

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

Volume I

January 5, 1977 to May 25, 1977

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Yes, 86; No, 50; Absent, 15.

The SPEAKER: Eighty-six having voted in the affirmative and fifty in the negative, with fifteen being absent, the motion does prevail. Sent to the Senate.

Second Reader

Later Today Assigned

Bill "An Act to Equalize the Registration Fee for Dogs" (H. P. 509) (L. D. 628) (C. "A" H-182)

Was reported by the Committee on Bills in the Second Reading and read the second time.

The SPEAKER: The Chair recognizes the gentleman from Dixfield, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: I am having an amendment prepared for this bill, and I would appreciate it if someone would table it until later in today's session.

Whereupon, on motion of Mr. Churchill of Orland, tabled pending passage to be engrossed as amended and later today assigned.

Passed to Be Enacted

An Act Relating to Mother's Day and Father's Day (S. P. 202) (L. D. 600) (C. "A" S-53)

An Act Amending the Great Ponds Alteration Statute (H. P. 1334) (L. D. 1504)

An Act to Permit the Taking of Halibut under Certain Conditions without a Commercial License (H. P. 461) (L. D. 566)

An Act to Clarify the Town Line Between the Towns of Waterford and Stoneham (S. P. 297) (L. D. 923) (C. "A" S-60)

An Act to Clarify the Regulation of Public Utilities Owning Interests in Electric Generating Plants and Related Facilities (S. P. 242) (L. D. 776)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

Orders of the Day

The Chair laid before the House the first tabled and today assigned matter:

House Divided Report — Majority (12) "Ought Not to Pass" — Minority (1) "Ought to Pass" as Amended by Committee Amendment "A" (H-176) — Committee on Local and County Government on Bill "An Act to Revise Fees Which may be Charged by Towns for Licensing Innkeepers, Victualers or Tavernkeepers" (Emergency) (H. P. 640) (L. D. 784)

Tabled — April 21, 1977 by Mrs. Huber of Falmouth.

Pending — Acceptance of either Report.

On motion of Mrs. Huber of Falmouth, the Minority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-176) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

The Chair laid before the House the second tabled and today assigned matter:

Bill, "An Act to Provide for Licensing of Bottle Clubs" (H. P. 232) (L. D. 295) (C. "A" H-166)

Tabled — April 21, 1977 by Mr. Maxwell of Jay.

Pending — Motion of Mr. Jacques of Lewiston to indefinitely postpone Bill and all accompanying papers.

The SPEAKER: The Chair recognize the gentleman from Lewiston, Mr. Raymond.

Mr. RAYMOND: Mr. Speaker, Ladies and Gentlemen of the House: I would ask someone to please table this until later today. I have got an amendment being prepared but it hasn't been distributed yet.

Thereupon, on motion of Mr. Marshall of Millinocket, tabled pending the motion of Mr. Jacques of Lewiston to indefinitely postpone and later today assigned.

The Chair laid before the House the third tabled and today assigned matter:

House Report — "Ought to Pass" as Amended by Committee Amendment "A" (H-159) — Committee on Education on Bill "An Act to Facilitate Out-of-state Post Graduate Education in Certain Professions" (H. P. 408) (L. D. 502)

Tabled — April 21, 1977 by Mr. Lynch of Livermore Falls.

Pending — Acceptance of the Committee Report.

On motion of Mr. Lynch of Livermore Falls, tabled pending acceptance of the Committee Report and specially assigned for Wednesday, April 27.

The Chair laid before the House the fourth tabled and today assigned matter:

Joint Order — Relative to Joint Rule 20A — Reports of Committees (H. P. 1440) Read in House April 20.

Tabled — April 21, 1977 by Mr. Tierney of Lisbon Falls

Pending — Passage.

On motion of Mr. Quinn of Gorham, tabled pending passage and specially assigned for Wednesday, April 27.

The Chair laid before the House the fifth tabled and today assigned matter:

House Divided Report — Majority (8) "Ought Not to Pass" — Minority (5) "Ought to Pass" — Committee on State Government on RESOLUTION, Proposing an Amendment to the Constitution to Provide that the Membership of the House of Representatives shall be Three Times that of the Senate and that Each Senate District shall be Composed of Three Contiguous House Districts (H. P. 839) (L. D. 1026)

Tabled — April 21, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Acceptance of either Report.

