

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Ninth  
Legislature***

OF THE

**STATE OF MAINE**

**Volume I**

**FIRST REGULAR SESSION**

**January 3, 1979 to May 4, 1979**

caucuses until we met in January. I think if we could have had our caucuses in December and finalized our actions and decided who the Speaker was going to be and who the President of the Senate was going to be, I think this more particularly applies to the situation of the Speaker because of the closeness of the division between the membership of the two parties in the House, but I think if we could have finalized the selection of the Speaker, we would be two or three weeks further ahead than we are right now. I don't think there has ever been a better example of the early convening than what could have been done this year.

The concept was sent out to the people and I think it was adequately discussed. I am not convinced that the people in the State of Maine don't know what is going on in the legislature. For many years, I worked in the mill. The one thing that always amazed me was the tremendous amount of reading that people do in the newspapers, because sometimes little insignificant, trivial items that probably you wouldn't think amounted to a great deal, somebody would comment on them. I am convinced that the people have a pretty good idea of what is going on. I am convinced that the people knew what they were doing when they voted on this. I am convinced that they are satisfied that it was worthwhile. Several papers in the state editorialized in favor of it.

It is also interesting that last year when this was presented to the Legislative Council, the Legislative Council, and the minutes of the Council do show this they endorsed the early convening unanimously. Every one of the membership was there and every one of them endorsed it, so it is kind of hard to find now some of the members of the Legislative Council have reversed themselves and are going in the other direction.

I think the motion to indefinitely postpone this particular item is the proper motion, and I hope you will agree with it.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I can assure the gentleman from East Millinocket that my adrenalin is not flowing in the least. It was flowing enough through him up in the Appropriations Room a few years ago, and we don't have to go into the adrenalin flowing now, although I am going to revert back to it because I know he has got a good sense of humor. I have cried with him when he has had his sorrows and I have laughed with him when he has had his good comings. As a matter of fact, I am yet to forget a note that I wrote to him a couple of days before we adjourned and I think he showed it all through the election to everybody who lived in East Millinocket, so he has got to have the same sense of humor that I have. He put his finger right on it.

I told you we got off to a wrong start. We got off to a wrong start because we had one member short and he just didn't vote, that is all, he wasn't here. If we had had four or five more recounts, how are you going to vote? The election is the first Tuesday in November and if we have got five, six or seven recounts pending, how are you going to elect your leadership until such time as you elect your membership? That is impossible.

There has got to be, and I have always said it, that anytime I get into a debate, there has got to be some levity. I think you have been debating this quite awhile. I think probably I have talked long enough myself, and the Speaker is smiling and I agree with him, but I have got to get this in. The good gentleman from East Millinocket has been really and truly a true friend of mine. He is a dedicated legislator, he is sincere, he is truly honest, but he is running true to form today. It was my pleasure to serve with him on the Appropriations Committee for three or four terms. Believe me when I tell you this just as we are already to make the motion, or

the motion had been made, we were already to raise our hand to send the bill out to the printers, my very good friend used to say, you know, there is a little something that is bothering me about this. Could we hold it up for a day or two, Mr. Chairman? He never failed to do that and he never failed to get knocked down, and I hope he gets knocked down this morning, too.

The SPEAKER: A roll call has been requested. For the chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote 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 Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I am the member of the Legislative Council that the gentleman from East Millinocket was referring to. I won't take much of your time, but I was also a member of the study committee. I am double whammy because I am a member of the committee from which this recommendation came. Now, I would like to have him make you look real bad today by going along with the gentleman from Lewiston. I have just checked in my book and I find that on December 20, L. D. 16 had been filed, so you would be in here, assumedly, before that time and set up your 19 committees to get an early start and they would have 16 L. D.s on the basis of the performance last year.

I did, I served on the committee that formed it, I felt uneasy about it. I had half a mind that when it came up I might say a word or two against. But you have all heard that this came up and went through without any of us really knowing what was happening. And in regard to Mr. Cox's remarks that we will lose our credibility if now we change our minds, I think this is what people expect politicians to do, to not dare to change their minds. I suggest our credibility will be enhanced if, having found a mistake and believing it to be one, we do change our mind and change our vote, and I hope that is just what we will do right now.

The SPEAKER: The Chair recognizes the gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker and Members of the House: I, too, served on that legislative committee and I felt reservations at that time and I think I expressed them very well. I have no problem with electing the constitutional officers, but I don't want to be down here in the month of December when it is time to sell Christmas Trees. I made it very clear and I expressed it to the people back home and they all agreed with me. They must have because they keep sending me down here.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Brewer, Mr. Norris, that L.D. 7 and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Alopous, Baker, Barry, Benoit, Berry, Berube, Birt, Blodgett, Boudreau, Brannigan, Brennerman, Brodeur, Brown, A., Brown, D.; Bunker, Carroll, Cloutier, Conary, Connolly, Cox, Curtis, Davies, Davis, Diamond, Doukas, Drinkwater, Dutremble, D., Fillmore, Fowlie, Gavett, Gould, Gowen, Gray, Gwadosky, Hickey, Howe, Huber, Jackson, Jacques, E., Jacques, P., Joyce, Kane, Kany, Laffin, LaPlante, Lizotte, Locke, Lowe, Marshall, Martin, A., Masterton, McKean, McSweeney, Michael, Nelson, M., Norris, Paradis, Paul, Payne, Peltier, Prescott, Reeves, P., Rolde, Silsby, Small, Sprowl, Tierney, Tozier, Tuttle, Twitchell, Violette, Vose, The Speaker.

