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

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-278)** on Bill "An Act To Eliminate Term Limits in the Legislature"

(S.P. 180) (L.D. 572)

Signed:

Senators:

PLOWMAN of Penobscot
MITCHELL of Kennebec
GAGNON of Kennebec

Representatives:

FISHER of Brewer
OTT of York
PINKHAM of Lexington Township
PATRICK of Rumford
TUTTLE of Sanford
HOTHAM of Dixfield
MOORE of Standish
BLANCHETTE of Bangor
BROWN of South Berwick

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Representative:

VALENTINO of Saco

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-278)**.

READ.

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

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 Saco, Representative Valentino.

Representative VALENTINO: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to oppose LD 572 and I would like to speak to that.

The amendment that was passed by the Senate on this was not the amendment that was included in our committee report on it. The amendment that was attached to it in the Senate was that this would go out to the voters for a full repeal of the term limits and that it would affect every member in this body of the Legislature.

When it went through our committee we said that, and actually I was on the opposition side to it, that it would go to the voters, but it would not affect anyone here in the Legislature. When we were elected we all realized that we were here for an eight-year period of time. I do not think that this should go to the voters with a Senate amendment on it. I do not think this should even go to the voters for the repeal.

I feel that this bill has gone too far to go back to the voters to repeal term limits entirely. We have another bill before us in the committee that we are carrying over that would change it to go to the voters as instead of an outright repeal, to go to twelve years. I feel that this is what should be brought forward to the voters. We have spent a lot of time on this repeal of the term limits here.

I think that this bill goes too far to go out to the voters and ask them to go from eight years to taking it away entirely. I would rather see another bill that we are carrying over that would go to twelve years and put that out to the voters and see what they think of that. I feel that this bill goes too far and it looses a lot of the credibility of this Legislature. I feel very strongly for term limits and don't think that I would have been here without term limits and think that I especially appeal to the freshman class.

Term limits are good. We know that there is a light at the end of the tunnel if you are looking for chairs, or at rotating committees. When people are not going to be here forever we get fresh blood in. I think term limits are a good thing, even if it goes through we will keep it at twelve years where leadership could be in a position for six years. We would keep that there. I think that going this far to ask the voters to repeal them entirely would fail. I think we have a much better shot if this bill fails and we go with another bill that would put it out to the voters for a twelve-year extension. I would hope that you would vote Ought Not to Pass on this. Thank you.

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

Representative TUTTLE: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Also being a member of the freshman class I am in favor of the bill, but I am a freshman for the third time. I tell people that I have been term limited three times, once by the voters and twice by the people. Mr. Speaker, Men and Women of the House, having been a member of this institution for a number of years as Representative Clark and others have been, we have seen the changes in the institution since the implementation of term limits and I don't think that they are for the best. I talk to the people back home and the people back home say that they want to vote on this once again. It may not have been so apparent five, six or seven years ago, but now this is what they are telling me they want to do.

The amendment that replaces the bill repeals term limits for legislators who will serve their first nonconsecutive term beginning December 3, 2006. The amendment also requires the voters to vote on this matter at the general elections held in 2006. All I am asking is that we give it another chance and allow the people to make their choice. I think the time is now and I hope that you will support the Majority Report.

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

Representative TRAHAN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to rise in support of the previous speaker from Sanford, Representative Tuttle. I had the unique opportunity recently to sit on a panel, and I believe our Clerk was there and heard the discussion about the effects of term limits around our nation.

I don't think that the problems that we have seen in the last ten years here in this state are unique to the State of Maine. I think that they are related to term limits. Problems like the loss of institutional memory, the power of the executive branch and the department heads. What I heard on that panel at the NCSL conference talking about the effects of term limits was that for every state that had term limits there were very similar problems.

In this state and around the nation, term limits have weakened the legislative branch and empowered the executive branch. I don't necessarily believe that I am going to take the position to repeal term limits, but what I think should occur is a good public discussion and debate about the effects of term limits and that is why I am going to support this bill here today. I think that the people of Maine need to hear all the facts, to debate the issues around term limits and make up their mind again. I personally have my own feelings on how they will conclude, but I

think having the public discussion is what we should do here today. Thank you.

The SPEAKER: The Chair recognizes the Representative from Ripley, Representative Thomas.

