

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh  
Legislature*

OF THE

STATE OF MAINE

1975

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Wednesday, February 12, 1975

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Thomas Buckley of Dyer Brook.

The journal of yesterday was read and approved.

**Papers from the Senate**

Bills from the Senate requiring reference were disposed of in concurrence.

**Non-Concurrent Matter**

Bill "An Act to Require the Use of Voting Machines in Municipalities of More than 5,000 Population" (H. P. 392) (L. D. 484) which was referred to the Committee on Appropriations and Financial Affairs in the House on January 30.

Came from the Senate referred to the Committee on Election Laws in non-concurrence.

In the House: On motion of Mrs. Boudreau of Portland, the House voted to recede and concur.

**Messages and Documents**

The following Communication: (S. P. 185)

State of Maine  
Department of Transportation  
Augusta

February 11, 1975

Governor James B. Longley and  
Members of the 107th Legislature

Transmitted herewith is a copy of the Highway and Bridge Improvement Program for Fiscal Years 1976 and 1977, a copy of the Highway Maintenance Paving Program for the 1975 and 1976 summer seasons and a copy of the 1974 Highway Sufficiency Report.

The Highway and Bridge Improvement Program for Fiscal Years 1975 and 1976 lists those projects which the Department has determined to be the priority items that should be authorized for improvement in accordance with the recommendations for financing during the next biennium. The program requires a total of \$17.1 million of State Funds to enable the matching of \$52.6 million of Federal Funds.

The Highway Maintenance Paving Program for the 1975 and 1976 summer seasons provides for the paving of nearly 1,900 miles. This proposal represents a program that involves the same annual level of funds as provided during the 1974 summer season; however, due to spiraling costs, the program will result in fewer annual miles than the paving accomplishments made during the 1974 summer season.

The 1974 Highway Sufficiency Report provides information indicating the relative adequacy of approximately 4,000 miles of rural Federal Aid and State Highways. This information is part of the basic criteria used for the selection of improvements for the Department's biennial improvement programs.

We trust that this material will be of interest and will provide information and clarification regarding the Department's efforts to maintain and improve Maine roads.

Very truly yours,

/s/ ROGER L. MALLAR, Commissioner  
Maine Department of Transportation  
Come from the Senate read and with accompanying papers placed on file.

In the House, the Communication was

read and with accompanying papers ordered placed on file in concurrence.

**Petitions, Bills and Resolves  
Requiring Reference**

The following Bills were received and, upon recommendation of the committee on reference of bills, were referred to the following Committees;

**Agriculture**

Bill "An Act Relating to the Maine Milk Commission" (H. P. 519) (Presented by Mr. Flanagan of Portland)  
(Ordered Printed)  
Sent up for concurrence.

**Appropriations and Financial Affairs**

Bill "An Act Authorizing the Bureau of Forestry to Provide Funds to the Penobscot and Passamaquoddy Tribes to Procure Shade Trees" (H. P. 526) (Presented by Mr. Mills of Eastport)  
(Ordered Printed)  
Sent up for concurrence.

**Business Legislation**

Bill "An Act To Prohibit Insurance Policies from Requiring Premium Prepayment for more than 3 months in Advance" (H. P. 525) (Presented by Mr. Dyer of South Portland)  
(Ordered Printed)  
Sent up for concurrence.

**Fisheries and Wildlife**

Bill "An Act to Increase Archery Hunting License Fees for Non-residents" (H. P. 522) (Presented by Mr. Walker of Island Falls)  
(Ordered Printed)  
Sent up for concurrence.

**Health and Institutional Services**

Bill "An Act to Repeal References to Dairy and Farm Products of Institutions within the Department of Mental Health and Corrections" (H. P. 514) (Presented by Mr. Norris of Brewer)

Bill "An Act to Eliminate the Position of Farm Supervisor of the Department of Mental Health and Corrections" (H. P. 516) (Presented by Mr. Norris of Brewer)  
(Ordered Printed)  
Sent up for concurrence.

**Judiciary**

Bill "An Act Amending Laws Relating to Juvenile and Correctional Institutions and Judicial Dispositions" (H. P. 518) (Presented by Mrs. Miskavage of Augusta)  
(Ordered Printed)  
Sent up for concurrence.

**Legal Affairs**

Bill "An Act Pertaining to the Enactment by Municipalities of Police Power Ordinances Concerning Abandoned Vehicles" (H. P. 520) (Presented by Mrs. Boudreau of Portland)  
(Ordered Printed)  
Sent up for concurrence.

**State Government**

Bill "An Act Relating to Restoration to State Service" (H. P. 517) (Presented by Mr. Powell of Wallagrass Plt.)  
(Ordered Printed)  
Sent up for concurrence.

**Taxation**

Bill "An Act to Exempt from the Sales Tax Sales of Certain Brochures and Booklets to Nonprofit Organizations" (H. P. 515) (Presented by Mr. Hennessey of West Bath)

Bill "An Act to Exempt Scouting Supplies and Equipment from State Sales Tax" (H. P. 521) (Presented by Mr. Pierce of Waterville) (Cosponsor: Mr. Kelleher of Bangor)

Bill "An Act Relating to the Procedures for State Valuation" (H. P. 523) (Presented by Mr. Greenlaw of Stonington) (Cosponsors: Messrs. Palmer of Nobleboro, Rolde of York, Jackson of Yarmouth)

Bill "An Act Relating to the Property Tax Exemption of Medical Equipment" (H. P. 524) (Presented by Mr. Cox of Brewer)  
(Ordered Printed)  
Sent up for concurrence.

**Orders**

Mr. Peterson of Windham presented the following Joint Order and moved its passage: (H. P. 527)

WHEREAS, the Legislature has declared it to be the policy of the State of Maine, consistent with its responsibility to protect the health, safety and welfare of its citizens, enhance and maintain the quality of the environment, conserve natural resources and prevent water and air pollution, that it should encourage solid waste programs, public or private, which will reduce the volume of solid waste production and improve efforts to reuse and recover valuable resources currently being wasted, and which will not adversely affect the public health, safety and welfare of the citizens nor degrade the environment, and

WHEREAS, the Legislature also finds and declares that an economic, efficient and environmentally sound method of waste disposal is of the highest priority, that municipalities are generating increasing amounts of solid waste with no systematic or consistent methods being used to reduce the volume of waste or to soundly dispose of it, and that failure to plan properly for future solid waste may further deplete already taxed natural resources and aggravate environmental and public health problems resulting from present inadequate practices of resource recovery and solid waste disposal; and

WHEREAS, the Legislature has delegated to the Board of Environmental Protection the authority to adopt, amend and enforce such rules and regulations as, it deems necessary governing solid waste management; and

WHEREAS, such regulations will become effective July 1, 1975; and

WHEREAS, the Legislature must act to modify, expand or reject such regulations as deemed appropriate before July 1, 1975; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be directed to conduct a study, through a subcommittee of five, appointed by the House Chairman and Senate Chairman of the Joint Standing Committee on Natural Resources, of said regulations; and be it further

ORDERED, that the Legislative Council report the results of its study, together with any implementing legislation, to the 107th Legislature.

The Order was read.

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Peterson.

Mr. PETERSON: Mr. Speaker, Men and Women of the House: This joint order was thought up because last week we had a rather controversial bill in the Natural Resources Committee dealing with a ban on open-burning dumps, which has

specifically to do with solid waste disposal.

We passed legislation in the last session of the 106th Legislature to enable regions to form solid waste management districts. We gave the Department of Environmental Protection the power to promulgate rules and regulations. But for once the legislature included the prerogative of review of these rules and regulations. In hearings we have had in the past, the complaints of a lot of people, primarily industry, is that rules and regulations are promulgated willy-nilly by the bureaucrats without legislative review.

This is one instance, I think, that is an expensive proposition for local municipalities to get into, alternative disposal of solid waste. It is a very expensive proposition. The Department of Environmental Protection has promulgated some rules and regulations in regard to this specific area, and I would like to have a review of these rules and regulations and a report back to this legislature before we adjourn this early summer or late spring, I hope, so that we could decide whether or not we wanted to revise those rules and regulations, otherwise they become effective and binding on your municipalities as of July 1, 1975. So I would urge your passage of this.

Thereupon, the Joint Order received passage and was sent up for concurrence.

#### House Reports of Committees Ought Not to Pass

Mr. Greenlaw from the Committee on Marine Resources reporting "Ought Not to Pass" on Bill "An Act Concerning the Taking of Shellfish by Holders of Commercial Shellfish Licenses" (H. P. 117) (L. D. 153)

In accordance with Joint Rule 17-A, was placed in the legislative files and sent to the Senate.

#### Consent Calendar Second Day

In accordance with House Rule 49-A, the following items appear on the Consent Calendar for the Second Day:

Bill "An Act to Change the Name of Department of Military, Civil Emergency Preparedness and Veterans Services to the Department of Defense and Veterans Services" (S. P. 58) (L. D. 138)

Bill "An Act Designating Head of Tide on the Union River Under the Atlantic Sea, Run Salmon Commission" (S. P. 50) (L. D. 131)

Bill "An Act Relating to Reinstatement of Suspended Corporations under the Business Corporation Act" (H. P. 133) (L. D. 180)

Bill "An Act to Clarify the Laws Relating to the Bureau of Property Taxation" (H. P. 193) (L. D. 234)

Bill "An Act to Set off Burying Island in Taunton Bay to the Town of Franklin" (H. P. 209) (L. D. 253)

No objections having been noted at the end of the Second Legislative Day, House Papers were passed to be Engrossed and sent to the Senate for concurrence and Senate Papers were passed to be engrossed in concurrence.