NAY — Austin, Bachrach, Beaulieu, Bordeaux, Bowden, Brown, K. L.; Brown, K. C.,

Call, Carrier, Carter, D.; Carter, F., Chonko, Churchill, Cunningham, Damren, Dellert, Dudley, Elias, Fenlason, Garsoe, Gillis, Hall, Hanson, Higgins, Hobbins, Hunter, Immonen, Jalbert, Kelleher, Kiesman, Lancaster, Leighton, Leonard, Lewis, Lougee, Lund, MacBride, MacEachern, Mahany, Masterman, Matthews, McHenry, McMahan, McPherson Mitchell, Morton, Nadeau, Nelson, A., Nelson, N., Pearson, Peterson, Post, Reeves, J., Rollins, Roope, Sewall, Sherburne, Simon, Smith, Soulas, Stetson, Stover, Studley, Tarbell, Theriault, Torrey, Vincent, Wentworth, Whittemore, Wood, Wyman.

ABSENT — Dexter, Dow, Dutremble, L., Hughes, Hutchings, Maxwell, Strout.

Yes, 73; No, 71; Absent, 7.

The SPEAKER: Seventy-three having voted in the affirmative and seventy-one in the negative, with seven being absent, the motion does prevail.

Sent up for concurrence.

#### Orders of the Day

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

The Chair laid before the House the following item of Unfinished Business:

HOUSE DIVIDED REPORT - Majority (7) "Ought Not to Pass" Minority (6) "Ought to Pass" as amended by Committee Amendment "A" (H-52) - Committee on State Government on Bill "An Act to Provide for an Advisory Referendum on Reducing the Number of Members of the Maine House of Representatives from 151 to 99 Members" (H. P. 256) (L. D. 301)

Pending—Acceptance of Either Report.

The SPEAKER: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker, I move acceptance of the Minority "Ought to Pass" Report and would request a roll call.

The SPEAKER: The Chair recognizes the gentlewoman from Augusta, Mrs. Lund.

Mrs. Lund: Mr. Speaker, Ladies and Gentlemen of the House: After the previous discussion on the results of the referendum, I am not so sure that I ought to speak to this.

Although this is my first session in the House, I have been aware for many years that there has been public discontent with the speed and efficiency of this body. Now that I am here, I understand it much better. I also appreciate some of the reasons for it.

One method of increasing speed and efficiency would be to reduce the number of persons who serve within the body who need to be persuaded to support or defeat any issue. However, it is extremely difficult for members of the legislature to vote to reduce their own numbers. It means, perhaps, eliminating your friend or maybe even you, yourself, who has just arrived here. However, it would seem important to find out whether there is strong public sentiment of reduction in the size of the House. If there was, I would feel obligated to respond to that concern through reducing the size of the House by a constitutional amendment. If it is a low priority item with Maine voters, then I would favor remaining the same size as we are now.

Therefore, I would urge you to send this out for a question to the voters, whether they would like to see the size of the House reduced.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House:

This is a bill that comes up every year and this is a bill that when I came to the House originally, I supported, as I think most Freshmen do, but as I grew to know this House and understand its actions, I have changed my mind and I do not favor the bill anymore.

Yesterday, the Democrats in the House and

the Republicans in the House both caucused on this particular item: it was one of the topics of discussion. During the caucus of the Democrats here in the hall of the House, the gentleman from Eagle Lake, Mr. Martin, made an interesting point. Probably with the next reapportionment of the Maine Legislature, his particular county would, because of population having failed to grow as fast as some other areas of the state, probably lose two seats; that, coupled with lowering the size of the House, might very well mean four seats.

I have sent a number of notes around the House today to find out how many people in the House are from different counties. I would just like to give you a little bit of that. There are fourteen here from Aroostook; there are seven from Somerset; six from Oxford, and I was amazed to find in Oxford that there is at least one very huge district; five from Hancock; five from Washington; four from Franklin; four from Waldo and two and a half from Piscataquis. I mean by that that they share representatives and some of the other counties do too. Interesting enough, the gentledady from Lincolnville, Representative Huchings, as I understand it, represents a district that is in three different counties. There are lots of people in here who have districts in two different counties. Mr. Rollins from Dixfield has his district from Franklin and Oxford. As a matter of fact, the county line runs right through his house. So, some of the districts in Maine are huge geographically.

The bill that we have before us calls for a referendum to ask the people their opinion. I consider this to be a big-city bill. I think the big cities are the ones that are going to gain from this if it ever is passed. I think it is a rural versus urban type of an issue, and I oppose putting it out to referendum, an advisory referendum, for a couple of reasons, one of the reasons is that I think increasingly over the last several years, when we send something out to referendum to the average guy on the street, in many, many cases it comes with a sort of stamp of approval on it. Some people will say, well, if you thought enough of the bill to send it out to referendum, there must be something to it. I don't want to give my stamp of approval to that type of legislation because I don't think it is a wise thing to do.