Representative THOMAS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We have term limits because signatures were gathered and the people of this state voted and for those people who want to do away with term limits, I believe firmly that they should go out and get the signatures and put it back on the ballot. I don't think that we should be short-circuiting this process in this short of a length of time. Thank you.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Twomey.

Representative TWOMEY: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. We have term limits. Every two years when I come up for election there are people that run against me and I win. That is where people get to say who they want to be sitting in these seats.

I think that the argument is all wrong. It is about choice. It is about people having choices and most of us keep getting reelected even when we have opponents, so people are making that decision and what you are doing is just taking that choice away. When we are left running in the halls and having to talk to lobbyists because they know the institutional memory, that is a sad day and I think that there could be a lot done and we could save a lot of money.

We are going through a budget crisis. Look at the money we spend when we have to run every two years. I think there is a lot that needs to be discussed and talked about, but don't fool yourselves we do have term limits in the fact that they can get rid of us anytime they want. If you don't do your job then you shouldn't be sitting here. Thank you.

The SPEAKER: The Chair recognizes the Representative from Winterport, Representative Kaelin.

Representative KAELIN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the motion that is before us as well. I have had the privilege to work in this building since about 1987. I was the Executive Director of the Maine Sardine Council for about 15 years and I remember some of the returning members from those days. I agree with the previous speakers who have said that term limits occur every two years when the people go out and vote for us.

I didn't vote for term limits as a citizen in those days because I had been around the legislative process for a number of years, for a long time. I think those of us who have been, owe it to the people in our districts to be clear with them that term limits have not, in fact, worked to their advantage as individual voters. It's actually removed the power that they have to keep legislators representing them who do understand this process and who are effective and who do have institutional memory and can truly represent them in an extraordinary way. I can think of many, many, many members of this body and the other body that I think of in those terms, people who were here for a long time.

This isn't going to help me. I will be termed out. This amendment that we are looking at doesn't affect me. I am still going to be termed out, but I have said to my constituents in the five or six years that I have been doing this that term limits are not in their best interest. It dilutes the power of their vote. It has shifted the power in Augusta to the bureaucracy, to the executive and that is said not to take anything away from the good people who work in the administration, but this institution has suffered through term limits. All of us here work very hard to get our feet under us and literally, by the time we do that it is time to leave. I think this is the right way to go with this issue. We should send

this out. As the good Representative from Waldoboro, Representative Trahan said, we should have a discourse and debate about this issue statewide. Those of us who understand this process owe it to our constituents to inform them about how term limits has reduced the value and power of their vote. I urge you to vote with me in favor of the pending motion. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative CAMPBELL: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I am going to vote against this because I am going to be 72 in a few days and every morning that I wake up I pray to God that I can serve eight years and that I would be thankful.

The SPEAKER: The Chair recognizes the Representative from Monmouth, Representative Smith.

Representative SMITH: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose her question.

Representative SMITH: Will there be an opportunity to have a vote on any other options, for example the twelve year term limits or is this the one opportunity this session to deal with the issue of term limits?

The SPEAKER: The Representative from Monmouth, Representative Smith has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Rumford, Representative Patrick.

Representative PATRICK: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This is it for this year. The other bill that was mentioned was carried over until next year depending on whether or not this bill passed.

The SPEAKER: The Chair recognizes the Representative from Frankfort, Representative Lindell.

Representative LINDELL: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Before I was elected to this House I was an ardent supporter of term limits. The moment I was elected my support began to waiver. It is kind of nice being here. It is a position of great prestige and honor and certainly we are all motivated to stay here. Certainly, those of us who run for reelection are. The problem is, Mr. Speaker that it is the people who have imposed these term limits upon us, so we should be very, very careful about trying to unchain ourselves from those shackles that have been placed upon us by the people. We are, after all, the people's representatives. I am going to oppose this motion Mr. Speaker because my constituents favor term limits. They understand that an incumbent legislator has an incredible advantage over any opponent.

Just this past weekend I was very honored and privileged to be able to give an address at four Memorial Day ceremonies. That was something I did out of a sense of duty and honor to veterans who had given their lives for us. But, at the same time that puts me in a position that elevates my status and stature as a legislator. It also elevates my electability. Let's face it.

