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

Volume II

First Regular Session

May 18, 2001 – June 22, 2001

Second Regular Session

January 2, 2002 – March 6, 2002

Pages 890-1770

HOUSE DIVIDED REPORT – Majority (12) **Ought to Pass as Amended by Committee Amendment "A" (H-286)** – Minority (1) **Ought to Pass as Amended by Committee Amendment "B" (H-287)** – Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Amend the Laws Governing Term Limits"

(H.P. 697) (L.D. 901)

TABLED – May 4, 2001 (Till Later Today) by Representative TUTTLE of Sanford.

PENDING – Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-286)** Report.

Subsequently, Representative TUTTLE of Sanford **WITHDREW** his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report

The same representative moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

Representative BULL of Freeport **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **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**: The Chair recognizes the Representative from Freeport, Representative Bull.

Representative **BULL**: Mr. Speaker, Men and Women of the House. I would ask that you would oppose this motion. I am going to take a suddenly different tack on this issue of term limits. I personally am opposed to term limits. I feel they are unnecessary and I find them destructive to this institution. There are plenty of people in this chamber who have come into this chamber to serve by either defeating incumbents or replacing retiring members who left on their own right. In fact, I think if you look at the figures from the last election, the number of people that retired after the end of the 119th Legislature, there are more people required on their own accounts rather than being forced out by term limits. I feel very strongly that in order to eventually get rid of term limits, which I do hope does happen, it needs to come from the people and from the people only. This was enacted by the people. They set this up. They put this upon this body and whether you support or oppose term limits, I think it is important that we respect the will of the people and respect the fact that they put this into place.

I find that by extending term limits to 12 years it is only going to exasperate the problem. It is my hope that people will eventually come to realize the fallacy of term limits, but they are not going to do that by extending this out to 12 years. Twelve years I see as simply prolonging the pain and the problems that we have with term limits. For me wanting to get rid of term limits, the quickest and easiest way to do that is to keep the current limit at eight years so hopefully the people of Maine will realize that much quicker the mistake they made when they impose term limits on this body.

I would ask you to think long and hard about this bill. I do realize that the Minority Report that has been moved, the report of the good Representative from Bath, Representative Mayo, does have a referendum piece. I still argue that that is not good enough. If this is an issue that the people are truly interested in, they will bring it forward. Until that time, I think it is a bit politically arrogant of us to ask.

Ladies and gentlemen of the House, I would ask you to oppose the pending motion and also oppose the Majority Report. Let's put this to bed. As much as we may have differing opinions on term limits, even if you are like myself, opposed to term limits, I hope you would let them stand as they are and let the people

eventually come forward, hopefully, with a referendum to do away with them entirely. Thank you Mr. Speaker.

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

Representative **MAYO**: Mr. Speaker, Ladies and Gentlemen of the House. First, this afternoon, I would like to thank the good chair of the Legal and Veterans Affairs Committee for changing his mind and moving the Minority Report. The only difference between that particular report and the original Majority Report is that Report "B" sends the issue out to the people to vote, either up or down. While I understand the remarks of the Representative from Freeport, I think by giving the people of the State of Maine an opportunity to vote on this issue, we are fulfilling our obligation.

Term limits came to the people of the State of Maine by a vote of the people. In no way should we, as a Legislature, make a change in them without allowing the people of the State of Maine to vote. To me, that is the arrogant attitude, not sending it out to the people for a vote.

There is one other thing that some of you may not have caught in this particular amendment. It goes out to the people to vote on November 2002 and that is a very key vote, upwards of a third of the people of this chamber at this time if all chairs were occupied are term limited out at the end of the 120th Legislature. They will still be term limited out because the vote will be in November. They will not be on that ballot. We are not doing anything to effect the people currently in this chamber who are, in fact, termed out.

Ladies and gentlemen, I would strongly urge your acceptance of the Minority Ought to Pass Report as Amended. Thank you very much.

