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an overwhelming no, because this is the same principle that has applied during our forestry debates when many of these same small woodlot owners have said that if you apply these standards to our land, you will so decrease the value of the land, we won't be able to use it. What has happened to the value of the land if you have to go to LURC after you purchase the land? You cannot develop it. You don't even know if you can recreate on it. That land is worthless. The only person that can buy it is the government. I think we need to slow this down a little bit and understand exactly what this section of law will do and then if there is no problem, then we can move forward with it.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Pineau.

Representative **PINEAU**: Mr. Speaker, Ladies and Gentlemen of the House. This bill applies to 40-acre lots and this item of primitive recreation would be exempted from LURC. Your hunting, your fishing and the items the good Representative spoke of would be exempted from LURC's scrutiny. LURC is a planning board of that region. Anything that would require anything else would require a LURC permit. This is just in the unorganized territories. These items would also come under scrutiny of the planning board if you were going to build on them or anything. Again, I ask you to support this bill for closing the loophole in the 40-acre lots. Thank you.

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

Representative **TRAHAN**: Mr. Speaker, Honorable Members of the House. I believe that previous statement might be incorrect. That is why someone in this body should stand and maybe put a little time between the final enactment of this bill to find out if my questions are correct. What the gentleman said before might have been correct if that had not been attached to this bill. If it has been left alone, yes, but now you have put it in statute that this may be allowed. That very sentence implies that other things are restricted. It may apply. What does the word may mean? I think that question needs to be answered before we move further with this.

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

Representative **VOLENIK**: Mr. Speaker, Men and Women of the House. Looking at the (S-321) the reference on primitive recreation that may be allowed on lots transferred refers back to the amendment's sections 3 and 4 and that applies only to transfers to conservation organizations or transfers for forest management, agricultural management or conservation of natural resources. That is actually adding another protection for the public for those two areas of transfer that the primitive recreation may be added to those particular parcels of land that has no reference to any other land transfers. Thank you.

The Chair ordered a division on the motion to **ADOPT Committee Amendment "A" (S-253)**.

The SPEAKER: The Chair recognizes the Representative from Waldoboro, Representative Trahan. Having spoken twice now requests unanimous consent to address the House a third time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative **TRAHAN**: Mr. Speaker, Honorable Members of the House. I would like to point out that this amendment, Amendment "A" struck the entire bill from the title down. I believe that the way that this is worded that the transfers, if you look at the bill under Section 4, it is a separate section of the one that deals with the governmental entity. I don't know if the bill is worded incorrectly, but it looks like in this bill that the transfers of lots for forest management. It doesn't say for governmental entity purposes, which is a separate section. This is the transfer of lots for forest management and agricultural management of

conservation and natural resources. That is a separate section. I don't know if the bill is worded incorrectly, but it replaces the original bill.

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

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. I think I have an apology to the good Representative because he did come to me this morning in the heat of the debate on another subject and did bring this to my attention. Out of deference to the good Representative, I would suggest that this item be tabled until later in today's session.

On motion of Representative COWGER of Hallowell, **TABLED pending ADOPTION of Committee Amendment "A" (S-253) and later today assigned. (Division Ordered)**

Bill "An Act to Amend the Laws Governing Term Limits"

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

TABLED – June 5, 2001 (Till Later Today) by Representative COLWELL of Gardiner.

PENDING – PASSAGE TO BE ENGROSSED.

Representative MAYO of Bath **PRESENTED House Amendment "C" (H-686)**, which was **READ** by the Clerk.

Representative WATSON of Farmingdale assumed the Chair.

The House was called to order by the Speaker Pro Tem.

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

Representative **MAYO**: Madam Speaker, Ladies and Gentlemen of the House. You have before you another amendment dealing with "An Act to Amend the Laws Governing Term Limits," LD 901. This is only slightly different from an amendment that we had before us earlier this week and that we voted on. This amendment would go to the people of the State of Maine in the year 2002, the next general election. The question on the ballot would read as follows: Do you want to increase the number of consecutive terms for State Legislators from four to six terms? It removes from the original bill the three constitutional officers plus the State Auditor. It, as I said, expands from the current four to six two-year terms. Those people who are in what we call today the senior class, those who are going to be termed out at the end of the 120th Legislature, would continue to be termed out. Those who are able to continue on and run for election in November 2002, if this referendum were passed by the people, voted on favorably by the people, would have an additional four years to serve. The previous amendment that we had before us did not have that particular provision contained therein. It was brought to my attention and the attention of others on the Legal and Veteran's Affairs Committee that it established two classes of people within both the House and the Senate. Those who fell under one set of regulations and those who fell under another. It was raised and I think rightly so that might, in fact, not have been constitutional. For that reason, you have before you what I now consider to be, I apologize for not having caught it previously, a corrected and easier to understand and hopefully no one has raised the issue, this would pass constitutional muster. I would urge that you adopt this House Amendment (H-686) to LD 901. Madam Speaker; when the vote is taken, I would request the yeas and nays.

Representative MAYO of Bath **REQUESTED** a roll call on the motion to **ADOPT House Amendment "C" (H-686)**.

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

Representative CLOUGH of Scarborough moved that **House Amendment "C" (H-686)** be **INDEFINITELY POSTPONED**.

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

Representative **CLOUGH**: Madam Speaker, Ladies and Gentlemen of the House. We have heard strong arguments that last few days supporting the citizen initiative process and the absolute right of Maine citizens through the initiative process to correct what they might perceive to be errors or oversights of their elected officials. I hope you will agree with me that when the people do speak through the initiative process that we, as elected officials, should listen carefully and follow their direction.

In the early '90s people spoke decisively for term limits when they voted overwhelmingly for term limits for state legislators. In the communities that I serve, the vote was greater than 65 percent in favor of term limits. I am not aware of any hue and cry from Maine citizens suggesting they made a mistake when they voted overwhelmingly for term limits. There is no grassroots groundswell to overturn this decision. On the contrary a survey taken this spring in Gorham and Scarborough indicated the same strong support for term limits that we had back in the early '90s. We have heard repeatedly that term limits supposedly have a devastating effect on this body. It allegedly eliminates institutional knowledge causing the Executive to have to work with different Speakers every two years and too much control to lobbyists.

I would like to address these issues individually. As far as institutional knowledge is concerned, the implication is that first-term legislators take a long time to get up to speed, to understand the issues. I see no shortage of talent in this body when looking at this year's freshman class or the class that came in the 119th Legislature. We have had some great first-term legislators on both sides of the aisle. I think it is an insult to them to suggest otherwise. They bring new ideas, new perspectives and they are not bogged down with previous commitments to what may have been a bad proposal in a former session.

Let's talk about the effect of term limits on who gets to serve as Speaker and for how long. During the past four sessions we have had great Speakers that might never had an opportunity to serve if it were not for the term limits. Looking back at history, of the 95 Speakers to serve between 1820 and 2001, 89 served for a period of two years or less. Only two served for more than four years, David Kennedy who served for six years, 1967-1972 and John Martin who served 20 years from 1975-1994. As you can see, the norm is for a Speaker to serve one term. I submit that we will always have an adequate and able supply of capable and experienced third or fourth term legislators who are willing and able to serve as Speakers of the House of Representatives. It should be noted that the same can be said for the other body where 101 of the 110 Presidents that have served, have served two years or less. Only three have served more than four.

The last issue, seating too much control to lobbyists as a result of term limits is also a bogus issue. I suggest that the lobby has a lot more influence with veteran legislators than with the newly elected. This bill is self-serving and I ask you to join me in defeating the pending motion and moving on to defeating this bill. Thank you.

Representative **BULL** of Freeport **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "C" (H-686)**.

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

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Freeport, Representative Bull.

Representative **BULL**: Madam Speaker, May I pose a question through the Chair?

