sure that anybody really cares what any of us think or what I think, but I guess I've listened to enough of it that I don't care if anyone cares anymore. In my opinion the danger here is not whether term limits you lose experienced Representatives, because you certainly do. That's maybe a bad point, but that's not a danger to the system. I don't believe that the danger to the system is that we have a lot of new Representatives, the rookies, and the freshmen coming in with a complete lack of any historic or legislative perspective. That's probably a bad point but I don't see that as a danger to the system. The danger to the system, in my humble opinion, came to me about 12 years ago when I was sitting for the twelfth year

as a member of the town council in my community and I had run 4 consecutive terms, served some as chairman of the committee and had been there 12 years and one evening in February, snowy night, we were working the beginnings of the budget at 11:00 and my colleague sitting beside me leaned over and he had even more experience than I and he said to me, "Boy the citizens are really lucky we're here doing there, where would they be without us." and that night it dawned on me that they would be just fine without any of us. They would be just fine without him; they would be just fine without me. It's at that point when I think I discovered what the danger of the system is. The danger of the franking, the danger of the long terms, the danger of the multiple terms and the thing that term limits addresses and that is the attitude that without us, individually or collectively, that this body in this state would just fall apart. I urge you to take your job seriously, but not your particular individual seats that seriously. The state and this body will be fine without any one of us, or all of us. Don't let yourself think like that.

The other thing that I find interesting is that, not in all cases but in many cases, the people who spoke in favor of increasing the compensation package, to bring in new fresh blood into this body, to bring in new people that up to this point aren't able to serve. In many cases are the same people who change the argument and say, well if we don't have term limits we'll bring in a whole bunch of new people with new ideas. I'd urge you to vote for indefinite postponement.

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 Indefinite Postponement of Bill and Accompanying Papers. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 368

YEA - Andrews, Belanger, Berry DP, Bowles, Bragdon, Buck, Bumps, Campbell, Carr, Clark, Clough, Collins, Cross, Daigle, Foster, Gerry, Gillis, Glynn, Heidrich, Honey, Joy, Kasprzak, Kneeland, Labrecque, Lemoine, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Martin, Marvin, McDonough, McKee, McKenney, McNeil, Mendros, Mitchell, Murphy T, Nass, Nutting, O'Brien JA, O'Brien LL, Peavey, Perkins, Pinkham, Plowman, Richardson E, Richardson J, Rosen, Savage C, Saxl JW, Sherman, Shields, Snowe-Mello, Stanley, Stanwood, Stedman, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Usher, Volenik, Waterhouse, Weston, Winsor.

NAY - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bryant, Bull, Cameron, Chick, Chizmar, Colwell, Cote, Cowger, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gooley, Green, Hatch, Jabar, Jacobs, Jodrey, Kane, LaVerdiere, Matthews, Mayo, McAlevey, McGlocklin, Murphy E, Muse, Norbert, O'Neal, O'Neil, Perry, Pieh, Povich, Powers, Quint, Richard, Rines, Sanborn, Savage W, Saxl MV, Schneider, Shiah, Shorey, Sirois, Skoglund, Stevens, Sullivan, Tessier, Thompson, Townsend, Tripp, True, Tuttle, Twomey, Watson, Wheeler EM, Wheeler GJ, Williams, Mr. Speaker.

ABSENT - Cianchette, Goodwin, Jones, Samson.

Yes, 70; No, 77; Absent, 4; Excused, 0.

70 having voted in the affirmative and 77 voted in the negative, with 4 being absent, the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers **FAILED**.

Representative PLOWMAN of Hampden **REQUESTED** a roll call on the motion to **ACCEPT** the Majority Ought to Pass as Amended 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 Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 369

YEA - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Bruno, Bryant, Bull, Cameron, Colwell, Cote, Cowger, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gooley, Green, Hatch, Jabar, Jacobs, Jodrey, Kane, LaVerdiere, Matthews, McAlevey, McGlocklin, Murphy E, Muse, Norbert, O'Brien LL, O'Neal, O'Neil, Perry, Pieh, Povich, Powers, Quint, Richard, Rines, Sanborn, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Shorey, Sirois, Skoglund, Stevens, Sullivan, Tessier, Thompson, Tobin J, Townsend, Tripp, True, Tuttle, Twomey, Watson, Wheeler GJ, Williams, Mr. Speaker.

