

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Sixteenth Legislature

OF THE

State Of Maine

VOLUME IV

FIRST REGULAR SESSION

Senate

May 19, 1993 to July 14, 1993

FIRST CONFIRMATION SESSION

October 14, 1993

Non-concurrent Matter

Bill "An Act Regarding Lobbying"
S.P. 295 L.D. 881
(C "A" S-183)

In Senate, May 24, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-183).**

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-183) AS AMENDED BY HOUSE AMENDMENT "A" (H-423)** thereto, in **NON-CONCURRENCE.**

On motion by Senator **ESTY** of Cumberland, the Senate **RECEDED** and **CONCURRED.**

Non-concurrent Matter

HOUSE REPORTS - from the Committee on **STATE & LOCAL GOVERNMENT** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Create a Unicameral Legislature

H.P. 768 L.D. 1035

Majority - **Ought Not to Pass.**

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-277).**

In House, May 24, 1993, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-277).**

In Senate, May 24, 1993, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE.**

Comes from the House, that Body **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE.**

Senator **BERUBE** of Androscoggin moved that the Senate **ADHERE.**

Senator **CAREY** of Kennebec moved that the Senate **INSIST** and **JOIN IN A COMMITTEE OF CONFERENCE.**

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Carey.

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This will not be a long speech but hopefully it may influence some of you to change your mind. I speak today about abolishing the very seats that we occupy and, as a matter of fact, ask for the doing away of the very able people that do our bidding here as a staff. We continually talk of reorganization and the improving of efficiency in the Executive branch, and I believe we have to look beyond the Executive branch and look at ourselves. During my campaign I asked perspective voters how they felt about reducing the size of the legislature and the large majority of those who answered my question were concerned that I was addressing reducing the size of the House. They were very concerned that what would happen to them is that they would have to share their Representative with several

other towns. Reception was more for abolishing the Senate, obviously you have heard that before. There were interesting reasons given which lead me to believe they know more about what is happening down here than we think they do.

Under the lobbying efforts, they are well aware that the lobbying efforts on the legislature does influence legislation and they are well aware that that lobbying effort is basically concentrated on the Senate because the Senate is a smaller body. As far as accountability, they are well aware of the efforts by either body to reduce the size or abolish the other body. Then some of us go home and say well I did what I had to do, I voted to cut down the size of the other body or I voted to abolish it, and we think we have really done something. Under cost savings many know that you save money by abolishing an entire body and its staff. Just reducing the size of one body or the other does not really produce the savings that there are in abolishing an entire body. As far as time savings, a single body can act faster in general than the two body system can. I was asked, for instance, about what happens with checks and balances, and I have to tell you that the checks and balances are already there, they are called the Republican and Democratic parties.

One of the things that would be nice about it is one of the Senators in this body mentioned to me the reason why that particular Senator ran for the Senate. That Senator said my Bills would get passed in the House while they were getting killed in the Senate and so that Senator ran for the Senate. Now, maybe that Senator's Bills will pass in the Senate and die in the House. One of the nice things about the single body would be the debate would be confined to a single body, you would face your friends or enemies right there. When we discussed, with the voters, the checks and balances I remember very well, having served in a House that was controlled by Democrats, the Senate was controlled by Republicans, and the second floor was controlled by an Independent Governor. I have to tell you that I have never seen as much cooperation between the two parties as I did when we had an Independent Governor. While we are considered to be the upper body, many of our members here come from the lower body, so basically we are all House members at heart, or at least most of us are. Obviously we, in the Senate, represent more people, we represent a larger area, and we have, hopefully, a broader view of the subject matter. We really are simply just a smaller House.

This measure will produce a savings of \$4.5 million over the first two years of its existence and through cost avoidance. This is not a smoke and mirrors type of affair, through cost avoidance it would produce even more savings in the long run. If we are truly interested in meaningful reform of State government we must examine all of State government, which includes the Legislature. Obviously, some here will refer to the Nebraska situation. This is not Nebraska, this is Maine. Finally, I have gotten to know each and every one of you over the last several months and I know, and the public should know, that when you cast your vote it is not in self interest, it is in the interest of what is best for the State. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Lawrence.

Senator **LAWRENCE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like to pose a question through the Chair. If this law

passes and the term limits proposal passes it says you cannot serve more than four terms in either body. Which house does that apply to, if this unicameral legislature passes?

THE PRESIDENT: The Senator from York, Senator Lawrence has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Kennebec, Senator Carey.

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. While we have not addressed that particular question I have to tell you that if there is only one body obviously you could only serve four terms in that one body. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I appreciate the good speech by the good Senator from Kennebec, Senator Carey, but respectfully disagree with him and request that you vote against the motion to Insist so that we may Adhere. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Handy.

Senator **HANDY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. It is a distinct honor and pleasure to join my Chair from the Legal Affairs Committee, Senator Carey from Kennebec, in supporting this move to reduce the size of the legislature. Since spending ten years in the House I think one thing has certainly happened to me in coming to the Senate. I have heard about it but now I really have a chance to feel the impact that the lobby has on the legislative process. Instead of the usual three to five lobbyists that I had been confronted with as a House member for ten years I now find myself confronted with 25 to 30 lobbyists and that clearly indicates to me the influence that the lobby wields and they know where to wield it. When they can get simply half of 35 people plus 1 to go a certain way on a particular piece of legislation it amounts to very little work for them. It's the path of least resistance. To me that is the most compelling reason to have a unicameral legislature with 151 members, not 49 such as Nebraska, so that that influence is diffused. I think in diffusing that influence you serve the great people of the State of Maine. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator **BALDACCI:** Thank you Mr. President, Ladies and Gentlemen of the Senate. It is so interesting to have sat on the Committee of Conference two years ago that dealt with this particular issue. At that particular time there was a great need to reduce the size of the other body and that issue, having been passed in this body, and not in the other body, a Committee of Conference was created. Now we have an outgrowth of that. All of a sudden we have a new spin on things, now we've got this unicameral legislature that is going to be saving money, reducing the size of maintaining the House and I think you have done a terrific job of putting a spin on this that gives it more than what it really is. The fact of the matter is that 151 in the House is too many in the House and the proposal to reduce the size of the House is a proposal to reduce the size of the House. I am just applauding the efforts of the people supporting this

because they have been able to turn the debate around from reducing the size of the House to abolishing the Senate, which I think is an admirable quality. I am impressed having sat on that Committee of Conference and having worked with those people that are now pushing this suggestion. I appreciate that but I think it gets us away from the main issue which is the fact of the matter that it is not the Senate that is inefficient. It is not the Senate that lacks direction, it is not the Senate that is the problem and the Senate will not be put on the defensive on this particular issue. I admire the efforts and industry of the people involved in this particular matter and I appreciate those efforts. I congratulate you on taking it to this level, you have never taken it so far. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Luther.

Senator **LUTHER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I am somewhat humiliated from having been lost on that trampoline that we just did on the debate but I don't play games in my personal life and I don't like to play them here and I certainly don't play them well. Now I know how a moose feels when he gets lost on the streets of downtown Portland. I like this Bill. I did this Bill last year and I think I may be on the Bill this year but we have so many cosponsors now that I don't really know. The reason I went on the Bill last year was because I don't like the lobbyists. I think this is lobbys heaven. You only have to change three votes here on any real important Bill and you have killed that Bill, that is really where the lobbyists strength is, not in passing Bills but in killing Bills. It wouldn't work with 151 people, there would be just too many of them. It works down here and that is why I support this Bill and I think it is a good Bill. I don't think it is a joke, I think the people's business gets killed down here a lot. Thank you.

Senator **BERUBE** of Androscoggin requested a Division.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Berube.

Senator **BERUBE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'd like to remind you that Nebraska, as we have heard, is the only State in the Union that has a unicameral. If it was that good a system Congress would not be bicameral, we would not be fortunate in having good representatives in both chambers in Washington, there would be 49 other States that would also have a unicameral. Nebraska, with 49 Senators as they are called, is a very costly system. There cost of the legislative budget has quadrupled, they have more staff then they used to have, so you can imagine how costly it would be with 151 unicameral if it is that costly for Nebraska with a 49 unicameral. We would have to have a redistricting, I believe, because the parent proposal before you would base the unicameral body on the redistricting lines that we have just gone through and you know how easy that was. So you could figure another \$150,000 plus to do so again in a year or two. I heard the mention of lobby and frankly I take umbrage with the blanket accusation that the lobby can come in and by swaying two or three people can turn things around in this body. I guess I feel neglected or shun because nobody ever approaches me, they say did you consider that or did you consider this and I have never been approached in a strongarm way by lobbies, so I can't respond to

that, but I have never seen any bad actions on the part of the lobbies to influence me. I suspect that if I were a lobbyist I would not go for the Senator or the Representative but I might try to get an audience with the leaders or the President or the Speaker and I know they don't do that either. I hope we don't hear anymore about lobbies because I don't think that paints a good picture of the Senate. I still believe, that as we heard from the Senator from Cumberland on another issue, that the people believe in us because they like to have the system of checks and balances and I think we should keep it that way. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Carey.

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'd like to point out that I misunderstood the good Senator from York, Senator Lawrence, I thought that his question might be a little facetious, it certainly was not. He was very serious about asking where do you go if the Senate is abolished. Where do you go from the House if you are limited to the four terms. I obviously said well there would be no further body here, you would have to run for the House. What he was wondering about is what do we call this thing and can both Senators and House members who have served their four terms, if that becomes the law, can they serve in this single body. Obviously they could. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Begley.

Senator **BEGLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Being a freshman legislator of any body I carry no baggage with me. When I stressed my point of view as a citizen looking at the two houses and now serving in one, that the district that I represent would be much better represented with two bodies than with one. The area that I come from has many coastal towns and you move inland ten or fifteen miles and we start picking up many rural towns. I have worked, I hope somewhat successfully, with the two or three Representative in the House and yet I disagree with them and they with me at times and yet I represent a larger group, and therefore that group can work through me, hopefully, on a broader scale. They still have the right to work through their Representatives. Having only a unicameral, that point of view would cease to exist. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Cianchette.

Senator **CIANCHETTE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. If there is a Committee of Conference I would only hope that they would put forth the position of a single body with 99 members. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **CAREY** of Kennebec, to **INSIST** and **JOIN IN A COMMITTEE OF CONFERENCE**.

A Division has been requested.

Will all those in favor please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

5 Senators having voted in the affirmative and 26 Senators having voted in the negative, the motion of Senator **CAREY** of Kennebec, to **INSIST** and **JOIN IN A COMMITTEE OF CONFERENCE**, **FAILED**.

On motion by Senator **BERUBE** of Androscoggin, the Senate **ADHERED**.

The Secretary has so informed the Speaker of the House.

Out of order and under suspension of the Rules, the Senate considered the following:

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **LUDWIG** for the Committee on **ENERGY & NATURAL RESOURCES** on Resolve, Authorizing the Conveyance of Certain Public Lands in Newcastle (Governor's Bill)

S.P. 502 L.D. 1525

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-210)**.

Which Report was **READ** and **ACCEPTED**.

The Resolve **READ ONCE**.

Committee Amendment "A" (S-210) **READ** and **ADOPTED**.

The Resolve as **Amended**, **TOMORROW ASSIGNED FOR SECOND READING**.

Senator **GOULD** for the Committee on **TRANSPORTATION** on Bill "An Act to Authorize Department of Transportation Bond Issues in the Amount of \$39,500,000 to Match Available Federal Funds for Improvements to Highways, State and Local Bridges, Airports, Cargo Ports and the Ferry Service" (Governor's Bill)

S.P. 505 L.D. 1529

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-212)**.

Which Report was **READ** and **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-212) **READ** and **ADOPTED**.

The Bill as **Amended**, **TOMORROW ASSIGNED FOR SECOND READING**.