

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Twelfth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

December 5, 1984 - June 20, 1985

HOUSE

Wednesday, December 5, 1984

Pursuant to Article IV, Part 3, Section 1 of the Constitution and Laws of the State of Maine, the Representatives-elect to the One Hundred and Twelfth Legislature assemble in the Hall of the House and are called to Order by Edwin H. Pert of Georgetown, Clerk of the House of the One Hundred and Eleventh Legislature.

Prayer by Father Clement D. Thibodeau, Notre Dame Catholic Church, Waterville.

The members-elect stood at attention during the playing of the National Anthem by the Fort Kent Community High School Band.

On motion of Representative Diamond of Bangor, Representative Carter of Winslow, Representative Macomber of South Portland, Representative McHenry of Madawaska, Representative Erwin of Rumford, Representative Davis of Monmouth, Representative Brown of Livermore Falls and Representative Bell of Paris be appointed a committee to wait upon the Governor and inform him that a quorum of the members of the House of Representatives-elect have assembled in the Hall of the House of Representatives and request his attendance to administer to them the oaths required by the Constitution to qualify them to enter upon the discharge of their official duties.

By unanimous consent, Mr. Diamond of Bangor withdrew his motion.

The following item was taken up out of order by unanimous consent:

On motion of Representative Diamond of Bangor, the following Order:

WHEREAS, the House is in possession of a communication from the Office of the Secretary of State indicating that an application for investigation into the election in District 1 has been filed with the Commission on Governmental Ethics and Election Practices; and

WHEREAS, the communication indicates that the Commission on Governmental Ethics and Election Practices has held a hearing on that application; and

WHEREAS, the Constitution of Maine, Article IV, Part Third, Section 3, provides that the House shall determine qualifications and elections of its members; and

WHEREAS, the Secretary of State has indicated in a communication to the House, that Frederick F. Soucy is the apparent winner in that election; now, therefore, be it

ORDERED, that Frederick F. Soucy be administered the oath of office and be permitted to assume his seat pending further action and final determination by the House after receipt of a copy of the findings of fact and opinion of the Commission on Governmental Ethics and Election Practices.

The Order was read.

The CLERK: The Clerk recognizes the Representative from Kennebunk, Representative Murphy.

Representative MURPHY: Thank you Mr. Clerk. Men and Women of the House: As evidenced in terms of the length of this election to be resolved that in District One, the voters in that district looked at two candidates that they had a great deal of respect for and that they liked almost equally.

I talked with Cecil Lancaster this morning. He asked me to convey to his good friend his good wishes and congratulations.

Whereupon, the Order was passed.

The following Communication from the Secretary of State was read by the Clerk.

State of Maine

Office of the Secretary of State

To Edwin H. Pert, Clerk of the House of Representatives of the One Hundred and Eleventh Legislature:

In compliance with 3 M.R.S.A., Section 1, I

hereby certify that the following are the names and residences of the Representatives-elect to the One Hundred and Twelfth Legislature, as appears by the report submitted to the Governor under date of November 26, 1984.

- District 1 Frederick F. Soucy, Kittery
- District 2 Neil Rolde, York
- District 3 Orland G. McPherson, Eliot
- District 4 Wesley Farnum, South Berwick
- District 5 Eleanor M. Murphy, Berwick
- District 6 Alberta M. Wentworth, Wells
- District 7 Thomas W. Murphy, Jr., Kennebunk
- District 8 H. Stedman Seavey, Jr., Kennebunkport
- District 9 Vinton T. Ridley, Shapleigh
- District 10 Mona Walker Hale, Sanford
- District 11 Norman R. Paul, Sanford
- District 12 Arthur G. Descoteaux, Biddeford
- District 13 Roland A. Rioux, Biddeford
- District 14 Norman O. Racine, Biddeford
- District 15 Willis A. Lord, Waterboro
- District 16 Kerry E. Kimball, Buxton
- District 17 John McSweeney, Old Orchard Beach
- District 18 Guy R. Nadeau, Saco
- District 19 Daniel R. Warren, Scarborough
- District 20 Linwood M. Higgins, Scarborough
- District 21 Mary Clark Webster, Cape Elizabeth
- District 22 Earl G. Nicholson, South Portland
- District 23 Edward J. Kane, South Portland
- District 24 Harold M. Macomber, South Portland
- District 25 Edith S. Beaulieu, Portland
- District 26 Laurence E. Connolly, Jr., Portland
- District 27 Harlan R. Baker, Portland
- District 28 Merle Nelson, Portland
- District 29 Peter J. Manning, Portland
- District 30 Joseph C. Brannigan, Portland
- District 31 H. Craig Higgins, Portland
- District 32 Annette M. Høglund, Portland
- District 33 William B. O'Gara, Westbrook
- District 34 J. Robert Carrier, Westbrook
- District 35 Gerald A. Hillock, Gorham
- District 36 Ada K. Brown, Gorham
- District 37 Gary C. Cooper, Windham
- District 38 Robert G. Dillenback, Cumberland
- District 39 Allan L. Bonney, Falmouth
- District 40 Judith C. Foss, Yarmouth
- District 41 James Mitchell, Freeport
- District 42 Charlene B. Rydell, Brunswick
- District 43 Charles R. Priest, Brunswick
- District 44 Donnell P. Carroll, Gray
- District 45 P. Kelley Simpson, Casco
- District 46 Philip C. Jackson, Harrison
- District 47 Ernest Clifford Greenlaw, Standish
- District 48 William F. Lawrence, Parsonsfield
- District 49 Jeffrey N. Mills, Bethel
- District 50 Joseph G. Walker, Norway
- District 51 Susan J. Bell, Paris
- District 52 Francis J. Perry, Mexico
- District 53 Phyllis R. Erwin, Rumford
- District 54 Richard W. Armstrong, Wilton
- District 55 Edward L. Dexter, Kingfield
- District 56 Gwilym R. Roberts, Farmington
- District 57 Richard E. McCollister, Canton
- District 58 Darryl N. Brown, Livermore Falls
- District 59 Roy I. Nickerson, Turner
- District 60 Daniel J. Callahan, Mechanic Falls
- District 61 Alfred L. Brodeur, Auburn
- District 62 Constance D. Cote, Auburn
- District 63 John Michael, Auburn
- District 64 John Telow, Lewiston
- District 65 John A. Aliberti, Lewiston
- District 66 Bradford E. Boutillier, Lewiston
- District 67 Gregory G. Nadeau, Lewiston
- District 68 James R. Handy, Lewiston
- District 69 Roger M. Pouliot, Lewiston