Bill "An Act Exempting Trucks Purchased by Nonresidents from Sales Tax" (H. P. 205) (L. D. 250)

Bill "An Act to Exempt Incorporated Fire Fighters Association from the Sales Tax" (H. P. 156) (L. D. 191)

Bill "An Act Relating to Bonding of

Gasoline Distributors and Use Fuel Dealers" (H. P. 511) (L. D. 573)

Were reported by the Committee on Bills in Second Reading, read the second time, passed to be engrossed and sent to the Senate.

#### Emergency Measure Tabled and Assigned

An Act to Annex Township 4, Range 2 to the Town of Carrabassett Valley (S. P. 78) (L. D. 218) was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

On motion of Mr. Faucher of Solon, tabled pending passage to be enacted and specially assigned for Tuesday, February 18.

#### Passed to Be Enacted Emergency Measure

An Act Authorizing Additional Indebtedness for School Administrative Districts Nos. 25 and 42 (H. P. 57) (L. D. 69)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary a total was taken.

135 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Emergency Measure

An Act to Permit Counties to Borrow Money in Anticipation of Taxes (H. P. 507) (L. D. 586)

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

The SPEAKER: The Chair recognizes the gentlewoman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker and Members of the House: We just got this bill today. This is the first time I have had a chance to look at it, and I wish this could be tabled so we would have an opportunity to read it before we vote on it.

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, I move this lie on the table for one legislative day.

Thereupon, Mr. Rolde of York requested a vote on the motion.

The SPEAKER: The gentleman from East Millinocket, Mr. Birt, moves that this Bill lie on the table for one legislative day pending passage to be enacted. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Farley of Biddeford requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those in favor of a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

Thereupon, Mr. Birt of East Millinocket withdrew his motion to table.

The SPEAKER: The pending question is passage to be enacted as an emergency measure.

The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: One of the

previous members of the House said this is the first time they have seen this bill. It may be, because this was sent through yesterday under suspension of the rules.

What this does, it primarily clarifies the issue that is now before Ropes and Gray. Ropes and Gray is the bonding council for your school districts, municipalities and your counties. Under the present law, the commissioners could have a right, possibly, to borrow money in anticipation of taxes on an anticipated budget. But Ropes and Gray has ruled that they do not entertain this. So this bill allows the counties to borrow in anticipation of taxes up to 80 percent of their last year's budget, not this new budget being presented but last year's budget which has been approved. So what it does, it allows the borrowing on an approved budget and not on an anticipated budget, and this is necessary for Ropes and Gray, the bonding council.

Now some of the counties are in dire need of money. Some will be out of money by the end of the week, and this is not something that is being rammed through because of special interests. It is something that is a dire need in the state and if it is not passed, it will cause tremendous hardships on some of the counties.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Peterson.

Mr. PETERSON: Mr. Speaker and Members of the House: As far as I am concerned, it looks like I would be inclined to vote in favor of this, but I don't think I would be inclined to do that today. The lady's point is very clear. If we have something of this magnitude and relative importance, one more day is not going to harm giving someone the opportunity to look things over and make a clear judgment about it. If I am forced to vote on it today, I am afraid I would have to vote against it. It may not make any difference in the outcome, but I would certainly hope that somebody else would move that we could table this for one legislative day.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to answer the gentleman from Bangor, Mr. Henderson. I got a desperate call from the county commissioners down in York County last week saying that they had to have a bill similar to the bill that we already rushed through here for Cumberland County, which was exactly the same bill, and Cumberland County was in dire straits. They said they needed this bill by today.

I had asked the Legislative Research Office to prepare a separate bill for York County so that York County could meet its county payroll this week. I decided to defer, because I felt there were other counties that were in the same situation and that we could pass this particular bill. That is the reason why I was quite anxious about not tabling it today. I hope that answers the question of the gentleman from Bangor and the lady from Auburn.

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I, too, would like to stress the importance that we do not table this bill but that we put it through for passage today. You recall that we did this specifically for Cumberland County, and then we had a series of calls from all over

the state, from other counties, who were having similar difficulties.

I want to point out, too, to the gentleman from Bangor, this really is no departure from what we have done for years and years, because our counties always have been able to borrow in anticipation of taxes, but because of this ruling or advisory opinion, this year many of them found it impossible or thought they couldn't go out and borrow at the present time. so they are now in the position of having to have some money. Prior years they could have borrowed it anyway, and this simply gives them that privilege and opportunity. I think we need it. Many of our counties have called. It is an urgent matter, and I don't believe that it should be tabled.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: This is a law that the towns have always had. The towns have this and they borrow in anticipation of taxes. It has to be paid back in the tax year.

As the gentleman from Skowhegan, Mr. Dam, has said, it is handled under the same system. It is on a previous budget, not on the present budget. I hope you will go along with the emergency passage of this bill.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker and Members of the House: I would just like to ask a question if I may. Was 80 percent always the figure? Is this a new percentage or is it the same percentage that they have been using for years?

The SPEAKER: The gentleman from Auburn, Mrs. Lewis, poses a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker and Members of the House: There is nothing changed except it phases it out to a percentage. It really figures out to be the same thing, but before they talked of certain percentage of certain counties.

We have had bills in the past sessions that have come in asking for 50 percent, but this is taking last year's budget and nothing into the inflationary trend or what has happened. Based on last year's budget 80 percent would be an equal figure. So there actually wouldn't be any change.

The SPEAKER: This being an emergency measure, a two-thirds vote of all the members elected to the House is necessary. All in favor of this Bill being passed to be enacted as an emergency measure will vote yes; those opposed will vote no.

A vote of the House was taken.

136 having voted in the affirmative and 9 having voted in the negative, the Bill was passed to be enacted as an emergency measure, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

#### Passed to Be Enacted

An Act to Extend Collective Bargaining Rights to Maine Turnpike Authority Employees (H. P. 61) (L. D. 73)

An Act to Change the Statutory Term "Workmen's Compensation" to "Workers' Compensation" (H. P. 100) (L. D. 110)

An Act to Amend the Charter of the Bangor Children's Home (H. P. 155) (L. D. 206)

Were reported to the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

On motion of Mrs. Clark of Freeport, the House reconsidered its action of yesterday whereby Bill "An Act Establishing Special License Plates for the Handicapped," House Paper 40, L. D. 51, was passed to be engrossed as amended by House Amendment "A" (H-12).

On further motion of the same gentlewoman, the House reconsidered its action whereby House Amendment "A" was adopted.

The SPEAKER: The Chair recognizes the same gentlewoman.

Mrs. CLARK: Mr. Speaker and Members of the House: I have prepared an amendment to House Amendment "A" and it has been distributed. However, there is an error in that amendment, and because I would like one more day to prepare a corrected amendment, I would move that this item lie on the table for one legislative day.

Thereupon, on motion of Mr. Rolde of York, tabled pending the adoption of House Amendment "A" and tomorrow assigned.

On the disagreeing action of the two branches of the Legislature on Bill "An Act to Repeal Requirements for an Atlantic Salmon Stamp under the Fish and Game Law" (H. P. 11) (L. D. 16) the Speaker appointed the following Conferees on the part of the House:

Messrs: MILLS of Eastport  
USHER of Westbrook  
PETERSON of Caribou

#### Orders of the Day

The Chair laid before the House the first tabled and today assigned matter:

Senate Divided Report — Majority (11) "Ought to Pass" — Minority (2) "Ought Not to Pass" — Committee on State Government on Resolution, Proposing an Amendment to the Constitution Reducing the Size of the House of Representatives and Establishing the Size of the Senate (S. P. 2) (L. D. 2) — In Senate, Majority Report accepted and Bill passed to be engrossed as amended by Senate Amendment "A" (S-2)

Tabled — February 11, by Mrs. Najarian of Portland.

Pending — Motion of Mr. Cooney of Sabattus to accept Majority Report.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. Cooney.

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: The motion before us this morning is to accept an overwhelming majority report of the committee. And as some of you may know, one of the two people who — I believe the only House member who signed against the bill has said that he would probably favor the bill at a figure of 132 as opposed to a reduction to 99.

It is my hope that perhaps we could this morning just routinely accept the majority report and tomorrow as second reader give this issue a full and complete debate. I am told that an amendment would be offered at second reader to change the reduction from 99 to 132 and that might be of more interest to many of us, and it seems to me unnecessary to debate this

thing today and then perhaps debate it at length again tomorrow when amendments would be offered and certainly at the enactment stage when the bill requires a two-thirds vote and I think the freshmen should be informed that this is where this bill has normally been defeated in the past because we haven't been able to get a two-thirds vote. That would be a time where another key debate would occur. So it is my hope that we would avoid a lengthy debate today. I warn you, my seatmates have been watching me prepare four pages of remarks and I would just as soon delay them myself today and simply ask you to accept the majority report, let the thing move on tomorrow, and we will hash it tomorrow.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Bustin.

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: The strategy outlined by the Chairman of the State Government Committee is a good one if you are of a mind to reduce the size of the House of Representatives below 151. I am not, and I move that this bill and all of its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Augusta, Mr. Bustin, moves that this Bill and all its accompanying papers be indefinitely postponed.

The Chair recognizes the same gentleman.

Mr. BUSTIN: Mr. Speaker and Members of the House: The House of Representatives is the chamber which is closest to the people. This is the body which is close to the grassroots that we hear so much about today. It is inconceivable to me that many of the same groups who continue to talk about government being remote from the people will still stand and ask that the size of the House of Representatives be reduced. This seems to me to be an inherent contradiction in terms.

Many people who come in to Maine from outside of the state are struck by one fact, and that is, practically everyone knows who their legislator is. They don't know who their senator is, but they do know who their representative is. Citizens contact their representatives constantly. Most of you have more homework on you from your people than you can possibly handle. This is particularly true in the more rural areas of this state. A reduction in the size of the House, in my opinion, would take away the rural representation that now exists in this body. Any reduction would result in more people coming from the heavily urbanized areas. Since Maine is not a totally urban state, I do not think that is good, even though I represent an urban area myself.

