

MAINE STATE LEGISLATURE

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Journal and Legislative Record
House of Representatives
One Hundred and Twenty-Eighth Legislature
State of Maine

Daily Edition

First Regular Session
beginning December 7, 2016

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83 having voted in the affirmative and 59 voted in the negative, with 8 being absent and 1 excused, and accordingly the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Increase the Lengths of Terms and Decrease the Number of Terms of Members of the Legislature

(H.P. 708) (L.D. 1007)

Signed:

Senator:

DESCHAMBAULT of York

Representatives:

MARTIN of Sinclair

BEEBE-CENTER of Rockland

BRYANT of Windham

HOGAN of Old Orchard Beach

MADIGAN of Rumford

SPEAR of South Thomaston

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-86)** on same RESOLUTION.

Signed:

Senators:

DAVIS of Piscataquis

KEIM of Oxford

Representatives:

GRIGNON of Athens

HARRINGTON of Sanford

ORDWAY of Standish

PICKETT of Dixfield

READ.

Representative MARTIN of Sinclair moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative GOLDEN of Lewiston **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** 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 Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Madam Speaker, Men and Women of the House. It's an honor to serve in the Legislature, serving being the important word in that phrase. The call to serve is something that shouldn't be taken lightly. It's a lot of work during the election season, but more importantly, it's a promise to the people of our districts that we've heard their concerns about the issues and once campaigning ends, as legislators, our minds should transition to the art and act of governing and our efforts directed toward thoughtful considerations of policy initiatives. This is why I propose that we vote against the pending motion, and we strongly consider passing this to the people, to consider changing from four two-year terms to two four-year terms.

How many times have you heard your legislative colleagues say, "It's an election year, I can't vote for that," or "If I want to get re-elected, I have to vote for this?" Sadly, in my terms here, I have heard it all too often. Not only would we be fostering greater institutional knowledge, as I mentioned above, we would be fostering more continuity and integrity into the legislative process. Another reason to consider altering our Constitution to allow two four-year terms is for economic purposes. In the last election cycle, Maine taxpayers paid almost \$3.4 million to fund Clean Election candidates who chose to use that form of funding to fund their campaigns. This was a 68 percent increase in Clean Election funds over the prior year. By changing our terms to four years, we could cut the total amount by half at the current candidate allotment levels. The opportunity to save \$1.5 million every two years and direct that funding toward other areas that are fiscally challenged is one that really can't be ignored.

Beginning in 2020, this is what the bill would do: It would have Senators be elected to four-year terms. Two years, hence, in 2022, the House of Representatives would be elected to a four-year term. By serving four-year terms, each elect of the Legislature would have the time to immerse themselves more fully into the policy and fiscal initiatives that come before our committees. While some committees are more complex than others due to the sheer size and volume of the department which they oversee, all have steep learning curves. So by allowing a new legislator to serve four years versus our current two-year terms, the net result would be greater institutional knowledge before they were required to undergo the stresses of running for office again. And because the legislative process is important, offering this resolve for your consideration is one that I thought long and hard about. Changes to our state Constitution should be thoughtful and only brought forward if there is a strong belief that the change will provide better outcome for the citizens of our state. I believe this proposal has that potential. By alternating re-election to each chamber every two years and having legislators serve two four-year terms, we can hopefully get to a place where the art of governance becomes the main focus again, not the next election. And, an estimated \$1.5 million every two years can be reallocated to other areas or services, services which I'm sure will be much more useful to the citizens of our state than lawn signs and flyers. I hope you will support voting no on the pending motion and turn and then again vote yes on this. By doing so you will give the citizens of our state to weigh in on how we can offer better fiscal management, more continuity, and better governance by changing our elections process. Thank you.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Harvell.

Representative **HARVELL**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. Today we had Welcome Back Day and those of us that are in the 128th Legislature are in the 128th Legislature. But, if you times that by two, that comes out to 256 years and yet our country is only 230, and our state is not even that old. Why is that? It's because the first 60 years, we met every one year. And, if I'm incorrect about this, the good Representative from Eagle Lake stood up so often I began to assume he might have been there. By 1880, all bodies then became two years. By the 1950s, it was decided that the Chief Executive would be every four years, and this was at a time when our budget was a mere \$500 million, half a billion dollars. Today, we're at nearly \$7 billion. One of the problems that term limits has done, is that power historically doesn't know a vacuum, it never does. So,

ignorance of us when we all show up, or even eight years later like myself, we find ourselves at the mercy of a bureaucracy and lobbyists, and trying to find a way to combat it. At least with this bill, you'd have four years to try to figure it out, not two. And it's a bipartisan bill, because the only reason most of us want to have quicker terms is the chance to beat the other side, but that all equals out. And, if for no other reason than a sociological experiment, let's put this out to the citizens, who say they hate elections, to find out if they really want less of them or not.

