

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fifteenth Legislature

OF THE

State Of Maine

VOLUME VII

SECOND REGULAR SESSION

Senate

March 10, 1992 to March 31, 1992

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HOUSE AND SENATE LEGISLATIVE SENTIMENTS

December 5, 1990 to December 1, 1992

Pending - **ACCEPTANCE** of Committee Report (Division Requested)

(In Senate, March 24, 1992, Report **READ**. Motion to **INDEFINITELY POSTPONE** Bill and Accompanying Papers, **FAILED**.)

(In House, March 23, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1194)**.)

On motion by Senator **WEBSTER** of Franklin, Tabled until Later in Today's Session, pending **ACCEPTANCE** of Committee Report, in concurrence. (Division Requested)

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

HOUSE REPORTS - from the Committee on **STATE & LOCAL GOVERNMENT** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Reduce the Size of the House of Representatives

H.P. 1660 L.D. 2337

Majority - **Ought Not to Pass**.

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-1173)**.

Tabled - March 24, 1992, by Senator **BUSTIN** of Kennebec.

Pending - Motion by Senator **BERUBE** of Androscoggin to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**

(In Senate, March 24, 1992, Reports **READ**.)

(In House, March 23, 1992, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to ask if somebody would be kind enough to explain the Minority Ought to Pass As Amended Report. Thank you.

THE PRESIDENT: The Senator from Penobscot, Senator Pearson posed a question through the Chair to any Senator who may choose to respond. The Chair recognizes the Senator from Androscoggin, Senator Berube.

Senator **BERUBE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This Bill, L.D. 2337, is a restructuring commission Bill. It deals with reducing the size of the House of Representatives. Apparently, in the Constitution, the number of House Seats is set at 151. The number of Senate seats is set anywhere from 31-35. This would allow the Legislature to determine whether it should be between 99-123 members of the House. That would begin in 1995.

One of the main reasons I supported this measure is that citizens at this time have access to the Citizens Initiated Petition for a referendum on any issue. When it deals with a Constitutional Amendment they can't access the Citizens Initiated Petition way of getting their message across. They can only access it if the Legislature grants them the privilege to express their views in a referendum question. Only if we give them permission. I have read enough letters to the editor, I have seen enough editorials and I have spoken to enough people who say at least give us the chance to vote on it. There would be, obviously, cost savings as well. That was the main reason and I think we should go along with the Ought to Pass Report. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to

pose a question through the Chair to the gentlelady from Androscoggin, Senator Berube. She said this would begin in 1995. The Legislature that would be sitting in 1995 would be sworn in December 1994. Is there an error in the Bill? Thank you.

THE PRESIDENT: The Senator from Penobscot, Senator Pearson has posed a question through the Chair. The Chair recognizes the Senator from Androscoggin, Senator Berube.

Senator **BERUBE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. It is my understanding that redistricting will occur next year. The next Legislature, as a result of restructuring and if the referendum were approved by the people of the State, the number would then be determined and the new members would be elected for the 117th Legislature. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to request a Division on the motion. It is my impression, coming from where I come from, that this could be hurtful to my area of the State. Consequently, I cannot support it. I hope you will understand that part of the districts in eastern and northern Maine are very large. Access to a Legislator would be inhibited somewhat and I do not believe it would be cost saving. I think it would necessitate more staff in order to serve the public. I have been in both places and I know some of the districts in Penobscot are already large enough as it is. Thank you.

Senator **PEARSON** of Penobscot requested a Division.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator **BUSTIN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. You will notice that I am on the Majority Ought Not to Pass Report. I couldn't agree more with the good Senator from Penobscot, Senator Pearson. These were the issues that were brought up in the discussion of this Bill.

Although I may, in fact, want to look at a reduced size of the House, it seems to me if we are going to be a citizen Legislature and we are not going to be a full time Legislature we need the people to be able to get to Representatives, then I think the good Senator from Penobscot, Senator Pearson is correct. It will be less accessible Legislature to the people if we reduce the size. I think it was Jefferson who said "the wheels of government grind slowly but finely." Sometimes we have to go along with that in democracy. Sometimes we have to pay that price. This is a small State in numbers but a large State in area. When you start asking people to travel the distances they must travel if you increase the size of their districts then you are asking a lot. It is easy in New York City because you can get 500,000 within a city block practically. It is not that easy in Maine. Thank you.

On motion by Senator **PEARSON** of Penobscot, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I know in the next reapportionment of the Maine Legislature that the House of Representatives is going to be

reapportioned and that certain sections of this State have lost population and will have fewer House seats even by that reapportion. Aroostook County is one of those. Aroostook County is going to end up with fewer representatives than there are in the City of Portland. People are going to have to go through several telephone exchanges and many miles in order to get a Representative.