- District 70 Martin S. Hayden, Durham
- District 71 John Jalbert, Lisbon
- District 72 Albert G. Stevens, Sabattus
- District 73 Lorraine N. Chonko, Topsham
- District 74 Pamela Lee Cahill, Woolwich
- District 75 Mary E. Small, Bath
- District 76 James Reed Coles, Harpswell
- District 77 Muriel D. Holloway, Edgcomb
- District 78 Rufus E. Stetsou, Jr., Damariscotta
- District 79 Jeanne F. Begley, Waldoboro
- District 80 Joseph W. Mayo, Thomaston
- District 81 Guy G. Scarpino, St. George
- District 82 Rita B. Melendy, Rockland
- District 83 Priscilla G. Taylor, Camden
- District 84 Carol Allen, Washington
- District 85 Paul Parent, Benton
- District 86 Donald V. Carter, Winslow
- District 87 Harland W. Bragg, Sidney
- District 88 Donald F. Sproul, Augusta
- District 89 Patrick E. Paradis, Augusta
- District 90 Daniel B. Hickey, Augusta
- District 91 Polly Reeves, Pittston
- District 92 Jean T. Dellert, Gardiner
- District 93 Norman E. Weymouth, West Gardiner
- District 94 Leland C. Davis, Jr., Monmouth
- District 95 John P. Daggett, Manchester
- District 96 Elaine Lacroix, Oakland
- District 97 Paul F. Jacques, Waterville
- District 98 Ruth Joseph, Waterville
- District 99 Dan A. Gwadlosky, Fairfield
- District 100 Michael F. Hepburn, Skowhegan
- District 101 Patrick K. McGowan, Pittsfield
- District 102 Alexander Richard, Madison
- District 103 Dorothy A. Rotondi, Athens
- District 104 Duane Richard Lander, Greenville
- District 105 John E. Masterman, Milo
- District 106 Stephen J. Law, Dover-Foxcroft
- District 107 Weston R. Sherburne, Dexter
- District 108 Robert J. Tardy, Palmyra
- District 109 Dana P. Stevenson, Unity
- District 110 Walter E. Whitcomb, Waldo
- District 111 Lloyd G. Drinkwater, Belfast
- District 112 Nathaniel J. Crowley, Sr., Stockton Springs
- District 113 Ralph M. Willey, Hampden
- District 114 Donald A. Strout, Corinth
- District 115 Catharine Koch Lebowitz, Bangor
- District 116 Thomas A. Duffy, Bangor
- District 117 Patricia Stevens, Bangor
- District 118 Robert E. Murray, Jr., Bangor
- District 119 John N. Diamond, Bangor
- District 120 Richard P. Ruhlin, Brewer
- District 121 Alan L. Baker, Orrington
- District 122 Dana S. Swazey, Bucksport
- District 123 Sally R. Rice, Stonington
- District 124 Stephen M. Zirkilont, Mount Desert
- District 125 Roland S. Salsbury, Jr., Bar Harbor
- District 126 Maynard G. Conners, Franklin
- District 127 Ruth S. Foster, Ellsworth
- District 128 Eugene Joseph Paradis, Old Town
- District 129 Stephen M. Bost, Orono
- District 130 John C. Bott, Orono
- District 131 John A. Cashman, Old Town
- District 132 Clyde A. Hichborn, Lagrange
- District 133 Betty J. Harper, Lincoln
- District 134 Michael H. Michaud, East Millinocket
- District 135 Herbert E. Clark, Millinocket
- District 136 Edwin C. Randall, East Machias
- District 137 Harry L. Vose, Eastport
- District 138 Antonio J. Tammaro, Baileyville
- District 139 Fred W. Moholland, Princeton
- District 140 Carl B. Smith, Island Falls
- District 141 Gennette M. Ingraham, Houlton
- District 142 Mary H. MacBride, Presque Isle
- District 143 John Lisnik, Presque Isle
- District 144 Carl W. Smith, Sr., Mars Hill
- District 145 Susan J. Pines, Limestone
- District 146 Kenneth L. Matthews, Caribou
- District 147 Steven E. Crouse, Washburn
- District 148 Hilda C. Martin, Van Buren

District 149 Edward A. McHenry,
Madawaska

District 150 Raynold Theriault, Fort Kent

District 151 John L. Martin, Eagle Lake
IN TESTIMONY WHEREOF I have
caused the Seal of the State to be
herewith affixed at Augusta this
thirtieth day of November, 1984.