The argument that is raised by the proponents of this measure is that a reduction in the size of the House will produce better government. My question is, where is the evidence of that?

In the special session of this legislature, a chamber of 151 voted to abolish the Maine Milk Commission; a chamber of 33 killed the bill. The chamber of 151 voted for nofault insurance; a chamber of 33 killed the bill. The chamber of 151 voted for drug price advertising; a chamber of 33 killed the bill. Where is the evidence that a smaller governmental body makes better decisions? I say there is none.

Mr. Speaker, I ask for the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. Cooney.

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: I hope we will today oppose the motion of the gentleman from Augusta, Mr. Bustin, to indefinitely postpone the bill. I was thinking this morning, as I was sitting here preparing these remarks, of the long history of this state, 1820-1975, that 155 years of history.

I am told that when the Constitution we are today proposing to amend was discussed, our first governor, Governor King, sent a copy to Thomas Jefferson so that he might read it and make comments. I am told that with minor exceptions he liked our Constitution. But I think each of us — and I happen to be a Jefferson fan and I am sure there are many of you who are also — it was Jefferson who so often spoke of the continuous need for changes, and he even went so far as to talk about a continuous need for revolutionary change. I am not sure we would all go that far, but a continuous need for change that is healthy for each generation to challenge and to change where it is necessary.

Now in 155 years we have not changed the basic size of powers of duties of this legislature. Certainly each of us might ask, why not just leave it the way it is? Again, the absence of a crisis situation in legislation here in the state might be a suitable answer for most of us — well, leave it the way it is, we don't have a serious crisis here in the state. But then I think it is fair that we should ask the corresponding question, is there a growing mood among the public, is there any validity to the request for change that comes from among us? I think Jefferson would have asked it, and I think it certainly has been asked among us, and it certainly has been asked among the public, and I think we ought to give it a good looking at today and perhaps tomorrow as we address this issue.

What are some of the reasons that we might look at as we decide to change the House to a smaller number. One of the things that is constantly suggested is that a smaller number would simply be more economical, financially more economical. Obviously, less of us is less salaries, less printing costs, less costs overall, but I think most of us realize that those who have talked about reduction in the size of the House have also talked about a corresponding change that will occur when we are reduced, and that would be that there would be an increase of staff, an increase of legislative services that would go along with each member's new duties as a member of a reduced House. So perhaps the savings are not something that are critical to this issue. We all know that the relative cost of the legislative branch of government is minute when compared to the executive branch of government, but nevertheless, the reduction does create a financial efficiency or economy that can be either saved or placed in better service to the legislator in the performance of their duties.

Second, we have been told that a smaller body would be more efficient. I think we would all agree that a body that was, say, four or eight or ten times as large as our own would be unwieldy. It would not be more democratic, more efficient, more able to serve the public because there are more of us and we are more in touch with the public. I am sure that we would also agree that a body of three or five or ten is certainly too small. The comments were made this morning that even a body the size of the Senate is too small, it is not communicating with the public in their

sentiment and it is too easily controlled by powerful special interests.

So what we really have to decide on efficiency is, shall we leave it the way it is, or is there some reasonable reason to make an adjustment? If an adjustment has to be made, should it be larger? I haven't heard anybody suggest that. Should it be smaller? I think there we are talking about that gray area of how much smaller. Ninety-nine has been proposed continuously as a multiple three times larger than the Senate, a number which seems reasonable. Others have suggested four times as a number that seems reasonable as a multiple of the Senate. Either one, I think, is in an acceptable area for us to discuss and think about and debate today. I think, personally, that we should act positively on one or both of those things.

Another point that is made in defense of this is that a smaller legislature would make each legislator more visible. Certainly that would be true. We would be representing more constituents, certainly we would be better staffed, paid and equipped. Your position as a legislator, I feel, would be more visible and much more effective. The elected officials would be more apparent to the citizenry. And who can argue with making our duties and our representation more apparent to them?

Now reduction of the House by a third to 99 would increase our constituencies to about 10,000 from the present median of about 6,500. Reduction by a quarter would increase them by about 1,000, to about 7,500. Certainly each of us has the capability to perform this enlarged duty. I don't doubt that one of you, or myself, could not perform a slightly enlarged duty either by simply by 1,000 constituents, which would be a House of 132, or a constituency of 10,000, which would be a House of 99. We should remember that it is the intention of all who speak in favor of reduction that a smaller House will have more staff. We can't do it in a constitutional amendment with this act, but I think everyone who speaks in favor of this says that this will be the step that will be taken next.

Another point of the bill which is not addressed today but I think should be mentioned in our debate is that this bill would also set the size of the Senate at 33. It would no longer fluctuate between 31 and a larger size of 35. It would set it at 33 and make the House a corresponding three or four times larger than the Senate, something that would make sense to the voters, their districts would be more compact and more understandable to them and certainly this makes government more visible and better to each of us.

Finally, I would like to address three of the questions that have frequently arisen with this issue. Mr. Bustin brought up, I think, all three of them. What of the increased difficulty of serving geographical areas which are even larger than our present districts? I think we all know and certainly those of us who represent districts which are very large know how difficult it is to get around in a district that is perhaps a hundred miles long or perhaps has an island or two in it or something of the sort. Those of us who are now serving large, rural districts already suffer with this problem. An increase in our districts may add numbers in size, but it does not create this problem of large districts. There are already districts of that size, and so the bill is not creating a

problem of large districts. I am confident that each of us can serve that additional constituency even if the geographical area expands somewhat through this act.

The second criticism that is leveled at the measure is that as larger districts are established, smaller communities will become increasingly dominated by larger communities, that the candidates will naturally come from the larger communities and therefore the smaller communities will be left with no representation, no interest in this body. I think we all realize that does happen and can happen, but I think we all have to be honest and realize that it doesn't always happen. There are many of us who come from the smallest community in our district, perhaps from some unorganized territory with very few people in it, and yet we represent many communities which are much, much larger than our own. It is the quality of the candidate and the candidate's willingness to go out and meet the public and campaign that makes for an election, not whether you come from a big town or a small town.

The third criticism that is leveled against decreasing our numbers is that we will be more subject to the special interests, to the powerful lobby. Mr. Bustin and others cite the Senate as a perfect example, but I would suggest to you that there is a tremendous difference between a body of 33 and a body of 99 or a 132, and I know this House has not been influenced the way the other body has and I am sure that at a slightly reduced figure we will not be any more subject to the wishes of special interests than we are now. We are an independently thinking body and I am sure we will be at a reduced number. It is unwarranted fear.

In closing, let me say this during today's debate, I hope we will avoid what I would consider to be — perhaps this is a little strong — but the useless demagoguery of beating our breasts and claiming that a reduced House is somehow taking government away from the people, and instead, take the Jeffersonian viewpoint, if you will — the change can be valuable, it is often necessary and it is our duty as legislators and citizens to constantly look at these questions and to look at the facts, not the angry cries and the demagoguery that we frequently hear, but look at the facts, look at the issues. So we shirk our tradition, we shirk our duties, if we don't take a serious and reasonable look at this issue.

I think it is fair; I think it is reasonable; I think it stands on good argument that we give this bill passage, at least to second reader. It is my own feeling that there is good reason to give it final passage. I ask you to reject the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Quinn.

Mr. QUINN: Mr. Speaker, Ladies and Gentlemen of the House: The motion before the floor now is the motion to kill the bill. It represents essentially the question of whether we are going to give the bill a chance to be read or not. The strategy behind the motion is to kill the bill without further discussion. I am not afraid to see the issue discussed nor afraid to see it lay over a day or so or see amendments attempted.

I would suggest that the basic question here I would address primarily to the Democrats. I refer to political morality. The Chairman of our Democratic Party assured us in caucus the other day that he



had had a good deal of experience in explaining away the failures to follow the party platform and if his remarks a short while ago were accurate, I can see why he has.

We all come to this body as individuals. We are all hostage to our own consciences, and I don't think there is a member here, be he Republican or Democrat, who would deny the contributions rendered to our democracy by responsible political parties. Parties do not exist simply to decide who fills the Speaker's Chair or who gets to caucus in Room 228. Parties exist to develop into state major public programs to articulate public needs and desires in legislation and to work together to obtain those public goals in the form of legislation. Without responsible political parties our democracy is in trouble.

I sat in the auditorium in Bangor last year while the platform for the Democratic Party was being adopted. I didn't stay all evening. I missed the last two planks that subsequently so offended masculine veterans in my district, but I was there during the acceptance of the plank having to do with a smaller legislature, and I listened closely but not closely enough, I am afraid, for at no time did I hear any Democrat who is here today, who are so clearly are seated with obvious wisdom of now of keeping their own circumstance intact, speak against the plank. Now, I may do them an injustice. The convention chairman might have missed their efforts to gain the floor, but today, since we have the same chairman, either his sight has improved or these converts to morality and to status quo are more energetic than they were last March. This plank was not only a major entry in 1974, it was there in 1972.

Not being able to support a plank in party platform is not unusual, we have our own beliefs and, as I said, we are hostage to our own consciences. But when this occurs, it should only occur on matters of firm, personal convictions, on very important questions, or on matters which we clearly announce during our campaign. If any Democrat in this House was less than positive in opposing this reform after the convention and during the campaign last year, then that same Democrat is obligated to support this bill, at least in amended form, in 1975.

Just two weeks ago our party leaders called a press conference to announce our legislative goals for the year. Guess what the number one priority was, "A smaller, more efficient House of Representatives." I didn't dictate those priorities, I didn't provide that list to the press, I wasn't even invited to the meeting, but I will support those goals and I would call on every other Democrat here, unless their conscience or their personal campaign promises prevent, to do the same.

