

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Sixteenth Legislature

OF THE

State Of Maine

VOLUME II

FIRST REGULAR SESSION

House of Representatives
May 17, 1993 to July 14, 1993

Faircloth, Farnum, Farren, Foss, Greenlaw, Gwadosky, Heino, Hillock, Hogle, Joy, Kerr, Kneeland, Kutasi, Lemont, Libby Jack, Lindahl, Lipman, Look, Michael, Mitchell, E.; Nash, Nickerson, Norton, Ott, Pendexter, Pendleton, Plourde, Plowman, Pouliot, Reed, G.; Robichaud, Simonds, Simoneau, Small, Spear, Stevens, A.; Taylor, Thompson, True, Whitcomb, Young, Zirkilton.

ABSENT - Beam, Fitzpatrick, Kilkelly, Marsh, Melendy, Richardson, Ruhlman, Rydell, Tardy.

Yes, 83; No, 59; Absent, 9; Paired, 0; Excused, 0.

83 having voted in the affirmative and 59 in the negative with 9 being absent, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

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

HOUSE DIVIDED REPORT - Majority (7) "Ought Not to Pass" - Minority (6) "Ought to Pass" as amended by Committee Amendment "A" (H-277) - Committee on State and Local Government on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Create a Unicameral Legislature (H.P. 768) (L.D. 1035)

TABLED - May 17, 1993 by Representative JOSEPH of Waterville.

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

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative O'Gara.

Representative O'GARA: Mr. Speaker, Men and Women of the House: Whether a legislature should have one House or two has been debated longer than the existence of the United States and yet after all that time, only one of the 50 states has chosen a one House legislature.

Before I go much further, one of the documents that I have been putting together over the last two years since this came up in the last session is from an article from Nebraska itself and a comment by the son of the first Clerk of the House in the first Unicameral system. I thought you might be interested to know the circumstances under which this bill finally passed in 1934 after years and years and years of debate. Commenting on the fateful 1934 election, Warner (this is Jerome Warner whose father was Charles Warner) notes that there were two other proposals on the ballot with this initiative. One was to allow pari-mutuel horse racing and another to repeal prohibition. The advertising, the heavy advertising, was to vote yes on all three. And, Mr. Warner says that there are those who think that may have been a factor. I thought you might be interested in the circumstances under which the bill finally passed, not all by itself.

The name of James Madison has been invoked as having been a strong supporter of the unicameral system in a recent newspaper article by one of our members. In fact, in his Federalist papers, James Madison pointed out that one or the other of the two Houses of a bicameral system would slow down the legislative process and allow reason to prevail. In truth and in fact, while Madison was as willing to compromise as others, a unicameral system was not in fact the great thought of James Madison. That, by

the way, is from the Federalist Papers #63, page 384.

There is recorded a conversation between George Washington and Thomas Jefferson on bicameralism I thought you might find interesting and maybe amusing. They were drinking coffee and Washington noticing that Jefferson poured his coffee from his cup to his saucer asked Jefferson why he did so. "To cool it," was Jefferson's reply. "Just so," said Washington, "we will pour legislation into the Senatorial saucer to cool it."

Chief Justice Earl Warren in 1964 wrote, "A prime reason for bicameralism is to ensure mature and deliberate consideration of and to prevent precipitate action on proposed legislation." Arguing for a two House legislature, our second President, John Adams, said, "A single assembly is liable to all the vices, follies and frailties of an individual, subject to fits of humor, starts of passion, flights of enthusiasm, partialities of prejudice and, consequently, a producer of hasty results and absurd judgment."

And, in his commentaries on the Constitution of the United States many years ago, Supreme Court Justice Story wrote this about the bicameral legislature, "It has become a great check upon undue, hasty, and even oppressive legislation."

Yes, in fact there are others in the House who follow their history as well as some of those who will be speaking to you following myself.

Let me respond to a few of the comments that were made at other times and other newspapers and comments that are going to be made today and in the literature you have had streaming on our desks over the last several days.

