

MAINE STATE LEGISLATURE

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

Daily Edition

First Regular Session

December 1, 2010 – June 29, 2011

pages 1 - 1067

Signed:

Representative:

CORNELL du HOUX of Brunswick

READ.

On motion of Representative CURTIS of Madison, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought Not to Pass** on Bill "An Act To Establish Recreational Flats Where Commercial Shellfish Harvesting Is Prohibited"

(H.P. 909) (L.D. 1218)

Signed:

Senators:

LANGLEY of Hancock

SULLIVAN of York

Representatives:

WEAVER of York

BELIVEAU of Kittery

CHAPMAN of Brooksville

KNAPP of Gorham

KRUGER of Thomaston

KUMIEGA of Deer Isle

MacDONALD of Boothbay

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

Signed:

Senator:

SNOWE-MELLO of Androscoggin

Representatives:

OLSEN of Phippsburg

PARRY of Arundel

TILTON of Harrington

READ.

Representative WEAVER of York moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative CAIN of Orono **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 York, Representative Weaver.

Representative **WEAVER**: Mr. Speaker, I guess I should re-explain this. The title is not what this bill is all about. This is, and I will let her speak for herself, Representative Chase's bill, and she wanted a definition of recreational clam flats. The bill, as written, did not have that and that is why it is Ought Not to Pass and that is where it stands.

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. 35

YEA - Beaudoin, Beaulieu, Beavers, Beck, Beliveau, Bennett, Berry, Bickford, Black, Blodgett, Boland, Bolduc, Briggs, Bryant, Burns DR, Cain, Carey, Casavant, Cebra, Chapman, Chipman, Clark H, Clarke, Cornell du Houx, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dill C, Dill J, Dion, Dow, Driscoll,

Duchesne, Dunphy, Eberle, Edgecomb, Espling, Eves, Fitts, Fitzpatrick, Flemings, Flood, Fossel, Foster, Fredette, Gifford, Gilbert, Gillway, Goode, Graham, Guerin, Hamper, Hanley, Harlow, Harvell, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Johnson D, Kaenrath, Kent, Keschl, Knapp, Knight, Kruger, Kumiega, Lajoie, Libby, Long, Longstaff, Lovejoy, Luchini, MacDonald, Maker, Malaby, Maloney, Martin, Mazurek, McCabe, McClellan, Morissette, Morrison, Nass, Nelson, Newendyke, O'Brien, O'Connor, Parker, Peoples, Peterson, Picchiotti, Pilon, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Rochelo, Rosen, Rotundo, Russell, Sanborn, Sanderson, Sarty, Shaw, Sirocki, Stevens, Strang Burgess, Stuckey, Theriault, Timberlake, Treat, Turner, Tuttle, Valentino, Volk, Wagner R, Waterhouse, Weaver, Webster, Welsh, Willette A, Willette M, Winsor, Wintle, Wood, Mr. Speaker.

NAY - Burns DC, Chase, Clark T, Harmon, Johnson P, McFadden, McKane, Moulton, Olsen, Parry, Rioux, Tilton.

ABSENT - Ayotte, Celli.

Yes, 137; No, 12; Absent, 2; Excused, 0.

137 having voted in the affirmative and 12 voted in the negative, with 2 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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 House of Representatives

(H.P. 33) (L.D. 40)

Signed:

Senators:

THOMAS of Somerset

COLLINS of York

SULLIVAN of York

Representatives:

COTTA of China

BOLAND of Sanford

CASAVANT of Biddeford

GRAHAM of North Yarmouth

MOULTON of York

TURNER of Burlington

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-198)** on same RESOLUTION.

Signed:

Representatives:

BOLDUC of Auburn

HARVELL of Farmington

KAENRATH of South Portland

READ.

Representative COTTA of China moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The **SPEAKER**: The Chair recognizes the Representative from Farmington, Representative Harvell.

Representative **HARVELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. If you'll notice today that when we vote, we hit a switch and a light lights up. Picture it as 1840 and the time it actually took to take a vote in this chamber, as individually the Speaker or the Clerk would call off your name and ask how you had voted. I say that because

the only thing that has outstripped government growth in civilization's history is technology. Now from this chamber not only can we vote automatically, we can email our constituents with a cell phone, we can step around the corner and talk to them.