Now, the gentledady from Augusta, Ms. Lund, had just told you that this is a bill that is designed, if it were passed and we enacted it, to provide speed and efficiency in the House. I think we should always realize that we are supposed to be slow and deliberate. This is not supposed to be a rush job in Augusta. Legislation is supposed to be well thought out. Any of you who were here in the last several days of any legislative session well know that when the bills all come piling in here all at once, the speed and efficiency that I think she is talking about is not a wise thing to have.

We must resist the temptation that is put in front of us, I think, by some of the newspapers of this state who have been calling year after year for lowering of the size of the House. It seems to me that the big daily newspapers are city newspapers who have somewhat of a myopic view of how the state ticks. They see their perspective from Portland, they see their perspective from Lewiston, they see their perspective from Bangor.

Now, if you have a referendum that goes out to the people of those same papers, they are going to be beating the drum to ask people to vote for this. There isn't going to be, I think, enough of a counter-balance of propaganda—that is the wrong word on the other side of the issue.

Just to give you an example, as I did last year, of how big districts are, I want to read to you one legislative district and it is not the largest geographically. This happens to be the district of the gentleman from Danforth, Representative Fenlason, whose people are here in

the balcony. He represents Indian Township, Alexander, Charlotte, Codyville Plantation, Cooper, Crawford, Danforth, Grand Lake Stream Plantation, Pembroke, Plantation #14, Plantation # 21, (there are people there) Princeton, Robbinston, Talmadge, Topsfield, Vanceboro, Waite and parts of southern Aroostook County — Amity, Bancroft, Cary Plantation, Glenwood, Haynesville, Macwahoc, Orient, Reed and Weston.

The person that is sponsoring the bill represents part of Portland.

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

Mr. FENLASON: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate greatly the effort of the gentleman from Old Town in reading that long list, because I am sure if I had to read all that and a few things more that I have to say, my voice might play out.

It is very true that I represent 26 towns, 17 in Washington County and 9 in Aroostook County, and that is not all. Besides that, in Unorganized Territories, I represent Brookton, Lambert Lake, Forest City, Kossuth and Molunkus and, believe me, all those places are important, not many people but they are important places.

This is the third time that I have addressed this particular bill on the floor of the House. The people who were here in the 107th and in the 108th, I am sure, really don't want to be bored by my same speech, so I am not going to say many of the things which I said before.

I do remember that last year I made an allegation to the old time movies and some of you can remember them, where you went to the movies, you went in and sat down, you could start in the middle and you would wind up in the middle and when that middle came around again, you would say, this is where I came in and you would leave. I would repeat once more, this is about where I came in. I have gone over this so many times that I think perhaps in the future I should have a tape recording or a broken record or something made so that this could be rehashed and rehashed again and again.

I am very much opposed to this bill, because I think it takes the distribution as it should be away from the people in rural areas, not only in my district but in that represented by the good gentleman from Enfield who also has sixteen towns to represent.

I would make one more point. I really don't believe that we need an advisory referendum. I think that we in this House should be able to make up our minds on this bill.

Mr. Speaker, at this time I would move that this bill and all its accompanying papers be indefinitely postponed and I would ask for the yeas and nays.

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

Mr. DUDLEY: Mr. Speaker, Members of the House: I feel a little out of place to speak in favor of this bill being indefinitely postponed because quite a few times in this House I spoke for it. But I suspect as I grow older and my legs grow weaker, I don't think my district should be extended.

I also can visualize, having been here and seeing how lobbyists operate, that if you make this bill very convenient for them, they would have less people they would have to corner to persuade them into a different decision that they might have had in mind.

Most of all, having been on the Council of State Government, having traveled and met with many other legislators, especially the ones in the West where they have a small legislature, I noticed this, and I wouldn't want Maine people to be confronted with it. They have professional legislators, mostly lawyers.

They are strictly out of touch with their people. As far as I could see, they were in touch mostly with lobbyists. Their bills were all dealt with in the terms of what the lobbyists wanted and I think, in most cases, they lost sight of the

people.

I also see New Hampshire, which has even more than us, and I think they are closer to the people and from this day on, I oppose making this House smaller. These are my chief reasons.

I think the gentleman from Old Town, Representative Pearson, did an adequate job in covering it, so I am not going to waste your time going into great detail about it, but I think there is enough before you now so you can properly make up your mind that this House should not be made smaller in size.

I will just reiterate once more that I think it makes it too convenient for the lobbyists. It takes the government away from the people and this is not what I am here for. I like to see the people have as much say as possible. It is their government and I see no reason to be in a haste about passing legislation. I don't like to do anything hasty, I like to take my time. I am from back on the farm and we do take our time and don't get excited about these current events that come up and need a quick decision. I hope we don't make a quick decision this morning, but make a satisfactory one by indefinitely postponing this bill.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I have two points that I want to make here. The first one is the question of the districts and the size.

When I was in Denver this summer on a fisheries matter, Denver being a strange place to go for a fisheries matter, I met a Senator by the name of Clem Tilliam from Alaska, he is a state Senator. Clem represented 30,000 people but his district was the size of the state of Oregon. I don't know how Maine compares to Oregon but it was a big district. I would point out from that, though, that he also had a private plane at his disposal. He probably had dog sleds in the winter and most of the people had gathered along the coastal area but he still had trouble reaching his constituency. I think we want our representatives as close to their constituency as they possibly can get, whether they be in a city or whether they be rural.