Mr. Curran of South Portland moved that the Majority "Ought Not to Pass" Report be accepted.

The SPEAKER: The Chair recognizes the gentleman from Richmond, Mr. Moody.

Mr. MOODY: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will go along with the motion made by the good gentleman from South Portland, Mr. Curran, for a number of reasons.

Being a freshman legislator and so forth, I read in the newspaper before I came up here when this was introduced a couple of sessions ago, the last session and the session before that, that really the only reason we were opposed to this was because we were afraid of losing our positions here in the legislature. That is absolutely not true, because either one of these bills would not become effective until January 1, 1983, and I am not sure where I am going to be in 1983.

The second thing that I have to speak about is the size of many of our rural House districts. My House district borders four counties, on the fifth side it borders the Atlantic Ocean, it is split between two senatorial districts. In order to get from one half of my district to the other, I have to go through another county, either through Lincoln or Cumberland. To travel to one of my selectmen's meetings in the southern part of my district is approximately 51 miles one way, and I just cannot see passage of this bill whatsoever.

Talking about reducing the size of the House, I noticed there was a leaflet passed around the House here sometime last week in comparison to the size of other legislatures. Well, when Maine originally became a state, we had 151 Representatives with less than 100,000. Now we have over a million people and we still only have 151 Representatives, and I don't see a thing wrong with that. We have gotten this far

and I think our system in comparison to other states, how they work, it works rather well. Sure, you can compare California to Maine, but we don't get paid \$60,000 for each two-year term, and I think Maine operates very well beside the State of California, and I am proud of it.

In addition, this chamber here is the people's chamber. You can see the effect, and I can in the short time I have been here, how much influence lobbyists have when you have few in numbers. You can see it in the other body. We are the people's representatives and I hope we stay that way. Even though I am a freshman legislator, I feel that I have an obligation to represent my people the best I can. As a freshman legislator, I feel that I have an obligation to represent those people just as well as the Speaker or the Majority or Minority Leaders would represent their constituents.

The Maine Legislature ranks 45th or 46th in pay, and if the size of the House was to be reduced, I am so afraid that us people in the rural areas, our representation would come from the cities and we wouldn't stand a chance. So, ladies and gentlemen, I do hope that you will support the Majority "Ought Not to Pass" Report, and when the vote is taken, I ask for the yeas and the nays.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Curran.

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to oppose this legislation which would reduce the size of the Maine House of Representatives. We have before us two divided reports, one which would reduce the size of the House to 132; the other to 99.

The proponents who are reducing the size of this body have continually cited their reasons as increased efficiency and economy. These, I submit, are only illusions. If you carry the concept of efficiency to its ultimate extreme, a dictatorship is the most efficient form of government but not a very desirable one. The small economies to be achieved in lesser numbers would quickly be eaten up in increased staff and higher salaries.

For those who feel that increased staff and higher salaries are a positive goal, I would remind you of the fact that the Maine Legislature is modeled upon our National Congress which consists of an upper and lower body. As a constitutional entity, these two bodies were expected to be quite different in their makeup and in their philosophy. The upper, and the smaller body, would represent men of property and monetary wealth and protect those interests against the leveling tendencies of the lower body who, elected by a smaller number of people and more provincial in attitude, would represent more closely the common people. While this philosophy or model, like all models, has never worked perfectly, I believe the concept applies to the Maine Legislature in 1977.

The upper body in this legislature is smaller in number, and each individual is elected over a wider area. This, on the whole, tends to make that body further removed from the average Maine citizen, more representative of the will of the well to do and the business establishments and more conservative on matters dealing with education, social services and the regulation of our environment.

Of the lower body, on the other hand, are on the whole closer to our constituents, people of less means, and more liberal in our approach to those things which affect the everyday lives of Maine people.

In a state with the geographical size of Maine, any reduction in the size of this body would only lean in the direction of creating two upper houses and to remove the workings of government that much further from the people.