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

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

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

Representative **SHIELDS**: Mr. Speaker, Ladies and Gentlemen of the House. There are appears to be three essential issues in this bill. One is whether or not to extend the term limits for legislators. The second is whether or not to extend term limits for elected officers. The third is whether or not to submit this to the people for referendum. I was wondering if anyone could answer my query, which is, the current issue we are debating contains which of those elements?

The **SPEAKER**: The Representative from Auburn, Representative Shields 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. I guess for the good Representative's question, the present bill does take out the Executive Officer, the Secretary of State, Treasurer and Auditor that was in the original bill. It pertains only to members of the Legislature.

As the good Representative from Bath, Representative Mayo, had expressed to you, it will not include those of us who are being term limited in the 120th Legislature and it will go out to referendum in the year 2002. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Eliot, Representative Wheeler.

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

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

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. To anyone who may answer, does anybody know what the voter turnout was for this referendum question when it was on the ballot? I believe it was really low. I would like to

know what percentage of the Maine voters did turn out for this? Thank you.

The **SPEAKER**: The Representative from Eliot, Representative Wheeler 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. Unless I am corrected, I believe it was between a quarter and maybe a third.

The **SPEAKER**: The Chair recognizes the Representative from Old Orchard Beach, Representative Lemoine.

Representative **LEMOINE**: Mr. Speaker, Men and Women of the House. I rise today in opposition to the motion and I do so with all due respect for those who are proponents to eliminating term limits and want to modify them. I want to walk through the analysis on how I got there. I think it may be, at some point, that we get to the issue of removing term limits. Remember that our experience as a body and as a state, under term limits, has taken place under really unique historical circumstances. We have had an Independent Executive. We have had a tied body in the Senate. Our experience as a Legislature has been very unique over the last few years. I don't think we have enough historical perspective to do away with term limits at this point.

I would go to the particular arguments that are brought forward and ask this. I look around this body at the freshmen who are here to join us and do I see any lack of talent or commitment there? I don't. I see a terrific group of people who are committed, bright, able to learn this process, able to fight for their constituents and are able to fight for their constituents as effectively as most other members of this body. That, I think, is the core issue. I believe that the people of this state understood what they did when they enacted this citizen's initiative to cause term limits. They knew that they were going to withhold from us some of the legislative memory, some of the institutional strength of this body. They did that on purpose. It was done so that it would limit the power of leadership in this body. It has nothing to do with any personality that is here or was here two years ago or two years before that. This is a fundamental institutional decision that the people of this state made. They want this body to continue to be responsive to the membership of each of us and the people each of us represent. I believe they understood that when they adopted that initiative.

I would ask again, is there any problem with the freshman class? I don't see it. Is there a lack of institutional memory outside of leadership? Look at the members who are with us who have served before. There is Representative Brannigan from Portland, Representative Bruno from Raymond, Representative Estes from Kittery, Representative Matthews from Winslow, Representative Michael from Auburn, Representative Murphy from Berwick, Representative Murphy from Kennebunk, Representative Skoglund from St. George, Representative Tracy from Rome, Representative Tuttle from Sanford, Representative Usher. I think there is already a wealth of memory within this body. What we are looking at is a decision of how this body will be organized. What will happen with leadership. I am convinced it was a conscience decision that was made by the people and I am not prepared to step back from that even through referendum at this point. I hope you will join with me in opposing this motion. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Brewer, Representative Fisher.

Representative **FISHER**: Mr. Speaker, Men and Women of the House. The good Representative from Old Orchard Beach made two significant points. First of all, when he pointed out the quality freshman that are here this year. It almost implied, however, that that hasn't been the case historically. Every new

session there have been new people of great quality. Second of all, he makes another fine point that this House has a good number of Representatives who have served in the past, which kind of leaves me questioning whether or not the people really do think term limits are important if they thought limiting the number of terms folks served down here was important. Would they send these people back so readily? The folks I talked to back home aren't so sure that they made a good decision.