NAY - Andrews, Belanger, Berry DP, Bowles, Bragdon, Brooks, Buck, Bumps, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Cross, Daigle, Foster, Gerry, Gillis, Glynn, Heidrich, Honey, Joy, Kasprzak, Kneeland, Labrecque, Lemoine, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Martin, Marvin, Mayo, McDonough, McKee, McNeil, Mendros, Mitchell, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Plowman, Richardson E, Richardson J, Rosen, Savage C, Sherman, Shields, Snowe-Mello, Stanley, Stanwood, Stedman, Tobin D, Tracy, Trahan, Treadwell, Usher, Volenik, Waterhouse, Weston, Winsor.

ABSENT - Goodwin, Jones, McKenney, Samson, Wheeler EM.

Yes, 75; No, 71; Absent, 5; Excused, 0.

75 having voted in the affirmative and 71 voted in the negative, with 5 being absent, the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-262)** was **READ** by the Clerk and **ADOPTED**.

On motion of Representative GERRY of Auburn, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-262)** was **ADOPTED**.

The same Representative **PRESENTED** **House Amendment "A" (H-707)** to **Committee Amendment "A" (S-262)** which was **READ** by the Clerk.

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

Representative **GERRY**: Mr. Speaker, Ladies and Gentlemen of the House. LD 1078 to me represents abuse of our power. The citizens of Maine have three times signed petitions in sufficient numbers to place this question on the ballot. This is not an easy task, despite what some of you in this room might think. What my amendment will do is before this question can be put on the ballot, the legislators who feel that this should go back out to the polls will have to do exact same thing as a citizen has to do in order to do a citizen's initiative, in other words, if you think the people want this to go on the ballot, you have three months to get the same number of signatures for a citizen initiative. You can use yourself and whoever else you want to help collect the signatures. This will show how serious you are that you think this is the will of the people to put it back

out to the vote. It will also show some respect to the citizens who initiated the first citizen's initiative to put term limits on the ballot. It will also show and give you experience to see what it's like in our shoes to initiate and run a citizen's initiative. You will find out what we have to go through, so ladies and gentlemen I hope that you will accept this amendment.

The same Representative **REQUESTED** a roll call on her motion to **ADOPT** **House Amendment "A" (H-707)** to **Committee Amendment "A" (S-262)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

Representative RINES of Wiscasset moved that **House Amendment "A" (H-707)** to **Committee Amendment "A" (S-262)** be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on his motion to **INDEFINITELY POSTPONE** **House Amendment "A" (H-707)** to **Committee Amendment "A" (S-262)**.

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 Fairfield, Representative Tessier.

Representative **TESSIER**: Mr. Speaker, Men and Women of the House. We have visions conjured up for us of people out, truly committed people, gathering signatures for this petition and I have no doubt there were. I know, however, from a personal experience that there were folks who were gathering signatures for a petition to have term limits who were not committed to having term limits. I'll share a story with you. I went shopping one morning while the signatures were being collected. I went to the local Shaw's Supermarket in Waterville and much to my surprise I saw a student who attended school at the agency where I worked and her boyfriend sitting at a table collecting signatures. I was amazed that they were so committed to this political issue and started talking to them. As I talked with them as folks went by they would encourage folks into signing the petition saying well, at least, let's get it on the ballot. Let the people have a say, and people would say, well okay I'll do that. I'll put my name down. As I talked to the young lady and her boyfriend, they indicated to me they had no commitment whatsoever to term limits. They had been recruited to gather signatures, why, they never told me, I have my suspicions, but they were very anxious to get as many signatures as possible, spending that whole day and the following day on the weekend at the supermarket. As you vote on this, I would hope that you would vote for the indefinite postponement keeping in mind that not all the people gathering signatures were that committed to having term limits. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. This amendment is exactly what I said earlier when I was talking about commitment and whether this was a good idea. I can't predict the future, and I'm not a betting man, but I'd be willing to bet on this one. If you send this out to the people from here, you're going to get one good response from the people and it's not going to be the one you like. I can't think of anything that would anger people more than sending this out after they voted on this and they had gathered the signatures. Whether they had commitment to gather those signature, or whether they were committed to term limits or not, I can remember back before I was serving up here, which was not too long ago that a lot of comments I heard from people when we