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

Representative **BULL**: Mr. Speaker, Men and Women of the House. The good Representative from Bath, Representative Mayo, may have talked about this, but I wasn't quite following the line of discussion he had. Reading the House Amendment "C," it talks about that beginning December 4, 2002 a person may not serve more than six consecutive terms as a member of the House of Representatives or the State Senate. My question then, for those of us who are juniors, sophomores or freshman, does that imply that we can serve 12 years, plus the remainder of our already allocated four term limit? Right now I am a junior in terms of the four years, that means I can still serve one more term on top of this. If this bill passes, does that mean that I can serve an additional 14 years?

The **SPEAKER PRO TEM**: The Representative from Freeport, Representative Bull has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bath, Representative Mayo.

Representative **MAYO**: Madam Speaker, Ladies and Gentlemen of the House. In answer to the good Representative from Freeport, as a member of the junior class or as someone whose name may appear on the ballot in November 2002, he would be able to serve in addition to that term, which will run from 2002 until 2004, he would be able to serve an additional two terms. He would be able to serve consecutively six terms and no more than six terms with the three that he will have completed, two that he is normally entitled to and with the approval of this amendment, an additional two.

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

Representative **TUTTLE**: Madam Speaker, Men and Women of the House. I would hope that you would adopt this amendment. I would ask that we would adopt it based upon the communication with many members of this body. I feel this amendment offers us a compromise and I think we can support it and it is something that probably puts us in a posture of something that we would pass this year. As many of you know, I was first elected to the Maine Legislature in 1978 and since then I have seen a lot of changes before this institution. In 1993, Maine, as many of us know, became the 14th state to pass term limits and I did support that change. I felt that some people had been around here too long. I know when I was first elected as a member of this body, freshman were supposed to be seen, but not heard. I remember giving my first speech and having a veteran haul me out back and saying, John, you did a pretty good job, but now I want you to sit down and keep quiet for the rest of the two years. Things were quite different back then. In all honesty, I think there needed to be a change in certain levels of leadership. My hope back then was that term limits would bring new faces to the State House, which it did. More citizens would have the opportunity to participate in the legislative process and that more citizens would run for office because, as many of us know, it is easier to run for an open seat than against an incumbent.

What I hadn't anticipated was that the institutional memory has been lost as a result. I think in my opinion, and in the opinion of many people that I talked to, that threatens the Legislature as a co-equal branch of government. I think the continuity, expertise and experience have been lost in this

institution, in my opinion, is endangered by the shift of power to those who have the knowledge and the information of process. The Executive Branch, legislative staff and others who, in my opinion, may not be as accountable to the citizens as we are as elected officials. My hope is that we will adopt this amendment and put us in a fair posture where we might address this issue for the people of Maine. I think it is the best fit for Maine right now. I would ask that we would defeat the present motion to Indefinitely Postpone so that we might pass this amendment and go on from there.

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

Representative **DUPREY**: Madam Speaker, Men and Women of the House. I rise today in support of the Indefinite Postponement motion. Four years ago Mainers went to the polls and placed a limit on our tenure. If my memory serves me correctly, the citizen initiated petition said, do you favor limiting elected officials to four consecutive terms? From what I see in this bill you might have thought it read, do you favor a trail period of term limits on a few years and the same elected officials we are choosing to term limit, choose to extend their own terms? Well, they sure know it better than we do. I have heard testimony that term limits are bad. Many of the arguments point to three different issues.

The first one is lack of leadership. I think nothing could be farther from the truth. I think the Speaker has done a tremendous job showing leadership. There is great leadership in both corners. These are people that have come in under term limits. They have done a fantastic job. I see the sprouts of leadership sprouting every day in here. Just as a freshman I see potential Speakers of the House around here.

The second thing I heard was that term limits will lower the quality of candidates for federal offices. I heard that the other day. I would like to remind this body that half the current congressional delegation has never served in the Maine Legislature. I think Senator Collins, Congressman Allen and Governor King have all done a tremendous job without the benefit of this institution. Representative Cohen also never served in this Legislature.

The final thing I heard is too many bills are introduced because there are too many freshman legislators. There are 40 plus freshman in here and there have been some great ideas that have turned into some great legislation introduced by freshman this term. If it weren't for term limits, you guys would probably be dealing with the Honorable Debra Plowman right now. To some of you that might be a blessing and to some of you, that would be a curse.

As far as institutional memory, the founding fathers envisions the Legislature as a few honorable men and women from all parts of Maine that gather together to do the people's business, serve a term or two and then return to their trade. They never envisioned career politicians. We have one of the most liberal term limits laws in the country. Some states require that you only serve three terms or six years in your entire lifetime.

A few weeks ago we had a debate over increasing our own personal benefits. We all got mad because the citizens didn't like the fact that we were trying to increase our own benefits. Ladies and gentlemen, what we are doing here is trying to increase our own power. Anybody who is not termed out and votes on this, you are voting for your own survival. It is a conflict of interest. It is self-serving.

People spoke on term limits just like they spoken on the Maine Clean Elections Law. If we were here debating change in the Clean Elections Law, many of you would be standing up and saying we haven't given that enough time yet. We shouldn't go against the will of the people. Ladies and gentlemen of the

House, the people of the great State of Maine has spoken on the issue of term limits. Are we going to listen to them or are we going to ignore them? Please support the pending motion.

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

Representative **LABRECQUE**: Madam Speaker, Ladies and Gentlemen of the House. I just couldn't let that last comment go by. The people did speak on clean elections and yesterday we voted to make changes. Thank you.

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

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

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

Representative **MICHAEL**: Madam Speaker, Ladies and Gentlemen of the House. To anyone who may care to answer, did the proponents of the Clean Election Law oppose the changes that this House made yesterday?

The **SPEAKER PRO TEM**: 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 Saco, Representative Kane.

Representative **KANE**: Madam Speaker, Men and Women of the House. I don't claim that term limits are either a huge success or a total failure. From any number of our points of view, it has both assets and liabilities. My reason for supporting Representative Mayo's amendment is because term limits, in fact, deprive voters of choosing who they wish to represent them. It limits their options and their choices. History, in this body, has shown that the average length of stay of members is considerably less than 12 years. It is considerably less than eight years. As we have heard, the term of our leadership, Speakers, is an average of two years. It is probably not going to significantly influence how long any of us may stay in the body. What it does change is it gives back to the voters their right to choose. It empowers the voters to make the choices.

Why are we afraid to return the power to the voters through an election, through a referendum? Let the voters have another look and another say. They have had these years of experience. They have had for the first time an independent Chief Executive go public and to say that term limits, from his point of view, is dysfunctional for state government. This is no way to run a business, according to the Independent Executive. Is this affecting people's perspective on the issue now? We don't know, but why are we afraid to find out? Let them choose. I believe it is more self-serving, in fact, to prevent the electorate from making an open free choice on this than continuing with term limits. I urge the body to reject the motion for Indefinite Postponement and move on to support House Amendment "C." Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from China, Representative Bumps.

Representative **BUMPS**: Mr. Speaker, Men and Women of the House. It was in 1994 and 1995 that I made practically a vocation of studying the Maine Legislature. At the time, never imagining in my wildest dreams that I would have the privilege of serving here. In fact, I had never even contemplated serving in the Maine Legislature. During those two years, I spent my time looking at the demographics of the Maine Legislature, the experience of the people who had served here, the types of legislation that those legislators had introduced trying to hypothesize how term limits would affect the Maine House and the Maine Senate. In 1995, as my ticket to freedom from the world of college, I wrote a rather lengthy paper about what I

thought would happen. Some of those things have come true and some of those things have never materialized.

After I was elected four years ago, there was an effort to address term limits in the Legislature and I took advantage of that opportunity to speak on the floor and then two years ago there was an effort to repeal term limits and, again, I took advantage of the opportunity to speak on the floor. Each time I think we have gotten a bit closer to the right thing, but I would submit to you that we are still not quite there.