Recently I had the privilege of sending out a mailer to all of my constituents to ask for their input and feedback on issues that are before us in this chamber. Many of them appreciated that I asked them for their feedback. That mailing did not come out of my own pocket, it is a privilege that all of us have and it is a privilege that gives us an advantage at election time.

Term limits simply level the playing field and that is why the people have imposed that restriction upon us. Now I understand the argument that it weakens the legislature to a certain extent and that may be so, but frankly, the executive has had term limits for a long time and perhaps that weakens the executive and perhaps rightly so.

The argument is that the bureaucrats don't have term limits. Well, perhaps they should. I am not going to offer that proposal, but let's think about that. The fact of the matter is that we should be to the legislator who goes against the will of the people and it is clear that although term limits are very unpopular in this chamber they are very popular out there and that is why I am going to be voting against this motion. Thank you Mr. Speaker.

Representative DAVIS of Falmouth assumed the Chair.
The House was called to order by the Speaker Pro Tem.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Westbrook, Representative Duplessie.

Representative DUPLESSIE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to make a couple of comments on the issue of term limits. The previous Representative that talked about term limits was right in saying that he would still be impacted by term limits and it is the same for everyone else in this chamber. It is very clear that this motion that you are voting on is only for people that have never served in office before 2006. If you get elected in 2006 and you are not an incumbent this would be applicable to you. Everyone else that is currently serving would still be term limited.

Yes, term limits were voted in by the people. Yes, it was through the petition process, but let's remember how that petition process happened. Two disgruntled former chairs of the Democratic and the Republican parties went to a lady called Mrs. Noyes who financed 93% of the cost of that campaign. That was not the voice of the people of Maine. That was one person that was dissatisfied with a couple of people in the legislature at the time, 93% of the cost of that campaign. That is pretty darn near one sided to me.

Over the years the major daily newspapers that supported the term limits have since editorialized the bad effects of term limits to this chamber, to the institution and to the detriment of the citizens of the State of Maine. I have personally witnessed it. As someone that did represent my profession as a fire fighter from 1978 to 1998 when I was elected for twenty years and before term limits were in the Legislature had a lot more power. It is quickly being eroded. The executive branch and the agencies are becoming a lot more powerful believe me. Just look around the committee list this year. Many committees of 13 have 10 or 11 new members that have not served on that committee of jurisdiction.

Oversight of the agencies should be the prerogative of the committees of the Legislature, the citizens Representatives. We are loosing that. The bureaucrats in some of the agencies come in here and do not tell the full story. But, if there are 11 or 10 new members of that committee there are only a few that may remember what happened four years ago or six years ago, but that agency comes in here and tells you only what they want you to know. Believe me, that is not good accountability and oversight for the citizens of Maine. It is time to send this out to the people and let the people decide to finally rid the State of Maine of term limits.

There was a law passed the year the term limits were passed that is still on the books that would mandate anyone in a leadership position or anyone in the chairmanship of the committee be limited to six years, but the horse was already out of the barn when that was passed. That law is still sitting on the law books but is moot at this point because of the term limits. If we get rid of the term limits then that law would be effective and would be a way to limit some of the control within the Legislature

that is granted to committee chair and leadership positions. That would be fair and ensure accountability to the citizens of Maine. I ask you to please vote for the pending motion and let the citizens really decide. Thank you.

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

Representative CLARK: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I am a product of term limits and I have a little bit of history so I can relate to this subject matter and I think Representative Duplessie and Representative Tuttle who also have the institutional memory laid out the scenario extremely well, especially Representative Duplessie. He goes back from '78 to '98 and I can tell you, having served in this chamber when term limits took place, they weren't so much looking at the membership body, they were looking at leadership and like Representative Duplessie explained we did take care of that problem.

I think that the ones who are being hurt by term limits are not you and I, but the public we represent because they are not getting the full value of the full dollar of what this institution really consists of. Coming back after sitting out for eight years and coming back to this chamber brought a lot of memories and a lot of good feelings, but I can tell you first hand that this institution has changed dramatically from when I served here before. It is nothing like it was when I was here. We don't have the control that we used to have. We don't have the institution as I used to know it to be and we sure don't run committees like they used to be run.

