

# MAINE STATE LEGISLATURE

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Pages 777-1562

**ROLL CALL NO. 204**

YEA - Adams, Ash, Barstow, Bennett, Blanchette, Bliss, Brannigan, Breault, Bull, Bunker, Canavan, Clark, Cowger, Craven, Cummings, Dudley, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Gerzofsky, Goodwin, Grose, Hatch, Hutton, Jackson, Jennings, Kane, Ketterer, Koffman, Landry, Laverriere-Boucher, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, Marraché, McGlocklin, McKee, McLaughlin, Mills J, Norbert, Norton, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Richardson J, Rines, Sampson, Saviello, Simpson, Smith N, Smith W, Sullivan, Suslovic, Thomas, Thompson, Twomey, Usher, Walcott, Watson, Wheeler, Wotton, Mr. Speaker.

NAY - Annis, Austin, Berry, Bierman, Bowen, Bowles, Brown R, Browne W, Bruno, Bryant-Deschenes, Campbell, Carr, Churchill E, Churchill J, Clough, Collins, Courtney, Cressej, Crosthwaite, Curley, Daigle, Duprey B, Fletcher, Gagne-Friel, Glynn, Greeley, Heidrich, Honey, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Ledwin, Lewin, Maietta, McCormick, McKenney, McNeil, Millett, Mills S, Moody, Moore, Murphy, Muse, Nutting, O'Brien J, Peavey-Haskell, Rector, Richardson E, Richardson M, Rogers, Rosen, Sherman, Shields, Snowe-Mello, Stone, Sukeforth, Sykes, Tardy, Tobin D, Tobin J, Trahan, Treadwell, Vaughan, Young.

ABSENT - Andrews, Berube, Davis, Dugay, McGowan, Woodbury.

Yes, 79; No, 66; Absent, 6; Excused, 0.

79 having voted in the affirmative and 66 voted in the negative, with 6 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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**DIVIDED REPORT - Majority (11) Ought to Pass as Amended by Committee Amendment "A" (H-442) - Minority (2) Ought Not to Pass - Committee on LEGAL AND VETERANS AFFAIRS on Bill "An Act To Extend Term Limits"**

(H.P. 945) (L.D. 1273)

TABLED - May 20, 2003 (Till Later Today) by Representative CLARK of Millinocket.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

Representative GLYNN: Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition of the pending motion to accept this report. I urge you to vote against sending this measure out to the people of Maine. This bill has changed dramatically since the bill was first introduced to the committee by the sponsor. This bill will extend term limits of people including those who are currently in office. I believe that this will be seen as a very self-serving measure when put out onto the ballot. It is something that I don't believe we could all be proud to put our name behind. This election is going to be held in November 2003 to assure that we can run for reelection in 2004. It is not from the people, the people that put term limits in. It does not firm up the confidence that they have in us. I urge you to defeat this motion and vote Ought Not to Pass. Mr. Speaker, I request the yeas and nays.

Representative GLYNN of South Portland **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 Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Ladies and Gentlemen of the House. I rise this afternoon on a very tough issue for all of us in this chamber. It is one that was passed by the people in 1993. It is called term limits. Back in 1993 there was an initiative by the citizens to have term limits to get rid of the people here in Augusta. The voter turnout back then in 1993 was 25 percent. It was a non-election year. Sixty-seven percent of the vote passed term limits with a retroactive clause stating that in 1994 those people that had a total of eight years would be termed out. I have to be truthful with you, if it wasn't for term limits, I probably would not be here today. Although we have the same name, my father would probably still be in this seat instead of myself and probably a lot of people would like that.

The good Representative from North Haven presented this bill to do with term limits to extend it to 12 years. It has been 10 years now since term limits was passed. The good Representative came and presented the testimony in favor of extending it to 12 years. We had two other bills by a person in the other body and also another person from this body. Another bill was to get rid of term limits all together, up or down. All three proposals would be sent out to the people, either this November or next November. The committee, an 11 to 2 report in favor of the Majority Ought to Pass as Amended decided to send it out this November. We will be having a lot of people going to the polls come November 2003. The people that looked at this did not think that it was going to be a very low turnout in 2003. We have the casinos. We have the bond issues. We have a tax reform proposal, which, by the way, ladies and gentlemen, if we as a body act on a proposal that is either done from the second floor, which wasn't brought up here by the people, by a competing measure, we do that here in Augusta. That will bring a lot of people to the polls come November 2003. That is why a majority of the people thought it should go out November 2003.

Now the retroactive part of it, which a lot of people have big concerns about. They say it is self-servant. Ladies and gentlemen, if you think you come up here without having a self-serving conscience for your constituents, you have another thing coming. Everybody up here that comes to Augusta either comes to Augusta for their constituents, tries to get the best things for their constituents to help them back home. People in Washington call it pork. People in Augusta call it pork also, but we try to do the things that are better off for our constituents.

Remember back in the article when we had the debate with the President of the United States on tax reform and a member of the United States Senate on tax reform. There was a big political advertisement in the newspaper. We liked both people's ideas. Keep them going. Keep them fresh. That is what we are losing if we lose term limits. You lose the institutional memory that we have here.

