

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Legislative Record
House of Representatives
One Hundred and Nineteenth Legislature
State of Maine

Volume II

First Regular Session

May 13, 1999 – June 19, 1999

Second Regular Session

January 5, 2000 – March 22, 2000

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-216) AS AMENDED BY SENATE AMENDMENT "A" (S-267)** thereto.

READ.

Representative HATCH of Skowhegan moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

On further motion of the same Representative, **TABLED** pending her motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

Majority Report of the Committee on **CRIMINAL JUSTICE** reporting **Ought Not to Pass** on Bill "An Act to Reinstate the Death Penalty"

(H.P. 1558) (L.D. 2214)

Signed:

Senators:

MURRAY of Penobscot
O'GARA of Cumberland
DAVIS of Piscataquis

Representatives:

POVICH of Ellsworth
FRECHETTE of Biddeford
MUSE of South Portland
CHIZMAR of Lisbon
QUINT of Portland
McALEVEY of Waterboro
PEAVEY of Woolwich
O'BRIEN of Augusta
SHERMAN of Hodgdon

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-590)** on same Bill.

Signed:

Representative:

TOBIN of Dexter

READ.

Representative POVICH of Ellsworth moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-408)** on RESOLUTION, to Amend the Constitution of Maine to Elect 2 Senators from Each County

(H.P. 452) (L.D. 615)

Signed:

Senators:

GOLDTHWAIT of Hancock
DAVIS of Piscataquis

Representatives:

BAGLEY of Machias
RINES of Wiscasset
BUMPS of China
KASPRZAK of Newport

JODREY of Bethel

RICHARDSON of Greenville

Minority Report of the same Committee reporting **Ought Not to Pass** on same RESOLUTION.

Signed:

Senator:

PENDLETON of Cumberland

Representatives:

AHEARNE of Madawaska
McDONOUGH of Portland
TWOMEY of Biddeford
GERRY of Auburn

READ.

On motion of Representative AHEARNE of Madawaska, the Minority **Ought Not to Pass** Report was **ACCEPTED**.

On motion of Representative JOY of Crystal, the House **RECONSIDERED** its action whereby the Minority **Ought Not to Pass** Report was **ACCEPTED**.

The SPEAKER: The Chair recognizes the Representative from Crystal, Representative Joy.

Representative JOY: Mr. Speaker, Ladies and Gentlemen of the House. This bill that is before you probably is one of the most important bills that can come before this body or the other body in this session or any other session. We continually hear about the one, two, three, four and five Maines. This situation in which we find ourselves where both bodies of the Legislature are determined by population sets that situation in motion. If you want to return and have one Maine and a one Maine united, then you will pass this bill. This bill would give the balance back to the state and its government, the same as we have on the federal level. On the federal level we have two Senators per state. That gives us the balance. It gives each state an equal voice in that body on our federal government. Ladies and gentlemen, the counties of Maine do not have an equal voice. I understand that there are going to be people who probably will say that this is unconstitutional to have two Senators per county, but that is not so. There have been rulings, I believe in the '70s, which mandated that we go to a one man, one vote situation before the other body. Ladies and gentlemen, our Constitution in this United States does not require that. There are many descending opinions, which indicate that the Constitution does not have any authority over how the state determines its representation. We continually find ourselves in a situation where because of special interests or common interests, we find that the two bodies pass laws, which are detrimental to other parts of the state. We can only look at what is happening and what has been happening to our natural resource industries to find that this balance does not exist in our state.

Our Constitution says that each body shall have the ability to negate the other. Ladies and gentlemen, the ability is there, but perhaps the will is not. I think it is time that we set matters straight and give the rural areas of Maine an equal balance in the governance of this state. If we don't, ladies and gentlemen, you are going to just exacerbate the situation, which exists now where you have, as I indicated, one, two, three, four or five Maines. Ladies and gentlemen, this bill can be sent out to the people and correct the situation, which is very, very bad for the economic situation in our state.

