

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

**One Hundred And Fifteenth Legislature**

OF THE

**State Of Maine**

**VOLUME II**

**FIRST REGULAR SESSION**

House of Representatives  
May 20, 1991 to July 10, 1991

again, the Maine Legislature does something very wise and very interesting. That debate was one of them.

I think this particular bill, given the guidepost that we have from other states and the perfect example we have of what our own state has been able to do without harm for so long would indicate that we may, with safety, adopt this standard and I would urge you in fact to follow Chairman Joseph's light and vote the "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Wiscasset, Representative Kilkelly.

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: It is interesting to note that the opponents of this bill have said that it is very unclear, that there would be much difficulty in implementing a process and I would like to challenge that. I challenge it, first of all, by saying there is in fact a document called the Unified List of U.S. Companies Doing Business in South Africa. I have in my hands a third edition, a 1990 copy. The unified list includes: (1), companies with investments, licensing, franchising agreements and loans or other financial involvement in South Africa, (2) the identity of the parent company or significant shareholder. (3) the linkages of each company's subsidiary and/or affiliate with involvement in South Africa, (4) the type of involvement of each parent company for those companies with ownership in South Africa, information where available regarding the number of employees, the assets, sales or loans participation is included and last, the basic sources from which the information about a particular corporation was obtained.

It seems to me that that very clearly reflects what is in the bill. The list is already available. I think what is very important for us to do is to make a statement and either we are going to make a statement that this is an issue that is not important to us, that apartheid is something that is a non-issue because it is not happening in Maine or it is something that we can say yes, this is something that we are concerned about. But, there is a very civilized process that this state can use to make a decision about how money is spent and the civilized process we use is to say, we are not going to spend money with corporations that do business in South Africa as long as there is a system that is so repressive and so obnoxious to civilization as goes on there in apartheid.

I think the exemptions are very important to note. There is nothing here that would hog-tie the State of Maine to require it to purchase materials that were not of a product that we wanted. It would not require us to have to change an entire system that is currently in place because we could not get replacement parts. It is a very medium step but one that has great significance in its statement.

Mr. Speaker, I request a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is the motion of Representative Joseph of

Waterville that the House accept the Minority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 94

YEA - Adams, Aliberti, Anthony, Bell, Boutillier, Cahill, M.; Carleton, Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Donnelly, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Handy, Heeschen, Hichborn, Hoglund, Holt, Jacques, Jalbert, Joseph, Ketover, Ketterer, Kilkelly, Kontos, Larrivee, Lawrence, Lemke, Luther, Macomber, Mahany, Manning, Martin, H.; Mayo, McHenry, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Nadeau, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Rand, Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Sheltra, Simonds, Simpson, Stevens, P.; Swazey, Tamaro, Tardy, Townsend, Tracy, Treat, Vigue, Wentworth, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Carroll, J.; Duplessis, Farnum, Farren, Foss, Garland, Greenlaw, Hanley, Hastings, Heino, Hepburn, Hichens, Hussey, Kerr, Kutasi, Lebowitz, Libby, Lipman, Look, Lord, MacBride, Marsano, Marsh, Merrill, Morrison, Murphy, Nash, Norton, Ott, Parent, Pendexter, Pendleton, Pines, Reed, G.; Reed, W.; Richards, Salisbury, Savage, Small, Spear, Stevens, A.; Stevenson, Strout, Tupper, Waterman, Whitcomb.

ABSENT - Bowers, Butland, Hale, LaPointe, McKeen, Skoglund.

Yes, 92; No, 53; Absent, 6; Paired, 0; Excused, 0.

92 having voted in the affirmative and 53 in the negative with 6 being absent, the Minority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (H-467) was read by the Clerk and adopted and the Bill assigned for second reading Wednesday, June 5, 1991.

**Divided Report**

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 Provide for the Direct Popular Election of Constitutional Officers (H.P. 1045) (L.D. 1518)

Signed:

Senators:

BUSTIN of Kennebec  
EMERSON of Penobscot  
BERUBE of Androscoggin

Representatives:

WATERMAN of Buxton  
HEESCHEN of Wilton  
KILKELLY of Wiscasset  
LARRIVEE of Gorham  
GRAY of Sedgwick  
JOSEPH of Waterville  
KERR of Old Orchard Beach

Minority Report of the same Committee reporting

"Ought to Pass" as amended by Committee Amendment "A" (H-468) on same RESOLUTION.

Signed:

Representatives: NASH of Camden  
LOOK of Jonesboro  
SAVAGE of Union

Reports were read.

Representative Joseph of Waterville moved that the House accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Norway, Representative Bennett.

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: This bill would refer to the people of Maine an important question of fundamental democracy, a question on which successful democratic governments rise and fall and that is the question of accountability. This bill offers an amendment to our State Constitution to call for the popular election of our Constitutional officers, the Attorney General, Secretary of State and State Treasurer. These three positions are presently, as you know, elected by the legislature meeting in Joint Convention. This has been the method of electing these positions in Maine for well over a century and a half, before Teddy Roosevelt and the Progressive Movement of the 1910's, before the Populous Movement of the 1890's, even before the founding of the Republican Party in the 1850's.

You ask, why change it? Many states used this antiquated election method for the state executive positions in the 19th Century but most abandoned this indirect method in the early 1900's when we abandoned, for instance, legislative elections of United States Senators. Maine is alone in the legislature electing the Attorney General. Forty-three states elect their Attorney General by direct popular election, 35 states elect their Secretary of State by popular election, only three states, Maine included, elect that position by the legislature. Thirty-three states choose their State Treasurer by direct popular election. These states realize these are executive, not legislative positions.

Accountability, particular in executive positions, must follow a distinct clear line back to the people. In Maine, this line, unfortunately, becomes blurred somewhere between the constitutional office holder and the legislature. This problem of accountability is exacerbated by the growing practice of candidates for these positions to contribute money, a growing amount of money, to candidates for the legislature. For example, Secretary of State Diamond's political action committee, the Committee for Good Government, contributed thousands and thousands of dollars to legislative candidates. There is literally page after page on file of amounts contributed to legislators. Just randomly opening to one page, Senator Clark, Senator Kany, Representative Dore, Representative Clark, Representative Larrivee, Representative Gould, Representative St. Onge, Senator Bost, Representative Mayo, all received sums of money — there is page after page.

Particularly interesting is that my Senator, Senator Twitchell from Norway, within one month period, received \$700 and he wasn't even opposed for

election.

This practice is particularly disturbing with the Attorney General and the Secretary of State who frequently must rule on matters pertaining to the legislature in general or to individual legislators in particular. We are fortunate that this conflict hasn't yet caused the problems that it might and that it inevitably will cause as the amounts of money these office holders give legislators increases.

Let's change this system and restore the full integrity and accountability office holders need. Please join me in voting against the current motion and accept the Minority Report.

Mr. Speaker, I request the yeas and nays.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the Representative from Wiscasset, Representative Kilkelly.

Representative KILKELLY: Mr. Speaker, I would like to pose a question through the Chair.

I pose a question to the Representative who spoke previously. Maine is the only state in which the Governor appoints the Commissioner of Education and I would like a reason why we shouldn't include the Commissioner of Education on that list of folks to be elected?

The SPEAKER: Representative Kilkelly of Wiscasset has posed a question through the Chair to Representative Bennett of Norway who may respond if he so desires.

The SPEAKER: The Record will show Representative Bennett chooses not to respond to the question.

The pending question before the House is the motion of Representative Joseph of Waterville that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 95

YEA - Adams, Aliberti, Anthony, Bell, Boutilier, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Handy, Hastings, Heesch, Hichborn, Hogle, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Lemke, Lord, Luther, Macomber, Mahany, Manning, Marsh, Martin, H.; Mayo, McHenry, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Rand, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Sheltra, Simonds, Simpson, Stevens, P.; Strout, Swazy, Tamaro, Tardy, Townsend, Tracy, Treat, Vigue, Waterman, Wentworth, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Carleton, Carroll, J.; Donnelly, Duplessis, Dutremble, L.; Farnum, Farren, Foss,

Garland, Greenlaw, Hanley, Heino, Hepburn, Hichens, Kutasi, Lebowitz, Libby, Lipman, Look, MacBride, Marsano, Merrill, Nash, Norton, Ott, Parent, Pendexter, Pendleton, Pines, Reed, G.; Reed, W.; Richards, Salisbury, Savage, Small, Stevens, A.; Stevenson, Tupper, Whitcomb.

ABSENT - Bowers, Butland, Hale, McKeen, Richardson, Skoglund, Spear.

Yes, 98; No, 46; Absent, 7; Paired, 0; Excused, 0.

98 having voted in the affirmative and 46 in the negative with 7 being absent, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

**Divided Report**

Majority Report of the Committee on State and Local Government reporting "Ought Not to Pass" on Bill "An Act to Require the Popular Election of the State Auditor" (H.P. 1023) (L.D. 1496)

Signed:

Senators: BUSTIN of Kennebec  
EMERSON of Penobscot  
BERUBE of Androscoggin

Representatives: WATERMAN of Buxton  
HEESCHEN of Wilton  
KILKELLY Of Wiscasset  
LARRIVEE of Gorham  
GRAY of Sedgwick  
JOSEPH of Waterville  
KERR of Old Orchard Beach

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-469) on same Bill.

Signed:

Representatives: NASH of Camden  
LOOK of Jonesboro  
SAVAGE of Union

Reports were read.

Representative Joseph of Waterville moved that the House accept the Majority "Ought Not to Pass" Report.

Representative Whitcomb of Waldo requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is the motion of Representative Joseph of Waterville that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

YEA - Adams, Aliberti, Anthony, Bell, Boutilier, Cahill, M.; Carleton, Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Donnelly, Dore, Duffy, Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Handy, Hastings, Heeschen, Hichborn, Hogle, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Lemke, Lord, Luther, Macomber, Mahany, Manning, Martin, H.; Mayo, McHenry, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Pines, Plourde, Poulin, Pouliot, Powers, Rand, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Sheltra, Simonds, Simpson, Stevens, P.; Strout, Swazey, Tamaro, Tardy, Townsend, Tracy, Treat, Vigue, Waterman, Wentworth, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Carroll, J.; Duplessis, Dutremble, L.; Farnum, Farren, Foss, Garland, Greenlaw, Hanley, Heino, Hepburn, Hichens, Kutasi, Lebowitz, Libby, Lipman, Look, MacBride, Marsano, Merrill, Nash, Norton, Ott, Parent, Pendexter, Pendleton, Reed, G.; Reed, W.; Richards, Salisbury, Savage, Small, Spear, Stevens, A.; Stevenson, Tupper, Whitcomb.

ABSENT - Bowers, Butland, Hale, Marsh, McKeen, Richardson, Skoglund.

Yes, 100; No, 44; Absent, 7; Paired, 0; Excused, 0.

100 having voted in the affirmative and 44 in the negative with 7 being absent, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

**Divided Report**

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 Reduce the Size of the Legislature (H.P. 1122) (L.D. 1647)

Signed:

Senators: EMERSON of Penobscot  
BERUBE of Androscoggin  
BUSTIN Of Kennebec

Representatives: WATERMAN of Buxton  
HEESCHEN of Wilton  
KILKELLY of Wiscasset  
LARRIVEE of Gorham  
GRAY of Sedgwick  
JOSEPH of Waterville  
KERR of Old Orchard Beach

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-470) on same RESOLUTION.

Signed:

Representatives: NASH of Camden  
LOOK of Jonesboro