I know that one of the Representatives in Aroostook goes all the way from Presque Isle to Houlton. I cannot believe the members of northern and eastern Maine would want people to have that much more difficulty in reaching their Representatives. I know that some of the coastal counties will be very sparsely represented. Everytime you lower the size of the House you remove from people the close access they have to their Representative. I think it is sad we have bought into this whole business about saving money and making government more efficient by lowering the size of the House. I think it is just the opposite myself and I am prepared to defend that opposition in any forum.

It is just pure rhetoric. People have cited all kinds of different figures about this being the second largest Legislative Body in America. It is not. I don't care if it is. It is our State and we should be serving our people and I think we do a fine job of that. I understand the one man, one vote, proposition and that causes a lot of Representatives to be concentrated near some of the cities of Maine. To the degree that we can give people access in rural areas to a Legislator we are better off. The cost of the Maine Legislature is not high and it is going down. It is less than 1% of the State budget. I believe it is somewhere close to 1/2 of 1% of the State budget. I urge you to vote to keep the numbers relatively high. Everyone says government is too slow. Government is supposed to be slow and I believe it ought to be slow. Everything ought to be considered very carefully. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Gauthreau.

Senator **GAUTHREAU:** Thank you Mr. President. Ladies and Gentlemen of the Senate. At the Division I had voted in favor of the motion of Senator Berube of Androscoggin and I will do so on Roll Call. I would like to put on record why I will do this.

I find myself in substantial agreement with the remarks of the Senator from Penobscot, Senator Pearson. It has been a source of considerable pain and concern to me that the Maine press and others have subscribed to a rather soporific argument that somehow if we would scale back the size of the Maine Legislature this would realize major savings and help bring our budget into deficit. As the Senator from Penobscot, Senator Pearson pointed out this Legislature costs less than 1% of the entire State budget. That has been an historic cost to the Maine Legislature.

For all those people who are laboring under the misguided notion that if we scale back the size of the Legislature we will suddenly find a magical cure to bring our fiscal woes to an end, I am sorry but they are sadly mistaken. I certainly don't subscribe to those people who have an aversion to the efficacy of Legislative interventions into problems. I think there is a major need to have a Legislative sounding board. I think this truly is the voice of the people. Most people in our State are not privileged to serve under the Maine Judiciary. Very few do have

a chance to serve as Maine's Governor. Far more "common people" have a chance to serve in the Maine Legislature. I would always want that to be the case.

Although it may be unfashionable in some circles today to praise the men and women of both political parties who serve in this Institution, I never fail to take the opportunity to impress to my constituents how truly impressed I am at the dedication, honesty, let's say that word again the honesty, and the commitment of public service that Maine Legislatures have traditionally espoused and still do. In spite of those matters, I have always favored a modest reduction of the Maine Legislature only if any savings realized by the reduction are accompanied a meaningful augmentation of the staff of this Legislature.

Senator Conley from Cumberland and I are the only two attorneys who serve in this Institution. I think the Senator would agree that we are remarkably well served by the men and women of the Staff. I am constantly impressed by the skills of my Staff Attorney on the Committee on Judiciary. I am impressed that people of her quality are willing to serve Maine people in this Institution. I note that in the past few months some commentators in the press have taken pot shots at these people unfairly.

I do believe we should have a slightly smaller Legislature but only if we are willing to put enough money to staff our Legislature. I believe there is an ongoing need now to increase the staff so Legislatures can really focus upon policy concerns. As a Chair of a Committee for the last 8 years, I have been concerned about the time some Legislators have spent constantly getting back to people on the phone sometimes at the expense of committee workshops. I think it makes sense to have non-partisan staff assist us in some of the more ministerial functions of our office so we can focus upon policy matters. I want our Legislature to spend more time studying what is going on around the country and more time going to seminars and acquainting our Legislators with policy issues. I recognize that is very unpopular in some circles today but it shows. The Legislators who have taken the time to acquaint themselves with policy issues are the more effective Legislators. They are the ones who can mount more effective arguments because they have spent the time to educate themselves and learn what others are doing around the country. I believe we should only seriously consider restructuring the downsizing of this Institution if we are willing to put the resources to provide more staff to make this an even more effective Institution of Government. I feel that strongly. Although, I will support this Bill at first reading, I will not support any effort to bring this Bill to the public unless there were assurances that this Legislation had sufficient provision to augment the staff so we can do our job and remain as a part time citizen Legislature. Thank you Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **BERUBE** of Androscoggin, to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**.

A vote of Yes will be in favor of the motion to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**.

A vote of No will be opposed.