After term limits was passed and the first class came in 1996, they spent 30 minutes on a \$3.5 billion budget. The year after that they spent 25 minutes on a \$5.3 billion budget. Back in 1994 before term limits, they spent six and a half hours debating the budget that was about \$3 billion back then. I don't know if people see this like I do. I was here as a page before I got elected. We have people that don't have a knowledge or a protocol up here that goes on in these halls. We have people that have been here for eight years and still doesn't know how to make a correct motion on the floor.

When you vote today, I hope you will support the Majority Ought to Pass as Amended Report. It has a lot of good things for the people. If it passes here, it goes out to the people in 2003. They will be able to have a chance. We have at least three

people in this body that got elected from term limits. They sat out one term and got reelected or they are in the other body. That means that if your constituents like you, they should be able to vote for you. My feeling when I first got elected is I was against term limits all together. If people want to vote for you, they should have the opportunity to, not by a write-in vote and challenge the Constitution of Maine or challenge the Supreme Court. It should be legal for you to vote for the person that you like, whether they are termed out or not.

We thought long and hard upstairs in committee of what road to take. When you vote today, I wish that you would vote for the Majority Ought to Pass as Amended Report. Thank you.

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

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. Since I have been in office, it happens at least once every couple of months when I am home or out and about in the public where somebody will approach me and say, you have been down in Augusta for a while now, what do you think about term limits? I guess my response has been hammered down to a simple response of, I think term limits is the law of the land. It doesn't really matter what I think about term limits. It is what it is. We have four terms that we are entitled to. I think people on the outside of the Legislature see it as insider baseball. They don't get it when we talk about institutional memory and loss of institutional power. We understand that. Term limits is not good for this institution. I don't think it has proven itself to be useful. I am not sure what is contained in the Majority Report really gets to that matrix of problems. I think the idea of extending term limits to 12 years has some merit. From what we have seen in our experience as legislators what people are asked to learn and understand, comprehend and then deal effectively with it is really an awful lot to expect of people to grasp as much as they have to grasp in so short of a time.

This year we spent a fair amount of time on legislative redistricting. We were very, very conscience of members of this body and of the other body being matched up against each other in potential primaries and incumbent match ups and we have had a fair amount of discussion about that already in this chamber in this session.

When we are putting together our unified plan, we were mindful of certain numbers of us who have reached the end of our rope as to the standing state law regarding term limits. It made it a little bit easier because you know that some people weren't going to be around to run for reelection. Accepting this report and extending term limits back to those of us who are anticipating retirement, as well as those on the outside also anticipating our retirement, would throw a little bit of a wrench in those works.

I reflect on the statements of my good friend from Millinocket, Representative Clark, about the obvious lack of understanding of parliamentary process in this chamber. I, for one, do understand what is going on here even after a short time of eight years. I could make a couple of really interesting motions on this bill right now. I don't think that would be respectful of the committee process so I will not. However, I don't think that I could accept this legislation as it has been amended by the committee. I look forward to continued debate on this and ask you to consider very thoughtfully the words that are offered on this floor today.

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

Representative **BLANCHETTE**: Mr. Speaker, Ladies and Gentlemen of the House. Having been on the Majority Report of this committee report that came out of Legal and Vets, I feel that I need just to remind you of a couple of reasons why we are in this

situation that we are in and why I am extremely comfortable, have no problem defending my position to anyone in this House or anybody in the State of Maine as far as extending and going back retroactively.

Term limits came about in the State of Maine as a result of dirty politics that started in Washington DC with the Watergate scandal and a number of things that went on. Lo and behold, we had Watergate in a much smaller fashion here in Augusta, Maine. Leadership was entrenched. It was overbearing. It was overpowering. It was not wrong, but it was there. It was a fact. It was like leadership in any house. If you do not bring new blood to the leadership table, it becomes one person's domain. This is not a healthy atmosphere for any elected body. The people that I talked to on a daily basis and fortunately for me, I talk to hundreds of people every day in my job.

I think term limits have hurt us as far as the institutional memory. If you think the people out there don't understand what institutional memory means, go back and talk to them about what happens when their elected selectmen in their home town or their elected councilors change over every three years and they have newbies sitting there making decisions. What you do is reinvent the wheel all over again.

Its time has come to put it back out. If we pass this legislation, and I hope we do, we are not making the final choice on this. Once again, it is going to be left to the wisdom of the voters of the State of Maine. I have to tell you they had courage enough to send this body here in the 121st. They will have courage enough to voice their opinion, whether for or against when they go to the polls in November. Don't discount the knowledge that your voters have. They know what they want for the State of Maine. They will express it very loudly and very clearly in the voting booth, as it should be. Let's give them the opportunity once again to speak their mind. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Dixfield, Representative Hotham.

