

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 Twenty-Third Legislature
State of Maine

Volume I

First Regular Session

December 6, 2006 - June 5, 2007

Pages 1-681

SENATE PAPERS

Bill "An Act Regarding All-terrain Vehicle Registration"
(S.P. 712) (L.D. 1912)

Came from the Senate, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE** in concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 112) (L.D. 339) Bill "An Act To Prevent Inappropriate Transfers of Residents of Nursing Facilities" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-117)**

(S.P. 259) (L.D. 816) Bill "An Act To Improve the Historic Preservation Tax Credit" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-115)**

(S.P. 382) (L.D. 1194) Bill "An Act Concerning the Practice of a Deceased or Incapacitated Dentist" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-118)**

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

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

(H.P. 268) (L.D. 334) Resolve, Regarding Legislative Review of Portions of Chapter 182: Formula for Distribution of Funds to Child Development Services Regional Sites (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

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

(H.P. 914) (L.D. 1296) Bill "An Act To Amend Certain Harness Racing Laws" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-287)**

On motion of Representative PIEH of Bremen, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ**.

On further motion of the same Representative, **TABLED** pending **ACCEPTANCE** of the Committee Report and later today assigned.

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-277)** on Bill "An Act To Preserve Historic Architecture by Encouraging Owner-occupied Small Business Conversion"

(H.P. 702) (L.D. 927)

Signed:

Senators:

BROMLEY of Cumberland
SCHNEIDER of Penobscot
COURTNEY of York

Representatives:

BEAULIEU of Auburn
SAMSON of Auburn
AUSTIN of Gray
MacDONALD of Boothbay
PRESCOTT of Topsham
SILSBY of Augusta
SMITH of Monmouth
CLEARY of Houlton

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

Signed:

Representatives:

RECTOR of Thomaston
BEAUDETTE of Biddeford

READ.

On motion of Representative SMITH of Monmouth, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-277)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, May 23, 2007.

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 Provide for the Reduction in the Size of the Legislature

(H.P. 1077) (L.D. 1552)

Signed:

Senators:

SCHNEIDER of Penobscot
BRANNIGAN of Cumberland
BENOIT of Sagadahoc

Representatives:

BARSTOW of Gorham
BOLAND of Sanford
WEAVER of York
BEAUDETTE of Biddeford
CURTIS of Madison
SCHATZ of Blue Hill
HAYES of Buckfield

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-266)** on same RESOLUTION.

Signed:

Representatives:

SIROIS of Turner
JOY of Crystal
COTTA of China

READ.

Representative BARSTOW of Gorham moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The **SPEAKER**: The Chair recognizes the Representative from Fairfield, Representative Finch.

Representative **FINCH**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise this afternoon to speak in opposition to the current motion and urge that this Chamber pass this as an Ought to Pass Minority Report. It should come as no surprise that I am standing up and doing this because this is my bill. Like all of us, we have a great amount of affection for our own children and before my child is summarily executed here, I would like to speak a few words in its defense.

First of all, I would like to explain to those that have not had the opportunity to read this magnificent piece of legislation, to outline the key points: This proposes, as the title says, the reduction of the size of the Legislature, an issue that has been before us, will continue to be before us until we finally take the bull by the horns and do it, because this is what the people of Maine have said time and time again they want us to do.

The specifics of this bill: It will retain, intact, the current 35 members of the other body. Why retain those 35? First of all, if we quibble over 33, 34, 35, I think that is splitting hairs. Secondly, those of us, I guess it is all of us who serve on standing committees, have often been frustrated by inability to do business because of the lack of the presence of a senator; we cannot have a quorum, we cannot vote until a senator arrives. I think we need to two per committee. Therefore, I have chosen in this bill, to retain not only the same number, but the same intact districts as they now exist, eliminating the need to redistrict in the other body.

Furthermore, I propose that starting with those 35 current and to be retained districts, we subdivide each of them into 3, resulting in a House membership of $3 \times 35 = 105$. Reducing the size of this body and also creating a situation whereby each district would be served by one senator and three representatives. Therefore, those four people could represent an entire area jointly, much as our congressional delegation does in Washington. In many cases, those four people, regardless of party, could work together to represent the interests of their particular constituents, again, much as our delegation often does in Washington.