Let me be clear that I believe term limits have done irreparable harm to the legislative process. I think they have had a very distinct impact on the ability of folks to carry out their tenures as leaders in this body. I think that they have had an impact on the influence that the Executive Branch has over the Legislature as well as an impact on the power of the lobby. I believe quite firmly that term limits ultimately must be repealed. I think that in order for us to do that we need to put to the voters a question of whether or not to eliminate term limits, not a question of whether or not to incrementally increase the length of time that someone can serve in this body. We need to be up front about what we are asking. We are asking for a privilege to go beyond what we are allowed to serve now. The amendment before us doesn't address that. The amendment before us says if eight years isn't long enough, maybe 10 is long enough. If 10 isn't long enough, then maybe 12 is long enough. Whenever we make the cutoff it is going to be arbitrary. Someone is going to say that if I had two more years, I could have, whatever it is they wanted to do.

The public enacted term limits and accordingly the public should repeal term limits. In order for that to happen, the public needs to understand the impact term limits have had on the legislative process. I would submit to you this afternoon, as the Representative from Scarborough did, it is perhaps the only point that I agreed with him on, the public does not understand, yet, the impact term limits have had on this process. The motivation to extend term limits and the motivation to the extent it exists to repeal term limits come from within. It doesn't come from outside this building. There are some out there who are beginning to understand. Some of those people are folks who testified before you in public hearings. Some of those people are the ones who send you e-mails or who make phone calls. Those people are starting to get the message, but it is going to take time for the public at large to understand the impact term limits have had on this process. Why not? Why not send it out and let it get voted down? I have thought some about that. I have worried some about it.

Here is the answer and this is why I would ask you to vote against this amendment and to ultimately vote against the bill. This is the key. If you forget everything else, including the phone call from the gallery, I hope you will remember this. The point is that we are only going to have one, maybe two, shots at repealing term limits. You need ultimately to put this question to the people because the people enacted term limits. Ultimately we are going to have a referendum. We are going to have a referendum. We are going to have one referendum, maybe two, but every single person in this room knows what will happen if it takes more than two referendums. The public will see this as self-serving and the public will forever vote against repealing term limits. I would ask you to ask yourselves, is this the right time to send this question to the voters? If you can answer this question, believing that term limits will be extended or term limits would be repealed, then go ahead and vote for it. If there is even the slightest bit of doubt in your mind as to whether or not the public will go along with the extension or the repeal, then I would suggest that we wait, because, mark my words, we will only have one or two shots at the most.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lewiston, Representative Bouffard.

Representative **BOUFFARD**: Madam Speaker, Ladies and Gentlemen of the House. This amendment apparently is extending the term of the legislators, except for us that are being termed out this time around, to 12 years and it also sends it out to the people. If this question goes out as such and gets refused by the people, who should be the ones that say yes or no on this, what happens after that to term limits?

The SPEAKER PRO TEM: The Representative from Lewiston, Representative Bouffard has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bath, Representative Mayo.

Representative **MAYO**: Madam Speaker, Men and Women of the House. In answer to the question of the good Representative from Lewiston, the situation remains as it currently is. We would have four two-year consecutive terms under the current statute.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Manchester, Representative Fuller.

Representative **FULLER**: Mr. Speaker, Ladies and Gentlemen of the House. I have wrestled with this question myself. In fact, last fall when it was time to put in bills, I was really concerned about term limits. I am totally opposed to term limits. I share the opinion of my colleague two rows in front of me and feel that they have not worked in the best interest of the process in this House. That is no way saying that our freshman legislators are any less equipped to be legislators or that our leadership has been bad. I absolutely believe that term limits have not served to make this House work better and in an efficient way. I am totally opposed to term limits.

However, I think the questions that are raised about what happens if the referendum is defeated, how many more chances do we have to go to the voters and ask them to repeal term limits? What really scares me, the answer to that question, is about the time that I was considering this same issue myself, I read a report of a survey that had been of the voters in the State of Maine and that survey indicated that 57 percent of the voters still supported term limits. I think it would be unfortunate to have any bill to repeal term limits or to extend term limits defeated. I think it would set us back as far as actually achieving what some of us think should happen. We obviously need an educational process before we are ever going to succeed in moving forward and eliminating term limits. We need to get out to the voters. We need to educate them in order to make such a bill fly, but in the meantime as much as I would love to support a couple of the amendments that are before us, it really makes me very concerned that they will be defeated. It is too soon. We need to have more experience with term limits so we can make a better case about why they do not work in our best interest. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lewiston, Representative Bouffard.

Representative **BOUFFARD**: Madam Speaker, Men and Women of the House. My reason for asking the question is because I would like people to defeat the Indefinite Postponement of this amendment and go for it, send it out to the people. Who knows? The people might just like the idea of changing the terms from eight years to 12 years. If they don't like it, we haven't lost anything because we are going back to what it was, as it is now. Therefore, two years from now if somebody wants to repeal it completely, they will have the right at that time to do so. We ought to let the people who are the ones who put in term limits, if they want to tweak it themselves and try the 12 years instead of eight, give them a chance to say yes or no. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Poland, Representative Snowe-Mello.

Representative **SNOWE-MELLO**: Madam Speaker, Ladies and Gentlemen of the House. I believe that I voted originally to support term limits. Since then, to be perfectly honest, I regret that. I really believe that there is a difference here. The first initiative was brought forth by the citizens. It was a referendum that was brought forth by the citizens. It was not a referendum that came from the Legislature. I think it is a huge, huge difference between what we are proposing here and what was originally done. I really truly believe that if the citizens had a problem with term limits, they would turn around and do the same thing they did and get the signatures collected, get approval and have in on the November ballot.

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

Representative **MAYO**: Madam Speaker, Ladies and Gentlemen of the House. There was one point that I had not intended to interject into this debate, but the remarks from the good lady from Poland brought it to mind and I feel that it should be a part of this discussion this afternoon. While the people of the State of Maine did vote for term limits, the concept and the question was brought forth primarily by one individual who is no longer with us, but spent in excess of \$300,000 of her own money to ensure that this particular item appeared on our ballot. Had that lady who is in her demise done a great deal of good for the State of Maine, had she not been willing to do what she did, I raise the question to the people in this body, would we today or would we not have term limits?

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative **O'NEIL**: Madam Speaker, Colleagues of the House. For the first time in about three weeks, I have actually had my mind changed during one of these debates. As a good heads up to the good Representative from Bath with whom I work closely and have for five years, I am going to bail out on this. I don't think I promised him anything on the amendment, but I will explain why. I have espoused his position on this for 12 years for all the reasons mentioned. I think that eight years is too short. The epiphany that I have had today is that we get one, maybe two chances. I think there is one chance. If we go to 12, I really believe it will stay at 12. I don't think there will be another bite. My deep held belief is that we should have term limits not at all.

There is one more thing that just popped into my head 10 minutes ago that actually made me want to queue up here. Something else has changed since the time term limits were enacted in Maine and that is the implementation of our Clean Election Act. I think to a very high degree at least partial removal of the influence of money has rendered the argument for term limits almost moot. Because we have removed much of the influence of money, the power of incumbency has been diminished. I think we have one shot. I would like to do away with term limits altogether, but we can't do it with this. Thank you.