We keep hearing that the southern part of the state has to send money north to support the northern part. What is not counted in there is one out of every \$5 that goes into the state coffers comes from the forests and the bulk of the forests are in

eastern, western and northern Maine. I didn't coin the two Maines situation, but it was brought out last year, last session, in the bill to determine a feasibility of creating two Maines. It was of such magnitude that it was the main theme of the State of the State Address two years ago. Ladies and gentlemen, I urge you to defeat the pending motion, turn this around, pass this and let it go out to the people so that the people can have their say and have an equal voice in the government.

Mr. Speaker, I request when the vote is taken, it be taken by the yeas and nays. Thank you.

Representative JOY of Crystal **REQUESTED** a roll call on the motion to **ACCEPT** the **Minority Ought Not to Pass Report**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: The Chair recognizes the Representative from Madawaska, Representative Ahearne.

Representative **AHEARNE**: Mr. Speaker, Ladies and Gentlemen of the House. As members well know, this bill was committed back to State and Local Government. The issues raised up were, as my good friend from Crystal brought out, regarding the constitutionality of this bill. I always pride myself of being a realist when it comes to these types of issues. As members know, I strongly fight for what I believe in. Sometimes I fight against some really tough odds. I did support this initiative at first. I said, yes, there is an issue here. There is another issue, that is in Washington and it is called the Supreme Court. The Supreme Court ruling in 1964, which is called Reynolds versus Simms, it sets up the standards of a one man, one vote. I am just going to read very briefly from the summary provided to us by our legal aide and a good explanation of what Reynolds versus Simms means. I will just read very quickly.

"Voters in several Alabama counties sued various officials having state election duties charging that failure to appropriately apportion the State Legislature deprived them of their rights under the equal protection clause of the Fourteenth Amendment and the State Constitution. The complaint sought to have the existing legislative apportionment provisions declared unconstitutional alleging that the provisions discriminated against voters in counties whose populations have grown proportionately at a greater rate than counties since the 1900 census. The majority of the court held that the seats in both houses of the bicameral Legislature must be apportioned substantially on a population base per the equal protection clause. The federal Constitution requirement is that both houses of the State Legislature must be apportioned on a population basis. It means that as nearly as practical, districts be of equal protection, though mechanical exactness is not required. Some deviations from the strict equal protection principle are constantly permissible in the two houses of a bicameral State Legislature for incident of a rational state policy, so long as the basic standard equal population among districts is not significantly departed from."

There is no question that if we were to move forward with this bill that there would be a challenge. I know that there is a disagreement with that court. There is a feeling now that this current court may have a difference of opinion. As I said earlier in my testimony, I believe I am a realist. This is one of the landmark rulings of the Supreme Court, Reynolds versus Simms. I cannot see how the court, as much as some members may disagree with where they are in terms of their philosophical standings, that they would reverse a landmark ruling of Reynolds versus Simms. We could debate this all day, I am sure. I am sure there are many members who may disagree, but I think my

opinion is the courts will not overturn a landmark ruling. I ask you to accept the **Minority Ought Not to Pass Report**.

The **SPEAKER**: The Chair recognizes the Representative from Caribou, Representative Belanger.

Representative **BELANGER**: Mr. Speaker, Men and Women of the House. I find it hard to believe my ears. It was not long ago in this very chamber that members when we were debating a labor bill, that we heard the argument that we should do what is right and then let the courts decide if it is constitutional or not. I would say that we should do what is right and let the courts decide what is constitutional. Our federal system has a very similar parallel system that is being proposed. Why did our forefathers institute two Senators from each state along with representatives based on population? It was to bring balance across the country. I would suggest that this measure, when enacted, will bring balance to the State of Maine. I urge your support of the majority and not the minority. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Naples, Representative Thompson.

Representative **THOMPSON**: Mr. Speaker, Men and Women of the House. I am speaking in favor of the **Minority Ought Not to Pass Report**. Let me tell you a few things. First of all, I don't believe it is the right thing to do. Secondly, when you make the comment that it is the parallel to the federal system, I don't think so. The federal system was set up for the states to have independent states rights. That is why there are two Senators from each state. You don't have the same parallel system in the state. There is no setting up 16 counties in the Constitution of Maine. Let's say we passed this constitutional amendment to say there are two Senators from each county. Next year we come back and decide to split Cumberland County into six counties and give them 12 Senators by majority vote. Gee, I never thought of that. Isn't that the truth? There is no where in the Constitution that says there is 16 counties. Every two years we could come in here and change the makeup of the State Senate by virtue of defining what a county is. It sounds a bit absurd to me.

