

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Sixteenth Legislature

OF THE

State Of Maine

VOLUME V

SECOND REGULAR SESSION

House of Representatives
January 5, 1994 to April 14, 1994

Daggett, DiPietro, Dore, Driscoll, Erwin, Faircloth, Gamache, Gean, Gould, R. A.; Hale, Hatch, Heeschen, Hichborn, Hوجلund, Holt, Hussey, Jacques, Jalbert, Johnson, Joseph, Kerr, Ketterer, Kilkelly, Kontos, Larrivee, Martin, J.; Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, O'Gara, Oliver, Paradis, P.; Pendleton, Pfeiffer, Pineau, Pinette, Plourde, Poulin, Pouliot, Rand, Richardson, Ricker, Rotondi, Rowe, Rydell, Simonds, Skوجلund, Stevens, K.; Strout, Sullivan, Swazey, Townsend, E.; Townsend, G.; Townsend, L.; Walker, Winn, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Birney, Bowers, Brennan, Bruno, Cameron, Campbell, Carleton, Carr, Chase, Clukey, Coffman, Cross, Dexter, Donnelly, Dutremble, L.; Farnsworth, Farnum, Farren, Foss, Gray, Greenlaw, Heino, Joy, Kneeland, Lemke, Lemont, Libby Jack, Libby James, Lindahl, Lipman, Look, Lord, MacBride, Marsh, Marshall, Michael, Murphy, Nash, Nickerson, Norton, Ott, Pendexter, Plowman, Reed, G.; Reed, W.; Robichaud, Saxl, Simoneau, Small, Spear, Stevens, A.; Taylor, Thompson, Tracy, Treat, True, Tufts, Vigue, Wentworth, Whitcomb, Young, Zirkilton.

ABSENT - Beam, Cashman, Cloutier, Cote, Fitzpatrick, Hillock, Kutasi, Martin, H.; Nadeau, Ruhlín, Saint Onge, Tardy.

Yes, 70; No, 69; Absent, 12; Paired, 0; Excused, 0. 70 having voted in the affirmative and 69 in the negative, with 12 being absent, the Resolution was indefinitely postponed and sent up for concurrence. Ordered sent forthwith.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require That the Attorney General Be Appointed by the Governor (H.P. 1403) (L.D. 1912) (Governor's Bill) (Committee on State and Local Government suggested) TABLED - February 18, 1994 by Speaker GWADOSKY of Fairfield. PENDING - Ruling of the Chair.

The SPEAKER: It is the opinion of the Chair and I hereby rule that the provisions of Joint Rule 37 do not apply to L.D. 1912.

Subsequently, the pending question is reference. Representative JOSEPH of Waterville moved that the Resolution be indefinitely postponed.

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

Representative OTT: Mr. Speaker, Men and Women of the House: This is another proposal that is part of the Governor's package for good government reforms. This proposal is a Constitutional Amendment to change the process of selecting the Attorney General so that the post is appointed by the Governor subject to confirmation by the Legislature. If this measure were approved the Constitutional question would be on the November ballot and the first Attorney General appointed by the Governor would then follow the 1998 election.

Maine is the only state which elects its Attorney General by the legislature itself. There are other states - in fact the majority of them, some 43 in fact, elect the Attorney General but it is by popular election. Five other states have a similar method as is being proposed here and that be that those state, the Attorney General is appointed by the Governor. One state, Tennessee, appoints its Attorney General

by the Supreme Court.

If you look at the concept of our government with the three branches having a balance of power and seeing that we now elect the Attorney General from our branch of the Government it seems to me that we set up an inherent conflict here where the Attorney General, who is supposed to be the Governor's lawyer because most of the work done by the Attorney General is for the Executive Branch, we have a situation where the boss or the client is really in fact the legislature where it should be the Governor's office.

If this resolve were accepted it is my understanding that the Governor's office would set up a process that would allow the creation of an office where attorneys that would be devoted to the work for the legislature. As it stands now we almost create a situation where if a conflict arises and a policy issue has to be resolved by the Attorney General and it is a question being posed by the legislative branch the Attorney General then works for the legislature, the Executive branch is then forced to hire independent council outside which, on many occasions, has run into considerable expense. Having an appointment by the Governor's office would certainly provide, I think, for a more fluid form of administering those problems that arise where legal council is required.

This Resolution is an effort to move the state forward with good government reform. We have talked about that in the past and we talk about it sometimes back home. We have an opportunity here, I think, to make a positive statement. This Legislature, the 116th, that it is prepared to act on what it talks about as good government reform. I ask that you defeat the pending motion to indefinitely postpone this resolve.

Representative BENNETT of Norway requested a roll call on the motion to indefinitely postpone the Resolution.