Leadership implies responsibility. When we were in the minority, our goals were relatively less important for the likelihood that they would be obtainable was less. Please, let's not let a lifetime of being a minority party make us irresponsible now that we control the Speaker's Chair. After the years of hard work, the thousands of doorbells and the millions of envelopes stuffed, after our genuine concern and love for our state and its people, let's not throw it all away on the very first question involving our party as a whole.

I am proud to be a politician and I am proud to be a Democrat, but I want to be identified as a member of a concerned,

dependable group of citizens trying to articulate and execute public policy in the broad interest of the entire state and its people. The voters sent a message last November. Everyone has their own interpretation of just what it was, but few will disagree that at least a part of that message was disgust with what the voters perceive to be blatant disregard of policy by politicians and parties. Those of us who said one thing last year or who by our silence passively supported the party platform and who have now discovered reasons to reverse ourselves not only prostitute our own records, we hurt every other Democrat. While today we are all secure in the election results not yet cold the hustings are out there waiting in two years and they wait for those of us not only from secure districts, they wait for Democrats trying to gain office in traditional Republican areas, they wait for those candidates in hotly contested areas and most of all they wait for our gubernatorial, our congressional and our presidential candidates. If we fail to keep our promises, if we fail to work for this reform by simply killing the bill out of hand this morning, then we shirk our individual responsibilities.

Looking at this proposal generally from a longer perspective, I am perfectly willing to stipulate that the actual number of people in this House, within reasonable limits, probably won't have an earth-shaking effect on Maine either way. Whether we keep the pattern of 150 years or whether we take advantage of modern communications and reduce our numbers, I am sure Maine will have good, effective representation. We are really talking about a proposal in the matter of degree. We are talking about whether a change would improve somewhat or degrade somewhat, and I would submit that the issue is sufficiently important and of interest to deserve to stay alive today for a second reading when other amendments can be offered. I submit that our promises are important and they do matter. Our word is all we have; our truth is our virtue. As a distinguished dean of this House advises us repeatedly, keep your word. The gentleman from Lewiston is right; it is good advice.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Bustin.

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I think it only appropriate that I arise next. I have heard many discussions in my political experience with the Democratic Party relative to platforms, but I have never heard it raised to the heights of a moral code until today.

I understand that there is a contradiction between having a call for the reduction in the size of the House in a platform and a vote against it in the chamber. It is a surface contradiction. Let me explain my position.

As a party leader, I accept responsibility in the development of platforms. During the process of that platform development, I, myself, vote against many of the items that go in, and I did last time. However, I also have another role because when all those platforms and all the planks are decided, I go out and get some petitions and I try to get a group of people to go around to get signatures on them and I file them with the Secretary of State. I put my name on the ballot, and I have been fortunate for three terms to get elected. When I come through that door, come

behind that rail and sit down here, I vote my convictions and my people don't want the size of the House reduced.

This is a bad bill and I am going to vote against it.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: In the first place, I don't really think we are the best ones to be deciding this issue. Our Constitution was designed to have three branches of government, each with distinct and separate powers, and the fairness of the Constitution took care that the judges did not decide for themselves the number of judges they should have and the governor cannot decide the number of personnel in the executive branch; they allow another branch of government to do that. The legislature decides the structure of the court system and of the executive branch. Now, whether it was an oversight or an error when they framed the Constitution, I don't know, but it is certainly an inconsistency.

I think that if ever a legislator had a conflict of interest, he certainly has one on this issue. I think it is unfortunate that we have to decide it, because we cannot be objective about determining our size because we tend to see a larger district as more work or more competition or the new voters in our district are all going to be members of the opposite party, a threat to our reelection, a threat to the party, a threat to the status quo or all three.

I am not making any value judgment on that, it is simply a fact of life, and perhaps the strongest proponents of House reduction outside these halls would be making the same political determinations in here if they were sitting in our seats. Even though I don't believe we are the proper ones to decide this issue, it is before us once again as it has been session after session. In the hope that our personal destiny will not influence our judgment to the extent that it has in the past, the effective date on this act is 1983.

Ideally, it seems to me, a legislature should be a creative institution, anticipating public needs and originating public policy, but when we do this at all, it seems to me, we do it rather badly. The problems we are having with L.D. 1994 with a huge deficit that this legislation created might have been avoided if the legislators had had more time to consider it in the last session or exchange facts to spot some of its weaknesses.

This legislature is supposed to exercise oversight of the executive department. Nearly everyone, it sometimes seems, is upset with the way our environmental laws are enforced. Instead of really overhauling some of these problem agencies, such as the Department of Environmental Protection, the Motor Vehicle Division, Health and Welfare, the Department of Personnel, we spend an inordinate amount of time putting one constituent in touch with one bureaucrat, helping one constituent get one license or one service which could better be handled by one employee and free our time and thoughts for more basic and far-reaching matters, such as legislative solutions to our energy problems, such as finding the surest and cheapest way to get doctors and dentists into rural Maine and I could go on and on.

It is my opinion that if we were fewer in number, 99 or 132 members could be better informed with additional staff to advise us

on our ever increasingly complicated legislation. Ninety-nine or one hundred and thirty-two members could be better compensated to attract high caliber legislators with more diversified backgrounds, and 99 or 132 members could be provided more space and better working facilities. We all know that it is very difficult to do that now because we fear the reaction of the electorate. The voters would have no grounds for complaint if we gave ourselves the tools we need at no extra cost to them. And although there is no way to guarantee that a smaller legislature in 1983 will, in fact, be better paid or better staffed, if this passes, we can inform the public that this is what we intend and then if they disagree they can reject it at the polls.

The SPEAKER: The Chair recognizes the gentleman from Winthrop, Mr. Bagley.

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: I suppose I am a small town boy, even though I am representing one of the metropolitan areas of greater Augusta. The town in which I was born and brought up in has 560 people when they are all home. I am interested in this thing particularly from the standpoint of the size of the towns from which our representatives come. In this House, we have 17 members from towns of under 1,000. In the other body there is one. Now put this on a percentage basis so that it equalizes out, we have 11 percent from towns of under 1,000; the other body has 3 percent. I have the figures up to 4,000, the towns of under 4,000 have 61 members here or 40 percent. The other body, there are 5 members or 15 percent, so actually the larger the district, the fewer small towns proportionately, not actually but proportionately, get represented.

I will carry this a little farther. I checked the districts having two or more towns with those towns being entirely in the district, not any of these where you go down a crossroad to Jones store and then turn left, but they are the towns where the towns are entirely in a district and I found that in those towns there are 59 districts, more than one town but solid towns. In those 59 towns, 32 representatives come from the largest town and only 27 from smaller towns. Obviously, there are a lot more small towns in these districts than there are large towns. A lot more people actually live in the small towns than live in large towns. Yet the 32 representatives from the 59 largest towns, 27 from nearly 400 small towns. I don't know as though anybody worries particularly as to whether we have representatives from Eagle Lake or Wallgrass or Perham or Franklin or Nobleboro, but it seems to me that we ought to continue to have people from these small towns in order to have a cross section of the State of Maine.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Gauthier.

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Cooney, a few minutes ago, mentioned to you that probably we should have left the size of the House as it is at the present time instead of presenting this bill, and I heartily agree with him.

Secondly, nothing has been proven to me yet and I state to you people here that there is a reason for a change. I think that 151 has never been unruly, there are many other states in this United States that have many more members than we have here and they haven't done any better than we have. I have spoken to quite a few

members, representatives, and they have told me that their districts, like Mr. Bagley mentioned a few minutes ago, that there are enough people for them to take care of now that if they had ever been at large they wouldn't know who their constituents are. Therefore, I second the motion made by Mr. Bustin for indefinite postponement of this bill.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Call.

Mr. CALL: Mr. Speaker, Ladies and Gentlemen of the House: This proposal returns session after session and is always defeated as it should be. There is always a group of people dedicated to any sort of change, annual sessions, the abolition of the Governor's Council and various nefarious revisions.

Robert Service once wrote a poem about such persons. It was quoted in the 105th Legislature, right here in the House of Representatives, March 16, 1971, by Representative Rodney Ross of Bath, who was opposing what we might call the grandchild of this bill. It was calling for the same thing, a reduction of the House. If you will bear with me, I will repeat the poem. I believe the title of it is Change.

"They range the fields, they roved the flood, they in climb the mountains crest;

Theirs is the curse of the gypsy blood and they don't know how to rest.

If they live straight, they might go far; for they are strong and brave and true, but they are always tired of things that are, and they want the strange and the new.

They say, could I find my proper groove, what a deep mark I would make,

So they chop and change and each fresh move is only a fresh mistake."

Now, so much for the poem, but to elaborate on its theme, it has been said that someone once accused Socrates, one of the noblest of the old philosophers of teaching the same old thing year after year. His reply was, "If someone asks me how much to endure, what can I tell him but four?"

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: Just briefly, I believe the gentleman from Lewiston, Mr. Cote, and the gentleman from Lewiston, Mr. Jalbert, and I have heard this so many times that it is hardly worth getting up to speak on. I do go along this morning very much with Mr. Bustin, Mr. Gauthier and the gentleman from Winthrop, Mr. Bagley, for the simple reason that up in Aroostook County, we have seen our representation come from 17 down to 14 representatives this year in a county that is 205 miles long and 105 miles wide, approximately, and we would have also with this bill of 132, we would have 12 representatives, a loss of 2 more. With 99 we would be down to 10 with a loss of 4.

Right now we have districts similar to mine and similar to the Speaker of the House, Mr. Martin, that we are traveling now 50 or 60 miles to cover our territory, and in our cases, especially, Mr. Martin's and mine, I believe he has the northern unorganized towns and I have the central unorganized towns which with this wonderful law, we have before us known as LURC, Land Use Regulation Commission, we aren't very busy in the summer, probably we will get to bed at 11 o'clock, maybe have people in our house, which I have had for LURC, at 11 o'clock, some are in the front room and some in the kitchen trying to talk to them separately. I

wonder what would happen to us if you add us on another 1,000 or 1,500 population or 2,000.

