

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Senate Legislative Record
One Hundred and Twenty-Second Legislature

State of Maine

Daily Edition

First Special Session
April 4, 2005 to June 17, 2005

Pages 411 - 1350

1. The Joint Standing Committee on Marine Resources shall conduct a study of methods to promote education, safety and training for harbor masters. The committee shall conduct the study when the Second Regular Session of the 122nd Legislature convenes;

2. The committee shall explore methods to promote education, safety and training for harbor masters to ensure adequate protection of public health and safety along the vast coastal areas and inland waterways potentially vulnerable to outside threats and to ensure safety for industrial and commercial enterprises using marine transportation; and

3. The committee may invite participation of interested parties and stakeholders during this study and in the development of its recommendations. The interested parties and stakeholders may include the following:

- A. The Maine Harbor Masters Association; and
- B. The Maine Municipal Association; and be it further

ORDERED, that the Joint Standing Committee on Marine Resources shall submit a bill by March 3, 2006 to the Second Regular Session of the 122nd Legislature based on its study.

Comes from the House, **READ** and **PASSED**.

READ.

On motion by Senator **GAGNON** of Kennebec, placed on the **SPECIAL STUDY TABLE**, pending **PASSAGE**, in concurrence.

All matters thus acted upon were ordered sent down forthwith for concurrence.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

SENATE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Eliminate Term Limits in the Legislature"

S.P. 180 L.D. 572

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-278)** (12 members)

Minority - **Ought Not To Pass** (1 member)

Tabled - May 31, 2005, by Senator **GAGNON** of Kennebec

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

(In Senate, May 31, 2005, Reports **READ**.)

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

Senator **GAGNON:** Thank you, Madame President, men and women of the Senate. I just wanted to explain what this bill does and what it doesn't do. This is the bill to repeal term limits. I want to explain what the committee did, with a fairly wide margin as you can see on the report, and what the amendment does. This bill would, in fact, repeal term limits but it sends the question out to the voters. That would appear on the 2006 fall ballots of November 2006. The reason for sending it out in 2006 rather than 2005 is to try to get as large a turn out as possible. This is an issue that we've been hearing about, and as everyone knows, was initiated by the people of the State of Maine and passed by the people of Maine. Currently, in this amendment, it does apply to anyone in this building. It was felt fairly strongly by the committee that it should not in any way be perceived as self-serving, that no one in this legislature would be affected by this. If you read the amendment carefully it states that it only applies to those people who are first elected in November 2006. Obviously if you set out a term or switch position or whatever, the new law would kick in, should it be passed by the people of the State of Maine. I just wanted to make sure people understood what this bill did and what it doesn't do. There was some confusion and please don't look at the original bill as we did make adjustments. Thank you.

On motion by Senator **WESTON** of Waldo, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Sullivan.

Senator **SULLIVAN:** Thank you, Madame President. If you would indulge me just a minute, do I need to wait until this is passed because I have an amendment? If it doesn't pass do I have to vote for it now in order to get the amendment?

THE PRESIDENT: There is no way for the chair to answer that question since I don't know how many people are going to vote in affirmative or in the negative. I can't answer that question for you, as much as I'd like to.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Kennebec, Senator Gagnon to Accept the Majority Ought to Pass Report. 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 (#207)

YEAS: Senators: BARTLETT, BRENNAN, BROMLEY, BRYANT, COWGER, DAMON, DIAMOND, GAGNON, HOBBS, MARTIN, MAYO, MITCHELL, NUTTING, PERRY, PLOWMAN, RAYE, ROTUNDO, SCHNEIDER, STRIMLING, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: ANDREWS, CLUKEY, COURTNEY, DAVIS, DOW, HASTINGS, MILLS, NASS, ROSEN, SAVAGE, SNOWE-MELLO, SULLIVAN, TURNER, WESTON

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **GAGNON** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-278) **READ**.

On motion by Senator **SULLIVAN** of York, Senate Amendment "A" (S-307) to Committee Amendment "A" (S-278) **READ**.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Sullivan.

Senator **SULLIVAN:** Thank you, Madame President, men and women of the Senate. I am offering this amendment tonight for a variety of reasons. Several of my colleagues asked me to. I support the idea of going out to the referendum. That's exactly how this came about and I think we have an obligation to go back to referendum. However, I am asking that we go back the same way that the referendum was put in, that once it becomes law, or unlaw or whatever we're going to do with term limits, that it would be effective immediately. That means that people are in here can still continue to run. I firmly believe if term limits is right, than we should vote it down and keep it. The people should do that. If term limits are wrong, then you don't continue a wrong just for the sake of continuing it. It's not what we did when we put term limits in. I don't think we should do it now. I think that people need to be given a clear choice. Up or down and let the people decide. I have no problem with that. I just think that when you go, you exacerbate the problem. If indeed term limits loses our institutional memory, if indeed it is true that the lobbyist are having more say than the lawmakers, and I happen to believe that is true, then why do we want to carry on for eight more years? Why do we think that for eight years we can continue to do something we don't think is right? That doesn't make sense. I would like to be able to send this out to the people once and for all and have them vote. If they vote to over-turn term limits, then it is effective with anybody that is running at that time in the House or the Senate. I'm offering it and I know it can be seen as self-serving. I worry about the next election. I don't look for me, in my case three elections away, but at that time I'll be 63. I love you people, but I'm not sure if I really want to be with you when I'm 63. It's more the principle for me. That's how it was instituted, I think if we're going to de-institute it then we ought to do it that same way. I am asking you to put the amendment on. It still goes out to the people and everything else is the same, it simply says let's do this. If people are good, the best term limits is the ballot box. I don't want someone bad here for eight years. I don't want somebody to have to leave if they are doing the job for their constituents. To me, that is the best way democracy works. It works at the ballot box and I think that we, or somebody, should not be punished simply because you happen to be here that year. I might add that, and this is a personal note and some of the people here will remember this, in the other chamber I fought