took actions, or the people that were up here at the time took actions, that were against the will of the citizens when they had voted on a certain issue before. They were madder than hornets. If this is such a good idea and there's people up here committed to saying the people don't really think this is a good idea now. If you are committed you can do the same thing these other citizens did, you can get out there or have the people who support this idea who are around you in your towns do it. It is a hard process. I've never been involved in it, but I've talked to the good Representative from Auburn and other people who have done this. It is an arduous task and it should be, to overturn the will of the people. To kick things out of here by a simple vote saying here we want you to vote on it again, we know you gathered the signatures, we know it was a tough job for you. We know a lot of you weren't committed to it, so we're going to put it in front of you again and give you a second shot at it. I tell you the people up here who don't like term limits, you want to drive a stake into term limits, and this won't do it. It will drive a stake into your chance of overturning term limits.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Muse.

Representative **MUSE**: Mr. Speaker, Men and Women of the House. With all due respect to the Representative from Bridgton, I would suggest that if in fact by our actions here tonight we are going cause a huge voter turnout in the next election, I would suggest we put this on the ballot in every election and do whatever we can do to spur a greater turnout in elections. Thank you, Mr. Speaker.

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

Representative **MARTIN**: Mr. Speaker, Members of the House. I must say in reference to the comments of the Representative from South Portland, there was a very low turnout. That may be one of the causes why term limits was put in, so we ought to be careful about that. Having said that, everyone knows my position on the bill, I acted in favor of indefinite postponement of the bill, but I am in favor of indefinite postponement to this amendment. I don't think this is the way we ought to be operating. If we believe that the voters want to overturn in the process of using the initiative method by which they have a right to use. I think they have that right to make that decision and it ought not to be imposed through an amendment process in this fashion. That obviously doesn't mean I'm going to vote for the bill, but it does mean that I am in favor of indefinite postponement of this House Amendment.

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

Representative **GERRY**: Mr. Speaker, Ladies and Gentlemen of the House. I hold the citizen initiative process as a great privilege, something that we have given the people to do to institute laws when we ourselves either don't think of the law or won't enact it for them. The reason I offer this amendment, to reiterate on this, it's so easy for us to send stuff out to the people on a vote. All it takes is just a vote of the House; it doesn't take the work involved with a citizen's initiative to put anything out to the people. It is too easy just to reach over and to hit the switch of a button to vote either yes or no on a subject to send it out to referendum. I feel by sending it out to the voters this way is a slap in the face of the voter, the people that initiated the initiative, at least the ones that really cared and truly believed in term limits. It's a very hard process to do a citizen's initiative, whether you really believe in something or you get talked into doing it. I

feel that the people would respect our decision more to try to extend our terms at this time and place when we do have so many people that are going to be termed out and can't run for the next election. I put this in to show the people that we do care about how they think and how they feel and to show them that we, too, will put forth the energy to do what we feel is right. The good Representative from Skowhegan had mentioned that if this bill passes, she's going to get out and work her district to get the vote out and to get the information out. What better way to do that than to do this, to see really what the voter intake is in circulating your own initiative petition to find out whether they will want this back out in the ballot. I am going to vote against this indefinite postponement and if you really care what the people of the state's opinion and their hard work and their votes when they did turn out for the term limits, then I would expect you also to vote against this indefinite postponement.

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 support the Motion to Indefinitely Postpone this amendment. Well well intentioned, I think it just sort of muddies the water. I think that we should vote for this issue, up or down, how we feel as the initiative of the original legislation as the majority report of the committee. It is for that reason I would ask you to indefinitely postpone this amendment.

The SPEAKER: The Chair recognizes the Representative from Brooklin, Representative Volenik.