Representative **HOTHAM**: Mr. Speaker, Ladies and Gentlemen of the House. I look back on the work that was done in committee on this bill. It was a very comprehensive bill that was put together and crafted very nicely by the good Representative from North Haven. This bill was voted on twice in committee. The first time it was a majority vote. It was a 12 to 1 report. I was in the majority on that report. A committee amendment came forth after we voted to reconsider and the amendment was to make this change, if decided upon by the voters in November, retroactive to those who were serving their final term here in Augusta. I then changed my vote. For me, this is very simple. I seem to talk a lot this session about perception. Perception is reality. I believe we should change and lengthen term limits. I like term limits because I think it gives new ideas and fresh blood an opportunity to participate in this process as elected officials. I do think that four terms is too short. I would like it extended to six terms. I think it was a very effective bill as written. It becomes tainted. It becomes tainted by being self-serving. I am offended by that. If this is right, let it not be tainted. Let it go to the people as purely an attempt to extend term limits, not an attempt to feather our own beds. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Dover-Foxcroft, Representative Annis.

Representative **ANNIS**: Mr. Speaker, Ladies and Gentlemen of the House. At the end of the last term I noticed that of those who left this august floor, over half only had three terms. I don't have any problem with being termed out after four terms. In the last election I took over 64 percent of the vote and I felt pretty good about that. However, on a survey I sent out, I said, would

you be in favor of abolishing term limits for state Senators and Representatives? Fifty-six percent said no. Apparently they don't like me any longer than four terms. We will see. This is a bill that I just can't go along with and I shan't. Thank you very much very much.

The **SPEAKER**: The Chair recognizes the Representative from Hodgdon, Representative Sherman.

Representative **SHERMAN**: Mr. Speaker, Ladies and Gentlemen of the House. I really don't care on how you vote on this bill. We are here. Some of us have been here eight years and some of us six. If you review what we have done or haven't done, that is what we should be focusing on. I would vote for this in a minute if we would pass a Constitutional Amendment to cap spending in this state, which got killed. I have been here while Governor King passed budgets, we had something to do with raising the budget by 60 percent. In the 120th Legislature we passed a budget with a number of finaglings where we had a billion dollar shortfall and now we have to take care of that. We stand here and debate science questions. The science questions become Democrat and Republican. How silly can we be? Nineteen million dollars missing in DHS and we are sitting here talking about term limits. I'm sorry. I think we need to forget about the business here and have the guts to do those things we need to do while we are here. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Waterville, Representative Canavan.

Representative **CANAVAN**: Mr. Speaker, Men and Women of the House. If I may pass onto you just a little bit of institutional memory, the term limit bill came before the people of Maine as an initiative when I was serving as Director of the State Ethics Commission. I would point out to you that in some ways the political landscape then was vastly different than it is today. I would submit that it was the people of Maine's support of the term limit initiative because of certain factors that no longer play a role in the political realm today.

For one thing, back in 1993 when the law was passed by voters, it was much more difficult for an incumbent to be defeated in an election. The reason for that was a significant influence of private campaign contributions that existed then. Remember, the Clean Election Law didn't exist then and the only source of funding for candidates was private money. Furthermore, the campaign contributions were much higher and as a result more money was out there in circulation.

An individual could give up to \$1,000 to a candidate in an election then. One thousand in the primary and \$1,000 in the general for a total of \$2,000 for the entire election. PAC corporations and party committees could give up to \$5,000 in an election. A PAC could give up to \$10,000 in the entire election. As a result of these relatively high limits, a lot of money flowed directly to candidates and it flowed much more readily to incumbents, a fact that any political insider will tell you happens in the realm of campaign finance. Some Senate races cost up to \$80,000. In fact, the average amount spent by a winning candidate then was \$24,000. Senate races could cost up to \$80,000 or more. For the most part, incumbents were the beneficiaries of the money donated by special interest groups for obvious reasons. It behooves them to support a winner. Power begets money and money begets incumbency. Back in 1996 Maine people passed the Clean Election Act and the political landscape here in Maine began to change. It leveled the playing field. Clean election funds give each candidate who agrees to the terms of the law sufficient funding to get out his or her message, whether or not a candidate is an incumbent. Money plays much less of a role in the political process now and

incumbency is no longer guaranteed by a special interest contributions.

Today, here we are with term limits. It is, in fact, arguable as to whether or not we really need them anymore, because we have the Clean Election Act that levels the playing field and because money is less the factor in the election process. I will confess to you that as a perennial observer of how entrenched power works, I voted for term limits. Now, as a relative novice in this body, I guess I can see things from both sides now. As someone who has struggled to learn about the nuances of insurance law and tax law and environmental law and liquor laws and the lottery laws and as a novice who has found myself tripped up more than once by parliamentary procedure and as a novice who wants to do the very best I can for the people I represent, but who recognized that I can't learn it all in just one, two or three terms, I guess I see the error of my ways.

This is a difficult job. Someone has alleged that the people aren't ready to decide this issue again. I don't know who they have spoken with. Over and over again the folks I have talked with out there at the grassroots level have urged me to work to get rid of term limits and that is why I am speaking to you now. I would urge you to support the Majority Ought to Pass as Amended Report.

