

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD
OF THE
One Hundred And Sixteenth Legislature
OF THE
State Of Maine

VOLUME I

FIRST REGULAR SESSION

House of Representatives
December 2, 1992 to May 13, 1993

ONE HUNDRED AND SIXTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
43rd Legislative Day
Wednesday, April 28, 1993

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

Prayer by the Reverend Robert Hargreaves, St. Mark's Episcopal Church, Augusta.

The Journal of Tuesday, April 27, 1993, was read and approved.

SENATE PAPERS

Bill "An Act to Restore Funds to the Commission on Governmental Ethics and Election Practices" (EMERGENCY) (S.P. 431) (L.D. 1341)

Came from the Senate, referred to the Committee on **Appropriations and Financial Affairs** and Ordered Printed.

Was referred to the Committee on **Appropriations and Financial Affairs** in concurrence.

Bill "An Act to Amend the Selection Process for the Administration of the Mexico Water District" (S.P. 430) (L.D. 1340)

Came from the Senate, referred to the Committee on **Utilities** and Ordered Printed.

Was referred to the Committee on **Utilities** in concurrence.

Ought to Pass as Amended

Report of the Committee on **Banking and Insurance** reporting "**Ought to Pass**" as Amended by Committee Amendment "A" (S-78) on Bill "An Act to Prohibit Businesses from Requiring Social Security Numbers in Certain Cases" (S.P. 242) (L.D. 735)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-78).

Report was read and accepted, the bill read once. Committee Amendment "A" (S-78) was read by the Clerk and adopted and the Bill assigned for second reading Thursday, April 29, 1993.

Divided Report

Later Today Assigned

Majority Report of the Committee on **Aging, Retirement and Veterans** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-81) on Bill "An Act to Provide Fully Paid Health Insurance Benefits to Retired Teachers" (S.P. 135) (L.D. 426)

Signed:

Senators: TITCOMB of Cumberland
McCORMICK of Kennebec

Representatives: JALBERT of Lisbon
CATHCART of Orono
WENTWORTH of Arundel
VIGUE of Winslow
HATCH of Skowhegan

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

Signed:

Senator: WEBSTER of Franklin

Representatives: BARTH of Bethel
JOY of Island Falls
QUINT of Paris
TUFTS of Stockton Springs
CLUKEY of Houlton

Came from the Senate with the Reports read and the Bill and accompanying papers indefinitely postponed.

Reports were read.

Representative Jalbert of Lisbon moved that the House accept the Majority "Ought to Pass" Report.

On motion of Representative Zirnkilton of Mount Desert, tabled pending the motion of Representative Jalbert of Lewiston that the House accept the Majority "Ought to Pass" Report and later today assigned.

Divided Report

Majority Report of the Committee on **Human Resources** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-83) on Bill "An Act to Improve Access to Dental Services" (S.P. 85) (L.D. 198)

Signed:

Senators: PARADIS of Aroostook
HARRIMAN of Cumberland

Representatives: BRENNAN of Portland
BEAM of Lewiston
PENDLETON of Scarborough
TOWNSEND of Portland
FITZPATRICK of Durham
GEAN of Alfred
TREAT of Gardiner

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

Signed:

Representatives: BRUNO of Raymond
PENDEXTER of Scarborough

Came from the Senate with the Majority "**Ought**

to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-83)

Reports were read.

On motion of Representative Treat of Gardiner, the Majority "Ought to Pass" Report was accepted and the bill read once.

Committee Amendment "A" (S-83) was read by the Clerk and adopted and the Bill assigned for second reading Thursday, April 29, 1993.

Divided Report

Later Today Assigned

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-79) on Bill "An Act to Require Written Reason for Discharge, Demotion or Discipline" (S.P. 106) (L.D. 309)

Signed:

Senators: HANDY of Androscoggin
LUTHER of Oxford
BEGLEY of Lincoln

Representatives: CLEMENT of Clinton
SULLIVAN of Bangor
LINDAHL of Northport
CHASE of China
ST. ONGE of Greene

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

Signed:

Representatives: RUHLIN of Brewer
COFFMAN of Old Town
CARR of Sanford
LIBBY of Buxton
AIKMAN of Poland

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-79)

Reports were read.

Representative Ruhlin of Brewer moved that the House accept the Minority "Ought Not to Pass" Report.

On motion of the same Representative, tabled pending his motion that the House accept the Minority "Ought Not to Pass" Report and later today assigned.

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

The following Bills and Resolve were received and, upon the recommendation of the Committee on Reference of Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence:

Education

Bill "An Act Concerning School Siting" (H.P. 999) (L.D. 1345) (Presented by Representative HEESCHEN of Wilton) (Cosponsored by Representatives: ADAMS of Portland, MARSH of West Gardiner, MITCHELL of Vassalboro, Senator: HANDY of Androscoggin)

Ordered Printed.
Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Clarify the Time Frame in Which the Board of Environmental Protection Is to Establish a Numeric Water Quality Criterion for Dioxin" (H.P. 1002) (L.D. 1348) (Presented by Representative GWADOSKY of Fairfield) (Cosponsored by Representatives: ANDERSON of Woodland, LORD of Waterboro, O'GARA of Westbrook, POULIN of Oakland, REED of Falmouth, VIGUE of Winslow, Senators: CAREY of Kennebec, CARPENTER of York, CIANCHETTE of Somerset, MARDEN of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Bill "An Act to Amend the Motor Vehicle Emission Inspection Program" (H.P. 1005) (L.D. 1351) (Presented by Representative MARSH of West Gardiner) (Submitted by the Department of Environmental Protection pursuant to Joint Rule 24.)

Ordered Printed.
Sent up for Concurrence.

Fisheries and Wildlife

Bill "An Act Regarding Suspension of Maine Guide Licenses" (H.P. 1001) (L.D. 1347) (Presented by Representative MARSH of West Gardiner) (Cosponsored by Representatives: BAILEY of Township 27, JACQUES of Waterville)

Ordered Printed.
Sent up for Concurrence.

Judiciary

Bill "An Act Concerning the Calculation of Periods of Imprisonment" (H.P. 1007) (L.D. 1353) (Presented by Representative HOLT of Bath) (Cosponsored by Senator PARADIS of Aroostook and Representatives: JOHNSON of South Portland, OLIVER of Portland)

Resolve, Directing Release of Investigative Records Related to Ballot Tampering (EMERGENCY) (H.P. 1003) (L.D. 1349) (Presented by Representative BOWERS of Washington) (Cosponsored by Representatives: ADAMS of Portland, BRENNAN of Portland, CHASE of China, CLARK of Millinocket, DiPIETRO of South Portland, FARNSWORTH of Hallowell, FITZPATRICK of Durham, GOULD of Greenville, GRAY of Sedgwick, HOLT of Bath,

KETTERER of Madison, KILKELLY of Wiscasset, LEMKE of Westbrook, PARADIS of Augusta, PLOURDE of Biddeford, POULIN of Oakland, RICHARDSON of Portland, ROWE of Portland, TRACY of Rome, WENTWORTH of Arundel, WINN of Glenburn) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
Sent up for Concurrence.

State and Local Government

Bill "An Act to Provide for the Recall of the Governor, State Senators and State Representatives" (H.P. 1004) (L.D. 1350) (Presented by Representative COFFMAN of Old Town) (Cosponsored by Representative: LEMKE of Westbrook, Senator: LUTHER of Oxford)

Ordered Printed.
Sent up for Concurrence.

Taxation

Bill "An Act to Encourage the Use of User Fees Regarding Municipal Solid Waste Disposal" (EMERGENCY) (H.P. 1000) (L.D. 1346) (Presented by Representative BOWERS of Washington) (Cosponsored by Representatives: ADAMS of Portland, FITZPATRICK of Durham, GRAY of Sedgwick, LEMKE of Westbrook, PARADIS of Augusta, SKOGLUND of St. George, TRACY of Rome, Senators: CAREY of Kennebec, CIANCHETTE of Somerset, PARADIS of Aroostook, PINGREE of Knox) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
Sent up for Concurrence.

Utilities

Bill "An Act to Abolish the Castine Water District" (H.P. 1006) (L.D. 1352) (Presented by Representative GRAY of Sedgwick) (Cosponsored by Senator GOULD of Waldo) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
Sent up for Concurrence.

Reported Pursuant to Public Law

Representative PARADIS for the Commission to Study the Future of Maine's Courts, pursuant to Public Law 1989, chapter 891, Part B ask leave to submit its findings and to report that the accompanying Bill "An Act to Implement the Recommendations of the Commission to Study the Future of Maine's Courts" (H.P. 1008) (L.D. 1354) be referred to the Joint Standing Committee on Judiciary for public hearing and printed pursuant to Joint Rule 20.

Report was read and accepted, and the bill referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

REPORTS OF COMMITTEES

Ought to Pass as Amended

Representative JACQUES from the Committee on Energy and Natural Resources on Bill "An Act to Require Removal of Ice Fishing Shacks from Private Property" (H.P. 339) (L.D. 442) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-197)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-197) was read by the Clerk and adopted and the bill assigned for second reading Thursday, April 29, 1993.

Ought to Pass as Amended

Representative ROTONDI from the Committee on Fisheries and Wildlife on Bill "An Act to Restrict the Taking of Turtles and Snakes from the Wild for Export, Sale or Commercial Purposes" (H.P. 485) (L.D. 643) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-201)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-201) was read by the Clerk and adopted and the bill assigned for second reading Thursday, April 29, 1993.

Ought to Pass as Amended

Representative JOSEPH from the Committee on State and Local Government on Bill "An Act to Increase Reimbursement to the State Police for Services Provided to Federal Agencies" (H.P. 723) (L.D. 982) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-204)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-204) was read by the Clerk and adopted and the bill assigned for second reading Thursday, April 29, 1993.

CONSENT CALENDAR

First Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(S.P. 173) (L.D. 587) Bill "An Act to Conform the Maine Tax Laws for 1992 with the United States Internal Revenue Code" (EMERGENCY) Committee on Taxation reporting "Ought to Pass"

(S.P. 197) (L.D. 633) Bill "An Act to Amend the

Mechanic Lien Laws" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-80)

(S.P. 183) (L.D. 597) Resolve, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-82)

(H.P. 380) (L.D. 493) Bill "An Act to Clarify the Disbursement of Maine Children's Trust Fund Income" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-196)

(H.P. 456) (L.D. 582) Bill "An Act Regarding Responsibilities of Union School Committees" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-198)

(H.P. 424) (L.D. 543) Bill "An Act to Amend the Laws Pertaining to the Distance Snowmobiles May Be Operated from Certain Buildings" (EMERGENCY) Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-200)

(H.P. 518) (L.D. 702) Bill "An Act to Clarify That the Existing Sales Tax Exemption for the Aquaculture Industry Extends to Seaweed and Other Marine Plant Growers" Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-202)

(H.P. 229) (L.D. 297) Bill "An Act to Change the Penalty for Night Hunting or Illegal Killing of Large Game Animals" Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-203)

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, April 29, 1993, under the listing of Second Day.

CONSENT CALENDAR

Second Day

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

(S.P. 202) (L.D. 638) Bill "An Act to Modify Public Utilities Commission Practice and Rules of Evidence" (C. "A" S-69)

(S.P. 223) (L.D. 694) Bill "An Act to Require That Purchasers of Used Cars Be Informed Whether the Cars Were the Subjects of Lemon Law Decisions" (C. "A" S-67)

(H.P. 212) (L.D. 274) Bill "An Act to Revise the Correctional Facility Board of Visitors Laws" (C. "A" H-186)

(H.P. 557) (L.D. 754) Bill "An Act Concerning Property Tax Payment by Owners of Mobile Homes"

(H.P. 386) (L.D. 499) Bill "An Act to Clarify the Process of Resolving Nuisance Complaints Involving Agriculture" (C. "A" H-187)

(H.P. 450) (L.D. 576) Resolve, to Maximize the Availability of Federal Financing of Services for Families and Children (EMERGENCY) (C. "A" H-188)

(H.P. 287) (L.D. 374) Bill "An Act to Assist Policy Makers in Establishing Health Care Policy" (C. "A" H-189)

(H.P. 664) (L.D. 902) Bill "An Act to Clarify the Role of the Child Abuse and Neglect Councils" (C. "A" H-190)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were Passed to be Engrossed as Amended in concurrence and the House Papers were Passed to be Engrossed or Passed to be Engrossed as Amended and sent up for concurrence.

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Amend the Maine Nuclear Emergency Planning Act" (EMERGENCY) (S.P. 152) (L.D. 484) (C. "A" S-68)

Bill "An Act to Regulate Home Repair by Transient Contractors" (S.P. 228) (L.D. 699) (C. "A" S-72)

Bill "An Act to Exempt Employees of the Public Utilities Commission from Furlough and Shutdown Days" (EMERGENCY) (S.P. 119) (L.D. 357) (C. "A" S-70)

Were reported by the Committee on Bills in the Second Reading, read the second time and Passed to be Engrossed as Amended in concurrence.

ORDERS OF THE DAY

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

The Chair laid before the House the first item of Unfinished Business:

Bill "An Act to Apportion the State's Senate, House of Representatives and Congressional Districts" (H.P. 883) (L.D. 1197)
PENDING - Passage to be Engrossed.

Representative Michaud of East Millinocket offered House Amendment "B" (H-192) and moved its adoption.

House Amendment "B" (H-192) was read by the Clerk.
The SPEAKER: The Chair recognizes the Representative from East Millinocket, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Men and Women of the House: What this amendment does is put the block numbers in the six Senate Districts in the bill.

Subsequently, House Amendment "B" (H-192) was adopted.

Representative Michaud of East Millinocket offered House Amendment "A" (H-191) and moved its adoption.

House Amendment "A" (H-191) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from East Millinocket, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Men and Women of the House: I hope that you would support House Amendment "A" to the Bill. I will have an additional amendment later on to amend House Amendment "A." House Amendment "A" is basically what the committee had agreed to. Rather than putting one full bill, I decided to deal with two bills, one is this bill which deals with some technical errors plus the Districts that we agreed to. We did agree to 105 Districts.

I know as soon as I sit down, probably the Representative from Woodland, Representative Anderson, is going to stand up and say where is Woodland? Woodland is in error in this Amendment. Woodland will be in House Amendment "B" when I present it later on today. There are a few other errors but, with House Amendment "A" and House Amendment "B", you will have a complete plan, a plan that meets State, Federal and Constitutional requirements.

I realize House Amendment "A" is lengthy. I will attempt to go through each and every District, myself and Representative Daggett. I will start off by dealing with a few Districts, then Representative Daggett will explain the reasoning behind the other Districts.

If you look at House Amendment "A", for District 113, what the Commission did, and this was unanimous amongst the Commission, is that District 113 is comprised of Thomaston, Union and Warren, this was a unanimous recommendation by the Commission. It represents a core of existing Districts and those three municipalities do have a community of interests. That's that District.

Another district which is the only District that the Commission unanimously agreed on to split was the town of Limestone, split a census block. The reason being, for those of you who have been up in the Republican or Democratic reapportionment rooms, you realize that each census block has a population attached to it. The census block that was attached for Loring Air Force Base had a total population of over 6,000 people, so by doing what we did, we allowed Representative Young from Limestone, who currently represents that District, to have more of downtown Limestone. The Commission did agree unanimously that we should split that block and the block we are splitting contains the North Wheary Housing Area which has 2,215 people. That split block will go in District 148, the Van Buren seat.