Sending this out to vote would, talk about two Maines. Let's send an issue out to the voters to really polarize the state. Let's send this out to the voters so we can whip up a frenzy. Let's go to Cumberland County and say, we have a Constitutional Amendment here to take away four of your Senators or whatever it would do. That wouldn't whip up any animosity towards northern Maine would it. Let's go to York County and say, let's take away some of your Senators. That wouldn't whip up any problems with northern and southern Maine issues. Let's be realistic here folks. We are setting up a huge fight here if we pass this and send it out. Second of all, we are setting up a system that would be controlled, who knows by whom. We can change the number of Senators based on a majority vote.

There can be issues that happen in here that you don't like and that you think things are turning against your area. We are dealing with the Constitution of the State of Maine and changing a basic premise of the way we do business. We should not do it unless there is compelling reasons why it would help the entire State of Maine. Let's change the Constitution to help one section of Maine. You are saying that this document has been flawed for how many years. There is a lot of problems with this issue.

Under our court decisions at the federal level, it would be held unconstitutional. I don't think that is the issue to rest on. It is not good for the State of Maine. It sets up a system that is

subject to political manipulation based on the vote of the majority in the future. It is wrong for the State of Maine. I urge you to support the Ought Not to Pass report.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative McDonough.

Representative MCDONOUGH: Mr. Speaker, Men and Women of the House. I rise this morning in support of the Minority Ought Not to Pass Report on this particular proposal. As a member of the State and Local Government Committee, Mr. Speaker, I concur with the chair of the committee and his arguments that it is not constitutional and also with my good friend from Naples, Representative Thompson, that it doesn't make a lot of sense to try and polarize this state. We are working very hard to do away with this concept that we have two Maines here in the state. My good friend, Representative Joy, talked about trees and the amount of contribution that those make here in the State of Maine. I can tell you trees don't vote. The people who cut the trees, mill the trees, process them in the paper mills and so forth, those are the people that count. However, we have to go with the majority of people. The one person, one vote concept makes a whole lot of sense to this Representative. I implore the members of this House to vote with the minority on this particular issue. It is very important that we stand behind that concept of one person, one vote. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Lincoln, Representative Carr.

Representative CARR: Mr. Speaker, Men and Women of the House. We have heard arguments on both sides of this issue. We have heard the argument of the two Maines and actually more than two Maines, the urban versus the rural. I guess something that really caught my attention was when the Representative from Naples, Representative Thompson, was talking about the animosity that would be created in Cumberland County if we took away four of their Senators. I guess that that possibly could be some of the animosity that we hear from those that live in the northern sections of the state already.

In my previous employment, prior to coming down here, I kept pretty close watch of how the Supreme Court of the United States worked and some of their decisions. One of the things that I did learn was that as times changed and as people changed and the nominees changed as they go to the Supreme Court, people's ideas on how government should operate and what is right and what is wrong has changed. If you look back a few years with the Supreme Court, there were many of the decisions that they made that thought that segregation was fine. Today, that is not fine. There was a lot of different things as far as women's rights was involved. There were a lot of rulings. A lot of those rulings have changed. I submit to you that it is time for us to make a change in the State of Maine. I think it is a change that would help solidify our state and unite us more. There are arguments on both sides. I think that the right thing to do at this time is to defeat this motion, which is the Minority Ought Not to Pass. The majority of the people on that committee were in favor of this. It has also been to the House before and then sent back for reconsideration. During that time there was a couple of votes that were lost. I think we have to consider some of the things that have been going on from the time it left until the time it came back. I think the right thing to do is for us to vote down the Ought Not to Pass so we can pass the Majority Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Members of the House. I have been teaching state government for some 30 years. I have seen over the years what has happened as a result of the Supreme Court decisions. Baker versus Carr in 1964 as a result of a Kentucky case made it clear that the urban areas were entitled to their share of representation. It was followed two years later by Reynolds versus Simms, which made it clear that the Senate of the states had to be also based on one person, one vote. There has been no retraction from the Supreme Court on the question of equal representation based on the number of votes per person. The one thing that they have done is to allow some deviation when you create the legislative districts. For example, it is roughly 10 percent legislative seats, whether it be in the House or Senate. That is the maximum that is allowed in terms of any variation between legislative seats. Taking one step further on the congressional level, it is zero, the deviation level between the congressional seats. People say, gee, the United States Senate can be based on the number of Senators per state. Why is not okay for State Legislatures to do the same? Basically, it is simply because the US Constitution does not guarantee that the states have that same right. The only hope of changing that is by amending the Constitution of the United States. If you are assuming there is hope there, then I really am looking forward to the day that the capitol of the State of Maine will move to Eagle Lake. That will never happen and I know it. I am realistic enough to know that.