How can we handle it? It is almost impossible. And as Mr. Bagley said, the more representation we lose in the rural districts, the worse off we are.

You take 10 out of Portland, 6 out of Bangor and places like that, it is almost impossible for us to get the laws by we want, and I hope this morning you will go along with the motion of Mr. Bustin and vote to do away with this once and for all. Maybe in future years it won't come up quite so often.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Cox.

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I believe that one should not rise unless he has something new to add. There is one thing it seems to me we have lost sight of in all of these arguments. We are talking as if we are making the decision. We are proposing an amendment to the Constitution which must be sent out for referendum and the people, the voters in this state, will make the final decision. We speak of democracy and we want to be as Democratic as possible, and yet we decide here that we are going to make the decisions for the people; we are not going to allow them to make the decision.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. DeVane.

Mr. DEVANE: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Cox's notion that the people cannot take this matter into their own hands is inaccurate. They have a vehicle under the Constitution to do so. The proposal before the House here today, at least the discussion is on the matter which comes from here. When it comes from the people, it will come in the form of initiative and the people, if there are sufficient of them that wish to do it will do it. The proposal under discussion comes from this House.

I would like to say in regards to Mr. Quinn, I am a Democrat and everywhere I went and everytime I was asked I said if elected I would oppose reducing the size of this House, so I feel on that score qualified to speak. Mr. Quinn is very concerned about parties. He had a proposal before the House to let us paddle around in each others primaries, at least before committee.

I would like to say what I said in the Democratic caucus about efficiency. There are greater Gods than efficiency, among them are responsiveness and responsibility. A great many things are efficient, I won't read a litany of them. The Super University system was presented as efficient; perhaps it is, perhaps it isn't. There are a great many evils that are efficient. I will spare you them.

I don't understand Mr. Cooney's notion that if the size of the House is reduced, the remaining members will be better paid, I believe he said better paid, better staffed and better equipped. I ask you this, would you rather talk with Bill Hathaway or Al Gamache? Would your constituent rather talk to you or somebody who is your expert?

I happen to believe that the experts have given us a great many things. Life is much too important to be left to experts. Better that this body remain the same size, that it be filled with people who had experience in life. This body benefits from having somebody in it who has operated a business, who has farmed, who has fished,



who has had a baby, who has had a misfortune, who has a neighbor who is retarded. The Body benefits from experience, not necessarily from expertise.

The SPEAKER: The Chair recognizes the gentlewoman from Auburn, Mrs. Snowe.

Mrs. SNOWE: Mr. Speaker, Ladies and Gentlemen of the House: I am speaking today in behalf of this bill which I supported the "ought to pass" report as a member of the State Government Committee. Admittedly, I had misgivings as to whether or not we were off base or misguided in wanting to reduce the size of the House, particularly after hearing the arguments of our rural representatives. So I did some comparative statistical analysis with other states to get an idea of where we lined up. I think it may be of interest to you.

Maine has the seventh largest House of Representatives in the United States. It is the 39th of the 50 states in terms of area, with Maine having about 31,000 square miles. Only 11 states are smaller. We are 38th of the 50 states in terms of population, with approximately one million people. Only 12 states are less populous. Every state in the country with a lower population density than us also has a smaller House of Representatives. Every state in the country which has a smaller population than ours, except for New Hampshire, also has a smaller House of Representatives. Members of this body represent on the average of 6,500 people. There are only 5 states in this country wherein the States Representative represents fewer people than Maine. In fact, on the average in 1972, a state representative in this country represented 34,926 people.

Of the 35 states which are more densely populated than Maine, 28 states have legislative bodies our own size or smaller. The majority of these are at least 30 percent smaller. Only 6 states have larger Houses than ours, all are more densely populated, all but New Hampshire have more people. The average size House of Representatives is 112. Maine ranks 10th highest in terms of representatives per square mile, and in the last 4 years, 18 states altered the size of one or both of their bodies, during a series of reapportionment. An overriding fact in many of the changes in chamber size resulted from the desire to create a stipulated ratio between the House and Senate membership with concurrent district boundaries. Ten of the 18 states did just that.

This bill before us would also provide a workable ratio of House seats to Senate seats. Given these statistics, I firmly believe that 151 is a large representative body. Numbers in no way guarantee effective representation. Historically speaking, Maine, like our neighboring states of New Hampshire and Vermont, have large Houses of Representatives, primarily to provide good representation for the many rural and farming areas in this state. Today, however, all areas of the state are interconnected with modern systems of communications. Communications make it possible for one person to effectively represent more people. Vermont recently reduced its size of its House.

In my opinion, because of today's costs in State government and because of the complexity of the issues which we face, a small body can act more effectively. If we

reduce the size of the House to 99 or a hundred and thirty two, we could expect to save money.

It costs \$8,350 per biennium, and that is a conservative figure, because that is based only on legislative salaries and per diem expenses. This money could well be used to provide additional legislative staff and services in order to better research pending legislation. It is without a doubt the demands made upon a legislator have greatly increased in the past few years.

I think many of us would agree that it is difficult to be as well informed as we would like to be on the many and various issues that come before us, and a small House of Representatives supported by a larger staff of legislative aides and more sophisticated legislative services, the House members would be better equipped to make meaningful and penetrating comments and decisions on such complex issues as the budget, which is composed of three volumes and school financing, for example. Why not pass this important legislative reform, let it go to referendum and let the people determine how they can best be represented. I think it would be wrong not to accept the majority "ought to pass" report. This is an important issue; there are many new members and I think they should hear the issues.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: If we accept the majority report here this morning and we want to accept it on the basis that we are going to be saving the people of Maine some money, I will tell you who I think we will really be helping. It is not going to be the people of Maine and it is not going to be the consumers of Maine, but it is going to be the private interests of this state that are so well represented down here by very capable lobby who have a more difficult time in this House because this is the House that represents the people and it was very capably said by the gentleman from Ellsworth, this is the grassroots representation of the State of Maine, you people right here. So the organized special interests, really don't pay too much interest to this group in the House of Representatives because they can do a better job by working over in that unmentionable body at the other end of the hall — no reflection on them, but it is easier to lobby 33 men than it is 151. I said before in our caucus and I say again here for my Republican brothers and sisters, if we really wanted to improve government for the people of Maine, we would expand that other body, give it a little broader representation.

I was in Portland a few days ago and Senator Hichens was on a radio program, the Steve Morgan, let's talk it over, a type of call in program, and someone raised the question to that gentleman and it was simply said, do you think government would be more efficient if you reduced the size of the House and wouldn't you have more and better representation for the people of Maine because your districts would be a little broader and you get to know a lot more people? He gave an example of a friend of his that is in the New York Senate that represents a quarter of a million people who knew less than one percent of the people that he represented. You can't say that about you as individuals of this House. Sixty-five hundred people is a lot of people, yes, it is. Eleven thousand is a lot more. And just base your own opinion on how many people you know, for

example, in your own community, whether it is League of Women's Voter group, teachers associations, farm bureaus, police associations, the chamber of commerce, or any other group, just thank the Lord that you have such a broad grasp of people in your community that you represent.

The gentleman from Augusta presented the proper motion to leave the government with the people and not reduce it to 99, taking away that group of representation here in this House.

When I first came to this body, I was as conservative as my good friend from Enfield, Mr. Dudley. Now I consider myself a moderate. Why do I consider myself a moderate, perhaps because the liberals had something to offer. They were able to temper my opinion. And in the same instance, the so-called flaming liberals of this House, whether it was the 104th or the 107th, were able to see the opinion from the more conservatives or the moderates and their judgments changed. We all temper each other. Why do we do it? Because we have the opportunity to express whether it is from the top of the State of Maine, from the coast of Maine, or from Kittery, the various opinions of our constituents.

I say, support the motion with enthusiasm, defeat this bill that came out of State Government. If they want to present a bill for 132, let them put an order through this building and ask the State Government Committee to report that out and let there be a public hearing on that.

Many times I see in this House that if you would only give us the opportunity to have the bill accepted, we will amend it. I am giving them that opportunity and you are today by not accepting it and let them put an order in and let State Government report out a bill for 132 or 192, but let them do it in that posture and not in the posture that has been presented here this morning.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Henderson.

Mr. HENDERSON: Mr. Speaker and Members of the House: I rise, among other things, to disagree with the motion and my good friend Mr. Kelleher from Bangor. One person mentioned that the people could initiate this, but I think the vote really today is whether we are going to allow the people to make the decision. If all of us are so confident that the people want us close to them and they want a large House, let's give them the opportunity to vote on it.

I would like to read a section from the Constitution, and maybe somebody can tell me that it has changed since this. Section 18, it says, "The electors may propose to the Legislature for its consideration any bill, resolve or resolution, including bills to amend or repeal emergency legislation but not an amendment of the State Constitution." If we feel that we have the nerve that a lot of the people out there really don't want this, let's give them a chance to let us know.

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Peterson.

Mr. PETERSON: Mr. Speaker, Men and Women of the House: I support the motion on the floor this morning, and I would explain briefly my reasons. Let's look to a concrete situation in this country today, the State of Nebraska has a unicameral legislature. It is a state with a population one and a half times the size of the State of Maine. The size of the unicameral body is

49 people. They get paid a salary of \$4,500 a year, a biennium. They do not get paid anything for the special session. They do not get paid money for per diem as we do here. So the argument that if you reduce the size of this body that you are going to be getting more income I think is a fallacious argument. I don't think it holds water.