We are somewhat inefficient and we are

somewhat economical at times, but we are also one of the most democratic legislatures in this country. I, for one, intend to vote to keep it that way and I hope you join me.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: As sponsor of this measure, I ask that you defeat the motion so that you may vote for the Minority "Ought to pass" Report. The bill, L. D. 1026, is a reform that deserves careful consideration on the part of each and every one of us, notwithstanding the traditional opposition that we are beginning to hear today.

This is not a transient or idle undertaking on my part. You have only to consult my good friend in my immediate neighborhood here in the House, most of whom have left. They have been trying to talk me out of this bill for weeks and it has been like sitting in a hornet's nest.

I have worked for this reform for many years as a citizen. I campaigned on House reduction and the idea was well received. People have told me I would change my mind once I became a member of this legislature, but being here has convinced me all the more of the necessity of such a reform.

I will ask this morning for a few minutes to explain the bill. Being a constitutional amendment, it needs a two-thirds vote of both Houses, and a majority favorable vote by the people in referendum. The resolve would cut the House size by about one-third in the next reapportionment now scheduled in the Constitution for 1983. That is six years from now, so that if you think any of you are going to be affected, many of you might not be with the high rate of turnover, anywhere from 30 to 50 percent that we have in this House each biennium.

House membership would be three times the Senate membership, which is now set in the Constitution at an odd number between 31 and 35. My bill differs slightly from another bill which is now withdrawn which would have cut the House to 99 and set the other body at 33. There is a distinct advantage in retaining a flexible number of Senators and Representatives in this decade. I can tell you that the process is not only a very difficult and painful political feat but also an extremely complex mathematical exercise. It is a fact that one number works better as a divisor than others given the total population of the state and its distribution within the state. So this bill would retain the flexible size of the other body as the basis of House size, so that the House would contain a membership of three times 31 or 93, three times 33 or 99 or three times 35 or 105.

The bill would further ease the reapportionment by basing each senatorial district on three contiguous house districts. This cuts the agony of the apportionment commission by at least one half. Even more important, such an alignment of districts would simplify matters for the voter. Each house district would be wholly within a senatorial district, thus preventing the overlapping of electoral district lines.

Reducing the size of the House has been and always will be an unpopular, touchy subject among House members. It always raises the theoretical question of what is the ideal size of the House. The answer is that it should be large enough to truly represent the diverse interests of the people of Maine, but small enough so that each legislator may be visible and accountable, not only to his own constituents, but to all the people of the state. Large enough to get its work done through the committee system, but small enough to allow one hundred percent participation and one hundred percent responsibility of its members in its deliberations.

Above all, we should be concerned about the question of size in terms of how we can be a more effective legislature without sacrificing

good representation. Note that I do not use the word "efficient" legislator because I believe that democracy can never be efficient and that is the glory of democracy in our system.

In 1962, professor Edward Dow of the University of Maine analyzed the size of legislatures nationally. He came up with the idea of a Maine House of 75 and the other body of 25. But let's look at the picture today. The Book of States, 1976-77, states the following: "the largest senates are in Minnesota, 67, and New York, 60. The smallest are in Alaska and Nevada, 20 each, and Delaware 21. The largest lower houses are in New Hampshire, 400; Massachusetts, 240, which will drop to 160 as the result of a recent constitutional amendment; and Pennsylvania, 203. The smallest in Alaska and Nevada, 40 each, and Delaware 41. The median is 100 for lower houses and between 38 and 39 for senates. There have been some major reductions in the last decade, notably in Connecticut, Ohio and Vermont."

On the other hand, let's look at relative constituencies in the states. The book of states points out the wide disparities in number of people represented by legislators of the several states. Each Californian representative represents a quarter of a million persons. At the other extreme, each New Hampshire representative has a constituency of about 1,800. Maine is also low among constituencies, at about 6,500. The median population per seat nationally is 27,818 for representatives. When Maine's small population of one million is compared with that of other states and the size of our House is that of other states, it can be reasonably argued that our House is proportionately and needlessly oversized.