Representative **VOLENIK**: Mr. Speaker, Men and Women of the House. Citizens have a right to petition, to put a question on the ballot. The Legislature has a right to pass a bill for approval by the voter in referendum. This amendment restricts the ability of the Legislature to send the bill out to the voters. While I do not support this bill, in this form, at this time, I can not support an amendment that puts a cloud on the Legislature's ability to carry out it's functions. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Mendros.

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I have to tell you, I don't think term limits are a good idea. I think what we need are people that are going to work hard, courageous, have vision, want to be in office, run, they run hard and they win. That's what we need. That's what I believe this body is full of and that's what it should be. The problem is most of the people out there don't believe that's what this body is full of. They don't believe it's full of people who work hard, that are why they gave us term limits, because they wanted to get rid of the dead wood as they saw it. They wanted to get rid of a lot of problems. A lot of them out there are apathetic, they say my vote doesn't matter, why should I run, I can't change anything when I get there. This amendment is a chance for this body to say, we put our money where our mouth is, and we will work hard. Each one of us go out and get 300 signatures in our own district, it's on the ballot. We truly are a body that has integrity, that's the message we would send them by passing this amendment. I urge you let's tell the people of Maine, your voice matters, we appreciate your hard work, we will work over the summer, put this on the ballot and truly give you a voice.

The SPEAKER: A roll call has been ordered. The pending question before the House is the Indefinite Postponement of

House Amendment "A" (H-707). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 370

YEA - Ahearne, Bagley, Baker, Belanger, Berry RL, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bull, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Glynn, Gooley, Green, Hatch, Heidrich, Jacobs, Jodrey, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Madore, Mailhot, Martin, Marvin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McNeil, Mitchell, Murphy E, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Rosen, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shorey, Sirois, Skoglund, Stanley, Stanwood, Stevens, Sullivan, Tessier, Thompson, Tobin D, Townsend, Tripp, True, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Williams, Mr. Speaker.

NAY - Andrews, Berry DP, Bowles, Bryant, Buck, Clough, Collins, Foster, Gerry, Gillis, Honey, Joy, Kasprzak, Lovett, MacDougall, Mack, McKenney, Mendros, Murphy T, Perkins, Pinkham, Plowman, Richardson E, Shields, Snowe-Mello, Stedman, Tobin J, Tracy, Trahan, Treadwell, Waterhouse, Weston.

ABSENT - Goodwin, Jabar, Jones, Samson, Wheeler EM, Winsor.

Yes, 113; No, 32; Absent, 6; Excused, 0.

113 having voted in the affirmative and 32 voted in the negative, with 6 being absent, **House Amendment "A" (H-707) to Committee Amendment "A" (S-262) was INDEFINITELY POSTPONED.**

Subsequently, **Committee Amendment "A" (S-262) was ADOPTED.**

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading.**

Representative MARTIN of Eagle Lake **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended.**

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 Bangor, Representative Bragdon.

Representative **BRAGDON:** Mr. Speaker, Ladies and Gentlemen of the House. I cannot remember the last time I rose on an issue that was not before the Health and Human Services Committee, but I feel that I must talk to you on this issue and I'll be brief because I know the hour is late.

We talked a lot about what we worry about. We talk about the lack of institutional memory with term limits. We worry about new people coming in, the time it takes to learn the process. I'll tell you what I worry most about. I worry about the public perception of this institution and how the people out there who elect us view us as a body.

Last week I had a young constituent of mine come up here and she was listening to the debate and she made some cynical comments about how when people refer to other members, as my good friend, do they really mean that? They don't really sound like they mean that and you know I wasn't really sure how to respond to her, but it really showed to me how cynical people are about this institution. When I look at this issue and I think

about what the public is going to think in November. They are going look at us and view that we voted ourselves a pay raise. They are going to look at us and see that we passed the gas tax on them when we had one of the largest surpluses ever and now we're going to ask them to let us stay here even longer. I worry that that is going to reinforce every cynical thought that they have about this institution and their lack of faith in our ability to govern and be a government of the people. I would urge you to vote against this motion.

