

MAINE STATE LEGISLATURE

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On motion by Senator **MICHAUD** of Penobscot, **TABLED 1** Legislative Day, pending **ENACTMENT**.

Resolve

Resolve, to Name the New Bridge over the Fore River in Portland H.P. 720 L.D. 984

Which was **FINALLY PASSED** and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

Out of order and under suspension of the Rules, the Senate considered the following:

COMMITTEE REPORTS

Senate

Ought to Pass

Senator **NUTTING** for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Exempt Public Airports with Approved Airport Layout Plans from Subdivision Review" S.P. 327 L.D. 1105

Reported that the same **Ought to Pass**.

Which Report was **READ** and **ACCEPTED**.

The Bill **READ ONCE**.

The Bill **TOMORROW ASSIGNED FOR SECOND READING**.

Ought to Pass As Amended

Senator **PARADIS** for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Preserve Public Springs: S.P. 48 L.D. 158

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-29)**.

Which Report was **READ** and **ADOPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-29) READ and **ADOPTED**.

The Bill **TOMORROW ASSIGNED FOR SECOND READING**.

Senator **TREAT** for the Committee on **NATURAL RESOURCES** on Bill "An Act to Allow Municipalities to Enact Stricter Standards Regulating Sewer or Septic Sludge" S.P. 10 L.D. 2

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-30)**.

Which Report was **READ** and **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-30) READ and **ADOPTED**.

The Bill **TOMORROW ASSIGNED FOR SECOND READING**.

ORDERS OF THE DAY

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

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Reduce the Size of the Legislature Following Redistricting in the Year 2003 S.P. 75 L.D. 214

Majority - **Ought Not To Pass** (11 members)

Minority - **Ought to Pass As Amended by Committee Amendment "A" (S-22)** (2 members)

Tabled - March 19, 1997, by Senator **NUTTING** of Androscoggin.

Pending - motion by same Senator, to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

(In Senate, March 19, 1997, Reports **READ**.)

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from York, Senator Libby.

Senator **LIBBY:** Madam President, may I have a Division.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Penobscot, Senator Mitchell.

Senator **MITCHELL:** Thank you Madam President, men and women of the Senate. I would like very much to address my fellow Senators, here in the Body, in regards to this particular legislation. I know that you have reviewed this on several times in the past, for the last three sessions I believe, and I'd like to highlight the differences which address this particular bill, this time, versus what has been brought to your attention in the past. I believe strongly in these merits. What I'm asking is that we put to the voters, before the voters of Maine, the opportunity to debate and decide the appropriate side for the Maine legislature, after the next redistricting in the year 2003. And the first selection cycle would be the year 2005. The reason for this is because I believe that at this particular time we are asking various groups that our government, as well in the public sector, to reduce their cost, reduce the size of their particular organizations in order to develop more efficient manners of operations. And, I think we need to start looking at how efficient are we in this particular process. Some of the items that were

brought up as opposition the last time this was talked about was the fact that many of our districts were in a rural community and it made the districts too large, however, the districts, on a district average nationally, when you look at the figures, we are now on district average for the House for example, the population per district is eight thousands for ours, for Maine, and the average is forty-six thousand and when you look at the number of square miles per the Representative, the average across our nation is nine hundred and thirty-four and we're at two hundred and four. With a hundred and fifty-one reps, where the average rep nationally is a hundred and eleven. I feel on the Senate side we're withholding with thirty-five Senators the population in the number of square miles, our Senator is eight hundred and eight-two, versus a national average of two thousand one hundred and thirty-five. Looking at the information-age technology and where we will be in the year 2003, I believe that it's not going to be impossible for us to communicate with our constituents in a manner that would bring them the security that they would need and the closeness to their Representatives and Senators. My proposal is to bring together a group of Senators which would be three Representatives and one Senator in a geographic area to build better team-work, so that we could work together and reduce the amount of administration, to improve our efficiency, to not overlap with the amount of bills, we would have a team effort so that this would be more united and would actually give us closer communication with the people that we're representing in the various districts. So, with this, I would ask you that on a cost basis we also realize there would be a savings the first year, the year 2004, 2005 of one million two and in the second regular session it would be nine hundred thousand dollars. So, we not only would realize an impact on savings, we would also improve efficiency, better team control and the people of Maine deserve a chance to decide the size of the legislature and what they're willing to pay for. We let them vote on seat belts and on term limits and on our campaign finance reports, so why not let them vote on what size they want their legislature. We're not making that decision, we're just saying let's let the people tell us what size they want this legislature. Three House Districts per Senate District enhances legislature delegation and what I'd ask you is to please support my motion and on our Roll Call vote, try to be the leaders with the Senate showing the House that yes we are serious about improving efficiency, team-work, and working together to make this a better place. Thank you very much Madam President.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Lincoln, Senator Kilkelly.