S/ RODNEY S. QUINN
Secretary of State

The Communication was read and ordered
placed on file.

For the purpose of ascertaining the presence
of a quorum, a certified roll of the Representa-
tives-elect was called by the Clerk of the One
Hundred and Twelfth Legislature.

The elected membership of the House being
151 and 147 members-elect having answered
to their names, a quorum was found to be
present.

Absent were: Representative Pines of Limes-
tone; Representative Dillenback of Cumber-
land and Representative Michael of Auburn.

On motion by Representative DIAMOND of
Bangor, Representative CARTER of Winslow,
Representative MACOMBER of South Port-
land, Representative McHENRY of Madawaska,
Representative ERWIN of Rumford, Representa-
tive DAVIS of Monmouth, Representative
BROWN of Livermore Falls and Representative
BELL of Paris be appointed a Committee to
wait upon the Governor and inform him that a
quorum of the members of the House of
Representatives-elect have assembled in the
Hall of the House of Representatives and re-
quest his attendance to administer to them the
oaths required by the Constitution to qualify
them to enter upon the discharge of their offi-
cial duties.

Representative CARTER subsequently re-
ported that the committee had discharged the
duty assigned it, and the Governor was pleased
to say that he would forthwith attend upon the
Representatives-elect for the purpose of ad-
ministering to the oaths required by the Con-
stitution.

(Off Record Remarks)

The CLERK: The Clerk would like to an-
nounce the presence in the House of Representa-
tive MICHAEL of Auburn.

At this point, His Excellency, Governor
Joseph E. Brennan, entered the Hall of the
House amid applause, the members-elect
rising.

GOVERNOR BRENNAN: Members-elect of
the House of Representatives, that great Fort
Kent band up there and guests:

About twenty years ago at this time, I stood
on the floor of this House as a new
Representative—actually I got here by hitch-
hiking down from the Holiday Inn, as a young
lawyer thinking of those words in the Constitu-
tion that said Legislators were immuned from
arrest going to and from the Legislature.

It was a big day in my life and it is a great
honor today to be able to administer the oath
of office to new and returning members of the
House of Representatives. Each of you repre-
sents about 8,000 citizens and you bring their
views to the Capitol and see that those views
are heard in shaping of the public policy of the
State of Maine.

The Maine House is a respected institution
with a great tradition, you follow in the foot-
steps of many very distinguished Maine citi-
zens; indeed very distinguished Americans.
Serving before you as Representatives in this
very House were Hannibal Hamblin, James G.
Blaine, Edmund S. Muskie and scores of others.

It is now my privilege and honor to adminis-
ter the oath of office to the One Hundred and
Twelfth Maine House of Representatives.

The Governor then administered to the
Representatives-elect and they subscribed the

oaths required by the Constitution to qualify
them to discharge their official duties.

GOVERNOR BRENNAN: Mr. Clerk, Honora-
ble Members of the House of Representatives:
You have come together, as have one hun-
dred and eleven previous legislatures, to fulfill
your Constitutional duties and to do the peo-
ples' business.

It is a tribute to our chosen form of govern-
ment that the actions you take today, and the
political process you have set in motion, differ
very little from that which our predecessors
utilized more than one hundred and sixty
years ago.

The first day of a new session is a time for en-
thusiasm, determination and hope.

Today is the tenth time I have been privi-
leged to be here on the first day of a new legisla-
ture to participate in the reaffirmation of the
process of self-government.

Our democratic system is slow, and some-
times frustrating.

But it does respond to the will of the people,
the needs of the State and the demands of the
times.

Those of you seated here for the first time
will soon find out.

And when we finish our work for this session
in a few months, you will leave here with a
deeper understanding of where Maine is today,
where Maine is going, and what more needs to
be done.

And so I am pleased to congratulate you on
taking office.

And I welcome all of you, men and women,
Democrats and Republicans, old friends and
new faces.

And I wish each of you great success during
the life of this, the 112th Legislature.

No one should underestimate the impor-
tance of the duties that await you, or the diffi-
cult choices.

It is your charge to approve an operating
budget for state government for the next two
years; to pass judgment on the men and
women who will administer the agencies of our
government and those who will serve as judges
in our courts, and most of all, to be the final
voice on the public policies of our state.

The responsibilities are heavy indeed.

But I am optimistic that this will be another
successful Legislature.

If I could, I would confine my welcoming
comments to these few optimistic words, but I
cannot.

For the job ahead is particularly difficult,
and these difficulties will influence you every
time a bill comes before this body.

The coming session will be filled with chal-
lenges, not the least of which is the uncertainty
of our nation's fiscal health.

Washington has shown an inability or unwill-
ingness to meet its responsibility for the
enormous and growing federal deficit.

Nearly one-half of the entire national debt
accumulated since George Washington has
been created in the past four years.