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

Representative **MURPHY**: Mr. Speaker, Ladies and Gentlemen of the House. I am probably not a good person to speak on term limits, been there, done that, but as they say, a bad penny always returns. I never believed in term limits. I didn't believe in it when it was coming and I was affected. The people in my district when it came time that November to vote at the polls they said, that doesn't include you, does it Eleanor? I said yes it does. I am one of them. I am out. I think they have

proven that they wanted me back. They have sent me back twice since then, but I really believe that every two years I went before the people of my district to be reelected and every two years they chose, by a large margin, to send me back up here and that is why I don't believe in term limits. I think it takes the right of those people away from them to vote for whom they choose. Evidentially the people in District 5 have chosen me for a number of years. Sometimes I wonder why myself and I wonder when they are going to say they have had enough of her, but so far they haven't. I really believe it should be put out to the people and it should be put out to do away with term limits. I just think it is against the people's rights for voting. I have always felt that way. I really believe the most of the people in my district feel the same way or they wouldn't send me back up here year after year, term after term. Thank you.

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

Representative **WHEELER**: Madam Speaker, Men and Women of the House. To be real brief, in the time when the Secretary of State's Office is trying to encourage voter participation, term limits is discouraging it. I think it is time that we take a stance. This was enacted in a very, very weak voter turnout year. It is time to put it back out to the people. The saddest thing of all is term limits, and we all know it, was put into place because of one individual who served as Speaker of the House for 30 years and now is in the other body and he is here again, folks. Did it work? No. I urge you to defeat the pending motion and to go forward.

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

Representative **MICHAEL**: Madam Speaker, Ladies and Gentlemen of the House. I am impressed with much of the wisdom that people have exhibited on the floor today and I recommend that you heed some of the advice, especially in terms of if there is a chance of repealing term limits. This may not be your chance. I don't see that there is much chance and I monitor this issue in Maine and around the country.

A couple of years ago, in fact, we had a poll that we delivered to the committee and we didn't bother doing another one this year, but it said 80 percent favor eight years compared to 20 percent favoring 12 years. Those were roughly the numbers. A similar poll was taken a couple years before that that showed about the same numbers. Polls have been taken all around the country that show those same percentages. I don't see what has changed.

The amendment as it appears now, I am not so sure it won't give some people longer than 12 years. The good gentleman from Freeport asking the question, it might wind up giving some people 16 years. It doesn't really matter, 12 years or 16 years is about the same. If you start going past eight years it becomes irrelevant because so much time has passed and the so-called term limits law, the politicians version of term limits, 12 years or 16 years doesn't make much difference.

Someone asked if Mrs. Noyes hadn't sponsored the state term limits drive, would we have had term limits? I say yes. I know the national groups had already been in contact with me and other people. They were planning to do a drive anyway, but it wouldn't have been eight years, it would have been six years. I was in the process of trying to talk them out of doing what they did in California, Michigan and Ohio and seven of the states, which have six year limits, banned for life, don't even bother to come back. Several other states have six year limits and some have eight year limits, all the states except Maine, you have to leave for at least four years or six years before you can come back. Maine has the most lenient term limit law in the country. I suggest that we count our blessings. The only states that have

12 year limits are states where the Legislature passed a politician version of term limits. Where the public passed it in the initiative it is always six or eight years.

I want to just address a few of the things that have been said about term limits. Two quick things I want to say about the issue itself, I don't think we are going to change many minds about the issue. You either like term limits or you don't like term limits and then I want to talk about the principle.

First of all, I have been hearing for months now all this talk about the loss of institutional memory and how the institution has been devastated because we lost our institutional memory. I know of no first, second or third term legislators who are offering to give up their seats next election so that we can let those former incumbents with their brilliant institutional memory come back in an easy race and save the institution. I haven't seen that list growing yet, but I am starting a list for those who are interested. I would put my name on, but you know I have a lot of institutional memory, so you would probably need me here.

I think there is also a misconception about what leadership is. Leadership is perceived now days as something that someone who has become powerful holds onto for themselves and uses it to make themselves more powerful and do things that they want to do. I like the example of a flock of geese flying south all the way to Florida and one gets out in front, whichever one is the strongest at the time, gets out in front for a while and it flies in front and kind of does some interference for the geese in back so that they have a little easier ride. When that goose gets tired, it drops back and another one takes its place and they keep going like that, taking turns leading the flock where they all kind of know where they want to go until they finally make it to Florida. Around here we have a misconception of leadership. It is immature in its nature. It is human, partly, we all circum to it, but there is much more that we could do in terms of being leaders ourselves and empowering first, second and third term people to be leaders themselves. We could do much more empowering than we do here. I would like to see computers on the desk. I would like to see first and second term folks being able to pull up an amendment that is being debated instead of shuffling through a six-foot pile of garbage while we try to figure out what is being discussed. I would like to be able to see an e-mail where we could send notes back and forth empowering each other with little tidbits of information that might be valuable in a debate, as well as being able to pull up the bills from the archives, sending e-mails to our voters. I would like to see the committee rooms, for instance, wired for the Internet so that people who are going to come up here next year can know what is going on because they have followed the system. They can arrive here with some institutional memory. I never was a freshman, by the way. I worked for a couple years right beside where the assistant clerk is sitting running the PA System. I knew everybody. I knew all the debates. I worked in the Document Room. By the time I got here I never had that experience of not knowing what was going on, but I can imagine it is kind of a tough thing. I don't know if I know what is going on now, this term, but back then it was pretty easy. Back then I could pass a few bills.

It has been said that the Chief Executive has all but insulted, I think, the presiding officers of the two bodies. He suggested that it has been such a terrible experience for them that he has had to have three or four different speakers over the last few terms. I personally think that the current Speaker does just fine. I have had four or five in my lifetime. Speaker Saxl does absolutely fine running this body. The last three Speakers, anyway, I think would never have been Speaker if it wasn't for term limits, if you look at the chemistry of that whole thing.

There was some discussion about empowering the bureaucracy and the Governor. I think just the opposite is true. I

see the new blood people coming up here with a little fire in their belly are much apt to stand up to the lobbyist and the bureaucracy than those of us who have been around for a while. Every term limit campaign around the country that I know of that had to raise money and have a big debate, every one of those campaigns, the lobby donated all of their money against term limits. That tells you what the lobby thinks of it. Lobbyists who are friends with me up here tell me that they don't like term limits because they have to start over again every year with getting to know new people, rather than being cozy with the same old bunch year after year after year.

It has been said that the public didn't know what they were doing and that there was a small turnout. I will tell you that one year after the state term limits was passed, congressional term limits got 64 percent of the vote. Sixty-four percent is exactly what the national average is in all the different states that put it out to the public, all the states are about the same. That was a year after any scandal, shut downs. I can see no real drop in the support for term limits.

Someone suggested that their constituents have asked for a change. I don't hear it at all and if they really are asking for the change, then some of the folks that are up here and think it is too easy to do initiative referendums ought to run right out there and get signatures over the next couple of weeks and they can put it on the ballot next year themselves. We have all the way to January 20th for that deadline.

The last thing I want to say and leave you with is I consider term limits an important issue. I happen to like it, but some of you don't. I don't think it is a principle. It is not a principle that we should stand on. It is just an issue. For instance, campaign finance reform is important to many people, but it is just an issue. It is not a principle. Campaign finance reform might stand on in some people's minds the principle of people governing themselves or a citizen Legislature. That could be the principle. Term limits might stand on the same principle, but it is just an issue. We are just voting on an issue today, except that because of the nature of the relationship with the public and the constitutional right to reform government, we are tinkering with a principle because the people, through their initiative did go and get the signatures on a petition drive. By the way, no one was paid for the signatures they got on that whole drive. They exerted the people's initiative to change the relationship of the power in this Legislature so that we do not stay here for a long period of time. That is what they wanted. If you want a change like that, I say you should go out and demonstrate the support and get the signatures and that would be an absolutely valid way of doing it. To send a referendum out to the public would be an abuse of the process, giving them unwanted questions on the ballot, which people have also complained about and I think really abusing our power. That is the principal that I think you should look at here. I have no problem if someone wants to put it on the ballot. Good luck if you think you can get the signatures, maybe you can hire me as a consultant. Actually I was teasing you, but I think that is the way it should go. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Cummings.