Senator **KILKELLY:** Thank you Madam President, men and women of the Senate. Having served on the State and Local Government Committee for, I think, three terms, and having dealt with this issue a number of times, I would like to point out that there are a number of differences, certainly between the Maine legislature and legislatures in other parts of the country. When I was a member of an Export Trade Committee, with the council of State governments, I served with a person from Pennsylvania, that person represented seventy-five thousand people, he also had an office at the capitol and an office in his home district and had two staff people that were there at his beck and call all the time to work on constituent work and to answer questions and to do the work that all of us do pretty much on our own. When we talk about communication, I think one of the things that's important for us to hang on to, I know, I have an e-mail address,

I certainly talk to constituents constantly and I can do that. What I would miss, in terms of having a smaller legislature and having a much more large number of constituents, is that personal contact in which people, for example; I had two people here earlier today who knew that they could come here and stop and that I would have an opportunity to chat with them for a few minutes. They know who am, they know me on a first name basis, they know where my house is, they know my kids. All of those things are important, in terms of people feeling connected to their government and that's particularly important in rural areas. So, efficiency is one thing, and a losing of personal contact and people feeling out of touch with their government is another. I think it's important to look at the amount of money that this legislature spends. I think that's always been an issue. When I first came here eleven years ago into the other Body, we were able to do three mailings a year to our constituents, so I was able to do a mailing that asked people, "What are the kinds of concerns that you have"? Then there was another mailing that provided them with a response at the end of the session about the things that we had done that might be of interest to them and then in the fall we could do a mailing that talked about the referendum questions and what might be coming up. That's been stopped to the point where now we're doing about one mailing, so, I think we are seeing that the changes and the savings that we make are actually a loss for our constituents in terms of our ability not just to communicate with them but our ability to actually represent them and to know what their issues are and to know what their concerns are. Finally, when we talk about cost and cost-savings, the piece that really comes home to me is the fact that we are paid for a limited amount of time in this legislature and then we volunteer. Out of the two years for which we're elected we're paid for about nine months and then we volunteer for the rest of the term. We volunteer by taking calls at home three hundred and sixty-five days a year, by doing the work that people have sent us, not only here to do, but, have elected us to do, and that's an important piece. If we were to have significantly larger districts and have staff working on those issues, those staff wouldn't be volunteering for half of the year. So, when we say that there would be a savings of a million dollars; I would like to pose a question through the chair of the comparisons that were done looking at the size of a Maine District, versus, the size of other districts, if there was also that same kind of research done to look at the cost of staff, the number of staff, the amount of staff, in those other legislatures and what the cost would be if we were looking at replicating those systems.

THE PRESIDENT PRO TEM: Senator Kilkelly, the Senator from Lincoln has posed a question through the chair to anyone who wishes to answer. The Chair recognizes the Senator from Androscoggin, Senator Nutting.