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

Representative **TUTTLE:** Mr. Speaker, Men and Women of the House. I do respect the good gentleman from Bangor, his comments are well intentioned, and if he is correct the people will have a chance to make that decision. I do think that this issue should be revisited. We should allow the people to make that choice and I think that is the appropriate action, Mr. Speaker. That is why I would encourage you to support engrossment of this bill.

The **SPEAKER:** The Chair recognizes the Representative from Bath, Representative Mayo.

Representative **MAYO:** Mr. Speaker, Ladies and Gentlemen of the House. I've been very quiet on this issue, this time around, since the good Representative from Sanford has returned to the body. I've listened to the debate this week, today, and I listened to the debate last week. I'm a member of the 12 that voted for this particular bill, but I wish to indicate for the record that I shall be voting red on the upcoming vote and I believe that the reason that I have finally decided to make this change is not that I agree with term limits, but rather that I think we need a better time to put the issue before the people of the State of Maine and in that respect I would agree with the good Representative from Eagle Lake when he spoke a week ago on this issue that the time is not right in November of this year. I will be voting red.

The **SPEAKER:** The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK:** Mr. Speaker, Ladies and Gentlemen of the House. I have sat here and listened to this debate over the last couple days on this bill. I am a direct effect of term limits. My father was term limited after 16 years of service. I ran for the seat and I got elected, but what I heard earlier, just a couple of minutes ago are to get rid of the dead wood. Let me tell you something, term limits is not getting rid of the dead wood. Term limits is getting rid of somebody that has a lot of institution, a lot of memory, a lot of work that he or she does for the constituents. I'm against term limits, 100 percent, but I think this is a bad time to bring this out to the people. You should go out bring it out either up or down, no matter what. Over the last couple of years, I've been debating on running for reelection; nobody knows that but myself until the time to file the papers. All this bill does is just to give the people that have served 8 years or whatever when it's time for them to be termed out to try to run again. What's wrong with just sitting out one term and coming back if you want to? Term limits is your pen, men and ladies of the House, its happened before. We had a famous Senator in my district, that got defeated by term limits, the pen, not because the term limit was in place, it's because what the people thought of the job that that person was doing. A lot of people ask me, you're just holding that seat for your father, I get that question 100 times a day. I'm here because the people put me here. I wouldn't mind running against my father head to

head, who cares. He would probably win, I would probably win, and I don't care. The people have the choice and this is not the time to bring it out. Bring it out when there is a clean referendum when you don't have other things that are clouding the referendum ballot box. I urge you to vote against the pending motion.

The SPEAKER: The Chair recognizes the Representative from Wayne, Representative McKee.

Representative MCKEE: Mr. Speaker, Men and Women of the House. At sunset on the next to the last day, hopefully, of this session, we are continuing to debate an issue, which I thought we were finished with before. I do want to bring up something and I did vote to reconsider this out of consideration for our good Representative Tuttle. We are in a period of rebuilding the trust and confidence of the people of the State of Maine. I'm concerned about participatory democracy and people who don't want to participate on school boards and boards of selectmen, we've increased the numbers there. We have term limits and we're trying to get people involved. We are not indispensable. We have people who have rose to leadership in 7 short years and have shown themselves to be stellar examples of the public's expectations of us. We are only 2 years, 3 years into the rebuilding of that trust. I think that we are presumptuous to think that we are there. As far as institutional memory goes, we have shown that somehow or rather we have been able to survive and I hope that we will use good judgment here and we will do as I think the public would like us to do, which is to hold off until we are certain that we have their trust and their confidence once again. Thank you.

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

Representative TRACY: Mr. Speaker, Ladies and Gentlemen of the House. Apparently, I see the good Representative from Lewiston, Representative Mendros, has left and I, too, was kind of taken back by the comments of dead wood. I personally have served 8 years with the good Representative from Millinocket, Representative Herbie Clark, and to my knowledge and what little history we have left in the chambers here, on both sides, will attest that there was nobody to my knowledge that had worked any harder for his constituents back home. I have never been in favor of term limits, I said that before the other night in the debate and I'm still not in favor of term limits and the good Representative, Representative Joey Clark, sat next to me and had made it very clear, when the electorate goes into the voting booth, they have the option to vote you up or vote you down and it is very bad timing ladies and gentlemen to send this out to the voters this coming fall and I would urge you not to vote for the passage to be engrossed. Thank you.