The Commission — I will call your attention to District 136. As you know, the Constitution that was amended requires that if a District has a population big enough for one full District, we have to draw one full District within that municipality. The municipality of Old Town is big enough for one full District. What the Commission did to honor the

request of the Penobscot Nation, since the Penobscot Nation has always been attached to Old Town, there is a strong community of interest within Old Town, the Commission did agree to put the Penobscot Nation with the Old Town seat. The only other way we could deal with it was to do a small sliver of Old Town to connect the Penobscot Nation and move the Penobscot Nation into the Milford District. The Commission chose against that because that was not in the best interest for the City of Old Town or the Penobscot Nation.

With that Mr. Speaker, I will let the Representative from Augusta, Representative Daggett, explain the reasons why we agreed to the other splits in the municipalities and the other whole Districts as they are now.

I will want to caution you because I know some members have already asked me — they are going to say that we've got two towns in two Districts, yes, that is true in some areas. But, once this bill is passed, hopefully if this amendment is adopted along with House "B" which I will present at a later date, at a later time, it will be a full Commission plan. There will not be any duplicate towns and it will meet all Federal, State and Constitutional requirements.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Daggett.

Representative DAGGETT: Mr. Speaker, Men and Women of the House: I would like to go through some of the Districts, the Districts that have been agreed to. I hope that in doing this, which may seem in some ways somewhat tedious, that the members here can see the intricacies that are involved in putting the Districts together.

I know that there has been some emphasis placed on Districts which are somewhat unusual and may seem too large or not compact enough, but I think if the emphasis is put on the number of Districts that have been well-formed and you can see the amount of agreement, that you will come to understand that this is a very good plan and a very good apportionment.

District 1, this District is wholly within Kittery. However, Kittery contains too much population for a single District. The proposed plan, the split out of Kittery, was proposed by the Republican members of the Commission and agreed to by the full Commission.

District 2, there is no split. This District is wholly within York. However, because York contains too much population for a single House District, the plan contains a split which was recommended by the Republican members of the Commission and agreed to by the full Commission.

In District 3, there is a split. The remainder of York and the remainder of Kittery are joined with the whole towns of Eliot and Ogunquit. This District is compact and it forms a community of interest.

In District 6, there is no split. Wells is the perfect size for a House District and is kept whole.

In Districts 4 and 5, there is a split. The three Berwicks contain enough population for two House Districts. The plan preserves the core of the existing Districts and avoids the pairing of two Republican incumbents by splitting North Berwick between Berwick and South Berwick. The split here is recommended by the Republican members of the Commission and agreed to by the full Commission.

In District 7, there is no split. Kennebunk has sufficient population for a single House District and

is kept whole under the plan.

District 8, there is a split. The towns of Lyman and Arundel are kept whole and joined with part of Hollis. Hollis is presently split and the Commission's plan retains the split and preserves the core of an existing District.

District 19, there is a split. Part of Saco is joined with Dayton. Saco has too much population to comprise a single House District. The Commission's plan reduces the number of splits in Saco from three to two. The District is compact and recognizes a community of interest. This is a new District.

You will note that there are several new Districts which are created by the population shifts in the state.

District 18, there is no split. It is wholly within the Town of Saco and the split has been agreed to by both Republicans and Democrats.

District 16, there is a split. Buxton remains whole and is joined with the neighboring town of Hollis to ensure population equality. It also retains the core of an existing District. This split was agreed to by the incumbents.

District 17, there is no split. Old Orchard Beach has sufficient population for a single District and is kept intact.

District 48, there is no split. Due to population increases, a new District was necessary in the York County area. The Commission's plan places this new District along the southern border with New Hampshire. It consists of the towns of Parsonfield, Newfield, Acton and Lebanon.

District 15, yes there is a split. Existing District 15 had gained significant population. To reduce the population with minimal disruption to the existing Districts, a piece of Limington was removed.

District 47, there is a split. Part of Limington was joined with Standish to comply with the requirements of one person/one vote and to remain consistent with the Commission's standards and Maine's Constitutional provisions.

District 46, there is no split. The Commission placed the whole towns of Baldwin, Casco, Naples and Sebago in a single District. This District is compact and contains a community of interest.

District 20, there is no split. Scarborough is too large for a single District. However, District 20 is wholly within Scarborough. The Republican members of the Commission drew the line and it was agreed to by the full Commission.

District 21, there is no split. Cape Elizabeth contains too much population for a single District. This District is wholly within Cape Elizabeth.

District 22, there is a split, it is the remainder of Cape Elizabeth and is joined to a portion of South Portland.

Districts 23 and 24 are wholly within South Portland.

Districts 33 and 34, there is no split. Westbrook contains sufficient population for two full House Districts and the Commission plan provided Westbrook with two Districts. The split has been agreed to by the incumbents.

District 39, there is a split. Falmouth needed to gain some additional population to comply with one person/one vote. 244 people from Cumberland were joined with Falmouth. This District preserves the core of the existing Districts and makes only a minimal split to satisfy the Constitution. This split was recommended by the Republican members of

the Commission and agreed to by the full Commission.

District 38, there is a split, the remainder of Cumberland and North Yarmouth, a community of interest exists.

District 40, there is no split. Yarmouth is wholly within a single District.

District 41, there is no split and this District joins Freeport and Pownal, it remains the same.

District 44, yes, there is a split. The towns of Gray and New Gloucester had gained too much population to remain one full House District. New Gloucester has to be split to comply with one person/one vote. This District also preserves the core of an existing District.

District 60, there is a split. The remainder of New Gloucester is joined with Minot and Poland. This District is compact, contiguous, recognizes a community of interest and preserves the core of an existing District. This split was agreed to by the full commission.

Districts 61, 62 and 63. Auburn contains sufficient population for three House seats and the Commission's plan creates three Districts wholly within Auburn.

65, 66, 67, 68 and 69, no split. Similarly, the Commission's plan placed four Districts wholly within Lewiston. The split has been agreed to by the incumbents affected.

District 64, no split. Green and Turner were joined as a result of Lewiston and Auburn being kept whole. These towns also share a community of interests including the same school district.

District 59, there is no split. This is a new seat consisting of Otisfield, Oxford and Mechanic Falls.

District 49, there is no split. It consists of Stowe, Sweden, Fryeburg, Brownfield, Hiram, Cornish and Porter. This District preserves the core of an existing District.

District 50, there is no split. It consists of Denmark, Bridgton, Harrison and Waterford. It recognizes a community of interests and consists of compact and contiguous territory.

District 58, no split. This District preserves the core of an existing District and consists of Buckfield, Hartford, Hebron, Paris and Sumner.

District 77, there is no split. Georgetown, Phippsburg and Harpswell — it preserves the core of an existing District and consists of compact and contiguous territory without splitting any towns.

District 75, there is a split. Bath is too large to comprise a single House District. However, District 75 is wholly within Bath.

District 74, there is a split. It is the remainder of Bath joined with West Bath, Woolwich, Arrowsic and Dresden and consists of a compact and contiguous territory. This District also preserves the core of an existing District.

District 71, there is no split. This District is completely within Lisbon.

District 72, there is no split. It consists of Monmouth, Wales and Sabattus. Population growth led to a new District 76. This resulted in Sabattus being removed from a district with Bowdoin and placed in this District. This is also more compact and contiguous than the present District.

District 93, there is no split. It consists of Farmingdale, Litchfield and West Gardiner. It preserved the core of an existing District. The existing District is too big so this District loses

part of Randolph in the new plan.

District 91, yes there is a split. It consists of part of Randolph, Hallowell, all of Chelsea and Pittston. This District was drawn to ensure that surrounding Districts would be subject to minimal change while complying with the additional Constitutional and Commission criteria. The split in Randolph is the current split.

District 92, there is a split. This District consisting of Gardiner and part of Randolph is the exact existing District.

Districts 88, and 89, there is no split. Augusta has sufficient population for two and a half Districts, two whole Districts are within Augusta.

District 90, there is a split. Part of Augusta was joined with Manchester. Augusta lost population relative to the rest of the state. Therefore, a portion of Augusta is joined with Manchester to ensure that the core of surrounding Districts would remain intact and the disruption to the political representation would be minimal. This split was agreed to by the affected incumbents.

District 87, there is no split. Sidney, Vassalboro and Windsor — the Commission preserved the existing District.

District 85, there is no split. China, Albion, Benton and Freedom. It preserves the core of an existing District and recognizes a community of interest.

District 86, there is no split. The Commission determined that the continued split in Winslow was unnecessary and created a District wholly within Winslow.

Districts 97 and 98, no split. Waterville has sufficient population for two and a half Districts, these two Districts are within Waterville.

District 99, there is a split. The remainder of Waterville is joined with Fairfield. This District evidences a community of interest and preserves the core of surrounding Districts.

District 96, there is no split. Oakland and Belgrade are joined in this District to produce a compact and contiguous District that complies with one person/one vote.

District 95, there is no split, it consists of Norridgewock, Smithfield, Rome, Mount Vernon and Readfield.

District 94, there is no split. Winthrop, Wayne and Fayette. This District was drawn by the Republican members of the Commission and agreed to by the full Commission.

District 56, there is no split. The new District here is a result of population growth and it consists of Leeds, Livermore, Canton and Livermore Falls.

District 57, there is no split. This District retains the core of an existing District and was drawn at the request of Republican Commission members. It consists of Jay, Chesterville, Vienna, New Sharon and Mercer.

District 104, there is no split. It consists of Farmington and Industry. It preserves the core of an existing District and it was drawn at the request of the Republican Commission members, agreed to by the full Commission.

District 100, there is no split. Skowhegan is too large for a single District. This District is wholly within Skowhegan.

District 102, there is a split. It is the rest of Skowhegan, joined with Madison, Anson and Starks. It preserves the core of an existing District and

ensures compliance with the one person/one vote.

District 101, there is no split. Canaan, Pittsfield, Burnham, Troy and Jackson. It preserves the core of an existing District and complies with one person/one vote without unnecessarily dividing towns.

District 103, there is no split. It consists of Wellington, Athens, Brighton, Cornville, Harmony, Hartland, Ripley, St. Albans and Solon. It is more compact than the previous District.

District 108, there is no split. It consists of Cambridge, Dexter, Garland and Corinna. It preserves the core of the existing District and it is contiguous and compact.

District 109, there is no split. Palmyra, Newport, Dixmont, Detroit and Plymouth. It retains the core of the existing District and complies with other requirements.

District 110, no split. Clinton, Unity, Unity Township, Thorndike, Knox, Brooks, and Montville. It is the core of the existing District, contiguous, compact, a community of interests and minimal change to the existing plan.

District 111, there is no split, it is Belfast, Belmont and Northport.

District 112, there is no split. It has Appleton, Hope, Islesboro, Lincolnville, Morrill, Searsport, Swanville and Waldo. It is the core of an existing District and it preserves the ferry link between Lincolnville and Islesboro.

District 114, there is no split. Winterport, Frankfort, Searsport and Stockton Springs. This District retains the whole of the existing District with the exception of Prospect. Due to population gain, the District had to lose population and Prospect was joined with a neighboring District to comply with one person/one vote.

District 124, there is a split. Bucksport, Prospect, part of Ellsworth, Orland and Verona. Ellsworth was split to equalize population size.

District 127, there is a split, the remaining part of Ellsworth, Blue Hill, Surry — this District experienced too much growth to remain unchanged. Ellsworth has been split to comply with the one person/one vote and to minimize the changes in surrounding Districts.

District 128, no split. Bar Harbor, Gouldsboro, Sorrento and Winter Harbor. It is the core of the existing District.

District 129, yes there is a split. Hancock, Sullivan, Cherryfield, Steuben, Harrington, Addison, Milbridge and unorganized territory. It contains the core of the existing District.

District 126, there is no split. Mount Desert, Cranberry Islands, Frenchboro, Lamoine, Southwest Harbor, Swans Island, Tremont and Trenton. It preserves the ferry links to the islands and there is a community of interest.

District 125, there is no split. Brooklin, Brooksville, Castine, Deer Isle, Penobscot, Sedgwick, Stonington, Isle au Haut. It retains the ferry link between Stonington and the Isle.

131, there is no split. Beals, Centerville, Columbia, Columbia Falls, East Machias, Jonesboro, Machias, Jonesport, Marshfield, Roque Bluffs and Whitneyville.

District 132 and 133, this is Downeast, the Washington County coast. The Districts were drawn to ensure more compact and contiguous Districts than the current plan and to eliminate the existing narrow

corridor through Cooper and Crawford.

District 134, there is no split. Orono is too large for one District. This District is wholly within Orono.

District 122, there is no split. Brewer is too large for a single District. This District is wholly within Brewer.

District 135, there is a split. It is the remainder of Orono with Brewer and whole towns of Bradley, Clifton, Eddington, and Veazie. This is a compact District that recognized a community of interest and minimized splits in the surrounding Districts.

District 123, there is no split. It consists of Central Hancock, Dedham, Mariaville, Otis, Waltham, Holden, Orrington. It retains the core of the existing District, it is compact and contiguous.

District 115, there is no split. The core of the existing District includes Hampden, Newburgh and Monroe.

District 121, there is no split. Glenburn, Hermon and Kenduskeag. Glenburn had been joined with Bangor but due to population shifts, Glenburn was joined with these towns to preserve District continuity.

District 120, there is no split. Carmel, Corinth, Etna, Exeter, Levant and Stetson. The core of the existing District is maintained.

District 82, there is no split. The Commission eliminated the existing split in Rockland and created a District wholly within Rockland.

District 81, there is no split. St. George, Cushing, Friendship, Matinicus Isle, Owls Head, South Thomaston, Monhegan and Vinalhaven. The core of the existing District is maintained and it recognizes a community of interest with coastal communities.

District 80, there is no split. Wiscasset, Alna, Jefferson and Whitefield maintain the core of an existing District.

District 79, there is no split. Bremen, Bristol, Damariscotta, Newcastle, Nobleboro. It is the core of the existing District and maintains a community of interest.

District 78, there is no split. Boothbay, Boothbay Harbor, Edgcomb, South Bristol, Southport and Westport.

District 83, there is no split. Camden, Rockport and North Haven make up a contiguous District that preserves the core of the existing District.

District 84, there is no split. Washington, Hibberts Gore, Somerville, Waldoboro, Liberty and Palermo. Satisfies the one person/one vote criteria.

District 138, no split. Southeast Penobscot County including Burlington, Carroll, Lee, Lowell, Prentiss Plantation, Springfield, Webster, Lincoln, Lakeville, Passadumkeag and unorganized territory. It preserves town lines and a community of interest.

District 130, there is no split. It is northern and interior Washington County plus Greenfield and Milford in Penobscot. Osborn, Great Pond, Franklin, East Hancock, Eastbrook, Aurora and Amherst in Hancock County.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Small.

Representative SMALL: Mr. Speaker, Ladies and Gentlemen of the House: Before we vote on this today, I would like to set the record straight on a number of issues. Remarks were made yesterday about the process and how certain members were not interested in negotiating, that we were intent on

going to court. I guess most of those were attributed to me. Let me set the record straight. I said right from the beginning that we were not afraid to go to court, that I felt we could get a fair and impartial plan from the court. But, I still had hopes that we might negotiate a plan in the legislature. I would not have spent the days, the weeks and the months on this process if I did not believe it was possible to reach a compromise plan.

I was the first Republican to endorse Judge Jack Smith as the neutral chair. I felt as a member of the Judiciary, he would try to be impartial, I still believe he did try. I, too, want to commend him for undertaking a difficult job, made more difficult by the delay in naming a neutral chair.

