

# 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

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came back here in non-concurrence. I've talked with several members of the other body and found support for a number of 14 counties, which is what my amendment seeks to do, to the minimum of 14, and so I encourage everybody to please support this amendment. Thank you very much.

Subsequently, **House Amendment "A" (H-184)** to **Committee Amendment "A" (H-41)** was **ADOPTED**.

**Committee Amendment "A" (H-41) as Amended by House Amendment "A" (H-184)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-41) as Amended by House Amendment "A" (H-184)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

**HOUSE DIVIDED REPORT - Majority (9) Ought Not to Pass - Minority (4) Ought to Pass as Amended by Committee Amendment "A" (H-181) - Committee on MARINE RESOURCES** on Bill "An Act Regarding the Saltwater Recreational Fishing Registry" (EMERGENCY)

(H.P. 250) (L.D. 308)

Which was **TABLED** by Representative **CURTIS** of Madison pending his motion to **ACCEPT** the **Majority Ought Not to Pass Report** and later today assigned. (Roll Call Ordered).

The **SPEAKER**: The Chair recognizes the Representative from Boothbay, Representative **Macdonald**.

Representative **MacDONALD**: Thank you, Mr. Speaker. Earlier when we were debating this bill, the good Representative from Newcastle did mention that stripers are in great decline on our coast and there might not be that many people targeting stripers after all. But, in fact, in that very argument, I think he indicates the need for this registry that has been put out in the first place and that is to try to get data so that we can understand what's happening to our recreational fishing stock up and down the coast. But ours, of course here particularly in Maine, we need data. That's in fact why the Magnuson-Stevenson Act was amended during the Bush era to include the need for a recreational fishing registry up and down the coast.

What has been missing in our debate here in this House, up until the moment, is the fact that this was put in place in order for us to be able to have access to better data with which to manage our fisheries. If we repeal the state registry, we may get the data but we may not because it is going to be a voluntary registry, and secondly, people who are paying fees to get into this registry are going to send all our money to the Federal Government. I find it ironic that many of us who seem to have no trust whatsoever in the Federal Government are willing to consign our Maine fishermen to their tender care. I urge you to vote against the current motion. We have a better bill coming from the other body. You have a paper on your desk that outlines that better bill which does keep the registry and does do away with the fees. Thank you, Mr. Speaker.

The **SPEAKER**: A roll call having been previously 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. 71**

**YEA** - Beaudoin, Beavers, Beck, Beliveau, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Chapman, Chipman, Clarke, Cornell du Houx, Cray, Cushing, Dill J, Driscoll, Eberle, Flemings, Fossel, Gifford, Gilbert, Goode, Graham, Harlow, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Kaenrath, Kent, Knapp, Knight, Kruger, Kumiega,

Lajoie, Longstaff, Lovejoy, Luchini, MacDonald, Maloney, Martin, Mazurek, McCabe, Morrison, Nelson, O'Brien, Peoples, Pilon, Rankin, Rotundo, Russell, Sanborn, Shaw, Stevens, Strang Burgess, Stuckey, Theriault, Tilton, Treat, Tuttle, Valentino, Wagner R, Weaver, Webster, Welsh, Mr. Speaker.

**NAY** - Ayotte, Beaulieu, Bennett, Bickford, Black, Burns DC, Burns DR, Cebra, Celli, Chase, Clark H, Clark T, Cotta, Crafts, Crockett, Curtis, Damon, Davis, Dow, Dunphy, Edgecomb, Espling, Fitts, Fitzpatrick, Flood, Foster, Fredette, Gillway, Guerin, Hamper, Harmon, Harvell, Johnson D, Johnson P, Keschl, Libby, Long, Maker, Malaby, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Newendyke, O'Connor, Olsen, Parker, Parry, Peterson, Picchiotti, Plummer, Prescott, Richardson D, Richardson W, Rioux, Rosen, Sanderson, Sarty, Sirocki, Timberlake, Turner, Volk, Waterhouse, Willette A, Willette M, Winsor, Wood.

**ABSENT** - Casavant, Dion, Duchesne, Eves, Hanley, Priest, Rochelo, Wintle.

Yes, 73; No, 69; Absent, 8; Vacant, 1; Excused, 0.

