

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

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

Representative LIPMAN: Mr. Speaker, may I inquire as to what this amendment does?

The SPEAKER: Representative Lipman of Augusta has posed a question through the Chair to Representative Cote of Auburn who may respond if she so desires.

The Chair recognizes that Representative.

Representative COTE: Mr. Speaker, Men and Women of the House: This amendment changes the method of service of an order or injunction and clarifies that the law protect against violence against persons as well as property damage.

Subsequently, House Amendment "A" (H-395) was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-136) and House Amendment "A" (H-395) in non-concurrence and sent up for concurrence.

ENACTOR

Later Today Assigned

An Act Regarding Vessels Stored at Marinas (H.P. 481) (L.D. 618) (C. "A" H-286)

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

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be enacted and later today assigned.

By unanimous consent, all matters having been acted upon requiring reference were ordered sent forthwith to the Senate.

ORDERS OF THE DAY

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Friday, May 21, 1993, 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:

An Act to Ensure Integrity in Maine Government by Prohibiting Involvement of Constitutional Officers and the State Auditor in Political Action Committees (H.P. 613) (L.D. 828) (C. "A" H-242)

TABLED - May 20, 1993 by Representative PARADIS of Augusta.

PENDING - Passage to be Enacted.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be enacted and later today assigned.

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Create a Unicameral Legislature (H.P. 768) (L.D. 1035) (C. "A" H-277)

TABLED - May 20, 1993 by Representative GWADOSKY OF Fairfield.

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

Representative O'GARA: Mr. Speaker, Ladies and Gentlemen of the House: I do hope that I can hold your attention for just a few minutes while I give you a few other things I would like to have you consider.

I have had several people say to me that perhaps I should just let it go now and forget it because we have enough votes to prevent it from going to referendum. That is not my point at all, that never was my point. My point is to try to get you to see that this is not a good piece of legislation.

One of the things that was mentioned in support of it was that the public would more fully understand the legislature. In a survey conducted by the Bureau of Sociological Research by the University of Nebraska, it was found that only a bare majority, 52 percent, knew that the state had a one House legislature, while 48 percent thought it was bicameral or had no idea at all. The report stated that public awareness of their legislature has not increased over time.

I wonder how well informed our citizens are about how our legislature is set up now and I wonder if they really understand what a unicameral legislature is all about.

The legislative budget for Nebraska was \$10.7 million in 1992, 75 percent of which was for salaries and benefits. According to its fiscal office, since 1977, the Nebraska Legislature's costs have increased significantly, primarily due to increase in staff.

The Nebraska fiscal office notes that the cost of the legislature is becoming a major issue in Nebraska. With very little in the way of specifics or detail, you were given an amount that this plan will save the state. I continue to maintain that the same staff the House has now will not be able to produce the research, documentation, clerical, legal and technical assistance that we all need having additional costs.

I want to remind you to make sure you understand that the figures you were given, \$4.5 million intends to do away with everybody related to the Senate in any way whatsoever — staff, legal, everybody.

From three different sources, I have three numbers and I do hope that you will listen, they are all savings but that is not my point. The sponsors of the bill suggest that at a minimum, it will be saving \$4.5 million.

From the Legislative Director's Office, we should have a fairly good hand on the figures, theirs is around \$4 million, certainly a savings, no question about it, but it is not \$4.5.

From the Office of Fiscal and Program Review, the number is \$3.4, certainly savings, but again, not \$4.5.

One of the items that was mentioned was the cost

of saving in printing. I think the first thing you have to understand, and I think most of you already know it, is that the rate that we pay for printing goes down as the number of pages go up. Conversely, which is what would happen here, the cost of printing would go up as the number of pages supposedly would go down. The number that I heard was all the way up as high as perhaps \$2 million in printing. I received a number from a body that I have an idea would know how many bills and amendments and whatever they print are and the number I got from the Senate Office is \$30,000 a year. Even for four years, we are not talking about anywhere near \$2 million.

My point is not to suggest that there would not be dollars saved if we went to unicameral. I can't argue with that, obviously I can't, but my point is, at what cost to the citizens of Maine?