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

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. I speak to you as someone who supported term limits early on in my political career and now I am opposed to them. I will not be supporting this bill. The reason is I am term limited this time and I also sat out a term and got reelected and came back. The fact of the matter is this was initiated by the people of the State of Maine. They are the ones who brought forward an initiated bill and put in term limits. If there was such a problem, they would do it again. They would initiate a bill and bring it forward to this legislature and send it back out to the people and let them vote whether or not they want term limits or not. It should be up to them. They don't see anything wrong with what we are doing up here or there would be a big outcry and they would do that. The fact of the matter is, you talk about institutional memory, we had a part-time unemployment bill that just passed. My institutional memory from five terms said that bill would come up every session and soundly be defeated. We just passed it. What is the point of institutional memory? There is no point to it. Every session you have a different legislature and people make up their own minds when they are given the facts. One way or the other bad bills were passed, good bills were passed. It is up to you as a Legislature to learn the process, learn about bills. It doesn't matter if you have been here one term, five terms or 20 terms. A good bill is a good bill and a bad bill is a bad bill. Having sat here for five terms now, I have seen them all. This time we have passed some bad bills. We have also passed some good bills. It doesn't matter if I was sitting here or somebody else who was a novice, those good bills would still pass and those bad bills sometimes will slip through the cracks.

I will not support this bill because I really don't mind being term limited this time around. If I sit out a term and decide I need to come back, I will make that decision. Until the people of Maine decide that we have screwed up so badly that we need to get rid of term limits, I will not support any bill that does it through this body. Thank you Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from North Haven, Representative Pingree.

Representative **PINGREE**: Mr. Speaker, Men and Women of the House. I appreciate the comments of the good

Representative from Raymond, but I just want to make sure that everybody in this body remembers that this does, again, go out to the voters for their approval. The voters will have the final say over this issue.

As a freshman, as many of you have mentioned here, we are learning parliamentary procedure. I am learning about the way the committee process works, what happens to your bills as they go through. I just want to remind everybody that accepting the Majority Ought to Pass as Amended Report is accepting the bill as Ought to Pass, but it is not accepting the committee report. It is accepting the Majority Ought to Pass Report. We still have the option to vote up and down on the committee report. I will be voting yes on the Majority Ought to Pass Report. I know I can't go any further on this, but I encourage you to vote with me. I think many of you here know, like I do, that term limits is not the best thing for this institution. I have talked to people on both sides of the aisle who are worried about the impact of turning people out after eight years or more likely turning people out even more quickly than that. I think the average Representative serves four to five years here, on average.

In the last election on our side of the aisle we had 11 incumbents lose. I know that this is not necessarily a problem for everybody, but this means that we have a very high turnover rate. Right now we are serving in a Legislature with 61 members of the House and four Senators with no prior legislative experience. No offense to any of the very good looking and beautiful members of this body, but we have many new members. We are on our fifth one-term Speaker. I believe the statistics on leadership are similar in the Senate. This year nearly every leader in the House and Senate from Senate President to the House Assistant Majority Leader are serving in their current position for the first time. I believe our eight-year limit forces good legislators to have to think about leadership too quickly. Realistically a Senator who is interested in being Senate President or Majority or Minority Leader would have to consider running for assistant leader in their second or at the latest third term. We are not allowing our leaders the time they need to learn how to be effective legislators and leaders in the political process.

Few members in the House and Senate have a firm grasp of parliamentary procedure, not all. Obviously we have our experts, but as many of you know, it is complicated to grasp. These comments aren't meant to criticize. I am extremely impressed with our leadership on both sides of the aisle. We are electing leaders who are normal people like the rest of us, people who need time to learn how to do their jobs, people who need time to learn the full extent of both their position, the power of their branch and the party that they represent.

I don't believe a change in term limits is a partisan issue. I don't believe this bill would negatively or positively affect either party or either body. I believe that extending term limits to 12 terms would give leaders more time to learn. It would give all legislators more time to serve their districts. It would ultimately improve the process we are all sent to be a part of here by the people of the State of Maine. Ultimately this bill asks voters, again, the same folks who asked us to limit legislative terms in the first place, for their agreement. Again, I ask you to accept the Majority Ought to Pass Report for this bill. Thank you.

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

Representative DUPREY: Mr. Speaker, Men and Women of the House. Let me start by saying my position on term limits. I am personally opposed to term limits. I believe that every election is a term limit. Just ask the 12 incumbent members who failed to return last year. They think it was a term limit. That being said, I must tell you why I am voting against this bill and

against sending it out to the people. Maine voters are very smart. They knew exactly what they were doing when they voted overwhelmingly to limit our service to eight consecutive years in the chamber. Today we are saying to them that we think you made a mistake on term limits. Can we please stay in power an extra four years, please? Voters know we are the reason taxes are too high. They know we are the blame for the state's budgetary problems. They also know the longer we stay in power, the bigger spenders we become. Over the last three years I have seen many bills that tinker with the Maine Clean Elections Law. I am not a big fan of that law either, but I do support the fact that it was a citizen-initiated bill. I have seen many efforts over the years to change the Clean Election Law and the argument I hear is we shouldn't mess with that law because it was passed by the people. I hear the same people in this chamber arguing to send this back out are the same people that are saying we should not mess with Clean Elections Law because the people passed that.