73 having voted in the affirmative and 69 voted in the negative, 1 vacancy with 8 being absent, and accordingly the **Majority Ought Not to Pass Report** was **ACCEPTED** and sent for concurrence.

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

**UNFINISHED BUSINESS**

The following matter, in the consideration of which the House was engaged at the time of adjournment Thursday, May 19, 2011, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

**HOUSE DIVIDED REPORT - Majority (9) Ought Not to Pass - Minority (3) Ought to Pass as Amended by Committee Amendment "A" (H-198) - Committee on STATE AND LOCAL GOVERNMENT** 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)

**TABLED** - May 11, 2011 (Till Later Today) by Representative **CUSHING** of Hampden.

**PENDING** - Motion of Representative **COTTA** of China to **ACCEPT** the **Majority OUGHT NOT TO PASS Report**. (Roll Call Ordered)

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. The question I ask today is how often should someone be asked? The reality is the public has not had a question, a chance to weigh in on this question in 170 years. One would think that at least every century you might ask people if they think the size of their government is correct

The reality is you can look across the continents of this world and there has been dramatic change in the last 170 years. Most all of the early continental legislatures were the largest that we've ever seen in our country and the reason was because of what I spoke earlier of, they were doing their work from horseback. Since that time, except Maine, most of those legislatures have decided to reduce their numbers. Why? Because technology has allowed it. This would be a great debate to be having with the public, but the problem is we can't even have it unless we put this out and ask them. All I'm asking is maybe every century we ought to ask them that question.

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 agree that we need to make this body here and the body down the hall more effective and efficient. Our constituents have asked us to do that. But this is the dilemma I have: State and Local Government heard four bills that were looking to change the Constitution with four different ways of changing the size of the Legislature.

My good friend, the Representative from Farmington, his bill would say decrease the House size from 151 to 131. The good Representative from Portland, Representative Hinck, said let's decrease it from 151 to 101 and decrease the Senate to 23 members. My good friend from Lewiston, Representative Carey, brought forth a bill that said we should decrease the size of the House to 101 and the Senate to 17 and change how we introduce bills in the Second Session and change the length of the session. And my good friend, Representative Valentino, from Saco brought forth a bill, LD 804, on the unicameral legislation. So you can understand how difficult it was for us on the committee to pick which one was the best.

So that's why I will support this motion, Ought Not to Pass, because I can't just throw a dart and say, huh, that's the best number and what I would suggest is that we go back, think about this, be more thorough and then maybe, in the second part of this session or in the next session, we develop a commission, some way that we are more thoughtful, more deliberative to say that indeed the Legislature can be more efficient and effective, but randomly picking a number is not the way we should be doing it. I thank you very much, Mr. Speaker.

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. Once again, when we were riding in here on horseback, I just challenge my good friend from Farmington, how large was government at that time? We've grown government, we've grown government, and we've grown government. We've not grown the body.

I can say that on my own committee that we've had Representatives say that I'm going to go along with the rest of the committee on their decision because I haven't been here, because I've been too busy on my other committees, and I say to you that our work load and effectiveness is very large. Until we shrink government I'm against this. I support the Ought Not to Pass until we reduce the size of government first. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Carey.

Representative **CAREY**: Thank you, Mr. Speaker. I'm reminded of Winston Churchill saying that democracy is the worst form of government except for every other one. If the question about what was happening in the world in 1840, if we were to look across the world, we would have seen an Emperor in Japan, a Kaiser in Germany, another Emperor in Turkey. If we are going to improve democracy in the State of Maine, we need to look at all of the ways in which the people's representatives represent the people. Choosing just to decrease that number without looking how to make that job better, I don't think solves the problem.

It has been mentioned that I had a bill dealing with a similar topic and it was in fact very similar. It dealt with the two ways in which the workings of democracy, the workings of the people's representatives of governing the Constitution, the number of us and the length of the time that we serve, and it would have allowed for that length of that time to be increased. It wouldn't have defined it but would have allowed for it.

I agree with the Representative from North Yarmouth, Representative Graham, and some others who have said we need to go and spend time at looking at all the ways in which the people's representatives are able to represent the people of Maine. It is the number of us, it is the time in which we serve, it is the responsibilities that we have to oversee the executive branch as has been suggested. Doing that, looking at all those facts, we can come up with a better way to do the work of the people, just decreasing a number doesn't necessarily do that, and I urge you to support the pending motion and vote green. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Sabattus, Representative Wood.

