

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-First Legislature
State of Maine

Volume II

First Regular Session (Continued)
May 21, 2003 to June 14, 2003

First Special Session
August 21, 2003 to August 22, 2003

First Confirmation Session
October 30, 2003

Second Regular Session
January 7, 2004 to January 30, 2004

Second Special Session
February 3, 2004 to March 18, 2004

Pages 715 - 1415

The Majority of the Committee on **NATURAL RESOURCES** on Resolve, To Authorize the State To Purchase a Landfill in the City of Old Town

H.P. 1205 L.D. 1626

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-563)**.

Signed:

Senators:

MARTIN of Aroostook
SAWYER of Penobscot
EDMONDS of Cumberland

Representatives:

SAVIELLO of Wilton
TOBIN of Windham
ANNIS of Dover-Foxcroft
JOY of Crystal
DAIGLE of Arundel
THOMPSON of China
HUTTON of Bowdoinham
KOFFMAN of Bar Harbor

The Minority of the same Committee on the same subject reported that the same **Ought Not To Pass**.

Signed:

Representatives:

TWOMEY of Biddeford
MAKAS of Lewiston

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-563)**.

Reports **READ**.

On motion by Senator **MARTIN** of Aroostook, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-563) **READ**.

On motion by Senator **MARTIN** of Aroostook, Senate Amendment "A" (S-312) to Committee Amendment "A" (H-563) **READ** and **ADOPTED**.

Committee Amendment "A" (H-563) as Amended by Senate Amendment "A" (S-312) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-563) AS AMENDED BY SENATE AMENDMENT "A" (S-312)** thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

All matters thus acted upon, with exception of those matters being held, were ordered sent down forthwith for concurrence.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (6/4/03) Assigned matter:

HOUSE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Extend Term Limits" H.P. 945 L.D. 1273

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-442)** (11 members)

Minority - **Ought Not to Pass** (2 members)

Tabled - June 4, 2003, by Senator **GAGNON** of Kennebec

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**

(In House, June 2, 2003, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, June 4, 2003, Reports **READ**.)

Senator **BENNETT** of Oxford moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Gagnon.

Senator **GAGNON:** Thank you, Madame President, men and women of the Senate. I hope that you will defeat the pending motion so we can go on to pass the bill and then further amend it, based on the agreement that we had reached with a number of people.

On motion by Senator **GAGNON** of Kennebec, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Bennett.

Senator **BENNETT:** Thank you, Madame President and fellow members of the Senate. It is regrettable that this measure has languished on our table for so long, having been a bill that came out of committee fairly early in the session. Here it is, on purportedly the last night of our session, at 10:39 or 10:44 p.m., depending on which clock you are looking at, and we are debating an issue that goes right to the heart of the power of the public versus that of legislators. I think it is appropriate to pause

and reflect a bit about this issue, which seems to be of great importance to legislators and lobbyists, but perhaps not all that important to the people of Maine.

When given the chance to vote on term limits, citizens across this country have voted in favor of term limits 43 out of 51 times in statewide referendums. The debate over term limits has been framed around this question; does the value of rotating people in office prevail over the knowledge and experience incumbents bring to the legislative process? In this state, in 1993, the public overwhelmingly approved the referendum to limit the amount of time state Representatives and Senators serve to four consecutive terms. This measure was passed by a 2 to 1 margin. Ever since, many lawmakers and lobbyists in Augusta have questioned the wisdom of that decision.

Let me suggest why term limits is a proper and useful reform mechanism. In most cases, incumbents who seek reelection win. Term limits may be the only way of breaking this considerable power of incumbency, allowing more people to have a chance to serve in their legislature. Prior to the term limits law in Maine, we had a healthy turnover of 40% of the legislature every two years. Opponents to reform argue that this demonstrated that term limits were unnecessary. The statistic of 40% doesn't tell the whole story. We also should consider those who were leaving office. Many talented legislators, frustrated by an internal power structure controlled by the longest serving members, were leaving after one or two terms. Powerful leadership posts and chairmanships were held year after year by a handful of career legislators, denying equal representation for the people who liked to turnover their legislators in their districts every few years. Now important positions within the legislature change hands every two to four years, ensuring fresh ideas that strengthen, not weaken, the institutional knowledge of the legislature by empowering its rank and file members.

It's a common argument among term limits opponents that the restrictions ensure that good, hard working, popular incumbents get turned out of office along with those less likeable legislators that term limits may target. One office holder, not in this body, who recently left office noted that, while serving eight years in an important statewide elective office, he served with four different Speakers of the House and four different Presidents of the Senate. In truth, however, we cannot measure the number of good, talented, hard working people who never had the opportunity to serve because they are, essentially, locked out by the deep rooted. We have seen several cases, since term limits were passed in 1993, of term limited members actually trying to stage a comeback by running against their replacements. Voters have tended to stay with the new member, even though it is likely that without term limits the old member would still have been in office. Term limits have only become law where people have voted to impose them. In Maine, most of the opposition has come from legislators themselves. People have a right to restrict their choices. With term limits they have done so deliberately and with full understanding of the trade off this entails. In exchange for partially limiting their choices among candidates, they correctly believe they are also limiting the accumulation of political power in the hands of a few. Term limits improve choices and open participation by bringing more people into the political process, and helping restore citizens' faith in their government.

