

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-First Legislature
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On motion by Senator **CATHCART** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **FINAL PASSAGE**, in concurrence.

ORDERS OF THE DAY

The following matters in the consideration of which the Senate was engaged at the time of Adjournment had preference in the Orders of the Day and continued with such preference until disposed of as provided by Senate Rule 516.

The Chair laid before the Senate the following Tabled and Later (5/7/03) Assigned matter:

An Act To Require Church Officials To Report Suspected Abuse
H.P. 252 L.D. 309
(C "A" H-197)

Tabled - May 7, 2003, by Senator **WOODCOCK** of Franklin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 1, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-197)**, in concurrence.)

(In House, May 6, 2003, **PASSED TO BE ENACTED**.)

PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

The Chair laid before the Senate the following Tabled and Later (5/7/03) Assigned matter:

Bill "An Act To Amend the Laws Governing Noncompete Clauses in Broadcast Industry Contracts"

H.P. 823 L.D. 1120

Tabled - May 7, 2003, by Senator **BENNETT** of Oxford

Pending - **PASSAGE TO BE ENGROSSED**, in concurrence

(In House, April 29, 2003, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

(In Senate, May 7, 2003, on motion by Senator **EDMONDS** of Cumberland, the Majority **OUGHT TO PASS** Report **ACCEPTED**, in concurrence. **RULES SUSPENDED, READ TWICE**.)

PASSED TO BE ENGROSSED, in concurrence.

The Chair laid before the Senate the following Tabled and Later (5/9/03) Assigned matter:

HOUSE 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 Beginning in 2005

H.P. 253 L.D. 310

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-223)** (6 members)

Tabled - May 9, 2003, by Senator **ROTUNDO** of Androscoggin

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

(In House, May 6, 2003, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 9, 2003, Reports **READ**.)

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

Senator **GILMAN:** Thank you, Madame President, men and women of the Senate. I rise today to urge you to oppose the pending Ought Not to Pass motion so that we can go on to consider the Ought to Pass as Amended minority report. As you know, this is not the first time this bill has been considered by this legislature. However, I believe it is a bill whose time has come. The bill proposes to reduce the size of the Senate to 33 members and House of Representatives to 99 members. A smaller legislature will be a more efficient one with fewer bills being proposed and fewer laws getting piled upon the books. The State of Maine would be better served by a leaner legislative body, and in these trying economic times, it is important to note that a smaller state legislature will cost the state less money. This bill also fits very well with the efforts of municipalities as they work to make their own governments more efficient. Once again, please join with me in opposing this Ought Not to Pass motion so we can go on to consider the minority Ought to Pass as Amended report. Thank you very much.

Senator **WOODCOCK** of Franklin requested a Roll Call.

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

Senator **ROTUNDO:** Thank you, Madame President, men and women of the Senate. This resolution proposes a Constitutional Amendment to reduce the size of the House of Representatives from 151 members to 99 members and the size of the Senate from no more than 35 members to 33 members. The redistricting will be done in 2004, during the second regular session of the 121st Legislature. The reduction in size of each legislative body takes effect in 2005. I urge you to support the majority Ought Not to Pass report.

The State Constitution already gives us flexibility in reducing the size of the legislature if we wish. The argument that this will save money does not take into account the increased number of constituents that a legislator will be responsible for and the

corresponding additional level of support this will require from staff.

During the public testimony, proponents of the bill also argued that, with the new information and communication technologies, the closeness of legislators to their constituents is no longer as important. I would respond, in turn, that it is precisely the closeness of constituents to their legislature that makes our state, and legislature, special and enables us to represent the people of our district well. We should not jeopardize or sacrifice that connection by drastically increasing the number of people we represent. The Maine State Constitution's provisions regarding representation have served the people of Maine very well over the years. Nothing is broken, nothing needs to be fixed. Please vote in favor of the pending, Ought Not to Pass, motion. Thank you.

On motion by Senator **WOODCOCK** of Franklin, 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 opened the vote.

ROLL CALL (#54)

YEAS: Senators: **BRENNAN, BROMLEY, BRYANT, CATHCART, DAMON, DOUGLASS, EDMONDS, GAGNON, HALL, HATCH, LAFOUNTAIN, MARTIN, MAYO, PENDLETON, ROTUNDO, STANLEY, STRIMLING, TREAT, THE PRESIDENT - BEVERLY C. DAGGETT**

NAYS: Senators: **BENNETT, BLAIS, CARPENTER, DAVIS, GILMAN, KNEELAND, LEMONT, MITCHELL, NASS, SAVAGE, SAWYER, SHOREY, TURNER, WESTON, WOODCOCK, YOUNGBLOOD**

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **ROTUNDO** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Off Record Remarks

The Chair laid before the Senate the following Tabled and Later (5/9/03) Assigned matter:

SENATE REPORTS - from the Committee on LEGAL AND VETERANS AFFAIRS on Bill "An Act To Reimburse Philip Wolley for Litigation Expenses Incurred in Connection with His Termination and Reinstatement as a State Employee"
S.P. 94 L.D. 260

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-116)** (11 members)

Minority - **Ought Not to Pass** (2 members)

Tabled - May 9, 2003, by Senator **GAGNON** of Kennebec

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, May 9, 2003, Reports **READ**.)

Senator **GAGNON** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

At the request of same Senator a Division was had. 23 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator **GAGNON** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-116) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-116)**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (5/9/03) Assigned matter:

Bill "An Act to Require Flashing Lights for Private Snow Plows"
H.P. 156 L.D. 197
(C "A" H-25)

Tabled - May 9, 2003, by Senator **TREAT** of Kennebec

Pending - motion by Senator **NASS** of York to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**

(In House, May 1, 2003, **PASSED TO BE ENACTED**.)

(In Senate, May 9, 2003, on motion by Senator **KNEELAND** of Aroostook, **RECONSIDERED** whereby the Bill and accompanying papers was **INDEFINITELY POSTPONED**.)

Senator **TREAT** of Kennebec requested a Division.

On motion by Senator **WOODCOCK** of Franklin, 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 opened the vote.