I refer you to the sheet distributed last Thursday, entitled "Selective House Size Comparisons" to which reference has already been made. The New England states show a trend of relatively large houses, a function of the New England tradition of representation of localities and emphasis on local rather than state government. The other states were selected either as comparable in population to Maine, comparable in characteristics, or for their largeness in population in contrast to Maine. I would like to point out that on this sheet, there is an error, a transposition of figures with regard to the state of Wisconsin. It should be, House size, under Wisconsin, 99; Senate size, 33. And it's interesting, while we're talking about this state of Wisconsin, to look at its population which is almost four and a half million people, and it is a state which is very much like the state of Maine with its 50-50 rural-urban split.

We are talking today about reducing our Maine House to approximately 100 from 151. The figure 151 is not carved in stone. As a matter of fact, the first constitution, as has been pointed out, in 1820 provided for a house of "not less than 100 nor more than 200." The number was set at 141 with the other body at 20. In 1822, two years later, the House number jumped to 150. In 1832, the House numbered 186, the other body 25. 1842 saw 200 Representatives and 31 members of the other body. In 1843, the House was set at 151 and there it has stayed for 134 years. That is a very significant number of years, a period of time in which all kinds of changes have taken place, changes in electronic communications, transportation, lifestyles, and changes in government too, expanded federal government, expanded state government, especially in the executive branch, and legislative changes, such as abolition of the executive counsel, annual legislative sessions, one man/one vote representation, and higher pay for legislators.

Changes in government have reflected higher expectations with regard to the good life and changing needs in a changing society. On the other hand now, the American people are charging government with excessive

bureaucracy, excessive red tape and excessive interference in their lives. As legislators, we are sensitive to these charges. As legislators, we should be thinking about putting our own house in order.

Would a smaller legislature be a better one? Could we deal more effectively with legislation? Could we respond more effectively to the changes of proliferation of government, cut back on needless programs, determine real and important needs and find viable governmental solutions? Many of us think so.

It is reasonable to expect that one third less legislators would produce one third fewer bills and contribute toward better drafted bills and a smoother flow of bills through the legislative process. Fewer bills would give each one of us the opportunity to legislate with greater care and deliberation.

Second, the estimated \$634,000 per biennium that would be saved in legislative salaries and expenses could be applied to state programs or it could be applied to increased legislative staff. It could be applied to higher salaries for legislators, whatever the legislature should decide.

Third, each one of us could participate more in the legislative process. The federalist papers warn, "In all legislative assemblies, the greater the number composing them may be, the fewer will be the men who will, in fact, direct their proceedings. The larger the number, the greater will be the proportion of members of limited information and of weak capacities. The people can never err more than in supposing that by multiplying their representatives beyond a certain number, they strengthen the barrier against the government of a few."

Today, I ask you to consider this proposal on its merits. I ask you not to think of how many more miles you will have to travel to campaign or serve your constituents, nor to think of the 3,500 or so more constituents you will gain, nor to think that House reduction might eliminate your seat. I am asking you to think of improving the workings of this legislature. In the words of the prayer this morning, "let all selfish interest be swept away." I am asking you to think of the people of Maine, what they want in a legislature. This is the only way for them to speak, for us to pass this measure by a two-thirds vote out of both houses and for the people to ratify it on referendum. So I ask you to defeat the pending motion and I would like to ask for the yeas and the nays when the vote is taken.

The SPEAKER: The Chair recognizes from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, Members of the House: For some 20 years I have voted for this measure to lower the size of the House, but this morning I have different thoughts. I have had time to think it over, and let me tell you, 20 years ago or even 10 years ago we should have gotten along easily with a smaller House because we had fewer bills and people weren't demanding the services they demand today. It would have been an easy matter to take on more territory, more constituents so to speak. But it seems to me, the trend is in the other direction. The trend is for more service, more bills, and this way it would be impossible to take on more territory and properly serve the people.

I felt very strongly in my early years here that this House should be cut, but I feel just as strongly this morning that it shouldn't be. Now, we have abolished a counsel, that gives us more work. Every indication as I can see is going to get greater as years go on, not less, so I hope this motion is sustained this morning.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Pearson.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: The other day we received on all of our desks, I think, a map of the House districts distributed at the request of

Representative Birt from East Millinocket. If you have that map, it might be nice to take a peek at it because it says something, to me, at least, if you look at the southern part of the state, you have a heavier concentration of population in small districts. If you look at the northern and the western part of the state, you have your larger districts. Now, I am just about in district 79, the last of the small districts going north, with the exception of maybe a couple, one in Millinocket, another one in extreme northern Aroostook county. I can walk from one end of my district to the other probably in about an hour. It is no problem to me and so I have no axe to grind. But I can't help but sympathize with the other gentleman from Old Town, Mr. Gould, who surrounds the area that I serve in district 80 and even going beyond that into other districts down in Washington and Aroostook counties, Piscataquis County and some of the other counties of the state.

I think this is the worst bill that this legislature will address itself to this year, and I say that knowing full well that the Bangor daily news and a number of other papers in the state have been crusading for years to lower the size of the House.

At the present time, we are supposed to be serving 6500 people. Come next apportionment, if the size of the House remains the same as it is right now, we will probably be serving close to 10,000 people apiece, if population trend continues to go up, and so you're going to have added burdens.

Now, if you were to lower the size of the House at the same time, you would have big problems. You would have big problems because your population would have gone up, your area probably would have increased and the gentlelady from Cape Elizabeth indicated that there was some sort of a magical thing about having districts, three districts within a Senate district. Now, I just don't understand that logic, why it would be good to have them self-contained within a Senate district. The gentleman from East Corinth, Mr. Strout, and I are both in the same senatorial district, as is the gentleman from Lincoln, Mr. MacEachern. From time to time we agree with the State Senator from our area and from time to time we do not. I don't understand how this would facilitate good government, it just escapes me.

I don't think that we could respond more effectively to the problems of our constituents if we had more of them. I don't think we could respond to the concerns of our constituents if we had more of an area.

I would just like to read you for a second, if I could, one of the rural districts and number of towns that are in it, as I did in the committee that heard this bill. I hope I am not stealing anybody's thunder. This is district 101 and it includes the following towns: Indian township, Alexander, Charlotte, Codyville Plantation, Cooper, Crawford, Danforth, Grand Lake Stream Plantation, Pembroke, Plantation No. 14 — and there are people in those plantations — Plantation No. 21, Princeton, Robbinston Talmadge, Topsfield, Vanceboro, Waite, parts of southern Aroostook County, Amity, Bancroft, Cary Plantation, Orient, Reed Plantation, Macwahoc Plantation, Orient, Reed Plantation and Weston. And there are, of course, a number of areas where there aren't people. Now I would like to read you, if I could, district number 34, part of Cape Elizabeth.

The SPEAKER: The Chair recognizes the gentleman from Danforth, Mr. Fenlason.

Mr. FENLASON: Mr. Speaker, Ladies and Gentlemen of the House: Not too many years ago, we had a form of entertainment known as continuous movies. As I remember it, we had a newsreel, a comedy, and a feature movie. They started at 2:00 in the afternoon and continued long into the evening. The way we did it, we went into the movie at anytime, sat there until the

same thing came on the screen and we said "this is where I came in" I repeat, this is where I came in in the last session.

True enough, the good gentleman from Old Town stole some of my thunder because at that time, I read off all of my towns — seventeen in Washington County, and nine in Aroostook County, but the good gentleman from Old Town neglected to say that I have unorganized territories of Brookton, Lambert Lake, Forest City, Kossuth and Molunkus. I assure you, these are all important places.

Now, we all have roughly 6,000 people. I assure you, to find my 6,000, I have to travel a long way, something about 140 miles.

I also would say this, that I do not expect to be around here in 1983. There are various reasons why not, one of which I may be six feet under. However, I do recommend that if you pass this bill, and this is the same recommendation I made in the 107th Legislature and you people who are here will undoubtedly remember it, if you pass this bill, you had better pass another one authorizing the purchase of a helicopter so that the representative can see his people about once a year.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Biron.

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: I am amused sitting here, hearing some of you comment on the fact that this is the people's House. Why is it that if this is the people's House, the people themselves, the people who pay the taxes in the State of Maine, the large majority of those people can't afford to run for this House? They work in employment where they can't get a leave of absence for six months. If they should run for office, they come into the House of Representatives, get paid \$3,500. How many employers in this state will welcome them back with open arms? Not too many. I doubt if there are any.

We look around the House here and look at who the Representatives are. How many blue collar workers are there in this House? Think about it. But yet, the blue collar workers are the people who pay the bills for the State of Maine. They are the people who pay the bills, the bottom line. Are they represented? Is this the people's House?

I think the most painful surgery in the world is the type you have to perform on yourself. We talked about sunset legislation and we passed it in both bodies because we say government is inefficient. But yet, we cannot recognize that we are inefficient, and that is the type of surgery that we have to perform.

I think it is time that this House takes time and reflects on this legislation. It is a good bill. It is a bill that will reduce the size of the House. I would be the first to vote for that and I would also be the first to increase the salaries of the members of the House in order to let those people that we supposedly represent in this House, give them an opportunity to run for this office and to speak. Therefore, I urge you to vote against a present motion and vote to reduce the House of Representatives.

The SPEAKER: The Chair recognizes the gentleman from Millinocket, Mr. Marshall.

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: In response to my good friend from Richmond, Mr. Moody, and my good friend from Old Town, Mr. Pearson, I would like to point out that we do not, and I repeat, do not determine representation in this state by numbers of miles traveled, by the number of towns represented by numbers of trees or by any other criteria. We determine representation in Maine by people and that should be our criteria.

I am sure that each town in Mr. Moody's district or any other multi-town district, for that matter, would like to have a representative

from their town and not from neighboring Richmond.

There is nothing magic about 151. It reminds me of a story and I would like to kind of just leave this with you. The young wife just got married, she was cooking a roast, she cut the ends off. Her husband asked her why she cut the ends off the roast. She said, well, my mother did it. Well, finally this got to her so she couldn't really figure out why, so she called her mother and her mother said, her mother had cut the ends off, so finally the daughter wanted to get to the bottom of this. She called her grandmother and said, Gram, how come you cut the ends off the roast? She said the pan was too short.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Gauthier.

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: We have heard the lady, the sponsor of this bill, mention about New Hampshire. I live about 18 miles from New Hampshire, and she mentioned the 400 members in that House, and all we hear in Sanford and the surrounding towns is how effective it is run over there. In fact, I was in a store the other day and I met friends of mine that were neighbors and moved to Massachusetts and I asked them, are you still living in Massachusetts? They said, no, we work in Massachusetts but we live in New Hampshire. We bought ourselves a place in New Hampshire, there are quite a few of us that are doing that because the State of New Hampshire, is much more effective in taxes and many other ways. Also, I understand that not too long ago New Hampshire received an award for being one of the best, effective legislatures in the country.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker, Men and Women of the House: This issue has been debated three of my four previous terms here and I almost decided it is a hopeless issue and was not going to speak on it today, but I do feel strongly about it. I haven't been here 20 years yet, like Mr. Dudley, and I still think it would be better to reduce the size of the House, only on one condition, that we provide better staffing to the legislature. If legislature does not have that, then I think the people of Maine are better off with the 151.

I have stated before that the framers of our Constitution, I think, committed a serious error, in my humble opinion, when they allowed the legislature to determine its own size. The judiciary does not determine its size nor the Executive its size; the legislature, another branch, does that for them.

It should be pointed out I think though, in our original Constitution the people could petition constitutional amendments just as they now do statutory law, but that was changed about the turn of the last century and no more the only way that the people can speak on constitutional amendments is that if the legislature approves it.

I think it is terribly difficult for us not to think of this in terms of political opponents or party realignment of larger geographical districts which require more work, more time and a greater homework, yet, even if approved by the voters, this amendment would not take effect until 1985. I notice that many of you prefer it to 1983, but I looked up in the L.D. and it says 1985, which is four terms down the road. With the 50 percent turnover we have here every session, I doubt if more than 10 or so of us will be running for office at that time, so I think we can look at this issue objectively.

There are several reasons why I think this House is too large. There are five of us for every Senator. We are so crowded in this spacious chamber that we constantly are stumbling over one another. A few months into the session and we are obscured by L.D.'s roll

calls, enactors and various and sundry reports with no place to put them.

One representative for every 6,500 people approaches absurdity. Portland, a city of only 65,000 people is represented up here by 10 Representatives and two and one-third Senators. That is almost overkill. Even at 99 members, Portland would still have six Representatives and two and one-third Senators, and that probably is still too many and I am sure that there is a lot here who think one of us from Portland is one too many.

Our legislative staff is totally inadequate. We can't act upon bills until they are drafted and most of the people who are doing our drafting are also assigned to cover three committees which have been proceeding with hearings. It is little wonder that cloture for bill drafting was only last Friday and that so many bills heard are still in committees and a multitude yet to be heard. We badly utilize our time because of insufficient staff.

In order for the Appropriations Committee and the Finance Office to deal intelligently with close to a billion dollar budget, we should have one program analyst for each executive umbrella of the executive department. While the two people in our Finance Office are doing an heroic job, and that may have been sufficient for the appropriation budget process a few years back, it is totally inadequate for it today. In fact, it borders on the archaic.

There are those here who want to pattern our budget process along the lines recently adopted by Congress, to set priorities early in the session and determine what the percentages of funds will go for what. But I can tell you that that is only going to be a dream until we have additional staff. Although we are better off than we were a few years ago, we still have 184 members who could and need to be better informed. We spend an inordinate amount of time just organizing our desks, putting bills and amendments into notebooks when we should be reading those amendments and bills or finding out what they do.

Well, why do I tie staff into the size of the House? Because you and I both know that staffing costs money, that dollars are scarce and neither this legislature nor any other is going to provide itself that staff unless economies are made elsewhere within the legislature and reducing our number is the only way we have of freeing up a significant number of dollars. Ninety nine members or 93 or 105 would provide better representation and the process could be speeded up and thereby save additional dollars.

You hear that reducing the House will strengthen the lobby. Well, I disagree with that. It will always be easier to work 17 Senators than 50 Representatives. Additionally, you know we have spent a great deal of time lobbying each other. Probably more lobbying goes on between and among ourselves than is done by the professional lobby outside. It is a rather sad commentary, I think, that while I knew every new Senator in a matter of weeks into the session, there are still many freshmen Representatives I still can't identify and it is almost May. It is not uncommon to serve two or three terms here and not know the members of your own party. Who have also served two or three terms. There are those who will say that a large number provides better representation, we are closer to the people, but I have observed that those who make this argument are always the ones who vote against sending this question out to referendum. If the people like the intimacy of small districts, I am sure they will vote to keep it that way.

Finally, there are the rural Representatives who complain about the enlargement of their already oversized districts. There are about 14 states larger than Maine, with less population than Maine and have far fewer Representatives. How do they do it? Are we of less hardy stock

than they are? I guess my answer to that argument would be the famous words of the two great all-American Democrats, Harry Truman and Louie Jalbert—"If you can't stand the heat, get out of the kitchen." Another argument is that rural areas will be gobbled up by the cities, but there are 393 communities in Maine under 2,000; there are only 167 above 10,000. I don't see how that could possibly happen.

If you think the people prefer our present size, what is to be afraid of? Send it out and see your opinion upheld. Let's not be cowards. Let's at least put the question before them to decide and come what may. If they vote yes, the reorganization could be of tremendous and far-reaching value to the state and if they vote no, we could lay this issue to rest for several decades.

The SPEAKER: The Chair recognizes the gentleman from Richmond, Mr. Moody.

Mr. MOODY: Mr. Speaker, Ladies and Gentlemen of the House: As has been previously mentioned and so forth about nobody here is being a coward, I am here to represent the people that elected me. I would like to add, do you think that the State of Nebraska looked around to other states when they adopted the Unicameral Legislature? If you think that is so, and that is just about what we have heard here today, then you are solely mistaken.

In land area, true, I represent two thirds of Sagadahoc County and I am proud of that. I don't represent one half of the City of Millinocket, and like I say, my worry is not about myself at all, it is about the people I represent. I want them to have the best representation possible and I even feel a little guilty myself that I can't do better than I am doing.

Another thing is, and I grant anybody that is in favor of this, most constituents that will come to you and say, I am in favor of this because the first thing that comes to their mind is, good, it is going to cost us less. You are misleading the people, you know you are, because we have already heard it mentioned about having legislative staff, about upping the salaries of legislators, that is fine, but at the same point, you are totally misleading the people. I say, lets have less bureaucratic regulation and not people's representation.