I also heard during the gaming bill we had the other day that we shouldn't mess with the citizen's initiative process. If a group wants to extend term limits, let them get the proper signatures and do it the proper way. Ladies and gentlemen of the House, people spoke on term limits. We are telling them today as a body that we didn't quite hear what they said. If you vote for this bill, you are telling voters that you think they were confused a few years ago. Let's send a message to them today that we heard them loud and clear. After all, they are the ones who sent us here in the first place. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Gerzofsky.

Representative GERZOFSKY: Mr. Speaker, Ladies and Gentlemen of the House. Term limits, I think it is one of the loudest things we ever did to the people in the State of Maine. I remember the fight pretty well. I thought it was pretty much of a one-sided argument. We had a fellow from Auburn that had a lot of money and wanted to run around the state saying we needed term limits. As I remember term limits coming about, it came out of Washington in the Contract on America and it went all over the United States. This is one of the states that it has stuck in. We got stuck with it. I can stand here as an old staffer and look around and see a lot of young staffers now, that were younger then, that have been here. They have a lot of history in this building. I look around and see Representatives that don't have much. I look around the halls when we have nice bills to debate and see a lot of lobbyists out there. They were all legislators that got termed out.

It seems to me that with this building, and this is the people's building, there is a bunch of lobbyists that used to be legislators and staff people that earn a little bit of money just to work a whole lot more. They keep us looking good. Term limits is not good for the State of Maine. It has never been good for the State of Maine. It is an artificial method of controlling who is going to sit in this body that the people send us here. A good legislator should be able to serve as long as the people say they are doing their job. A bad legislator, somebody that comes up here and doesn't do his job, doesn't care about his constituents, doesn't do his constituent work, he shouldn't make it the first two years. The Constitution says he gets that much time to straighten out. Term limits are artificial. Term limits are no good. I don't care if we extend them to 12 years and get rid of them entirely. I think sooner or later we should, but don't be misrepresented that this was brought here by the people. It was brought here through Washington, through a crusade, to take control of this building, to get rid of one person who sat in leadership too long for some and the only way they could see to get rid of that was term limits. It

was a one-sided argument. This time why don't we truly make it a two-sided argument? Why don't we truly get up and be legislators and to lead? My people are tired of term limits. They don't want them. They don't like to replace the guy I replaced. They would just as soon let him run for another term or two. I hope they feel the same way about me.

It should be up to the people who run their government, elected officials or non-elected officials. That is what it all boils down to. When the pedal hits the medal on this building, the Legislature should be run by the people who are elected to be here. They are the only ones who should be held accountable and that is who should be here. If they are good, they should be able to stay here as long as they are good. When they are bad, they ought to be able to have the people vote them out, because that is what the Constitution says. That is what this government was founded on and this building was built by the people, for the people, to be represented here. That is whom we should be representing. Term limits is artificial. I hope everybody will pass what should be passed and kill what should be killed and let's get on with it. Thank you very much for your time.

The SPEAKER: The Chair recognizes the Representative from Manchester, Representative Moody.

Representative **MOODY**: Mr. Speaker, Ladies and Gentlemen of the House. I have made an attempt here over the past six months to be as bipartisan as I could in my votes. I have made an attempt to evaluate each bill on its merits. I have heard a couple of things here this afternoon that make me question the value of institutional memory. First we were told that the term limits bill came about as a result of the Watergate Scandal, which I recall in my history was 1972. Term limits came about in 1993. Secondly, we have just been told that term limits came as a result of the Contract on America, which in my history book was 1994. Term limits were 1993. I recall, maybe my memory is not as good as others, that term limits in 1993 came about as a result of political abuses right here in this chamber.

I don't know whether term limits is the answer to our prayers or not. I do know this, anybody who is about to be termed out and votes for this, is going to be rightly accused of pulling the ladder up behind them. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hodgdon, Representative Sherman.

Representative **SHERMAN**: Mr. Speaker, Men and Women of the House. I thank the good Representative Moody for his comments. I think it brings clarity to what we are talking about here. Listening to this debate, I hear a number of expressions. I have heard mistakes, know how, not all the information, didn't know how to handle the parliamentary procedure. We are talking in generalities. I wish someone would get up and tell me what specific thing they now regret that they have voted for and would have voted in a different way. What specific things do you think being here for 10 years would make in your voting pattern that hasn't already been made? I have been talking to Representative Carr, and I shouldn't bring this up because I don't have the book here, I was reading the presidential papers and you will have to pardon me, I don't have much else to do in a rainstorm. There was a President in an inaugural address who was talking about term limits, of all things. He said, "It is a disease. The longer you are here, the more you get this disease. It gets stronger and stronger." He swore that he would term limit himself and he did so. He said the lust for this power you have here in some interesting place was like the lust for gold. It is insatiable. I hear some of the same things here over and over. We will do different. It will be wonderful. It will be great. Tell me? Lay it out there. Give us four or five bills that you would

change your votes on that you didn't vote correctly in the first place in your mind. Thank you.