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Povich.

Representative POVICH: Mr. Speaker, Men and Women of the House. I support this LD at my own peril. My wife and my family, and my staff will be very disappointed because I support this bill today, because I ought to be home at the end of an 8-year term, hopefully, but I think the good people of Maine would like another chance to speak on this item and let's give them that opportunity. Thank you.

Representative PLOWMAN of Hampden asked the Chair to **RULE** if, pursuant to House Rule 401.12, members serving their fourth terms could vote on this issue.

Subsequently, the Chair **RULED** that because the Legislature is not taking final action on this issue members could vote.

A roll call having been previously ordered on **PASSAGE TO BE ENGROSSED as Amended** was taken now:

The SPEAKER: The Chair recognizes the Representative from Crystal, Representative Joy.

Representative JOY: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative JOY: Mr. Speaker, Men and Women of the House. I keep hearing reference to the fact that the people are asking for another chance to vote on this and the people's method of asking for a chance to vote on something is by the petition method. Has there been a petition to accompany this bill?

The SPEAKER: The Representative from Crystal, Representative Joy 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: Mr. Speaker, Men and Women of the House. In answer to the gentleman's question, not that I am aware of.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Glynn.

Representative GLYNN: Mr. Speaker, Ladies and Gentlemen of the House. I will be brief and I have not risen until this time to speak on this issue. I do very much question the timing of the question that is being asked to be put to the voters and agree with those that have spoken in opposition to the present motion that in fact the timing is wrong. By placing this issue on the November 1999 ballot we are not engaging the full electorate in this issue, we are in fact sending it to a special interest election. If we are in every way wishing to include the widest amount, the electorate we would send it to a November election in an even numbered year, for instance, election year November 2000. In addition to the point that we, in fact, are not going to engage as many voters, the very real perception out there amongst the people that we represent I think is of critical importance because it does very much open this Legislature up to pot shots. When we open ourselves up to pot shots through not thinking through most inclusive ways to involve the voters we diminish our offices. By placing this on the November 1999 ballot, right, wrong or indifferent, motives of legislators are going to come into question in the community and those motives would be of very much the 4th term legislators. It would be looked upon that the 4th term legislators are, in fact, sending this out prior to a general election when everyone would vote to continue their legacy, which would appear to be selfish. Additionally we are sending this out at the same time that we are in fact enacting a pay raise for the Legislature so, in fact, the message that we are sending to the voters is, pay me more and I want to stay longer. I don't believe that that kind of message is a message that we should allow. I don't believe its a perception we should encourage and, in fact, I think that it will diminish our offices and I very much respect every member of the Legislature I serve with and I do not want to see any of your motives questioned any more than I would ever want to see my motives questioned. However, we open ourselves up to criticism when we do not appropriately time things or when we are not engaging full voters. If we are sincere in our wishes to engage maximum voters we know that maximum voters vote in even numbered

election years and that's when questions should be posed to the voters. I thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Engrossed as Amended. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 371

YEA - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Bruno, Bryant, Bull, Cameron, Chick, Chizmar, Colwell, Cote, Cowger, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gooley, Green, Hatch, Jabar, Jacobs, Jodrey, Kane, LaVerdiere, Lovett, Matthews, McAlevey, McGlocklin, Murphy E, Muse, Norbert, O'Brien LL, O'Neal, O'Neil, Perry, Pieh, Povich, Powers, Quint, Richard, Rines, Sanborn, Savage W, Saxl MV, Schneider, Shiah, Shorey, Sirois, Skoglund, Stevens, Sullivan, Tessier, Thompson, Townsend, Tripp, True, Tuttle, Twomey, Watson, Wheeler GJ, Williams, Mr. Speaker.

