

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Seventeenth Legislature

OF THE

State Of Maine

VOLUME I

FIRST REGULAR SESSION

House of Representatives

December 7, 1994 to May 23, 1995

the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Size of the Maine Legislature to 99 Members in the House and 33 Members in the Senate (H.P. 46) (L.D. 40)

- In House, Majority "Ought Not to Pass" Report of the Committee on State and Local Government read and accepted on April 26, 1995.

- In Senate, Minority "Ought to Pass" as amended Report of the Committee on State and Local Government read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-117) in non-concurrence.

TABLED - May 4, 1995 (Till Later Today) by Representative MITCHELL of Vassalboro.

PENDING - Further Consideration.

Representative DAGGETT of Augusta moved that the House Adhere.

Representative BUCK of Yarmouth moved that the House Recede and Concur.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Buck.

Representative BUCK: Thank you Mr. Speaker, Ladies and Gentlemen of the House: There are several reasons why we should consider adopting this legislation.

The first if you will notice the fiscal note attached to the bill. The state is able to save over a \$1,500,000 dollars during the normal two year session of the legislature. Given the financial condition of the state, this by itself should be enough for us to consider passage of this bill, but there are other considerations as well.

If you compare Maine with other state's of similar characteristics you will find in every case the size of Maine's Legislature and particularly the size of Maine's House is much larger. If, for example, you compare Maine with state's of similar population you will find that those other states have an average House size of 82 compared to Maine's 151. If you compare Maine with states of similar size you will find that those other states have an average House size of 110 compared to Maine's 151.

What is most telling of all perhaps is if you compare legislative expenses with all of those states of similar size and population. Here you will find that those other states spend per capita a little over \$6 dollars per person to operate their Legislature. In Maine we spend over \$9.75. It seems to me that if states of similar size and population can operate their legislature with far less money and far fewer people than the state of Maine can as well. I would urge you all to accept the Minority Report and Mr. Speaker, I would request a roll call.

Representative BUCK of Yarmouth requested a roll call on his motion to Recede and Concur.

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

Representative DAGGETT: Thank you Mr. Speaker, Men and Women of the House: I would like to remind you that there is currently a bill in Committee of Conference that addresses this same issue. I think it would be appropriate that you oppose this motion and allow the Committee of Conference to deal with a bill that does the very same thing, except it does it in a little better way, if that bill should go anywhere.

This bill would require that the reduction take place immediately and then there would be an immediate redistricting in order to effect this. The other bill follows the appropriate redistricting which is after the census which would be in the year 2000. The other one, at least, makes an effort to fold into our current process. Granted there would be some kind of money savings, but I can assure you having served on the Reapportionment Commission the last time around that this is a very expensive and time consuming process. Our last one did go to court. I hope you will see the wisdom and not try to deal with two bills which accomplish the same thing and oppose the motion to Recede and Concur.

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 members present and voting. All those in favor will vote yes; those opposed will vote no.

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

The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Thank you Mr. Speaker. I request permission to pose a question to the Chair.

The SPEAKER: The Representative may pose his question.

Representative WHITCOMB: Thank you Mr. Speaker. I recall the Representative from Augusta is serving on the Committee of Conference and for the curiosity of those of us who have an interest in this legislation, I am interested if she will be supporting the reduction in the size of the Legislature in the Committee of Conference.

The SPEAKER: The Representative from Waldo, Representative Whitcomb has posed a question to through the Chair to the Representative from Augusta, Representative Daggett. The Chair recognizes that Representative.

Representative DAGGETT: Thank you Mr. Speaker, Men and Women of the House: I have never supported reducing the size of the Legislature, because I feel it would be unfair to the citizens of the state of Maine.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion to Recede and Concur. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 77

YEA - Aikman, Ault, Barth, Birney, Buck, Campbell, Clukey, Cross, Damren, Dunn, Gerry, Gieringer, Gooley, Greenlaw, Guerrette, Heino, Jones, S.; Joy, Joyce, Joyner, Kerr, Kneeland, Layton, Libby JD; Lindahl, Lovett, Marvin, McAlevey, McElroy, Ott, Peavey, Pendleton, Pinkham, Poirier, Povich, Reed, G.; Rice, Savage, Simoneau, Stedman, Stone, Taylor, Waterhouse, Whitcomb, Winglass, Winsor.

NAY - Adams, Ahearne, Bailey, Benedikt, Berry, Bigl, Bouffard, Brennan, Bunker, Cameron, Carleton, Chartrand, Chase, Chick, Chizmar, Clark, Cloutier, Daggett, Davidson, Desmond, DiPietro, Donnelly, Dore, Driscoll, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gould, Green, Hartnett, Hatch, Heeschen, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Kilkelly, Kontos, Labrecque, LaFountain, Lane, Lemaire, Lemont, Libby JL; Look, Lumbr, Luther, Madore, Marshall, Martin, Mayo, Meres, Mitchell EH; Mitchell JE; Morrison, Murphy,

Nadeau, Nass, Nickerson, O'Gara, O'Neal, Paul, Perkins, Poulin, Pouliot, Reed, W.; Richardson, Robichaud, Rosebush, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Spear, Stevens, Strout, Thompson, Townsend, Treat, Tripp, Tufts, Tyler, Vigue, Volenik, Watson, Wheeler, Winn, Yackobitz, The Speaker.

