

MAINE STATE LEGISLATURE

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

Volume I

First Regular Session

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First Special Session

April 4, 2005 – May 25, 2005

Pages 1-736

76 having voted in the affirmative and 63 voted in the negative, with 12 being absent, and accordingly the Majority **Ought Not To Pass** Report was **ACCEPTED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

HOUSE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-151)** - Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, To Amend the Constitution of Maine To Change the Number of Senators to 2 from Each County

(H.P. 325) (L.D. 440)

TABLED - April 28, 2005 (Till Later Today) by Representative BARSTOW of Gorham.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

Representative JOY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We have a terrible inequity that takes place in this state. It is the lack of proper representation for rural Maine and this bill would go a long way toward correcting that. This bill would also put is in line with the federal government, which has an two Senators per state.

The other day I stood and presented an argument for dividing the state into two states. This would enable us to hold the state together as one state and not have two Maines, three Maines or five Maines. Right now, in this state we have both bodies elected on the basis of population. The House has always been the body of population. The Senate is the body of the land, or the body of geography.

Our Constitution calls for the ability of each body in this legislature to be able to negate the other. Having them both based on elections by population can occur but the will is not usually there. The will of both bodies tends to drift towards Southern Maine.

There was a law case a long time ago in which the judges decided that they would be activists and write law rather than go by the Constitution of the country. It is called Reynolds v. Simms, in which they changed the way that the Senators had to be elected for states.

Ladies and Gentlemen this bill needs to be passed. It needs to go out to the people and let them make the decisions so that we can actually have a balance between rural Maine and Urban Maine. This would give us a slight reduction in the number of Senators and would reduce it down to 32. You would hear arguments that it is impossible to have business taken care of in a body that has an equal number of legislators but that is not correct. Tie votes don't pass. Ladies and Gentlemen we need to pass this, put it in effect and let the people vote it in and then reapportion our body and let the lawsuits begin. It is time to go to Washington and straighten out that action of an activist court back in the 1800s and let us have representation in this body on the basis of population and in the other body on the basis of geography. I urge you to defeat the pending motion and accept the Ought to Pass Report. Mr. Speaker, when the vote is taken I request the yeas and nays. Thank you.

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: 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. 98

YE - Adams, Babbidge, Beaudette, Blanchard, Blanchette, Brannigan, Brautigam, Bryant, Burns, Cain, Collins, Craven, Cummings, Davis G, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Fisher, Gerzofsky, Glynn, Goldman, Grose, Hall, Harlow, Hogan, Hutton, Koffman, Makas, Marley, Mazurek, Merrill, Moody, Moulton, Norton, O'Brien, Ott, Patrick, Pelletier-Simpson, Percy, Pilon, Pineau, Pingree, Piotti, Plummer, Sampson, Smith N, Tuttle, Twomey, Valentino, Walcott, Watson, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Ash, Austin, Berube, Bierman, Bishop, Bowen, Bowles, Brown R, Browne W, Bryant-Deschenes, Campbell, Canavan, Carr, Cebra, Clark, Clough, Cressey, Crosby, Crosthwaite, Curley, Curtis, Daigle, Davis K, Dugay, Duprey, Edgecomb, Emery, Finch, Fischer, Fitts, Fletcher, Flood, Greeley, Hamper, Hanley B, Hanley S, Hotham, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, Lundeen, Marean, Marraché, McCormick, McFadden, McKane, McKenney, McLeod, Millett, Mills, Moore G, Muse, Nass, Nutting, Paradis, Perry, Pinkham, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Robinson, Rosen, Saviello, Schatz, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Thompson, Trahan, Vaughan.

ABSENT - Barstow, Bliss, Churchill, Lerman, Miller, Smith W, Webster.

Yes, 60; No, 84; Absent, 7; Excused, 0.

60 having voted in the affirmative and 84 voted in the negative, with 7 being absent, and accordingly the Majority **Ought Not To Pass** Report was **NOT ACCEPTED**.

Subsequently, the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Resolution was **READ ONCE**. **Committee Amendment "A" (H-151)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Monday, May 9, 2005.

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (H-190)** - Committee on **TAXATION** on Bill "An Act To Increase the Franchise Tax on Financial Institutions"

(H.P. 351) (L.D. 476)

TABLED - May 3, 2005 (Till Later Today) by Representative WOODBURY of Yarmouth.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

On motion of Representative JACKSON of Fort Kent, **TABLED** pending the motion of Representative WOODBURY of Yarmouth to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

HOUSE DIVIDED REPORT - Report "A" (9) **Ought Not to Pass** - Report "B" (3) **Ought to Pass as Amended by Committee Amendment "A" (H-164)** - Report "C" (1) **Ought to Pass** - Committee on **TRANSPORTATION** on Bill "An Act To Ban the Use of Handheld Cellular Telephones while Operating a Motor Vehicle"

(H.P. 401) (L.D. 525)

TABLED - April 28, 2005 (Till Later Today) by Representative MCKENNEY of Cumberland.

PENDING - Motion of same Representative to **ACCEPT** Report "B" **OUGHT TO PASS AS AMENDED**.