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

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. My good friend from Hodgdon, Representative Sherman, asked for some examples. I can think of one that comes to mind immediately. That is my department oversight. We sit here as freshman and we get a department in front of us, a very complicated one, in my case the Department of Environmental Protection. They sit there and they lay a multi-million dollar budget on our face and they say, do you agree with this? Frankly, I don't know. I only know if I can think of a question to ask, they will give me a truthful answer. I always wonder what question was I supposed to ask that I didn't. In my second term I was a lot better at it. In my third term, I think I am quite a bit better at it. If I come back next time, I think I will be pretty darn good at it. I don't think people should lose that experience. Term limits is back to us. We say be the people, in reality my history tells me it was pretty much funded by a single individual who had a lot of money and wished to do something right. He gave it to some people who spent it to achieve this agenda. That is an unrealistic scenario to have happen again. The right way is the way that is before us now. This is why I will be voting in support of the pending motion.

The SPEAKER: The Chair recognizes the Representative from North Haven, Representative Pingree.

Representative **PINGREE**: Mr. Speaker, Men and Women of the House. At risk of just repeating myself, which is what I am about to do, I just want to remind you all again that if you support extending term limits to 12 years, I ask you to vote yes on the pending motion. Whether or not you support retroactivity is not the question at hand right now. That is Committee Amendment "A," which we may or may not have a chance to do. You can decide what you want on that. If you support extending to 12 years, whether or not it is retroactive, I ask you to vote yes. You will have an option to vote yes or no on retroactivity. Thank you.

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

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. A previous speaker said, I believe it was the Representative from Manchester, that if we vote for this and we are termed out then we are sending a ladder up behind us. If I vote for this, I am a termed out legislator, but I am not doing this for myself. I am doing it for everybody else. I probably will not run in 2004, simply put. One, the population of my hometown is dwindling so they consolidated the districts together. Everybody knows what primaries are like. If this was to pass, I would have a primary with a person that is already in the House. I probably wouldn't do that. I probably won't run for the other body, because all they do is eat muffins and cream puffs and things like that. I wouldn't run for that body either because I would have a primary. I am not doing this for myself, ladies and gentlemen. I know a lot of people in this body have reservations about that. It is for the people to go to 12 years, to extend term limits from eight years to 12 years. My personal philosophy is to get rid of them all together, up or down. Send it out to the people. Let them decide up or down to eliminate term limits.

We could not come up with a consensus on that. Everybody knows in this room that the committee process is trying to build consensus. Like the Representative from Raymond said, we passed bills that are good ideas and we pass bills that are bad ideas.

When I first set foot in this building, I had honorable intentions to make sure that we try to repeal 500 laws for every

law that we pass. There are too many laws in the state now. I think almost all the legislators in this building think the same way. Does it happen? No. Everybody comes to you with good intentions when they first step in here, no matter if you are here for your first term, your fourth term or your eighth term.

This term limit bill was put here because of some bad apples in a bunch, simply put. When people get up and say that you are doing it for yourself and you are self-glorifying the people back home. If you are self-glorifying, you shouldn't be in this body, simply put. Like I said before, you are here to try to get higher GPA for your schools back home. You are trying to have workers' comp killed. You are trying to make pharmaceutical companies be accountable for what they have for the prices. You are having loggers all across the state trying to bargain. These people, day in and day out, we have 151 of us in this body that have self-interest day in and day out. If you say this is self-serving, ladies and gentlemen, all you are is talking about yourself.

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

Representative GLYNN: Mr. Speaker, Ladies and Gentlemen of the House. I would like to point your attention to the drafting of the original bill and the drafting of the Committee Amendment that you are about to vote on. Under the original bill that was presented to our committee, the referendum question that would have gone to the voters was a very straightforward question. I will read it to you. It says, "Do you favor increasing term limits to 12 years for elected officials and Constitutional Officers?" That was the question that was asked. The committee report that you took the vote on has a very slanted and a very biased question put to the voters. I would like you to read the committee consensus question. This is it. "Do you support improving Maine's term limit law to provide a balance of new and experienced members by extending the limit of legislative service from four two-year terms to six two-year terms?" That is not an unbiased question, but that is what the consensus in our committee gave us.

I would also like to pose a question to any member of the House that would care the answer. My question is, if extending term limits to 12 years makes sense, as a committee why did we not recommend doing that also for the Executive, the Governor?

The SPEAKER: The Representative from South Portland, Representative Glynn has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Ladies and Gentlemen of the House. The answer to the question that the good Representative from South Portland asked is, it was never offered.

The SPEAKER: The Chair recognizes the Representative from Dixfield, Representative Hotham.

Representative HOTHAM: Mr. Speaker, Ladies and Gentlemen of the House. Earlier when I spoke on this bill, I referred to the great work of the bill's author, the Representative from North Haven. I have heard what she has had to offer us this afternoon. I must tell you that I am prepared to vote in favor of the Majority Ought to Pass as Amended Report. I look forward to the next step in this procedure. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Waterford, Representative Millett.