One other point, we have on more than one occasion turned right around after the people have made a decision in referendum and sent bills out for them to make another choice on of the same nature. We did that just recently, as a matter of fact, a people's veto. They overrode a decision we made and we came right back and asked the people to make the same choice again. Term limits haven't served the state very well at all. We have lost some really good institutional memory that we couldn't afford to lose. They were people that didn't want to leave this body. There are large numbers of us that will not serve very many terms. I would urge you to support the Majority Report and make the decision here, show some courage. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Eliot, Representative Wheeler.

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. We know how term limits came into effect. It was all due to one individual that certain people wanted out. It was the Speaker of the House for 30 years. It is unfortunate because the whole State of Maine is hurt over this. In a time when we are trying to encourage voter turnout, term limits are discouraging it. After eight years they know that this individual is gone and they don't need to show up at the polls, there will be a new face in here. I have talked to my constituents and a lot of them have agreed that term limits is a bad thing. I am not taking away from any new members that are here or any new leadership, because everybody is doing a great job, but it is showing in committee work, whereas bills that some of us have seen that have been on the same committee year after year come back knowing the fate of them and the time that is spent rehashing out an argument that you had two years ago. It is a waste of the taxpayer's dollars. It is not real. It is time that we took a stance. This is why we are here. This is why we are elected. It was a vote taken on a referendum question by a very small group. There was not a large voter turnout that year. We should stick up for all our constituents and make Maine a better place to live.

Under suspension of the rules, members were allowed to remove their jackets.

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

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

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

Representative **MICHAEL**: Mr. Speaker, Men and Women of the House. To anyone who may care to answer, does anyone in the body know what the percentage of vote was in 1993 in favor of the state term limits issue?

The **SPEAKER**: The Representative from Auburn, Representative Michael 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, Ladies and Gentlemen of the House. I think the good gentleman from Auburn knows the answer to that question himself and maybe he could inform us.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Duprey.

Representative **DUPREY**: Mr. Speaker, Men and Women of the House. I find myself in a quandary on this bill. I do not like the Minority Report and I don't like the Majority Report either. If I vote against the Minority Report, it is sort of voting for the Majority Report. I think I am in a position a lot of people are in here. They don't know which way to go. I will echo a lot of the comments my good friend from Old Orchard Beach made. The only way for me to vote the way I want to vote on this is to move Indefinite Postponement of this bill and all accompanying papers.

Representative **DUPREY** of Hampden moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

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

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. I hope that you will vote to not Indefinitely Postpone it and move on to accept the pending motion. For me, as I look at this situation, if it were true that the citizens of Maine were truly upset with the way that the Legislature was being run. The number of people that were returning got together, raised money and fought this out because they firmly believed it, I would feel very differently. The truth of the matter is that we all know how this came to be. It came to be because an outside organization came in, as they did from many other states, and pushed this initiative. We also know that the funding came primarily from one individual here in the State of Maine. We know also that the tremendous public selling of term limits came from the funding that was given by primarily one individual. We continue to get mailings from the same outside group. Every time we run, we get this, will you sign this document pledging to support term limits? We get it all the time, every time we run. It is the same group.

I don't like the idea that some outside group has come in and decided what is good for the State of Maine. I think Mainers should decide that. If we put it to a referendum, they will. They have had time to look at it. Hopefully we will have a different funding source. It won't be the same organization from outside that will come in and fund to defeat it. Let the people truly decide. Thank you.

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

Representative **LABRECQUE**: Mr. Speaker, Ladies and Gentlemen of the House. I have heard several comments about letting the people speak again. I am in favor of putting this out to referendum question one more time because my constituents are saying to me that, I wish I hadn't voted the way I did. I wish I had an opportunity to vote on this again. That is what I am hearing repeatedly. I think that some of the rest of us have also heard that. I would urge you not to vote for the present motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Limestone, Representative Young.