We did negotiate a number of Districts prior to the final failure to reach a compromise. We accepted parts of the Democrats southern Maine plan because, frankly, it met the Constitutional criteria better than our plan did. We upset some of our own members because we believed foremost that we must follow the procedures set forth by the Constitution, the test of compactness, contiguity and deviation.

I would like to remind the members of this body that nowhere in the Constitution are existing Districts or incumbent legislators mentioned. We adopted as part of the Commission criteria, where practicable, existing Districts would be followed. We built the map from York County and, through negotiations, reached Northern Penobscot, Washington and Aroostook Counties. There are a number of Districts still unresolved in addition to the city lines but the focal point of dissent has become Aroostook County. We could not agree on the District lines and the differences remained unresolved.

Part of the compromise we made in the early part of the negotiations were contingent upon acceptable acceptance of an agreeable Aroostook plan. Indeed, we were still working on an acceptable Aroostook County map when the final Commission vote was taken. We had not walked out on negotiations, the time just expired.

We are now being asked to vote on a Commission Report that may or may not be the Legislature's Commission plan. It is now being amended to fill in missing Districts.

Let me read into the Record the Constitutional criteria for creating new Districts. "Each Representative District shall be formed of contiguous and compact territory and shall cross political subdivision lines the least number of times necessary to establish as nearly as practicable, equally populated Districts."

The Democratic plan, even with the amendment, still splits two towns unnecessarily. The mathematical formula requires six towns to be split to form legal Districts, that's towns that don't have an oversized population. In the Democratic plan, eight towns are split, Rumford and Ellsworth do not need to be and are kept whole in the Republican plan.

The Democratic plan crosses county lines more often than necessary. There is a certain amount of crosses necessary in order to form legal Districts but, in the Democratic Amendment, 31 county lines are crossed once and four Districts crosses county lines three times.

In the Republican plan, we cross county lines 27 times and create only two three-county Districts. There is also no accommodations for the Passamaquoddy Indians to unite their people in a District as was

allowed in both plans for the Penobscot Indians.

In Aroostook County, depending on which amendment you read, the Districts do not meet the Constitutional criteria for compact and contiguous Districts. District 151 is about one and a half times larger than it needs to be. The snake District that Representative Treat said yesterday did not exist is alive and wiggling in District 143.

After reading the remarks on Record from the 1974 redistricting, I am convinced now more than ever that the Commission Report cannot and should not be amended. The reason the 1974 plan failed was, as the Speaker stated yesterday, an amendment offered by the Majority Party, the Republicans, at the last minute altered the Commission plan and made it unacceptable to the Minority, the Democrats. The Commission plan failed enactment that year. It is only logical that to prevent last minute amendments from being offered, the Constitution was changed to ensure the Commission Report was accepted or rejected in its entirety.

Despite my reading of the Constitution, we must abide by the House ruling that amendments will be accepted and, therefore, we will offer our own version of the redistricting plan which we feel corrects some of the flaws in the amendment before you.

I urge you to reject House Amendment "A" and Mr. Speaker, I request the yeas and nays.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Treat.

Representative TREAT: Mr. Speaker, Men and Women of the House: I would just like to respond to some of the comments that were just made by the Representative from Bath, Representative Small, concerning the Constitutional standards that were guiding the Commission in whether or not this plan before you today meets those standards. I am confident, and I would say that all those voting for the plan are confident, that what is before you does in fact meet those standards. The fact that it may be possible to come up with a plan that mathematically works out and splits two fewer towns is immaterial. This is not a purely mathematical enterprise. If it were, we simply would have programmed the computers, punched a few buttons and come up with a plan.

Yesterday, I went through a number of criteria that we had to comply with. In addition to equal population and the consideration of crossing town boundaries, we also had to look at compactness and contiguity. We had to look at the Voting Rights Act, the Whole District Rule. We attempted to preserve the core of existing Districts and we attempted to have a plan that was fair.

I would like to specifically address the concern of county boundaries and municipal subdivision lines since this came up during the discussions around the plan as we went through the Commission process. We feel very strongly that the Commission plan meets the guidelines of the Constitution concerning crossing municipal boundaries, crossing political subdivision boundaries, the fewest possible times. The issue of protecting municipal lines over county boundaries was addressed by the Maine Supreme Court in its most recent decision on apportionment In re 1983 apportionment. The court recognized a diminished significance of county boundaries based on the following historical facts. "The strict adherence to county boundaries required by the Maine Constitution prior to 1975 has been removed. Two, cities and

towns, unlike counties, enjoy Home Rule, and three, elections are conducted on a municipal basis, not a county basis."

Little has changed in the last ten years to change these facts. If anything, recent movement towards the abolition of county government, county charter efforts and the adoption of county budget autonomy in a growing number of counties have reduced the reliance of county government on the legislative arena. There is less and less interaction between these two levels of government and less cause for concern over identifying legislative District lines with county lines. The importance of county boundaries is of much greater significance in southern and western states where counties are historically a much more powerful entity of state government. Such states have constitutional provisions specifically requiring that Legislative Districts follow county lines. We do not have such a provision in the State of Maine, although municipal boundaries are specifically mentioned.

Maine's Constitution, as I have noted, is no longer county specific, so I think that is very clear.

The other thing in the Supreme Court decision that I would just like to note for you is that they recognize, as we did in the Commission, that when you are dealing with a state like the State of Maine, which has a geographic configuration that is fairly complicated to say the least, the practicalities obviously affect how you draw those Districts.

I would just like to point out that Maine has one of the most irregular boundaries in the entire country. We are dealing with a number of islands and peninsulas that are not connected by roads that make it extremely difficult to come up with Districts that do meet the compactness and contiguity requirements. We feel that this plan before you today takes all those considerations into account and it does so in a fair way and in a way that meets the Constitutional requirements.

Finally, I would just like to restate again that one of the criteria that was adopted unanimously by the Commission in the beginning of our efforts was a criteria that we would attempt to preserve the core of existing Districts. That criteria was adopted because preservation of Districts allows for the continuation of representation and the maintenance of constituencies within defined geographic areas. Courts have uniformly upheld the use of this type of criteria as reflecting legitimate and realistic interests in the apportionment process.

Minimizing voter confusion is a laudable goal of redistricting, thus using the configuration of existing Districts as a starting point for a congressional apportionment was upheld in a number of decisions that we looked at.

In another recent decision in South Carolina, a three judge court said the following: "Any new plan should alter the old only insofar as necessary to obtain an acceptable result. Incumbents know that their constituents in their old District and many of those constituents will know their Congressman as 'my congressman' and many of the constituents would have been served by the Congressman in ways calculated to obtain and enhance loyal support. Such voters should not be deprived of the opportunity to vote for a candidate that has served them well in the past and should enjoy his continued representation of them.

Supporters and opponents alike have a basis for judging him. Great alterations of the old District

should not be undertaken if lesser change will achieve the desired result. Continuity of districting thus is a very valid and appropriate factor in the apportionment efforts as a means to limit gerrymandering or scrambling of Districts to enhance the understanding of government and the delivery of legislative services."

I would just point out as we go through this process, I know we are debating the amendment before us and not any other ones that may come before us, so I would just note that there were numerous plans that might have split towns less but that would have put many, many people who are currently serving in the legislature into the same District with somebody else serving in the legislature. The Commission plan, which is before you as we hope it to be amended, does not do that. It minimizes that, we think that is appropriate and fair and consistent with all the criteria that we were working under. I urge you to support this amendment.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Pendexter.

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: I would like to comment on the comments made by the Representative from Augusta, Representative Daggett, as she went through her litany of Districts. It certainly was obvious to me, I don't know if it was obvious to you, I certainly heard very, very, very frequently the words "preserves the core of existing Districts" or "preserve existing Districts."

May I remind you that nowhere, nowhere whatsoever in the Constitution, is there any mention that we must preserve existing Districts or the core of existing Districts. However, the Constitution very clearly defines population, compactness, continuity, political subdivisions are the guidelines that we should follow when we are drawing new District lines. That is why we continue to object to this plan outlined in this amendment because we feel it is based on solely preserving core of existing Districts and existing Districts as the guiding principle.

I would like to clarify the Record. It has been mentioned several times on the floor in this debate that we unanimously, the Commission unanimously, accepted our guiding principles that we as a Commission would use and one of those guiding principles was to preserve the core of existing Districts or existing Districts when practicable.

If you listen to the tapes of the meetings, and all our meetings were taped, I invite some of you to maybe listen to the minutes of the meeting where we discussed those guidelines, we specifically asked to have that guideline removed because we felt strongly that the core of existing Districts or existing Districts was certainly not a guideline that we wanted to follow. We were assured by the Democratic colleagues on the Commission that, well, you know, we're not going to, this is not something that we are going to use but where it is practicable, we will use it. So, with that explanation we said, fine, where practicable, we have no problem with preserving existing Districts. But, as the negotiations went on and went on, we painfully took some excruciating exercises to make sure that certain people didn't have towns that they didn't have now and this and that and we went through some extraordinary exercise to preserve existing Districts to the point that I felt this was getting ridiculous.

So, we continued to object to these plans because we feel that the Democrats have continued to perceive with the guideline of just preserving the core or to preserve existing Districts. Where practicable, we had no problem with that and we did agree to it in a lot of situations. However, we feel that in some situations, it really was not called for.

This plan continues to split two more towns and I would like to clarify the Record, Rumford was not split for population balance, it was split purely for political reasons to keep two incumbents together, one of which is ours and we totally agreed to keep it whole because that is the right thing to do.

This plan continues to have 27 Districts that are not defined. It also does not fulfill the request of the Passamaquoddy Indians and I think that is unfortunate that they certainly have gone out of their way to fulfill the request of the Penobscot Indians, but for whatever reason, the Passamaquoddy Indians are not — their requests are not fulfilled in this plan. I don't really understand what the problem is except perhaps it does not go with the guideline of preserving existing Districts. I think that is the only excuse I can think of.

I continue to ask you to vote against this amendment because I don't think that it serves the people of the state the way that redistricting should. I just don't think it is the best that we can do.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Treat.

Representative TREAT: Mr. Speaker, Men and Women of the House: The Commission adopted unanimously the different criteria that we operated under. One of those criteria was preserving the core of existing Districts. There are several other criteria, equal population, compactness and contiguity, not crossing political subdivision lines when unnecessary, Voting Rights Act, Whole District Rule, again preserving the core of existing District and fairness.

Whatever may be said now in retrospect about how people felt about these criteria, they were in fact developed by the Commission, they were voted on and unanimously adopted. I just think we should keep that in mind.

Secondly, I just want to point out that this plan before you meets all of those criteria. It is an effort to balance all of those criteria. Preserving the core of existing Districts is one of those criteria, it is a valid one, it is a criteria that has been upheld by the courts but it is one of several. It is one of several that were balanced to come up with the plan before you.

Again, I suggest that you vote for the plan, it is a good one and an appropriate one that meets all the standards.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Pendexter.

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: I just want to make one more quick comment on the comments from the Representative from Gardiner, Representative Treat, in regards to the unanimous approval of the Commission on the guiding principles that we accepted. I think you need to remember the word where "practicable." We had no problems in preserving existing Districts or the core of existing District or protecting incumbents, however you want to describe it, when it was practicable. I think that this plan goes beyond

and above the definition of where practicable. I think that is the word you need to remember.

I offer House Amendment "A" (H-194) to House Amendment "A" (H-191) and move its adoption.

House Amendment "A" (H-194) to House Amendment "A" (H-191) was read by the Clerk.

The Chair recognizes the Representative from Scarborough, Representative Pendexter.

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: This amendment is the Republican Plan for reapportionment. The map reflecting the amendment is hanging out in the hall and I invite any of you who want to really know what this plan does is to take the opportunity, if you haven't already, to look at the map and see what your District looks like.

I just want to state on the Record that we are presenting this amendment, not because we feel the Commission Plan can be amended but we are driven by the parliamentary process of which we have no control. So, to get our plan on the Record, we feel that it is important that we present this amendment.

The Republican House Plan is structured as closely as possible around both Federal and State Constitutional guidelines. The U.S. Constitution, as interpreted and implemented during the past 20 years, requires an aggregate deviation of no more than 10 percent or plus or minus 5 percent, except in special cases wherein a somewhat greater deviation may be allowed in order to combine adjacent populations of Native Americans or other federally recognized minority groups into a single District. This exception does not occur in the Republican Senate Plan but it does occur in two instances in the Republican House Plan.

The Republican Plan combines the Penobscot Indian Island Reservation with Old Town in order to include Penobscots living in Old Town with other tribal members living on the Reservation. This becomes an oversized District for the deviation of plus 8.13 percent. This Plan also combines the Passamaquoddy Pleasant Point Reservation with Passamaquoddy Indian Township along with Perry, Robbinston, Calais, Baring and Baileyville. This is done in order to include Passamaquoddy Tribal members living in the two Passamaquoddy Reservations with other tribal members living in Perry and other adjacent towns. This District is also oversized with a deviation of plus 7.12 percent.

Federal Courts have consistently upheld, and at times required, the creation of such marginally oversized Districts in order to combine recognized minority populations in a single District, thereby enhancing their political voice. To the best of our knowledge, this is the first Maine Reapportionment Plan ever offered by either political party that combines the Reservations with other significant Indian populations as the Tribes have asked. This is a landmark feature that justly deserves to be adopted.

Apart from these two special case oversized Districts just described, the largest District in this plan has a deviation of plus .87 percent and the smallest has a deviation of minus 4.6 percent. This yields a plan with a spread of 9.48 percent, a mean deviation of 2.11 percent and a standard deviation of 2.52 percent.

The Maine Constitution requires that Districts be contiguous and compact. This requirement is difficult to achieve in any plan due to the irregular shape of the State of Maine including many islands, peninsulas and rivers to the many irregularly shaped

towns into the non-uniform distribution of population throughout the state. State and Federal Courts throughout the country have consistently ruled, however, that a primary test for continuity and compactness is adherence to political subdivision boundaries. This makes sense because Districts that follow existing political subdivision boundaries, such as county lines and municipal lines, substantively restricts gerrymandering possibilities and closely restrict Districts to boundaries that have an historical, political relationship in a common interest.

The Maine Constitution is very clear in this regard as well, requiring that Districts cross political subdivision boundaries as few times as possible. It can be mathematically demonstrated given the location and current population of Maine cities and towns that the minimum number of less than one District town that must be subdivided on any 151 seat House Plans during this reapportionment is six. The Republican House Plan accordingly splits only six communities, other than those that are entitled to at least one whole seat plus a fraction. The six less than one District towns split on the Republican map are North Berwick, Cumberland, Limington, Hollis, Randolph and New Gloucester.

The incomplete Commission Plan additionally subdivides the towns of Rumford and Ellsworth, merely to achieve political purposes, which is clearly not necessary to produce a plan conforming to the Constitutional guidelines as we have demonstrated and is therefore in violation of the Maine Constitution. In strict conformance with the Maine Constitution, as just described, this plan was designed to respect county boundaries wherever possible. Of the 151 seats created on this map, 122 Districts are entirely within one county, 27 Districts are composed of towns from two counties and only two Districts are composed of towns from three counties.