Representative MILLETT: Mr. Speaker, Ladies and Gentlemen of the House. I am very much interested in this debate. I have listened to both sides. I thank the members who have spoken for helping to clarify this. I am sitting here comparing how conditions were when I left here in 1973 to how I

viewed them when I worked here in 1993 and how I am viewing them here in 2003 as a freshman returning member.

I must say that things are much different now than they were 30 years ago. I came here as a teaching principal on a leave of absence with four young children serving two term and getting \$2,500. I was serving in the majority and working with the Chief Executive from the other party and borrowing money to make ends meet. I think those two terms taught me more than any course at the graduate or under graduate level in college that I had ever taken. I think we passed some great laws then. We worked in harmony with the Chief Executive of the opposite party. I think back to the demographics of that Legislature in the 104th and 105th and it was much different than we are today. It was basically made up of a lot more retirees than there are around here now, a lot more professional people and seasonally employed people who had a business back home and very few people in their 20s and early 30s. I had four children and I think that I could have counted on one hand the number of people who were less than 35 who had children and who didn't have a substantial income base at their other occupation.

We passed some things that changed life forever then. We repealed the big box, which at that time was entry to the upper side of the alphabet to run in many of the cities and to be elected without much campaigning and without a lot of money spent or visible effort to get elected. We also passed the 18-year-old voting rights. I was very proud of that. At the time, we also began looking at the issue of legislative compensation. I left here because I couldn't afford to stay. I left here hoping that someday I could afford to come back again and I needed to make a living. I did that in the Executive Branch. I watched what happened after I left here in the early '70s. We began to see a lot of people right out of college running for the Legislature and thank God they did. They brought a lot of new ideas and a lot of fresh thinking.

We began to see the early beginnings of money being spent on the media. Television was becoming a medium and people began to go door to door and spend money on the media to become elected. They also began to raise the compensation level. It began to become more and more for people who could not have afforded it previously, an opportunity to serve their state and still avoid what I went through and that was borrowing money to make a contribution. It began to become I think a little bit out of control and a tendency toward making this a legislative career when we got into those contentious years in the late '80s and early '90s. I am pleased that the Representative from Manchester clarified the chronology. This, to me, had nothing to do with Watergate or anything to do with the Contract for America. It had to do with how things had deteriorated in the late '80s and early '90s.

I want to say to the gentleman across the aisle, the Representative from Millinocket, I served in the Executive Branch with his dad and he was not the cause of this. The cause of this was people who had become too engrained, too long serving and too much into the power game that troubles me here this year. These are the people that felt that everything was about winning. You didn't come here necessarily to make a contribution to good legislation. You came here first and foremost to preserve your party's status, to make sure that you won more than you lost and to make sure that you could actually assure that your party remained in power. That, sadly, reflected itself in the lack of civility and in the way we treated each other. It became so bad at points in time that I was almost ashamed to say that this was a citizen Legislature because it certainly didn't feel and didn't look that way to the folks back home.



The people that initiated this change, it is not analogist to the situation we are in today. The people initiated the change in 1993. They initiated it because they did not feel good about the government that they were paying for and the people that were representing them here in Augusta. I try to keep that in the back of my mind because I want to make sure that I don't ever reject the thought that was in the voter's minds, notwithstanding the fact that it was not a huge turnout, that went to the polls in 1993 and voted in the four-term eight-year limit. They did what they felt was right and based on what they knew at the time, I think they did what was right.

Here we are in the beginning of a new administration. Again, we have this issue of institutional memory, the quality of legislation we are voting on, the time we are spending on critical issues and the whole issue of whether we are here to self-serve or whether we are here to do the right thing. I know that I am not reflecting on comments made earlier in criticism because I don't believe they were said in the narrow way that I first thought they might have been said.

I would not judge the quality of what we do or have done thus far in the last five months on the basis of time we have spent on any issue. I think when we dealt with budgets and bond issues and other serious issues, we have generally taken the time and usually have ended up making the right decision. I would not think that we have suffered from institutional memory, in my own narrow view of things. I think we have benefited from each other's perspective. The freshman class here is enormously talented and have brought many new perspectives, broadened ideas and well qualified people in my judgment. I don't think any of us are looking at our term here as self-serving. I confess that in the last few weeks I have become, at times, very frustrated about my voting record and about the quality of the outcomes that I have voted on. There have been times in the last two to three weeks when I think the only time that I have been on the right side of a vote is when I voted on a quorum call. This is frustrating. I can tell you this, not because I object to losing, I think it is good for character to lose occasionally. It seems like when we have lost, I am speaking collectively for many of the labor management issues and my caucus, we felt that we have lost because the issue was all about winning. It was not about always doing the right thing. It was about winning. I suggest to you that it is not as important that we always win, but more important that we do the right thing.

I believe turnover is healthy. I don't intend to stay, at my age, that long. I hope we bring some perspective as well as some institutional memory. I hope as this new administration spreads its wings and gets its feet placed, that they are benefiting by what each and every one of us bring to that institutional memory, however short term our memory may be.