It's proven that in this House we have diverse views. We express the extremes of public sentiment. We have people who are flaming liberals, and we have people who are dyed in the wool conservatives. But if you look over across the hall to the moderating body, you do not see the extremes in temperament or ideas. You see a melding of ideas. That isn't the way it is out there. People have diverse opinions. We represent those opinions. And if you have experience in this House as I have to see people's legislation defeated in the other body, the smaller body, the more elite body that considers us the noise at the other end of the hall. I don't understand it; I don't buy it.

Look to the Nebraska experience — 49 people. This is the beginning of a progression. We amend us to 132. Next year we come back and we amend it to 99, and then the next term we come back and we amend it back down to 45. So we have a handful of people representing the population of this state. I don't buy it. I believe in representative government, and believe me, I have made a 360 degree turn, because when I came into this body two years ago, I was for reducing the size of the House. I am not now for those reasons, because I can't keep up with my constituents' mail or the demands that are put on me by the different interest groups that have matters coming before this legislature.

I am trying to perform my duty as a full time legislator, and it is difficult to do that. I believe if we reduce the size of this body that we are going to be shortchanging the people of Maine on effective and responsible representation.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Wagner.

Mr. WAGNER: Mr. Speaker and Members of the House: I listen with interest this morning to the discussion of this question, just as I did in State Government Committee when the bill was presented, although we weren't favored in that committee hearing with any poetry.

I was the only member from this House on that Committee to vote "ought not to pass" on this, and I did so because I had some reservations, shared some of the reservations that have been presented this morning concerning accessibility of representatives, small towns being represented. Myself, I come from a district that has one large town, which I come from, and has several smaller towns. I was at a selectmen's meeting the other night where one of the selectmen from a town of under 200 in this district expressed some reservations about reducing the House, yet this same gentleman some 20 years ago served two or three terms in the House of Representatives from that town of under 200. So I don't think that is an overpowering argument.

I have come to the position that many of the arguments presented for a smaller House have impressed me, and I have an amendment which I have prepared if this bill goes to another reading that I would present for 132 members. I would hope that this chamber would kill the motion before

us, and I think probably we have heard sufficient arguments or the members have their minds made up, and I would hope that we could take a vote on that.

The SPEAKER: The Chair recognizes the gentlewoman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: I will speak very briefly, because I think my colleague is right, we have heard enough debate.

I am somewhat bothered by the extremes that some of my colleagues have mentioned about the 49-member unicameral House, that we are going to be reduced to size 33, the same as the Senate. We are not talking about reductions of those terms, and I am certain that all of you realize that these are efforts to get you to kill a motion that is worthy of consideration.

The other thing that I have heard all morning is grassroots representation. In a caucus a gentleman stood up and said that the Sunday newspaper article which describes this House as being more representative than Houses in the past, this was a good argument to oppose reducing the size of the House. I think it is an argument to reduce the size of the House for this reason, the House is representative this year because, for one thing, there was an increase in salary. Prior to this time, only those people who could afford to come were here. There is an additional amount of money which allowed me, for one, to come, because I had to pay for the expensive luxury of child care. Many of you have other expenses that would have kept you from coming.

You then ask this question very often, how can we be assured of a pay increase simply by reducing the House? The legislative pay raises are enacted, however painfully, by this body. Even after they are enacted, some of the legislators, in the name of economy, take pot shots at them. But I suggest that a pay raise for a smaller body is much easier to enact than for a larger body.

My final point is that I think there is a definite correlation in size and the amount of money that you are paid in salary. People always are fond of dragging forth New Hampshire as a prime example of a huge body, 400-plus members, and what a good job they do. I would like to remind you that their salary is \$200 a year, and I would like to leave you with this question, how many of you could serve at that price?

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Binnette.

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: I have been a member of this body since 1960, been down here every term consecutively, and I can truthfully say this, that I have asked my constituents on many occasions what they thought about the size of the House, and they have always told me, "We are satisfied. We are getting good service, and we hope it remains the same."

I can readily see — I have just one city to take care of, that is part of it now, they have cut it down — I can readily see what happens when you have several towns to take care of, it is almost an impossibility for a legislator to be in contact with all those towns efficiently. I don't care what they say. If you reduce the size of the House, you would have to have about five assistants for every member of this legislature to support the things that he would have to do. So I think when they first

instigated the 151 members, I think we had better leave well enough alone, and I am going to agree with the gentleman from Augusta, Mr. Bustin, that I don't think there is any need for reducing the House at the present time.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Silverman.

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: The debate has been long, and there is probably little that can be added, but one thing I would like to add, the proponents of this bill who said it is an interest of the people, let the people know.

I was at the hearing on this bill, as was the State Government Committee who was present. There was practically no one, I must say, from the people. There were legislators, there were lobbyists for common cause and the League of Women Voters and practically no one from the people. Are the people in Maine really interested in reducing the size of their House? If they were, why were they not present? That is number one I wish to mention.

Number two, and this to me is important, some of us who are native Mainers who have travelled and lived in other countries of the world and other forms of government, whether it be dictatorships or communal life or the type of democracy we have here, have returned to Maine for one basic reason, the fine structure of government we have in this state, a structure that goes right down within the people and allows almost any walk of life to come into this House and represent their area. And it comes to one major word I would like to use here, and that is "input." Representative Kelleher said it also, the input to making a law in the State of Maine that the people of this state live by is judged in this House by 151 people from every walk of life, from every race, creed and color that wishes to run for representative and can get elected, and that input can take every one of us who has made major decisions here in the state and contribute that those decisions be representative of all the people as equally as possible.

I would think if you travelled in many nations you would come back as I have and said, "This is the finest type of government possible by a group of a million people." I wish you had that opportunity, and if you had, then you would say, why should we sacrifice that input and the size of that input, as some have mentioned — and this I think is their key argument — to have more money spent on legislative assistance or lawyers and secretaries, and that is what we are talking about, taking 19 people out of this House and putting the money into better pay for yourselves, into secretaries and legal assistants. I will say to you right now that myself, I have been very capable of working with the legal assistants, the secretaries, the leadership and so forth in putting through major bills through this legislature in the past, and I hope to in the future. I am quite certain you can too, so don't use that as an excuse. There is an order here right now for \$88,000 for about six or seven more legislative assistants. There could be an order put in to raise our pay if you think that is deemed necessary. Money is not the project here. We can spend more money for this legislature if we think we should. But what is important here is that all walks of life put an input into Maine state government to come up

with the fine standard of government we have had over the years and hope to have in the future.

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: It is extremely difficult to follow the performance and eloquence of the gentleman from Calais, Mr. Silverman, and the gentleman from Bangor, Mr. Kelleher, who speak with such fervor on the subject. I want to just very quietly and quickly tell you that I was in favor of legislative reform as a member of the majority party in this House, and I still am in favor of legislative reform as a member of the minority party of this House.

Practically all the arguments have been exhausted, so I will take just a moment of time. The biggest thing to me is the fact — I think we have stressed the fact that there would be no savings in money by a reduction in the size of the House, but there would be an increase in the efficiency in the operation of the House.

I stand here as a member of this House who served here in the late forties and early fifties when there was no help at all and still there were 151 members. I can see a vast difference now in the 1970's when we do have our legislative assistants and our staff. We are better operating; we are more efficient. We are a better House and we are more responsive, actually, to the needs of our people. I come from a small town. I come from rural Maine, and I know that under the present circumstances I can do a better job today than I could 20 years ago, and I know that changes in the size of the House could lead to greater efficiency.

I will close by just reminding you of a little quotation from the Federalist Papers which carried a warning which applies today as much as it did in those days. It said that in all legislative assemblies, the greater the number composing them may be, the fewer will be the men who will find, in fact, be directing their proceedings. In the next place, the larger the number, the greater will be the proportion of members of limited information and of weak capacities. The people can never err more than in supposing that by multiplying their representatives beyond a certain limit they strengthen the barrier against the government of a few.

We are not asking for tremendous reductions; we are not asking for foolish things which would lead to a lessening of our ability to serve the people of Maine. Actually, I believe in my own personal experience, we are here this morning asking for the chance to improve the efficiency of this House.

I supported reform before; I support it now, and I hope that we will vote against the motion of the gentleman from Augusta, Mr. Bustin, at least carry this on so it can be amended to a number perhaps that is more satisfactory for a greater number of this House.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker and Members of the House: Two years ago I introduced this same resolution, and at that time Ohio had just reduced its House to 99 with a 33 member Senate. So I wrote and asked Charles Kerfis, he was the man who spoke to us at our pre-legislative conference, now this had worked out in Ohio. I am not going to read the whole letter, but just a couple of comments which

you may find rather amusing. He said, "We do have three representative districts within each senatorial district. My own observation there is a rather firm conviction that no legislative body should be smaller than probably 45 members or so," which could reinforce Mr. Kelleher's argument that we should enlarge the Senate.

Secondly he said, "Our districts are now about 107,000 for representative districts. As our population grows, of course, this will increase. My own judgment and experience is that I would prefer legislative districts of probably no more than 75,000 to 85,000," and we are talking about 8,000 here at the most for a legislative district.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: I think we have wasted a lot of time on this insignificant bill because the people won't vote for it anyway. When I thought they would, I used to vote for this type of legislation. On many occasions I voted for it, but I started looking around, as I do on many major issues before I vote on them, to see what the people want that I am representing. I find there is no cry among the people I represent to make the House smaller. As a matter of fact, they think it is very good as it is.

Then I look further. Who is making this terrible outcry for cutting the size of the House? I find those who go to these Democratic conventions and who go to the Republican conventions, minority groups, League of Women Voters. The man that I represent with the dinner pail, he is busy trying to pay his bills and taxes; he can't afford to be there. So these caucuses that you have, Democrat and Republican, they end up representing a few minorities in the state, and I, like the man in the front office, want to represent the majority of the people. So at this time I am against this, because the majority of the people won't vote for it anyway, so we are just wasting our time.

I think a good example is the front office, or the Governor's Office, you should learn some examples from that. When a man goes out and talks what the people want, he is down there in the front office, but if he tries to represent these minorities of the state, this state is still run and going to be run in years to come by the majority of the people, the way it was originally founded. The majority of the people eventually are going to prevail.

You can talk here all the morning and you can tide it over so you can talk about it two or three more days, or you can do away with it this morning, but the net result is going to be, in the long term the majority of the people are going to run the State of Maine. I am sure that the people in my district, and probably in yours, if you take the time, and I take the time — I work long hours and I sleep very little, and I can tell you there is no cry, there is absolutely no cry amongst the people to reduce the size of the House. There are a few minority groups that do want to, and they are the ones that attended this Democratic convention and the Republican caucus or convention, and let me tell you, I don't attend either one of them and I haven't for years because I found out the group that was running them. The group that runs them is a group of minorities, and this state can never be run properly by minorities.

The SPEAKER: The Chair recognizes

the gentleman from Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I, during the course of my campaign, visited approximately 1,500 houses in what is essentially a rural district. I found that most of my constituents felt that the Legislature of Maine was failing the people of Maine. They felt this for a number of reasons. They pointed to 1994, which apparently had been passed without adequate work so that the people understood what it could do, and they pointed to the truck law passed. They had numerous examples.

I campaigned on the idea that the House ought to be reduced. I spoke to a great many people suggesting that the proper number would be 99. Since I got up here, I have found that the constituent workload is such that is very difficult to represent the people that I represent given the existing resources. However, I did send out a questionnaire to everybody in my district last week, and I have just gotten back the returns. They are starting to come back, and they don't confirm the position taken by Mr. Dudley. I have gotten back just over 100 questionnaires which asked the people in my district whether they would like to see the size of the House reduced, more pay for legislators, more staff for legislators and so on. I am finding that the responses are coming back almost 2 to 1 in favor of reduction of the size of the House.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Susi.

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: Practically every element of our population here in Maine that is interested in good government has expressed themselves over and over again and with good reason, in my opinion, in favor of reducing the size of the Maine House. Through the years it has consistently been the vote of the members of the Maine House — we seem to be the only element that opposes this that has blocked this reform. We have an opportunity this morning to rise above ourselves and support this legislation and, in my opinion, make a great forward step in the quality of our legislature here in Maine, and I hope we do it.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: I wrote during the debate to a person that I had talked to favorably on this bill and indicated that I would stay, unless released, and the nod was that I was released.

I really was not going to speak on this measure. As a matter of fact, only about a half hour ago I sent a note to the Speaker that there must be something wrong with me, that this is actually the second time I have spoken since January 1. But the gentleman from Nobleboro, MR. Palmer, got me on my feet. I was here and a personal friend of his then and a personal friend now, as well as a legislator then and a legislator now, and I speak of the forties and the early fifties, so friendly, as a matter of fact, that we picked up a couple of cookies together with a little help from somebody, and I will tell you where we did it. We did it in the Augusta House.

I will tell you what has happened. Don't tell me that a few people that we have hired as so-called efficiency experts around here are telling us what to do. I would like to have all of you here right now raise your hands that have gone to these

people and sought advice from them or sought counsel from them. I am not saying anything against them because I voted for them. I know most of them. Some of them have done some good jobs and some of them, like ourselves, are human. But I will tell you what has happened. It is not only the decorum of this body that is held up, but it is the decorum of the legislators that is held up. Very very seldom do we hear anything or read anything that speaks well of the people inside this railing. The Speaker of this House has yet to rap the gavel to tell people if they can't keep quiet on the outside of the glass to go out, and I will tell you why, because the third house and the visitors, which we welcome, recognize the fact that these people inside the railing are here doing their work.

I took a couple of ladies out to lunch last week, and I was amazed, I was frankly amazed, and I know you won't believe this, but nine-tenths of the talking was done not by me, but I was really amazed at the knowledge that came from the mouths of these two young ladies who are first termers in the legislature.

Let's start for a change giving credit where credit is due. The credit is due right here.

I can recall having dinner in the Augusta House, and I see the gentleman from Nobleboro smiling, because he can recall it, when after dinner you couldn't put a toothpick between the people in the hall of the Augusta House. That is where the business went on, and that is where about 9:00 or 9:15 six or seven would disappear from the front elevator and then five or six would hit the stairway, and by about 9:30 or quarter of ten then we really got down to business on various matters. The lobby ran the legislature then. How well I remember the dog bill, the harness bill and the long-term meet. Anybody that would go out to eat in those days to a restaurant was a total idiot. You could eat fourteen course dinners in three different rooms.

Today, and I say this honestly, and I know I will say it when the session is over, this is the best behaved, hardest working, conscientious body that I have seen since I have been here as a member in 1945 and as a state employee for a few years, from 1932 with the governor. It only takes an individual like me — and as I look every day and I have even learned not to throw this in the round file — as I look every day through this thing here, I truly read words of wisdom. And on several occasions my mind has been changed, not by oratory of the members, that doesn't impress me, but common sense does. So let's stop talking about if we pass this or we pass that that we would bring about more efficiency, we could hire more people, we could have more people giving us advice. I think this body does very well for itself. I am not speaking about myself, I am speaking about this body. This body is extremely well behaved, it wants to learn, it works hard, and that is what counts with me. And the gentleman from Nobleboro, Mr. Palmer, the Republican floor leader hit it right on the head, and he knows and would have to say Amen to my remarks, not only as a friend, as a colleague, but as a legislator who has been here then and now.

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker and Members of the House: For the record I want to clarify one statement made by the gentleman from Lewiston, Mr. Jalbert. I am sure we all have different

interpretations of what a cookie is. Perhaps my mind is in the gutter and I have taken the wrong one, but I just want this House to know, ladies and gentlemen, friends of mine, that the cookie that I worked with and Mr. Jalbert was a piece of legislation and had nothing to do with any room in the Augusta House. I want you all to know, too, that I lived at home, not at the Augusta House.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: I am sorry, but I think the gentleman was — I hope he doesn't think for a minute that I am in any way pointing the finger at me. I know that he didn't take me too literally. I live at home too, but like the gentleman from Nobleboro, it isn't too far from here to Nobleboro and it isn't too far from here to Lewiston, and I think the gentleman would have to agree that sometimes he overstayed his leave after supper.

The SPEAKER: The pending question is on the motion of the gentleman from Augusta, Mr. Bustin, that this Resolution and all of its accompanying papers be indefinitely postponed. A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Augusta, Mr. Bustin, that this Resolution proposing an Amendment to the Constitution Reducing the Size of the House of Representatives and Establishing the Size of the Senate, Senate Paper 2, L.D. 2, and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Ault, Bennett, Berry, G. W.; Berry, P. P.; Binnette, Blodgett, Bowie, Bustin, Byers, Call, Carey, Carroll, Clark, Connors, Cote, Curran, R.; Curtis, DeVane, Drigotas, Dudley, Faucher, Fenlason, Finemore, Flanagan, Fraser, Gauthier, Gray, Hall, Hennessey, Hunter, Hutchings, Immonen, Ingegneri, Jacques, Jalbert, Joyce, Kelleher, Kelley, Kennedy, LeBlanc, Leonard, Lewis, Littlefield, MacEachern, Mackel, Mahany, Maxwell, McBreairty, McMahon, Mills, Miskavage, Morin, Mulkern, Nadeau, Perkins, T.; Peterson, T.; Post, Raymond, Rollins, Saunders, Silverman, Strout, Tarr, Teague, Theriault, Torrey, Tozier, Twitchell, Tyndale, Usher, Walker, Webber, Winship.

NAY — Bachrach, Bagley, Berube, Birt, Boudreau, Burns, Carpenter, Carter, Chonko, Churchill, Connolly, Cooney, Cox, Curran, P.; Dam, Davies, Dow, Durgin, Dyer, Farley, Farnham, Garsoe, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Henderson, Higgins, Hinds, Hughes, Jackson, Jensen, Kany, Kauffman, Laffin, LaPointe, Laverty, Lewin, Lizotte, Lovell, Lunt, Lynch, MacLeod, Martin, A.; Martin, R.; McKernan, Mitchell, Morton, Najarian, Norris, Palmer, Peakes, Pelosi, Perkins, S.; Peterson, P.; Pierce, Powell, Quinn, Rideout, Rolde, Shute, Smith, Snow, Snowe, Spencer, Sprowl, Stubbs, Susi, Talbot, Tierney, Truman, Wagner, Wilfong, The Speaker.

ABSENT — Doak, Hewes, Hobbins.

Yes, 74; No, 74; Absent, 3.

The SPEAKER: Seventy-four having voted in the affirmative and seventy-four in the negative, with three being absent, the motion does not prevail.

Is it now the pleasure of the House to accept the Majority "Ought to pass" Report?

The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, I ask for a roll call on accepting the majority report.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Sabattus, Mr. Cooney, that the House accept the Majority "Ought to pass" Report in concurrence. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bachrach, Bagley, Berube, Birt, Burns, Carpenter, Carter, Chonko, Churchill, Connolly, Cox, Curran, P.; Curtis, Dam, Davies, Dow, Dudley, Durgin, Dyer, Farley, Farnham, Garsoe, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Henderson, Higgins, Hinds, Hughes, Jensen, Kany, Kauffman, Laffin, LaPointe, Laverty, Lovell, Lynch, MacLeod, Martin, A.; Martin, R.; McKernan, Mitchell, Morton, Najarian, Norris, Palmer, Peakes, Pelosi, Perkins, S.; Perkins, T.; Pierce, Quinn, Rideout, Rolde, Shute, Smith, Snow, Snowe, Spencer, Sprowl, Stubbs, Susi, Talbot, Tierney, Truman, Tyndale, Usher, Wagner, Wilfong, The Speaker.