The second point I would make is on the referendum. This seems to be referendum day at the legislature. We have debated one bill already that dealt with a referendum and we didn't like the outcome so we want to try it again. In this case, we are going to put one out that we are not even going to be bound by but would like to throw it out and see what the people say and then we will try and make up our minds, either ignoring them or paying attention to them, as may suit our mood at the time.

I think the present system is good. I think we want to keep the people close to their representatives and I don't think we need an advisory referendum.

The SPEAKER: The Chair recognizes the gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I, too, am opposed to cutting the size of the House. When I go back to my district every two years I have noticed an increase of over 200 new families. Most of these families coming in are bright people. It never ceases to amaze me yet how much intelligence that they have brought into the area and how much I have learned from them. I hate to deny them the right of not continuing to contribute to our form of government. Some of the questions that I have asked them, they like to have a chance to answer some of these.

A little while ago I voted not because I believe in the death penalty but I believed very strongly that the people should have a right to vote on that. In my district, to get the people back to having an interest in government, the way I found it to be is to motivate them through questions and answers and ask them if they want to be part of the referendum. I have had

no problem with that so far.

What I am going to say to you people is that I have at this moment no problem whether we will have Democrats or Republicans here, because I am going to work to be their next legislator whether we cut the size of the House or not. I bet you a dollar that I will be here if I want it bad enough. So, my feeling is that I feel very strongly that sooner or later, and sooner might as well be now and let the people have a chance to decide on this.

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

Mr. TUTTLE: Mr. Speaker, Ladies and Gentlemen of the House: I am in favor of L.D. 301 in that it will provide, if passed, an advisory referendum for the voters to decide on the size of the House.

After taking a poll of my district and talking to many of my constituents and receiving overwhelming support for this bill, I recommend that you give it your fair consideration.

The key, in my opinion, after listening to the debate, is letting the voters decide and not arguing about our own personal interest, for the outcome in that case is obvious regardless of the political implications. This is not a new issue to come before the House but it is a new approach, so I recommend that you vote against indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I have always been an opponent of reducing the size of the House and nothing that I have heard so far in this debate has led me to change my mind.

In 1820, at the Constitutional Convention that was to give birth to our governmental system in Maine, they haggled for days over the question of the size of the House of Representatives. The small towns wanted an extremely large body, 300 to 400 members, on the order of the New Hampshire House, while the large cities pushed for 100 members or less. That dispute, as we all know, ended in a compromise of 151 members. It has served us well for 159 years. As far as I know, during that time, the small town members have never sought to revert to their original desire for a larger body than now exists. In other words, they have adhered to the compromise. This has not always been the case on the other side of the aisle.

Repeatedly during the last few sessions, there have been attempts to reduce the size of the House. The latest has been fueled by a series of editorials in the newspaper of the state's largest city. In fact, the legislature has been told in no uncertain terms to drop the foolish idea of an advisory referendum and get on with the real business of sending a constitutional amendment to the voters to reduce the House by a third. Because of the action of the State Government Committee, the only option open to us is this advisory referendum.

I feel that I must point out that this has suffered a critical change since it was formulated by the young gentleman from Portland, Representative Doukas. His original idea had a touch of originality about it. He would not ask the voters simply, do you favor reducing the size of the House to 99 members? He added, at the same time, would you be willing to raise salaries of the 99 who are left? The figure that he included was \$8500 for the first year of the biennium plus what we now receive in the second year. At least Mr. Doukas was not going to pander the anti-governmental feelings supposedly right among the electorate and allow them to gleefully swing their broad swords and slash away at the full 52 positions in this body for the simple joy of cutting. He was putting it to them that there was supposed to be a tradeoff, less representatives but also more money and resources for the survivors. The committee, in Committee Amendment "A", struck away the pay increase provision.

Should this bill survive, and I hope that it

doesn't, I would offer an amendment to restore the advisory referendum to Mr. Doukas' original intent. If the proponents of the House reduced in size claim that it will bring better government, then they should offer it to the people not as a simplistic, economy measure but as a way to put more resources at the disposal of the legislators. However, I agree with many of my colleagues that in the interest of preserving a constitutional balance in government that is closer to the people, it is undoubtedly better to offer nothing at all.

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: It has been mentioned here today that we should get some advice from our constituents, and last night I had the pleasure of attending a supper that the Farm Bureau gave us and this is their feeling on the reduction of the size of the House. "We oppose the reduction of the size of the House of Representatives because it would lessen the representation of the rural areas. Agriculture, the producer of food, needs strong representation to enable it to remain efficient enough to continue the ability of one farmer to feed himself and 60 other people." I think this is a very good reason.

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

Mr. BIRT: Mr. Speaker and Members of the House: There is one other area in this whole debate that hasn't been covered. It probably is one of my more serious concerns. Several times there has been before this legislature a constitutional amendment to allow petitioning by the people for changes in the Constitution. For many, many good reasons, this has been continuously turned down.