Representative **WOOD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'm going to vote opposed to this because my surveys show that my constituents want me to reduce the size of the House and the Senate. So that's the way I'm voting.

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have the good fortune of being able to walk my district when I campaign and when I go talk to folks. I have the good fortune of being able to show up to the local coffee shop every morning and catch a lot of the key opinion leaders from my district, talk to them about what's going on, what's happening. I have the fortune of having a lot of media outlets in my district – newspapers, television – it's all centered. So it makes it very easy for me to communicate with my district. That is not the case when you get outside of Portland. That is certainly not the case when you start going to the rural parts of this state.

You know we sit around the horseshoe and we listen to folks outline what towns they are from and I say "I'm from District 120, beautiful Munjoy Hill and downtown Portland." Then I hear other folks. I remember my good friend Wright Pinkham who was here in the House last term and he would outline, I think, 17 county townships and 18 towns. It was really a laundry list of places that people represent. Folks talk about all the town hall meetings they have to go to and it is all about being able to represent the people in that district. It would be very easy for me to support reducing the size of the Legislature because, frankly, that means I have to walk maybe 10 or 15 more streets. It's not hard. That's not the case for the rest of the state and I want to make sure that every person has the right to a true representative democracy.

I love being able to see my neighbors and explain to them one-on-one what's happening. I like to have those one-on-one conversations as I'm sure many folks around the chamber do, because that means that when I get phone calls like I did at three o'clock on Friday where someone was in a crisis situation that had nothing to do with anything that they had caused, they knew me from Colucci's. They knew that they had someone they could trust. She said, "I don't know who else to call. You're the only person I know to trust." And it's because I have that one-on-one connection. I don't want to lose that in other parts of the state because I know that I'm not the only one that makes that connection with folks. I know that there are folks on both sides of the aisle that make that connection, whether it's urban or rural, and I know that in the rural parts of the state it is harder and harder and harder to get access to your legislators. We all work very busy schedules, we have a hard enough time keeping a job outside of here without adding to the burden.

At the end of the day, we are the House of Representatives. We are supposed to represent. It would be really helpful if we could continue to represent those people in an honest authentic

way so that when someone picks up the phone and they don't know who else to call, that they do have that one person that they know they can trust because, you know what? You knocked on their door, you saw them at the store, you were able to make a connection with them, because at the end of the day we are the people that the people turn to. We're the people, when all else fails, we're where they go. The buck stops here and I value my ability to communicate with my constituents and there is very little that shrinking the Legislature is going to do to stop me from doing that.

But I'm concerned about folks in the other part of the state making sure that they have access to their Representatives as well, whether you are a Republican, you are a Democrat, you are Independent, you are Green. It doesn't matter. We need to make sure that our people are able to call us and to communicate with us and I am concerned that if we shrink the Legislature those folks are not going to have any place to go. So you can do it, you can vote for it, shrink it, I'm still going to be able to knock on doors on my feet and not have to drive 300 miles to get from one place to another. It's not us that we should be worried about, it's the folks on the other side who are the ones that are supposed to call us. They are the ones that are going to end up with less representation. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Crockett.

Representative **CROCKETT**: Thank you, Mr. Speaker. Mr. Speaker, Distinguished Members of the House. I can't offer any great oratory like my colleagues, but I can only offer a couple brief points. I come from a district that stretches from Stoneham to Canada, from New Hampshire to Kingfield. I have to drive either out of state or through three different legislative districts to get to parts of my district. Now there are some other Representatives here who are in similar situations.

Now growing up I always believed in a plan called the 99/33 plan. In the early '90s some of you probably heard of it. Ninety-nine members of the House and 33 members of the Senate, and I thought it was a great idea, a smaller Legislature, more effective, more efficient. Well when I was campaigning for office a couple of years ago, I was approached by a gentleman in Kingfield and he chased me down and asked me how I felt about the size of the Legislature. I said, "Oh, absolutely cut it." He said, "I'm in Kingfield talking to a guy from Bethel who takes an hour and forty-five minutes to get here. I don't want less representation, I want more."