The SPEAKER: The Chair recognizes the gentleman from Hallowell, Mr. Stubbs.

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: I stand here in favor of reducing the size of the House. We have heard people say, oh, this would create such huge, large districts, I don't know how I would get from one end to the other. I would suggest that these people ought to go to some of the larger cities in the state and try to get across them, they would find that they could get clear across their districts in much quicker time than they could from one end of Portland at five o'clock in the afternoon. They have just the same number of people to serve, whether it is a rural district or an urban district and it is just as easy to get around, too.

There is the old theory that, oh, the agricultural, rural interests are going to lose out. Well, I submit that if we reduced the size of the House, the number of people representing rural areas will decrease in direct proportion to the number of people in the urban areas.

I will say one thing, Nantucket and Martha's Vineyard would love to belong to the State of Maine. They would be eligible for not one Representative but more than two right now.

Reducing the size of the House would create effective government. We would have fewer bills, therefore, the legislators would be better informed on the remaining bills. Also, they could speak with much more wisdom when they were talking with their lobbyists. I think this place is a classic example of the theory that the

workload increases in direct proportion to the number of people there are. We hear complaints about filing the papers, the number of papers, etc. — well, just look around, there are 151 of us in here creating that; reduce it and we will all be better off.

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 having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is on the motion of the gentleman from South Portland, Mr. Curran, that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Alopis, Ault, Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Birt, Blodgett, Boudreau, A.; Brenerman, Brown, K. L., Brown, K. C.; Bunker, Burns, Bustin, Byers, Carey, Carrier, Carroll, Carter, D.; Carter, F.; Chonko Churchill, Clark, Connors, Connolly, Cote, Cox, Cunningham, Curran, Davies, Devoe, Dexter, Diamond, Dudley, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowle, Garsoe, Gauthier, Gill, Gillis, Goodwin, H.; Gray, Hall, Hickey, Higgins, Howe, Hunter, Hutchings, Immonen, Jackson, Jensen, Kane, Kelleher, Kerry, Kilcoyne, LaPlante, LeBlanc, Lewis, Lizotte, Locke, Lougee, Lunt, Lynch, MacEachern, Mackel, Mahany, Martin, A.; Masterman, Maxwell, McBreairty, McHenry, McKean, McMahon, McPherson, Mills, Mitchell, Moody, Nadeau, Nelson, N.; Peakes, Pearson, Peltier, Perkins, Plourde, Post, Prescott, Raymond, Rideout, Rollins, Silsby, Smith, Stover, Strout, Talbot, Tarbell, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Truman, Valentine, Whittemore, Wilfong, Wood, Wyman, The Speaker.

NAY — Biron, Boudreau, P.; Dow, Goodwin, K.; Gould, Green, Greenlaw, Henderson, Huber, Hughes, Jacques, Joyce, Laffin, Marshall, Masterton, Morton, Najarian, Nelson, M.; Norris, Peterson, Quinn, Shute, Spencer, Sprowl, Stubbs, Trafton, Twitchell.

ABSENT — Drinkwater, Hobbins, Jalbert, Littlefield, Palmer, Tyndale.

Yes, 117; No, 28; Absent, 6.

The SPEAKER: One hundred seventeen having voted in the affirmative and twenty-eight in the negative, with six being absent, the Majority "Ought Not to Pass" Report is accepted.

Sent up for concurrence.

The Chair laid before the House the sixth tabled and today assigned matter:

HOUSE DIVIDED REPORT — Majority (8) "Ought Not to Pass" — Minority (5) — "Ought to Pass" as Amended by Committee Amendment "A" (H-180) — Committee on State Government on RESOLUTION, Proposing an Amendment to the Constitution Reducing the Size of the House of Representatives to 132 Members and Establishing the Size of the Senate at 33 Members (H. P. 85) (L. D. 105)

Tabled — April 21, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Acceptance of either Report.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Curran.

Mr. CURRAN: Mr. Speaker, I move that we accept the Majority "Ought Not to Pass" Report.

I am not going to belabor this. I stand opposed to it for the same reasons that I stated when we debated the last item. I really think that during the last debate, and many of the issues will