ABSENT - Dexter, Lemke, Plowman, Ricker, Rotondi, True, Truman, Tuttle, Underwood.

Yes, 46; No, 96; Absent, 9; Excused, 0.

46 having voted in the affirmative and 96 voted in the negative, with 9 being absent, the motion to Recede and Concur did not prevail.

Subsequently, the House voted to Adhere.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Direct Popular Election of Constitutional Officers (H.P. 113) (L.D. 148)

- In House, Minority "Ought Not to Pass" Report of the Committee on State and Local Government read and accepted on April 26, 1995.

- In Senate, Majority "Ought to Pass" as amended Report of the Committee on State and Local Government read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-69) in non-concurrence.

TABLED - May 4, 1995 (Till Later Today) by Representative MITCHELL of Vassalboro.

PENDING - Further Consideration.

Representative DAGGETT of Augusta moved that the House Adhere.

Representative ROBICHAUD of Caribou moved that the House Recede and Concur.

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

Representative DAGGETT: Thank you Mr. Speaker, Men and Women of the House: I would just like to remind those of you, because the title does not indicate it, but the bill has been amended and the amendment is in regards to the Treasurer. It would provide an amendment to the Constitution to provide for the direct popular election of the Treasurer of the state of Maine.

I hope you will join me in opposing the Recede and Concur motion so that the House continues in the same position that it was earlier.

The Chair ordered a division on the motion to Recede and Concur.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Robichaud.

Representative ROBICHAUD: Thank you Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to vote for the Recede and Concur motion. We have debated this issue in various forms several times already. I would just ask you to remember that if you trust the people of Maine enough to elect you, and each one of us are elected by those same constituents, who would then be electing the Treasurer of Maine. Can we not put our trust in those people to make a good decision? I think we can. Mr. Speaker, I request a roll call.

Representative ROBICHAUD of Caribou requested a roll call on her motion to Recede and Concur.

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 members present and voting. All those in favor will vote yes; those opposed will vote no.

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

The Chair recognizes the Representative from Portland, Representative Townsend.

Representative TOWNSEND: Thank you Mr. Speaker, Men and Women of the House: My feeling is amending the Constitution is a drastic action about which we ought to be awfully cautious. I have yet to hear a convincing argument for why we need to do it in this case and for that reason I am going to be opposing the pending motion. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Recede and Concur. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 78

YEA - Aikman, Ault, Barth, Bigl, Birney, Buck, Cameron, Campbell, Carleton, Clukey, Cross, Damren, Donnelly, Dunn, Farnum, Gerry, Gieringer, Gooley, Greenlaw, Guerrette, Hartnett, Heino, Jones, S.; Joy, Joyce, Joyner, Kneeland, Lane, Layton, Lemont, Libby JD; Libby JL; Lindahl, Look, Lovett, Lumbra, Madore, Marshall, Marvin, McAlevy, McElroy, Murphy, Nass, Nickerson, Ott, Peavey, Pendleton, Perkins, Pinkham, Poirier, Reed, G.; Reed, W.; Rice, Robichaud, Savage, Simoneau, Spear, Stedman, Stone, Taylor, Tufts, Underwood, Waterhouse, Whitcomb, Winglass, Winsor, Yackobitz.

NAY - Adams, Ahearne, Bailey, Benedikt, Berry, Bouffard, Brennan, Bunker, Chartrand, Chase, Chick, Chizmar, Clark, Cloutier, Daggett, Davidson, Desmond, DiPietro, Dore, Driscoll, Etnier, Fisher, Fitzpatrick, Gamache, Gates, Gould, Green, Hatch, Heeschen, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Kerr, Kilkelly, Kontos, Labrecque, LaFontaine, Lemaire, Luther, Martin, Mayo, Meres, Mitchell EH; Mitchell JE; Morrison, Nadeau, O'Gara, O'Neal, Paul, Poulin, Pouliot, Povich, Richardson, Rosebush, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Stevens, Strout, Thompson, Townsend, Treat, Tripp, Tyler, Vigue, Volenik, Watson, Wheeler, Winn.

ABSENT - Dexter, Lemke, Plowman, Ricker, Rotondi, True, Truman, Tuttle, The Speaker.

Yes, 67; No, 75; Absent, 9; Excused, 0.

67 having voted in the affirmative and 75 voted in the negative, with 9 being absent, the motion to Recede and Concur did not prevail.

Subsequently, the House voted to Adhere.

HOUSE DIVIDED REPORT - Majority (8) "Ought to Pass" as amended by Committee Amendment "A" (H-176) - Minority (3) "Ought Not to Pass" - Committee on State and Local Government on Bill "An Act to Ensure Courteous Treatment of the Public by State Employees" (H.P. 294) (L.D. 398)

TABLED - May 4, 1995 (Till Later Today) by Representative MITCHELL of Vassalboro.

PENDING - Acceptance of either Report.

Representative DAGGETT of Augusta moved that the House accept the Minority "Ought Not to Pass" Report.

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

Representative DAGGETT: Thank you Mr. Speaker, Men and Women of the House: This bill in its original form was very different than the amended form. You may remember the original bill which