Let's stop to think one step further. How long do you think it is going to take for the people, if we were ever to go through that process, that a State Senator in Cumberland County would represent better than 100,000 people and a State Senator in Piscataquis County, where I used to live, would represent about 16,000 people? Let's think it through. How many people would elect the Senator in Piscataquis County? About the number of people necessary to elect a House seat presently. I don't see how that is fair. Obviously if you look at it in the sense that you live in Piscataquis County, it is a heck of a lot fairer than it is if you live somewhere else.

One step further, based on what took place with Reynolds versus Simms, I became a believer and I wasn't at the time when I graduated from my masters program at Orono in political science. I am now a believer that if we believe so strongly that there is a problem with the Senate, then abolish one of us. Abolish the Senate or abolish the House of Representatives and create a unicameral Legislature. In fact, what you would have would be the basis of equal representation throughout. You wouldn't have the duplication that we have today. All that you have with Senators is more people to represent. If that is really what we ought to be doing and thinking about, in my opinion, that is where we ought to be moving, instead of thinking about doing this.

It is quite true from time to time that I want to get even with Cumberland County too. This is not the way to do it. I really beg of you not to send the message to the students that we are teaching at the university or high school level that we can pass a piece of legislation, spit in the face of the United States Supreme Court and we are going to ignore the Constitution of the United States. To me, that is not a good message to be sending. If you want to change the process, then everyone in this room who believes it ought to be changed, start the process to amend the Constitution of the United States by starting the process right

here, by starting the petitions of the Legislature through the legislative process of amending the Constitution, which is allowed under the Constitution of the United States. Let's start with that and go through the steps that are necessary in order to get the two-thirds necessary to amend the Constitution through the legislative process. It is constitutional to do that. Get your Senators and my Senators to put in a Constitutional Amendment to change the US Constitution, which has been done, you know, a number of times, whether it is lowering the minimum age for voting to 18, through the Twenty-sixth Amendment, whether or not it is famous amendment, which most of us remember on April 15th, the Sixteenth Amendment to the Constitution, which allows the United States government to create a graduated income tax. I can go on, but I won't bore you anymore with changes that have been made to amendments to the US Constitution that can be done constitutionally. I wouldn't hope that is a process you would take. I support the motion to accept the Ought Not to Pass.

The SPEAKER: The Chair recognizes the Representative from China, Representative Bumps.

Representative **BUMPS**: Mr. Speaker, Men and Women of the House. I need to inject into the debate an analogy. In some ways, I think about the debate around this topic like I think about the debate around the school funding formula. You know it is easy to debate the school funding formula until that sheet is printed out with exactly how much money each community in Maine is going to receive. Suddenly, the very rational debate, logical debate, about what is right for the funding of education evaporates. We all have a parochial interest in how much money our communities are going to get to fund education. The only problem with a bill like this is I can't hide the formula or the equation until after we have done all our work. It is clear in the title before the language of the bill that each county in Maine will get two seats. Some of us stand to win and some of us stand to lose. I happen to be from a county that will lose a State Senator if this bill is passed. I tend to believe this is the right thing to do.