Representative **YOUNG**: Mr. Speaker, Ladies and Gentlemen of the House. When this came up for referendum a few years back, I voted for term limits. My decision was based on hearsay, rather than fact. If I were to have this come before me today, my vote would be different. I would vote not for term limits. Why would I do this? In coming down here I chose

Banking and Insurance thinking that coming from the banking career, I would have all of the answers. I had no experience whatsoever in insurance. I have found it very difficult. I have worked hard at it. I often think to myself where would we be if we did not have the people on this committee that have been here for two or three terms. Some of them will be termed out probably in another term and they are probably just getting there so they have all the answers. We would have been crippled this year if we had not have had them. I ask you to please not support Indefinite Postponement and support the Minority Ought to Pass Report. Thank you.

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

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. As a private citizen when I saw this on the ballot I voted against it because I felt at the time that a community should have the right to choose its representative that it would send to the State Legislature. That choice should not be impounded in any way by the desires of citizens in other districts not to have that Representative before the Legislature. I felt that way then and I feel that way now. There has been an awful lot of talk about the value of term limits and the dangers of term limits. In my time here, I have observed some great things happen in the Legislature. People at home ask me what I think about term limits now and I tell them what I believe it to be is the law of the land.

I think the Legislature is a strong enough institution to survive term limits, but where I think the danger really lies is in the future for the higher offices. Who would run for Congress in the United States Senate with this Legislature with so little experience and so little exposure to the public?

Also, I think there has been a little bit of a misconception in the public eye about what they intended when they voted for term limits. I think people who are unfamiliar with the Legislature were somehow led to believe, either through their own misconception or perhaps the way the issue was presented to them, that people who run for the Legislature are elected and stay here for the balance of many decades. I think that that has been proven to be untrue.

I did a little bit of research on this last time when we were talking about this and I found something very interesting. In the 117th legislature, for example, of the 151 members of the Maine House of Representatives, 121 of them had fewer than two terms of experience. Of the remaining 30, only two had more than 20 years of experience and that was the former Representative from Eagle Lake, Representative Martin, and the former Representative from East Corinth, Representative Strout. One was a Republican and one was a Democrat. Most people, apparently, have tended though history to run for the Legislature, serve for a term or two and then return to private life.

As a result, going back through the years, I found that in the 116th Legislature, there is a combined total experience of 698 years. In the 117th Legislature, it dropped to 512 years, because many people chose not to run again rather than be termed out. In the 118th Legislature, it fell again to 340 years. It started to turn up again in the 119th Legislature. The combined years of experience rose to 438 and now with the 120th Legislature, it has risen yet again to 471. I think what we are seeing here is the exact opposite of the will of the people. They sort of planned on people serving less time in the Legislature. It seems as though people tend to be serving more time in the Legislature, knowing that they only have four terms, they elect to run, seek office and plan to hold it for four terms. In the previous time, when after a term or two they decided that it really wasn't for them or they had other things to do and now people try to stick it out for those four terms because they know that they will

probably will never serve again because of term limits. The actual opposite affect has been realized of limiting the number of years that people serve in office. We have in a defacto sense created by eight year terms. People who would otherwise challenge incumbents do not do so because they just wait their turn. They wait for the person to be termed out rather than face a challenging election.

I think that is something to think about when you are talking about term limits. I will vote for this. I would just as soon repeal term limits. I don't agree with them now any more than I did several years ago when it was on the ballot. However, I think this is a step in the right direction. Certainly sending it out to the people rather than giving due reconsideration to it, I think is a fair enough way to manage that. I would urge people to support the bill and vote against the pending motion.

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

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

The SPEAKER: The Representative may pose her question.

Representative **LABRECQUE**: Mr. Speaker, Men and Women of the House. To anyone who might answer, would somebody please read how the question will appear on the ballot?

The SPEAKER: The Clerk will read the question.

The Chair recognizes the Representative from Bath, Representative Mayo.

Representative **MAYO**: Mr. Speaker, Ladies and Gentlemen of the House. I should not be correcting the good Clerk of the House, but there was a mistake in what she did read. That was prior to the final amendment, which was before us and it removes the Constitutional Officers. They are not a part of the amended Part B.