The SPEAKER: The Chair recognizes the Representative from Knox, Representative Kinney.

Representative **KINNEY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I rise to oppose the pending motion. I'm proud to have cosponsored this legislation. In my first term, I was excited to get to work for the people back home. Yet, when I got here to Augusta, I was told, "Your re-election campaign begins now." I echo Representative Sanderson's fiscal comments, as this bill would save taxpayer money through the Clean Elections campaigns. We raised the amount that each candidate can raise. And I also echo some of Representative Harvell's comments that people are tired of seeing all of our lawn signs all the time, and if they saw them half as much, I think that they would appreciate us a little bit more. Please follow my light. Thank you.

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

Representative **PICKETT**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. First of all, I would like to say I do not consider amending the Constitution of Maine to be something that should be taken lightly or made a habit of doing. I do, however, think that it should be pursued in earnest when other methods of accomplishing our common goals are thwarted by the political process, and I believe this amendment is one of those times. Making the changes that are outlined in the Legislative Document will benefit the citizens of Maine in two very specific ways.

First, as we've already heard, there will be a maximum of two election cycles compared to the potential of four, the four we have at the present time for Senators and Representatives. The maximum amount of time of office will still remain the same, 8 years if re-elected. The elections will be staggered so that the number of candidates running will be reduced. This will result in a very significant reduction in the cost of running elections, as we've heard.

Second, the lengthening of the terms from two to four years will allow both Senators and Representatives to dedicate three and a half years of each four-year term directly to accomplishing the people's business. No more continually running for re-election; more time for sessions, constituent issues, committee work, and all the other things that we're tasked to do in our jobs. Imagine the things we could all accomplish if not required by election realities to spend practically all of our time knocking on doors and passing out campaign materials. The argument for four-year terms has been made in the past. The biggest single argument against it, however, was the type of proposal has always been that two-year terms force campaigning which, by nature, requires closeness to the electorate. I would offer that this argument is dead wrong. Four years will give the public time to evaluate the honest work of each Representative and Senator. The resulting vote will be an informed decision, and every

Representative or Senator will stand for re-election based on a comprehensive three and one-half year record.

Finally, by passing this bill, we will be better able to put all of our emphasis as Representatives and Senators where it rightfully belongs, on working for our constituents. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Rockport, Representative Casás.

Representative **CASÁS**: Thank you, Madam Speaker. I don't have any prepared remarks. I was a mandatory cosponsor on this. Just wanted to voice my support. I think that this should pass, and that's it.

The SPEAKER: The Chair recognizes the Representative from Sinclair, Representative Martin.

Representative **MARTIN**: Thank you, Madam Speaker. Madam Speaker and Ladies and Gentlemen of the House, as expected, there was considerable debate in the State and Local Government Committee on this piece of legislation, or rather this resolution, to amend the Constitution. And, quite clearly, the majority of our committee members firmly believe that limiting the number of election cycles and longer term limits would, in fact, make legislators less responsible to the public and the folks that have elected them. Also, we firmly believe that longer terms and staggered terms make it a longer wait for voters if they wish to make changes to their representations. As proposed, this resolution, as proposed, House members would be elected in off year election cycles, nonpresidential election cycles, while Senators would be elected in presidential years. Very different electorates participate in those two elections, which will influence the makeup and focus of the two chambers. Also, as you know, in the early 90s, term limits were established by way of a citizen's initiative and written in statutes. This would enshrine term limits in the Maine Constitution and, if, in fact, future legislators, future Legislatures, desire to amend or make changes to term limits, it would be very, very difficult to do so. Madam Speaker and Ladies and Gentlemen of the House, amending our state Constitution should not be taken lightly. I would ask all members to vote for the pending motion which is the Majority Ought Not to Pass. Vote green and follow my light. Thank you very much, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I apologize for rising twice, but I just heard the good Representative Martin say that we would be less responsive to our constituencies. As we look back over time, things have certainly changed, morphed and evolved, and so have communications at this time. I think it's impossible for us to be less responsive at this time. With social media such as it is, emails, cell phones, we are constantly in touch with our constituencies and, by the same token, they are in constant touch with us. Gone are the times when you have to get in touch with your Representative by snail mail or leave a message with an office phone or leave a message at their house phone. We all have cell phones, we all have emails within our hands right now, we have Facebook, we have Twitter, we have all different kinds of things. So, I don't believe that we would be less responsive to our constituencies, especially if we are here in the true nature of why we need to be here, and that is to serve those constituents. Any legislator worth their salt will remain in touch with their constituencies throughout their term regardless of whether it's a two-year or a four-year term. Thank you.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Longstaff.