Representative CUMMINGS: Madam Speaker, Men and Women of the House. I have been listening to the debate and have been greatly influenced also. I believe I have changed my mind in the course of the last hour. I was basically influenced by Representative Bumps. Representative Bumps has brought some wisdom to this issue that I think we ought to acknowledge. He said that he was not convinced that the Maine voters have yet seen the damage of term limits. They have yet to be convinced. I just want to give you an example of that. About a year ago as I

began knocking on the doors of democratic households in my district. I was almost so discouraged about running for office after the second or third or fourth time that somebody said, get off my porch. You ought to know better than to run against a good Democrat like Mike Brennan. Once I realized that they had not fully understood the impact of term limits at that moment. I think we do need to wait a little bit longer for them to understand that. I think that it will slowly come along if that is the case. I am going to vote against this amendment and any following amendments on the idea that the 120th ought not yet be the time for us to put before the voters until they have seen more of the impacts and have weighed out the balance. Thank you.

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

Representative **SAVAGE**: Mr. Speaker, Men and Women of the House. Mr. Speaker, Men and Women of the House. I agree with the previous speaker to some degree, but I guess my concern is, is that in order for the people to come to the conclusion that it is time to get rid of term limits, they are going to have to feel the pain of term limits. I think that they sent us here to be their dance team, to keep an eye for things, not to make them feel the pain of something, but to feel enough pain to do that which we want them to do. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Lewiston, Representative Cote.

Representative **COTE**: Madam Speaker, Ladies and Gentlemen of the House. I rise today to urge you to vote against the Indefinite Postponement on House Amendment "C." People in my district that I spoke with this past weekend have brought up term limits. They realize in my district now about term limits and how they really hurt the candidates and the present people that are in office now. They have come to me and told me that they didn't realize it at the time when they voted for term limits what impact it would have on the candidates and on the present people who are in office now. This past weekend I have had more people in my district tell me that they wish term limits would have never been put in. They wish it would be eliminated because they know of a lot of the hurt that it has brought to us because we are sent up here to do the people's work and when it is time for us to be termed out, our work is still not done. We still have a lot more work to do to continue to help our constituents. I have had many of my constituents come to me and tell me that when it came up for vote on the floor, if there is any type of amendment that is brought to it to extend it longer so me can stay up here a little longer to finish what we had started when we first got here, to vote for it. If it is brought to them again, I assure you the people in my district will vote against the term limits this time. I urge my fellow colleagues to join me in opposing the Indefinite Postponement and let's pass House Amendment "C" and let's get this out to the voters. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Raymond, Representative Bruno.

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. I hate to prolong this debate, but I just feel compelled to address some issues. I was here before term limits and I got voted back in after term limits. The reason I will be supporting the Indefinite Postponement, even though I was a cosponsor on this bill, I think, is that I think it is a little self-serving for us to exclude ourselves on this amendment. Those of you that are serving your first, second or third term now can extend your own limit if this passes in 2002. I don't think that is a good thing. I think we should have a turnover. I am looking back when I first came here and there were people with 20 years of experience in this body that never did a thing except take up a seat and that goes for both parts of the aisle, Republicans and Democrats, but I see first-term legislators who are really bright

who are going to do real well in their first term and have picked up the system real well. As far as leadership having all this power, anybody who wants to sit in the corner as the Minority Leader, you can figure out fast how much power you actually do have.

I don't like the idea of term limits. As a matter a fact though, I was a cosponsor on the term limit bill in 1992 in the 116th Legislature. I thought it was a good idea back then. As I sit here now looking out over all you bright people here, I just don't think it is anymore. I think it is for a different reason. It is for the reason that the people should have the right to choose. There is going to be a natural turnover here. Most people serve about four years. There is nothing wrong with that, but for us to go out there and say we want to extend this to 12 years and exclude ourselves is wrong. I think we are sitting here under the current law of four terms and we ought to live by that law. If the people decide to extend it or just say we don't want term limits, we should not be included. That is why I will be voting for Indefinite Postponement.

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

Representative **MUSE**: Madam Speaker, Men and Women of the House. Very briefly, I would just like to point out that the comments that were just made that the people who are here in their first, second or third term can vote to extend their terms is horribly inaccurate. It is the people who sent us here. It is the people who we represent that vote to extend your term, to send you back here or to tell you to stay home. That is what term limits are. It happens on Election Day. It is not a secret, as has already been mentioned, it was because of on member of this House, probably was sitting on a park bench when they built this building, served forever, that term limits were enacted here in the State of Maine. I don't mind telling my constituents in the cycle of terms here, it takes you better than your first year to learn your way around the building. You get into your second year and you start learning how things work. When you get into your third term, you start to get to know people and you start to become effective. You start to be able to know how the system works. It takes time. Our system is cumbersome for a reason. It is what makes our system work.

I am pleased to say that I have had the opportunity to try and mold a new member, not real well. One of the best things that has come out of that is while chasing him down to tell him he had to vote on something or he was out of place, where he shouldn't be, or whatever, I have had an opportunity to spend time in that office on the other side of the hallway and get to know a number of people on this side of the aisle that I didn't know. They are okay. That is a good thing. It has taken time to realize that. I don't think that, and I am not concerned or worried, about putting this issue on the ballot to let the people decide. I don't think that we are overstepping our boundaries by putting that on the ballot. I think that is our responsibility. That is why we are here. If it wasn't our responsibility, why don't we all go home and let everything go to the ballot and let the people decide everything. It is our responsibility. We should put this on the ballot and let the people decide. Thank you.

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

Representative **WATERHOUSE**: Madam Speaker, Ladies and Gentlemen of the House. We all like to think we are indispensable. Our friends back home like to tell us we are, but believe me, we are not.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Portland, Representative Dudley.

Representative **DUDLEY**: Madam Speaker, Men and Women of the House. Regarding some of the comments from

the Representative from Raymond, Representative Bruno, relative to leadership power in the corner, he may have the power in the corner, but he doesn't have so much of a problem in the Legislative Council Chambers as I witnessed yesterday.

I want to be clear about this amendment. We are not deciding on this vote whether or not to extend our own term limits. That is not the issue before us. The issue before us is to ask the voters to make that decision, to give them full knowledge of what the proposal is and let them decide up or down what they want to do.

I would like to echo the wisdom from the Representative from Buxton, Representative Savage, that I think it is dangerous for us to stand by to do something, awaiting some, perhaps, damage to this institution before we act. I think we have a responsibility as the directors of this institution to prevent damage to it. I see this as a very reasonable and important step toward doing just that. I urge you to join me in voting to oppose the pending motion and to approve this amendment. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Bristol, Representative Hall.

Representative **HALL**: Madam Speaker, Ladies and Gentlemen of the House. This afternoon has been a great afternoon to be a freshman, to be flattered by so many speakers. It would be very gratifying if it wasn't all so nauseating. I haven't heard a lot of freshman speaking this afternoon, so I hope you don't mind my giving a naive and innocent observation or two.

As a new member of this House, I quickly came to recognize one of the consequences of such a high turnover of members. On the Utilities and Energy Committee, on which I serve, we have been grappling with numerous complicated issues on a committee that has, I believe, only four members who have had previous service on that committee. My experience has made me realize very forcibly the changed balance of power between the Executive, the lobby and this Legislature. While I may have learned one or two things, I have also obviously remained incredibly innocent and incredibly naive because I am still amazed to listen to a debate such as this one this afternoon where member after member rises to say how they deplore term limits, what a terrible thing term limits are, but how they couldn't possibly actually do anything to affect the situation by supporting the good Representative from Bath's amendment.