The Republicans and Democrats followed two distinctly different approaches when drafting their respective House Plans. The Democrats followed the strategy of protecting incumbents by trying to retain, as closely as possible, the existing Districts regardless of deviation, compactness, continuity or political subdivision boundaries. Let's face it, the reason the Democrats demanded maintaining core Districts as their primary standard is so that they can lock in their 90 seat majority in this body and their 20 seat majority in the other body for yet another 10 years. That is the only reason.

The Republicans have stated, try to follow the Constitutional guidelines as closely as possible to achieve a fair and constitutionally rigorous plan. The difference is important, nowhere in either the Maine or Federal Constitution is any mention made of incumbents or retaining their core District. No mention whatsoever.

Courts around the country have occasionally ruled that it is usually permissible to take core Districts into consideration as long as other mandated standards are met. But, the Maine Constitution is clear, it mandates the minimal crossing political subdivision boundaries, including county and municipal boundaries, which is much higher standard in the eyes of the court. It is well to remember that these Districts that we are creating are not our Districts as much as we may commonly refer to them that way. Legislators come and go. Any given

District may be represented by several different people during the 10 year period between successive reapportionment. These are the people's Districts, the people, not the incumbent legislators are the ones who choose who will hold the 151 House seats. The best interests of the people are served by following the Constitutional guidelines as closely as possible when drawing the District lines. They are not served well by following a strategy that places protection of incumbents and their Districts ahead of mandated Federal and State Constitutional guidelines.

I hope that you can support and will vote for this amendment. Mr. Speaker, when the vote is taken, I request the yeas and nays.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Bailey.

Representative BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Commission, I feel that I would like to share a couple of comments with you. You have heard a lot about the Constitution and the mechanics of the Reapportionment Commission but I would like to just review some of my thoughts as I worked on the Commission and to lead up to the amendments on the floor.

My views of the Commission and the work of the Commission changed considerably during our deliberations. My first understanding was that the Reapportionment Commission was really a vehicle to purge the system, the political system if you will, every 10 years and we'd start fresh with new Districts, new legislators and so forth. In doing that, I tried to do some of the things I have to do in my own business, we have to have a plan, so I pushed for a map that could be drawn strictly for our constituents or for the citizens regardless at that point of having any incumbents or any future legislators in mind to find out how it would work and take a look at that map. The map was drawn and after review found that, without having any of those other items that I mentioned in mind, found that we had an excessive number of pairs together and I guess there was some thought that this may have been a devious plan but, to my knowledge, that is the way it came out. Of course, I can recognize that that wouldn't be acceptable so we tried to work on that, to have that benchmark in which to work from. There is always room to make improvements and I think we were willing to do that. But as I look back now, we made a very serious mistake because our timing was very wrong when we allowed our colleagues to come in and start taking a look at that map. The map was not finished and as we looked at the map, we found that some towns didn't fit in or "why did you give me the north part rather than the south part?" So, that was the start of some difficult negotiations and it doesn't work that way, you cannot take and move one town without affecting another town. I liken it to building a house, you build a house, it's finished, you look at the foundation and there is a brick out of place so you say you will take that one out. There's another one that doesn't line up properly so you take that one out, pretty soon the house is going to fall down.

So, we went back to the drawing board and it looked like our House was going to fall down but we came up with a map and we traded that map with the other party and, as a matter of fact, they had done a better job, the Democrats had done a better job down around the Sebago area in the southern part of the

state than we did. So, we took that as my benchmark, I guess, and started working on that and we were able to agree on, as I recall approximately 61 Districts, and I thought at that point that we were off to a really good start. Then we ran into more difficulty around the Franklin, Oxford and Androscoggin Counties which were very difficult to work through.

As I look back, here again, thinking what our original mission was and I sincerely believe that, was to try to come up with new Districts that were for the people of Maine and trying to, whenever possible, take incumbents into consideration. As I look back and I have listened here during the deliberations and the debate, I think the amendment before us will come as close to what I feel our responsibilities were.

The SPEAKER: The Chair recognizes the Representative from East Millinocket, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Ladies and Gentlemen of the House: I move indefinite postponement of House Amendment "A" (H-194) to House Amendment "A" (H-191).

First I would like to make a few remarks and then pose several questions to the Representative from Scarborough, Representative Pendexter but first I want to comment on Representative Small's comment this morning when she said that Judge Smith tried to be impartial. I think Judge Smith was impartial on different occasions when the Chair took a different stance than the members of the Democratic side. For instance in Portland, currently a portion of Portland is in with the Falmouth seat. We wanted to keep that particular portion, a smaller amount with Falmouth, rather than cutting Cumberland. The other side wanted to put a portion of Cumberland in with Falmouth and the Judge suggested that we take their suggestion, which we did. Also in Rumford, we presented a plan that kept Rumford whole. Members of the other side wanted to protect one of their incumbents in Rumford because, as they stated, it was very unusual a Republican can win in a Rumford seat so they wanted to protect it. The Judge told us to cut Rumford and that's what we did. The Judge also, as far as the Senate is concerned, the negotiations on the Senate side, was not as fruitful as some of the House negotiations because there was a long debate on whether or not there should be 33 or 35 Senate seats. The Judge presented his own Senate Plan in which we also had disagreements with it — however, as a final outcome, we finally did vote for it simply because we wanted a compromise. We still maintained that it is our responsibility to pass this bill. As well as when the Republicans proposed a plan for the Congressional seats, the Judge also supported that plan so the Judge, the comments this morning where he tried to be impartial, I think the Judge was very impartial.

It was stated earlier this morning as well by Representative Small that the problem is Aroostook County — Aroostook County is not the only concern, there is concern with the Bangor splits and what members are trying to do in Bangor. There are also concerns in the Portland area so to make the statement that Aroostook County is the problem, that is not a correct statement.

Representative Pendexter had talked about core of existing Districts. I thought Representative Treat had answered that fairly well this morning but I also want to add that the Constitution does require

compactness, continuity, and the Whole Town Rule, which everyone of the Districts that we have in our plan does comply with the Constitution. The law also can require us to adopt additional criteria as long as we deal with that criteria and apply it uniformly. The Commission did adopt criteria dealing with core of existing Districts that was adopted unanimously.

Also Representative Pendexter made a comment that she couldn't believe what's in our plan as far as the Passamaquoddy Tribe is concerned. Well, when Representative Pendexter left for a vacation last week, they had authorized David Emery, their consultant, to negotiate which we did negotiate and he did agree on the plan that we have in the bill dealing with four Washington County seats, the Cherryfield seat, the Jonesboro seat, the Eastport seat and the Calais seat.

Representative Pendexter also made a comment about the Rumford split — unbelievable how we could split Rumford — ladies and gentlemen of the House, the Rumford split that is in that bill is the split the two Districts that they proposed. They wanted Rumford split because they wanted to protect one of their members.

Mr. Speaker, I would like to pose several questions to the Representative from Scarborough, Representative Pendexter.

I will deal with these, probably three at a time. My first question is, under your House Amendment, what criteria did you use to develop this plan? My second question is, did you receive any input in the development of this plan and by whom and when? My last question is, did you seek any partisan cooperation in developing this plan and by who and when? I do have a concern — if there was any sincerity in trying to come up with a compromise plan and I know how difficult it is to draw up amendments and change Districts around on such a short notice — so I would pose those three questions to the Representative from Scarborough, Representative Pendexter.

The SPEAKER: The Representative from East Millinocket, Representative Michaud, has posed a series of questions to the Representative from Scarborough, Representative Pendexter, who may respond if she so desires.

The Chair recognizes that Representative.

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: What criteria did we use to draw this plan? We used the criteria mentioned in the Constitution. We used political correct population deviation, we used compactness, continuity of Districts, we used maintaining political subdivisions. I think that was made very clear in my remarks that we are following what is mentioned in the Constitution.

I don't really understand the second and the third questions but if I am getting the gist of what the Representative from East Millinocket is asking me is, how did we get this amendment prepared so quickly? I think it became very clear to us where this plan was going, we had no intention and we didn't vote for the Commission Plan, we don't think it reflects what we represent, what we want to happen in the redistricting situation, so we got our plan together and we submitted it to the Revisor's Office like anybody else can do, just letting it be prepared and ready for when it was necessary. Does that answer your question?

The SPEAKER: The Chair recognizes the Representative from East Millinocket, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Men and Women of the House: No, it does not. I am surprised that you are saying that it has become very clear to us that you were not going to get anywhere when you were on vacation the week before and you did not participate in the negotiations with myself and former Congressman Emery. We did agree to 25 additional seats and there are several other seats that we are very close with. We could have agreed to additional seats if the Representative was willing to do so.

Mr. Speaker, I would like to pose several more questions through the Chair to Representative Pendexter.

Not having a chance to thoroughly look at this bill, did you do a check on whether or not there were any unassigned blocks in this bill? That's my first question.

My second question is, where this bill deals with city splits, would you tell us how many incumbents are paired and what party are they affiliated with in which Districts?

The SPEAKER: The Representative from East Millinocket, Representative Michaud, has posed a series of questions to the Representative from Scarborough, Representative Pendexter, who may respond if she so desires.

The Chair recognizes that Representative.

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: I guess the Representative from East Millinocket is wanting to maybe reprimand me for going on vacation last week. I might remind him that we had two weeks prior to when I left that we could have been negotiating and nothing happened. I also sat down on Monday morning and spoke to the Representative from East Millinocket and told him that we had five days left, I was willing to sit down and get going but that we should proceed to where negotiations had left off when time ran out on April 2nd.

I said the process always was to finish the map and then discuss city splits. Our whole intent was to continue to finish the map. The plan that we saw subsequently Monday afternoon finishing the map, which was Aroostook County, was what we would call the same stuff/different day kind of thing. It was not addressing the issues and concerns that we had.

We were perfectly open to negotiations and I made Representative Michaud aware of that on Monday morning. His answer was, "Well, if we can't agree, we will run it tomorrow." So, so be it.

As far as unassigned blocks, I am not ready to answer that question. As far as I am concerned, I am assuming that all the unassigned blocks are there but that is not obviously a function I can answer.

Going to city splits, when we did our city splits, there again and I know people won't believe us, but we just split the cities the way it made sense to us. Granted there are obviously members of the Democratic Party who occupy those seats more than ours. Yes, there are incumbents, and I can't tell you how many there are because I haven't counted them, because I really don't care but we did make it perfectly clear that we were certainly willing to trade some of those city Districts for other interests that we had and that offer was always there. We would have been very willing to offer the

8 Districts in Portland for some other interests that we had on the map and that was always made clear and the Democratic Party never took us up on it.

It stands again, if anybody wants to see our city map, we will gladly produce you a map to show you what it is but we are making it perfectly clear that our intent was not — when we did those splits, we just did them in a way that made sense, we followed political subdivisions, landmarks that people relate to kinds of things, and if we get to the point where we need to negotiate those, we are open to that.

I just want to respond to the comment that the Representative from East Millinocket mentioned — some of the fair decisions that Judge Smith had made. He mentioned the Portland decision which was supposed to help us. We were just arguing at that point for what is stated in the Constitution which says that when a community can stand alone, it should not be divided. If you add the population of Portland, it comes out to neat 8 Districts and the Democrats wanted to divide it and we were just arguing over the fact that Portland, because of its population, could easily be divided into 8 legal Districts. So, we were just going by what the Constitution said that if the municipality can stand alone in Districts, it should not be split. I do not see that as a decision that was advantageous to the Republican Party. We were just defending the Constitution.

As far as cutting Rumford, it just really amuses me, they have an incumbent to protect as well so they are just as interested in splitting Rumford as we were. However, it is never mentioned that the Ellsworth cut that was the real debate. In the Ellsworth cut, as I stated in prior debates, was being advocated to protect three incumbent legislators. So, the Judge, hoping that he could be fair because he knew that the people wanted the Ellsworth cuts, advocated that we do the Rumford cut. He felt that the Rumford cut was benefiting us. However, the municipalities that we had to absorb with the cut that he gave us did actually not benefit us at all.

I just got a note that there are no unassigned blocks or duplications in our plan.

The SPEAKER: The Chair recognizes the Representative from East Millinocket, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Ladies and Gentlemen of the House: I was not trying to reprimand the Representative from going on vacation. I think we all need a vacation from here every now and then.

I will state though that she also made a comment that they were willing to negotiate — the night of April 1, after we had voted, I approached the Representative from Farmington, Representative Bailey, to see if he would be willing to work out additional seats. His answer was yes. When I called the Republican Office the next morning, I got Representative Small and I asked her the same question and she said she wished not to negotiate.

When I made my comments when we first took up this bill, my comments were that I had sent a letter to the Republican Chair requesting us to negotiate and I have not heard from any of the House members. Representative Pendexter — you received a letter on your desk saying that was inaccurate, that was not inaccurate, my statement was of any of the House members. I did not hear anything from any of the

House members.

As far as taking up the bill when Representative Pendexter got back from vacation, we met, I was still willing to work out some of the remaining Districts and my comments were that we are going to have to hurry up to try to get the agreement because we were going to have to run it this week and that is the reason why I have two amendments. One was the ones we do agree on and the other amendment is to deal with the ones that we do not agree on.

Mr. Speaker, I would like to pose my question again to the Representative from Scarborough, Representative Pendexter. I find it very hard to believe that as a member of the Commission in dealing with this issue for about four months that the Representative cannot tell me what Districts there are incumbents from that are running against one another and what party they are from. I find that very, very difficult to believe so I would pose that question to the Representative from Scarborough, Representative Pendexter and, hopefully, she will respond.

The SPEAKER: The Representative from East Millinocket, Representative Michaud, has posed additional questions or the same questions to the Representative from Scarborough, Representative Pendexter, who may respond if she so desires.

The Chair recognizes that Representative.

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: I believe that I answered the question the way that I am going to answer and I don't think I need to repeat it.

I would respond to Representative Michaud that if wanted a response from the House members in the letter that he sent to us, then he should have sent the letter to us instead of to Senator Hanley.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Small.

Representative SMALL: Mr. Speaker, Ladies and Gentlemen of the House: I do want to make a couple of comments before I go into prepared remarks.

As far as the comments that I said the Judge tried to be impartial, if that was interpreted for me to say that he wasn't, that is not what I intended to say. I think the Judge tried to be fair, I think the Judge tried to be non-partisan, I may have disagreed with some of his decisions but I, in no way, felt that it was because he was taking the Democratic side versus the Republican side. If anyone interpreted that that way, I do not feel that way. I think he did the best job that he was able to do given the circumstances.

I think also there was an inaccurate statement saying that the final Senate Plan was the Judge's proposal for the Senate, the one we enacted, 1205, on April 2nd. That was the Judge's plan with the Democratic amendment to that so it was not the Judge's plan, it was not the Republican Plan, it was the Democratic amendment to the Judge's plan.

As far as the Rumford split goes, that was part of a compromise that was to be worked out and, frankly, we would have preferred having Rumford left whole as opposed to what he did in the Rumford split. That is the reason that that is no longer in our proposal.

The cities and towns — in some of the city divisions that we have, those were made and the criteria were regular and compact Districts, balanced population, similar areas together and boundaries along major roads. It was our intention to negotiate

the cities because that was, in most cases, the cities did not contain Republicans or Republican Districts that we were looking out for. As long as those Districts met with our core concerns, we would be willing to negotiate those and have those changed. Since the negotiations never got to the cities, we incorporated the very first city lines that were drawn. If our amendment is adopted, we certainly would have no problem looking at those city lines and perhaps amending them to take into concerns the people that represent those cities, again as long as they don't violate the Constitutional criteria that we tried to hold to.