So it's with that in mind that if we're going to make this a more efficient body or more effective or less costly, let's cut the pay. Let's cut the benefits. Let's cut the days in session. But don't cut the people's access to this body. I have no interest in this becoming a full-time Legislature. My people don't have any desire to see us become a full-time body. So with that I think I have to support the pending motion, so I will be voting green on the pending motion.

The SPEAKER: The Chair recognizes the Representative from Sangerville, Representative Davis.

Representative **DAVIS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House of Representatives. I rise today to support the pending motion. Cumberland County has 32 State Representatives. They have 12 members of the other body. Piscataquis County has two State Representatives and our member of the other body represents three counties. His district stretches almost 150 miles and that's as the crow flies.

I work as hard as I can at being a Representative. I worked as hard as I could at being a member of the other body. I believe in the personal touch. I believe in going to the Boy Scouts and

the Girl Scouts Eagle and Silver awards, I believe in going to the anniversary parties, and I believe in monitoring the town meetings and doing all of those things because that's what the people, I believe, expect us to do.

If this goes through Cumberland County will go probably from 32 Representatives to 30 Representatives. Piscataquis County will go from two to one and a half. And I don't know what our Senator will do. I can't imagine.

This isn't going to save any money. We're going to have an awful lot more work to do or at least we'll think we do. We'll have to have more staff. We'll spend a lot more money and we'll be all the worse for it.

I would agree with some of the previous speakers. If we want real reform, let's reduce the number of days we meet here. Let's reduce the amount of bills that we put in. Let's make some real reforms. Thank you, Mr. Speaker, and I would ask that you follow my light.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative O'Connor.

Representative **O'CONNOR**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I agree with many of the Representatives who have spoken today, but I will support this motion for the reason of lobbying which is the intention of influencing decisions made by legislators and officials in the government by individuals and other legislators, constituents, or advocacy groups.

As it should be, lobbying is protected by our First Amendment rights. However, because it is protected and the influence of the lobbyist is not always in the best interest of the people, but the vested interest by which they earn their living, we the people should think very hard about the individuals we place in positions of power and how they may be influenced by these efforts.

This legislation, as presented, makes the job of lobbying much easier with fewer individuals to solicit and convince that the issue du jour is worthy of support and should be forefront of the attention of the Legislature. It may save a couple of bucks in the long-run, in the short-run I don't think. In the long-run I think this is very, very bad legislation.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Gilbert.

Representative **GILBERT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will be voting for this motion of Ought Not to Pass. I represent quite a large district. I have talked with some people who live in the cities and they can do their campaigning and meet their people within a month and a half or two months. I start my campaigns in the month of May and when I am visiting my districts in a campaign, I travel more than 2,500 miles. There are four school districts in my House District. There are five towns, that's five boards of selectmen, two counties, and you have a lot of activities going on in those towns and I try to stay connected. I am there every weekend to at least one of those towns. These people like to see their Representative there.

If my district was any larger, I don't know how some of these people from Penobscot and Piscataquis and Washington County do it. The district that I represent, House District 87, takes a lot of work and a lot of time to do the job right, and I will be voting green on this bill.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. While campaigning this year, this issue came up frequently and a number of folks actually were surprised that we haven't sent this to the voters.

I will be voting today in opposition to the pending motion and

if my calculation is right, I think we are talking about adding around 1,000 more people to each of these districts. So in thinking about that, that's actually roughly the population of Cornville. For folks who don't know, Cornville is a town next to Skowhegan. It shares the zip code with Skowhegan. It actually falls in the good Representative Cray's district, but having the joy of having the same zip code and coming to Skowhegan for the same services frequently, people just contact me. So I will be voting for this pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Berry.

Representative BERRY: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I also rise in support of the pending motion and I do so, in part, because I do represent one of the more rural districts in CD 1, including an unorganized territory and three towns. And for me the passage of this bill is more than adding a few streets. It really is adding towns. And that's true for many of us in this chamber.

But I think more fundamentally I am against this reform because it would do away in a small way with the direct democracy that this body represents, at a savings of only 50 percent, 50 cents per Mainer. I don't think 50 cents per Mainer, given the fiscal note and the savings in it, is worth the erosion of direct democracy that this constitutional resolution represents.

I'm concerned also that the bill as written would only do the easy part, that it is the equivalent of eating dessert first. There are harder reforms that we do need to take on, more politically challenging votes that we do need to discuss that would help this body to do its work better. We need to address the issue of term limits and the impact that that has had. We need to talk about pay. And we need to create a package that Maine people can support and that would truly make this a better body, a better people's house.