fingerprinting twice. As a fallback position we said we would just do new hires. People said, 'Oh no, everybody has to be fingerprinted, even those who have been teaching for 20 some odd years.' We spent the money to have it done. At that point it had to be everybody, yet we have here a referendum going out and we're saying, 'No, if you are already hired, the law applies to you.' How come it applies on fingerprinting and it doesn't apply here? Let the people decide, clearly and easily. Thank you.

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

Senator **GAGNON:** Thank you, Madame President, men and women of the Senate. As I explained a little bit earlier, this was a consideration of the committee, and as you can see, the committee overwhelmingly rejected this approach. There was a strong feeling that if we did not exclude ourselves from this agreement that it would taint the question that would be on the ballot. We are trying to do our best to make sure that it isn't tainted by anything, horses or otherwise, as some of are aware of the horse that was parked in front of the State House and at my house earlier on. It was a lot of fun. I thought it had to do with the racino issue, by the way, I didn't know it had to do with term limits. Someone once said, 'Why are you punishing current legislators by excluding them?' I had to admit that I think it was more of a reward than a punishment for all of my friends here that we not be included, but it was a fairly strong feeling by the committee and I hope that you would reject the current amendment.

On further motion by same Senator, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Weston.

Senator **WESTON:** Thank you, Madame President, men and women of the Senate. I would just like to clarify one thing. This is not going back to the original method because originally this came from the people. It did not originate under this dome. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from York, Senator Sullivan to Adopt Senate Amendment "A" (S-307) to Committee Amendment "A" (S-278). 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 (#208)

YEAS: Senators: BARTLETT, PLOWMAN, RAYE, SCHNEIDER, STRIMLING, SULLIVAN, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: ANDREWS, BRENNAN, BROMLEY, BRYANT, CLUKEY, COURTNEY, COWGER, DAMON, DAVIS, DIAMOND, DOW, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, MILLS, MITCHELL, NASS, NUTTING, PERRY, ROSEN, ROTUNDO, SAVAGE, SNOWE-MELLO, TURNER, WESTON

8 Senators having voted in the affirmative and 27 Senators having voted in the negative, the motion by Senator **SULLIVAN** of York to **ADOPT** Senate Amendment "A" (S-307) to Committee Amendment "A" (S-278), **FAILED**.

Committee Amendment "A" (S-278) **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Sent down for concurrence.

All matters thus acted upon were ordered sent down forthwith for concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Prevent Domestic Abuse by Reinstating the Death Penalty for Persons Who Murder Family or Household Members" S.P. 519 L.D. 1501

Reported that the same **Ought Not to Pass**.

Signed:

Senators:
HOBBS of York
BROMLEY of Cumberland

Representatives:
PELLETIER-SIMPSON of Auburn
FAIRCLOTH of Bangor
GERZOFKY of Brunswick
CANAVAN of Waterville
BRYANT of Windham
DUNN of Bangor
BRYANT-DESCHENES of Turner
NASS of Acton

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-301)**.

Signed:

Senator:
HASTINGS of Oxford

Representatives:
SHERMAN of Hodgdon
CARR of Lincoln

Reports **READ**.

Senator **HOBBS** of York moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Courtney.

Senator **COURTNEY:** Thank you, Madame President, men and women of the Senate. I don't want to drag this out very long. I appreciate the opportunity that being a Senator in the state has brought to shine the light on domestic violence. A lot of the things we are doing aren't working currently. I appreciate the opportunity.

Same Senator requested a Division.

On motion by Senator **HOBBS** of York, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#209)

YEAS: Senators: BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COWGER, DAMON, DIAMOND, DOW, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, MILLS, MITCHELL, NASS, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, STRIMLING, SULLIVAN, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: ANDREWS, COURTNEY, DAVIS, SNOWE-MELLO

31 Senators having voted in the affirmative and 4 Senators having voted in the negative, the motion by Senator **HOBBS** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

The President appointed the Senator from Kennebec, Senator **GAGNON**, to serve as President Pro Tem for the session on Wednesday, June 1, 2005.