I think if we sent this back to the public they would have a strong feeling. We need to educate the public about what transpires down here and how much they have lost. Representative Duplessie explained it extremely well when he said that it became partisan between two parties. Two chairmen at the time were disgruntled and lead the fight, not so much at membership, but against the leadership. We should have taken care of it back then and we did do that and I think that if a lot of people understood what term limits consist of they would overturn it tomorrow.

I can tell you right now that unless you work hard to be here than you won't be here tomorrow. I have seen a lot of good people come and go who did not put their heart and soul into serving this body and who took it for granted and sat here and did not do the constituent work. We used to have about a 33% turnover in membership every year that I served here and those were incumbent people. Unless you work like I said earlier you are not going to come back. Just serving in this body may give you a stepping-stone to come back if you run but there is no guarantee that the public is going to make that guarantee and unless you serve them you are not going to be back here. Mr. Speaker I hope that when you vote you vote with the majority and send this back to the people and I hope that the people understand the situation that has taken place down here. I will be the first to tell you that it has changed dramatically. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Auburn, Representative Pelletier-Simpson.

Representative PELLETIER-SIMPSON: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I don't know about the rest of you, but I am looking forward to being term limited however, I will be supporting the pending motion to the Majority Ought Not to Pass as Amended Report.

There is one piece of information that hasn't been brought up during this debate, which I think is important when we are looking at term limits and why we voted for them. The sense of power in the incumbent seat before clean elections powered incumbency, it meant that Representatives could get all kinds of money from

the people who worked out in the hallway in order to come back here. Now, the majority of us run through public financing so we are answerable to our constituents.

Also in the power of the incumbent seat is that before there really was not a way for your opponent to get the message out about how you are voting, but now they have the same amount of money as you do for the most part. So, if you are voting in a way that your constituents don't like then your opponents can let them know. I think that that is an important fundamental thing that we should think about in terms of term limits, that the power of the incumbent seat has been greatly reduced by clean elections. Thank you.

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

Representative WALCOTT: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. During the 121st I voted against extending term limits and while I am not necessarily against them, when they go to the voters again, which is a good idea, but I am against this amendment and let me tell you why.

I am against this amendment not necessarily for myself, but just think for a moment what it would mean to serve in this Legislature being a termed out member with new members coming in that weren't termed out. I think that if we do this we either need to do it for everybody or for no one. When you talk about the power of the governor compared to the Legislature then if I am termed out and the person sitting next to me is not where does that leave the power within this institution. They can say that they are going to be here in two years but your going to be termed out, therefore, I have more power than you and I just think that it would throw a weird balance within the institution itself.

I am against term limits even though I did vote not to send them out last time. I think that if the voters want to bring it up again than let them bring it up. I am not against sending it out, but I am against sending out this amendment because I think that it would hurt this institution, even if it is only for four or six years, until everyone is not term limited. I still think that for that time period there would be a strange imbalance within the institution itself. Thank you Mr. Speaker.

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

Representative TRAHAN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I believe that the previous speaker is right and I believe that fundamentally if you are against term limits you should be against them for everyone. There will be an opportunity to amend this bill in its second reading and I would recommend that to the previous speaker, but I would like to tell you why I am rising in support of this bill. First I will back it up just a second and tell you that a recent poll in my district shows that I am on the wrong side of this issue if I looked at it from a political position, but I am not. I am looking at it from a position that I want this institution to be a better institution than when I leave it. I personally don't care if this costs me an election in the future, but what I do care about is this institution and what happens in the future and that is why I rise here.

I ask you all to reflect on your civics education as a child coming through school. I remember my civic education classes and the emphasis being that government in our form of government only exists when there are an equal, but separate three branches of government. I don't think that that exists today. I don't think it is an equal but separate three branches of government. What I think is happening is that this institution is weaker than the other two and it is not because of the people that serve here today. It is because they haven't served here long

enough to be powerful enough to be the check and balance for the other two branches of government.

When I was first elected here I went to ask questions of the commissioners in the executive branch and they treated me like a ping-pong ball. They would send me in all directions and they would have me working on things so that I never got the questions I had asked answered. They played games with me. I remember it well, but I guess what I am telling you here today is that if we really care about this institution and government as a whole, all we have to do is reflect back on what created our great government and that was the intent, to have separate, but equal branches of government. I think that is an easy thing to teach the people of our districts about. I think it is an easy thing to justify and I am not going to be ashamed to rise here today and say it. If it costs me an election, whether because of the people in Waldoboro hearing about it or the papers that will be pocking it up, than so be it, but our government will be better for it. Thank you.

