

# 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-Fourth Legislature**  
**State of Maine**

**Volume II**

**First Regular Session**

May 28, 2009 – June 12, 2009

**Second Regular Session**

January 6, 2010 - March 23, 2010

Pages 609-1214

**ROLL CALL NO. 234**

YEA - Adams, Beaudette, Beaudoin, Beck, Berry, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Butterfield, Cain, Casavant, Cleary, Cohen, Connor, Cornell du Houx, Crockett P, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Eves, Flemings, Gilbert, Goode, Harlow, Haskell, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath, Kent, Kruger, Lajoie, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, Miller, Morrison, Nelson, O'Brien, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Piotti, Priest, Rankin, Rotundo, Russell, Sanborn, Schatz, Sirois, Smith, Stevens, Stuckey, Sutherland, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Webster, Welsh, Wheeler, Wright, Madam Speaker.

NAY - Austin, Ayotte, Beaulieu, Bickford, Browne W, Burns, Campbell, Cebra, Celli, Chase, Clark H, Clark T, Cotta, Crafts, Cray, Crockett J, Curtis, Cushing, Davis, Edgecomb, Finch, Fitts, Fletcher, Flood, Fossel, Gifford, Giles, Greeley, Hamper, Harvell, Johnson, Joy, Knapp, Knight, Langley, Lewin, McFadden, McKane, McLeod, Millett, Nass, Nutting, Pendleton, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Robinson, Sarty, Saviello, Shaw, Strang Burgess, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tilton, Weaver, Willette.

ABSENT - Carey, Flaherty, Hanley, Hayes, Pratt, Rosen.

Yes, 84; No, 61; Absent, 6; Excused, 0.

84 having voted in the affirmative and 61 voted in the negative, with 6 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce the Size of the Legislature

(H.P. 123) (L.D. 144)

Which was **TABLED** by Representative MARTIN of Eagle Lake pending his motion to **RECEDE**.

Subsequently, Representative MARTIN of Eagle Lake **WITHDREW** his motion to **RECEDE**.

The SPEAKER: The Chair recognizes the Representative from Winthrop, Representative Flood.

Representative **FLOOD**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. My hope was and still is that this moderated version of LD 144 provided recognition of the issues raised and was respectful and responsive to the concerns brought forth by some of my good colleagues here. And I wanted to make some clarification remarks, if I could, to be clear to this body. I wanted to be sure that you all knew that I prepared the amendment that is now before you on this LD 144, and prepared it for the other body to offer because that is the protocol for how items come off the Appropriations' table and go back to the other body, and it's usually the chair of the Appropriations Committee who presents those amendments to the other body, and then they get back in motion that way. So that was a standard protocol, and I wanted to be sure that my colleagues understood that.

I did want to say that I do believe that it still sends a very good message to the public that we've listened. And to the point that others raised earlier, that it would be a confusing issue to the public to look at this question and respond to it, I would say that in 1969 the other body had that concern, that question went out, it was dealt with. The people are smart, they will understand it, and they will be able to deal with the question. They will understand that.

Also, there was a question raised earlier that I wanted to be sure that I responded to regarding the question itself and the year that which is stated, we talk about altering the size of the House of Representatives beginning in 2015, and that is the correct language. I checked that twice before because, to me, also it seemed counterintuitive that that would be the way it should work. But in checking again with the chief revisor, she indicates that that is how we have always dealt with those matters, that is the way, that is the correct language to use in that context. So you can be sure that the phrasing is correct there.

My motivation in this whole process, from a year ago, is to find a way to overcome concerns and get to yes. That's very difficult. You all know that because you all have tried to do that same process as you go through your legislative session. My concern after earlier votes on this matter was the fact that it was so close to an Enactment vote that it was really my duty to try to find a way to get us to yes, and that is why I prepared this additional amendment. Again, I felt duty bound to do that. I hope that this bill would empower the people by asking them a question that I think they would like to respond to, and I think it would also empower this Legislature as well, and I thank you all very much for the opportunity to have presented it. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Ripley, Representative Thomas.

Representative **THOMAS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I voted for this on the two previous occasions, because I don't think it makes much difference if it's 131 or 151, and I don't believe it's going to save any money. I believe it will cost us more to remodel the House to accommodate 131 than we save, but I believe that the people want it. But I don't think they want us to play games like this, do they? If we want to reduce the size of the House, let's reduce the size of the House. Let's not give it to some other committee to decide for us. If we don't have the courage to do it, then let's not do it. Thank you.

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

Representative **ADAMS**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. The proposal arriving on the wings of night from the other body is very thoughtful, but it is very large, it is very late and it is very sweeping. And for all of those reasons, plus the fact that the Constitution should not be amended casually or quickly or late at night, I believe it best not to adopt this measure at this late hour. But in no respect does that mean disrespect for the probity and sincerity of the good sponsor.

A quick example to show why I think the Senate and the House stories are different and should stay different. The example has been given to us of the Senate Amendment that is now in the State Constitution. Here's how it came about: In Maine's first Constitution, the Senate represented counties. Each county got two Senators. The House represented people. No town got more than seven or less than participating in one. So it remained for 150 years, until a famous United States Supreme Court case called *Baker v. Carr* in the 1960s, which established the famous doctrine of one person, one vote, and it required all states, including ours, to create single member districts for both House and Senate. So now all legislators in the United States and in Maine, and in House and in Senate, represent people not territory.