Yet we see no clear indication or intent to
address this crisis in any kind of responsible
manner.

The President has repeatedly said that he
will not touch defense expenditures or the So-
cial Security system in any effort to reduce the
deficit and our obligation to make interest
payments on the national debt cannot be
reduced.

These untouchable areas of the Federal
budget amount to almost two-thirds of the
total and the President has said that he will not
increase taxes. Under President Reagan's
ground rules there is no alternative to major
cuts in federal programs that help the people
of this state. If cuts are made as the President
insists, there will be cuts in programs and
though the program may be cut or eliminated,
the underlying need does not go away. In the
face of such impending cuts in programs that
help people of Maine, the question here is: will

the State act responsibly in addressing the
unmet needs created by these cuts—needs
such as financial and medical assistance for
the poorest people in this state. I believe that
will be the overriding question that will be be-
fore this 112th Legislature. I state again, will
we address those unmet needs, needs previ-
ously met by the federal government? I can
assure you that the next 100 legislative days
will be a time of true trial and challenge for all
of us. Indeed, I believe notwithstanding the eu-
phoria of a recent election that this will be the
toughest session that we have faced in my 20
years in state government because the finan-
cial problems of the federal government and a
good part are going to be transferred to the
State.

I also know that you have, in both parties,
dedicated and capable leaders of good will,
leaders who share with you and with me the
determination to see that our system works
again and I can promise you full cooperation
and assistance from my cabinet, from my staff
and from myself as we work together in service
to those who have sent us here. So again, I con-
gratulate you and wish you all a happy holiday
season and a very successful and productive
session.

Thank you very much.

Whereupon, the Governor retired from the
hall.

On motion of Representative JACQUES of
Waterville, that Representative NADEAU of
Lewiston, Representative CHONKO of Tops-
ham, Representative PARADIS of Augusta,
Representative MURRAY of Bangor, Representa-
tive STROUT of Corinth, Representative
LEBOWITZ of Bangor and Representative Mc-
PHERSON of Eliot be appointed a Committee
to receive, sort and count votes for the Speaker.

Representative DIAMOND of Bangor moved
that the name of JOHN L. MARTIN of Eagle
Lake be placed in nomination for the Speaker
of the House.

The CLERK: The Clerk recognizes the Repre-
sentative from Bangor, Representative
DIAMOND.

Representative DIAMOND: Mr. Clerk, Ladies
and Gentlemen of the House: It is a great honor
and privilege to stand here today and place in
nomination for the position of Speaker of the
House the name of John L. Martin of Eagle
Lake.

Over the past few years, as Representative
Martin's name has been place in nomination, it
has been the tradition to highlight some of his
accomplishments in his background. I think all
of us are so aware of that background and
those accomplishments that we pretty much
have them committed to memory. Nonetheless,
this gentleman who is now the Dean of the
House, is well known as the man from Eagle
Lake, the man who has done so much in such a
brilliant career and contributed so much to
this state and to our Democratic Party and to
this Legislature, most importantly.

I have known John for many years and one of
the things that has most impressed me about
him is not what I have learned here in Maine
and here in Augusta but what I hear about
John Martin when I go out of state and talk to
other legislators who have dealt with him and
are aware of his reputation.

John Martin has a national reputation
among legislators, members and leaders, be-
cause of his brilliance and intelligence and the
abilities that he has brought to the job and his
position.

The Speaker's position in many states is not
as significant as it is in Maine. John Martin has
brought respect to that position and he has
done so through a respect for the institution.
As you know, he came to the legislature in 1965
at the ripe old age of 23. He rose quickly serving
on Taxation, State Government and Appropri-
ations and later in 1971, became the Minority
Floor Leader. Later in 1975, he took over as

Speaker of the House, a position he has held since then. In all this time the Legislature has seen some dramatic changes and some dramatic improvements, all for the better, because John Martin has taken the time and put his energies into making this place the institution that services all the people of Maine. The expansion and the programs that are available to the people of Maine have been John Martin's foremost concern and as a result the state is a better place for it. He has brought respect to us all because of his concern for the institution and his concern for doing what is in the people's interest and now as he embarks upon what I hope will be a sixth term as Speaker of the House, I think we can look at his record as one of accomplishment, caring and concern. I think over the next two years, we are going to face some difficult times and, as a result, having his experience, his wisdom and his leadership, are important to all of us, not as Democrats, not as Republicans, but as legislators and servants of the people of Maine.

So today I rise and ask for your support for John Martin and hope that together we can take advantage of the powers that he brings to this position, the experience and the strength that we are all going to be dependent upon. Thank you very much.

Representative MURPHY of Kennebunk moved that the name of LINWOOD M. HIGGINS of Scarborough be placed in nomination for the Speaker of the House.

The CLERK: The Clerk recognizes the Representative from Kennebunk, Representative Murphy.

Representative MURPHY: Thank you Mr. Clerk, Men and Women of the House: Today we elect one of our members to the position as Speaker of the House of Representatives. I would draw your attention to the title, I did not say Speaker of the Republican Party nor Speaker of the Democratic Party, it is Speaker of the House.

The Speaker, through his position, enables the elected Representatives of the citizens of Maine, to carry out the will of the people and not just the will of a political party, it is a sacred trust. We are fully aware that we are the Minority Party but like the Maine citizens, who we also represent, our eyes are to the future.