As I have listened to the debate this morning, the Representative from Caribou, in my opinion, made the most compelling argument. We use this question of constitutionality, whether or not we perceive something to be constitutional or not, when it is convenient for us. I suggest that if we are going to stick to this argument of enacting laws based on whether or not we think they are constitutional or not, then we are all out to become members of the Judiciary and not members of the Legislature. I choose to run for the Legislature, will enact laws and if somebody takes issue with the laws that are enacted by this body, they have the recourse necessary to take those to the court and allow the court to decide. This case that is used to defeat the argument for passage of this bill is the Reynolds versus Simms case in 1964.

Some of you might not believe this, but I, too, am a student of political science. In my study of political science have learned that the court has regularly reversed itself on decisions. I will spare you the list that a Senator brought to our committee of just page after page where the United States Supreme Court has reversed itself on earlier issued decisions. This is the practice of the Legislature and it is the practice of the court. If it is the right thing to do, let us go ahead and do it. If the court should find upon a challenge, which the Representative from Madawaska is almost certain is forthcoming and I am not sure what the basis for that certainty is, but if there is going to be a challenge, then let's let the court decide.

When we bring students into this chamber and the chamber down the hall, the first lesson we teach them is that the House is the body of the people and that the Senate is the body of the land. We proved that by things as elementary as the colors of the chamber. The color on this end of the hall happens to be green, the body of the people. Down there we have a more heavenly color, the color of the sky, blue. This is a basic lesson, but if that is true, then the representation in this body will be based on population. The representation on the other end of the hall will be able to have its constitutional duty to have a negative impact on this body, which doesn't exist now.

In this case that suggests that you ought to vote against this bill, there is an equally strong and compelling dissenting opinion, which you have heard nothing about this morning. That dissenting opinion, in my opinion is the most compelling one. It speaks very directly to the right of the state to enact local government units to organize their state government in the way they see fit. It is not the role of the federal government to impose on the state, the organization of state and local governments.

As you cast your vote this morning, I would ask you to think seriously about your role as a legislator. If you should choose to become a member of the Judiciary, that opportunity will probably be available to you once you leave this chamber. If you choose to file a grievance against the Legislature by filing a challenge in court to the passage of this bill, which I certainly hope will happen, you will have that opportunity too when you leave the Legislature. I would encourage you to do it. Meanwhile please reject the pending motion so we can go on to accept the majority opinion, Ought to Pass. Thank you.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Dunlap.

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. Just a thought, my good friend from Eagle Lake, Representative Martin, was talking about amending the Constitution. I think some people are operating under an assumption that we have always had a popular election for United States Senators. In fact, that was brought in under the Seventeenth Amendment. Prior to that, the United States Senate was elected by the State Legislatures. This could be thought as an amendment for this bill. If the House of Representatives could elect the State Senate, a lot fewer of our bills would get killed. I hope you would consider that as an amendment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Manchester, Representative Fuller.

Representative **FULLER**: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose her question.

Representative **FULLER**: Mr. Speaker, Men and Women of the House. Is there any other state with a bicameral Legislature that presently has a system of representation of a certain number per county to sit in their Senate and comparable to what is being proposed? Thank you.

The SPEAKER: The Representative from Manchester, Representative Fuller has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Mr. Speaker, Men and Women of the House. The answer to that is no.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Fisher.

Representative **FISHER**: Mr. Speaker, May I pose a question through the Chair?

The **SPEAKER**: The Representative may pose his question.

Representative **FISHER**: Mr. Speaker, Men and Women of the House. This would lower the number of Senators to 32. Are we sure we are going far enough on this?

The **SPEAKER**: The Chair recognizes the Representative from Sanford, Representative Bowles.

Representative **BOWLES**: Mr. Speaker, May I pose a question through the Chair?

The **SPEAKER**: The Representative may pose his question.

Representative **BOWLES**: Mr. Speaker, Men and Women of the House. To anyone who would care to answer, has the Constitution of Maine previously been altered regarding the number and distribution of Senators?