I am very respectful of the Representative from North Haven. I am glad she clarified the two pieces. I have stronger objections to the retroactivity notion of this legislation as it stands before us than I do to the extension of the number of terms. I really feel that if we step back and we think about why we are here, what we bring to this process and what the folks back home judge us on, I suggest to you it is not on the length of service or the number of times we win or lose, it is on the quality of insight, opinion and judgment that we bring to this process. I believe that institutional memory is alive and well. I urge you to retain what we have and build upon it. Thank you.

The SPEAKER: The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. As many of you know, I stayed out a little while and I

am back in. I am quite concerned that most of us know how we are going to vote and 12 years might be over before the vote is taken. Thank you.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Kane.

Representative **KANE**: Mr. Speaker, Men and Women of the House. As a fourth term, I look forward to the pleasure of achieving some closure to my career. It is not with the view of hanging on to anything, but having been here four terms and having witnessed the turnover of our leadership and the impact of the term limits on the quality of our long-term plans, our long-term analysis, our long-term planning and the impact of our decisions in the long term. I think there is something lacking.

For the record, I don't idealize, as perhaps my friend Representative Millett, the origins of term limits, which go back to a millionaire, Elizabeth Noyce who was president and had a very prosperous Libra Foundation and got involved very often in public social causes. It was in tandem with the issues that were taking place here in Augusta that she funded, under wrote the cost of the campaign, a professional, very well marketed campaign to achieve term limits. I think that, in fact, the people did respond very, very effectively. Let us not presume that there was not a very significant campaign to accomplish the objectives of term limits.

As we look upon the merits, pros and cons of the Majority Ought to Pass Report, I encourage us to look beyond and I know we will look beyond our own self-interests. Whether we call it institutional memory or whether we call it stability and avoid making repeated mistakes, I think it really is incumbent upon us to protect the quality, the long-term quality of leadership of this institution. Thank you Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 205

YEA - Barstow, Bennett, Blanchette, Brannigan, Breault, Brown R, Bunker, Canavan, Clark, Cowger, Craven, Cummings, Daigle, Dudley, Duplessie, Earle, Faircloth, Fischer, Gagne-Friel, Gerzofsky, Grose, Hotham, Hutton, Jackson, Jennings, Kane, Ketterer, Koffman, Landry, Laverriere-Boucher, Lundeen, Mailhot, Makas, McGlocklin, McLaughlin, Moore, Norton, Paradis, Patrick, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Richardson J, Rines, Sampson, Simpson, Smith N, Smith W, Sullivan, Suslovic, Thomas, Thompson, Twomey, Watson, Wheeler, Wotton, Mr. Speaker.

NAY - Adams, Andrews, Annis, Ash, Austin, Berry, Bierman, Bowen, Bowles, Browne W, Bruno, Bryant-Deschenes, Bull, Campbell, Carr, Churchill E, Churchill J, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Dugay, Dunlap, Duprey B, Duprey G, Eder, Finch, Fletcher, Glynn, Goodwin, Greeley, Hatch, Heidrich, Honey, Jacobsen, Jodrey, Joy, Kaelin, Ledwin, Lemoine, Lerman, Lessard, Lewin, Maietta, Marley, Marraché, McCormick, McKee, McKenney, McNeil, Millett, Mills J, Mills S, Moody, Murphy, Muse, Norbert, Nutting, O'Brien J, Peavey-Haskell, Rector, Richardson M, Rogers, Rosen, Saviello, Sherman, Shields, Snowe-Mello, Stone, Sukeforth, Sykes, Tardy, Tobin D, Tobin J, Trahan, Treadwell, Usher, Vaughan, Walcott, Young.

ABSENT - Berube, Bliss, Davis, McGowan, O'Brien L, O'Neil, Richardson E, Woodbury.

Yes, 61; No, 82; Absent, 8; Excused, 0.

61 having voted in the affirmative and 82 voted in the negative, with 8 being absent, and accordingly the Majority Ought to Pass as Amended Report was **NOT ACCEPTED**.

Subsequently, the Minority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

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

**ORDERS**

On motion of Representative PINEAU of Jay, the following Joint Order: (H.P. 1208)

**ORDERED**, the Senate concurring, that Bill, "An Act To Improve Enforcement of the State's Natural Resource Protection, Timber Theft and Trespass Laws," H.P. 1059, L.D. 1447, and all its accompanying papers, be recalled from the Governor's desk to the House.

**READ and PASSED.**

Sent for concurrence. **ORDERED SENT FORTHWITH.**

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The **SPEAKER**: The Chair recognizes the Representative from Waterville, Representative Canavan who wishes to address the House on the record.

Representative **CANAVAN**: Mr. Speaker, Men and Women of the House. Had I been present, I would have voted yea on Roll Call Number 203.

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On motion of Representative GOODWIN of Pembroke, the House adjourned at 5:02 p.m., until 9:00 a.m., Tuesday, June 3, 2003.