In a recent edition of State Government News, U.S. Representative Doug Boreta of Nebraska conceded — by the way, this is an article in 1992, conceded "that the one House body may not restrain the impact of lobbying, pointing out that in a one House legislature, there is only one set of leadership to influence." In truth and in fact, objectionable lobbying is not the major problem in the bicameral legislature that is often assumed. Lobbyists can more easily promote desired legislation when control is only needed in one House.

To follow up on that, Professor Robert Sidik, I quoted him the other day, the Professor of Political Science at the University of Nebraska wrote an essay entitled "The Nebraska Unicameral After 50 Years." In it he wrote, I am quoting all the way through, "A general criticism of the Nebraska Legislature is that the body increasingly is unable to handle the workload of the chamber in an effective and efficient manner. The number and volume of complaints about the unicameral's inefficiency are steady and increasing. It is not surprising, therefore, that numerous proposals have been and are being considered for improving the legislative process in Nebraska." He also said, (and this is another reference to the lobbyists) this is a Professor Sidik from the University of Nebraska, "Lobbyists like the system and that makes me a little uneasy."

An interesting thought for you to consider in the contention of supporters of the two House legislature in states where this question has come up from time to time is that a one House system violates American Constitutional principles because it does not allow for the tradition of checks and balances in government. They point out that the two House system gives each and every citizen at least two people in the state legislature who will represent them and their interests, one Senator and their own Representative. Obviously, that will not be the case any longer in our state where we are always able to reach out to our Representative and our Senator.

Again, I think it is important for you that you are told that even though Nebraska's Legislature is smaller than ours presently, the fact is that they spend more and they owe more than we do and the spending continues to increase. On the other hand, our legislative budget is less than one half of one percent of state spending. Clearly, reducing the size of the structure of the legislature is not the answer to our problems here in Maine.

Finally, I want to ask you a series of "Are you sure?"

Are you sure you really understand — I am

talking about you now — that you really understand how the proposed one House legislature will work or operate in the State of Maine?

Are you sure that in spite of the fact that it took Nebraska 21 years of working and trying before they finally adopted it and in spite of the fact that others states that have been mentioned have deliberated it for years, are you sure that we are ready to send this question out to the voters in time for it to go into effect in December of 1994?

Are you really sure this is what your constituents really want?

Are you sure that the other body is really the problem or is it just a target that is easier to go after rather than some other alternatives that I mentioned the other day?

From Nebraska's own history, I conclude with their answer to their own question, why, after several defeats over 21 years, did the voters adopt it? I am not going to read them again, I gave you the other two items that were on their referendum issue last week.

Please notice that when the proponents are talking about this legislation or when Nebraska was talking about their legislation, no reference was made to better government or more efficient government. It really came down to personalities, money and the impact of other issues. Here in Maine we have had no study, no organized research, no input from the public-at-large and no attempt to educate ourselves or the public about what is involved. Lots of times since I have been here in my nine years, if we can, if we are so inclined, we occasionally give someone a vote and it really doesn't matter either way.

I beg you to believe me when I tell you that this is not one of those times. This is a serious, major decision that we are voting on and it matters to me very, very much. We are a good legislature that has done some incredibly good things for the people of Maine and I believe in their heart of hearts the people of Maine know that. I think we can work together to improve the process, correct the flaws and reduce costs. I truly believe that is what the people of Maine want.

I was handed today, and probably some of you have already received it, one of the newspaper clippings that we get from time to time here. If you haven't seen it, it is called "Nebraskan's, if you think unicameral, think small."

The senior member of the nation's only one House legislature says Maine or any other state that considers a unicameral system should keep two thoughts in mind, think small and think non-partisan.

"Accountability is the most important part", said Senator Jerome Warner now in his 31st year in the legislature.

The Speaker of the Legislature, Dennis Bark of Kimball agreed, "If it isn't non-partisan and if you don't limit the size, I don't know that you really get the advantages that can come from a unicameral system."

"Because lawmakers have so much independence", Warner says, "he doesn't think a unicameral system could be practical with more than 50 members. With more than 50, you would need some other form of internal structure, whether it be political parties which they don't have there or something else. Those structures are intended to provide discipline."

Ladies and Gentlemen of the House, I don't feel

it is necessarily my position to argue against it, although that is what I have been doing, what I do say to you is that it is the job of the sponsors to argue for it and to present legitimate, convincing arguments. I don't believe they have done that. I truly do not believe that they have done that. The numbers don't agree in three different areas. Granted, all savings, and I am not standing before you and suggesting that they are not, but they don't agree. That leaves something to be desired.

The question of the form and the structure hasn't even been discussed. The argument was for weeks we had to follow because it works in Nebraska, and the minute I mentioned last week several problems with Nebraska, sponsors got up and pointed out to you that we are not talking about Nebraska. The Nebraskan's themselves say we have to have it small. We are talking very large, only 35 less than what we have now or 151. I think there are a lot of unanswered questions.

Finally, I am about to do something I haven't done in nine years. Those of you who have been here since I have been here in the 112th will tell you that I have never gone to any legislator and said to you, I am now asking you to give me the support that I have given you in the past, but I am asking you because I have worked hard on this and I believe in what I am saying. The research I have given you is indisputable, quotes right from the sources that I have given you and I am asking for you to consider supporting me in this vote and voting so that we will not be going forward with this unicameral and not worrying about what the other body does. This is the body that should be discussing it.

I ask you very sincerely, ladies and gentlemen, to support me on this.

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

Representative LEMKE: Mr. Speaker, Men and Women of the House: I also quite sincerely believe in this piece of legislation and I will try to address what the good Representative, the other Representative from Westbrook, believes is in dispute.

There seemed to be two basic arguments which Representative O'Gara has raised, one is whether or not we are replicating the State of Nebraska here in Maine with this bill and the other relates to the overall question of checks and balances.

I would pose to you that the good Representative has sort of made my argument already by quoting from an AP story from Nebraska of May 20th which pointed out quite convincingly that the piece of legislation you have before you is for a Maine unicameral legislature, not a replication of what is created in the State of Nebraska. In that story, and the good Representative did quote from it but he did quote selectively from it, the Speaker of the Nebraska Legislature Dennis Bark said, "Critics of the unicameral say that it slid in with approval of other issues on the ballot, but I reject that. Nebraskan's are so independent minded that if they didn't like the unicameral, they would have gotten rid of it a long time ago."

The good Representative last time mentioned that pari-mutual betting was also on the ballot. Well, according to Norman Zucker's biography of George Norris, who is considered the father of unicameralism, it is pointed out that unicameralism was approved by a 93,000 vote majority whereas pari-mutual betting got 64,000 majority. So, if the

argument could be made, and I don't make it, you could say that the unicameral carried betting in Nebraska. I don't go for those kinds of arguments. I think the people in Nebraska, like Maine, know how to make up their mind on these things.

Zucker also wrote, "Unicameralism in Nebraska has proven to be a workable and responsible device of representative government. It may well become one of the most viable state political institutions yet devised to meet the needs of a changing federal system."

Now, in the same AP article that the good Representative from Westbrook quoted, it is pointed out that, yes, the Maine unicameral plan is significantly, significantly different from that of Nebraska. Nebraska's Legislature, ladies and gentlemen, has only 49 members and it is supposedly non-partisan.

Senator Jerome Warner was quoted and quoted again to you today by Representative O'Gara, so also were lobbyists. He did not quote that to you but in fact lobbyists say they like the legislature a great deal with 49 members in the State of Nebraska — of course.

In a telephone conversation with a Nebraska Secretary of State, Alan Dearborn, he said, "If you talk to Nebraska Representatives, they will say that special interests are not overly influential." Are not overly influential. In fact, Professor Sidik who also was quoted by Representative O'Gara, who is the author of "The Nebraska Unicameral After 50 Years" and is the general supporter of it said in an interview in state legislatures, "The lobbyists like it and that makes me a little uneasy." Well ladies and gentlemen, that makes me uneasy as well and that is precisely why the legislature before you is 151 members and not 49. It would not be as susceptible to the influence of special interests lobbyists.

Also, Rob Douglas in State Government News, December 1992, while favorable to unicameralism, notes that the non-partisan aspects of the unicameral legislature has evoked more debate among Nebraskan's in recent years than its unicameral structure. While perhaps non-partisanship for nomination and election may work based upon the history of Nebraska, it was not the feeling of those who drafted this bill that it would be applicable or workable for Maine and thus it is not in L.D. 1035.

With all deference to the good folks of Nebraska, I believe that these two aspects which are addressed in this bill, explain why states have not copied the model in Nebraska and why this would be an improved superior version of unicameralism.

There seems to be a lot of Nebraska bashing going on recently. I don't know if Nebraska has become the functional equivalent in the State of Maine of Iraq or the Evil Empire, but in fairness to Nebraska having pointed out the major differences, I would like to quote very briefly seven major points, which the Secretary of State made to me from Nebraska. I will mention three, I think they should be on the Record. One is "that two international groups in the past ten to fifteen years have studied all the legislative bodies in the world and rank Nebraska's Legislature number one in accountability to the people it represents." He is very strong on the issue of accountability which I am as well on this. "Citizens and media," he says, "are able to track legislation easier, don't have to follow both bodies or competing bills. Agencies save with lobbying only one body. While lobbyists have an easier time

focusing on one body, it is easier to watch over the lobbyists. There is no 'you pass this bill and they will kill it' activity."

On the issue of money and costs, "Solvency of Nebraska is very high, it is one of six states in the United States not experiencing budget difficulties. Costs of legislature is reduced, actions are more efficient." We can quote back and forth from all kinds of learned studies, and I assume you expect that of me but this is from the Secretary of State of Nebraska and I think it should carry some weight.

The good Representative from Westbrook seems to think that he was blindsided in some way, that the argument is made and made again today that this is not a replication of the State of Nebraska. I appreciate the fact that the good Representative might not want to have read all of the various articles I have written over two years or peruse the statements that were made on the floor two years, but if he looks at them, the same point has been made and made repeatedly, this is nothing new. This is a major argument for unicameralism, Maine unicameralism.

The other argument, and what I consider to be a more significant argument, is the argument regarding checks and balances. It is my view that the unicameral legislature proposed, which does away with the internal checks and balances which now the legislature operates under, which the other two branches of government do not operate under, Executive and Judicial, that in fact this will strengthen checks and balances where checks and balances were meant to be and should be between the three branches of government, Legislative, Judicial and Executive.

The handout that I have given you, and mercifully this will be one of the last that you will get on the subject, does quote from Senator George Norris who was the founder of unicameralism and the quote he makes about checks and balances, I believe, is a very good one. He says, "It has been the stock argument that in a two House legislature, one branch serves the check upon the other in the ultimate molding of good and wholesome legislation. As a matter of practice, it is developed frequently that the politicians have the checks and the special interests, the balances." I would submit to you that that is the case under the bicameral system as practiced today.

I would also add into the Record that the Humphrey Institute on Government in 1987 after looking, not only at unicameralism in the State of Nebraska, but comparing it to the practice of bicameralism in neighboring states came to the conclusion that there were internal checks and balances that work under unicameralism but it also took less time, wasted less money, got less bills passed and did overall a better job than neighboring states.

There is an historical background to checks and balance arguments and why it is no longer valid, which I had intended to spare you in the last go-round we had but in deference to the good Representative, I will make it for you.

When this country was founded, in all of the states there was no such thing as checks and balances. It was a nice theory. I like theory, I teach theory, but there is a difference between theory and reality. The reality in 1789 in every state was that the legislative bodies were far more power than the executive or the judiciary. The

reason for that was the experience of the Revolution that everybody had gone through against what was considered executive power, unfair tyrannical executive power practiced by the King and Royal Governors. For that reason, the Governors in all of the states were very weak and the legislatures were very strong. A primary reason why a bicameral system on the state level was adopted was to put in an internal check within the overpowerful legislature. That was the fundamental historical reason.

Well, 200 years later, nobody in any state can argue that the legislature is much more powerful than the executive or the judicial branches. In fact, the pattern of development historically has been diametrically against that. So, the argument in 1789 may have been a good argument on the state level, it no longer is applicable.

Secondly, in most of the states, upper bodies were in fact viewed as checks upon the lower bodies as the good Representative from Westbrook pointed out. Often they were based upon all kinds of property and religious qualifications. In some cases, you didn't even have to be elected, you were appointed to be in the upper Houses. In fact, until 1913 on the national level, our U.S. Senators were not directly elected, they were appointed. That was based upon an argument that geography and special interests should serve as a check upon the more popular and democratic lower Houses. If that elitist approach ever had validity, if it ever had validity it went straight out the window in 1964 when the Supreme Court ruled in Reynolds versus Simms, one person/one vote and that had to be the basis for Houses of Representatives and the Senate. So, the Constitutional argument — the Constitutional argument, which may or may not have been valid until 1964, was rendered moot by the Reynolds v. Simms decision. We have the same basis of voting for both Houses. We have to come back to the question, are two Houses necessary?

There are a number of founding fathers that were quoted by the good Representative from Westbrook earlier. I am going to spare you that at this point except to point out that unicameral legislatures did exist on the colonial and state level in states like Vermont and Georgia and they worked, that Benjamin Franklin, if we want to throw out a name, came from a unicameral system and could deal with that. What Representative O'Gara was talking about was the compromise which was made on the national level to have a balance between small and large states. That is an argument for the national level. As I have tried to indicate, it is not an argument on the state level anymore, but I said I wouldn't go into that and I will try to hold myself to that.

If we can move on, and I am sure we all want to, I want to stress the good points, strong points, positive points, what I view as common sense arguments of why we should reaffirm our vote of last week.

First of all, if you really want to save money, you should vote for the unicameral system. It will save at least \$4.5 million per biennium and that is not adding in all kinds of extraneous and additional costs of the paper chase and what have you. The reason why Nebraska is having a more expensive legislature is because it is so small and it requires staff and what have you. As far as anything else, that has no application. This will save money, not only one shot, but cumulatively every biennium it

will save money and that cannot seriously be contested.

Secondly, if you want to make state government more efficient, I would encourage you also to vote for unicameralism. It would end much of the wasted time and money and duplication of effort we have under the present system. I am not going to quote a single study or famous dead American because everybody in here knows the waste that takes place under this system.

Thirdly, if you want to make the legislature more representative, and this is something that is not always argued but to me is a major point, you should also consider voting for a unicameral legislature. Why? Number one, it preserves the voice of all of the State of Maine, rural as well as suburban and urban constituencies.

Secondly, it would create a legislature which is more accessible to the public and, hopefully, more understandable to the public and press that covers us. In turn, that would increase accountability. We wouldn't be able to play the games that we presently play.

Also, it would decrease the power of special interest lobbyists. I would note to you that the individuals I have talked to in the hall after this came up, the strongest opposition to this invariably came from lobbyists — I wonder why?

Another major argument for unicameralism is that if we want to start to move beyond gridlock, if we want to alleviate the built-in structural problems that leads to gridlock, this would be a significant move in that direction. Anyone who remembers the 1991 session knows what I am talking about.

Fifthly and most importantly, if you are ready to vote for substantive reform, substantive reform that on the one hand reduces the size of the legislature and at the same time reforms the way we do the people's business, this is your opportunity to do that. This is the only size reduction substantive reform bill still alive. If you want to give the people of the State of Maine a chance to vote as we do, I encourage you to vote for this. State government in Maine faces a crisis, it isn't transitory, it isn't going to go away, we are moving into a new period with new challenges that require new solutions.

I would close with Abraham Lincoln, a good Republican, a good American who said to Congress in 1862, "If ever there could be a proper time for mere catch arguments, that time surely is not now. The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty and we must rise with the occasion. As our case is new, so must we think anew and act anew."

Men and women of the House, I urge you to think and act anew. I urge you to vote for this piece of legislation. I apologize for going on at my usual length, I thought it was necessary. I don't know if the good Representative from Westbrook is going to encourage me to kill again but I will try to be as limited in the damage as possible.

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

Representative YOUNG: Mr. Speaker, Ladies and Gentlemen of the House: I don't know if many people here know it but one of the reasons I sought to leave academics and become involved with politics was that I was hoping to get away from long lectures from well educated people.

I do rise this morning however to encourage you to pass this bill. I think there are two good reasons for a unicameral legislature. One of them is argued for in the little editorial that you have from the good Assistant Majority Leader and he basically says that from the standpoint of checks and balances a second body, another House, makes sense when the two bodies represent different interest. For example, originally at the federal level, the upper body, as we all know were appointed and still to this day they have a kind of regional flavor from each state.

I would be all for an upper body in the Maine Legislature where we had two Senators from each county, then I could see a real check and balance. But, when you have two bodies, both based on population, the only check and balance is purely from the standpoint of inefficiency.

That brings me to my second reason for endorsing unicameralism for the Maine Legislature. We are the people's branch of government. We simply cannot afford to have our hands tied in the manner in which they are. We are currently, in the State and Local Government Committee, looking at legislation to control bureaucratic rulemaking. The rulemakers can do things which have the force of law much more easily than we can here, passing back and forth, amendments being made, and so on and so forth.

We are at a disadvantage to the executive and the judiciary because of our holding onto this antiquated pattern of doing business. I think it is something whose time has passed.

So, I would ask you to vote with the good Representative from Westbrook, Representative Lemke, and support unicameralism for our legislature.

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

Representative O'GARA: Mr. Speaker, Men and Women of the House: In spite of the admonishment, subtle or not from the two previous speakers about long lectures, it seems to me there are things that people have a right to say and want to say and I do beg your indulgence for just a few more minutes.

One of the comments that the Representative, my colleague from Westbrook who read down a list of seven points, also mentioned that reading and quoting George Norris, and George Norris said that the two House legislature is a relic of the past, now when you think of how long ago it was that he made that statement, obviously not many legislators, literally thousands and thousands and thousands from that period of time until now across this country, have agreed.

I can't resist the temptation to point out also that he is referred to constantly as the "Father of Unicameralism" but I would suggest to you that he had a very, very small family.

In his seven points, the Representative from Westbrook also mentioned, perhaps not intending to, that it is easier to control (or in so many words) one House — lobbyists found that to be true. That is what I have been saying and he mentioned that as one of the points.

Each of us, especially if we have been here for any length of time, can certainly recall one or more occasions when we were very grateful that there was another House, either because that House sustained and kept alive legislation that we believe very strongly in or because that House, that other body, killed a piece of legislation that we felt was not

good legislation.

I would submit to you that still in the remarks of the Representative from Westbrook, no flesh on the skeleton, just a constant reference to the 151 member, but no flesh on the skeleton, no idea of giving to you what this is going to be like, how it is going to be run.

The Representative from Westbrook also mentioned that when he was talking about the \$4.5 million, at least he mentioned, emphasized, \$4.5 million and he said, that is without and including the paper chase. In fact, just this very day and on the other occasion, the Representative from Old Orchard pointed out to me that the paper chase, so-called, is included in the \$4.5 million. That can be challenged right here, I stand to be corrected, but that is exactly what I was told that in fact the paper chase was included.

My point is, again, if they are not sure what is in that amount of money, then how can you and I be sure? I maintain again that there are a lot of unanswered questions and that is what it really boils down to.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Cloutier.

Representative CLOUTIER: Mr. Speaker, Ladies and Gentlemen of the House: I believe that this piece of unicameral legislation was brought up last year and only last year and this year has it been extensively debated.

This piece of unicameralism legislation is a product of government gone already 12 years ago.

As the good Representative from Westbrook, Representative O'Gara stated quite clearly, it is seriously a financial and economic reason that this piece of legislation is before us today.

I have just a few questions to ask all of us here on the floor of the House today.

If this is such a good way of government to go, then why are not all states unicameral?

If this is such a great piece of legislation, why has a bicameral legislature served us so well for 200 years?

If this is such a great piece of legislation, I ask you this, with our constituencies asking us to reduce the size of the legislature, what happens if we vote for unicameralism and somewhere down the road our legislature is the same size as that of Nebraska?

Ladies and gentlemen, it has served us well for over 200 years, it is an absolute check and balance system.