Senator **NUTTING:** Madam President, I'll attempt to answer the good Senators question that many, many states do have more staff than we do, two or three staff per elected official. Yes, those people do represent many more people than we do. I just want to point out to this Body that the State and Local Government Committee, if you'll read your report, after working this bill for a period of time, voted not only in a (and this maybe a new phrase, I'm not sure) not maybe in a by-partisan way but they voted Ought not to Pass in a tri-partisan way, to not go forward with this piece of legislation at this time. Two main reasons: Number one was that the demands of trying to own

and operate a small business and serve in the legislature and the larger and larger your districts got, the more and more harder it was going to be for the small businessman to actually decide to run for office and elect somebody. And I don't always agree with this group but I really don't know of a more fiscal conservative group than the Maine Farm Bureau who strongly came and opposed this bill for what it potentially could do to rural Maine, with rural Maine ending up with fewer Representatives and Senators. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Abromson.

Senator **ABROMSON:** Thank you Madam President. Did the Senator from Penobscot, Senator Mitchell ask for a Roll Call?

THE PRESIDENT PRO TEM: The Chair would answer in the negative. The Chair recognizes the Senator from Aroostook, Senator Kieffer.

Senator **KIEFFER:** Thank you Madam President, men and women of the Senate. I've listened with a great amount of interest to the debate here today, primarily because in the first term here in the Senate, I represented probably one of the largest geographical areas that was in the State of Maine. Redistricting changed that and now I have, what I consider to be, a small compact district, certainly not as compact as something in the city, but, I've seen both sides of the issue. With our means of transportation and communication today, I certainly think we would be a much more efficient group if we did have three Representatives and one Senator representing the same geographical area, and that's the way it would work out under this proposed piece of legislation. Back in the days when, even before my time, I suppose, people traveled with horse and buggy and I can see the problems that they did have in getting around to see their constituents. But, even in my original district, I still have many good friends there, I still could travel and see them just as readily as we can now because of our transportation facilities, and I think our means of communications improves more every day, naturally. I'm very supportive of this but I was interested in hearing some other peoples consideration, and I will be voting against the Ought Not to Pass amendment so that we can go on and try to pass the motion on Ought to Pass on this particular bill and I would appreciate your support. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Hancock, Senator Goldthwait.

Senator **GOLDTHWAIT:** Thank you Madam President, ladies and gentlemen of the Senate. Not only is tri-partisan support unusual, but especially when some of that support for the Ought Not to Pass comes from a cosponsor to the bill, and so I would like to explain my position on this bill having cosponsored it. The idea of decreasing the size of the legislature is certainly not necessarily a bad one, in my opinion, and the thought that the sponsor had put into this impressed me, in terms of that sense of team-work that this proposal would create. The trouble that I ran into was when I started to think about exactly how that districting would occur, it raised some difficulties that I could not resolve in my own mind. If one divides the population of this State by the number of Senators, those

districts are rather easily set, given the difficulties of geography in Maine, however, it's the next step which is to take those Senate districts and to divide them into whatever, in this case three House districts. You are restricted by the boundaries of the Senate district when it comes to districting the House district, and therefore, those House districts begin to fall quite irregularly regarding municipal boundaries, in other words; To create three even House districts out of a Senate district means you are doing strange things in terms of municipal boundaries as long as you want to preserve equal sides for the Senate district. So, it is that rather technical complication of redistricting that causes me to oppose this proposal and not necessarily the decrease in the size of the legislature. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Butland.

Senator **BUTLAND:** Thank you Madam President, ladies and gentlemen of the Senate. I too will be joining my fellow Senators from Aroostook, Senator Kieffer, and from Penobscot, Senator Mitchell in voting against the prevailing motion so that we can go along and vote for the minority report. You know, we've been a State for approximately a hundred and seventy-six years and the size of the legislature has changed from time to time. One of the first acts that the Maine legislature did was to establish the town of Cumberland, the town that I live in, and I've done a little bit of research in that particular event and the warrant that came from the people of the town of Cumberland said that they were partitioning the electors of the State of Maine to allow them to break away from the town of North Yarmouth, because of the convenience of the people in conducting or fulfilling their duties of citizenship. Now, the town of Cumberland used to be a part of the old town of North Yarmouth and the town hall was actually located in what is now the town of Yarmouth, about five miles from the geographic center of the town of Cumberland. Back then that was a big issue, going five miles to get to a town meeting with the conveyance systems and the roads that they had, it was a big deal. We have evolved a long way from eighteen twenty, eighteen twenty-one. We now have fax machines, e-mail, computers, pagers, answering machines, we can stay in touch with a much larger constituency than the people could have back then or in recent years. For those folks who have made the jump from the House to the Senate, who have gone from eighty-two hundred constituents to approximately thirty-five thousand constituents, you know that there is a difference but you also know that it's a reasonable task and one that is manageable and one that we are obviously all doing. So, the people in the House, the other Body, can certainly take on a few more constituents and not have the Body come to a screeching halt. I didn't quite hear the full question from the good Senator from Lincoln, Senator Kilkelly, in talking about staff, but we're talking about reducing the size of the legislature, we're not talking about expanding the size of the population. There's still going to be that same number of people out there to serve and we're still going to have the same number of staff in the House and the Senate to serve those people, so, I don't see that that is an issue. I would however, with your permission, like to pose a question through the Chair. To anyone who may have served on a reapportionment committee, if they could address the issue that the good Senator from Hancock, Senator Goldthwait has raised about the insurmountable task of redistricting three House districts inside of one Senate district. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Amero.

Senator **AMERO:** Thank you Madam President, ladies and gentlemen of the Senate. Having served on a redistricting, or a reapportionment commission, we are bound by our constitution to try to disrupt municipal boundaries as little as possible, so that you're not allowed to divide a town into three or four pieces. That also is included in instructions to people who are reapportioning the Senate, so every effort is made to keep municipalities as intact as possible, and that happened in the Senate redistricting. I would imagine that within those boundaries the same thing would follow if you were to divide a Senate district into three pieces, you would do so with as little; Well, you would try to keep the municipality as whole as possible within that district, and I think it could be done. It certainly has been done within the Senate districts, I don't see why it couldn't be done by using those same kind of guidelines by dividing Senate district into three pieces. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Hancock, Senator Goldthwait.

Senator **GOLDTHWAIT:** Thank you Madam President. If I could respond also to the question of the good Senator from Cumberland, Senator Butland. First of all, I think if this change were made the House wouldn't come to a screeching halt but I bet it would come to a screeching. And, second, the issue that's different about this proposal for redistricting is that it confines your options for the House districts to within the boundaries of a Senate district. For example; If a House district was proportionate by including Winter Harbor, Gouldsboro and Millbridge, in order to stay within the bounds of my current Senate district it might have to be Winter Harbor, Gouldsboro and half of Sullivan; Once you lose the option of spilling over that Senate district boundary, you then may get into a situation where in order to make three equal size districts, you are cutting towns in half, where if you either have the option to go outside of that Senate district boundary you may be able to create a continuous district of whole towns and my concern, is that it may expand a number of times because you're confined in this overall boundary that we have to split municipalities.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Kennebec, Senator Carey.

Senator **CAREY:** Thank you Madam President. Having served on the last reapportionment commission, we found ourselves, both democrats and republicans at the mercy of the courts, and while the court said something to the effect that they were going to respect the municipal boundaries, let me tell you what they did with the municipal boundaries. The town of Hope has nine hundred people in it. The town of Hope ended up with two Senators. There's a township twenty-four that has forty people, they ended up with two Senators in that township. There are sixteen that were put in one Senate district and the other twenty-four were put in the other Senate district, so it seems as though what we can do can certainly be undone by the courts in any event. And, none of us, I don't think, democrats or republicans were in fact happy with what the court ended up doing, but, if they can cut up a town or two and put it in as two

Senate districts, imagine how many times they could cut up a town for House districts.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Aroostook, Senator Paradis.