I think if we send out a referendum of this type to the people, we are, if not violating the Constitution, violating the spirit of the constitution and using an initiatory referendum, using the referendum process as a recommendation to initiate changes in the Constitution. If this was successful in this attempt, it could be the guideline or direction for other attempts in later years.

I think we should give serious thought to whether we want to go in this direction, to allowing a referendum to go out to the people to change the Constitution. I think this is probably a concern that bothers me as much as anything else in this whole debate.

I think if the question were asked of the Attorney's General Office or the court, is this bill constitutional or not, I think probably they would rule that it is constitutional, but I think it is violating the spirit of the constitution and I do hope that the indefinite postponement motion fails.

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Masterman.

Mr. MASTERMAN: Mr. Speaker, Men and Women of the House: I want to talk about common sense for just a moment. It was my good fortune last year to sit in both the Assembly and the Senate of the California Legislature, and one of the gentlemen that I was very impressed with was Senator Bill Richardson. This very matter that we are discussing now, the size of the legislature in the State of Maine, was brought up, and he told me that he thought we should be very proud of our legislature in the State of Maine because he thought it was a people's legislature. He said that it is impossible for them, after election, to truly represent the people because they have so many constituents that they had to depend completely on their aides and their aide money was the same amount that they had for their legislative salary, which was interesting. So, what we would be doing is making the legislature cost more and lose good contact with the people in these tremendously large districts.

It is my understanding from the Law Library that my particular district is the largest geo-

graphically in the State of Maine with all that northern section of Unorganized Territory of Piscataquis and the southwestern territory plus all the towns.

Senator Richardson said that he hoped we had the good common sense in the State of Maine to keep our legislature at the same representation numerically to the people that we had now and not go professional, because he thought that that was exactly what had happened in California, that they have a professional legislature.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: The good gentleman from Old Town, a while back, seemed to indicate that this was a bill of the big city versus the rural, and being from the thriving metropolis of the greater Portland area, I wanted to allay his fears that at least I, as one member of my party did not go along with that bit of reasoning because I have opposed reducing the size of the House and I intend to again today.

Today we aren't really discussing whether the House should be lowered, we really are discussing whether or not we should send it out to the people. This, to me, is not really an adequate issue to be deciding.

This referendum would not be binding on the legislature, needless to say. It is different from the bottle bill, because that was legislation that took effect when it was passed. It is different from the UPT, when we repealed the Uniform Property Tax that took effect once it was passed by the people. So I submit to you today that sending this out to referendum, if it comes back 60 in favor and 40 against or vice versa, I would say, so what? Is that going to change any one of our minds in this House? I would doubt it. I think we are still going to vote the way we feel for whatever reason it might be.

If we want an advisory referendum on the way the people feel, ask them. I have asked my people and I don't think that sending it out to a statewide referendum is going to amount to an awful lot, at least as far as we are concerned, because we have to come back here and try to get two-thirds to vote in favor of a constitutional change, which we have not been able to do.

So, I guess I would say that I feel we have the cart before the horse here today. If we want to have a referendum on how the people feel, then first we ought to follow the rules of the Constitution, pass it by a two-thirds majority in both Houses, then send it out to the people for an advisory referendum. This is a new twist but it is even less than before because it doesn't amount to anything as far as I am concerned.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: That was a good speech that the gentleman from Scarborough made. I think I will make the same one but argue on the other side. I, also, am not from a metropolitan area and I am cosponsor of this measure and being in the same party, there may be some rationale there.

I would like to point out that oftentimes the members of this body do not see things in the same way as the general population.

If I recall correctly in the 108th, there were 34 members who voted for the repeal of the Uniform Property Tax and I was one of them. We couldn't get it out of this body. However, when it went to referendum by the people's initiative, it passed strongly.

I am convinced that this measure will never pass from this body, and I am not so sure the arguments raised here are the arguments which are, in fact, behind the obstruction of this. We represent people, not trees, districts, numbers of miles or anything else. I represent the same number of people that the gentleman from Danforth, Representative Fenlason, represents. We all do, basically, given 5 percent one way or the other.

I have run polls in my district and my people are in support of reducing the House of Representatives. I don't know how many others have had similar polls.

I sponsored a bill two years ago to reduce the House to 132 members, and I support and am a cosponsor of this measure, asking at least that the legislature solicit the opinions of the people whether or not it should be reduced, because we are not going to recognize truth or fact because we determine truth or fact in our own manner as benefits our own positions here in the legislature.

I heartily recommend that we defeat the motion to indefinitely postpone.

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

Mr. DOUKAS: Mr. Speaker, Ladies and Gentlemen of the House: This is a tough issue to debate in this House. It is hard to pass judgment on one's self and in essence that is what this bill calls for.

I am the sponsor of this bill and I rise to debate this bill, not a bill calling for the reduction of the House. I am sorry to see that the debate has followed that line more so than looking at what the bill calls for, because that is what I want to do. I want to go out and ask the people of this state, do you want the House reduced? I am not sure they do. I don't think anybody here is sure they do or is sure that they don't. I would like to see the bill debated on those merits.

It comes up, as many have pointed out, in every session of the legislature. I think it is time that we find out if we are beating a dead horse or there is something there and this is one way to do it. It is not a binding referendum. All it is is a public opinion survey. If there is any other question on a ballot, this doesn't cost us anything. It is put on and it rides.