During the 112th Legislature, we will, have no doubt the loyal opposition. It is our duty to offer alternatives for this chamber to consider and debate and as part of that responsibility, today we nominate an alternative for the position of Speaker of the House. Our nominee now beginning his six term has a distinguished legislative career, which includes services on the Business Legislation and Appropriations Committees.

During the 110th and 111th Legislatures, he firmly established the reputation for fairness as a Republican floor leader. Our nominee has a thorough knowledge of the law and parliamentary procedures. You know him as an individual willing to listen, evidenced by his many friendships on both sides of the aisle. As a leader, he has a proven record that leadership is a deep responsibility of trust.

With a great deal of pride, I am pleased to place the name of Representative Linwood Higgins in nomination for the position of Speaker of the House of Representatives.

On motion of Representative NELSON of Portland, the House voted that nominations cease.

Subsequently, the committee reported that it had attended to its duties and that:

Total number of votes cast	149
Total number of votes needed	75
John L. Martin received	84
Linwood Higgins received	65

and thereupon John L. Martin was declared duly elected as Speaker of the House of Representatives of the One Hundred and Twelfth Legislature.

Thereupon, Speaker Martin was escorted to

the rostrum by the Representative from Bangor, Representative DIAMOND, where he assumed the Chair amid the applause of the House, the members rising.

The SPEAKER: I would like to thank the members of this body for electing me to a sixth term as Speaker of the Maine House.

It is with a sense of appreciation and anticipation that I look forward to the next two years. My thanks to my friend, Father Thibodeau, for serving this morning to the Fort Kent Community High School Band for being here.

We should acknowledge at the outset of this session that we will be challenged by many difficult and complex issues. We must complete the job of Education Reform begun during the last sessions. We must carry forward our commitment to the reform of the Workers' Compensation System. We must conform and confront the continuing challenge of economic development and jobs creation and we must be prepared to deal with the consequences of a changing federal budget.

These critical issues are not Republican problems or Democratic issues or independent concerns, they are matters of consequence to all the people of Maine and it is our duty as Representatives of those people to work in their best interests regardless of party affiliation or personal bias.

I hope that we can set a tone for the 112th Legislature that will foster conciliation and negotiation rather than conflict and confrontation. Confrontation makes for great headlines and interesting editorial copy but it seldom results in accomplishments of enduring success.

If you look back to the accomplishments of the last legislature, it is clear that the major issues addressed in a substantive manner such as highway funding, hospital cost containment, workers' compensation reform and education reform were resolved through negotiation and compromise.

Let the partisan disagreements which occur this session be chosen carefully lest we fall into the trap that each issue becomes divisive. Both the majority and the minority parties have chosen capable floor leaders and I have confidence in their ability to set an agenda which will benefit all of Maine people and which will carefully distinguish between partisan and substantive issues.

The people of Maine have placed their trust and faith in you and you have placed yours in me. I will work hard to uphold the duties and responsibilities of this office in a manner to bring credit and honor to this House, to you and to the people of Maine.

Before I close, let me also thank John Diamond for the eloquent nomination for me today.

Thank you again for the honor.

On motion of Representative CARTER of Winslow, that Representative BROWN of Gorham, Representative SWAZEY of Bucksport, Representative WARREN of Scarborough, Representative HILLOCK of Gorham, Representative DRINKWATER of Belfast and Representative SMALL of Bath be appointed a Committee to receive, sort and count votes for the Clerk of the House.

Representative HAYDEN of Durham moved the name of EDWIN H. PERT of Georgetown be placed in nomination for the Clerk of the House.

The SPEAKER: The Chair recognizes the Representative from Durham, Representative HAYDEN.

Representative HAYDEN: Mr. Speaker, Ladies and Gentlemen of the House: We all know Edwin H. Pert, we may not know all of his history and I want to share a little of it with you today. This man was born in Bath—in fact, he served in the 99th Legislature. He now lives in Georgetown. He has been Clerk of this House for six terms. He was Clerk of the Senate for one term.

I would be surprised if there was one of us in

this House that would disagree with the fact that he is the magician that makes all of us do our work and whenever we do magic, it is because of his work.

Ed is a man who pushes himself hard and the result is that we get the acclaim and I am very proud to nominate this man who I think has become a master of his job. We will not get our work done without someone like Ed in that office managing our affairs.

When I first started thinking about speaking to his motion, I inquired to find out whether Ed Pert was on the edge of coming to a record—perhaps similar to Speaker Martin's in terms of longevity and service—I am sad to report that he is on the way but he is not yet there. In 1964, when he was serving as Clerk to the Senate, Harvey Pease of Wiscasset was just finishing his 32 years of office in this position and by my meager calculations, that means that we will have to continue to do this sort of thing for Ed until the year 2004 so I think it is safe to say, Ed, that we are game if you are.

I don't know what the case was in 1964 but I can tell you in 1984 the name of Clerk of the House has become synonymous with Edwin H. Pert.

Representative MURPHY of Kennebunk moves that nominations cease.

On motion of Representative DIAMOND of Bangor, the Committee cast one vote for the House for EDWIN H. PERT.

On motion of Representative MANNING of Portland, Representative RIDLEY of Shapleigh, Representative MURRAY of Bangor, Representative VOSE of Eastport, Representative NELSON of Portland, Representative FOSTER of Ellsworth, Representative DEXTER of Kingfield and Representative ZIRNKILTON of Mount Desert were appointed a Committee to receive, sort and count votes for Assistant Clerk of the House.

The SPEAKER: The Chair recognizes the Representative from Durham, Representative HAYDEN.

Representative HAYDEN: Thank you Mr. Speaker. Again, at this time I'd like to move that the name of Deborah Bedard Wood be placed in nomination for the office of Assistant to Clerk of the House. For those of us who have been here before, we all know we are getting Debbie Wood back from the Senate and bringing her home where she belongs. Her first home was in Biddeford where she was born then she grew up in Saco, but for the past 12 years she has been serving in the Maine State Legislature and for most of that five terms she has been the Assistant to the Clerk of the House, the Assistant for Ed Pert in fact, and if Ed Pert is someone who does his job selflessly, and without any demands for attention which he is, Deb Wood is even more so and if Ed Pert has become all of our right arms, then Deborah Bedard Wood is certainly Ed Pert's right hand and I don't think that any of us can get by without her. We welcome her back and I hope that we all will give her the support and help that she deserves because she certainly gives it back to us in kind.

Representative DAVIS of Monmouth moved that the nominations cease.

On motion of Representative HAYDEN of Durham, the committee cast one vote for Deborah Bedard Wood as Assistant Clerk and she was thereupon elected Assistant Clerk of the House.

The Sergeant-of-Arms then escorted Deborah Bedard Wood to the rostrum.

At the request of Representative REEVES of Pittston, Representative CARTER of Winslow escort the Clerk-elect and the Assistant Clerk-elect to the Office of the Governor for the purpose of taking and subscribing to the necessary oaths of office to qualify them to enter upon the discharge of their duties as Clerk of the House and Assistant Clerk of the House.

Whereupon Edwin H. Pert, Clerk and

Deborah Bedard Wood, Assistant Clerk, appeared and entered upon the discharge of their official duties.

On motion of Representative NELSON of Portland that Representative CROWLEY of Stockton Springs, Representative CLARK of Millinocket, Representative HICKEY of Augusta, Representative HALE of Sanford, Representative CALLAHAN of Mechanic Falls and Representative PARENT of Benton be appointed a Committee to notify the Governor of the organization of the House by the election of Honorable JOHN L. MARTIN as Speaker, Mr. EDWIN H. PERT as Clerk and Mrs. DEBORAH BEDARD WOOD as Assistant Clerk and is ready to transact such business as might come before it.

Subsequently, Representative CROWLEY of Stockton Springs reported that the Committee had delivered the message with which it was charged.

At this point the Speaker appointed Representative CARTER of Winslow to inform the Senate that the House was duly organized for business.

Subsequently, Representative CARTER of Winslow reported that he had delivered the message with which he was charged.

Messages and Documents

The following Communication:

STATE OF MAINE

OFFICE OF THE SECRETARY OF STATE

Augusta, Maine
November 30, 1984

To the Speaker of the
House of Representatives:

In compliance with the Constitution and laws of the State of Maine, I have the honor to herewith transmit the returns of the votes cast for Representatives to the Legislature in the several cities, towns and plantations in the State of Maine at the General Election held on November 6, 1984.

Respectfully,
S/ RODNEY S. QUINN
Secretary of State

The Communication was read and with accompanying papers ordered placed on file.

The following Communication:

Office of the Governor and Council
Community Building
Indian Island
Old Town, Maine 04468

10/03/84

Honorable Edwin H. Pert
Clerk of the House of Representatives
State House
Augusta, ME 04333
Dear Clerk Pert:

This is to certify in accordance with 3 M.R.S.A., Section 1, second paragraph, that Priscilla A. Attean was duly elected Representative to the State Legislature for a term of two years, beginning on the first day of October 1984 and ending on September 30, 1986 at the General Tribal Election of the Penobscot Indian Nation held on September 11, 1984 under the provisions of Section 4792 of Chapter IV of the Laws of the Penobscot Nation.

Very truly yours,
S/ D. LORRAINE DANA
Tribal Clerk

The Communication was read and ordered placed on file.

The following Communication:

STATE OF MAINE
House of Representatives
Speaker's Office
Augusta, Maine 04333

October 24, 1984

Hon. Edwin H. Pert
Clerk of the House
State House Station #2

Augusta, Maine 04333

Dear Clerk Pert:

This is to notify you that pursuant to my authority under Chapter 859 of the Public Laws of 1984, I have today appointed the following members to serve on the Special Commission to Study the Implementation of Educational Reform:

Hon. Lorraine N. Chonko, Topsham
Hon. Steven E. Crouse, Washburn
Hon. Stephanie Locke, Sebec
Hon. Nancy N. Masterton, Cape Elizabeth
Hon. Edwin C. Randall, East Machias

Sincerely,
S/ JOHN L. MARTIN
Speaker of the House

The Communication was read and ordered placed on file.

The following Communication:

111th Maine Legislature

October 26, 1984

Hon. Earl Kelly
21 Pearl Street
Camden, Maine 04843

Dear Earl:

Pursuant to our authority under Chapter 85 of the Resolves of 1984, we are hereby appointing you to serve as a legislative member of the Select Committee Concerning Forest Practices in the State. You will be filling the vacancy left by the death of Rep. Robert MacEachern.

If for any reason you are unable to serve on this committee, would you please notify one of us as soon as possible.

Sincerely,
S/ GERARD P. CONLEY
President of the Senate
S/ JOHN L. MARTIN
Speaker of the House

Was read and ordered placed on file.

The following Communication: (H.P. 7)

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

State House Station #17
Augusta

November 13, 1984

John L. Martin
Speaker of the House
State House Station 2
Augusta, Maine 04333
Dear Speaker Martin:

As required by L. D. 2324, Section 3, the Department of Environmental Protection has completed a survey of available records to identify all existing underground oil storage tanks. A summary has been compiled from these records. In response to your interest in this subject, a copy of this survey is enclosed for your information.

The inventory suggests considerable attention to the conditions posed by underground storage tanks will be required in the future. The comprehensive plan required by law and being prepared by the Department will outline a framework for addressing the problems posed by the lack of good information of the location and age of underground storage tanks and the threats posed by leaking underground storage tanks to groundwater. We expect to submit the comprehensive plan to the Maine Legislature in January, 1985.

I appreciate the chance to provide you with this information. If you have any questions, please contact me or George Seel, of my staff, who is coordinating this program. Thank you.

Sincerely,
S/ HENRY E. WARREN,
Commissioner
Department of
Environmental Protection

The Communication was read and with accompanying report ordered placed on file and sent up for concurrence.

The following Communication:

State of Maine
Senate Chamber
President's Office
Augusta, Maine 04333

December 3, 1984

Hon. Edwin H. Pert
Clerk of the House
State House Station #2
Augusta, Maine 04333
Dear Clerk Pert:

This is to notify you that pursuant to my authority under Chapter 859 of the Public Laws of 1984, I have today appointed the following to serve as members of the Joint Standing Committee on Education on the Special Commission to Study the Implementation of Educational Reform.

Hon. Nancy Randall Clark
Hon. Kenneth P. Hayes

Sincerely,
S/ GERARD P. CONLEY
President of the Senate

The Communication was read and ordered placed on file.

The following Communication:

State of Maine
Senate Chamber
President's Office
Augusta, Maine 04333

December 3, 1984

Hon. Edwin H. Pert
Clerk of the House
State House Station #2
Augusta, Maine 04333
Dear Clerk Pert:

This is to notify you that pursuant to my authority under 3 M.R.S.A., Subsection 227, I have today appointed Mr. Roger A. Daigle to a one-year term on the Maine-Canadian Legislative Advisory Commission. He will replace Dr. Norman R. Beaupre whose term expired this month.

Sincerely,
S/ GERARD P. CONLEY
President of the Senate

The Communication was read and ordered placed on file.

The following Communication:

State of Maine
Senate Chamber
President's Office
Augusta, Maine 04333

December 3, 1984

Hon. Edwin H. Pert
Clerk of the House
State House Station #2
Augusta, Maine 04333
Dear Clerk Pert:

This is to notify you that pursuant to my authority under Chapter 859 of the Public Laws of 1984, I have today appointed the Honorable Thomas Perkins to serve as one of the members of the Joint Standing Committee on Appropriations and Financial Affairs on the Special Commission to Study the Implementation of Educational Reform.

Sincerely,
S/ GERARD P. CONLEY
President of the Senate

The Communication was read and ordered placed on file.

Petitions, Bills and Resolves Requiring Reference

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

Bill "An Act Relating to Daily Mileage Allowance for Legislators" (Emergency) (H. P. 2) (L. D. 2) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsor: Senator PRAY of Penobscot)

The Committee on Education was suggested. On motion of Representative GWADOSKY of Fairfield, under suspension of the rules with-

out reference to any committee, the bill was read twice, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

State Government

Bill "An Act Prohibiting State Agencies from Purchasing Real Property" (Emergency) (H. P. 3) (L. D. 4) (Presented by Sepaker MARTIN of Eagle Lake)

Bill "An Act to Require Legislative Approval of all Public Improvements Involving the State House" (Emergency) (H. P. 6) (L. D. 5) (Presented by Representative DIAMOND of Bangor) (Cosponsors: Senators VIOLETTE of Aroostook, CLARK of Cumberland and Representative HAYDEN of Durham)

(Ordered Printed)

Sent up for concurrence.

Passed to be Engrossed

Bill "An Act to Clarify and Correct Section Numbering of an Effective Date in the Implementing Act of the Commission on the Status of Education in Maine" (Emergency) (H. P. 1) (L. D. 1) (Presented by Speaker MARTIN of Eagle Lake)

The Committee on Taxation was suggested. On Motion of Representative HIGGINS of Portland, under suspension of the rules, without reference to any committee, the bill was read twice, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Orders

On motion of Representative HAYDEN of Durham, the following Joint Order: (H. P. 4)

ORDERED, the Senate concurring, that the Legislative Administrative Director be authorized and directed to pay each member of the Legislature prior to January 1, 1985, a \$330 allowance for constituent services as authorized in the Maine Revised Statutes, Title 3, Section 2.

The Order was read and passed and sent up for concurrence.