NAY — Albert, Ault, Bennett, Berry, G. W.; Berry, P. P.; Binnette, Blodgett, Boudreau, Bowie, Bustin, Byers, Call, Carey, Carroll, Clark, Connors, Cooney, Cote, Curran, R.; DeVane, Drigotas, Faucher, Fenlason, Finemore, Flanagan, Fraser, Gauthier, Gray, Hall, Hennessey, Hunter, Hutchings, Immonen, Ingegneri, Jackson, Jacques, Jalbert, Joyce, Kelleher, Kelley, Kennedy, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lunt, MacEachern, Mackel, Mahany, Maxwell, McBreairty, McMahon, Mills, Miskavage, Morin, Mulkern, Nadeau, Peterson, P.; Peterson, T.; Post, Powell, Raymond, Rollins, Saunders, Silverman, Strout, Tarr, Teague, Theriault, Torrey, Tozier, Twitchell, Walker, Webber, Winship.

ABSENT — Doak, Hewes, Hobbins.

Yes, 71; No, 77; Absent, 3.

The SPEAKER: Seventy-one having voted in the affirmative and seventy-seven having voted in the negative, with three being absent, the motion did not prevail.

The Chair recognizes the gentleman from Sabattus, Mr. Cooney.

Mr. COONEY: Mr. Speaker, having voted on the prevailing side, I wish to move reconsideration.

The SPEAKER: The gentleman from Sabattus, Mr. Cooney, moves that the House reconsider its action whereby the Majority "Ought to pass" Report was not accepted in concurrence.

The Chair recognizes the gentleman from York, Mr. Rolde.



Mr. ROLDE: Mr. Speaker, I move this lie on the table for two legislative days.

Thereupon, Mr. Carey of Waterville requested a roll call on the tabling motion.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from York, Mr. Rolde, that this Resolution be tabled pending the motion of Mr. Cooney of Sabattus to reconsider whereby the House failed to accept the Majority "Ought to pass" Report in concurrence and specially assigned for Tuesday, February 18. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA: Bachrach, Bagley, Berube, Boudreau, Burns, Carroll, Carter, Chonko, Churchill, Connolly, Cooney, Cox, Curran, P.; Curtis, Dam, Davies, Dow, Drigotas, Farley, Farnham, Faucher, Garsoe, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Higgins, Hinds, Hughes, Jalbert, Jensen, Kany, LaPointe, Lovell, Martin, A.; McKernan, Mitchell, Morton, Najarian, Norris, Palmer, Pelosi, Perkins, S.; Pierce, Quinn, Rolde, Shute, Smith, Snow, Snowe, Spencer, Sprowl, Stubbs, Susi, Tierney, Twitchell, Tyndale, Wagner, Wilfong, The Speaker.

NAY: Albert, Ault, Bennett, Berry, G. W.; Berry, P. P.; Binnette, Birt, Blodgett, Bowie, Bustin, Byers, Call, Carey, Carpenter, Clark, Connors, Cote, Curran, R.; DeVane, Dudley, Durgin, Fenlason, Finemore, Flanagan, Fraser, Gauthier, Gould, Gray, Hennessey, Hunter, Hutchings, Immonen, Ingegneri, Jackson, Jacques, Joyce, Kauffman, Kelleher, Kelley, Kennedy, Laffin, Laverty, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lunt, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, R.; Maxwell, McBreairty, McMahon, Mills, Miskavage, Morin, Mulkern, Nadeau, Peakes, Perkins, T.; Peterson, P.; Peterson, T.; Post, Powell, Raymond, Rideout, Rollins, Saunders, Silverman, Strout, Talbot, Tarr, Teague, Theriault, Torrey, Tozier, Truman, Usher, Walker, Webber, Winship.

ABSENT: Doak, Dyer, Hewes, Hobbins. Yes, 61; No, 86; Absent, 4.

The SPEAKER: Sixty-one having voted in the affirmative and eighty-six in the negative, with four being absent, the motion does not prevail.

The Chair recognizes the gentleman from Sabattus, Mr. Cooney.

Mr. COONEY: Mr. Speaker, I believe the motion before the House is reconsideration.

Thereupon, Mr. Finemore of Bridgewater requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Peterson.

Mr. PETERSON: Mr. Speaker, I understand the motion on the floor is reconsideration. Would you please explain what an affirmative vote would do and what a negative vote would do, so we will know the exact posture when we are voting.

The SPEAKER: The motion to accept the Majority "Ought to pass" Report was defeated. The gentleman from Sabattus, Mr. Cooney, has moved that we reconsider our action whereby this Majority Report was defeated. If you are in favor of the Bill, you would vote yes. If you are opposed to the Bill, you would vote no.

The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, I would follow up the point. It is not necessarily that you are in favor of this particular constitutional amendment. It is in favor of allowing this to survive its first reading, and it doesn't necessarily mean that you are wedded to the idea of 99, it is to the idea of keeping the bill alive so it possibly can be amended to another position.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker, we have some very eloquent speakers here, and I would like to put it in plain and simple language if I may. If you want this bill to die, you will vote no against reconsideration. If you want to keep the bill alive and let them try to put amendments on it, then you would vote yes. I think that it is as simply as it can be put.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Sabattus, Mr. Cooney, that the House reconsider its action whereby the Majority "Ought to pass" Report was not accepted in concurrence. All in favor of reconsideration will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bachrach, Bagley, Berube, Birt, Boudreau, Burns, Carpenter, Carter, Chonko, Churchill, Connolly, Cooney, Cox, Curran, P.; Curtis, Dam, Davies, Dow, Durgin, Dyer, Farley, Farnham, Garsoe, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Henderson, Higgins, Hinds, Hughes, Jacques, Jensen, Kany, Kauffman, Laffin, LaPointe, Lewin, Lovell, Lynch, MacLeod, Martin, A.; Martin, R.; McKernan, Mitchell, Morton, Najarian, Norris, Palmer, Peakes, Pelosi, Perkins, S.; Peterson, P.; Pierce, Quinn, Rolde, Shute, Smith, Snow, Snowe, Spencer, Sprowl, Stubbs, Susi, Talbot, Tierney, Truman, Tyndale, Usher, Wagner, Wilfong, The Speaker.

NAY — Albert, Ault, Bennett, Berry, G. W.; Berry, P. P.; Binnette, Blodgett, Bowie, Bustin, Byers, Call, Carey, Carroll, Clark, Connors, Cote, Curran, R.; DeVane, Drigotas, Dudley, Faucher, Fenlason, Finemore, Flanagan, Fraser, Gauthier, Gray, Hall, Hennessey, Hunter, Hutchings, Immonen, Ingegneri, Jackson, Jalbert, Joyce, Kelleher, Kelley, Kennedy, Laverty, LeBlanc, Leonard, Lewis, Littlefield, Lizotte, Lunt, MacEachern, Mackel, Mahany, Maxwell, McBreairty, McMahon, Mills, Miskavage, Morin, Mulkern, Nadeau, Perkins, T.; Peterson, T.; Post, Powell, Raymond, Rideout, Rollins, Saunders, Silverman, Strout, Tarr, Teague, Theriault, Torrey, Tozier, Twitchell, Walker, Webber, Winship.

ABSENT — Doak, Hewes, Hobbins. Yes, 72; No, 76; Absent, 3.

The SPEAKER: Seventy-two having voted in the affirmative and seventy-six in the negative, with three being absent, the motion does not prevail.

Thereupon, the Minority "Ought not to pass" Report was accepted in non-concurrence and sent up for concurrence.

The Chair laid before the House the second tabled and today assigned matter:

Resolution, Proposing an Amendment to the Constitution to Require that the Governor be Elected by Majority Vote (H. P. 455)

(Committee on Reference of Bills suggested Committee on State Government).

Tabled — February 11, by Mrs. Najarian of Portland.

Pending — Reference.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. Cooney.

Mr. COONEY: Mr. Speaker, I move this be referred to the Committee on State Government, ordered printed and sent up for concurrence.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker and Members of the House: I do not agree with this being referred to the Committee on State Government. The Joint Standing Committee on Election Laws has been ordered to study all election procedures. This order was passed unanimously by this legislature during the first few days of the session. You all voted for it. By sending election law bills to several committees, you are, in fact, negating what you ordered us to do.

The State Government Committee has been using the argument that all constitutional amendments should go to State Government. This argument, in my opinion, is not valid. Elimination of the Big Box, which was a constitutional amendment, went to the Election Laws Committee. I had a bill on bailable offenses, also a constitutional amendment, that went to the Judiciary Committee. I believe all bills should go to the committee that is working on the subject matter. Therefore, I would ask for a division on reference.

The SPEAKER: The pending question is on the motion of the gentleman from Sabattus, Mr. Cooney, that this Bill be referred to the Committee on State Government, ordered printed and sent up for concurrence. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

A vote of the House was taken.

56 having voted in the affirmative and 65 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mrs. Boudreau of Portland, the Bill was referred to the Committee on Election Laws, ordered printed and sent up for concurrence.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Is the House in possession of Senate Paper 169, L. D. 556?

The SPEAKER: The House is in possession of Bill "An Act to Further the Conservation of Vision," Senate Paper 169, L. D. 556.

Mr. GOODWIN: Mr. Speaker, if I am in order, I would move that we reconsider our action whereby we referred this to the Committee on Legal Affairs.

Thereupon, on motion of Mr. Rolde, tabled pending the motion of Mr. Goodwin of South Berwick to reconsider whereby this Bill was referred to the Committee on Legal Affairs in concurrence and tomorrow assigned.

(Off Record Remarks)

On motion of Mr. Rolde of York,  
Adjourned until nine o'clock tomorrow morning.