The Democrats have called this a Republican bill and the Republicans have called it a Democratic bill. I submit to you that it is a non-partisan bill. It is supported by many good, non-partisan groups. Common Cause supports this idea, the Legal Women Voters supports this idea.

Are we afraid to listen to the voters on this issue? Is this a sacred cow? I am not even asking you to trust our voters on this issue. I just want you to listen to their opinions.

I look forward to seeing how those who voted on the death penalty, who wanted to send that out to referendum, who wanted to allow the people to consider whether they wanted to send people to their death, how are they going to vote on this issue going out to referendum that merely asks them, do you want the legislature to stay the same size?

One final note—many people have come up to me and said, I voted for that when I was a Freshman but I have been here for a few years now and I know better. I want you to look at that very carefully and see, does that make sense? Are we here for a few years and then do we forget what it used to be like? I hope not.

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I think I am more mature. Recently I rounded 60 years old, and in the course of developing a little maturity, I discovered that the referendums that we were putting out to the public were having too many referendum questions on the ballots. We are getting ballots that are like rolls of paper. Too many questions create confusion to the public. Let's keep the referendum questions down. Let's keep them down to something that is very sacred, bond issues or something of that nature. Let's not go out doing public polls in referendums and that is all this is, a public poll. I don't believe that that is the intent of referendum questions and I don't care whether you are from the city or from the country, because us country folks are used to you city slickers trying to put one over on us, so we come

down here armed for bear and we don't go home with any bear.

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

Mrs. PAYNE: Mr. Speaker, Ladies and Gentlemen of the House: I am a city slicker from Portland, probably representing one of the smallest geographical areas of anyone in this room. I couldn't agree more with the gentleman from Old Town, the gentleman from Scarborough and I think that for real representation in this state, we should keep the number just as it is.

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Masterman.

Mr. MASTERMAN: Mr. Speaker, Ladies and Gentlemen of the House: Before we take this vote, I would just like to present one question to you — how in the world can the citizens of the State of Maine vote intelligently on a matter such as this when they have never sat in the legislature?

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of 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 Chair recognizes the gentleman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: This is probably the type of bill that any rational chairman of the committee would sit down and keep quiet, is that right?

Sometimes I think you just have to stand up and be counted on what you believe. You also have to make a few comments on some of the statements that are made on the floor of the House. For instance, I am sorry, but I disagree with Representative Masterman very strongly. I feel that the people of the State of Maine are perfectly capable of making some sound decisions on just about any measure, and they don't need to get facts in this body in order to make a good decision.

Something else that you said a little earlier, too, I would like to comment on that California legislature. I would like you all to know that the legislators of California represent more people than they would if they were in Congress. So we are hardly taking about going to that type of representation. It is not really a very positive analogy from my point of view, and I have sat here just for a few years, haven't been around as long as many of you have and some things I don't remember. I don't remember those old movies, no question about it, but I do remember voting on this particular issue a number of times, and to tell you the truth, I am kind of sick of it. I am tired of the debate and I am sure that anybody who has been here for a while is.

I am hoping that this particular measure will pass just so we can finally find out once and for all if the people of Maine really support reduction of the size of the House. I voted for it, but to tell the truth, I don't feel that strongly about it, never have, don't really care. I don't know if it really makes a big difference or not, but I do think that the people should be given an opportunity to let us know what they think. This is the only way that they could let us know unless we did pass a constitutional amendment getting a two-thirds vote in each body here in the legislature, and obviously no way are we going to do that, where very few votes ever did come forth supporting either reduction of the size of the House to 132 or 99.

This is our only opportunity. Our Constitution does not allow citizen initiative for changing the Constitution, and this is creative. We have not had this measure before us, Representative Pearson. There have been a number of inaccuracies like that stated here. This is creative and it is an opportunity for the people of Maine to speak. Obviously, there isn't a lot of support.

We know who supports reducing the size of the House and who doesn't, but I hope you will give the people an opportunity to speak.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I have been in this body since 1969. Approximately one third of it is turned over every two years. I would say that I have served with over 500 different new people since I have been here in 1969, and I would like to inform the gentlelady from Waterville that that is a fair representation of the people of Maine based on the variety of districts, philosophies and so on.

I would say that the legislature itself has initiated a public referendum at least since 1969 in their feelings towards reducing the size of the House, and if we do reduce the size of the House, then I would say to some of my good friends from the rural areas, the cities would be picking up a lot more visible support in this body than they have today.

I would urge the House, based only on the few years that I have been here and the large number of people that I have served with and who have been replaced and people have come in to represent them, that they, in fact, have given wisdom enough over the past legislatures to what the public referendum is in concern of reducing the size of the House.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Danforth, Mr. Fenlason, that this Bill and all its accompanying papers be indefinitely postponed. All those in favor of indefinite postponement will vote yes; those opposed will vote no.

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

Mrs. MASTERTON: Mr. Speaker, I would like to pair my vote with Representative Hutchings of Lincolnville. If she were here, she would vote yes and I would vote nay.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MAC EACHERN: Mr. Speaker, I would like to pair my vote with the gentleman from West Gardiner, Mr. Dow. If he were here, he would be voting nay and I would be voting yes.