Those who want to change or repeal term limits ought not to do it by legislative fiat in Augusta. Rather, they ought to take their case to the people by petition, and collect the 50,000 signatures necessary for a referendum themselves. When Maine citizens

want to change term limits, they have the power to do it. For that reason, this bill and all its accompanying papers, every single last one of them, ought to be indefinitely postponed.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Gagnon.

Senator **GAGNON:** Thank you, Madame President, men and women of the Senate. It's hard to debate the person on the opposite side when, in fact, he's arguing many of the points that I was going to make. The people should decide whether or not they want to extend term limits. We're going to give them the opportunity to do that. We hope that this will go out to referendum and the people will have a choice of deciding whether or not they want to extend term limits. Not repeal them, not eliminate them, not suspend them or indefinitely postpone them, but it will be their choice whether or not they want to extend them. It's that simple, to allow the people a choice once again, after ten years.

This yellow sheet is about an amendment I hope to be presenting later. The back of it talks about the Margaret Chase Smith Center's public policy and their interpretation and view of what term limits does and doesn't do. There are enough issues about it. Whether or not you agree with those statements or not; whether we have too many bills being introduced or are losing too much experience; whether lobbyists are getting too much power; of whether the bureaucracy is getting too much power. All those things are controversies associated with term limits. Let's let the people of the State of Maine sort through those controversies and make a decision. Then they will know for sure. I hope that you will defeat the current motion to indefinitely postpone, and allow the people of the State of Maine to be heard on this issue once again. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Senator **BENNETT** of Oxford to Indefinitely Postpone the Bill and accompanying papers. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#178)

YEAS: Senators: BENNETT, BLAIS, CARPENTER, DAVIS, GILMAN, KNEELAND, LEMONT, MARTIN, MITCHELL, NASS, SAVAGE, SHOREY, STANLEY, TURNER, WESTON, WOODCOCK

NAYS: Senators: BRENNAN, BROMLEY, BRYANT, CATHCART, DAMON, DOUGLASS, EDMONDS, GAGNON, HALL, HATCH, LAFOUNTAIN, MAYO, PENDLETON, ROTUNDO, SAWYER, STRIMLING, TREAT, THE PRESIDENT - BEVERLY C. DAGGETT

ABSENT: Senator: YOUNGBLOOD

16 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **BENNETT** of Oxford to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**, **FAILED**.

On motion by Senator **GAGNON** of Kennebec, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in **NON-CONCURRENCE**.

READ ONCE.

Committee Amendment "A" (H-442) **READ**.

Senate at Ease.

Senate called to order by the President.

On motion by Senator **GAGNON** of Kennebec, Committee Amendment "A" (H-442) **INDEFINITELY POSTPONED**.

Under suspension of the Rules, **READ A SECOND TIME**.

On motion by Senator **GAGNON** of Kennebec, Senate Amendment "B" (S-314) **READ**.

On motion by Senator **BENNETT** of Oxford, **TABLED** until Later in Today's Session, pending the motion by Senator **GAGNON** of Kennebec to **ADOPT** Senate Amendment "B" (S-314).

Senate at Ease.

Senate called to order by the President.

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

The following proceedings were conducted after 12:01a.m., Saturday, June 14, 2003.

Off Record Remarks

ORDERS OF THE DAY

On motion by Senator **HATCH** of Somerset, the Senate removed from the **SPECIAL HIGHWAY TABLE** the following:

An Act to Restrict Use of Auto Dealer Plates
H.P. 745 L.D. 1028
(C "A" H-429)

Tabled - May 22, 2003, by Senator **HATCH** of Somerset

Pending - **ENACTMENT**, in concurrence

(In Senate, May 20, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-429)**, in concurrence.)

(In House, May 22, 2003, **PASSED TO BE ENACTED**.)

PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **HATCH** of Somerset, the Senate removed from the **SPECIAL HIGHWAY TABLE** the following:

An Act To Amend the Laws Regarding Storage of Sand and Salt and to Provide Funding for State and Municipal Storage Facilities
H.P. 1036 L.D. 1414
(C "A" H-428)

Tabled - May 22, 2003, by Senator **HATCH** of Somerset

Pending - **ENACTMENT**, in concurrence

(In Senate, May 20, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-428)**, in concurrence.)

(In House, May 22, 2003, **PASSED TO BE ENACTED**.)

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-428)**, in concurrence.

On further motion by same Senator, Senate Amendment "B" (S-315) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-428) AND SENATE AMENDMENT "B" (S-315), in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.