We have 151 of us. Now, we are all intelligent, handsome, good people, and all of that, but they do not need all of us. We are one of the largest Houses of Representatives in the country. We have heard this time and time again. Well, why do we have 151? Well, it goes back many, many years. I cannot even find out exactly when the number became 151, but when it was 151 and you campaigned for this seat, you probably hitched up the horse to go door to door. If you were to call a constituent or they were to call you, you would turn the crank and ask Martha with whomever you wanted, and the mail came on an irregular basis. We had to have relatively small districts then so that we could keep in touch with our constituents and they could get to us. We do not need that anymore. Most of our districts, with a few exceptions, have fairly decent roads, the telephone usually works, the mail comes on time, we have email, we have cell phones, we have the whole thing. Each of us now has the ability to cover a larger area and to hear from a much larger group of people, than was the case when these 151 districts were created.

Other reasons for passing this bill and defeating the current motion: The fiscal note, a savings of nearly \$2 million a year—\$2 million a year. The cost: A one time cost to redistrict. Now, the fiscal note says that they estimate that at \$450,000, but they do that based on the cost of the last redistricting, which as we remember, did not only redistrict the House, but also redistricted the other body. So, I would estimate that the cost this time would be significantly less. We are already two-thirds done. We start with the 35 that we currently have, so you would have 55 little,

mini redistrictings. Just for the fun of it I sat down one night—I say fun, I get kind of bored at night, I guess—but I took my own district that I happen to live in, I could cut that in three, I did it in about 45 minutes, and I only have to divide one town to do it. So, I do not think that that would be that big of a job.

What is another reason to pass this, because I am convinced from everything I hear, from talking to people one on one, that that is what the people of Maine want. Time and time again, as you went door to door, how many times did you hear people say that there are just too many of you, that there should be fewer of you down there? If we should pass this and we should happen to be wrong and this is not what the people of Maine want, they will simply let us know that by turning it down in the proposed referendum, which I propose to have this fall. Why this fall, because that would allow it to go into effect with the next legislative session. It is very easy for us to stand here and vote for things that will not affect us. In this case, however, the only people who would not be affected are those currently termed out, or those who choose not to run. I am in my third term. People would say, "Well, this would not affect you." Yes, it would, and I wrote it that way deliberately, so that even myself would have to run in one of these redesigned districts, should I choose to run again. None of us would escape the gun in this case.

We are hearing about streamlining, consolidating, a more lean, mean, efficient state government. The Brookings Report said in no uncertain terms, we are too big. We are awful good at telling other people to streamline, and other people to reduce, and other people to consolidate. I think this House should set an example for the people of Maine, by stepping forward and saying, "We are going to put our money where our mouth is. We are willing to consolidate ourselves. We are willing to put our own jobs on the line."

Why should we vote on this now? Well, some people might say, well let's wait until 2014 when the next census comes around, or let's just reduce it a little bit. Well, I do not think that the people want us to reduce it a little bit and I do not think that they want us to wait until 2014. If you pass this bill now and it takes effect in 2014, well all we have missed are the savings of about \$12 million. We could be saving that between now and then, with a reduced, streamlined House.

Some people point out that we have too many pieces of legislation here. Well, I suspect that fewer of us would mean fewer pieces of legislation. I have yet to hear any issue, in five years now, discussed on the floor of this body that has more than 105 different points of view. I know it is hard to vote against your own job and that is what some people are doing—if we cut this down, I may be the one whose head is on the chopping block and the state cannot get along without me being here—well, they have, they can, and they will again. None of us are irreplaceable; we will all go down the road eventually. It is hard to vote against your own self-interest. I am willing to do it and that is why I proposed this bill, why I still feel it is what is good for the state, it is what the people want, and I just hope that a few you here this afternoon will agree with me by pushing a red light. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Gorham, Representative Barstow.

Representative **BARSTOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to thank my colleague, the good Representative from Fairfield, for introducing this bill and speak to the fact that the ideas that he has brought forth in LD 1552, have been incorporated into the Committee's discussion. There will be legislation coming forward, not today, but in the future that will be dealing with the issues that are brought forth, and looking at a reduction of this body and the other body, the Legislature as a whole. The

numbers are slightly different in that the bill that we will be presenting is 132 members in this body, versus the 105 that are recommended in this bill. The other thing, also, that I want to mention is the date would be different with regard to the consideration of when the reduction would occur. We would be looking with the other legislation of reducing in 2015 versus 2009.

