

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**  
OF THE  
**One Hundred And Fifteenth Legislature**  
OF THE  
**State Of Maine**

**VOLUME II**

**FIRST REGULAR SESSION**

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

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

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

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

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

### Divided Report

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

Signed:

Senators: BUSTIN of Kennebec  
EMERSON of Penobscot  
BERUBE of Androscoggin

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

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

Signed:

Representatives: NASH of Camden  
LOOK of Jonesboro  
SAVAGE of Union

Reports were read.

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

Representative Whitcomb of Waldo requested a roll call vote.

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

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

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

### ROLL CALL NO. 96

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

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

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

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

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

### Divided Report

Majority Report of the Committee on State and Local Government reporting "Ought Not to Pass" on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Size of the Legislature (H.P. 1122) (L.D. 1647)

Signed:

Senators: EMERSON of Penobscot  
BERUBE of Androscoggin  
BUSTIN of Kennebec

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

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

Signed:

Representatives: NASH of Camden  
LOOK of Jonesboro

SAVAGE of Union

Reports were read.

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

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

Representative LIPMAN: Mr. Speaker, Ladies and Gentlemen of the House: 1991 is a birthday and a celebration in Nebraska. They are celebrating their 50th anniversary. 50 years ago this year on this date 1931, Nebraska decided to reduce the size of its legislature. It was done during the Depression. It was done to reduce costs. This bill asks you to give the people in the State of Maine the opportunity to reduce the size of our legislature. What the Resolution asks you to do is reduce the Senate from 35 to 33 and the House from 151 to 99. What this bill asks us to do is to make sure that there are three House members in each Senate district. So, we have symmetry, we have rationalism.

I believe many of you, as I have, have had the opportunity to see, by sending out surveys to your constituents, that this is what the people would like to see us do. Let's give the people and the citizens of the State of Maine the opportunity to decide if they want to reduce the size of the legislature.

I would ask, if we could, to have the yeas and nays on this Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Pendexter.

Representative PENDEXTER: The constituents in my district would like very much to see the legislature reduce its size, indicated by a very strong response from my questionnaire.

I would like to read into the Record an editorial written by the Maine Sunday Telegram, dated January 6, 1991. "State government is being forced by economic pressures to tighten its belt, fire hundreds of employees and reduce services to affordable levels. That makes it an ideal time for the legislature to also seriously consider reducing the size of the Maine House of Representatives by one-third. Make no mistake, the size of the House shouldn't be determined by the vagaries of the economy, instead the decision to reduce the House size should be based on the knowledge that a smaller House would improve efficiency, reduce duplication and enhance accountability.

The Maine House of Representatives with 151 members is the sixth largest of any state in the nation and one of the largest in the English speaking world. As a general rule of thumb, a House should be about three times the size of the Senate. That means the Maine House should have about 100 members. Yet, legislators stubbornly refuse to reduce the House size arguing that a larger body somehow brings government in the democratic process closer to the people. The reverse is true. Maine's overly large House allows Representatives to hide their votes in the crowd and allows power to be concentrated in only a few hands. Unfortunately, there are precious few House members willing to voluntarily vote to abolish their job. That is really the reason why every House reduction bill is routinely defeated and why Maine taxpayers continue to be burdened with paying for more politicians that they need or demand."

I urge your support to reduce the House of the Maine Legislature.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative McHenry.

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: Reducing the number of members in this House of Representatives and in the other body would only help one group of people and that is the lobbyists who affect every piece of legislation that we vote on. All you have to do is look at New Hampshire and you see a true representative form of government. The more people that you have here, the more heads that you have here, the more thinking people you have, the more representation the people have. I assure you, if anything, we want more representation and we ought to increase the House of Representatives, not make it more professional. We are professional enough as it is today.

I would hope that you would vote for the Majority "Ought Not to Pass" Report.

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

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

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

ROLL CALL NO. 97

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

NAY - Aikman, Anthony, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Carleton, Carroll, J.; Clark, M.; DiPietro, Dutremble, L.; Foss, Garland, Greenlaw, Hanley, Hastings, Heino, Hepburn, Hussey, Kontos, Kutasi, Lebowitz, Libby, Lipman, Look, Macomber, Marsano, Marsh, Merrill, Mitchell, J.; Nash, Norton, Ott, Parent, Pendexter, Pendleton, Plourde, Reed, G.; Richards, Richardson, Salisbury, Savage, Sheltra, Simonds, Small, Spear, Stevens, A.; Stevenson, Tupper, Whitcomb.

ABSENT - Bowers, Butland, Hale, McKeen, Skoglund.  
Yes, 95; No, 51; Absent, 5; Paired, 0;  
Excused, 0.

95 having voted in the affirmative and 51 in the negative with 5 being absent, the Majority "Ought Not

to Pass" Report was accepted. Sent up for concurrence.

#### Divided Report

##### Tabled and Assigned

Majority Report of the Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-454) on Bill "An Act to Promote Fully Informed Legislation and Rulemaking" (H.P. 913) (L.D. 1310)

Signed:

Senators: BERUBE of Androscoggin  
EMERSON of Penobscot

Representatives: KERR of Old Orchard Beach  
NASH of Camden  
LOOK of Jonesboro  
SAVAGE of Union  
GRAY of Sedgwick  
WATERMAN of Buxton  
KILKELLY of Wiscasset

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Signed:

Senator: BUSTIN of Kennebec

Representatives: HEESCHEN of Wilton  
LARRIVEE of Gorham  
JOSEPH of Waterville

Reports were read.

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

On motion of the same Representative, tabled pending her motion that the House accept the Minority "Ought Not to Pass" Report and later today assigned.

#### Divided Report

##### Later Today Assigned

Majority Report of the Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-455) on Bill "An Act to Improve Outdoor Lighting" (H.P. 824) (L.D. 1178)

Signed:

Senators: BUSTIN of Kennebec  
BERUBE of Androscoggin

Representatives: KILKELLY of Wiscasset  
JOSEPH of Waterville  
HEESCHEN of Wilton  
GRAY of Sedgwick  
LARRIVEE of Gorham

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Signed:

Senator: EMERSON of Penobscot

Representatives: NASH of Camden  
LOOK of Jonesboro  
KERR of Old Orchard Beach  
SAVAGE of Union  
WATERMAN of Buxton

Reports were read.

Representative Joseph of Waterville moved that the House accept the Majority "Ought to Pass" Report.

On motion of the same Representative, tabled pending her motion that the House accept the Majority "Ought to Pass" Report and later today assigned.

#### CONSENT CALENDAR

##### First Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(S.P. 701) (L.D. 1869) Bill "An Act Concerning Acquisition of Heating Oil Assets" Committee on Business Legislation reporting "Ought to Pass"

(S.P. 303) (L.D. 812) Bill "An Act to Allow for a Trailer Transit License" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-213)

(S.P. 453) (L.D. 1229) Bill "An Act to Increase the Fees for Licensure and Registration of Physicians and Physician Assistants and to Extend the Registration Period of Osteopathic Physicians to 2 Years" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-214)

There being no objections, the above items were ordered to appear on the Consent Calendar of Wednesday, June 5, 1991, under the listing of Second Day.

(S.P. 541) (L.D. 1439) Bill "An Act Concerning Health Insurance for Retired Teachers" Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (S-216)

On motion of Representative Mitchell of Vassalboro, was removed from Consent Calendar, First Day.

Subsequently, the Committee Report was read and accepted and the Bill read once.

Committee Amendment "A" (S-216) was read by the Clerk.

Representative Mitchell of Vassalboro offered House Amendment "A" (H-539) to Committee Amendment