I seem to have heard three arguments and all of them put me at a loss. The first argument seems to be that we should wait for the will of the people. We don't want to do what is right. We don't have the courage. We may be criticized. Let the people make up their mind in due course. The second argument is this, we shouldn't make things better, lest we never get around to making them better still. We should never improve something, we should only make it perfect, even if that means deferring it for years and setting up study committees, which may or may not be funded.

The third argument that I have heard this afternoon, I have heard to my surprise from the good Representative from Buxton, who I greatly respect as the chair of my committee and his argument appears to be, let us let things get much worse and then, and only then, will the people come to us and beg us to do something. Well, I am obviously innocent and naive because I don't buy into any of those arguments. I think our job here realistically is to take incremental steps. The only argument I buy is the argument for doing something that is the right thing to do. I believe Representative Mayo's amendment is the right thing to do. I will be voting for it and against the motion to Indefinitely Postpone it.

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

Representative **SAVAGE**: Madam Speaker, Men and Women of the House. Apparently in a show of ineffective speaking on the part of this second term, I didn't make it clear and in response to the previous speaker's comments, I would like to make it clear that I think it is a travesty. I do not support driving this situation into further disrepair before we fix it. I think it is a travesty that we would think that that is a proper approach towards forcing the people to do our will. I think we should put this thing out to the people and very forcefully let them know why and if they disagree, they will tell us. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Portland, Representative Cummings.

Representative **CUMMINGS**: Madam Speaker, Men and Women of the House. Just to respond to the Representative from Buxton, it is not clear after an hour and a half or two hours of debate exactly whether there is institutional damage and the complexities of that remind me again of Representative Bumps' argument. We may very well have only one shot at being able to influence the people of the State of Maine. I believe that the verdict still is out in their perception and their perception of this institution may be as important and perhaps more important than our perception. I believe we need to wait for them to access it fully and they do not have the evidence yet to make that decision. I do firmly believe in the repeal of term limits myself, but I think the timing will increase our effectiveness and therefore, I believe Representative Bumps' direction is the right one to follow.

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

Representative **TUTTLE**: Madam Speaker, Men and Women of the House. You know the debate on this issue I think has been quite striking. The information that has been given today, I can recall many times during my career where I have been proud to be a member of this institution and I am very proud of all of us today. This is an important issue. I have always tried to do during my time, as I have always had, what we think is in the best interest to our institution. There are legitimate concerns if this issue does go out and is defeated. Having the experience, I think, that I have and many people that I talked to, I think that in the present posture of where it is, unless we can get it to that next point, then we may not be able to get to the issue that we are all talking about. From a perspective where I look at where this bill is now, I think that by passing the good Representative from Bath, Representative Mayo's amendment, at this point may get us to the situation where we may be able to reach the concerns of the good Representatives Cummings and Bumps and others. I am asking you to allow me as chair of the committee to offer that input to you and I would ask that at least for first and second readings to allow us to get this in a position where we might, as I have talked to other Representatives where it could be a situation amended where it would be acceptable to everybody. Unless, in my humble opinion, we adopt the amendment in the position now, we will never get there. As the good Representative from Saco, Representative Kane said, our democracy is based on the premise that citizens should have the right and power to impose term limits through the ballots that we cast on Election Day. I think to do nothing would be a total disregard to the welfare of the people of this state and the legislative institution that we have been sworn and elected to maintain. I would ask that we would defeat the pending motion.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Freeport, Representative Bull.

Representative **BULL**: Madam Speaker, Men and Women of the House. Generally I am locked into bringing polling information into these debates here because we should not be directed by newspaper polls necessarily, but I do think it is

important on this issue because we are talking about sending it out to the voters. Again, this brings me back to Representative Bumps' comments and some comments that were brought up when this issue first came up. I think it is important to remember that the *Portland Sunday Telegram* did a series of articles during the fall election and they profiled the various areas of the state and talked about the various economic and the social issues and in each region they asked people directly, do you want to repeal term limits? Overwhelmingly in every single region of the state, that came back as a no. Again, I think it is important to ask ourselves if we truly want to amend or overturn this law, do we have the public support to do that? It does not appear that it is there at this point. What is the haste here? Isn't it best to wait until there is some more public support? Again, I am very much opposed to term limits, but I think it is a bit premature. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Hartland, Representative Stedman.

Representative **STEDMAN**: Mr. Speaker, Ladies and Gentlemen of the House. I sent out a survey early on in the session and one of the questions was dealing with this issue and on 450 returns, 65 percent told me don't change the term limits. That has made up my mind. Thank you.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "C" (H-686). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 361

YEA - Andrews, Annis, Berry DP, Bowles, Bruno, Buck, Bull, Bumps, Carr, Chick, Clough, Collins, Crabtree, Cressey, Cummings, Daigle, Davis, Desmond, Duprey, Fisher, Foster, Fuller, Glynn, Haskell, Honey, Jodrey, Kasprzak, Ledwin, Lemoine, Lessard, MacDougall, Madore, Mailhot, Marley, McKee, McKenney, Michael, Mitchell, Morrison, Murphy E, Murphy T, Nass, Nutting, Paradis, Peavey, Perkins, Perry, Pineau, Pinkham, Rosen, Sherman, Shields, Smith, Snowe-Mello, Stanley, Stedman, Thomas, Tobin D, Tracy, Trahan, Treadwell, Waterhouse, Weston, Winsor.

NAY - Ash, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Canavan, Chizmar, Clark, Colwell, Cote, Cowger, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Estes, Etnier, Gagne, Gerzofsky, Green, Hall, Hatch, Heidrich, Jacobs, Jones, Kane, Koffman, Labrecque, Landry, LaVerdiere, Laverriere-Boucher, Lundeen, Matthews, Mayo, McDonough, McGlocklin, McLaughlin, Michaud, Muse C, Muse K, Norbert, O'Brien JA, O'Brien LL, O'Neil, Patrick, Povich, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Sullivan, Tarazewich, Tessier, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler EM, Wheeler GJ, Young, Mr. Speaker.

ABSENT - Bagley, Baker, Belanger, Bryant, Bunker, Chase, Goodwin, Gooley, Hawes, Hutton, Lovett, Marrache, McGowan, McNeil, Mendros, Norton, Quint, Schneider, Tobin J.

Yes, 64; No, 68; Absent, 19; Excused, 0.

64 having voted in the affirmative and 68 voted in the negative, with 19 being absent, and accordingly the motion to **INDEFINITELY POSTPONE House Amendment "C" (H-686) FAILED.**

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

Representative **GLYNN**: Thank you Madam Speaker, question to the House, parliamentary procedure.

The SPEAKER PRO TEM: The Representative may proceed.

Representative **GLYNN**: Thank you Madam Speaker. Would it be in order if I was to make a motion to Indefinitely Postpone House "C?"

The SPEAKER PRO TEM: The Representative may make a motion to reconsider where the House failed to Indefinitely Postpone House Amendment "C."

Representative **GLYNN**: Thank you Madam Speaker. I will not be standing to make that motion.

The SPEAKER PRO TEM: A roll call having been previously ordered. The pending question before the House is Adoption of House Amendment "C" (H-686). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 362

YEA - Ash, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bunker, Canavan, Chick, Chizmar, Clark, Collins, Colwell, Cote, Cowger, Dudley, Duncan, Dunlap, Etnier, Fisher, Gagne, Gerzofsky, Green, Hall, Hatch, Heidrich, Hutton, Jacobs, Jones, Kane, Labrecque, LaVerdiere, Laverriere-Boucher, Marley, Matthews, Mayo, McGlocklin, McLaughlin, Michaud, Mitchell, Norbert, O'Brien LL, O'Neil, Patrick, Perry, Povich, Quint, Rines, Savage, Simpson, Sullivan, Tessier, Tuttle, Usher, Volenik, Watson, Wheeler EM, Wheeler GJ, Young, Mr. Speaker.