NAY - Andrews, Belanger, Berry DP, Bowles, Bragdon, Brooks, Buck, Bumps, Campbell, Carr, Cianchette, Clark, Clough, Collins, Cross, Daigle, Foster, Gerry, Gillis, Glynn, Heidrich, Honey, Joy, Kasprzak, Kneeland, Labrecque, Lemoine, Lemont, Lindahl, MacDougall, Mack, Madore, Mailhot, Martin, Marvin, Mayo, McDonough, McKee, McKenney, McNeil, Mendros, Mitchell, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Plowman, Richardson E, Richardson J, Rosen, Savage C, Saxl JW, Sherman, Shields, Snowe-Mello, Stanley, Stanwood, Stedman, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Usher, Volenik, Waterhouse, Weston, Winsor.

ABSENT - Goodwin, Jones, Samson, Wheeler EM.

Yes, 76; No, 71; Absent, 4; Excused, 0.

76 having voted in the affirmative and 71 voted in the negative, with 4 being absent, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-262) in NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

The following items were taken up out of order by unanimous consent:

ENACTORS

Emergency Measure

An Act to Revise Certain Provisions of the Fish and Wildlife Laws

(S.P. 738) (L.D. 2088)

(S. "A" S-322 and H. "A" H-747 to C. "A" S-292; S. "A" S-358; S. "B" S-368; S. "C" S-377)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 108 voted in favor of the same and 3 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Revise the Salaries of Certain Androscoggin County Officers" (EMERGENCY)

(H.P. 1604) (L.D. 2250)

PASSED TO BE ENGROSSED in the House on June 3, 1999.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-384) in NON-CONCURRENCE.**

Representative GERRY of Auburn moved that the House **ADHERE.**

Representative MENDROS of Lewiston moved that the House **RECEDE AND CONCUR.**

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

Representative GERRY: Mr. Speaker, Ladies and Gentlemen of the House. I rise up in front of you not to support the Recede and Concur. What this deals with is the Androscoggin County budget process and how we are going to give our salaries to our elected officials. Right now what we are doing is turning over full reins to our budget committee and the commissioners to set the salaries. We as legislators can't set our salaries while we are setting in this term now; we can only project it in the future. What you have before you, our committee report is the majority of the Androscoggin delegate support for the report that says that this year all the elected officials will get a 3 percent across the board raise. Originally what came in front of the Androscoggin delegation was not just a 3 percent raise, but also a \$3,000 raise to the sheriff and registrar of deeds. Our delegation, the majority, could not support the extra money. We did not think it was fair at this time to do that. I've been contacted by at least four of the budget committee members asking me to push as hard as I can to support the committee report, to say that any other recommendations when we get out of the process won't go into effect until the next election cycle, which would be only fair. By doing that, it will take some of the pressure off of the budget committee members as well as the county commissioner, when like if the sheriff, or the registrar of deeds comes in front of them for a raise. What's been happening in our county is our sheriff keeps coming to us every budget year wanting a raise and it gets into exorbitant money. There are some members on the Androscoggin delegation that won't go on record voting against the sheriff, so by supporting this bill, like I said it takes off the pressure.

It is true that the year terms are staggered and it will be at least 4 years before they have a raise, but it's only fair that we allow our budget committee a chance to work together and figure out what they think is a right and just raise in pay for the elected officials. It's not fair to our county to have to keep figuring out how we are going to give a raise to our sheriff and our elected officials year after year, when this year we had trouble with our Androscoggin County budget and ended up having to send it back three times. Once because we didn't have enough money in the contingency fund. There was a problem with a jail and it needed a repair, we didn't have money for that at the time. We didn't have money for these raises that we are trying to do right now, but through creative book work, the sheriff found money from the DARE fund and got permission to turn the whole money from the DARE Project, whatever the money was for, I think it was the salary for someone to fund raise, to raise money for the DARE Fund. With that money they paid for the repair of the problem at the jail and the salaries. I do not think it is right to do that type of thing that if we tell the sheriff or any elected official that they can't have a raise for them to start shaking the different accounts in their possession to see what trickles down that they can use for a raise. I respectfully request that you vote down this Recede and Concur so that we can go back to the present motion of adhere.