#### ROLL CALL

YEA — Alopis, Austin, Bachrach, Baker, Beaulieu, Berry, Berube, Birt, Blodgett, Bordeaux, Boudreau, Bowden, Brennerman, Brodeur, Brown, A., Brown, D., Brown, K. L., Brown, K. C., Bunker, Call, Carrier, Carroll, Carter, D., Carter, F., Chonko, Churchill, Cloutier, Canary, Connolly, Cox, Cunningham, Curtis, Damren, Davies, Davis, Dexter, Drinkwater, Dudley, Dutremble, D., Elias, Fenlason, Fillmore, Fowlie, Garsoe, Gillis, Gwadosky, Hanson, Hickey, Higgins, Howe, Hunter, Immonen, Jackson, Jacques, P., Jalbert, Kane, Kelleher, Kiesman, Laffin, Lancaster, LaPlante, Leighton, Leonard, Lewis, Lizotte, Locke, Lougee, Lowe, MacBride, Mahany, Martin, A., Masterman, Matthews, Maxwell, McHenry, McKean, McMahon, McPherson, McSweeney, Michael, Mitchell, Nelson, A., Nelson, N., Paradis, Paul, Payne, Pearson, Peltier, Peterson, Post, Prescott, Reeves, J., Reeves, P., Rolde, Rollins, Roope, Sewall, Sherburne, Silsby, Simon, Small, Smith, Soulas, Stetson, Stover, Studley, Tarbell, Theriault, Tierney, Torrey, Tozier, Twitchell, Vincent, Violette, Vose, Wentworth, Whittmore, Wood, Wyman.

NAY — Barry, Benoit, Brannigan, Dellert, Diamond, Doukas, Gavett, Gould, Gowen, Gray, Hall, Hobbins, Huber, Jacques, E., Joyce, Kany, Lund, Marshall, Morton, Nadeau, Nelson, M., Norris, Sprowl, Tuttle.

ABSENT — Dutremble, L., Hughes, Strout.

PAIRED — Dow-MacEachern, Hutchings-Masterton.

Yes, 119; no, 24; Absent, 3; Paired, 4.

The SPEAKER: One hundred nineteen having voted in the affirmative and twenty-

four in the negative, with three being absent and four paired, the motion does prevail.

Sent up for concurrence.

The Chair laid before the House the following item of Unfinished Business:

HOUSE DIVIDED REPORT — Majority (11) "Ought to Pass" as Amended by Committee Amendment "A"; (H-54) — Minority (2) "Ought Not to Pass" — Committee on Transportation on Bill "An Act to revise the Service charge for Local Vehicle Registration Agents" (H. P. 147) (L.D. 150)

Pending — Acceptance of either Report.

On motion of Mr. Carroll of Limerick, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-54) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

The Chair laid before the House the following item of Unfinished Business:

HOUSE DIVIDED REPORT — Majority (10) "Ought Not to Pass" — Minority (2) "Ought to Pass" as Amended by Committee Amendment "A" (H-49) — Committee on Labor on Bill, "An Act to Exempt Small Businessmen from the Workers' Compensation Law" (H. P. 25) (L. D. 42)

Pending — Acceptance of Either Report.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Wyman.

Mr. WYMAN: Mr. Speaker, I move the Majority "Ought Not to Pass" Report be accepted.

The SPEAKER: The Chair recognizes the gentleman from Kingfield, Mr. Dexter.

Mr. DEXTER: Mr. Speaker and Members of the House: I would request a division. After this morning, I kind of hesitate to stay here too long. I am an uneducated woodsman and after some of these things I have observed, but this particular problem I have lived, so I feel qualified to speak.

I am on the lower end of the divided report. It doesn't seem to make any difference. Even when I am on the consent calendar someone takes it off, but that is another story.

The only opposition to this bill came from the AFL-CIO, which is understandable. I don't understand their concern. It is only five employees or less. I don't know of any union that represents five or less.

The second one in opposition was a lawyer, and his suit was nowhere near as threadbare as mine, I can assure you, and it turned out that he handled compensation claims.

The other gentleman got up and said he represented a local, made \$400 a week, and he also was a small businessman, ran a tavern. Come to think about it, he said, "I don't run it anymore." He was complaining because he only got \$200 a week compensation, he was laid off.

Of course, the opponents immediately used scare tactics in our work session. I use them myself, as you know. Of course, immediately they know I am a lumberman and they said, what about the poor man that cuts his leg off with a chainsaw? Well, in the first place, that chainsaw probably will cut that leg whether the man had insurance or not. I don't imagine a chainsaw would know.

The second argument was subsidy. You see, this is an optional bill. If a man wants insurance, he can have it, or if an employer wants insurance, he can have it, but once in a while someone probably will not take advantage of some form of insurance and there is a possibility that they will get hurt. They seem to think that this is something new, subsidizing someone. I maintain that it will be more than offset with these small jobbers, entrepreneurs, or something like that, I am uneducated, I can't say it too well, but anyway, that is the man who has got some backbone, he wants to get out and make a living and he is trying to fight all these rules and regulations. The only time I have —

heard it here in the House, they have made it sound like a four-letter word stretched out.