NAY - Andrews, Annis, Berry DP, Bowles, Bruno, Buck, Bull, Bumps, Carr, Clough, Crabtree, Cressey, Cummings, Daigle, Davis, Desmond, Dorr, Dugay, Duplessie, Duprey, Estes, Foster, Fuller, Glynn, Haskell, Honey, Jodrey, Kasprzak, Koffman, Landry, Ledwin, Lemoine, Lessard, Lundeen, MacDougall, Madore, Mailhot, McDonough, McKee, McKenney, Michael, Morrison, Murphy E, Murphy T, Muse C, Muse K, Nass, Nutting, O'Brien JA, Paradis, Peavey, Perkins, Pineau, Pinkham, Richard, Richardson, Rosen, Sherman, Shields, Skoglund, Smith, Snowe-Mello, Stanley, Stedman, Tarazewich, Thomas, Tobin D, Tracy, Trahan, Treadwell, Twomey, Waterhouse, Weston, Winsor.

ABSENT - Bagley, Baker, Belanger, Bryant, Chase, Goodwin, Gooley, Hawes, Lovett, Marrache, McGowan, McNeil, Mendros, Norton, Schneider, Tobin J.

Yes, 61; No, 74; Absent, 16; Excused, 0.

61 having voted in the affirmative and 74 voted in the negative, with 16 being absent, and accordingly the motion to **ADOPT House Amendment "C" (H-686) FAILED.**

Representative **BULL** of Freeport moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED.**

The same Representative **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 PRO TEM: The Chair recognizes the Representative from Arundel, Representative Daigle.

Representative **DAIGLE**: Madam Speaker, Ladies and Gentlemen of the House. I urge you to vote against the pending motion to Indefinitely Postpone. There are other options available to you.

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

Representative **TUTTLE**: Madam Speaker, Men and Women of the House. I would also encourage the body to defeat the pending motion so that we might proceed appropriately.

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

Representative **DUNLAP**: Madam Speaker, Men and Women of the House. I stand to ask you to oppose the pending motion, if for no other reason than to give some consideration to some other components of this, which my good friend from

Arundel has circulated some paperwork on, although he said scurrilous things about my committee this morning, I have forgiven him and I agree with him on this issue. Thank you.

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

Representative **BROOKS**: Madam Speaker, May I pose a question through the Chair?

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

Representative **BROOKS**: Madam Speaker, Men and Women of the House. I just wondered if someone could respond to me whether LD 901 sends this issue out to the voters and whether there is a 12-year limit?

The **SPEAKER PRO TEM**: The Representative from Winterport, Representative Brooks 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**: Madam Speaker, Men and Women of the House. I think based upon the gentleman's question, the motion is to Indefinitely Postpone so until we defeat that motion it really doesn't affect anything.

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

Representative **MATTHEWS**: Mr. Speaker, Men and Women of the House. I hope you will not Indefinitely Postpone this bill. I have sat and listened to this debate and I want to say just a couple of things. For those that believe that there is the balance of powers and that the institution of House and the Senate are doing fine and that institutional memory is here in this House, I would only challenge you that the institutional memory in my estimation, even though I am one member that has come back. Most of that institutional memory today, differently than when I was here, is out there in the middle of the State House. That institutional memory is now the lobby, the bureaucracy. That isn't always a bad thing. Sometimes good information comes from the lobby, but I do believe that from the Constitution of the state and the long-term security of our citizenry, that is not good thing.

It has been mentioned that if you support extending term limits or putting the question out to the voters, it is self-serving. Man oh man, you have to be crazy to be here. It is hard for working people, retired people, men or women, young or old to serve. What we have done, in my opinion, is weakened the Legislative Branch of government. In my return to service here, I have been appalled by the problems that we have as an institution, not just dealing with the folks in the middle of the State House, the lobby, but also in how we deal and how the framers intended that we deal, one on one with the Executive Branch and the Judicial Branch. This system that we have created is under siege. I don't believe it has been well served by term limits. I will tell you that the people should have their say on this issue. I would never support any attempt by the Legislative Branch to rein in one way or the other on this issue. It has got to go out to the voters. Believe me, the people should know what is happening here. I am not afraid of sending the question out, yea or nay. We do that many times. We have talked about sending questions out and the importance of the initiative process and the importance of the Legislative Branch being able to have the people make decisions. This is one that is so vital to the long-term service of our state and our citizenry. I think they should have an opportunity. I will urge you strongly to oppose the motion to Indefinitely Postpone.

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

Representative **TRACY**: Madam Speaker, Ladies and Gentlemen of the House. I have never, ever supported term limits in my life and I never, ever will support term limits. I believe term limits are at the ballot box when the individual, he or she, goes into that booth to make their choice. They go in there to make a rational decision to send individuals down to the State House here and to various other locations in the United States and their local municipalities and things like that.

During the term limits debate when I was a member of the House of Representatives when this was going out for referendum and I was running and I was questioned by the news media during the campaign on my stand how I felt about term limits. I adamantly, adamantly, adamantly opposed them then and I still adamantly oppose them now. I guess the bottom line of what I am saying is I will not be supporting the Indefinite Postponement of this bill at this time because I want to give the courtesy to the other individuals in this chamber to offer their amendments. I hope you would vote against the pending motion. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Lewiston, Representative Bouffard.

Representative **BOUFFARD**: Madam Speaker, Men and Women of the House. I just want to warn you that if you vote for Indefinitely Postponing this bill, you are back to the status quo of what you are right now, term limits of eight years.

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

Representative **VOLENIK**: Mr. Speaker, Men and Women of the House. I want to tell you what the real consequence of term limits is. The real consequence of term limits is that we are currently missing free food at the Augusta Travel Lodge.

The **SPEAKER PRO TEM**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of the Bill and All Accompanying Papers. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 363

YEA - Andrews, Annis, Ash, Bowles, Buck, Bull, Bumps, Carr, Clough, Cressey, Cummings, Davis, Desmond, Dugay, Duprey, Foster, Glynn, Haskell, Kasprzak, Ledwin, Lemoine, Lundeen, MacDougall, Mailhot, McDonough, McGowan, McKee, Michael, Morrison, Murphy T, O'Brien JA, Peavey, Perkins, Pinkham, Rosen, Sherman, Snowe-Mello, Stanley, Stedman, Treadwell, Waterhouse, Weston, Winsor.

NAY - Belanger, Berry DP, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Bruno, Bunker, Canavan, Chick, Chizmar, Clark, Collins, Cote, Cowger, Daigle, Dorr, Dudley, Duncan, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Green, Hall, Hatch, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Koffman, Labrecque, Landry, LaVerdiere, Laverriere-Boucher, Lessard, Madore, Marley, Matthews, Mayo, McGlocklin, McKenney, McLaughlin, Michaud, Mitchell, Murphy E, Muse C, Muse K, Nass, Norbert, Nutting, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Shields, Simpson, Skoglund, Smith, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tracy, Trahan, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler EM, Wheeler GJ, Young, Mr. Speaker.

ABSENT - Bagley, Baker, Brooks, Bryant, Chase, Colwell, Crabtree, Gerzofsky, Goodwin, Gooley, Hawes, Lovett, Marrache, McNeil, Mendros, Norton, Schneider, Tobin J.

Yes, 43; No, 90; Absent, 18; Excused, 0.

43 having voted in the affirmative and 90 voted in the negative, with 18 being absent, and accordingly the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers **FAILED**.

Representative DAIGLE of Arundel **PRESENTED House Amendment "D" (H-690)**, which was **READ** by the Clerk.

The Speaker resumed the Chair.
The House was called to order by the Speaker.

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Daigle.