There will be other measures coming before us that would have greater savings. I, for one, will not be here in this body if and when this measure takes effect. So it would be very easy for me personally to vote against the pending motion, to allow this to go into effect, and to let others add the towns or add the streets. I'm not prepared to do that. I think that the bill coming before us relating to whether we have two legislative bodies or one might be a better way to go, and for that reason I will be voting against the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Palermo, Representative Harmon.

Representative HARMON: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. One reason, the people need to weigh in. That's what this does. We're not voting to reduce the size of the Legislature. We're letting the people vote.

Now I agree. I am against reducing the size of the Legislature, but the people need to weigh in. The reason why I am against that is because of the reasons mentioned by the Representative from Bethel and the Representative from Sangerville, as well as the Representative from Skowhegan. But it is so important. We don't share too many decisions up here with the people of Maine, but I feel there is a need, especially with something like this, where there is such discontent in what we do of government that we need to be sharing as much as we can and to empower the people to vote. This is what this does. I suggest that we vote Ought to Pass. Vote red so that we can send this issue to the people. Thank you, Mr. Speaker.

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. 72

YEA - Ayotte, Beaudoin, Beavers, Berry, Black, Boland, Briggs, Cain, Carey, Cebra, Celli, Chipman, Clark H, Clark T, Crafts, Cray, Crockett, Curtis, Davis, Dill J, Driscoll, Dunphy, Espling, Fitts, Fitzpatrick, Flemings, Fossel, Fredette, Gifford, Gilbert, Goode, Graham, Guerin, Harlow, Haskell, Hogan, Innes Walsh, Kent, Knapp, Kumiega, Libby, Long, Longstaff, Lovejoy, Luchini, MacDonald, Maker, Martin, McClellan, McKane, Morissette, Morrison, Moulton, Nass, Nelson, Newendyke, O'Brien, O'Connor, Pilon, Rankin, Richardson D, Richardson W, Rosen, Rotundo, Russell, Sarty, Shaw, Stevens, Stuckey, Theriault, Tilton, Timberlake, Turner, Wagner R, Weaver, Webster, Willette A, Willette M, Winsor, Mr. Speaker.

NAY - Beaulieu, Beck, Beliveau, Bennett, Bickford, Blodgett, Bolduc, Bryant, Burns DC, Burns DR, Chapman, Chase, Clarke, Cornell du Houx, Cotta, Cushing, Damon, Dow, Eberle, Edgecomb, Flood, Foster, Gillway, Hamper, Harmon, Harvell, Hayes, Herbig, Hinck, Hunt, Johnson D, Johnson P, Kaenrath, Keschl, Knight, Kruger, Lajoie, Malaby, Maloney, Mazurek, McCabe, McFadden, Olsen, Parker, Parry, Peoples, Peterson, Picchiotti, Plummer, Prescott, Rioux, Sanborn, Sanderson, Sirocki, Strang Burgess, Treat, Tuttle, Valentino, Volk, Waterhouse, Welsh, Wood.

ABSENT - Casavant, Dion, Duchesne, Eves, Hanley, Priest, Rochelo, Wintle.

Yes, 80; No, 62; Absent, 8; Vacant, 1; Excused, 0.

80 having voted in the affirmative and 62 voted in the negative, 1 vacancy with 8 being absent, and accordingly the Majority Ought Not to Pass Report was ACCEPTED and sent for concurrence.

## REPORTS OF COMMITTEE Divided Report

Majority Report of the Committee on LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT reporting Ought to Pass as Amended by Committee Amendment "A" (S-118) on Bill "An Act Regarding Penalties for Opting Out of Paperless Billing"

(S.P. 82) (L.D. 273)

Signed:

Senators:

RECTOR of Knox  
JACKSON of Aroostook  
MARTIN of Kennebec

Representatives:

PRESCOTT of Topsham  
DRISCOLL of Westbrook  
GILBERT of Jay  
HERBIG of Belfast  
HUNT of Buxton  
NEWENDYKE of Litchfield  
TUTTLE of Sanford  
VOLK of Scarborough  
WINTLE of Garland

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

Signed:

Representative:

DOW of Waldoboro

Came from the Senate with the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill