

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Twenty-Fifth Legislature
State of Maine

Daily Edition

First Regular Session

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pages 1 - 1067

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

The following items were taken up out of order by unanimous consent:

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Thursday, May 26, 2011, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (8) Ought to Pass as Amended by Committee Amendment "A" (H-347) - Minority (5) Ought Not to Pass - Committee on STATE AND LOCAL GOVERNMENT on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Unicameral Legislature (H.P. 599) (L.D. 804)

TABLED - May 26, 2011 (Till Later Today) by Representative COTTA of China.

PENDING - Motion of same Representative to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report.

The **SPEAKER**: The Chair recognizes the Representative from Saco, Representative Valentino.

Representative **VALENTINO**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today to ask you to vote for change. Not small incremental change, but significant, productive change. In 1935, Senator Fernald from Waldo County introduced the first bill before the Maine Legislature asking for a unicameral body. In an excerpt from his floor speech, he says, "Never were Americans more interested in government than they are now. The American people are far from being satisfied with the way State governments are functioning." This statement rings as true today, as it did 74 years ago.

Many of you who served during the 124th Session may remember my bill and the lengthy House debate which resulted in 89 House members voting for it. That is why I am here before you today to try one more time for the unicameral idea before redistricting takes place.

This bill has nothing to do with what party is in control. I submitted this bill when the Executive office, this body and the other body were all controlled by my party and I am submitting this bill today when the Executive office, this body and the other body are all controlled not by my party, but by the other party. That is why it is important to note that this bill received a majority, 8-5, bipartisan support coming out of committee.

In 1937, Nebraska became unicameral, the only state with a unicameral body, because citizens were allowed to gather signatures to get this issue on the ballot. Nebraska has a population of 1.7 million, while Maine's population is 1.3 million. Nebraska is twice the geographical size of Maine, but yet, Nebraska has only 49 Senators in a one-body compared to Maine's 186 members. When asked if other states would follow their lead, the first clerk of the Nebraska Legislature was right when he said, "not too many legislators want to vote themselves out of office."

In the 1960s, there were three United States Supreme Court cases ruling that states were not allowed to apportion the House and Senate differently. The court stated that both bodies must be apportioned based on population, not geography. That is why Maine went from having two Senators per county to the geographical way we do it now. This ruling raised doubts about the necessity of having two bodies based on population. Many states, including Maine, introduced unicameral legislation. Bills

were introduced in Maine in '67, '73, '77, '79, '92, '95, and '09 and each time the Senate voted not to do it. Although Maine allows the citizens to collect signatures for initiatives and a people's veto, the citizens are prohibited from collecting signatures to place constitutional changes on the ballot. The only way that the citizens will ever get to vote on this issue is if 2/3 of the House and 2/3 of the Senate vote to send the issue to voters. If you vote for this issue today, you will be voting to send the issue to the voters for ratification.

In these tough economic times the Legislature has reviewed initiated proposals for consolidation, downsizing, and belt-tightening in all areas of government. It is because of these changes that I ask you to reevaluate the way the Legislature should be working in the 21st century. It is no longer 1820. Legislators do not travel by horse and buggy. We reach out to constituents instantaneously by email, Facebook, Twitter, and driving in our automobiles.

I could spend hours on this subject, starting with the "great compromise" at the Continental Convention in 1787, where Benjamin Franklin advocated for a unicameral federal legislature and end with quotes from every floor speech that I have ever read in both the House and the Senate from 1935 to present.

I realize that time is limited so I will touch upon the most frequently asked questions. Many of your questions will be addressed in the handouts – which I urge you to check both sides. There are three handouts.

The basic outline of 804 is to have a part-time citizen legislature. This ensures the closeness between the members and their constituents. As we have seen in recent discussions on bills to reduce the size of the House, members were concerned about the impact to rural areas. Having a unicameral body with 151 members will not impact rural areas the way reducing the House size would, since the ratio of legislator to constituent would remain the same.

If Maine voters approve this measure, the first unicameral legislature would not be seated until 2016. Redistricting is already scheduled to take place in 2013. This gives two new bicameral legislatures four years to review and change any statutes and rules that need to be changed. Four years to decide on staffing levels and housekeeping.

Over the past months when I discussed this bill with colleagues, the first question they asked is on checks and balances. Separation of power or checks and balances refers to the three branches of government: the executive, the judicial, and the legislative. It does not refer to the relationship between the House and the Senate.