House Amendment "A" to House Amendment "A" basically does adopt the Republican House map that you saw in the hall outside the House this morning. We feel that the proposal better complies with the language in the Constitution that states each Representative District shall be formed of contiguous and compact territory and shall cross political subdivision lines the least number of times necessary to establish as nearly as practicable equally populated Districts. We crossed the political subdivision lines in cities two less times in our plan. The town of Ellsworth and the town of Rumford are kept whole in our plans. Mount Desert Island is one whole District in our plan responding to the wishes of that island community. The remaining town of Tremont is placed with Blue Hill, Brooklin and the islands with similar interests, primarily fishing communities.

Although Representative Treat says county lines are not important to redistricting, I would maintain that they are still political subdivisions which the Constitution requires to be crossed the least number of times necessary.

To the Representative who has a tri-county District, there are responsibilities that are greater than two or one county Districts. There are more county budget hearings, more county delegation meetings and, in general, greater effort has to be made to keep in contact with the entire District. In our plan, we create 27 two county Districts as opposed to 31 two county Districts in the Democratic Plan.

Three county Districts are kept to a minimum in the Republican Plan allowing just two, compared to four in the Democratic version. Our amendment creates peninsula Districts that are actually contiguous by land as well as water. Although we adopted the definition of contiguity to include by water, it is usually preferable, unless the Representative has a boat, to keep that District, wherever possible, contiguous by land. In the Democratic Plan, the new district of Harpswell, Georgetown and Phippsburg is only contiguous by water. To drive through that district, the Representative must pass through Brunswick, West Bath, Bath, Woolwich, and Arrowsic, five towns which are not in that District in order to get from one town to another.

Our proposal creates District #51, which is Harpswell, West Bath and the remaining portion of Bath. It requires crossing only one non-district town, Brunswick, and it creates a District that is still the core of the existing District.

The next peninsula District is 55 comprising Phippsburg, Arrowsic, Georgetown, Woolwich, Westport and Dresden. This District requires crossing only one town, which is not part of that District. It

also sets up District 56, the peninsula District of Southport, Boothbay, Boothbay Harbor, Edgecomb and Newcastle. This also negates having to travel through non-district towns.

House Amendment "A" to House Amendment "A" creates the path of Passamaquoddy Tribal District, which was requested by the Indian Tribal Nation and afforded the Penobscot Indian Nation.

Finally, our proposal makes the Aroostook County District compact, contiguous and disallows attempts to gerrymander Districts.

I was joking that the Democratic proposal had 3 Districts that touched western and eastern borders, the Kittery district, the Eliot/York and Ogunquit Districts and District 151 in Aroostook County. Sadly, that District is one town shy in the Democratic plan to meet the east/west borders but it is a big one and unnecessarily so. In the Republican proposal, District 151 is compact and does not attempt to absorb multiple Districts in order to preserve four seats in the St. John Valley.

I know that the chances of acceptance of our proposal are slim, as slim as the possibility of any plan receiving two-thirds of the House and Senate votes without a unanimous Commission Report.

We do feel, however, that this plan follows the Constitutional guidelines more closely and best serves the people of Maine.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Erwin.

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: Since the town of Rumford has been mentioned several times, I felt compelled to rise to say a few words.

I am in my 13th year here. Ten years ago when we redistricted, I requested all of Rumford, I have not changed my mind and I do not need to be protected. As far as I am concerned, I would like all of Rumford.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Treat.

Representative TREAT: Mr. Speaker, I would like to pose a question through the Chair, please.

To anyone who can answer — is there anyone here who does care enough to read through the amendment before us and answer the question of the Representative from East Millinocket, Representative Michaud, as to how many legislators would be running against each other in the political party of those Representatives?

The SPEAKER: The Representative from Gardiner, Representative Treat, has posed a question through the Chair to anyone who may respond if they so desire.

The SPEAKER: The Chair recognizes the Representative from East Millinocket, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Ladies and Gentlemen of the House: Just one quick comment to the Representative from Bath, Representative Small. She talked about the Harpswell seat being contiguous by water, I might remind members of this body that is the current seat minus a portion of West Bath. Currently, that District has Harpswell, Georgetown, Phippsburg and West Bath.

The District now under proposal has Harpswell, Georgetown and Phippsburg.

I am still amazed at the members who presented this amendment cannot answer that question. I will attempt to do it by just quickly going through it. I know that there are notes being passed from the back down to them so I am sure, hopefully, one of those

notes will contain the list but if it doesn't, if I am incorrect, I am sure they will be able to respond since I find it very, very difficult that they can't even name one District where there are incumbents running against each other.

The first District, District 23, that's the Gorham seat. I believe the Gorham/Scarborough seat, there probably is a pair there, the Republican, Representative Hillock and the Democrat, Representative Larrivee. I believe that's probably where they do have a pair.

Representative Coffman had mentioned the other day that it was very difficult to look at this, especially on city splits dealing with block numbers on telling where they are — true, it is very, very difficult but I would assume that if the Portland split, and I haven't had a chance to go through the map that was given to me the other day, but if the Portland split is what was given to me the other day, there appears to be at least a minimum of one pair, Representative Richardson, a Democrat and Representative Oliver, a Democrat. There could be additional pairs, it is very difficult to tell because of the block numbers and I can understand why the Representative from Scarborough does not want to answer the question.

It also appears that District 51, there might be Representative Coles, a Democrat, paired with the Representative from Bath, Representative Holt, a Democrat, as another pair.

Quickly moving on, the Rumford seat, there is a pair, Representative Erwin, a Democrat with Representative Cameron, a Republican. We do have several seats in Auburn and Lewiston, you have block numbers and it is very difficult to tell whether or not there might be pair there.

District 75, there's a pair there, Representative St. Onge and Representative Nickerson.

Also District 76, they have a pair, Representative Pineau, a Democrat from Jay and Representative Tracy, a Democrat from Rome. We have several Lewiston seats, which I do not know whether there is a pair there or not.

The Augusta seat and the Vassalboro seat, it would be fair to assume that there is a pair there and it would be Representative Mitchell from Vassalboro, a Democrat paired with either Representative Paradis, a Democrat or Representative Daggett, a Democrat because that was under one of their original proposals that they have brought forth to us.

District 97, there appears to be another pair, Representative Rotondi from Athens, a Democrat and Representative Ketterer from Madison, a Democrat.

Then we go to the Waterville seat. Here again it is very difficult but if it is fair to assume, and it probably is, that their map is what they gave me last week on the split in Waterville, you will Representative Jacques, a Democrat and Representative Joseph, a Democrat, paired.

Also, if you look at District 108, there appears that there is another pair there, Representative Townsend from Canaan, a Democrat, Representative Clement from Clinton, a Democrat.

To move onto District 116, because of the block numbers it is very hard to tell who is paired with who, but it would appear that Representative Winn from Glenburn, a Democrat is paired with either Representative Cathcart, a Democrat or Representative Stevens, a Democrat.

Then we get to the Bangor seat. I am amazed, redistricting was set up to reapportion the state in equal population, it is not to get one member or another member, that is not what redistricting is all about, you are supposed to reapportion the state and reapportion it fairly in terms of both the Constitution and both state and federal law.

The Bangor seat has been one of the sticking points to members of the other side. If you read the article in the Bangor Daily News, you will see what the consultant had said about a particular legislator in Bangor. It wasn't only the consultant, it had been made very clear by certain members of the Commission what their intent was to do in Bangor. I hope that is not what they did here because I think it is very blatant, very uncalled for and very bitter. I will not even mention who the pairs will be in the Bangor seat because they know who the pairs are in the Bangor seat.

I will move on to District 121, there is another pair, Democrat Representative Cashman running against the Democrat, Representative Coffman.

It appears in District, not appears, it is a fact, in District 130, there is another pair, Representative Constantine, a Democrat, against Representative Zirkilton, a Republican.

Then we have District 139, another pair that is inevitable because every time we have dealt with Aroostook County, this pair has always come up or a very similar one. We have Representative Martin from Eagle Lake, a Democrat, running against the Representative from Fort Kent, Representative Pinette, a Democrat.

Moving on up, I should say down the state, up in numbers, District 147, we have the Representative from Millinocket, Representative Clark, a Democrat, running against the Representative from Howland, Representative Hichborn, a Democrat.

I did not have a chance to look at the Senate Districts but I assume there are also pairs in the Senate. I have no problem with pairs as long as it is not done intentionally but I'm pretty sure you will find several Democrats running against Democrats in the Senate as well as in the House.

As I stated earlier, I am very disappointed that they could not answer these questions. I am sure if I am wrong in some of my pairings that I will be corrected because you cannot tell me, maybe with a few exceptions, that they do not know where the pairs are in this amendment.

So, hopefully, I have answered to the best of my knowledge, Representative Treat, which was asked because I had not received an answer to my question but I did not propose the amendment, it is not my amendment and, hopefully, you will vote for the indefinite postponement of House Amendment "A" to House Amendment "A." Thank you very much, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Treat.

Representative TREAT: Mr. Speaker, Men and Women of the House: I appreciate at least getting some information because I think that it is helpful for the members of this House to have some idea about what they are voting on. This is in fact the amendment before you. I understand that that may be a somewhat incomplete listing actually of all the pairs.

I just want to make a point here. This is not the ultimate criteria but it is a factor and it is

one of seven or eight factors that were unanimously adopted by the Commission and in fact, as Representative Michaud mentioned, in a number of cases, the neutral Chair, Judge Jack Smith, instructed Commission members, Democratic and Republican, to seek ways to avoid pitting legislators together. There are very common sense reasons for doing that, one of them is it is our responsibility here to enact a plan and it is for the legislature to enact a plan. It is in fact our responsibility.

Courts have in fact recognized that in order to get a legislature to enact a plan, it is in fact helpful that that plan be fair and not basically put half of the legislature out of commission as a result of that vote. So, there is some element of simply common sense in developing a plan. The fact is that simply because you have come up with something that is slightly more within a closer deviation or perhaps crosses one or two town lines less does not necessarily make it a better plan.

I would like to read from the 1983 decision of the Maine Supreme Judicial Court in evaluating the plan that was before it at that time. It stated, "A duly enacted apportionment plan is not rendered unconstitutional because some resourceful mind has come up with a 'better plan.' The crucial question is not whether the legislature enacted the best plan conceivable but whether the plan that it did enact is constitutional." I would say to you that the plan without this amendment is in fact a constitutional plan because it does meet all the criteria that we have adopted as a Commission including all of the constitutional criteria, state and federal.

I would also like to say that I was actually somewhat surprised to hear the Representative from Scarborough, Representative Pendexter state "I really don't care", she said "about whether any legislators are in the same district." I am surprised about that because in reference to another portion of the plan that is under debate, the Congressional Plan, there was at one point floated a proposal that would have pitted the two Congresspersons in Maine against each other in the same District. In response to that proposal, a memo was written by a Republican member of the Commission, a lawyer Kenneth Cole, III stating that this was not an appropriate thing to do. Why? Because it "outdistricted" the incumbent and put that incumbent into another District with another incumbent and that we should not do such an invidious thing. In fact, quoting from his memo he says, "Therefore, both under overriding objective standard of the closest plan to a mathematically perfect norm and under more subjective standards are preserving communities of interest and not outdistricting incumbents, the Republican Plan should be adopted." So, it seems to me if we are to be applying the criteria that we have adopted and applying it in a way that is consistent on the House Plan, consistent on the Congressional Plan and consistent on the Senate Plan, that this amendment before us does not meet that criteria. In fact, it looks like that criteria is being very inconsistently applied in the case of the House Plan where it never matters how many people are running against each other but it does matter in the other instances.

I would just like to leave you again with a quote from the Supreme Court on what our responsibilities are in this matter because the court really has an opinion on whether or not this is a responsibility of

the legislature or whether it is the responsibility of the court. This is the Supreme Court in Maine, again in 1983, stating "As the facts present here amply demonstrates, however, full compliance with all of the standards imposed by the State Constitution as well as the federal one person/one vote principle, is a practical impossibility. The difficult task of making the compromises necessary to best effectuate state standards within the limitations imposed by federal law falls primarily upon the legislature. The judgments that must be made are peculiarly legislative in character. A state legislature is the institution that is by far the best situated to identify and then reconcile to additional state policies within the constitutionally mandated framework of substantial population equality." It goes on to say, "We shall not intervene in the apportionment process unless we are convinced that the legislature failed to use proper judgment or was in fact motivated by impermissible discriminatory intent in making the compromises necessary to harmonize state and federal standards. Since an apportionment law is entitled to the same presumption of validity as any other legislative enactment, it is incumbent upon petitioners to make the required showing."

We should do our job here and enact a plan. To adopt the amendment before us would in fact be to adopt something that was a discriminatory impermissible type of proposal.

I urge you to vote for the pending motion, which is indefinite postponement of this amendment so that we can get on to do our duty and enact a plan for the apportionment of this state for 1993.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Pendexter.

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: I will be brief. I just want to comment on the commentary by the Representative from East Millinocket, Representative Michaud, I think it is a sad commentary on their view of redistricting. We are here to do the people's business and not to protect incumbents and I think we certainly demonstrate that.

In regards to Representative Treat's comment on "I don't care where incumbents live" was not intended to be interpreted that way. What I think I distinctly said was, we drew the lines the way we felt they made sense. We always made it clear that we open to negotiations because, to be quite honest with you, we don't know where some of these incumbents live and we weren't clear what damage we had done, if we had done any, but we always made it perfectly clear. So my comment "I don't care" refers to the fact that it was always made clear that we would certainly be open to redrawing those lines if it created a lot of problems for incumbents.

Mr. Speaker, when the vote is taken, I would request a roll call.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative MacBride.

Representative MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I do want to tell you how disappointed I have been the way the reapportionment Commission has worked this year. I, very proudly, served on the Commission in 1983, we were 7 partisan Republicans and we were 7 partisan Democrats and we had a difficult time selecting a neutral chair, as

difficult a time as you had this year. However, after a time, we did select that neutral chair.

You had this year 120 days to bring in a plan because after we had finished our reapportionment plan, we decided that we needed longer to do a plan because of the December convening. But, you had 120 days. We did not. However, once we had our neutral chair elected, we had a room set aside in the Transportation building where all of our equipment was and, as soon as we finished our hearings every afternoon probably about five o'clock, our Commission went to that room and we worked together. We worked together, the 14 of us, and the neutral chair and our object was to bring out a plan that we had worked on together. Now, we didn't all approve of that plan; however, we did bring out a Commission Plan that we all worked on together. We had one plan and we had a map and everybody in the legislature or anywhere else who wanted to look at that map could go and look at it so everyone knew where their Districts were and what was happening to them. That has not been true this year and I think that has really been unfortunate.

We had our Commission Plan and, consequently, we proceeded according to the Constitution and we did not have the problem that we seem to be having today when we have a Republican Plan and a Democratic Plan. I am sorry that it happened that way. We were most conscious of following the Constitution, I am sure all of you were too, but we did change the law after we had finished redistricting in 1983. We changed the law in 1986 to try to make the process clearer.

As I said yesterday, I think the State of Maine has set up the fairest process for redistricting that you can have with an equal number of Republicans and Democrats who select a neutral chair. I think that in doing so, a Commission really needs to sit down and work together. That does not seem to have happened this year.

