

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Twenty-First Legislature
State of Maine

Volume I

First Regular Session

December 4, 2002 – May 23, 2003

Pages 1-776

LANDRY of Sanford

READ.

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

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

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Size of the Legislature Beginning in 2005

(H.P. 253) (L.D. 310)

Signed:

Senators:

ROTUNDO of Androscoggin
LaFOUNTAIN of York

Representatives:

McLAUGHLIN of Cape Elizabeth
KETTERER of Madison
BARSTOW of Gorham
SUSLOVIC of Portland
BUNKER of Kossuth Township

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-223)** on same RESOLUTION.

Signed:

Senator:

GILMAN of Cumberland

Representatives:

PEAVEY-HASKELL of Greenbush
STONE of Berwick
CROSTHWAITE of Ellsworth
BOWEN of Rockport
SUKEFORTH of Union

READ.

Representative McLAUGHLIN of Cape Elizabeth moved that the House **ACCEPT** the Majority **Ought Not to Pass** 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 **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Elect 2 Senators from Each County

(H.P. 425) (L.D. 562)

Signed:

Senators:

ROTUNDO of Androscoggin
LaFOUNTAIN of York

Representatives:

McLAUGHLIN of Cape Elizabeth
KETTERER of Madison
BARSTOW of Gorham
SUSLOVIC of Portland
BUNKER of Kossuth Township

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-225)** on same RESOLUTION.

Signed:

Senator:

GILMAN of Cumberland

Representatives:

PEAVEY-HASKELL of Greenbush
STONE of Berwick
CROSTHWAITE of Ellsworth
BOWEN of Rockport
SUKEFORTH of Union

READ.

Representative McLAUGHLIN of Cape Elizabeth moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative JOY: Mr. Speaker, Ladies and Gentlemen of the House. Despite the alignment of the votes on this particular issue, it is not a partisan issue. It is an issue that deals with rural versus urban. When our forefathers created our system of government, they tried to establish a balance between all of the various portions of our government. To that end on the federal level, the House has always been the body of the people and the Senate had been the body of the land. We have two Senators per state to give a balance between geography and one man, one vote in the House.

If it is constitutional for the federal government, then it must be constitutional for the states to establish their Senate body by geographical regions. You will hear that the courts have ruled by the Fourteenth and Fifteenth Amendment that this is unconstitutional to the states. If you look at the Fourteenth Amendment, it says equal protection under the law. Where is the equal protection under the law if the people in the urban areas can tell me, out in Crystal, how I have to live and establish rules and regulations because of their superior numbers in the other body?

The same thing may be pointed out, for example, the State of Minnesota, a number of years ago I was on talk radio in Fargo, North Dakota, which borders very closely on Minnesota and Minnesota has a large listening audience from Fargo, North Dakota. They wanted to talk to someone who would put in a bill to have this, and also at this same time I had a bill in to divide Maine into two states. Minnesota has the same situation. They have a urban population in southern portion of their state and rural in the north. The southern portion dominates everything that happens in the north.

In the State of Washington it has been stated that the people who live within 40 miles of the space needle will decide how the people out in the rural areas of Washington State will live. Ladies and gentlemen, that is not equal protection under the law.

Cumberland County, at the present time, has four Senators. They share three with other counties. That gives you a voting block of seven Senators, which is one-fifth of the current size of the Senate. This bill would reduce the Senate to 32 members. Everybody that I talked with said, what happens when you have a tie? When you have a tie vote, an issue doesn't pass. It doesn't raise any particular problem.

I would like to ask every legislator in here to consider what your situation is with regard to the representation that you have in the other body. Many of you do not have more than one Senator that actually represents a major portion of your county. Many counties are shared. For example, one of the Senate districts represents portions of three counties. Where is the balance and where is the protection for something of that particular nature?

At the present time, Aroostook County has two and a third Senate seats. We would be losing that one-third, but even before that I put this bill in and we would have lost that one-third before. Washington County has one and may even have to spill over into

other counties the next time to have that Senator represent the county.

Ladies and gentlemen, right now we have a tremendous imbalance in our state where the people in the southern portion of the state, where the population is higher controls the laws, rules and regulations that govern rural Maine. You have not only a cluster of Senators in the urban areas, but you also have a greater number within this particular body and as a result when you put the two voting blocks together on issues that they think are important to them, then rural Maine suffers.