But later, it was understood that since Maine would grow, the Senate could grow: 31 to 33 or to 35. It was meant to allow for growth, not for shrinking. Two houses, two stories, two different ends, two different paths, with two different chambers.

I encourage you not to Recede and Concur tonight, and I don't believe we'd be misunderstood in the press. I'm not so concerned about what the papers might say necessarily. Newspapers are shrinking too and that doesn't mean they're getting any better. In that case, shrinking is not necessarily a good thing at all.

Colleagues, if an idea like this worthy of our consideration is to be done, it should be done as an original bill at a different and a better moment, through the regular hearing process and during daylight. I encourage you to vote against the pending motion.

The SPEAKER: A roll call having been previously ordered, the pending question before the House is to Recede and Concur. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 235

YEA - Austin, Beaudette, Beck, Bickford, Blodgett, Bolduc, Browne W, Burns, Cain, Cebra, Celli, Chase, Clark T, Cleary, Cohen, Cornell du Houx, Cray, Curtis, Cushing, Edgecomb, Flood, Fossel, Gifford, Giles, Hamper, Harvell, Haskell, Hinck, Johnson, Knapp, Knight, Langley, Lewin, MacDonald, Martin JL, McFadden, Miller, Millett, Nass, Nutting, Peterson, Pieh, Plummer, Prescott, Richardson D, Robinson, Sarty, Saviello, Strang Burgess, Sutherland, Tardy, Thibodeau, Tilton, Weaver, Willette.

NAY - Adams, Ayotte, Beaudoin, Beaulieu, Berry, Blanchard, Boland, Briggs, Bryant, Butterfield, Campbell, Casavant, Clark H, Connor, Cotta, Crafts, Crockett J, Crockett P, Davis, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Eves, Finch, Fitts, Flaherty, Flemings, Fletcher, Gilbert, Goode, Greeley, Harlow, Hill, Hogan, Hunt, Innes Walsh, Jones, Joy, Kaenrath, Kent, Kruger, Lajoie, Legg, Lovejoy, Magnan, Martin JR, Mazurek, McCabe, McKane, McLeod, Morrison, Nelson, O'Brien, Pendleton, Peoples, Percy, Perry, Pilon, Pinkham, Piotti, Priest, Rankin, Richardson W, Rotundo, Russell, Sanborn, Schatz, Shaw, Sirois, Smith, Stevens, Stuckey, Sykes, Theriault, Thomas, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Webster, Welsh, Wheeler, Wright, Madam Speaker.

ABSENT - Carey, Hanley, Hayes, Pratt, Rosen.

Yes, 55; No, 91; Absent, 5; Excused, 0.

55 having voted in the affirmative and 91 voted in the negative, with 5 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, on motion of Representative BEAUDETTE of Biddeford, the House voted to **INSIST**.

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

The following items were taken up out of order by unanimous consent:

#### ENACTORS

##### Emergency Measure

Resolve, To Expand Access to Renewable Energy Programs  
(H.P. 581) (L.D. 845)  
(S. "A" S-328 to C. "A" H-158)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 142 voted in favor of the same and 0 against, and accordingly the Bill was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

#### Emergency Measure

An Act Regarding the Pay of Tribal Representatives

(S.P. 512) (L.D. 1428)

(S. "A" S-331 to C. "A" S-256)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 139 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

#### Emergency Measure

Resolve, Regarding Building Energy Efficiency and Carbon Performance Ratings

(S.P. 357) (L.D. 935)

(S. "A" S-329 to C. "A" S-155)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

Representative BERRY of Bowdoinham **REQUESTED** a roll call on **FINAL PASSAGE**.

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 Final Passage. All those in favor will vote yes, those opposed will vote no.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

#### ROLL CALL NO. 236

YEA - Adams, Beaudette, Beaudoin, Beaulieu, Beck, Berry, Bickford, Blanchard, Blodgett, Boland, Bolduc, Briggs, Browne W, Bryant, Butterfield, Cain, Campbell, Casavant, Celli, Chase, Clark H, Cleary, Cohen, Connor, Cornell du Houx, Cotta, Cray, Crockett P, Davis, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Eves, Finch, Fitts, Flaherty, Flemings, Fletcher, Flood, Fossel, Gilbert, Giles, Goode, Greeley, Harlow, Harvell, Haskell, Hill, Hinck, Hogan, Hunt, Innes Walsh, Johnson, Jones, Kaenrath, Kent, Knight, Kruger, Lajoie, Langley, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McKane, Miller, Millett, Morrison, Nass, Nelson, Nutting, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Piotti, Priest, Rankin, Richardson D, Richardson W, Rotundo, Russell, Sanborn, Saviello, Schatz, Shaw, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Tardy, Theriault, Thibodeau, Tilton, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Austin, Ayotte, Burns, Cebra, Clark T, Crafts, Crockett J, Curtis, Cushing, Edgecomb, Gifford, Hamper, Joy, Knapp, Lewin, McFadden, McLeod, Pinkham, Plummer, Prescott, Robinson, Sarty, Sykes, Thomas, Weaver.

ABSENT - Carey, Hanley, Hayes, Pratt, Rosen.

Yes, 121; No, 25; Absent, 5; Excused, 0.

121 having voted in the affirmative and 25 voted in the negative, with 5 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.