One of the things that has been hard for me to understand is, as Representative Daggett was going through the Democratic Plan, she mentioned time and time again that a District had been approved by the incumbents but the Constitution makes no mention — we have had so much discussion here today about who was put in what District, the Constitution makes no mention of incumbents at all. Ten years ago, we did have incumbents facing each other, it was unavoidable. I don't remember all of them, I remember there was in Aroostook County a Republican running against a Democrat, in the Portland area, we had two Democrats running and I really don't remember the others. But, it does seem to me that that is not the issue here. If it had been, it would have been put in the Constitution. I don't know how we are going to resolve this but I really do feel, having looked at the plan, having been very close to Republican numbers of the Commission this year, since I had served 10 years ago, I do think that the Republican Plan is a very fair plan for everyone. I hope you will vote not to indefinitely postpone it.

The SPEAKER: The Chair recognizes the Representative from Cherryfield, Representative Farren.

Representative FARREN: Mr. Speaker, Ladies and Gentlemen of the House: I had not intended to speak on this issue. However, from a comment that I heard this morning and admittedly I can't really pick this out and I am not taking anything away from either

side of the aisle that serves on the Commission. However, I have one town that has less than 2,000 voters and if I understood it correctly this morning, I understood that it was split. It seems strange to me that that would be the case.

Mr. Speaker, I would like to pose a question through the Chair.

I understood Representative Daggett this morning to state that the town of Hancock is split — did I hear correctly or incorrectly?

The SPEAKER: The Representative from Cherryfield, Representative Farren, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from East Millinocket, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Ladies and Gentlemen of the House: The town of Hancock is not split. The Representative's District, Cherryfield, in the amendment that I proposed this morning, House Amendment "A", was agreed to by both sides. It is the amendment that former Congressman Emery and myself worked out and the town of Hancock is not split.

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

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

The SPEAKER: The pending question before the House is the motion of the Representative from East Millinocket, Representative Michaud, that House Amendment "A" (H-194) to House Amendment "A" (H-191) be indefinitely postponed.

The SPEAKER: The Chair recognizes the Representative from Washington, Representative Bowers.

Representative BOWERS: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with the Representative from Norway, Representative Bennett. If he were present and voting, he would be voting nay; I would be voting yea.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Lipman.

Representative LIPMAN: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with the Representative from Biddeford, Representative Caron. If he were present and voting, he would be voting yea; I would be voting nay.

The SPEAKER: The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with the Representative from Rockland, Representative Melendy. If she were present and voting, she would be voting yea; I would be voting nay.

The SPEAKER: The pending question before the House is the motion of the Representative from East Millinocket, Representative Michaud, that House Amendment "A" (H-194) to House Amendment "A" (H-191) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 62

YEA - Adams, Ahearne, Aliberti, Beam, Brennan, Carroll, Cashman, Cathcart, Chonko, Clark, Clement,

Cloutier, Coffman, Coles, Constantine, Cote, Daggett, DiPietro, Dore, Driscoll, Dutremble, L.; Erwin, Faircloth, Farnsworth, Fitzpatrick, Gamache, Gean, Gould, R. A.; Gwadosky, Hale, Hatch, Heeschen, Hichborn, Hoglund, Holt, Hussey, Jacques, Jalbert, Johnson, Joseph, Kerr, Ketterer, Kilkelly, Kontos, Lemke, Martin, H.; Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, O'Gara, Oliver, Paradis, P.; Pfeiffer, Pinette, Plourde, Pouliot, Rand, Richardson, Ricker, Rotondi, Rowe, Ruhlin, Rydell, Saint Onge, Saxl, Simonds, Skoglund, Stevens, K.; Sullivan, Swazey, Tardy, Townsend, E.; Townsend, L.; Tracy, Treat, Vigue, Walker, Wentworth, Winn, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bruno, Cameron, Campbell, Clukey, Cross, Dexter, Donnelly, Farnum, Farren, Foss, Greenlaw, Heino, Hillock, Joy, Kneeland, Kutasi, Libby James, Lindahl, Look, Lord, MacBride, Marsh, Marshall, Murphy, Nickerson, Norton, Ott, Pendexter, Pendleton, Plowman, Reed, G.; Reed, W.; Robichaud, Simoneau, Small, Spear, Stevens, A.; Taylor, Thompson, True, Tufts, Whitcomb, Young, Zirkilton.

ABSENT - Carleton, Carr, Chase, Gray, Larrivee, Lemont, Libby Jack, Nash, Pineau, Poulin, Quint, Townsend, G..

PAIRED - Bowers (Yea)/Bennett (Nay); Lipman (Nay)/Caron (Yea); Strout (Nay)/Melendy (Yea)

Yes, 83; No, 50; Absent, 12; Paired, 6; Excused, 0.

83 having voted in the affirmative and 50 in the negative with 12 being absent and 6 having paired, House Amendment "A" (H-194) to House Amendment "A" (H-191) was indefinitely postponed.

On motion of Representative Martin of Eagle Lake,
Recessed until four o'clock in the afternoon.

(After Recess)

The House was called to order by the Speaker.

Representative Michaud of East Millinocket offered House Amendment "B" (H-207) to House Amendment "A" (H-191) and moved its adoption.

House Amendment "B" (H-207) to House Amendment "A" (H-191) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from East Millinocket, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Men and Women of the House: You have before you House Amendment "B" to House Amendment "A" and what this represents are the remainder Districts that, for one reason or another, we have not come to terms. Although it looks like there is a lot of disagreement, if you look at the amendment, we were not that far off.

I will go through each of the Districts. Currently, on Districts 9, 10 and 11, the Commission did agree unanimously that Sanford will have two full Districts within Sanford and the remainder of the

District will go with Alfred and Shapleigh. That was agreed to unanimously. What this amendment does is provide the blocks for the split in Sanford. Each one of these three Districts does represent the core of the existing District that we currently have now in Sanford, there are no incumbents paired in these three Districts.

District 12, 13, and 14, the Commission did agree unanimously that there will be two full seats in Biddeford and that the remainder of the third seat in Biddeford would go with Kennebunkport. That was agreed unanimously by the Commission. What this bill does in those three Districts is it puts in the block numbers for those Districts.

In Districts 25 through 32 inclusive, the Commission did agree unanimously that Portland will have eight Representatives within Portland. This was after the Chair wanted us to put the remaining section that we were originally proposing with Falmouth, back into Portland, which we did. Here again, we did agree unanimously and these are the Districts that pretty much represent the core existing Districts for the City of Portland.

On District 36, the Commission did agree unanimously that there will be one full seat within Gorham. By the way, the Constitution also requires that if a District has population for one full seat that there must be one full seat within that municipality and we did agree that one full seat should be in Gorham, that is District 36. The remainder of the Gorham seat, the Commission did agree unanimously that that would go in with Scarborough. You see here the block numbers that put the streets within those Districts.

In District 37 and 45, the Commission did agree unanimously and, because of the Constitutional requirements that one full District has to be maintained within a municipality that has a big enough population, that Windham would receive one district and that the Commission agreed unanimously that the remainder portion of the Windham seat would go in with the Raymond seat. The split is pretty much the same way as it is today.

In Districts 42, 43 and District 70, the Commission did agree, here again unanimously, that Brunswick will have two full seats within the City of Brunswick and that the remainder of the City of Brunswick will go with Durham and the portion of Lisbon that is left over. As stated earlier, Lisbon has a population big enough for one full District with a little left over. So, what you have here is those city blocks in each one of these Districts that still represents the core of the existing District.

District 51, we changed. District 51 includes the towns of Lovell, Norway, South Oxford Unorganized Territory, Stoneham and West Paris. This District is pretty much the existing core District.

District 52, we had changed, it has Avon, Dallas Plantation, Eustis, Madrid, North Franklin Unorganized Territory, Phillips, Rangeley Plantation, Rangeley, Sandy River Plantation, Strong and West Central Franklin Unorganized Territory within Franklin County. Also, in Oxford County, this District contains the municipalities of Bethel, Gilead, Hanover, Lincoln Plantation, Megalloway Plantation, Newry, North Oxford Unorganized Territory and Upton. This District is pretty much an existing District. There are some changes which is pretty much what we have today.

District 54 contains the Territory of Carthage,

South Franklin Unorganized Territory, Temple, and Wilton and in Oxford County, the municipality of Dixfield. This District is the exact same District that we currently have today.

We heard a lot about Rumford this morning. What this amendment will do is put Rumford back as a full municipality. So, it will be the full town of Rumford with Andover and this clearly is a core existing District.

District 55 contains the town of Weld in Franklin County and in Oxford County, an Unorganized Territory. It will have Byron, Greenwood, Mexico, Milton Unorganized Territory, Peru, Roxbury and Woodstock. There are similarities with some of these municipalities as far as community of interest and this currently does represent pretty much a core of existing Districts that we currently have today.

I already went through District 70, which was Durham, Lisbon and the remainder portion of Brunswick which is the core existing District.

District 73 and 76 — the Commission did agree unanimously and, because of the Constitution that Topsham's population is too big for one District, therefore, we did have one full District within Topsham and the remainder of the District from Topsham will go with Bowdoin, Bowdoinham, six people in Perkins Unorganized Territory and Richmond. The Commission also did agree unanimously that that is where the remainder of that municipality should go. District 76 will be a new seat. There is clearly a community of interest amongst these municipalities.

District 74 and 75, those are technical changes to House Amendment "A" — pretty much what these are is, when the Census Bureau gave us some data, there was an error in the census block of West Bath. That was not correctly reflected in House Amendment "A" and that is the only reason why District 74 and 75 are here.

District 106 contains the town of Abbot, Beaver Cove, Blanchard Unorganized Territory, Bowerbank, Greenville, Guilford, Kingsbury Plantation, Monson, Northwest Piscataquis Unorganized Territory, Parkman, Sangerville, Shirley and Willimantic and the following units of the Northeast Piscataquis Unorganized Territory. This is pretty much a core existing District which also has a community of interest.

District 107 contains the towns of Atkinson, Dover-Foxcroft, Milo and Sebec. These communities surely do have a community of interest and it is a compact and contiguous District.

District 116 through 119, the Committee did agree unanimously that Bangor should have these four seats. So, the Commission — that is what these blocks will do and the four seats also represent core of the existing Districts currently in Bangor.

District 137 is a core of an existing District, there are community interests as well in these Districts. In Penobscot County, this District contains the towns of Alton, Argyle Unorganized Territory, Bradford, Charleston, Edinburg, Greenbush, Howland, Hudson, Lagrange, Maxfield, Seboeis Plantation and in Piscataquis County, it contains Medford and Southeast Piscataquis Unorganized Territory.

District 139 also is a core of an existing District. It is also a community of interest. It contains Millinocket, the north Penobscot Unorganized Territory as well as in Piscataquis County, Brownville and Lakeview Plantation. There is a

community of interest — Brownville, there are a lot of railroad people who work in the Millinocket area on the B&A Railroad so there is clearly interests between those municipalities.

District 140 contains Aroostook County, South Aroostook Unorganized Territory and in Penobscot County, Chester, Drew Plantation, East Millinocket, Enfield, Kingman Unorganized Territory, Mattawamkeag, Medway, Winn, Woodville and the North Penobscot Unorganized Territory. This District is pretty much a core of existing District and there are communities of interest that apply to this District as well as many of the other Districts I have talked about.

District 141 is a core of the existing District and there are strong communities of interest amongst these municipalities. This District contains the municipality of Bancroft, Crystal, Dyer Brook, Glenwood Plantation, Haynesville, Hersey, Island Falls, Linneus, Macwahoc Plantation, Limerick, Oakfield, Reed Plantation, Sherman, Weston, and South Aroostook Unorganized Territory as well as in Penobscot County, Mount Chase, Patten, Stacyville and Northern Penobscot Unorganized Territory designated by the blocks here. This District does put a school union back intact, which is SAD #25. Also this District contains in Washington County the municipality of Danforth.

In District 142, there is a core of an existing District and there are communities of interest. This District contains the municipalities of Amity, Cary Plantation, Hodgdon, Houlton and Orient. This District is very similar to the Minority District that we heard earlier today. This has only a couple additional towns to this District but it is clearly a community of interest.

District 143 and 148 are pretty much a core of existing Districts, there are community of interests within this District. This District contains the municipality of E. Plantation, Littleton, Mapleton, Monticello, Washburn, Westfield, and part of Presque Isle. The Commission did agree unanimously that Presque Isle has a population which is too big for one District, therefore should be split. The Constitution also requires that. That is District 145 which contains all of Presque Isle.

District 144 is a core of an existing District, it contains the municipalities of Blaine, Bridgewater, Easton, Fort Fairfield, and Mars Hill. This is a core of existing Districts. Municipalities in this District clearly do have a community of interest.

District 147 and 148, the Commission did agree unanimously and because Caribou does have a population big enough for one full District within Caribou, that is what District 147 is as well as District 148 is clearly a core existing District and does have a community of interest in this District. District 148 contains Caswell, Connor Unorganized Territory, Cyr Plantation, Hamlin, Van Buren, the remainder portion of Caribou as well as the portion of Limestone, the Air Force Base.

District 149 is a core of existing Districts, Districts of community of interests which contains the municipality of Grand Isle, Madawaska, New Sweden, Stockholm, Woodland and the Square Lake Unorganized Territory region. This is a core of an existing District.

District 150 is a core of existing Districts, there are communities of interest as well within this District which contains the municipalities of Fort

Kent, Frenchville, New Canada, Perham, St. Agatha, Wade, Westmanland and census unit blocks for Square Lake Unorganized Territory.

The final District, District 151, which contains a portion of a core existing District, this is the Route 11 corridor District as we call it. It contains the municipality of Allagash, Ashland, Castle Hill, Chapman, Eagle Lake, Garfield Plantation, Hammond, Ludlow, Masardis, Merrill, Moro Plantation, Nashville Plantation, Northwest Aroostook Unorganized Territory, Oxbow Plantation, Portage Lake, St. Francis, St. John Plantation, Smyrna, Wallagrass Plantation and Winterville Plantation and certain blocks in the Central Aroostook Unorganized Territory.

That sums up this amendment. I hope that you would support this amendment. This amendment, if adopted, will finish a complete plan that meets the Constitutional, State and Federal guidelines as far as reapportionment. I hope that you would support House Amendment "B" to House Amendment "A."

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Pendexter.

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: The Representative from East Millinocket mentioned frequently the phrase "the Commission agreed unanimously to" — I would like to correct the Record. When we agreed to Districts in our negotiations, these Districts were agreed to in concept. They were never voted on by the Republican Caucus and they certainly were never voted on by the whole Commission. There never was a vote in the Commission to accept these Districts. We accepted them in concept, working our way toward a complete plan. It was always very clear that at the end, there would be a vote and when there was a vote, we voted to not support the plan. So, the term that the Representative from East Millinocket keeps using that "the Commission agreed unanimously on these Districts" is in error because the Commission did not in fact agree unanimously to support these Districts.

I have to commend the Representative from East Millinocket to having restored Rumford to a whole municipality. I think it is unfortunate he didn't choose to do the same for the town of Ellsworth.

Mr. Speaker, I would like to pose a question through the Chair to the Representative from East Millinocket in regard to District 140 which happens to be his District. When you look at the municipalities you have that are encompassed in the totality of Penobscot County, your total comes up to 8,222 which is just 90 over what we would consider the perfect District. My question is, why did you find it necessary to take some Unorganized Territory and cross a political subdivision known as the Aroostook County Line to complete your District when in fact you have a perfect District?

The SPEAKER: Representative Pendexter of Scarborough has posed a question through the Chair to Representative Michaud of East Millinocket who may respond if he so desires.

The Chair recognizes that Representative.

Representative MICHAUD: Mr. Speaker, Men and Women of the House: I would be glad to answer the Representative's question. Before I do, I want to state that we did agree as a Commission, unanimously, that Bangor would be five Districts, that Sanford would be two Districts and a half and so forth. That was agreed unanimously by the Commission.

As far as the Representative saying the total count for the Legislative District which I represent is 8,461, 8,461. That is the total population within my District.

These Districts in Penobscot County, Northern Penobscot County, are pretty much at their maximum because down south, some of those Districts are on the minus side because we had to split municipalities and try to do it on as fewer as possible basis, that created a situation where the deviation on the southern part of the state in some Districts are on the minus side. So, in the northern part of the state, we have Unorganized Territories and small municipalities, you can make up for that. So, most of these Districts are on the high side.

If the Representative would like, I would read each one of the towns off. District 140, Southern Aroostook Unorganized has 285 people; the town of Chester, 442; Drew, 43; East Millinocket, 2,166; Enfield, 1,476; Kingman, 246; Mattawamkeag, 830; Medway, 1,922; Northern Penobscot Unorganized, 357; Winn, 479; and Woodville, 215 — that totals 8,461, not the figure that the Representative from Scarborough has given you.

Mr. Speaker, I would like to pose a question through the Chair to the Representative from Scarborough, Representative Pendexter.

The Representative from Scarborough all along has been saying that they haven't agreed. When I decided to be a member on the Commission, I took my job very seriously and I took it with the understanding and hope that we would be able to get a unanimous report. These Districts that I said that we did agree (and which we did agree) partly because of the Constitution, like Districts 9 through 11, there are a full two seats in Sanford and the remainder has been agreed to go to Alfred and Shapleigh. My question I would like to pose to Representative Pendexter is, which Districts is she under the understanding that we do not agree to?

The SPEAKER: Representative Michaud of East Millinocket has posed a question through the Chair to Representative Pendexter of Scarborough who may respond if she so desires.

The Chair recognizes that Representative.

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: The point I am making is that the Commission never formerly voted except for perhaps and maybe my memory — we probably did vote on the municipalities that would stand as a whole, perhaps we did do that, but we never voted as a Commission on anything else.

The Representative from East Millinocket has continued to use the phrase, "the Commission agreed unanimously to" and what I am saying is that these agreements were made in the process of negotiations and contingent on what would happen with the total package. That is the point I am making, the Commission never made formal votes on anything else other than whole Districts.

The other point I would like to make in District 140 is that, if you add up all those municipalities in 140, it makes a perfect District, so thusly, I don't see any need to have to cross a political subdivision line such as a county line to add more population. It is just not necessary and I think it is a perfect example of gerrymandering.

The SPEAKER: The Chair recognizes the Representative from East Millinocket, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Men and Women of the House: I will address that last issue first, then I will further continue to seek some answers from the Representative from Scarborough, Representative Pendexter. She just made a comment that it would not have to go into Aroostook County to get those Districts. Yes, you do. Because if you don't, District 141, which is abutting District 140, the total population for District 141 is 8,492. If you took the Southern Aroostook Unorganized Territory from District 140, which has 285, if my calculator is correct, that would put District 141 over the allowable. That is the reason why that unorganized territory is in with District 140 because these Districts, as I stated once before, are at the max as far as on the high end.

The Representative from Scarborough, Representative Pendexter, keeps saying we never agreed on some of these Districts. The only thing we did not agree on these Districts are the city lines.

Mr. Speaker, I would like to pose a question to the Representative from Scarborough, Representative Pendexter.

My question, and there are several — Districts 9, 10 and 11, isn't that, other than the city blocks, what you have in your plan?

District 12, 13 and 14, other than the city blocks, isn't that the way the split goes?

District 25 through 32, you have eight and so do we.

District 35 and 36, don't you have a full seat in Gorham and the remainder of Gorham going with Scarborough?

I can go on with the Brunswick seat, the Windham seat, those seats where there are city splits, the Commission did agree as well as seat 73 and 76, the Topsham seat. So, my question would be to Representative Pendexter, what is the difference between municipalities on this and what she had proposed?

The SPEAKER: Representative Michaud of East Millinocket has posed a question through the Chair to Representative Pendexter of Scarborough who may respond if she so desires.

The Chair recognizes that Representative.

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: Districts 9, 10 and 11 and 12, 13 and 14 — I can't tell by looking at census blocks whether those are the lines that we agreed on. The point I am continuing to make is, yes, in concept we did agree on Biddeford would be two and a half etcetera and etcetera, but what I am continuing to say is that the Commission as a whole did not unanimously agree on those Districts and that is my point.

The only other thing I am going to say is we have shown Representative Michaud how he can draw his District so that he does stay contained in Penobscot County and there are ways to work Districts in that part of the state without having to cross county lines.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Small.

Representative SMALL: Mr. Speaker, Ladies and Gentlemen of the House: This is just a technical question and the fact that we got this amendment only a few moments ago and it is different than House Amendment "B" that I guess we were able to get a copy of last night, I just want to make a check to see if I am missing something. Earlier on, we were playing

where is Woodland? Now in District 148, there is supposed to be the remaining portion of Limestone and I don't see the word Limestone, although perhaps it is here under one of the block numbers or something.

I would like to pose a question to Representative Michaud. If indeed Limestone is included in 148 or has it been moved to a different District?

The SPEAKER: Representative Small of Bath has posed a question through the Chair to Representative Michaud of East Millinocket who may respond if he so desires.

The Chair recognizes that Representative.

Representative MICHAUD: Mr. Speaker, Men and Women of the House: Yes, if you look at House Amendment "A", you will find the remainder of the Limestone seat. As far as this being different than the amendment that you received last night, the only difference between this amendment and the one you saw last night, is the issue of the Rumford seat. Under the amendment you saw last night, it was split. Under this amendment, it puts Rumford back whole. That is the only difference you will find in this amendment.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Small.

Representative SMALL: Mr. Speaker, Men and Women of the House: A technical question, doesn't the language in House Amendment "B" under District 148 replace the language in House Amendment "A" under District 148?

The SPEAKER: Representative Small of Bath has posed a question through the Chair to Representative Michaud of East Millinocket who may respond if he so desires.

The Chair recognizes that Representative.

Representative MICHAUD: Mr. Speaker, Men and Women of the House: If you look on the back of House Amendment "A", that is the language that describes what we did with the Limestone base and explains the reason. We split that census block, which is 2,215 people, to go with District 148 and the remainder of Limestone will remain in that other District. It is that one census block that has been split.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Small.

Representative SMALL: Mr. Speaker, Men and Women of the House: Nevertheless, it is not in the amendment under 148 and it is in the original amendment where it says "the municipality of Limestone, the North Wheary Housing Complex within Loring Air Force Base." I think including it in the end under Legislative Findings or in the Statement of Fact does not negate the necessity for including that under House District 148. I wondered why it would be put in on one amendment and not the other?

Mr. Speaker, I request a roll call.

The SPEAKER: Representative Small of Bath has posed a question through the Chair to Representative Michaud of East Millinocket who may respond if he so desires.

The Chair recognizes that Representative.

Representative MICHAUD: Mr. Speaker, Men and Women of the House: I do not know why the Revisor's Office drafted it the way they did, but clearly what this does is split that one block in Limestone, the Limestone Base, which allows 2,215 people from the base to be placed in District 148 and the remainder of Limestone will be in the other District.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Robichaud.

Representative ROBICHAUD: Mr. Speaker, Friends and Colleagues of the House: I just want to make an observation from the debate earlier today.

The Representative from East Millinocket and the Representative from Gardiner both seem very concerned with the proposed Districts that pair incumbents. I was not aware that there was any interpretation or amendment to Maine's Constitution that makes that concern a criteria, though I understand that that was something (though it has been disputed) that was talked about within the Commission.

I would agree that it is not the purpose of redistricting to pair off incumbents. However, I would also agree that it is not the purpose of redistricting to protect incumbents and I just wanted to state that.

However, these constitutional questions on criteria aside, I have some serious reservations about the content of the amendment before us. I will reserve my comments to the area with which I am most familiar, that being Aroostook County, and especially northern Aroostook County. Currently, Aroostook County has 15 Representatives that make up the House delegation. The 1990 census showed a decline in population in this northern most county of Maine.

I am not disputing the fact that Aroostook will lose some representation, that is a result of the census figures. However, I feel that it is to the advantage of the current delegation as well as the entire body to work towards creating Districts that will best serve the people who live in the county and the State of Maine. I am not convinced that the new District presented in this amendment will achieve that end.

To understand why I have taken this view, you must know a little bit about the cultural makeup of Aroostook which is important when dealing with the commonality of the Districts. The northern sector of Aroostook County, the St. John River Valley is comprised of people who are primarily of French Acadian and Canadian descent. I am proud to be a member of this group, the majority of my extended family resides in the Fort Kent and Frenchville area. The communities in the Valley are almost completely bilingual which is a special characteristic. As someone travels south from this area, they would encounter a different cultural group. There is a settlement begun by those of Swedish descent and neither of the two groups mentioned here I'm saying are better than the other, they are just different. I am describing the makeup of Aroostook for those who are not familiar. From this Swedish settlement continuing south, we see the Acadian and Canadian culture playing a less public role, it still exists but it is a less public role. People in the St. John Valley feel a sense of commonality among their communities in the Valley. The communities of New Sweden, Woodland, Caribou and Limestone, a little further to the south for example, consider themselves part of central Aroostook, not northern Aroostook. That information sets the stage.

Now, factor into the redistricting formula that the population of the northern most section of Aroostook County lost a significant amount of population, over 2,000 people and specifically that area is now made up of four House Districts. The population reduction in the census would allot approximately 2.35 Districts in this area. To me, this makes no sense other than for strictly political reasons to stretch current Districts in the Valley

down into central Aroostook in order to maintain the same number of Representatives in the Valley, despite the loss of population. As I have described before, I am not convinced that there is enough commonality as a criteria to make that a possibility.

This not only infringes on the constituents of the central communities but creates non-unified Districts, I would argue disenfranchised Districts. By allowing this style of reapportionment, Aroostook County does not increase the total number of seats in the delegation. The county as a whole will lose population and, as a result, lose seats. There will be a composite loss. However, the residents in the Valley will not notice the change under this amendment, despite their significant loss in population, while those in central and even southern Aroostook, will be significantly impacted. I will note that the Valley was not the only area to lose population in Aroostook County but it was the largest decrease in population.

I do not believe that this form of favoritism presented in the amendment is acceptable or Constitutional. One example, the current District 151 held by our illustrious Speaker has been described in his own words as larger than the entire state of Rhode Island in size. The proposed District 141 detailed in this amendment increases the physical size of the territory so this single District covers almost half of the land mass of Aroostook County which is Maine's largest county. This District extends from the most northwestern area of the county well into the central interior.

A more compact District with a smaller physical size would better serve the area and be fairer to the rest of Aroostook. This could be achieved, for example, by including the municipality of Fort Kent which has commonality with the area.

I understood the Speaker to say back in March that he does not plan to run again so that eliminates the concern that was expressed at length by Representative Treat and Representative Michaud about current incumbents sharing new Districts.

I also have concerns that District 143 in the amendment, in my view, does not meet the contiguous test. The District looks like a stringy squiggle, which is questionable at best.

Based primarily on these reasons combined with other concerns I have about the document in front of us, I would urge you to please join me in voting against this amendment to ensure that the legislature takes the appropriate actions towards adopting reasonable and rational Districts that will best serve all of the people of Maine.

The SPEAKER: The Chair recognizes the Representative from East Millinocket, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Men and Women of the House: I respectfully disagree with the Representative from Caribou. There has been some talk about giving favoritism — Aroostook County lost population, there are ten and a half seats in Aroostook county that are allotted. That is what we have, ten and a half seats, no more, no less.

There has been a lot of talk about the Valley, well ladies and gentlemen of the House, there are, if you look at the proposal, three full Districts in the Valley and there is also a remainder District that starts in the Valley but it goes down to Route 11 corridor. Our very first public hearing that we had on the ITV system, there was concern about Aroostook

County losing population. We expressed that there was just so much we could do, we have to go by the population, which we did. We asked the gentleman who spoke (I don't remember his name), what does he expect us to do? The comment was, bring the District down further on the Route 11 corridor. That's what we did. Aroostook County is not favored any more than any other county. There is X-amount of population in Aroostook, that is what they got for Representatives.

When you talk about a Valley seat, looking at a map, true, one seat does start in the Valley but Dudley Township, Webster Township, just above Smyrna, that is not part of the Valley, so the Valley does not have four seats. Granted, one seat starts in the Valley in District 151, but it runs down pretty much similar to the core of existing Districts that we currently have now. So, Aroostook County is not favored any different than any other county. It is treated exactly the same. Each District in Aroostook County meets the Constitutional criteria, meets both State and Federal and also meets the criteria that we adopted as a Commission unanimously.

I do hope that you will support House Amendment "B" to House Amendment "A" so we can have a complete plan and, hopefully in a couple of days, we will be able to enact it.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Robichaud.

Representative ROBICHAUD: Mr. Speaker, Ladies and Gentlemen of the House: Just to respond to the good Representative from East Millinocket, my concern is not that Aroostook County is receiving preferential treatment over other counties, my concern is that certain areas of Aroostook County are receiving preferential treatment penalizing other areas of the county. You so eloquently stated my reservations for me by saying that someone was concerned about the loss in population and suggested stretching the District down. That is exactly what I object to because what we are doing is crossing borders of commonality and we are infringing on the other areas of Aroostook County who have — yes, they may have many similar concerns but they also have different concerns and different situations and different elements that make up their communities and that is my concern. My concern is not that Aroostook is receiving preferential treatment as a whole, it is that sectors of Aroostook are receiving different treatment with regard to how Districts are drawn in order to, again, stretch existing seats down into other areas.

The SPEAKER: The Chair recognizes the Representative from Island Falls, Representative Joy.

Representative JOY: Mr. Speaker, Ladies and Gentlemen of the House: When I left for Augusta to Represent District 140 in this House, I did so recognizing that all the residents of my District had a common bond and similar interests since they were all contained in the southern Aroostook area.

District 141 which contains a part of that area as proposed by Amendment "A" and subsequently amended by "B" throws that all on the scrap heap. The addition of Mount Chase, Patten, and Stacyville will not present a problem as many of these communities get their services from Aroostook agencies. However, District 141 spreads over into a three county area, Aroostook, Penobscot and Washington Counties, it certainly doesn't recognize these obvious political subdivision lines. The three county situation which

is presented in both "A" and "B" presents a very difficult task for any future Representative in District 141. With three separate shire towns for constituents, a Representative cannot hope to capably serve constituents in these areas. Houlton and Bangor are easily accessible from that District but Machias represents a very time-consuming journey, at least a full day given time to conduct constituent business. This makes it impossible for anybody to really completely serve all the people of this District.

Based on these observations, I cannot support the amendment and I urge you to reject this amendment.

The SPEAKER: The Chair recognizes the Representative from East Millinocket, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Men and Women of the House: Listening to the Representative from Island Falls, Representative Joy, if I understand him correctly, he does not feel that Mount Chase, the town of Patten and Stacyville has any interests with the Island Falls, Crystal seat. I think they do. I think there is a very strong community of interest amongst those communities. Granted, he does pick up the town of Danforth in Washington County.