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

Representative DAIGLE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. First I would like to compliment my good friend from Westbrook, Representative Duplessie. We came in the Legislature together and we disagree on many things and we could not be closer together than we are on this issue.

The point that I want to add to this debate, rather than just saying dido is to communicate about this issue of how the polling says that people don't want it. You have got to understand that that is a flawed political analysis and the problem with that is that it is asking people to compare the known to the ideal. You are saying to the person, "Do you support term limits?" Well, they think to themselves, when you ask that question, that someday their ideal candidate would come up and run and they would want the opportunity for that name to come up on the ballot so they could vote for them. But, that doesn't happen in real life. What happens in real life is that you have a candidate that you know and you either vote for them or you don't. The correct way to poll the people on this matter is to ask them, "Do you want your state Representative to be reelected or not?" Regardless of whether it is their first term or fourth term or perhaps someday their tenth term that is the question that you would ask. When you ask people that way the answer is typically yes because they say I want my legislator to become my legislator next year also. Please don't accept this idea of a poll that says people are against it because it is a flawed political analysis. Term limits have harmed the institution. It was a good experiment to try and it didn't work. Let's cast it aside and ask yourself that if term limits came forward today would you vote for it anew, from scratch? I don't think so. If that is the way you would vote on how you feel about term limits as a new concept than that should be the way you frame your decision in the vote that we are taking next.

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

Representative CARR: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is the fourth term that I have stood to speak on this issue and I am going to be persistent. I still oppose the Legislature trying to rid themselves of term limits when the people are the ones who actually brought them about. I am not going over all of the notes I had because many of the things have already been touched upon, but there are still a couple of things that I still want to talk about.

We have a big concern about institutional memory. That may be a problem, but as I look around the room I see several

members that have previously served for several years. If you go on the Senate end you will find the longest serving member of the Legislature down there who was in this body when I first arrived in the 119th Legislature. So, there is some institutional memory still here. I would not be afraid of that. As far as the bureaucracies and the chief executive having all of the power now. If that is the case, and I don't know if that is the truth, but if it is the case than that is only because this legislature has allowed that to happen and if it has happened than it is time we did something about that.

Also, since I have been here I have had the privilege of serving with four different Speakers. Each one of those people had different personalities and different styles of handling the people within. If it wasn't for term limits I suspect that Speaker Rowe would still be here or somebody that was here before him would still be here and those people who have replaced him, as Speaker would not have had the privilege of serving as Speaker of the House. I think that we need to take a real hard look at what we are voting on today and I am going to be consistent. I am going to continue to vote against the Legislature being involved in this.

If the people are really concerned about this, and I don't think they are because all the polls and literature I have sent out say that they people still want term limits, if that is the case then the people should be the ones who start the process and they should be the ones to turn those signatures into the Secretary of State and ask for the people to vote. It shouldn't come from this body. Thank you Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Wells, Representative Collins.

Representative COLLINS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This legislation won't affect me. I am termed out next year, but I have truly enjoyed my tenure here. It has been a great experience. A real learning experience I might add.

The good Representative from Biddeford, Representative Twomey said it all very simply. We have term limits already in place. If the people back home aren't satisfied with what your doing here than guess what, you're going to be out. That is term limits. That is grassroots. If you are not doing the work here and doing constituent work as Representative Clark had mentioned, then you are not going to get reelected. I talk to people back home, just like all of you do here in this chamber, about different issues that are facing us and quite often term limits come up.

They say "Ron how do you feel about term limits?" And, I say to them, "Depending on what day you ask me sometimes I thank God that he or she is out of here and other days I think so and so is going to be termed out and I am really going to miss that person. That person brought a lot to the table, a lot of knowledge and put in a lot of hard work to make Maine a better place to live, work and raise our families in." I honestly don't think that term limits are good for Maine. I honestly think that term limits are determined at the polling place every two years.

I guess I am probably a slow learner, but I am in my fourth term and have just now become comfortable with my surroundings. I feel as though I can get some real work done for my constituents back home as well as the rest of the citizens of Maine. It takes a while to pick up the knowledge of how to react to things and how to present things in this chamber as well as to get legislation passed for our constituents back home. It is a long process. Having somebody here with experience is important. Having somebody here in the legislative body, in either the House or the Senate is important. Every job you encounter throughout life you will have senior members of that company who know the job inside and out, backwards and forwards and

they bring along the new people to try to help them through the learning process.

Having mandatory term limits is not good for Maine, nor for Maine's people. Quite often during this debate the Chief Executive has been mentioned. There are 3 branches of government and they are supposed to be somewhat equal. I like the Chief Executive and I think that he is a good guy. If I were meeting him for the first time I would say nice guy. However, I don't like him setting policy through his budget. I don't think that is right. I think those policy decisions should be made by the legislative branch of government and not through the Executive's budget. I just think that term limits, as the good Representative from Arundel, Representative Daigle mentioned, was a noble experiment, but I don't think it works. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Boothbay, Representative Bishop.

Representative BISHOP: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. With the help of the Speaker, this body and the current information displayed prominently on the light board maybe this time this Bishop has found his way to the right pew.

Mr. Speaker, we are charged with doing the peoples business. Unfortunately, limits have weakened our effectiveness. In the last Legislature, prior to term limits, there were over 750 years of collective experience. In the 121st Legislature there was less than 350 years of collective experience. That is a big loss and it is due to term limits. It takes maybe 25 years to make a good finish carpenter. I would be willing to bet that it takes at least six to eight years before you can become a good legislator. Thank you Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Old Orchard Beach, Representative Hogan.

Representative HOGAN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am a real freshman unlike the good Representative from Sanford who is a freshman, I am a real freshman and from what I can see from the short time that I have been here – I am on Transportation – experience is everything. I don't think you can be fair to yourself and your constituents unless you have some experience. Sitting on the Transportation Committee, issues come before us that I just don't know about. I'll be very honest; I have to rely on the experienced people in my committee. For that very reason I think I am going to support sending this back to the people. I am sure that there are some issues that have been generated by the people that the intentions are very well. You have to go through the experience of term limits and non-term limits to find out the effect and we are there now and I can see very clearly that experience is a huge factor in this institution and I want to be fair to myself and I want to be fair to my constituents and I can't do that without experience. Thank you.

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

Representative FISHER: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The first thing that I have to say is that I did not like term limits before I got here. I haven't liked them since I have been here and don't plan on liking them after I leave. I don't think that this is the proper way to run the show.

There is a lot of talk about voters and polls. I believe the most effective poll comes in November and if you look around this body there is not, to my knowledge, one member who has been term limited and hasn't gotten reelected when they wanted to. The voters keep sending us back when we run again after being term limited. The body is full of us right now; I think there are seven that were mentioned a few minutes ago. I would prefer

to just plain do away with it here. Show the courage and let's do away with it here and now. I urge you to accept the bill that is presented to us here today and leave you with one last thought. I am wondering that if before term limits came about we spent this much time debating the 12 to 1 committee report? Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Saco, Representative Valentino.

Representative VALENTINO: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Institutional memory has been brought up a lot during the committee process and on the floor today. I would only want to tell the members that on the committee that I serve on now, out of the 13 people on the committee five have all been termed out, reelected and are back again. They have institutional memory on my committee. I will never be a freshman equal with my other freshman because I am competing against people who already have eight years or twenty years on my committee. So, we are not truly a freshmen to a freshman in that regard.

As far as institutional memory goes Charles de Gaulle once said, "Cemeteries are filled with indispensable people. I think every person in this chamber can be easily replaced. We can find out the information for ourselves. I do not feel like I am a ping-pong ball going back from department head to department head. I felt that if anything I have dug my heels in. I do my research on the Internet; I check the bills before they get to my desk. I am not depending upon assistance in committee. I do my own research I do my own homework and I try and find out what the institutional memory is before I vote and I just don't sit there and say I don't know because I wasn't here last year. I try and find out what was done last year.

The good Representative from Lewiston, Representative Walcott had an excellent point. If you do away with term limits entirely and you have people that are sitting here termed that is going to create an inequity in this chamber for a few years to come on that. I would only want to tell the people in this chamber that this is going out to the voters, according to our committee, not this year, but in November of 2006. We are talking about approving something to go to the voters. Not this November, but in 2006.

We have a lot of important issues to discuss here and I would hate to see our time and the newspaper's time being debated on whether or not we are so great that we have to stay here forever. I think that this is an issue that can be taken up next year on our carry over bill and instead of going from eliminating term limits entirely, will go to twelve years and justify a little bit longer for institutional memory. Don't have this debate in the papers now amid the entire crisis that we're going through with Part II of the budget right now. I think it is very self-serving for everybody to vote. Let's extend the term limits. Let's wait till next year. Let's have a little bit of debate. We have a vehicle in committee. We want to change it from twelve years because we think that it has to be eliminated. It can be done at that time, but let's just vote this down now and get on with the serious issues.

I think everybody who is in favor could easily be replaced and new people can do their homework. Our freshman class has been very empowered and we speak on every issue and with that I see smiling faces all over. Thank you.

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

Representative TUTTLE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just briefly, a point of clarification. The reason for the 2006 election is that we were hoping to get the most people to vote on the issue. When it was done before it was done in an off election year so we were

hoping that we could get the most people to vote on this issue. Thank you.

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

Representative MOODY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is a fascinating debate. On the one hand the people apparently didn't know what they were doing when they voted for term limits and on the other hand if people are not happy with a legislator they can get rid of them. If people are not happy with the legislator from Falmouth it is very difficult for the people in Manchester to get rid of him. That is one argument that I haven't heard.

The other thing is the balance of power argument; that our government was designed with a balance of power built into it and that is very true and perhaps we have lost something there. Also, it establishes a citizen Legislature and I have a hard time understanding this notion of a career in politics. It seems to me that we ought to come here and represent the people as best we can and then go home and get back to something – if there is anything left – of our previous life.

I would recommend a book to you. I just read a book called *His Excellency* and it is a biography on the life of George Washington. What I saw in it was a series of reluctant service, so to speak. George Washington had to be thrust into service as the President of our country and Jefferson kept coming and going as he was pressed into service. There ought to be something of that in our experience as well I think and I don't see this loss of institutional memory, but I wasn't here 20 years ago, but I thank you Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Kennebunk, Representative Babbidge.

Representative BABBIDGE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will try not to prolong this debate although I think that the subject is a tremendous and productive discussion for us to have.

My experience as a freshman here has been a wonderful one, but I think my experience on committee is telling. We have a very able committee and given the fact that many of us were freshmen, I have to say that the participation and the product that we put out is something that I am very proud of.

On the other hand, given the fact that we have some very able and high priced lobbyists that have been there for many, years and given the fact that we were so reliant upon a very able analyst to sort things out for us on occasion and, given the fact that I remember one occasion where three members of our committee had to be elsewhere, we were in the middle of a work session and I realized for the first time that I missed their input on this important issue. I do feel that institutional memory is a very important thing for us to consider here. I do think that each of us depends upon leadership a little bit more than we ordinarily would as a newer person. That doesn't mean that we don't do our homework. That means that we defer to expertise and experience.

One thing that I would like to take issue with is that there has been among my emails, and it has been alluded to on the floor today, that there may be some shame in trying to overturn something that was initiated by the people. I have great admiration for Mrs. Noyes and her legacy. But, I do think that despite there having been some advantages and positive results from term limits, the negatives outweigh the positives. This amendment gets us off the hook so I am a supporter of this. It demonstrates to the people that there is no self-interest in our vote. It also seems to me that you can't be criticized for overturning a vote of the people when what you are in fact doing is asking the people how they feel. This is going out to a vote.

The final point that I have is the fact that this is a citizen legislature. If we each got \$50,000 a year and were full time legislators, I think term limits would be much more important. The fact that we are citizens that have normal lives beyond the legislature and the fact that this is a part time commitment – that we all know is untrue – and the fact that it is not our responsibility throughout the whole year puts more responsibility on us and, indirectly, on the bureaucracy that supports us and gives the Chief Executive more leverage with us than he should have.

Clean elections have been a great equalizer here and I think that this is a new time to ask the people. I see this as pro democracy and it is our job here in the legislature to answer the question of what is good government. I think we can each make up our minds on either side of this issue in good conscience. Thank you

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

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

Representative TUTTLE: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative TUTTLE: Has anyone requested a roll call on this issue?