There are two ways that you can look at this type of argument: It could be a matter of us pointing the gun at ourselves, as the good Representative has mentioned in his debate, or we could be looking at from a progressive point and saying that we want to be deliberate, we want to be wise, we want to be gradual in right sizing democracy and right sizing the size of government in the State of Maine. So, I would urge my colleagues to support the Majority Ought Not to Pass Report on this bill, and allow us an opportunity to present our other legislation that will be looking at, changes that are both cost saving, produces efficiency, and make sure that democracy is maintained in the House of Representatives and the other body. Thank you, Mr. Speaker.

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 Crystal, Representative Joy.

Representative **JOY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Probably, I am a strange one to be standing on this, but I have always voted for bills to reduce the size of the Legislature. I think that we are much too large and even though this is going to make my successor travel a lot more, because in my district when I go out to pick up my signs after an election, I have over 400 miles. But even at that, I think that anything that we can do to save the amount of money that Representative Finch has in his bill, is certainly worthwhile. Thank you very much.

The **SPEAKER**: The Chair recognizes the Representative from Fairfield, Representative Finch.

Representative **FINCH**: Mr. Speaker, I am not sure that even after five years I understand the protocol of speaking on a piece of legislation not before us, but since that door has been opened, I would like to proceed to make a few comments about a bill which may be coming to us in the future. Since that has already been mentioned, I believe that I am properly able to do that?

The **SPEAKER**: The Chair would ask that the member confine to the comments to the issue at hand, which is the acceptance of the Majority Ought Not Pass Report, in relation to LD 1552, your bill. The Representative may proceed.

The Chair advised all members to confine their debate to the question before the House.

Representative **FINCH**: Thank you, Mr. Speaker. Then, speaking very slowly and carefully, so it is not to exceed my permission slip here, the bill currently before us, my bill, would result in savings now. It would not postpone until 2015. It would call for a reduction to 105, not to some other theoretical number, let's say 132, and would be in keeping with making significant reductions. Some may say that we need more time to work this through. I believe that as Representative Joy from Crystal just said, this issue has been before the body before. I suspect that in most people's minds, more time to think about it probably is not 100 percent necessary. So, once again, there is the bird in the hand and the one in the bush analogy: This is the bird that we have in our hand right now, and this is the bird that I hope will be successfully released to the voters for their approval this November. I urge you to vote red.

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. 75

YEA - Adams, Annis, Babbidge, Barstow, Beaudette, Beaudoin, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Clark, Cleary, Connor, Conover, Crockett, Driscoll, Duchesne, Dunn, Eaton, Faircloth, Farrington, Fischer, Fisher, Gerzofsky, Greeley, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jackson, Koffman, Lundeen, Makas, Marley, Mazurek, Miller, Mills, Miramant, Norton, Patrick, Percy, Perry, Pieh, Pilon, Pingree, Piotti, Pratt, Priest, Rand, Rector, Rines, Saviello, Schatz, Silsby, Simpson, Smith N, Sutherland, Tardy, Theriault, Treat, Trinward, Valentino, Wagner, Watson, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Austin, Ayotte, Beaulieu, Berube, Browne W, Cebra, Cotta, Craven, Cray, Crosthwaite, Curtis, Dill, Eberle, Edgecomb, Finch, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Grose, Hamper, Hanley S, Jacobsen, Joy, Knight, Lansley, Lewin, MacDonald, Marean, McDonough, McFadden, McKane, McLeod, Millett, Moore, Muse, Nass, Peoples, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Robinson, Rosen, Samson, Savage, Sirois, Strang Burgess, Sykes, Thomas, Tibbetts, Vaughan, Walcott, Walker, Weaver, Woodbury.

ABSENT - Chase, Cressey, Duprey, Emery, Hotham, Kaenrath, Pendleton, Pineau, Richardson E, Thibodeau, Tuttle.

Yes, 79; No, 60; Absent, 11; Vacant, 1; Excused, 0.

79 having voted in the affirmative and 60 voted in the negative, 1 vacancy with 11 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **LABOR** reporting **Ought Not to Pass** on Bill "An Act Regarding Occupational Safety and Health Training for Workers on State-funded Construction Projects"

(H.P. 458) (L.D. 591)

Signed:

Senators:

STRIMLING of Cumberland
SULLIVAN of York
DOW of Lincoln

Representatives:

TUTTLE of Sanford
CLARK of Millinocket
THOMAS of Ripley
HASKELL of Portland
CRESSEY of Cornish
DUPREY of Hampden
DRISCOLL of Westbrook

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:

Representatives:

JACKSON of Allagash
BURNS of Berwick

READ.

Representative CLARK of Millinocket moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.