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. I thank all of you for the opportunity to speak to this amendment. As you have seen on your desk already, this is a very simple question. In fact, what I am proposing we adopt will be the simplest question asked on a referendum in my adult life. Do you favor repealing term limits for Maine legislators and constitutional officers? It is a simple question where yes means yes and no means no and we all know that when referendum questions are asked and the public does not understand the question, their default is to answer no. In this case if the public isn't fully clear what this is involved with, they will vote no, which means they will keep the status quo. If the public votes yes with this question, I think it will clearly be the will of the people. It will be something that will no longer be said to be misunderstood. I am asking for this in an off year election. In 1993 term limits were imposed by the people. I am saying in 2001 another off year election, the same conditions where the term limits were passed. We will give the public a chance to say up and down and settle this thing once and for all. I ask your support of House Amendment "D." It is simple. It is direct. It will settle this issue and it is respectful to the people of Maine and I thank you for your support.

Representative BULL of Freeport **REQUESTED** a roll call on the motion to **ADOPT House Amendment "D" (H-690)**.

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 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, Ladies and Gentlemen of the House. Does this amendment exempt any existing members as some of the past amendments do or is everyone eligible to continue serving if this is sent out to the public and passes?

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 Arundel, Representative Daigle.

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. This amendment has no exemptions. It has no conditions. There are no tricks. There is no fancy language. It is a simple, direct straightforward and respectful question so that the public can clearly know. There is nothing else in this but the question itself.

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

Representative **BOWLES**: Mr. Speaker, Ladies and Gentlemen of the House. I will be voting against this amendment and for one reason and one reason only. I agree with the concept of the straight up and down vote. I think that is the right thing. I think it is a fair thing. I think it gives the people the ultimate decision. The reason I am going to be voting against

this is because I don't like the timing. I don't feel it is right that we send this issue out on an off election year in which the voter turnout is historically very small and in which special interests play an inordinate role in determining the outcome. If we were to send this issue out on the congressional election year of 2002, we could be assured of a reasonable turnout, a fair number of Maine citizens would get a chance to weigh in on this issue and the outcome would be less influenced by special interests. For that reason, I reluctantly will not be able to support this amendment.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Quint.

Representative **QUINT**: Mr. Speaker, Men and Women of the House. I thank the previous Representative for his comments. It was, in fact, an odd year, an off-election cycle and a special interest group and their money that got us exactly where they are today.

The SPEAKER: A roll call has been ordered. The pending question before the House is adoption of House Amendment "D" (H-690). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 364

YEA - Annis, Ash, Belanger, Berry DP, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bruno, Bunker, Chick, Chizmar, Clark, Collins, Cote, Cowger, Crabtree, Daigle, Dorr, Dudley, Duncan, Dunlap, Duplessie, Estes, Etnier, Fisher, Gerzofsky, Green, Hall, Hatch, Heidrich, Hutton, Jacobs, Jodrey, Jones, Kane, Koffman, Labrecque, LaVerdiere, Laverriere-Boucher, Ledwin, Lessard, Madore, Matthews, Mayo, McGlocklin, McLaughlin, Michaud, Mitchell, Muse C, Muse K, Norbert, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Shields, Simpson, Skoglund, Smith, Sullivan, Tarazewich, Tessier, Trahan, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler EM, Wheeler GJ, Winsor, Young, Mr. Speaker.

NAY - Andrews, Bowles, Buck, Bull, Bumps, Canavan, Carr, Clough, Cressey, Cummings, Davis, Desmond, Dugay, Duprey, Foster, Fuller, Gagne, Glynn, Haskell, Honey, Kasprzak, Landry, Lemoine, Lundeen, MacDougall, Mailhot, Marley, McDonough, McGowan, McKee, McKenney, Michael, Murphy T, Nass, Nutting, O'Brien JA, Perkins, Pinkham, Rosen, Sherman, Snowe-Mello, Stanley, Stedman, Thomas, Tobin D, Tracy, Treadwell, Waterhouse, Weston.

ABSENT - Bagley, Baker, Bryant, Chase, Colwell, Goodwin, Gooley, Hawes, Lovett, Marrache, McNeil, Mendros, Morrison, Murphy E, Norton, Schneider, Tobin J.

Yes, 85; No, 49; Absent, 17; Excused, 0.

85 having voted in the affirmative and 49 voted in the negative, with 17 being absent, and accordingly **House Amendment "D" (H-690) was ADOPTED**.

Representative WATERHOUSE of Bridgton **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED**.

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 Passage to be Engrossed. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 365

YEA - Ash, Belanger, Berry DP, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bruno, Bunker, Chick, Chizmar, Clark, Collins, Cote, Cowger, Crabtree, Daigle, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Estes, Etnier, Fisher, Gerzofsky, Green, Hall, Hatch, Heidrich, Hutton, Jacobs, Jodrey, Jones, Kane, Koffman, Labrecque, Landry, LaVerdiere, Laverriere-Boucher, Ledwin, Lessard, Madore, Matthews,

McGlocklin, McLaughlin, Michaud, Mitchell, Muse C, Nass, Norbert, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Shields, Simpson, Smith, Sullivan, Tarazewich, Thomas, Trahan, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler EM, Wheeler GJ, Young, Mr. Speaker.

NAY - Andrews, Annis, Bowles, Buck, Bull, Bumps, Canavan, Carr, Clough, Cressey, Cummings, Davis, Desmond, Duprey, Foster, Fuller, Gagne, Glynn, Haskell, Honey, Kasprzak, Lemoine, Lundeen, MacDougall, Mailhot, Marley, Mayo, McDonough, McGowan, McKee, McKenney, Michael, Murphy T, Muse K, Nutting, O'Brien JA, Perkins, Pinkham, Rosen, Sherman, Skoglund, Snowe-Mello, Stanley, Stedman, Tobin D, Tracy, Treadwell, Waterhouse, Weston, Winsor.

ABSENT - Bagley, Baker, Bryant, Chase, Colwell, Goodwin, Gooley, Hawes, Lovett, Marrache, McNeil, Mendros, Morrison, Murphy E, Norton, Schneider, Tessier, Tobin J.

Yes, 83; No, 50; Absent, 18; Excused, 0.

83 having voted in the affirmative and 50 voted in the negative, with 18 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "D" (H-690)** and sent for concurrence.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Dudley who wishes to address the House on the record.

Representative **DUDLEY**: Mr. Speaker, Men and Women of the House. Had I been present for Roll Call 349 on LD 1490 this morning, I would have voted yea.

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

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

CONSENT CALENDAR

First Day

In accordance with House Rule 519, the following item appeared on the Consent Calendar for the First Day:

(H.P. 196) (L.D. 226) Bill "An Act to Fund Community Health Access Programs" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-698)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

SENATE PAPERS

Non-Concurrent Matter

An Act to Amend the Finance Authority of Maine Act

(H.P. 1259) (L.D. 1694)

PASSED TO BE ENACTED in the House on May 17, 2001. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-467)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-467) AS AMENDED BY SENATE AMENDMENT "B" (S-325)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Require Election Law Training to Voter Registrars and Clerks

(H.P. 483) (L.D. 623)

PASSED TO BE ENACTED in the House on May 22, 2001. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-503)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-503) AS AMENDED BY SENATE AMENDMENT "A" (S-326)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Provide for Variance Notification in the Shoreland Zoning Law

(H.P. 704) (L.D. 919)

PASSED TO BE ENACTED in the House on March 30, 2001. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-33)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-33)** and **SENATE AMENDMENT "A" (S-327)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Ensure That State Employees Receiving Workers' Compensation and Filling a Limited Period Position Remain in Their Respective Bargaining Units

(H.P. 592) (L.D. 747)

(C. "A" H-547)

PASSED TO BE ENACTED in the House on June 4, 2001.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-328)** in **NON-CONCURRENCE**.

On motion of Representative BUNKER of Kossuth Township, the House voted to **RECEDE AND CONCUR. ORDERED SENT FORTHWITH**.

UNFINISHED BUSINESS

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