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. 231

YEA - Ash, Babbidge, Barstow, Bishop, Blanchard, Blanchette, Bliss, Bowles, Brannigan, Brautigam, Brown R, Bryant, Burns, Cain, Clark, Collins, Craven, Crosthwaite, Cummings, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Faircloth, Farrington, Fischer, Fisher, Fitts, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Kaelin, Koffman, Lundeen, Marean, Marraché, Mazurek, Merrill, Miller, Moore G, Nass, Norton, O'Brien, Ott, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Pinkham, Piotti, Rector, Richardson D, Richardson E, Richardson M, Rines, Sampson, Schatz, Sherman, Smith W, Sykes, Thompson, Trahan, Tuttle, Twomey, Webster.

NAY - Adams, Annis, Austin, Berube, Bierman, Bowen, Browne W, Campbell, Canavan, Carr, Cebra, Churchill, Clough, Cressey, Curley, Duprey, Eder, Edgecomb, Emery, Finch, Fletcher, Flood, Glynn, Greeley, Hall, Hamper, Hanley B, Joy, Lansley, Lerman, Lewin, Lindell, Makas, Marley, McCormick, McFadden, McKane, McKenney, McLeod, Millett, Mills, Moody, Moulton, Muse, Nutting, Plummer, Richardson W, Robinson, Rosen, Saviello, Seavey, Shields, Smith N, Stedman, Tardy, Thomas, Valentino, Vaughan, Walcott, Woodbury.

ABSENT - Beaudette, Bryant-Deschenes, Crosby, Watson, Wheeler, Mr. Speaker.

Yes, 85; No, 60; Absent, 6; Excused, 0.

85 having voted in the affirmative and 60 voted in the negative, with 6 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. Committee Amendment "A" (S-278) was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, June 2, 2005.

SENATE PAPERS

The following Joint Resolution: (S.P. 630)
JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO MANDATE THAT THE BASE REALIGNMENT AND CLOSURE COMMISSION REJECT THE DEPARTMENT OF DEFENSE'S RECOMMENDATION TO REALIGN NAVAL AIR STATION BRUNSWICK AND TO CLOSE PORTSMOUTH NAVAL SHIPYARD AND THE DEFENSE FINANCE AND ACCOUNTING SERVICE IN LIMESTONE

WE, your Memorialists, the Members of the One Hundred and Twenty-second Legislature of the State of Maine now assembled in the First Special Session, most respectfully present and petition the Congress of the United States as follows:

WHEREAS, the military value of Naval Air Station Brunswick, Portsmouth Naval Shipyard and the Defense Finance and Accounting Service in Limestone is highly significant; and

WHEREAS, the security of the North Atlantic seaways and the borders of the United States and of the State of Maine are jeopardized by the Department of Defense's recommendation to close Naval Air Station Brunswick, which would put the safety and welfare of United States citizens at risk; and

WHEREAS, the Portsmouth Naval Shipyard in Kittery, Maine was recently cited by the United States Navy as the most efficient submarine repair facility, public or private, in the Nation; and

WHEREAS, the economic and job loss impact of the Base Realignment and Closure Commission's recommendations is significant in terms of the potential elimination of an estimated 12,000 military and civilian jobs in both Maine and New Hampshire; and

WHEREAS, the Base Realignment and Closure Commission will tour Portsmouth Naval Shipyard in Kittery on June 1, 2005 and Naval Air Station Brunswick on June 2, 2005, and the commission's regional hearing on recommendations affecting Maine will occur July 6, 2005, with final recommendations to be made to President Bush by September 8, 2005; now, therefore, be it

RESOLVED: That We, your Memorialists, on behalf of the people we represent, respectfully urge and request that the Base Realignment and Closure Commission and the United States Congress actively work with the Honorable John E. Baldacci, Governor of Maine, the Maine State Legislature, local task forces and Maine citizens in reviewing the accuracy of the methodology used in developing current recommendations in order to reverse or minimize the recommendations to realign Naval Air Station Brunswick and to close Portsmouth Naval Shipyard in Kittery and the Defense Finance and Accounting Service in Limestone; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of the Maine Congressional Delegation.

Came from the Senate, **READ** and **ADOPTED**.
READ and **ADOPTED** in concurrence.

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