However, a lot of us, particularly in the northern part of the state, do have a lot of traveling. That is part of our jobs in where we live in Aroostook County or northern Penobscot County. Just like my District, granted, the town of East Millinocket, Medway, and Woodville does have a community of interest, doesn't have as much community of interest as Winn and some of the other areas that I will be picking up, but those areas around Winn has a community of interest amongst themselves. So, I disagree with the Representative from Island Falls, they do have a community of interest.

I would like to pose a question through the Chair to the Representative from Island Falls. Does he or does he not agree that the Mount Chase, Patten, Stacyville area has a lot more in common, a lot more community of interest with Island Falls/Crystal area than it does with East Millinocket, Medway, Winn areas?

The SPEAKER: Representative Michaud of East Millinocket has posed a question through the Chair to Representative Joy of Island Falls who may respond if he so desires.

The Chair recognizes that Representative.

Representative JOY: Mr. Speaker, Ladies and Gentlemen of the House: I certainly do agree that these three towns share a tremendous commonality with the town of Island Falls, Crystal and points east. Apparently my comment was not clear but I said that the addition of Mount Chase, Patten and Stacyville will not present a problem as they get many of their services from Aroostook County already. I have no problem with that.

The one problem that I can see with this particular District is Washington County with Machias being so far away removed entirely from the District trying to get business done in the shire towns.

The SPEAKER: The Chair recognizes the Representative from East Millinocket, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Men and Women of the House: I finally found what I was looking for. It is pretty hard to tell with these Districts where they are. I find it amazing the

Representative from Island Falls, Representative Joy, would make that argument. However, this morning he voted for Representative Pendexter's amendment which brings the Representative down to Mattawamkeag and Webster Plantation which is further than Danforth. I find that amazing.

I would suggest that he might have made a mistake this morning.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Small.

Representative SMALL: Mr. Speaker, Ladies and Gentlemen of the House: I am glad Representative Joy got up and reiterated his comments about the commonality between those two Districts. I think being taken out of context a little bit, the amendment that we voted on this morning or this afternoon, would have had two counties in Representative Joy's District, now he has three counties. I don't think — I won't pretend to speak for him but I think any time you go over one county, you are taking on additional responsibilities. When you get into three counties, you have three county budget meetings and three county delegation meetings. As he spoke, when you have a county seat that is so far away, you have an additional responsibility if you have constituents that have problems in those. So, I think he was trying to be agreeable that there were certain portions in that that he could have gone along with as there were certain portions in what he could go along with this morning, but combination of the two makes it a tri-county district and for some that is unacceptable.

The SPEAKER: The Chair, under House Rule 1, must inform and correct the Representative from Bath, Representative Small, Aroostook County has progressed to a stage where it no longer deals with budgets. It is handled entirely within Aroostook County by non-legislators.

The Chair recognizes the Representative from Island Falls, Representative Joy.

Representative JOY: Mr. Speaker, Men and Women of the House: To set the Record clear, I really have no problem with the town of Danforth. The problem is with the City of Machias in being so far away and being the county seat, it certainly does not make itself available to a Representative who would reside in one of these other communities.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative MacBride.

Representative MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I think the discussion that we have had to have this afternoon is unfortunate. I think it is really too bad that the Commission couldn't have met in its entirety and try to come up with a plan that we could all look at and understand and decide whether we liked it or not and rather having to work with a Republican plan and a Democratic plan and none of us not knowing just exactly what or where the lines are drawn here.

I do have a very big problem with the Aroostook County plan. I have a District that is a snake, it has grown, it is a bigger snake. I started in when I first ran for the legislature when I had a good part of Presque Isle and Chapman and that was a fine District to campaign in. District 151 in 1983 took Chapman and I went south. Now I seem to have gone south and I have gone north and I have gone west.

I am concerned that in District 148, Limestone, and the narrative does not seem to be mentioned and

that has been mentioned before. I know this is repetitive but I don't know exactly in the other narratives it does mention when there is a part, it does mention the towns. However, it does not seem to mention the town here in this narrative.

Furthermore, Woodland is the town that is in central Aroostook. That is now being combined with one of the northern most parts of Aroostook County with Madawaska. Representative Michaud is really so concerned about people being put together, incumbents being put together, but in that particular District, you are having a Republican running against a Democrat. I am not exactly sure in the Caribou District if you have two incumbents running against one another or not because I can't tell from the blocks because there is that possibility.

I am concerned because I really feel that if the Commission could have sat down together and worked out some of these problems and situations, we wouldn't have the uncertainty that we have now and the difficulty that this is going to create for the citizens and for the people campaigning. So, I would urge you to vote against this Amendment "A" with the Amendment "B."

Subsequently, Representative Michaud of East Millinocket withdrew House Amendment "B" (H-207) to House Amendment "A" (H-191).

The same Representative offered House Amendment "C" (H-216) to House Amendment "A" (H-191) and moved its adoption.

House Amendment "C" (H-216) to House Amendment "A" (H-191) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from East Millinocket, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Men and Women of the House: The only difference between "B" and "C" is that I did get information from the Revisor's Office that deals with Limestone. They felt that it should be in that District. That is what House Amendment "C" is, the additional portion of Limestone.

Mr. Speaker, I request a roll call.

The SPEAKER: The Chair recognizes the Representative from Van Buren, Representative Martin.

Representative MARTIN: Mr. Speaker, I would like to pose a question through the Chair.

To Representative Michaud, would he explain to me just what is happening to part of Limestone, which I have had for the last ten years?

The SPEAKER: Representative Martin of Van Buren has posed a question through the Chair to Representative Michaud of East Millinocket who may respond if he so desires.

The Chair recognizes that Representative.

Representative MICHAUD: Mr. Speaker, Men and Women of the House: The issue with Limestone is the Air Force Base. What is done in House Amendment "C" is that it takes that census block on the base, the North Wheary housing unit that has 2,215 people and that will be in with the Van Buren seat.

The SPEAKER: The Chair recognizes the Representative from Limestone, Representative Young.

Representative YOUNG: Mr. Speaker, I would like to pose a question through the Chair to the Representative from East Millinocket.

If I understand this amendment, all it does is add to Amendment "B" the language which was missing for District 148 regarding the North Wheary Housing, is that correct?

The SPEAKER: The Chair would answer in the affirmative. For the Record, that amendment has just been prepared by order of the Clerk and the Speaker with the Revisor's Office. That is why the suggestion is that we do not find a need to print it because it is exactly that. We will print it for everyone, you will have it tomorrow on your desk, because we have to.

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

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

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

Representative ALIBERTI: Mr. Speaker, I, being cost-saving, I don't care to have an amendment. I think that others ought to do the same thing.

The SPEAKER: The Chair will cut down on the printing of number of amendments.

The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Men and Women of the House: I would like to pose a question to the Representative from East Millinocket.

Seeing that every time I come in here there is a different amendment moving all over creation but representing Millinocket, I have outside Millinocket three to seven miles who would like to be able to vote in Millinocket, Millinocket Lake, Smith Pond, Norcross and South Twin, and trying to compare the blocks and working it a couple of days on the maps and trying to put this stuff in, my question would be, are these people going to be included, are these areas going to be included into this block?

The SPEAKER: Representative Clark of Millinocket has posed a question through the Chair to Representative Michaud of East Millinocket who may respond if he so desires.

The Chair recognizes that Representative.

Representative MICHAUD: Mr. Speaker, Men and Women of the House: To answer the question, no. We tried to get those people up around those lakes in with Millinocket, however, because of the numbers and the other big portion that the Representative from Millinocket would have to have, we were unable to do so.

The SPEAKER: Pursuant to House Rule 1, for the Record, the Chair needs to correct one error by Representative Robichaud of Caribou, the Speaker never said he wasn't running for the legislature again.

The SPEAKER: A Roll Call has been ordered. The pending question before the House is adoption of House Amendment "C" (H-216) to House Amendment "A" (H-191).

The Chair recognizes the Representative from Biddeford, Representative Dutremble.

Representative DUTREMBLE: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with Representative Plowman of Hampden. If she were present and voting, she would be voting nay; I would be voting yea.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Vigue.

Representative VIGUE: Mr. Speaker, pursuant to

House Rule 7, I request permission to pair my vote with Representative Kutasi of Bridgton. If he were present and voting, he would be voting nay; I would be voting yea.

The SPEAKER: The Chair recognizes the Representative from Township 27, Representative Bailey.

Representative BAILEY: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with Representative Faircloth of Bangor. If he were present and voting, he would be voting yea; I would be voting nay.

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

Representative ROWE: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with Representative Campbell of Holden. If he were present and voting, he would be voting nay; I would be voting yea.

The SPEAKER: The Chair recognizes the Representative from Sedgwick, Representative Gray.

Representative GRAY: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with Representative Bennett of Norway. If he were present and voting, he would be voting nay; I would be voting yea.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Lipman.

Representative LIPMAN: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with Representative Caron of Biddeford. If he were present and voting, he would be voting yea; I would be voting nay.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Cashman.

Representative CASHMAN: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with Representative Rydell of Brunswick. If she were present and voting, she would be voting yea; I would be voting nay.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with Representative Townsend of Canaan. If she were present and voting, she would be voting yea; I would be voting nay.

The SPEAKER: The pending question before the House is adoption of House Amendment "C" (H-216) to House Amendment "A" (H-191). Those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 63

YEA - Adams, Ahearne, Aliberti, Beam, Carroll, Cathcart, Chase, Chonko, Clement, Cloutier, Coles, Constantine, Cote, Daggett, DiPietro, Dore, Driscoll, Erwin, Farnsworth, Fitzpatrick, Gamache, Gean, Gwadosky, Hatch, Heeschen, Hichborn, Hoglund, Holt, Hussey, Jacques, Jalbert, Johnson, Joseph, Kerr, Kilkelly, Kontos, Lemke, Martin, H.; Melendy, Michael, Michaud, Mitchell, J.; Morrison, Nadeau, O'Gara, Oliver, Paradis, P.; Pfeiffer, Pinette, Plourde, Poulin, Pouliot, Rand, Richardson, Ricker, Rotondi, Ruhlman, Saxl, Simonds, Skoglund, Stevens, K.; Sullivan, Tardy, Townsend, E.; Tracy, Treat, Walker, Wentworth, Winn, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, R.; Barth, Bruno, Cameron, Carr, Clukey, Coffman, Cross, Dexter, Donnelly, Farnum, Farren, Foss, Gould, R. A.;

Greenlaw, Joy, Ketterer, Kneeland, Libby James, Lindahl, Look, Lord, MacBride, Marsh, Marshall, Murphy, Nickerson, Norton, Ott, Pendexter, Reed, G.; Reed, W.; Robichaud, Simoneau, Small, Spear, Stevens, A.; Strout, Taylor, Thompson, True, Tufts, Whitcomb, Young, Zirnkilton.

ABSENT - Bowers, Brennan, Carleton, Hale, Heino, Hillock, Larrivee, Lemont, Libby Jack, Mitchell, E.; Nash, Pendleton, Pineau, Quint, Saint Onge, Swazey, Townsend, G..

PAIRED - Dutremble (Yea)/Plowman (Nay); Vigue (Yea)/Kutasi (Nay); Bailey, H. (Nay)/Faircloth (Yea); Rowe (Yea)/Campbell (Nay); Gray (Yea)/Bennett (Nay); Lipman (Nay)/Caron (Yea); Cashman (Nay)/Rydell (Yea); Clark (Nay)/Townsend, L. (Yea).

Yes, 70; No, 48; Absent, 17; Paired, 16; Excused, 0.

70 having voted in the affirmative and 48 in the negative with 16 being absent and 16 having paired, House Amendment "C" (H-216) to House Amendment "A" (H-191) was adopted.

House Amendment "A" (H-191) as amended by House Amendment "C" (H-216) thereto was adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-216) as amended by House Amendment "C" (H-191) thereto and House Amendment "B" (H-192). Sent up for concurrence.

The Chair laid before the House the second item of Unfinished Business:

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Protect State Parks (H.P. 176) (L.D. 228) (C. "A" H-92)

TABLED - April 15, 1993 by Representative GWADOSKY of Fairfield.

PENDING - Final Passage.

On motion of Representative Gwadosky of Fairfield, retabled pending final passage and specially assigned for Thursday, April 29, 1993.

The Chair laid before the House the third item of Unfinished Business:

An Act to Amend the Hunting Laws (H.P. 228) (L.D. 296) (C. "A" H-99)

TABLED - April 15, 1993 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Rotondi, under suspension of the rules, the House reconsidered its action whereby L.D. 296 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-99) was adopted.

The same Representative offered House Amendment "A" (H-208) to Committee Amendment "A" (H-99) and moved its adoption.

House Amendment "A" (H-208) to Committee Amendment "A" (H-99) was read by the Clerk and adopted.

Committee Amendment "A" (H-99) as amended by House Amendment "A" (H-208) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-99) as amended by House Amendment "A" (H-208) thereto and sent up for concurrence.

The Chair laid before the House the fourth item of Unfinished Business:

HOUSE DIVIDED REPORT - Majority (7) "Ought Not to Pass" - Minority (6) "Ought to Pass" as amended by Committee Amendment "A" (H-150) - Committee on Labor on Bill "An Act to Conform Maine Law Related to Commission Salespersons with Federal Law" (H.P. 183) (L.D. 235)

TABLED - April 26, 1993 by Representative RUHLIN of Brewer.

PENDING - Motion of same Representative to accept the Minority "Ought to Pass" as amended Report.

On motion of Representative Ruhlin of Brewer, retabled pending his motion that the House accept the Minority "Ought to Pass" as amended Report and specially assigned for Thursday, April 29, 1993.

The Chair laid before the House the fifth item of Unfinished Business:

An Act to Encourage the Recycling of Tires from Municipal Landfills (H.P. 209) (L.D. 271) (C. "A" H-123)

TABLED - April 26, 1993 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

Subsequently, L.D. 271 was passed to be enacted, signed by the Speaker and sent to the Senate.

BILLS HELD

(H.P. 386) (L.D. 499) Bill "An Act to Clarify the Process of Resolving Nuisance Complaints Involving Agriculture" (C. "A" H-187)

On motion of Representative Kontos of Windham, the House reconsidered its action whereby L.D. 499 was passed to be engrossed.

Subsequently, the Committee Report was read and accepted and the Bill read once.

Committee Amendment "A" (H-187) was read by the Clerk.

Representative Kontos of Windham offered House Amendment "A" (H-205) to Committee Amendment "A" (H-187) and moved its adoption.

House Amendment "A" (H-205) to Committee Amendment "A" (H-187) was read by the Clerk and adopted.

Committee Amendment "A" (H-187) as amended by House Amendment "A" (H-205) thereto was adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (H-187) as amended by House Amendment "A" (H-205) thereto and sent up for concurrence.

(H.P. 664) (L.D. 902) Bill "An Act to Clarify the Role of the Child Abuse and Neglect Councils" (C. "A" H-190)

On motion of Representative Kontos of Windham, under suspension of the rules, the House reconsidered its action whereby L.D. 902 was passed to be engrossed.

Subsequently, the Committee Report was read and accepted, the bill read once.

Committee Amendment "A" (H-190) was read by the Clerk and adopted.

Under suspension of the rules, the bill was read the second time.

Representative Kontos of Windham offered House Amendment "A" (H-206) and moved its adoption.

House Amendment "A" (H-206) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-190) and House Amendment "A" (H-206) and sent up for concurrence.

On motion of Representative Erwin of Rumford,
Adjourned at 6:08 p.m. until Thursday, April 29,
1993 at ten o'clock in the morning.