The **SPEAKER**: The Representative from Sanford, Representative Bowles has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Mr. Speaker, Men and Women of the House. The Constitution has been altered twice. It was first altered for the House of Representatives after Baker versus Carr. Prior to that the Constitution said that no city in Maine could have more than seven Representatives, which limited, of course, the City of Portland to seven. Because of Baker versus Carr, the Supreme Court ruled that Maine had to allocate by population its House and the City of Portland, at that time, went to 11. Subsequent to that, after the Supreme Court decision of Reynolds versus Simms the structure of the State Senate was changed. At that time, the Constitution of Maine said that no county could have more than four Senators. No one could have less than one. That was altered at that time because we were declared to be in violation of the US Constitution. The amendment, as I recall off the top of my head, was in 1966. That was the final decision that was made. That was the last change.

The **SPEAKER**: The Chair recognizes the Representative from Lebanon, Representative Chick.

Representative **CHICK**: Mr. Speaker, Ladies and Gentlemen of the House. I have been sitting by here patiently this morning. I have really enjoyed the comments that have been made. However, we are talking about only one thing here. It comes from the problems that have occurred after World War II where human rights entered the picture. We are at the point of one person, one vote.

In growing up in a small rural town in Maine and attending the town meetings and then taking part in some of the activities of the town, I have seen this thing pass where many would be subjected to the desires of a few. For that reason, and as long as we have a Constitution in Maine and a Maine court, which I have great respect for, always have, I don't believe that I shall listen to some of these fishing expeditions that people have tried to take us on this morning. I would recommend that, as far as this individual of this body is concerned, that we continue to allow each person in Maine to have an equal say at the ballot box. Thank you.

Representative **ETNIER** of Harpswell assumed the Chair.
The House was called to order by the Speaker Pro Tem.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Winslow, Representative Matthews.

Representative **MATTHEWS**: Mr. Speaker, Men and Women of the House. Having been a member of the other body, I hope that this House today will vote for the Ought Not to Pass report. I want to correct one statement that I heard on this floor. As a member of the other body and, thankfully, a member of this body, I have referred over the years when I talked to kids in schools and my Senate District that represented three counties, if I recall, and this House, the House of Representatives, both as the people's house. Never once did I ever refer to the body, the other body, as the House of Land or, for that matter, the House of Lords. That is another system in another country. This is the United States of America. I would hope that the Constitution would only be changed in order to give people more representation, not less. I take strong exception to this bill and hope and urge each and every one of us to vote Ought Not to Pass. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Biddeford, Representative Twomey.

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. I am on the Minority Report. I was the last time around. The reason that I chose to be on the Minority Report was after hearing the bill, I thought initially it sounds fair. The more we debated it, the more we got into the bill, I realized what this was really all about. Representation, I am here and I represent 8,000 constituents. I know who they are. I know them by their first name. They know who I am. I am reachable. I know every one of them. If this were to happen, some Senators might have 50,000 people. How do you reach 50,000 people? How do you know them? How do you campaign to 50,000 people? It is truly about representation. Please, I urge you to support the Minority Report. Thank you.

The **SPEAKER PRO TEM**: A roll call has been ordered. The pending question before the House is acceptance of the Minority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 229

YEA - Ahearne, Andrews, Baker, Berry RL, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bryant, Bull, Chick, Cianchette, Colwell, Cote, Cowger, Daigle, Davidson, Davis, Desmond, Dudley, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gerry, Glynn, Green, Hatch, Jacobs, Kane, Labrecque, LaVerdiere, Lemoine, Lemont, MacDougall, Madore, Mailhot, Martin, Marvin, Matthews, McAlevey, McDonough, McGlocklin, McKee, Mitchell, Murphy T, Norbert, O'Brien LL, O'Neal, O'Neil, Peavey, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson J, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Stevens, Sullivan, Thompson, Tobin D, Townsend, Tracy, Tripp, Twomey, Usher, Volenik, Waterhouse, Watson, Wheeler GJ, Williams, Mr. Speaker.