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

Representative **LABRECQUE**: Mr. Speaker, Men and Women of the House. I am really concerned about the wording of this. First of all, it doesn't say from four to six terms and it does not say consecutive. I am concerned that we may be accomplishing something here that we don't intend.

On further motion of Representative **TUTTLE** of Sanford, **TABLED** pending the motion of Representative **DUPREY** of Hampden to **INDEFINITELY POSTPONE** the Bill and all accompanying papers and later today assigned. (Roll Call Ordered)

HOUSE DIVIDED REPORT – Majority (9) **Ought to Pass as Amended by Committee Amendment "B" (H-614)** – Minority (3) **Ought Not to Pass** – Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Change the Truancy Laws"

(H.P. 560) (L.D. 715)

TABLED – May 29, 2001 (Till Later Today) by Representative **COLWELL** of Gardiner.

PENDING – ACCEPTANCE OF EITHER REPORT.

Representative **RICHARD** of Madison moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative **BULL** of Freeport **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: The Chair recognizes the Representative from Freeport, Representative Bull.

Representative **BULL**: Mr. Speaker, Men and Women of the House. I just wanted very, very quickly to bring people's attention to this so they understand what they are voting on. The Majority Report, which I know they are trying to fix, the portion that bothers me is that this is another attempt to require the revocation of both driver's licenses and professional licenses for students who are truant. I just do not feel that this is an appropriate policy for the state to be doing. I urge you to vote against the pending motion. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Madison, Representative Richard.

Representative **RICHARD**: Mr. Speaker, Ladies and Gentlemen of the House. We have a little problem here. If the gentleman next to the gentleman who just spoke could speak, he would offer an amendment that would take care of that.

Representative **WHEELER** of Eliot moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

The SPEAKER: The Chair recognizes the Representative from St. George, Representative Skoglund.

Representative **SKOGLUND**: Mr. Speaker, Ladies and Gentlemen of the House. I am a member of the Education and Cultural Affairs Committee, but apparently I was truant on the day this was taken up so my name doesn't appear on the report. If it did, I would oppose making more stringent truancy laws. It seems rather ironic to me that we build \$30 million high schools and in many cases put police officers inside to make sure that people behave and then we have to force people to attend these model schools. There is something wrong with that picture and I don't think it will be corrected by increasing penalties for truancy.

I would like you to think a little bit more about truancy. Having been a teacher, I know what a nuance it is not to have students show up on a regular basis. I think part of that is after we put all of this money into a model school and put all of the effort into it, it is rather offensive that these ungrateful little wretches don't want to come for instruction.

I think the real problem is, I don't minimize it, in some urban areas and in some rural as well is young people who aren't in school may be up to mischief. Let's prosecute them for mischief, but not for non-attendance at school. Think about it. My mother who was a good student, I presume, didn't start school until she was seven. At the age of 11 she entered high school. Now a days, of course, that wouldn't be done. She had skipped over half of the time. In other words, she was not present for the entire third grade, fourth grade and fifth grade. She was truant, as a matter a fact. She just wasn't there, but it didn't seem to matter. I wonder what we really are worrying about when we want to take licenses away from young people who are truant and if there may not be a better way to handle it, such as leaving it up to the individual school districts and if we do such dire things as strip young people of their licenses for truancy. What are we going to do to them when they really do something that is criminal? I really think this is an over reaction. I don't want to minimize the problem and trivialize it. I think we should look at in a different way other than increasing the punishment. Thank you.

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

Representative **CARR**: Mr. Speaker, Men and Women of the House. It is not a very desirable position to be in to get up and follow the previous speaker. I really can't add a lot of comedy to this because it is a very serious matter. I brought this bill forward. It wasn't just because I woke up one morning and decided that it would be good to look at the truancy laws. Over the summertime I was contacted by the local school officials in the Town of Lincoln. I had several meetings with the principals, the superintendents and we discussed truancy and some of the