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. All 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 this Resolution be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 319

YEA - Adams, Ahearne, Aliberti, Bowers, Brennan, Bruno, Cameron, Caron, Carroll, Cashman, Cathcart, Chase, Chonko, Clark, Clement, Coffman, Coles, Constantine, Cote, Daggett, DiPietro, Dore, Driscoll, Dutremble, L.; Erwin, Farnsworth, Fitzpatrick, Gamache, Gean, Gould, R. A.; Gray, Hale, Hatch, Heeschen, Heino, Hichborn, Hوجلund, Holt, Hussey, Jacques, Jalbert, Johnson, Kerr, Kilkelly, Kontos, Larrivee, Lemke, Lord, Martin, J.; Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Norton, O'Gara, Oliver, Paradis, P.; Pendleton, Pfeiffer, Pineau, Pinette, Plourde, Poulin, Pouliot, Rand, Richardson, Ricker, Rotondi, Rowe, Rydell, Saxl, Simonds, Skوجلund, Spear,

Stevens, K.; Strout, Sullivan, Swazey, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Vigue, Walker, Wentworth, Winn, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Birney, Campbell, Carleton, Carr, Clukey, Cross, Dexter, Donnelly, Faircloth, Farnum, Farren, Foss, Greenlaw, Joy, Ketterer, Kneeland, Lemont, Libby Jack, Libby James, Lindahl, Lipman, Look, MacBride, Marsh, Marshall, Michael, Nash, Nickerson, Ott, Pendexter, Plowman, Reed, G.; Reed, W.; Robichaud, Simoneau, Small, Stevens, A.; Taylor, Thompson, True, Tufts, Whitcomb, Young, Zirkilton.

ABSENT - Beam, Cloutier, Hillock, Kutasi, Martin, H.; Ruhlin, Saint Onge, Tardy, Treat.

Yes, 91; No, 51; Absent, 9; Paired, 0; Excused, 0.

91 having voted in the affirmative and 51 in the negative, with 9 being absent, the Resolution was indefinitely postponed and sent up for concurrence. Ordered sent forthwith.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Size of the Maine Legislature (H.P. 1419) (L.D. 1933) (Governor's Bill) (Committee on State and Local Government suggested) TABLED - February 24, 1994 by Speaker GWADOSKY of Fairfield.
PENDING - Ruling of the Chair.

The SPEAKER: It is the opinion of the Chair and I hereby rule that the provisions of Joint Rule 37 do not apply to L.D. 1933.

Subsequently, the pending question is reference.

Representative JOSEPH of Waterville moved that the Resolution be indefinitely postponed.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Lipman.

Representative LIPMAN: Mr. Speaker, Ladies and Gentlemen of the House: I'm some surprised that I am standing up on this particular measure. Again, this is our opportunity to go on Record and let the public see where we stand in reducing the size of the legislature.

In 1840 we had the same size legislature with no television, no radio, no cars, no computers. Now we can do with less. We have asked our people in the State of Maine to do with less. We have had to cut the budget, we have had to cut programs, yet the legislative budget and the size of the legislature has not changed. The cost for the legislature in 1981 was \$4 million. The cost for the legislative budget today is around \$13 million. What can we accomplish by reducing the size of the legislature to 99 in the House and 33 in the Senate? One, we will have symmetry. We will have three representatives from each senatorial district. The advantage of doing that is that if a legislators wants to run for the other body then they are within the same senatorial district and we don't have some of the confusion that we have encountered recently.

A second advantage to a reduced size of the legislature is that we can reduce cost and it has been estimated at about \$2 million a year.

The third advantage is that we wouldn't have as many people to speak on each bill and then we wouldn't have to be here as late and the sessions wouldn't be as long. The committee sizes could be reduced.

To be a little more serious and to address the

point, I would like to draw an analogy or ask us to look at Indiana. Indiana has a population of 5.5 million people, Maine has 1.2 million. Indiana has 35,000 square miles, Maine has 30,000 square miles. Indiana has five times as many people, more land and they have a House of Representatives of 100 legislators. Indiana is able to get their business done by one session of 61 days and another session of 30 days. We would be able to reduce the time that we would have to be in session if we reduced the size of the legislature. This is an opportunity for us as legislators to give the public a chance to choose in the Constitutional referendum but also to say we have asked you to sacrifice, we have asked the state employees to sacrifice, we have had to cut programs and we are even willing to allow you the opportunity to reduce the size of the legislature. I ask you to vote against the motion and, I request the yeas and nays.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Lemke.

Representative LEMKE: Mr. Speaker, Men and Women of the House: This legislation promises cost savings and increased efficiency. In fact it would yield neither and there are studies and studies and experience and experience which demonstrates this point. It would create a legislature which is in fact less representative and requiring more staff and more cost and more bureaucracy.

The basic problems is not size and it never has been size. The real problem is how we do the people's business and real substantive change must be systemic not cosmetic.

One other point, obviously this plan, which has been before us before would be detrimental to a rural representation. As the Lottery motto goes, "Just Imagine" — close your eyes and just imagine 52 less people in here, what part of the State of Maine would be devastated by that? You know the answer to that my friends.

The proposal does not recognize the historic and cultural tradition of the State of Maine. You are being asked in the name of cost savings and efficiency to sacrifice democracy. Maybe we can cut budgets here but we shouldn't be cutting democracy here. It would be folly to support such dubious legislation and therefore reduce real democracy in the State of Maine. My friends, this is not real reform at all, it is not good government at all, it may be a good election year bill but it hardly is something you should support. I urge you to vote for indefinite postponement.

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. All 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 Jay, Representative Pineau.

Representative PINEAU: Mr. Speaker, Ladies and Gentlemen of the House: Since I have been here for the three terms that I have served we have had proposals of this nature floating in front of us whether they be the first session or the second session. This is one that does cause me to rise to my feet and I am glad that I do, I am sorry if you