Is the Senate ready for the question?

he Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators **BALDACCI**, **BERUBE**, **BOST**, **BRAWN**, **CAHILL**, **CARPENTER**, **CLARK**, **CLEVELAND**, **COLLINS**, **DUTREMBLE**, **EMERSON**, **ESTES**, **ESTY**, **FOSTER**, **GAUVREAU**, **GILL**, **GOULD**, **HOLLOWAY**, **KANY**, **LUDWIG**, **MATTHEWS**, **RICH**, **SUMMERS**, **THERIAULT**, **TITCOMB**, **TWITCHELL**, **WEBSTER**

NAYS: Senators **BRANNIGAN**, **BUSTIN**, **CONLEY**, **MCCORMICK**, **MILLS**, **PEARSON**, **VOSE**, **THE PRESIDENT - CHARLES P. PRAY**

ABSENT: Senators None

27 Senators having voted in the affirmative and 8 Senators having voted in the negative, with No Senators being absent, the motion by Senator **BERUBE** of Androscoggin, to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (H-1173) **READ** and **ADOPTED** in **NON-CONCURRENCE**.

Which was, under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, As Amended in **NON-CONCURRENCE**.

Under further suspension of the Rules, ordered sent down forthwith for concurrence.

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

Bill "An Act to Rescind Changes in the Driver Education Evaluation Program" (Emergency)

S.P. 931 L.D. 2386

Tabled - March 24, 1992, by Senator **BUSTIN** of Kennebec.

Pending - **ADOPTION** of Committee Amendment "A" (S-673)

(In Senate, March 24, 1992, Committee Amendment "A" (S-673) **READ**.)

Committee Amendment "A" (S-673) **ADOPTED**.

On motion by Senator **CONLEY** of Cumberland, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (S-673).

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator **CONLEY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This is not unlike the issue we dealt with a little earlier. This issue dealing with the DEEP program is also spread far and wide throughout State Government. With all due respect, the good Senator from Kennebec, Senator Bustin is involved with this matter also. Her Audit & Program Review Committee has been dealing with the issue just like the Human Resources Committee has been. I would like to debate this measure along with a competing measure which has been tabled for one day and would ask if somebody might table this measure one day. Thank you.

On motion by Senator **BALDACCI** of Penobscot, Tabled 1 Legislative Day, pending **ADOPTION** of Committee Amendment "A" (S-673).

The Chair laid before the Senate the Tabled and Specially Assigned matter:

Bill "An Act to Provide Regulatory and Permitting Assistance to Businesses" (Emergency)

H.P. 1673 L.D. 2349

Tabled - March 23, 1992, by Senator **CLARK** of Cumberland.

Pending - **ADOPTION** of Committee Amendment "A" (H-1164), in concurrence

(In House, March 19, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1164)**.)

(In Senate, March 23, 1992, Committee Amendment "A" (H-1164) **READ**.)

On motion by Senator **DUTREMBLE** of York, Tabled until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-1164), in concurrence.

The Chair laid before the Senate the Tabled and Specially Assigned matter:

An Act Relating to Legislative Confirmation Hearings

S.P. 894 L.D. 2299

(H "B" H-1148)

Tabled - March 23, 1992, by Senator **GAUVREAU** of Androscoggin.

Pending - **ENACTMENT**

(In Senate, March 19, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-1148)**, in concurrence.)

(In House, March 23, 1992, **PASSED TO BE ENACTED**.)

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Gauvreau.

Senator **GAUVREAU:** Thank you Mr. President. Ladies and Gentlemen of the Senate. The topic of this Bill has aroused some interest and dare I say concern in the Governor's Office and I have had some ongoing discussions with the Governor's Representative. They are still ongoing and for that reason I would request that some member of this Body table this one day. Thank you.

On motion by Senator **CLARK** of Cumberland, Tabled 1 Legislative Day, pending **ENACTMENT**.

The Chair laid before the Senate the Tabled and Specially Assigned matter:

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act to Allow Municipalities to Appeal the New State Valuation" (Emergency)

H.P. 1692 L.D. 2372

Majority - **Ought Not to Pass**.

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-1136)**.

Tabled - March 23, 1992, by Senator **BOST** of Penobscot.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, March 19, 1992, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1136) AS AMENDED BY HOUSE AMENDMENT "A" (H-1168)** thereto.)

(In Senate, March 23, 1992, Reports **READ**.)

On motion by Senator **BOST** of Penobscot, the Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-1136) **READ**.

House Amendment "A" (H-1168) to Committee Amendment "A" (H-1136) **READ** and **ADOPTED**, in concurrence.

On motion by Senator **CLEVELAND** of Androscoggin, Senate Amendment "A" (S-661) to Committee Amendment "A" (H-1136) **READ** and **ADOPTED** in **NON-CONCURRENCE**.

Committee Amendment "A" (H-1136) As Amended by House Amendment "A" (H-1168) and Senate Amendment "A" (S-661) thereto, **ADOPTED** in **NON-CONCURRENCE**.

Which was, under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, As Amended in **NON-CONCURRENCE**.