NAY - Bagley, Belanger, Berry DP, Bowles, Bumps, Cameron, Campbell, Carr, Chizmar, Clark, Clough, Collins, Cross, Dugay, Duncan, Foster, Gillis, Goodwin, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, Lindahl, Lovett, Mack, Mayo, McKenney, McNeil, Mendros, Murphy E, Nass, Nutting, O'Brien JA, Perkins, Pinkham, Plowman, Richardson E, Rines, Rosen, Schneider, Sherman, Shields, Shorey, Skoglund, Snowe-Mello, Stanley, Stanwood, Stedman, Tessier, Tobin J, Trahan, Treadwell, True, Weston, Wheeler EM, Winsor.

ABSENT - Buck, Jabar, Muse, Savage C, Tuttle.
Yes, 86; No, 60; Absent, 5; Excused, 0.

86 having voted in the affirmative and 60 voted in the negative, with 5 being absent, the Minority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

CONSENT CALENDAR

First Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(S.P. 657) (L.D. 1879) Bill "An Act to Increase Access to Basic Needs for Low-income Maine Children and Families" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-290)**

(H.P. 846) (L.D. 1180) Bill "An Act to Require Additional Vaccines for Employees of Health Care Facilities" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-603)**

(H.P. 886) (L.D. 1243) Bill "An Act to Strengthen the Kinship Laws" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-599)**

(H.P. 935) (L.D. 1312) Bill "An Act to Improve Consumers' Opportunities to Hire and Retain Personal Care Attendants" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-596)**

(H.P. 1313) (L.D. 1896) Resolve, to Increase Reimbursement for Chiropractic Manipulation under the Medicaid Program Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-602)**

(H.P. 1516) (L.D. 2164) Bill "An Act to Enhance Access to Technology for Maine Schools and Libraries" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-594)**

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

(S.P. 738) (L.D. 2088) Bill "An Act to Revise Certain Provisions of the Fish and Wildlife Laws" (EMERGENCY) Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-292)**

On motion of Representative DUNLAP of Old Town, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. Committee Amendment "A" (S-192) was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-192)** in concurrence.

CONSENT CALENDAR

Second Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the Second Day:

(S.P. 39) (L.D. 49) Bill "An Act to Amend the Drug Laws Related to Possession of a Firearm" (C. "A" S-278)

(S.P. 111) (L.D. 308) Bill "An Act to Implement the Recommendations of the 118th Legislative Joint Select Committee to Implement a Program for the Control, Care and Treatment of Sexually Violent Predators" (C. "A" S-279)

(S.P. 515) (L.D. 1516) Bill "An Act Concerning Disposal of Solid Waste from Decommissioning Activities" (C. "A" S-285)

(S.P. 578) (L.D. 1658) Bill "An Act to Release Juvenile Crime Records to School Personnel" (C. "A" S-277)

(S.P. 641) (L.D. 1823) Bill "An Act to Increase Accessibility to the Department of Environmental Protection Clean-up Funds for Businesses" (C. "A" S-286)

(H.P. 940) (L.D. 1337) Bill "An Act Regarding Taxation of Clean Vehicle Fuels" (C. "A" H-592)

(H.P. 1264) (L.D. 1818) Bill "An Act to Create Statewide Smoking Cessation Services" (C. "A" H-593)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were **PASSED TO BE ENGROSSED AS AMENDED** in concurrence and the House Papers were **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence.

BILLS IN THE SECOND READING

House

Bill "An Act to Allow Three Hunters to Hunt Deer Together" (H.P. 704) (L.D. 971)

House As Amended

Bill "An Act to Require Testing for HIV and Blood-borne Pathogens of All Prisoners in the Maine Correctional System" (H.P. 658) (L.D. 914)

(C. "A" H-478)

Bill "An Act to Establish a Lobster Trap Tag Freeze to Limit Effort in the Lobster Fishery"

(H.P. 1385) (L.D. 1982)

(C. "B" H-580)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the House Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence.

Bill "An Act to Amend Maine's Boating Laws Pertaining to Noise Limits on Watercraft"

(S.P. 240) (L.D. 662)

(C. "A" S-250)

Was reported by the Committee on **Bills in the Second Reading** and **READ** the second time.

On motion of Representative CLARK of Millinocket, was **SET ASIDE**.

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENGROSSED as Amended** and later today assigned.