Ladies and gentlemen, I ask that you defeat the pending motion and move forward and let us adopt this Constitutional Amendment. Somebody said it will go back to the courts. I think it is high time that this particular issue did go back to the court and let people argue it on its merits. Right now rural Maine has very unbalanced representation between these two bodies. I thank you Mr. Speaker. I request when the vote is taken, it be taken by the yeas and nays.

Representative JOY of Crystal **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **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 Gorham, Representative Barstow.

Representative **BARSTOW**: Mr. Speaker, Men and Women of the House. I always think it is an error when we compare our State Legislature to that of the federal government. The Constitution is put forth so that the upper body is represented the same as the Maine House in that it is per person. I cannot imagine what it would be like in my county, let alone your own counties, about having two Senators that would represent the geographic diversity that is in your entity. I understand the problem between the rural versus urban, but I don't think that this measure is one that is going to solve the problem. If anything, it may actually be a problem coming from the solution that we bring forth. I am very willing to bring forward measures and work with people on measures for economic development and further representation. This is just too simplistic of a way to solve the problem. I ask my colleagues here to support the Ought Not to Pass report as brought forward. Thank you for your time.

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

ROLL CALL NO. 58

YEA - Adams, Ash, Barstow, Blanchette, Bliss, Brannigan, Breault, Brown R, Bull, Bunker, Canavan, Clough, Courtney, Cowger, Craven, Cummings, Davis, Dudley, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Glynn, Grose, Hatch, Hutton, Jennings, Kane, Koffman, Laverriere-Boucher, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, McGlocklin, McKee, McLaughlin, Mills J, Mills S, Moody, Moore, Murphy, Norbert, Norton, O'Neil, Paradis, Patrick, Percy, Perry A, Pineau, Pingree, Piotti, Richardson J, Rines, Sampson, Saviello, Simpson, Smith N, Smith W, Sullivan, Suslovic, Thomas, Thompson, Tobin D, Twomey, Usher, Walcott, Watson, Wheeler, Woodbury, Mr. Speaker.

NAY - Andrews, Annis, Austin, Bennett, Berry, Bierman, Bowen, Bowles, Browne W, Bruno, Bryant-Deschenes, Campbell, Carr, Churchill E, Churchill J, Clark, Collins, Cressey, Crosthwaite, Curley, Daigle, Fletcher, Goodwin, Greeley, Heidrich, Honey, Hotham, Jackson, Jacobsen, Jodrey, Joy, Landry, Lewin, Maietta, McCormick, McGowan, McKenney, Millett, Muse, Nutting, O'Brien J, Peavey-Haskell, Pellon, Rector,

Richardson E, Richardson M, Rogers, Rosen, Sherman, Shields, Snowe-Mello, Stone, Sukeforth, Sykes, Tardy, Tobin J, Trahan, Treadwell, Vaughan, Wotton, Young.

ABSENT - Berube, Dugay, Duprey B, Kaelin, Ketterer, Ledwin, Marley, Marraché, McNeil, O'Brien L, Perry J.

Yes, 79; No, 61; Absent, 11; Excused, 0.

79 having voted in the affirmative and 61 voted in the negative, with 11 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Duration of the Legislative Session

(H.P. 826) (L.D. 1123)

Signed:

Senators:

ROTUNDO of Androscoggin

LaFOUNTAIN of York

Representatives:

McLAUGHLIN of Cape Elizabeth

KETTERER of Madison

BARSTOW of Gorham

SUSLOVIC of Portland

SUKEFORTH of Union

BUNKER of Kossuth Township

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-226)** on same RESOLUTION.

Signed:

Senator:

GILMAN of Cumberland

Representatives:

PEAVEY-HASKELL of Greenbush

STONE of Berwick

CROSTHWAITE of Ellsworth

BOWEN of Rockport

READ.

On motion of Representative McLAUGHLIN of Cape Elizabeth, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence. **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:

(H.P. 233) (L.D. 290) Bill "An Act To Ensure That Title Applications are Timely Delivered" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-242)**

(H.P. 248) (L.D. 305) Bill "An Act To Amend the Lien Procedures for Time-share Estates" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-233)**

(H.P. 359) (L.D. 467) Resolve, To Study the Policies of the Department of Administrative and Financial Services, Bureau of Revenue Services Regarding Tax Collection Practices Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-235)**