In regard to cost savings, salary and expense savings that occur are but a small percentage of the total biennial budget. In addition, such a move may end up costing taxpayers more money if ill-considered legislation is a result of doing away with a second House. I would tell you about the words that I have heard that there is concrete, definite, proven cost savings of \$4.5 million. Respectfully to those who have made those statements and will make those statements to you today, I, for one, am going to challenge them to show me where those numbers are. I spent a little better than two hours while I was in Nebraska a few years ago with one of the Senators in Nebraska. I can tell you that while they heard those same arguments for many years about cost savings — by the way, I will say this now and I will say it to you later, everything that I am saying to you now, I have documented from the Nebraska Legislative staff, from NCSL and from newspaper articles that I have had sent to me from Nebraska itself by a professor of history at the University of Nebraska, all of these are documented, I will be asking those who are going to be telling you that there is \$4.5 million to show us where that is coming from.

Let me tell you about in Nebraska, they had those same arguments given to them. In fact, in this day in 1994 as we speak, the cost of the legislature in Nebraska is a major (not a minor, not a now and then idea) it is a major concern, not only to the Nebraska legislature itself, but to the people of Nebraska and people who are following it. Cost savings initially may be there but what happens is that it grows. The Senator I spent two and a half hours with, his picture is in the book I have here. He is still a Senator and he can be contacted at any time. While he personally likes the system, I spent two hours in

his three room suite of offices — when it passed — the first one took office I think about three years later, they started out with a room and a clerk or secretary, shared much like we have here, not quite as bad as we have here, but pretty close. Now, each Senator has a secretary, a clerk, a legal counsel, each Senator, ladies and gentlemen of the House, indisputable, I have it. And, if you are a chairman of a committee and they have between 15 and 18 committees, you are then entitled to an additional clerk and/or secretary.

Be very careful as you consider that wonderful number of \$4.5 million as a savings.

Visibility — with Nebraska, the only example that there is out there, there is no hard evidence to show you or to prove to me or anybody else that legislation or legislators will be either more visible or more responsible in one House than in two.

Someone said in one of the articles that I have — maybe I am getting a little too serious so maybe you might appreciate this, that "The Nebraska unicameral system is like the bearded lady in a carnival, everyone wants to see her, but no one wants to take her to lunch."

The influence of lobbyists has been mentioned. I was amused when I heard in our Democratic caucus, and I am sure we are going to hear it again, that we all know that lobbyists really spend most of their time down the other end of the hall. Is that the reason the Speaker has had to pass rules preventing them from even being near us? Do you agree here that lobbyists are spending most of their time (I hardly think so) in the other body?

There are distinct advantages for special interest groups in a one House system to get legislation passed since there are usually fewer legislators to persuade. Now, while it is not a significant number in Maine, under this bill, half of 151 is 76, instead of half of 186, which is 94. Not a big difference but certainly something to consider.

The influence of the Governor — just as any lobbyist, believe me, the Governor would much more easily dominate one House than he does two. The quality of legislation has been raised. More careful consideration and deliberation can be given in a bicameral system, there is more participation in debates, there is more staff analysis and, therefore, it is more likely that bills passed will be good legislation which may well be supported by a larger percentage of the electorate. Furthermore, one House may serve to check the other, thus preventing the passage of bad legislation.

In reference to that, if in fact we are concerned about legislation, I would submit to you that there are some things we might consider and in fact are being considered right now by what I find to be a very ambitious and industrious, energetic and well-meaning group of legislators, rank-and-file, new and old, old may not be the word I wanted to use but experienced. There are a lot of things we can do besides going to this. We can continue the efforts to reform the process which is going on right now. We can have more involvement by rank-and-file which is going on right now, limit the number of bills introduced and wouldn't I be very happy with that. Combine some bills, get rid of this ridiculous system we have now where nobody can know anybody else's bills because there is something secret in there. Let the Revisor have more flexibility. Let the committees have more flexibility and bring the major issues up

early in the session rather than later on.

Unicameralism is Canada — I really find that kind of interesting that we are using Canada and city governments — what the heck does city government have to do with what we are talking about here, and who cares about Canada? Isn't it interesting that we ignore the health program — there are those who think the health programs they have in Canada are worth looking at but we choose to ignore that but here we decide that we wanted to talk about Canada. In Canada, the legislative districts range from 23,000 up to 69,000 people. I wonder what kind of representation those constituents get?

Representation, one of the Representatives from Augusta claims that a single large body means that each legislator will represent fewer people. Now, it may be that he was comparing (and probably is) the smaller legislature, 99 to this one. But, in truth and in fact, if we even talk about the 151, we still won't be representing fewer people if you consider the other body not being there.