In 1840, there were eight congressmen in this state. There are now two. What is funny is last year when we ran the same bill, to listen to the new math I heard, that those in rural areas and those in urban centers both argued that they would be disproportionately affected, when in fact since the 1960s we've had proportional representation. Getting my head around that, I still haven't done it. I thought I was going to explode. The reality is that our ability to do things today is far greater than it was 170 years ago, and in 170 years the people of this state have not even had the chance to weigh in about what they think about the size of this Legislature. Should it be bigger or should it be smaller? The only way they get a chance is if we, here today, give them their chance. We take all kinds of chances from them every day. We ask them to do more with less.

Where I work at Verso Paper, when I started working there, there were six people in my department and we put out 180 tons. We do over 300 now with four. Why, because of technology. The technology that we have today means we can do this better than they could in 1840. I ask you to vote against the measure and I am requesting a roll call.

Representative HARVELL of Farmington **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 North Yarmouth, Representative Graham.

Representative **GRAHAM**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the Majority Ought to Pass Report. When I campaigned I heard from many of my constituents, or future constituents, that this was an important issue for them, that we needed to be more effective and efficient in the Legislature, and that we needed to decrease the size of the Legislature.

On the State and Local Government Committee, we were faced with four separate bills with all different ways to decrease our size of the Legislature, and, quite honestly, I couldn't pick from each one. They were brought forth by my esteemed colleagues Representative Carey, Representative Hinck, and Representative Harvell. So my feeling was that we needed to clearly pay attention to this issue, but we needed to do it in a more thoughtful way.

I recognize in the past we have suggested commissions/committees to study this, and my feeling is that we need to do a good job and really pay attention and maybe bring forth a bill in the next session. But clearly our constituents want us to be more effective, more efficient, and I wanted you to understand why the majority of our committee voted Ought Not to Pass. Thank you very much.

The **SPEAKER**: The Chair recognizes the Representative from Garland, Representative Wintle.

Representative **WINTLE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'm kind of pondering this one too. It is amazing even though I graduated from Dexter Regional High School, I can still add to 8,000. That's the number of people I represent, the same number of people that are represented in each one of the United States of America.

I want to correct another mathematical thing. We've actually got 50 United States, not 57, and in all 50 of those states, 8,000 people represented. That's the way it was in the beginning, that's

the way it will be in the end, and I just thought it would be kind of neat if we could reduce the Senate to kind of mirror what they do in Florida. They have parishes and counties and so forth, plus reduce the Senate, and my final thoughts are kind of twofold. I am really in favor of reducing the judiciary and the executive. I would like the Governor, he could be bicameral. It's okay with me. Let's do it.

The **SPEAKER**: The Chair would remind members that when they refer to the Chief Executive on the second floor, they refer to him as the Chief Executive and nothing else.

The Chair reminded members to refer to the Chief Executive as the Chief Executive and nothing else.

The **SPEAKER**: The Chair recognizes the Representative from Topsham, Representative Prescott.

Representative **PRESCOTT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Not to steal a certain legislator's campaign slogan, but sometimes less is more, and we need to set the example. I will be voting no on the pending Ought Not to Pass motion. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Lisbon, Representative Crafts.

Representative **CRAFTS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I respectfully disagree with my good friend Lance Harvell from Farmington. I think that this reduction of the Legislature is putting the cart before the horse. As we've seen government grow and grow and grow over the years, our work load has increased. I don't know about you but on my committee – and I see other committees – lots of times there is a lot of empty chairs because people are working several committees and it is very difficult sometimes, because they come back and we have to go over and revamp what we had just talked about. I think when we reduce the size of state government, we can start. By then, we might be able to think about reducing the size of the Legislature. But I really don't want to put the cart before the horse. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Auburn, Representative Bickford.

Representative **BICKFORD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will be voting red on the pending motion and just a little bit of math to help you understand why. Maine is in the bottom 10 in population in the nation, but yet we are in the top 10 in number of legislators that serve those citizens. That's why I will be voting red. Please follow my light.

The **SPEAKER**: The Chair recognizes the Representative from Portland, Representative Hinck.

Representative **HINCK**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I oppose the pending motion. I favor reducing the size of the Legislature.

A major point I'd make is this: Give the people what they want. This is a two-step process. All the Legislature can do is put the question on the ballot, but when we've had these discussions, for some reason it does seem to everyone that we would decide the final outcome here. I think the reason why is nobody serving here doubts that the citizens of the State of Maine prefer a smaller Legislature. It's one of those cases where we're too willing to substitute our judgment for theirs. It's true we have a privileged vantage point. We see things that our constituents maybe don't see, but I think that they have it right.

I'd ask a question just as trivia. What do the following have in common: the first Groundhog Day in America, the first filibuster in the U.S. Senate, the entire one month presidential term of William Henry Harrison, the famed Whig Party riot on the grounds of the White House, the opening of the Limerick yarn mills in Limerick, Maine? All of those things occurred in 1841. That was

the last time we gave the citizens of Maine the opportunity to vote on the size of the Legislature. They passed that proposal and we ended up with a body of 151 members here. It had been 200 before that.

In 1841, we brought that question forward, it went on the ballot and the voters in Maine, in 1841, voted to reduce the size of the House from 200 to 151. That was just 20 years after the Maine Constitution was put in place in the first place. It was contemplated at the very beginning that the House size and the Legislature size wouldn't necessarily be fixed for all time, but for some reason, over those decades, it has become fixed in our minds, just the people that happen to serve here.

It has been briefly mentioned that we're an outlier. If we didn't have neighbors of New Hampshire and Vermont, we'd think of our Legislature as enormously large, but the two other outliers in this country happen to be our neighbors. The Nevada Legislature has 21 state senators and 42 members in the Assembly, for a total of 63 lawmakers. It's a much larger state than Maine, in area if not population. The total of both chambers in Oregon is 90. We can compare ourselves with Michigan which is much more in the middle of those states. Its legislative membership is 148. Maine is 186. The two states are somewhat comparable in legislative size. Now take into consideration that Michigan has a population of 9 million, while Maine's population is less than a seventh of that at 1.3 million. The total area of Maine is 35,000 square miles; Michigan is 97,000 square miles.

When we think about having to serve a larger district, just compare ourselves to what is happening in states all over the country already. If we think about how hard it is to serve a large Legislature, travel to Augusta, think of the Michigan legislators who serve in the Upper Peninsula and end up having to travel to East Lansing in the south. Maine's 151 House members, each represent 8,443 residents, approximately. California's 80 Assembly members each represent 425,000 people. Nobody wants to follow California right now, I understand that, but each of Kansas's 125 representatives has 21,507 constituents. Alabama's 105 House members each represent 42,353 people. Each of Virginia's 100 delegates represents 70,785 people. Iowa's 100 representatives each have 29,263 constituents. Why are we stuck on this number here in the State of Maine?

I happen to think the State of Maine does things better than any other state in the country. I would put up our record against every single one of those states I mentioned and every other state in the country. I do think our Legislature has performed well. I think our government performs well. But I don't think it's because of the size of our Legislature. I think it might be despite the size of our Legislature. We can get by with fewer. I say give the people what they want. Thank you, Mr. Speaker.

On motion of Representative CUSHING of Hampden, **TABLED** pending the motion of Representative COTTA of China to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned. (Roll Call Ordered)

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To Shorten the Legislative Sessions"

(H.P. 717) (L.D. 973)

Signed:

Senator:

SULLIVAN of York

Representatives:

COTTA of China

BOLAND of Sanford

BOLDUC of Auburn

CASAVANT of Biddeford

CELLI of Brewer

GRAHAM of North Yarmouth

KAENRATH of South Portland

MOULTON of York

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-190)** on same Bill.

Signed:

Senators:

THOMAS of Somerset

COLLINS of York

Representatives:

HARVELL of Farmington

TURNER of Burlington

READ.

Representative COTTA of China moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative Libby.

Representative LIBBY: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Even as late as the 1960s, only 19 states met annually, the rest of the states met biannually. Today as we stand here four states still only meet every other year, four states. Of those states, Montana, North Dakota, of course they are a little bit smaller than the size of Maine, but Nevada and Texas are both larger and have more gross state product than the State of Maine. Nevada is double the size and doubles the state gross product of the State of Maine. Texas is over 20 times the size of the State of Maine and over 20 times the gross state product. I am looking at other different states, even on the states that meet annually like, for instance, the state of Utah only has a limit of 45 calendar days that they meet in their session.

With this bill also passing, it also is a way to go back to your district and say because of the recession, because of you losing your jobs, we also had the opportunity to decrease the salary with it. I think that is one heck of a notion to go back to your constituents and say you're hurting and we actually took a decrease in our salary to do this.

You know our freedom as individuals are a pie chart and as being here, we're not going to add to those freedoms. We're only going to take away from that. I don't know how many times I've heard it at least, is how many times people have said I sleep a lot sounder at night knowing when you guys aren't in session. Please follow my light and I think this is a great bill to support. Thank you. I also request a roll call.

Representative LIBBY of Waterboro **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. 36

YEA - Ayotte, Beaudoin, Beavers, Beck, Beliveau, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Casavant, Cebra, Chapman, Chipman, Clark H, Clark T, Clarke, Cornell du Houx, Cotta, Curtis, Cushing, Dill C, Dill J, Dion,