My final question is simply this, is \$4.5 million worth 200 years of a responsible good check and balance system? I think not. I ask you to support the good Representative from Westbrook, Representative O'Gara.

Representative Joseph of Waterville requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of 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 Westbrook, Representative Lemke.

Representative LEMKE: Mr. Speaker, Men and Women of the House: I have to rise when the good Representative from Westbrook says there is no flesh on my skeleton, nobody has really accused me of that recently. I hope that you understand that there is flesh on this proposal.

I am going to be extremely brief. I want it made clear that lobbyists are powerful in Nebraska because Nebraska has 49 members. The bill before you is 151 members. The Representative from Westbrook constantly makes the case against Nebraska and I concede the case against Nebraska, this is not the Nebraska bill.

Secondly, the question was raised by the good Representative from South Portland, if this is so good, why hasn't it been copied? One of the reasons why Nebraska hasn't been copied is because Nebraska is 49 members and is non-partisan and that has been a major roadblock in getting it passed.

I would also add that in California at this moment, in Iowa at this moment, in Michigan at this moment, there are movements towards unicameralism. It is hardly as small as the good Representative from Westbrook thinks. I think it will have a much larger family in the near future.

Probably there are still unanswered questions but I am going to save you all and not attempt to answer them now except to say, give the people of the State of Maine a chance to fully debate this and vote upon this, that is part of the process. I urge you to vote green on the pending motion.

Representative O'Gara of Westbrook was granted permission to address the House a third time.

Representative O'GARA: Mr. Speaker, Men and Women of the House: He continues to emphasize 151 and yet the very Senator, the longest standing member of the Legislature in the State Senate of Nebraska says, "if you go over 50, it doesn't work." How many times do I have to emphasize that? He can talk about keeping it at 151 to make it this magic number but in the very state where it is successful he says in the article for Nebraska, "If you go over 50 and you don't make it non-partisan, it does not work."

The SPEAKER: A roll call has been ordered. The pending question before the House is passage to be engrossed.

The Chair recognizes the Representative from Buxton, Representative Libby.

Representative LIBBY: Mr. Speaker, pursuant to House Rule 7, I wish to pair my vote with Representative Constantine of Bar Harbor. 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 passage to be engrossed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 121

YEA - Adams, Ahearne, Anderson, Barth, Beam, Bowers, Cameron, Carleton, Cashman, Chase, Chonko, Clark, Clement, Coffman, Cote, Cross, Dexter, DiPietro, Faircloth, Farnsworth, Fitzpatrick, Gean, Gould, R. A.; Gray, Hale, Hatch, Hichborn, Hoglund, Hussey, Jacques, Joseph, Kerr, Ketterer, Kilkelly, Kontos, Kutasi, Lemke, Lemont, Lord, Michael, Michaud, Mitchell, J.; Nash, Oliver, Paradis, P.; Pendleton, Pfeiffer, Pineau, Pinette, Plourde, Poulin, Pouliot, Rand, Richardson, Rowe, Rydell, Saint Onge, Saxl, Simonds, Simoneau, Stevens, A.;

Stevens, K.; Sullivan, Swazey, Townsend, E.; Townsend, L.; Tracy, Treat, Vigue, Walker, Wentworth, Winn, Young, The Speaker.

NAY - Aikman, Aliberti, Bennett, Birney, Brennan, Bruno, Campbell, Caron, Carroll, Cloutier, Clukey, Daggett, Donnelly, Dore, Driscoll, Dutremble, L.; Erwin, Farnum, Farren, Foss, Gamache, Greenlaw, Gwadosky, Heeschen, Hillock, Johnson, Joy, Kneeland, Libby Jack, Lindahl, Lipman, Look, MacBride, Marsh, Marshall, Melendy, Mitchell, E.; Murphy, Nickerson, Norton, O'Gara, Pendexter, Plowman, Reed, G.; Reed, W.; Ricker, Robichaud, Rotondi, Skoglund, Small, Spear, Strout, Taylor, Thompson, True, Tufts, Whitcomb, Zirkilton.