Representative **LONGSTAFF**: Thank you, Madam Speaker. I request permission to pose a question through the Chair.

The SPEAKER: The member may proceed.

Representative **LONGSTAFF**: As I consider this bill, is there someone who could help me to understand the logic of why we would have the Senate elected in the same year as the Presidential election and the House elected in the off year? Thank you.

The SPEAKER: The Representative from Waterville, Representative Longstaff, has posed a question through the Chair, if there is anyone who would like to answer. The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you. The intent of this bill was to alternate, every two years, who got elected. You could flip a coin and decide who got elected which cycle. It really has no bearing one way or the other. But, I did want to make sure that rather than have an election every four years of both chambers in this building, I thought it would be good to alternate the chambers because that gives us, every two years, the opportunity to still exchange a balance of power in the State House or etcetera. That's why I just chose that one, could be the other, it doesn't matter. And, by the way, this bill was, also the Secretary of State's Office is in favor of this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Sinclair, Representative Martin.

Representative **MARTIN**: Madam Speaker, thank you. I apologize for rising a second time. The statement that the Secretary's Office is in favor of this piece of legislation is not correct. The Secretary of State's Office did testify neither for nor against this piece of legislation.

The SPEAKER: The Representative from Chelsea, Representative Sanderson, having spoken three times, requests unanimous consent to address the House for a fourth time. Hearing no objection, the Representative may proceed.

Representative **SANDERSON**: Madam Speaker, I would just like to answer the good Representative Martin, just that the Secretary of State's Office, Julie Flynn was there. She did testify neither for nor against. She testified in favor of most of the bill. The only question that she had was regarding reapportionment and what was written in the bill, and if that was amended, which it was in the Minority Report, then they would be in favor.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Bryant.

Representative **BRYANT**: Thank you, Madam Speaker. I was there in the committee and I didn't hear it that way. I do not believe the Secretary of State took any position other than neutral and did have questions.

The SPEAKER: The Chair recognizes the Representative from York, Representative Hymanson.

Representative **HYMANSON**: Thank you, Madam Speaker. I would just add that I would consider that there may be a pool of people who are unwilling to run for a four-year term, who may want to run for two years but might not be available to run for a four-year term. I know that I would have that misgiving and I probably would not have run. I'm glad I did. I'm glad I'm here. I'm glad that this is my third year but it would have given me pause. So, I add that.

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

Representative **PICKETT**: Thank you, Madam Speaker. I apologize for rising a second time. I was in that committee myself as well, and Representative Sanderson's recollection of what happened is exactly what I heard. There was a problem at the beginning that was clearly stated by the Secretary of State's representative that was there, that gave testimony. And there was a solution made that would be acceptable to them. That was taken care of through an amendment that was brought back to the committee when we worked the bill and when the motion went through, when the bill voting went through. Therefore, it's my recollection that on the day of the work session, when we got everything back, that the Secretary of State's Office was in favor of this bill. Thank you.

The SPEAKER: The Representative from Sinclair, Representative Martin, having spoken twice, requests unanimous consent to address the House for a third time. Hearing no objection, the Representative may proceed.

Representative **MARTIN**: Thank you, Madam Speaker. I am truly sorry to have to belabor this and disagree with some of my good friends in our committee. I have a copy of the testimony and I would simply request your permission to read the first paragraph. "The Secretary of State is neither for nor against this bill, but would like to provide information for the Committee on the potential impact of increasing term limits of State Senators and State Representatives from two years to four years in staggered terms," and it goes on. There's nowhere in this piece of legislation and no oral testimony, to my knowledge or recollection, that the Secretary of State favors this piece of legislation. Thank you very much.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 74

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Beebe-Center, Blume, Brooks, Bryant, Campbell, Cardone, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Devin, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Fuller, Gattine, Golden, Grant, Grohman, Hamann, Handy, Harlow, Hickman, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Perry, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Winsor, Zeigler, Madam Speaker.

NAY - Austin S, Bickford, Black, Bradstreet, Casas, Chace, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Guerin, Haggan, Hanington, Hanley, Harvell, Hawke, Head, Herrick, Higgins, Hilliard, Kinney J, Kinney M, Lockman, Lyford, Malaby, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Sanderson, Seavey, Sherman, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Vachon, Wallace, Ward, White, Wood.

ABSENT - Battle, Berry, Cebra, Frey, Harrington, Herbig, Johansen, Marean, Stewart, Wadsworth.

Yes, 76; No, 64; Absent, 10; Excused, 1.

76 having voted in the affirmative and 64 voted in the negative, with 10 being absent and 1 excused, and accordingly the Majority **Ought Not to Pass Report** was **ACCEPTED** and sent for concurrence.