This legislation calls for a smaller legislature. Checks and balances. By eliminating the second legislative chamber, all unicameral proposals forgo the possibility that mistakes made by the first House can be caught by the second House. There is no clear evidence, you can listen to them all you want, that the second House is unwisely killing good legislation or that it kills only unwise legislation.

For now, I would like to make these final three comments. Changing the state legislature structure is most assuredly no panacea for the problems of a modern legislature but evidence does indicate that a second House does kill or change a substantial amount of legislation sent to it by the other. Unicameralism would make it easier for organized interest groups and lobbyists to influence legislation.

One of the states that you are going to hear about, if I were on the other side, I would probably mention this but unwisely so, is Minnesota. Minnesota is one of those states that you are being told that is considering. As a matter of fact, the Representative from Augusta when he was sitting here with us two years ago said, in his words on unicameralism, that this is an idea that is steamrolling, building up steam around the country. I submit to you that still two years later Nebraska is the only one and, if that is steamrolling, I lost the definition of it.

Minnesota, the one I just mentioned a minute ago, has been studying this for over ten years. I have a 47 page report here from two professors who were commissioned from the University of Minnesota to do a study on unicameralism and when they got all done, talk about the pros and cons, they still didn't have enough evidence to recommend to the legislature of Minnesota that this was the way to go. Instead, they urged more study, more involvement of the public at-large.

I ask you to think of one other thing before I sit down for now and that is, think of all the legislation that you have been reluctant to vote on because you just didn't feel you had enough information, enough broad data, enough real meat to go on, then ask yourselves if you can really vote for this measure today.

The SPEAKER: The Chair recognizes the Representative from Rome, Representative Tracy.

Representative TRACY: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to accept the Minority "Ought to Pass" as amended Report. This bill is a unique and good bill. Yes, there is a potential of a \$4.5 million savings. Just because the word had been mentioned that it's been on a steamroll, it probably has, but yet the steam may have been slack. But, just because it has been slack in other states doesn't mean that we have to take the steam pressure out of the steam vessel here today. I urge you accept the Minority "Ought to Pass" Report.

While I am up, Mr. Speaker, I request the yeas and nays.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Lemke.

Representative LEMKE: Mr. Speaker, Men and Women of the House: I am very impressed with the homework which the good Representative from Westbrook has undertaken and shared with you. Frankly, I would find it myself very compelling, but there is one problem, it is not particularly applicable to the bill before you.

Let me talk on that briefly. I made a solemn vow to be brief and, although the Representative from Westbrook may make me abdicate that somewhat, I don't want to do it too much.

The argument relative in Nebraska — if in fact this L.D. were to recreate Nebraska, our bill would have a number of good points, but this piece of legislation was specifically drafted so that while it creates the unicameral legislature, it does not recreate the state of Nebraska, it does not recreate the problems inherent in the system there. One of the problems is that the size of the legislature in Nebraska is 49 members. That is too small. I think that is reflected by the data which the good Representative gave you. Yes, they have a lot more staff. Yes, they have a lot more cost and that is precisely because the legislature is 49 members. The bill before you is not 49 members, it is 151 as amended by the State and Local Government Committee. It originally was 147, basically because 147 is the mean average size of a legislature in the United States. The State and Local Government Committee, in its wisdom, wanted to preclude the living hell of redistricting so they put it back to 151 so you have that base.

The good Representative from Westbrook mentioned the lobbyists, that is a major concern in the State of Nebraska today and again that is precisely why this is neither "a recreate Nebraska bill" with a Maine unicameral legislature bill. You would have a major problem with lobbyists if you had 49 members. That is diffused significantly with 151.

I don't have anything cute to say about bearded ladies but I do want to say something about Representative (and later Senator) George Norris because he was the driving force behind the adoption of the unicameral system in the State of Nebraska. He was a Republican, he was a Bull Moose Teddy Roosevelt Republican, he was a progressive and I think he was the major fact of why it was accepted in the State of Nebraska and not because pari-mutuel racing happened to be on the ballot as well.

George Norris did point out the incongruity that, while practically all municipal governments have done away with having two councils which certainly didn't work out as a check and balance, we still have that on the state level.

I am sure the good Representative from Westbrook

would not particularly be attracted to the idea as a former mayor that we reinstitute two councils on the municipal level.

He mentions time frame — it is true that in 1937 the State of Nebraska adopted unicameralism. Since then, there has been no serious or even minimal effort to overturn it.

The reference to James Madison, I am going to surprise you, I am going to defer to the good Representative from Augusta, since the reference was made to his article, to respond to that. I am going to try to keep the history short folks, I know that is what you are probably looking for.

Who cares about Canada? Well, I care about Canada, I think we can learn from other governments in other countries. The fact is that on the state and provincial level, not only in Canada, but in Europe and practically everywhere else in the world, they have adopted unicameralism and I assume there is some reason and rationale behind that and it will be discussed at a later point today.

As far as the steamroller analogy, the fact is that the State of California, the State of Iowa, and the State of Michigan presently have very serious movements in this direction. Frankly, I think it may supercede term limits as the structural reform movement of the 21st Century.

But enough of that, I would like to stress the positive points of this legislation. This represents serious substantive, structural reform. It not only reduces the size of the legislature, it also would dramatically reform the way we do the people's business. From what I have heard from the people at coffee shops and gas stations and everywhere else, that is what they are concerned with, not simply, let's reduce it and say we have done something and maybe we can figure out later something will happen. They want something that will induce serious reform of the way we do the people's business.

Very briefly, a unicameral legislature accomplishes a number of things. It would be cost effective. I will defer to the good Representative from Old Orchard Beach to address that question but I think it is a conservative estimate that the savings would be \$4.5 million over the biennium. Remember this is cumulative, this is not a one shot proposition. A million here, a million there, we are talking about serious money folks.

Secondly, it would create a legislature which would be more accessible, more open, and fundamentally more understandable to the public and the good representatives from the press to cover. I think that goes a long way in the direction of increasing accountability of state government.

Thirdly, a unicameral body would be more efficient. You don't retain the same duplicative structure and induce major efficiency. I am sure environmentalists would even be for this bill when you consider whole forests are consumed with the paper we throw back and forth between the two Houses, and that costs serious money. When you go through the whole process, the Revisor's Office, the lawyers, printing it and going through committee and everything else, we are talking about a considerable amount of money and duplication of effort. That would be seriously reduced in a unicameral legislature.

Fourth, and this is something that was not mentioned very much when the earlier plan was presented, this legislation would preserve the

democratic (small "d" folks) principle of representation which is a very, very important fundamental principle here. The body would be essentially the same as this House, 151 members. Is the present legislature large compared to other bodies nationally? Yes it is, but if you compare it to New England states, Maine is not first, Maine is not second, Maine is not third, Maine ranks fourth among the New England States. There is very clear, compelling, historical, precedent for that, going back to our puritan, colonial background with relationship between the represented and those that represent them. They wanted a very close working relationship whether in the Massachusetts General Court or elsewhere. At the risk of being amazingly and credibly provincial, I think that is a good principle and it is one that we should retain. It would be retained under this legislation.

Unicameralism also could be a major step towards alleviating political gridlock. As it is now, we have three branches of government, Executive, Judicial and Legislative, one of those branches has an internal check under the bicameral system and I don't see much evidence around us during the last few years that it works or works well at all. This would eliminate that internal check which inhibits a true balance of power between the three branches of government.

Finally, yes, I do believe that a one House legislature of sufficient size would decrease the influence of special interest lobbyists. We can argue this back and forth and I don't intend to do that but I think experience and common sense, forget about history, believe it or not I just said that, would indicate that a small body is much more susceptible to the influence of lobbyists than a sufficiently large one.

There are a number of other people who wish to speak on this, I don't wish to go much longer but I would just share with you a quotation from a legislator from California (which is considering unicameralism now) who argued against bicameralism saying that it promoted gridlock. He said, "I take little comfort from the fact that legislatures can be the fastest horse and buggy in the jet age. We can do things here and there to kind of streamline bicameralism but you still come back to the same basic problem."

You know folks, teachers and professors are just like politicians, we get so used to the conventional wisdom and so used to repeating it that after a while we start to believe it. For years and years, I taught in school the virtues of bicameralism. We have all heard it, you have all been taught it but, if you stop and think and you look at the record, you have to question that conventional wisdom and you will come to the conclusion that like most conventional wisdom, it is awful conventional. I think it is time for us to move beyond conventional approaches.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Mr. Speaker, Men and Women of the House: I believe firmly that we in the legislature must be willing to look internally at all alternatives to save costs before asking others to do the same. This bill, L.D. 1035, I believe is a step in the right direction.

The issue of whether or not a unicameral form of

government will actually save \$4.5 million, that is the issue I would like to address now.

Just using the documents when I started preparing this back on February 6th, and those were the numbers that I used, just to keep one legislator in the Senate, the total cost is \$39,915 for the two year period. In that salary is also included the legislative retirement at 16.87 percent of the salary, health insurance at about \$3,400, average annual cost. Expenses are estimated at \$70 a day for meals and lodging or mileage in lieu of lodging, 90 days in the first regular session, 70 days in the second regular session. Constituent allowance is \$1,000 in the first regular session and in the second regular session another \$1,000, so the total cost, and I will repeat it again, for those 35 members in the Senate is \$39,915. Simple mathematics, if you take that number and you multiply, use an average of \$40,000, multiply it by 35, you will come up with \$1.4 million. Those same individuals in the House, using the same scenario, is \$39,415. In looking at non-partisan staff, because I think if you are going to reduce the legislature to one body and you go from 186 to what was originally in the bill of 147, but now as amended is 151, I would only hope that that reduction of approximately 20 percent would also include the non-partisan staff. At the present time or at that date in time of February 6th, there were 110 people in the non-partisan offices. By reducing that by 20 percent and taking the House staff and the Senate staff, because if you only have one body, you can eliminate either/or — the House staff is \$1.7 million. I rounded that number off. In the Senate, it would be \$1.1 million. So, in taking the Senate staff because we would be eliminating the 35 members over there, I took the \$1.1 million. So, between the Senate staff and the Senate salary, we are up to \$2.5 million.

In looking at the legislative budget since we are going to have less people and using that same 20 percent, which I think is pretty conservative, if you look at the travel and you take 20 percent out of travel in-state, out-of-state, general operations, which includes the duplication of the printing and the waiting for bills to come back and forth and looking at committees, because I would think that we would probably reduce the size of some of the committees, that is where the \$4.5 million came from.

In the previous bill, the good Representative from Augusta, Representative Lipman, indicated that there would be a \$2 million savings on a 99/33. I also supported that piece of legislation, but I believe that that piece of legislation fell short because it maintained the present system of duplicated efforts, duplication in staff, wasting time, waiting for legislation to pass between the two bodies, so as far as the figure \$4.5 million, I think it is a rather conservative figure and that those savings can be achieved very easily.

I would only like you to remember one thing. Major companies are merging to try to stay alive, consolidating and downsizing, and I just wish and hope that we in this body look at ourselves first so then we can go out and make the necessary changes in state government to move forward.

I would urge the passage of and the supporting of the Minority "Ought to Pass" Report.

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

Representative LORD: Mr. Speaker, my Learned

Colleagues: You probably wonder why a conservative Republican signed onto this bill. I would like to go back eight years ago, it was the first year I was here, it got towards the end of the session and we got to the period where it was hurry up and wait. We would pass a thing, send it over to the other body, and then we would wait. It seemed to me there must be a better way of doing this. Every year since then, I have said the same thing, it is hurry up and wait, hurry up and wait.

You know, we New Englanders have been accused of being very set in our ways. They tell me as I get older I get set in my ways too. I look around and I am probably in the top ten percent as far as age is concerned. I think once in a while I am willing to change a little bit and, for that reason, I am endorsing this bill because I think that possibly it is time we try to find a better way of doing business.

There is going to be a check and balance. Everybody says there isn't a check and balance, there is a check and balance, you are still going to have the power of the Governor's veto. He used it in the past, maybe when you have one body, you would have to use a lot more in the future. I think this is a way of getting something that's better, done quicker and saves on expenses. I urge you to pass the "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative O'Gara.

Representative O'GARA: Mr. Speaker, I would like to pose a question to the Representative from Old Orchard Beach.

I just want clarification, I am not sure I heard you correctly. When you used the 186 number, you already subtracted the Senate out and did that number and came up with 1. whatever it was. Did I hear you say when you used the 186 to subtract to get down to the 151, 186 is the total of the whole legislature, did you use that as the House number? I may have heard you wrong.

The SPEAKER: Representative O'Gara of Westbrook has posed a question through the Chair to the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Mr. Speaker, Men and Women of the House: In response to the good Representative's question, I did just took the, in using a round number, the \$40,000 multiplying that by 35 and that is where I came up with the \$1.4 million. I just took the Senate because the House would remain the same regardless of the salaries.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative O'Gara.

Representative O'GARA: Mr. Speaker, Ladies and Gentlemen of the House: The amount of money you have just heard described to you, in spite of the fact that Nebraska's legislature is smaller than ours by 137 persons, which as you can see is one of the key points, governmental spending in that state is \$513 more per capita than it is in the State of Maine and their governmental debt is \$1,105 more per capita than it is in the State of Maine, both of these being what they are in spite of the fact that our per capita income is \$802 higher than in Nebraska.

I am a little bit interested to notice, and I hope you noticed it too, that all of a sudden after days of getting material on our desks and in the newspaper articles, Nebraska is a shining star. All of a sudden we are being told that we are not copying Nebraska. I never said we were, and I hope we

aren't, but in truth and in fact, it is Nebraska that is being held up to you as an example.

A couple of other quick things — I mentioned to you about the people that they have working for them. Legislators in Nebraska are paid \$12,000 (including benefits) a year and they are elected for a four year term, so we have \$48,000 there. They have a 90 day legislative session, first, and then a 60 day legislative session following that and special sessions are becoming more common all the time. This is according to their staff and NCSL's staff. Each of the 49 Senators, as I told you before, has one administrative assistant and one legislative aide. If they chair, I told you about that. Besides all of that, they have full-time staff in all the other offices where we, in many cases, have part-time. They have 38.5 administrative assistants, 15.8 committee clerk assistants, 18.5 legal counsels.

All of what I am trying to point out to you is that what started out to be a very simple process in Nebraska has grown over the 55 or 50 whatever number of years it is to being a very large cumbersome area. As a matter of fact, it has gotten so bad that when they first started, Nebraska legislators were given the option of not having anybody working for them in their offices during the off-season. In those early days, most of the Senators chose not to have them working and thereby saving money. Today in 1994, actually it was in 1992 when I first began looking at this, I assume it is true today, very rarely do the Senators not have their full complement of staff working for them throughout the year.

Ladies and gentlemen, there are a lot of issues here and I hope very, very sincerely that you will keep that in mind. One other point, I have been debating whether to say this or not because I really don't know if I want to put it in anybody's mind, but I keep hearing from certain individuals what difference does it make, we can send it out of here anyway and the Senate is going to defeat it. In my judgment, that is unfair to force an issue on another body when many of you aren't supporting this, but to get it out of here, and I hope none of you will do that, it is not good legislation, it is not something that we need. It isn't the size of our House, the limit, the number of terms we have and it certainly isn't our system of government that is the problem. The problem is money, the problem is the economy, the problem is that people are — I remember former Representative Harriet Ketover when she was making a very moving statement about the Holocaust saying, in times of stress and strife, people look for someone or something to lash out at. In my judgment, that is what is happening here. The public-at-large has benefited from legislation that this body, (before us and now) the Maine legislature, as big as it is and there are many that are far bigger, has passed some of the most incredible legislation, model legislation.

Those of you like myself, who have gone to conferences around this country have heard from legislators who want copies of our education laws, environmental laws, laws having to do with the mentally ill, children, working conditions, a variety of issues. Now, this legislature has been the same size for all those years, what, all of a sudden, brings it to this point where it isn't functioning? Do we have our problems between the Houses? Of course we do. We have problems right here within this body. I really must take issue with the statement that it is the other body that holds us up

at the end of the term. I submit to you that all of us are working, especially those of us who have bills we are very concerned with, we don't want it to get to any other body, we are working on them ourselves. It isn't just the other body, it is the system that needs to be changed. It isn't the number, if we had more money, if the economy was like it was ten years ago, we wouldn't even be talking about reducing the size of the legislature or unicameral because they just aren't right for the State of Maine.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Mr. Speaker, Men and Women of the House: The good Representative from Westbrook did draw a nice analogy on several issues and I would like to address them if I may.

We are already very large and encumbersome, as is Nebraska. We have allowed that to happen. You used the example, is this bill important? It will probably go to the other body and die and we should be doing the responsible thing. Under a unicameral form of legislature, that cannot happen. The burden will be on us to make those tough decisions and not to depend on anyone else. That is why we need change. The system has grown and will continue to grow as we allow it to grow. I just think that it is time for a change, it is time to restructure state government.

I did support the good Representative from Augusta on his bill, which was L.D. 551. I don't think it goes as far as what L.D. 1035 will. I think that the savings are there, the efficiencies in state government are here, we get rid of the gridlock, I believe, and also the duplications of effort. As we all know, comparing Nebraska to Maine cannot happen. This state is unique, our needs are different, we think differently and we are faced with a substantial hole that exceeds \$600 million. I think that the time has come for us to address this. Any small part that we can play, we should do so, it must start in this body first.

I would again urge everyone to support the Minority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Hillock.

Representative HILLOCK: Mr. Speaker, Ladies and Gentlemen of the House: There has been what I feel an incomplete debate on the historical significance of what we are trying to do here today. We just glossed over the issue of check and balances.

For those of you who are not aware, Nebraska does have a line-item veto. With that tool, I feel that perhaps there is a significant check and balance in Nebraska. It is not here. In any debate which doesn't give credibility to check and balances is bogus.

Yes, our form of government is expensive, it is probably the most expensive government on the planet but it is the best government that we know today. The State of Maine has withstood enormous stresses in our government in the last 173 years and I am sure that we will get through the crisis at hand.

We have got to stop looking at quick solutions to difficult problems. The answer is not changing government, the answer is making the difficult decisions on the frame of government we have here today.

I might add an historical note which was brought to me today in a conversation listening to the

debate. Nebraska adopted their unicameral government in 1937 in the depths of the Depression and I would be willing to wager that probably there were some farmers that were the genesis of this new government and it probably ran very well until the bureaucracy swelled and the government became expensive like we are here today. We are not moving forward with this legislation and I move that you defeat the pending motion.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Men and Women of the House: I urge you to support the Minority Report, a 7 to 6 report out of the State and Local Government Committee, to pass this piece of legislation for all of the arguments and information that you have heard here today.

I only want to add a few things that have not been talked about. First of all, it has been the dilemma of this State and Local Government Committee, as well as the dilemma of other State and Local Government Committees, for years. How are we going to make government more efficient and more effective? We believe now that we have a plan, a real plan.

To those of you who are interested in history, this is not the first opportunity that a Maine Legislator can vote or will vote on a unicameral legislature. In 1935, the 87th Legislature voted on a Resolve proposing an amendment to the Constitution changing the legislature to a one party system and the Majority "Ought to Pass" Report was accepted.

In 1967, the 103rd Legislature voted on a unicameral system.

In 1973, the 106th Legislature voted on a unicameral legislature.

In 1975, the 107th Legislature voted on a unicameral system and in 1979.

However, many of you have said, publicly and privately, that the people are demanding change. You have heard today that there will be cost savings as we ask the people of the state to tighten their belts, as we ask state employees to reduce the number of hours they work and be paid for even less. As we look at reducing services for the persons who need services throughout our state and our communities, this plan is the best that we have seen in a number of years. It is divided into 151 districts, the cost to reapportionment and redistricting has already occurred. If you want to compare this to Nebraska, our legislature at the end of this Resolve in 1994 will be three times as large as Nebraska is today.

There are differences of opinion here and change is not always easy but all of us should accept a challenge and look towards that change. We are looking for the most efficient use of taxpayers' dollars. I believe that case has been presented to you today. We have looked at the most effective way of deliberating and policy-making that we can do as a body. We have heard complaints about gridlock, the prior bill suggested that if we had a smaller legislature there would be less gridlock.

We have had bills in the past that said more people would be willing to serve. We have heard about checks and balances, the checks and balances comes between the Legislative Branch and the Executive Branch.

Frugal Mainers will not allow the kind of bureaucracy that has occurred in the State of Nebraska with its 49 members to occur. I believe

that Maine understands the best use of our taxpayer dollars and, for that reason, the minority of six members of the State and Local Government Committee supported this proposal.

I urge you to support and to accept the Minority "Ought to Pass" Report.

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 Waterville, Representative Joseph, that the House accept the Minority "Ought to Pass" Report.

The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with the Representative from Brunswick, Representative Rydell. 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 Waterville, Representative Joseph, that the House accept the Minority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 98

YE - Adams, Ahearne, Anderson, Bailey, H.; Bailey, R.; Barth, Bowers, Carr, Cashman, Chase, Chonko, Clark, Clement, Coffman, Coles, Constantine, Cote, Dexter, DiPietro, Faircloth, Farnsworth, Gean, Gould, R. A.; Gray, Hale, Hatch, Hichborn, Hoglund, Holt, Hussey, Jacques, Johnson, Joseph, Kerr, Ketterer, Kontos, Larrivee, Lemke, Lemont, Lord, Martin, H.; Michael, Michaud, Mitchell, J.; Nadeau, Oliver, Paradis, P.; Pfeiffer, Pineau, Pinette, Plourde, Poulin, Pouliot, Rand, Richardson, Rotondi, Rowe, Saint Onge, Saxl, Simonds, Simoneau, Stevens, A.; Stevens, K.; Sullivan, Swazey, Tardy, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, Vigue, Walker, Wentworth, Winn, Young, The Speaker.

NAY - Aikman, Aliberti, Ault, Bennett, Birney, Brennan, Bruno, Cameron, Campbell, Carleton, Caron, Carroll, Cathcart, Cloutier, Clukey, Cross, Daggett, Donnelly, Dore, Driscoll, Dutremble, L.; Erwin, Farnum, Farren, Foss, Gamache, Greenlaw, Heeschen, Heino, Hillock, Jalbert, Joy, Kneeland, Kutasi, Libby Jack, Libby James, Lindahl, Lipman, Look, MacBride, Marsh, Marshall, Melendy, Mitchell, E.; Morrison, Murphy, Nash, Nickerson, Norton, O'Gara, Ott, Pendexter, Plowman, Reed, G.; Reed, W.; Ricker, Robichaud, Skoglund, Small, Spear, Strout, Taylor, Thompson, True, Tufts, Whitcomb, Zirnkilton.

ABSENT - Beam, Fitzpatrick, Kilkelly, Pendleton, Ruhlin.

PAIRED - Gwadosky (Nay)/Rydell (Yea)
Yes, 77; No, 67; Absent, 5; Paired, 2;
Excused, 0.

77 having voted in the affirmative and 67 in the negative with 5 being absent and 2 having paired, the Minority "Ought to Pass" Report was accepted, the bill read once.

Committee Amendment "A" (H-277) was read by the Clerk and adopted and the Bill assigned for second reading, May 19, 1993.

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

JOINT ORDER - Relative to Joint Rule 13-B - Joint Select Committee on Rules (H.P. 1114)
TABLED - May 17, 1993 by Representative GWADOSKY of Fairfield.
PENDING - Passage. (2/3 Vote Required)

On motion of Representative Gwadosky of Fairfield, retabled pending passage (2/3 vote required) and specially assigned for Wednesday, May 19, 1993.

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

HOUSE DIVIDED REPORT - Majority (10) "Ought Not to Pass" - Minority (3) "Ought to Pass" as amended by Committee Amendment "A" (H-259) - Committee on Banking and Insurance on Bill "An Act to Amend the Workers' Compensation Laws" (H.P. 530) (L.D. 714)
TABLED - May 17, 1993 by Representative GWADOSKY of Fairfield.
PENDING - Motion of Representative PINEAU of Jay to accept the Majority "Ought Not to Pass" Report.

Subsequently, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

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

SENATE DIVIDED REPORT - Majority (8) "Ought to Pass" as amended by Committee Amendment "A" (S-92) - Minority (5) "Ought Not to Pass" - Committee on Labor on Bill "An Act to Amend the Occupational Disease Law" (S.P. 216) (L.D. 687)
- In Senate, Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-92)
TABLED - May 17, 1993 by Representative GWADOSKY of Fairfield.
PENDING - Motion of Representative CLEMENT of Clinton to accept the Majority "Ought to Pass" as amended Report.

On motion of Representative Gwadosky of Fairfield, retabled pending the motion of Representative Clement of Clinton that the House accept the Majority "Ought to Pass" Report and specially assigned for Wednesday, May 19, 1993.

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

Bill "An Act to Improve Communication between the Executive and Legislative Branches" (H.P. 419) (L.D.