ABSENT - Ault, Bailey, H.; Bailey, R.; Carr, Cathcart, Coles, Heino, Holt, Jalbert, Larrivee, Martin, H.; Morrison, Nadeau, Ott, Ruhlin, Tardy, Townsend, G..

PAIRED - Libby (Nay)/Constantine (Yea)

Yes, 74; No, 58; Absent, 17; Paired, 2; Excused, 0.

74 having voted in the affirmative and 58 in the negative with 17 being absent and 2 having paired, L.D. 1035 was passed to be engrossed as amended by Committee Amendment "A" (H-277) and sent up for concurrence.

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

SENATE DIVIDED REPORT - Majority (11) "Ought to Pass" as amended by Committee Amendment "A" (S-141) - Minority (2) "Ought Not to Pass" - Committee on State and Local Government on Bill "An Act to Impose Term Limits on Presiding Officers of the Legislature" (S.P. 167) (L.D. 559)

- 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-141)

TABLED - May 20, 1993 by Representative GWADOSKY OF Fairfield.

PENDING - Motion of Representative JOSEPH of Waterville to accept the Minority "Ought Not to Pass" Report.

Representative Rowe of Portland requested a Division.

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

Representative JOSEPH: Mr. Speaker, Men and Women of the House: I believe it is quite plain what we are voting on. This piece of legislation would impose three consecutive term limits on presiding officers of this body and the President of the Senate and the Speaker of the House. This is not a complex issue, it is very self-explanatory.

I am asking you today, is this legislation necessary? We all understand what term limits mean, but there are two things happening here. First of all, there is a form of hypocrisy going on when in fact term limits are okay for some but they are not okay for others.

The second point that I would like to make this morning is that L.D. 751 was referred to the justices. The justices said that this piece of legislation is perfectly legal and the voters of this state may vote on it.

I will remind you that this piece of legislation was transmitted to the Clerk of the House by the Secretary of State upon the request of more than 90,000 persons in this state. The people in the districts throughout the State of Maine will be voting on the question that a person may not serve in the Senate more than four consecutive terms. A person may not serve more than four consecutive terms as a member of the House of Representatives. A person may not serve more than four consecutive terms as Secretary of State and a person may not serve more than four consecutive terms as Treasurer of the State. A person may not serve more than four consecutive terms as Attorney General. A person may not serve more than two consecutive terms as State Auditor and it says, "This section applies to terms of offices that begin on or after December 3, 1996."

The reason that I am on the Minority "Ought Not to Pass" Report is that I believe that this question is moot as to whether presiding officers, floor leaders, committee chairs (and you will be seeing those bills soon) will be restricted to serving only three consecutive terms when I am 99 percent sure that the people of this state will be endorsing the contents of the piece of legislation that I just read to you.

I would urge you to accept the Minority "Ought Not to Pass" Report.

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

Representative DONNELLY: Mr. Speaker, Ladies and Gentlemen of the House: I tend to disagree with the good chair of the State and Local Government Committee in that I don't think this is moot at all. It is hardly moot for the legislature to set guidelines for itself and its leadership. I don't think it is a foregone conclusion by any means that the people will pass the bill that is being sent out to them. If it were a foregone conclusion, then it certainly would have passed in this body which is representative of the people.

I just want to repeat a few of my comments from the committee hearing. We have seen in our state and nation a movement towards term limits. I submit to you that unless this legislature takes steps to remedy that problem, the people will focus in on the very basis of, what would constitute a democracy today, will be different tomorrow. Each of us must return to the people and be judged by our own performance every two years. These positions which we are talking about limiting today concentrate power and are representative of the Representatives and Senators and elected by fewer than 151 people and 35 persons. This is what is referred to as an oligarchy in political science terms, described in Webster's Dictionary as a government in which power is in the hands of a few. In such a case, I believe we have only two choices in helping reassure folks at home that their government is just that, fair government. Either we limit the terms of those in such positions to help guarantee that there is not too much power accumulated in that position or properly elect these positions as we all are.

I would ask that the people here today, State Representatives, vote against the pending motion and go on to accept the Majority "Ought to Pass" Report.

I ask the Clerk to read the Committee Report.

Subsequently, the Committee Report was read by the Clerk in its entirety.