Senator **PARADIS:** Thank you Madam President, men and women of the Senate. The very nature of some of the debate materials that are presented this evening is a good indication why a referendum would not be a very good idea. The lack of information is incredible. When I was first reapportioned out, my district is hundred of miles from one end to the other when I did my door to door, most of my people had never seen a legislator, they had just not, and this is in this decade. So we are again, putting some of our rural, geographically isolated areas at the mercy of a population that doesn't have clue one about what is out there. I was invited to a dinner in my district Sunday night; It would have been a four hour, round-trip to go. I was a couple of hours away from Augusta by the time I got here, but, that's the amount of time I would have had to get on the road, and so, we are not yet, many of us in our own homes, are not yet plugged in with all the pagers and fax machines, some people have been complaining about that for years, that we don't have pagers. But, to think that we are serving the people that we're supposed to be representing now is incredible, because how can we be when you are putting the person who is supposed to be closest to this constituent hundreds of miles away from that person. When the legislators were up, we got into my district at eight thirty in the morning and we exited at two thirty in the afternoon, and we had taken an hour off for lunch. That's the types of district five's that we're talking about. Some of us are not employed and spend year-round doing the work that we are doing because we feel we have to be better representing our people. It's a really cheap deal for the State of Maine to get the services they're getting from a lot of us. Merci bien.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Penobscot, Senator Mitchell.

Senator **MITCHELL:** Thank you Madam President. In response to the good Senator Paradis, I would draw attention to the fact that the statistics that I have previously had quoted on the national average and would say that Maine certainly would welcome the challenge of being, again, competitive or in the market to be more competitive at doing a better job with the geography and taking care of the peoples needs in our great State. And, I feel that the challenge to the Apportionment Committee is a great challenge to work, to try to strive to provide what we need and within the municipalities. Thank you.

The Chair noted the absence of the Senator from Piscataquis, Senator **HALL**, and the Senator from Waldo, Senator **LONGLEY**, and further excused the same Senators from today's Roll Call votes.

On motion by Senator **ABROMSON** of Cumberland, supported by a Division of at least one-fifth of the members present and voting a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result.

ROLL CALL

YEAS: Senators: BENOIT, CAREY, CASSIDY,
CATHCART, CLEVELAND, DAGGETT,
GOLDTHWAIT, JENKINS, KILKELLY,
LAFOUNTAIN, MICHAUD, NUTTING, O'GARA,
PARADIS, RAND, RUHLIN, TREAT,
PRESIDENT PRO TEM - CHELLIE PINGREE

NAYS: Senators: ABROMSON, AMERO, BENNETT,
BUTLAND, FERGUSON, HARRIMAN, KIEFFER,
LIBBY, MACKINNON, MILLS, MITCHELL,
MURRAY, PENDLETON, SMALL

ABSENT: Senator: LAWRENCE

EXCUSED: Senators: HALL, LONGLEY

18 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being absent and 2 Senators being excused, the motion by Senator **NUTTING** of Androscoggin, to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report **PREVAILED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/18/97) Assigned matter:

SENATE REPORTS - from the Committee on **BANKING AND INSURANCE** on Bill "An Act to Clarify Requirements for a Credit Union Applying to Expand Its Field of Membership"
S.P. 184 L.D. 602

Majority - **Ought Not to Pass** (8 members)

Minority - **Ought to Pass** (3 members)

Tabled - March 18, 1997, by Senator **LAFOUNTAIN** of York.

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report

(In Senate, March 18, 1997, Reports **READ**.)

On motion by Senator **LAFOUNTAIN** of York, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

On motion by Senator **RAND** of Cumberland, **ADJOURNED**, until Thursday, March 20, 1997, at 10:00 in the morning.