I contend that the unicameral system corrects the modern day concentration of power in the executive and judicial branches of government. By concentrating and increasing the authority of the legislature, the unicameral structure restores the proper balance of power among the three branches of legislature.

In our system of shared lawmaking authority, quality control does not rest with the legislature alone. The executive veto, judicial review, and in Maine, both the citizen's initiative and the people's veto are all protections against serious legislative error.

Nebraska's legislature has safeguards in place to assure that legislation is not made in haste and without thorough examination. Time periods such as five days from the time an item appears on the calendar until a vote can be taken on an issue are in place. Members are not thrown bills, committee reports, and amendments on their desks and asked to vote on them in the next few minutes. They have anywhere from 24 hours to five days to read the material, understand the issue, then vote on a bill.

They cannot waive the rules, have a debate, amendments, first reading, second reading, engrossment, and enactment all on the same day as we have done in this chamber under both political parties. What we consider a safeguard having a bill pass back and forth between the two bodies, often times acts to shift the responsibility and accountability from one body to the other. We need to have one set of eyes that knows that they are the ones who are fully accountable for reading and understanding what they are voting for or against. Last time we had this debate, the *Kennebec Journal* wrote, "With this budget, the legislature has driven home the new reality that we simply can't afford government like we have had for the last 200 years."

In the *Press Herald*, they wrote, "Legislature misses rare opportunity to gain through division. As legislative votes go, the Maine House's decision Tuesday to eliminate itself deserves some kind of special award. If not a 'Profiles in Courage' prize, it's at least a 'Profiles in Common Sense.'"

Therefore, I ask you, do Maine citizens, in this electronic day and age, really need two people to represent them in Augusta? Do the people of Maine need to continue to spend almost \$11 million for a second body? Do we really need to have 28 full-time and seven part-time employees to staff 35 members? Do we really need to spend over \$300,000 every budget cycle to support one member from the other body when less than 10 percent of that \$300,000 actually goes toward their salary and expenses?

So whether you vote for this bill because you really believe in the unicameral system or whether you want to be on the record with your constituents saying that you voted to save \$11 million, let's live up to our *Dirigo* motto. Let's make Maine the first state in 74 years to become unicameral. Let Maine lead the change for the 21st century for a more transparent, efficient, and accountable government with savings, over \$11 million every budget. Please vote to send this issue to the voters. Thank you.

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

Representative HARVELL: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I stand in support of this motion as well, though for slightly different reasons than my good friend and colleague from Saco, Representative Valentino, and that is because the reality is that in modern history there is no rationale for this.

For centuries in millennia people have looked to how they should divide up political power. It can go back to kings. It can go back to the time of serfdom when there was an ordered sense of society in the Middle Ages between royalty and nobility and common people. It finds its explanation first in the English example where they divide power along the House of Lords and the House of Commons and the monarchy. In my wife's Netherlands, it is along the same lines. There was the *Eerste Kamer* and the *Tweede Kamer* and the royalty. But in all of these places, as democracy has advanced, the rationale for the lords has gone away and the rationale for the monarchies has gone away.

The United States was an example that was slightly different. Even though many of the colonial governments, because they sought not to fully incorporate the idea between an aristocracy or a landed gentry in the people, their colonial governments, some had one body, some had two following the English example. But there always was a rationale for it. When it reaches the United States, in the Constitutional Convention the rationale is between states having equal voice in one body and representative voice in the other body.

I'm not surprised that Ben Franklin opposed a bicameral legislature. He was from Pennsylvania. Pennsylvania was one of the largest states. He was a Pennsylvanian first, and why

would he seek to give equality or strip himself from power in another body? But the compromise was reached and states then began to move their legislatures in that example. But they did so, once again, on geographic lines, fundamentally counties.

In 1962, Bob Dylan said the times are a-changin and, in 1965, *Reynolds v. Sims* agreed with him. Since *Reynolds v. Sims*, there is no rationale other than purely partisan divisions for the two bodies because the county lines across the country have been stripped and now it is purposely based purely on one man, one vote in representation. The only thing that you can have now possibly existing for a balance means that one body has a different party than the other body. That's it. Those rationales that held them together in their origins, in terms of states, are gone. At the federal level in that constitution, the states still have an equal voice in the Senate and it has remained so and should remain so.

The reality is that this is an idea whose time has historically come. The rationale no longer exists. If you look at election cycles, other than a handful of elections, the two bodies that have been of the same parties, and since the '90s when elections have once again become nationalized, we have seen these bodies replicate and follow national elections, and that's why we are here where we are today. The distinction other than the possibility to break along partisan lines to break it up no longer exists, so I ask you to support this measure.

Representative CAIN of Orono **REQUESTED** a roll call on the motion to **ACCEPT** the Majority Ought to Pass as Amended Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

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

Representative SIROCKI: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today to support my esteemed colleague from Saco, Representative Linda Valentino. The unicameral legislature is a reality in Nebraska and it is time for us to consider this common sense idea too.

The system of two chambers is expensive and antiquated. The bicameral system was originally modeled after the British parliament, consisting of two parts: the House of Commons, which was designed to represent the common people, and the House of Lords, with members of the aristocracy who were appointed by the King.

George Norris of Nebraska said "...The constitutions of our various states are built upon the idea that there is but one class. If this be true, there is no sense or reason in having the same thing done twice, especially if it is to be done by two bodies of men elected in the same way and having the same jurisdiction."

Both chambers are apportioned by population, so why do we have two chambers if they are both apportioned in the same way? Many city, county, and school districts use a single system as a governing body.

The most common reason cited for a bicameral legislature is that two chambers are needed to retain the checks and balances. But the checks and balances are actually the three branches of government, not the two chambers in the legislature. The judicial branch and the executive branch can decide to rule on measures that may be found improper. The final and most important check on the abuse of power, of course, comes from the people of the state with voting rights and the ability to petition. I urge you to consider following Representative Valentino's light. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Celli.

Representative **CELLI**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I, too, rise in support of LD 804. When I first got here in the Legislature, I could not understand how the paper industry in Maine, why they were in financial trouble, with all the paper that went back and forth between these two houses.

I have to agree with everything that has been said so far. The only other thing I want to add is and hopefully maybe some of the members of the other body are listening, maybe they are on break right now. This is not destroying one particular house. We're not getting rid of the Senate, okay? This is just combining the two and making it smaller. As a matter of fact, as it states in the legislation, the members will be known as Senators, so maybe they should think that maybe they're getting rid of us instead. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to speak in opposition to this motion. Our Constitution and our laws for nearly two centuries are embodied in our laws and our Constitution. The saying "Maine, the way life should be," our great environment, Maine being a great place to raise children, a great place where to educate children, and yes probably our deficiency is our economy and we are working on our economy. But in creating a unicameral legislature, all we will do is require more staff and more cost and it will give more power to staff.

I represent five towns and I already don't have enough time to get to just five towns. The good Representative to my left has 2,100 square miles in her district. It is an impossible task. I believe that this would hurt the values for which Maine has been built on. I think we are where we are today because we have the system of government, I think it is a system of government that works, and I'd ask you to please follow my light in opposition to this motion.

The **SPEAKER**: The Chair recognizes the Representative from North Yarmouth, Representative Graham.

Representative **GRAHAM**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today in support of this motion and this is why.

You heard me speak previously about should we just pick a random number and throw it out to the voters and say, hey, let's decrease the size of the Legislature. Our constituents have asked me, have asked many of you to look at this, to be reasoned and thoughtful about whether the size of the Legislature is appropriate or not. I hear them.

My good friend, the Representative from Saco, came to us, to the State and Local Government Committee, and presented clear strong data, research and reasoning for why a unicameral legislature may be appropriate. Quite honestly, do I think that that's a good idea? Maybe yes, maybe no. But I do think it is time, as the good Representative from Farmington has said, to put it to the voters. Your vote will be to put it out to the voters. If they think that this is a good idea, then so be it. That is where I fall on this.

I urge you to pass this motion because it is thoughtful, it is reasoned, and it is time that we really talk about whether we are effective and efficient with what we do here in the State Legislature. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Biddeford, Representative Casavant.

Representative **CASAVANT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. When we look at this particular issue and some of the other issues we've talked about in terms of restructuring government we have to be very

careful and we can't be hasty. Sometimes we try to put in place a business model and talk about government efficiencies and that type of thing. But when you look back when the Constitution was formed, James Madison talked about clashing constituencies, and the purpose of his view of government was to slow the process down.

Now one of the things that I do admire about our current system is that, let's face it, this Senate does slow things down. Those of you who are freshmen will learn that much more succinctly in the upcoming days. But on the other hand, sometimes we learn something from what they have to offer or by the slowing down it gives new insight to everything, and I think that's important.

We've talked about reducing the number of the Legislature, we're talking about unicameral. But there are bigger things to consider. Staffing. What's our issue with staffing? Is it correct or is it not correct? The calendar. Quite frankly, there are days sometimes when we come here, through no fault of anyone, that we didn't have to be here. It's just the nature of the beast. I didn't get here until the end of January because I finished off my work. I don't think I missed that much. Savings could be there.

What I'm saying, I guess, is that while I like this bill, we've talked about so many things subjectively that sound great on paper or in discussion because all of our constituents want some sort of improvement and yet research indicates that we're one of the lowest costing legislatures in the nation. Can we do better? Absolutely, I know we can.

But I think that we have to slow the process down because I guess my biggest concern is let's look at the big picture. Let's look at should we reduce it? Should we keep the two? Let's look at staffing. Let's look at inner efficiencies. Let's look at limiting the number of bills. All of that big picture type of thing that can make us a better place. As you look at this particular vote, think about what you want the final product to be and whether you can make that judgment now or have to make it later. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Bangor, Representative Damon.

Representative **DAMON**: Thank you. Good morning, Mr. Speaker. I rise on this because I've talked at great length with my esteemed colleague, Representative Valentino. I think this is perhaps an idea that its time is approaching, but I am concerned. Most everyone I talk to in the rural areas of Maine are greatly concerned about their representation in this body.

I also am concerned about if you cut it down and eliminate it to a one cameral system, that those individuals may be inundated with details and may not get the facts right or may not get the bills right.

Finally, I think about this. As a business person all my life, if I designed a business model, I would not have two systems. I would have one system all pulling. But somewhere there has to be pushback and having a two house system does allow that. So, for me, I cannot support it at this time, although it is an idea that we must consider further. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Kittery, Representative Beliveau.

Representative **BELIVEAU**: Thank you, Mr. Speaker. I rise in support of the current motion and also to pose a question through the Chair if that is allowed.

The **SPEAKER**: The Representative may pose his question.

Representative **BELIVEAU**: It is a question in regards to concerns from the good Representative from Newport. I don't believe this would increase our district sizes, but I would pose that question through the Chair. Is this going to increase our district sizes or not?

The **SPEAKER**: The Representative from Kittery, Representative Beliveau, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Saco, Representative Valentino.

Representative **VALENTINO**: This bill will not increase the district sizes. It will stay the same: 151. So the sizes will be exactly the same. There will be no increased workload for any of the people.

The **SPEAKER**: The Chair recognizes the Representative from York, Representative Moulton.

Representative **MOULTON**: Thank you, Mr. Speaker. I rise to address the body in opposition to the Majority Ought to Pass motion. Simply two points and that is it seems to be very interesting to go through too much a process of education and you get the textbook view of the political process. Then most of us graduate from the school and we find out what real life is. I think this is one of those instances. While I respect a lot of the thought that goes behind the statements that are made before this body, I have to respectfully disagree with quite a number of them.

Just the thought of having two bodies deliberating on a single issue brings to the floor our ability in a republic that espouses views on democracy, the value of debating the issues. In fact, I know there are some here in this chamber that think we spend too much time here. On the other hand, I am one of those that think that we don't spend enough time here really working on the issues.

Having said that, I think the more important point, why I consistently vote against these bills that come before the State and Local Government Committee, is that effectively many of them disenfranchise the Maine voters. When you think about it, in all of our districts, and I'm thinking especially rural districts, they are impacted more than the better populated districts. After all, if you do anything like reduce the size of the House by 20 members, certainly there is some shifting going on, but we won't lose as many Representatives in York County as would voters in Washington or Aroostook County. In the same respect, if we lost a body that is the Senate, then you effectively eliminate another layer of representation, and it's not just the rural sections of the state, it applies to the state as a whole. Since I tend to speak too much on too little sometimes, I did want to make those two points, Mr. Speaker. Thank you.

Representative **HARMON** of Palermo **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

The **SPEAKER**: The Chair recognizes the Representative from Buckfield, Representative Hayes.

Representative **HAYES**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this particular proposal at this time and would suggest that if one had been present to observe the good Representative from Saco, Representative Valentino's presentation in the State and Local Government Committee, she had some very powerful visuals that showed what I thought was quite striking, the impact of this proposal of the rural areas which, from what I could see, was negligible.

In fact, one might argue that the rural areas might be better represented by the fact that there wouldn't be this watered down in the second house. I just want to suggest that that's not a reason to not support this proposal because, in fact, rural areas will continue to be represented. There won't be a change. There will be a change in the title that those of us who would represent them may have, but would continue to have the ratio of roughly of about one Representative, one Senator in this case, to about 8,500 folks, and rural areas benefit from that representation here

in this body and it has diminished at the other end of the hall.

I would suggest to you that that would not be a reason to oppose this and given the fiscal implications and the opportunity to make the biggest impact in terms of a structural change, that will result without a loss to the rural areas. I would encourage you to support this. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'd like to thank the good Representative Beliveau for clarification of the issue regarding representation. But my point is the same because I think it's a distinction without a difference. When you remove a layer of representation, you still are going to require more staff, you still are going to absorb more cost, and more importantly I think you are going to be removing a very important set of checks and balances in our system. Rather than having one body that would retain all the power if it was in one political party or the other, I believe that the checks and balances involved with having a Senate, again, support defeating this motion. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Burlington, Representative Turner.

Representative **TURNER**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise today in opposition of this and the reason is clearly District 11, the district that I represent, has 59 towns. Of the 59 towns, 37 of them have registered voters. District 11 also has four Senators that represent District 11. It is impossible for me to cover the 2,100 square miles or 6 percent of the State of Maine. From time to time, it is great to know that one of those Senators can go and help me as well to represent. I also agree with some of the other points that have been made that the Senate is there to slow down the process, and that is a good thing. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Saco, Representative Valentino.

Representative **VALENTINO**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just want to address a few things that were said. Obviously, I've studied this issue at length, the fiscal note, all of the budgets from the Legislative Council. I have all of the information on all of the costs on everything, so when somebody rises and says that if we do a unicameral legislature it's going to cost us more money and it's going to increase our staff, I guess I question where this comes from. I certainly have the numbers to support all of my arguments on it and my argument is \$11 million in savings. Even if you thought that we are understaffed right now in this body and you wanted to add additional staff, I certainly don't think you'd spend an additional \$11 million on that. So I certainly question that.

The other thing is when we talk about the staffing level, we have the redundancy in both the House and the Senate. We have a majority office in both. We have a minority office in both. We have the Clerk's Office, the President's Office, the Speaker's Office. We have communication directors, attorneys, clerks, pages doing the same thing for both different houses, sending out the same messages or different messages on that, so there is a lot of the redundancy on that.

As far as the final product goes, we would have plenty of opportunity to control the amount of bills that were going in, whether or not we wanted to do it. Some people have risen and said "I have a very difficult time doing my district because I have a very large rural district." I hear that from a lot of people in the rural districts and I ask if you are a Representative and you are having a hard time representing the people in your district, then

what are the Senators doing, because they are representing four times as many people and if you're having a hard time and you don't feel that you can do it adequately, then how can a Senator be doing it with four times as many people? They are that much removed from the people that they are doing it. It comes back to it's a question for the people and I think the people should be deciding this. So you want two people to represent you in Augusta if the second person costs \$300,000 every budget cycle, and that's the debate for the people. We've put constitutional questions out before the people and they have voted them down. The people are smart. The people will look at this issue and research this issue. Do we want to deny the people the opportunity to even look at it and decide for themselves whether they want to do it?

The other thing we talk about is having the Senate looking at issues more carefully. That is true, but we have all sat in committees with a Senator and we have our committees jointly. We cannot start a meeting without a Senator and usually in our committees we have one Senator. When I presented this bill there was one Senator. There was not three Senators sitting there listening to my testimony. Why, because the other Senators are on other committees. They don't hear the public hearing on it. They don't listen to any of the people. They don't show up for the work sessions most of the time, but yet they have a vote in that committee. They have a vote on every single bill in that committee. I sat on one committee for two years and one of the Senators showed up one time in two years – one time in two years because he chaired the Judiciary Committee and he was not there, but yet he voted on every single issue. Is that fair to the people who show up at the public hearings and have nobody listen to them because it is only the Representatives who are sitting there and the Senator who chairs the Committee? Is that fair?

I think what we're talking about is we're talking about whether or not we should send this to the voters, whether or not it is an argument worth having, and that's what I am trying to persuade you of, is whether or not this is an argument worth having in the general public and let the voters decide. If they don't want to do it, that's fine, but we're coming up on redistricting. Now is the time to do it. Now is the time to let the voters decide. I thank you very much.

The SPEAKER: The Chair recognizes the Representative from Pittsfield, Representative Fitts.

Representative **FITTS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I apologize to this body for rising, but as I listen to the debate a marked difference between Maine and Nebraska comes up in the crafting of this bill. Nebraska is a nonpartisan state. Their legislature is not elected by party status. This bill does nothing to change the way Maine's structure is and that's a critical difference when you move from a bicameral to unicameral legislature.

One of the things that surprised me in this discussion is this idea that we should just send it to the people and let the people decide. But it's our job to deliberate. It's our job to make those decisions. It's the people's job to ratify whether we made a good decision or not, but we don't just send things out to the people and let the people decide. We first have to decide whether or not it makes sense here, and I contend that this doesn't. I will be voting against the present motion because the system we have is very functional. It does exactly what it was intended to do. Thank you, Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 92

YEA - Beaulieu, Beavers, Beck, Beliveau, Bennett, Berry, Bickford, Blodgett, Bolduc, Bryant, Burns DC, Cain, Casavant, Celli, Chapman, Chase, Chipman, Clark T, Clarke, Cotta, Dill J, Driscoll, Duchesne, Eberle, Edgcomb, Espling, Eves, Flemings, Flood, Foster, Gillway, Graham, Harlow, Harvell, Haskell, Hayes, Herbig, Hinck, Hunt, Innes Walsh, Johnson P, Kaenrath, Knight, Kruger, Lajoie, Longstaff, Lovejoy, MacDonald, Malaby, Maloney, Martin, Mazurek, McCabe, Newendyke, O'Brien, Olsen, Parker, Parry, Peoples, Peterson, Rankin, Richardson D, Rioux, Rochelo, Russell, Sanborn, Sanderson, Sirocki, Theriault, Valentino, Volk, Wagner R, Waterhouse, Weaver, Welsh, Willette A, Willette M, Wood.

NAY - Ayotte, Beaudoin, Black, Briggs, Burns DR, Carey, Cebra, Clark H, Cornell du Houx, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dion, Dow, Dunphy, Fitts, Fitzpatrick, Fossel, Fredette, Gifford, Gilbert, Goode, Guerin, Hamper, Hanley, Harmon, Hogan, Johnson D, Kent, Keschl, Knapp, Kumiega, Long, Luchini, Maker, McClellan, McFadden, McKane, Morissette, Morrison, Moulton, Nass, O'Connor, Picchiotti, Plummer, Prescott, Priest, Richardson W, Rosen, Rotundo, Sarty, Shaw, Stevens, Strang Burgess, Stuckey, Tilton, Timberlake, Treat, Turner, Webster, Winsor, Mr. Speaker.

ABSENT - Boland, Libby, Nelson, Pilon, Tuttle, Wintle.

Yes, 78; No, 66; Absent, 6; Vacant, 1; Excused, 0.

78 having voted in the affirmative and 66 voted in the negative, 1 vacancy with 6 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The RESOLUTION was **READ ONCE.** Committee Amendment "A" (H-347) was **READ** by the Clerk and **ADOPTED.** The RESOLUTION was assigned for **SECOND READING** Wednesday, June 1, 2011.

CONSENT CALENDAR

First Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(S.P. 189) (L.D. 609) Bill "An Act To Declare Certain Records of the Maine Commission on Indigent Legal Services Confidential" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-179)**

(S.P. 324) (L.D. 1091) Bill "An Act To Expand the Availability of Natural Gas to the Citizens of Maine" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-178)**

(S.P. 343) (L.D. 1134) Bill "An Act To Make Municipal Recounts Consistent with State Recounts" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-176)**

(S.P. 447) (L.D. 1460) Bill "An Act Concerning the Recording of Plans for Subdivisions" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-175)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED as Amended** in concurrence.