Anyway, all I am asking today, I guess, is to let this go by the first reading. I have some friends that indicate they wish to put some amendments on it, and bear in mind this is totally optional. Anybody that has workmen's compensation now must keep it. There is a provision in the amendment so that you can't splinter off if you have got 15 employees and narrow them down.

This has been a hard morning, so I guess I won't prolong it anymore.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield Mr. Wyman.

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: I share Mr. Dexter's concern. It is a pleasure to have him serving on the Labor Committee with us this session, even though at times he becomes a bit frustrated, as we all do on the Labor Committee.

I recognize the gentleman's concern about small business. In my legislative district, I represent mostly small businessmen and I represent no unions whatsoever. There is no question that Mr. Dexter has raised a very legitimate issue when he mentioned the concern, or the cost, I should say, of workers' compensation insurance, particularly as it impacts on the small business person. I have had several constituents of mine contact me specifically with their concerns and their very strong opposition to the increases that they personally have experienced.

I would remind you, ladies and gentlemen, that we have several bills coming before this legislature which will deal with this particular problem. This particular bill that Mr. Dexter has sponsored in good conscience and all sincerity represents a basically wrong approach to dealing with a very real problem. No one on the Labor Committee had denied that the problem exists, but the question that we have to deal with here on the floor of the House is, what is the best approach to dealing with the problem? I would submit to you that this is patently the wrong approach.

What this bill will do in essence is deny the working people of this state protection under a law that has been in existence for a good number of years, protection under a law that was first recommended and urged upon this state and nation by business people and not unions, business people, including small businessmen, who were concerned about the threat of suit if they were not covered under a workers' compensation insurance plan.

This bill seeks to help the small businessman by depriving the employee of his rights under the law. That is wrong. This particular bill would exempt employers who have five or fewer employees from paying workers' compensation insurance.

Mr. Dexter has said that this is entirely optional with the employer, but ladies and gentlemen, this is far from entirely optional with the employee. The employee goes to work for a businessman who has exempted himself under this law, if it does pass, and he refuses to sign a waiver saying that he waives his right of protection under the workers' comp law, then he is not hired by that particular employer if that employer has opted for this particular avenue.

Every employee in this state, whether he works with a group of 100 or a group of 3, deserves protection under the statutes.

Employers, business people, have supported workers' compensation for a good number of very important reasons, principally the protection that it offers the businessman from suit by an employee who has been injured on the job. If this bill passes, small businessmen, the same small businessmen that Mr. Dexter sincerely wants to help, are going to be leaving themselves open and will be left totally unprotected from suits brought on by an employee who has been injured, and that is why businessmen support workers' compensation.

Finally, I think it is important to note that this particular exemption will place small businessmen who have 5 or fewer employees at a competitive advantage with other businessmen. In other words, the businessman who happens to have 7 or 8 employees has to pay workers' compensation — he has no choice, but the employer who has 5 or fewer can cut his costs competitively by not having to protect his employees. So, I think we must consider the impact business generally and not just the impact on the businessman who is going to be exempted under this statute.

The philosophy behind workers' compensation and the philosophy behind the elimination of the exemption we had on the statutes not too long ago in this state was that every working person who had enough desire and enough incentive to get out and work for a living deserved to be protected while he was on the job in the case of injury. That is the underlying philosophy behind workers' compensation. This bill strikes at the very heart of that philosophy. And while we must help small business and while we will be considering a number of important measures to help small businessmen with workers' comp insurance, this is the wrong way to go about it.

I have wished Mr. Dexter every degree of success on his most recent venture with a bill that we are all familiar with, but I hope that he is not equally successful on this measure, and I hope that you will accept the majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Whittemore.

Mr. WHITEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I have one full-time employee and I do have workmen's compensation. I wouldn't drop it for the world. I appreciate my employee.

I realize many small businesses are having a struggle today and I am very much in favor of small businesses, but I also have a son who is working for a small company. He has had an injury. He has been out of work for about five or six weeks. They had no workmen's compensation, so I am very familiar with it on both sides. My employee had been injured and my insurance covered him, thank God, and I wouldn't be without it, so I urge you very strongly to go along with this "Ought Not to Pass."

The SPEAKER: The Chair recognizes the gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: To my good friend Mr. Dexter, once or twice I have voted on the opposite side, not knowingly but because I had made a mistake, but this time I would like to assure you, Mr. Dexter, that one of the reasons why my family incorporated in a Christmas tree industry is because we could come under the workmen's compensation. Whenever we have asked people to work for us who had been working in the woolen mills or the wood turning mills, even if we asked them to work for a couple of weeks, they would say, do you have workmen's compensation?

The problem I find with it, hopefully we can do something in this line, Mr. Dexter, because they are robbing us blind on insurance fees that we have to pay. Somebody is coming out with an arm and a leg of our earnings far beyond what they need to, but I can't go along with your side of the bill this morning, Mr. Dexter.

The SPEAKER: The Chair recognizes the gentleman from Kingfield, Mr. Dexter.

Mr. DEXTER: Mr. Speaker and Members of the House: I feel kind of lonely today. I believe the good gentleman from Pittsfield made my point here. He realizes that small businessmen are going out of business and this would help someone to get started.

When you take your first step in life, you assume some risk, and there is a waiver clause in there. Again, I urge this body to at least give it its first reading and then if you have some