On motion of Representative DIAMOND of Bangor, the following Order:

ORDERED, that five Clerk-stenographers be employed to provide stenographic and clerical assistance to the Members of the House. Such Clerk-Stenographers shall be selected by the Clerk of the House, three from the Majority Party and two from the Minority Party; and be it further

ORDERED, that the Clerk of the House include in his payroll of House Officers, the Clerk-stenographers so employed at salaries approved by the speaker.

The Order was read and passed.

On motion of Representative HICKEY of Augusta, the following Order:

ORDERED, that the Clerk of the House be authorized to invite the clergymen of Augusta, Hallowell and Gardiner to officiate as Chaplains of the House, or to invite clergymen from other areas of the State as requested by any member of the House, and be it further

ORDERED, that all clergymen acting as Chaplains of the House shall receive \$25 for each officiation, to be paid on payrolls to be approved by the Clerk of the House.

The Order was read and passed.

On motion of Representative POULIOT of Lewiston, the following Order:

ORDERED, that each member of the House be furnished with one daily newspaper published in the State.

The Order was read and passed.

On motion of Representative DIAMOND of Bangor, the following Order:

ORDERED, that each adjournment of the

House be until 10 o'clock of the following morning unless otherwise ordered.

The Order was read and passed.

On motion of Representative BRANNIGAN of Portland, the following Order:

ORDERED, that the Clerk of the House be authorized and directed to furnish each member of the House with a copy of the Advance Journal of the House, said copy to be on the desk of each member at the opening of each daily session.

The Order was read and passed.

On motion of Representative GWADOSKY of Fairfield, the following Order:

ORDERED, that the remaining subordinate officers of the House be appointed to serve for the present biennium as follows: By the Speaker, a Secretary of the Speaker; by the Clerk, an Advance Journal Clerk, three Officer Secretaries, an Office Clerk, Index and Roll Call Clerk and Journal Copy Clerk; and be it further

ORDERED, that the Speaker and the Clerk respectively are hereby authorized to accept resignations and fill any vacancies of said subordinate officers during the biennium.

The Order was read and passed.

On motion of Representative SWAZEY of Bucksport, the following Order:

ORDERED, that the Clerk of the House be directed to secure uniforms for the subordinate officers of the House.

The Order was read and passed.

On motion of Representative DIAMOND of Bangor, the following Joint Order: (H. P. 5)

ORDERED, the Senate concurring, that the Speaker of the House is authorized, at his discretion, to permit radio or television, in the Hall of the House of Representatives while the House is in session, or during joint conventions of the Legislature.

Was read.

The SPEAKER: The Chair recognizes the Representative from Canton, Representative MCCOLLISTER.

Representative McCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: The House is established or has established a dress code. I feel that this House is lowered in its esteem by the members of the press. I believe that we should demand at least as much from the press as we demand from ourselves and I should hope that during this next two years that we, members of the House, expect the press to present themselves before us in a better manner than which they have in the past. Thank you.

Subsequently, the Order was passed and sent up for concurrence.

On motion of Representative DIAMOND of Bangor, the following Order:

Rules of the House

DUTIES AND POWERS OF THE SPEAKER

1. It shall be the duty of the Speaker to take the chair at the hour to which the House shall have adjourned, call the members to order, and after the appearance of a quorum, cause the journal of the preceding day to be read;

To announce the business before the House in the order in which it is to be acted upon;

To receive and submit to vote all motions and propositions regularly moved or that necessarily arise in the course of proceedings, and announce the result;

To restrain the members when engaged in debate, within the rules of order, and to enforce on all occasions, the observance of order and decorum among the members;

To decide all questions of order, subject to an appeal to the House;

To receive all messages and other communications and announce them to the House;

To authenticate by his signature bills that have passed to be enacted and resolves finally passed;

To appoint the member who shall take the chair when the House has determined to go into committee of the whole;

To name a member to perform his duties during his absence;

To appoint the members who are to serve on committees; to appoint a Clerk and an Assistant Clerk of the House to fill any vacancy that may occur in said offices while the Legislature is not in session, to serve until the House in session shall elect a Clerk or Assistant Clerk; and to appoint a sergeant-at-arms, an assistant sergeant-at-arms, a document clerk, door-keepers, a courier, and 4 pages, unless the House of Representatives otherwise directs. Such appointments may be rescinded at any time by the Speaker;

To appoint honorary pages; and

To appoint legal counsel while the Legislature is in session.

2. The Speaker may address the House on points of order, in preference to other members; and may vote in all cases.

DUTIES OF THE CLERK

3. The Clerk shall keep a journal of what is done by the House; read papers when required by the House or Speaker; note the answers of members, when the House orders or when a question is taken by yeas and nays; notify committees of their appointment and of the business referred to them; authenticate by his signature all the orders and proceedings of the House not authenticated by the Speaker; have charge of all the documents and papers of every kind confided to the care of the House; bear all messages and transmit all papers from the House to the Governor or to the Senate, unless the House shall otherwise order; make up the payroll of the members; and in the absence of the Speaker or Speaker pro tempore at the hour for meeting, shall preside until a Speaker pro tempore be chosen; and at the close of the session shall file in an orderly manner all papers and documents in possession of the House, passed upon or received during the session; and at the commencement of the next legislature shall preside until the election of the Speaker; and record the doings of the House until a new Clerk shall be chosen and qualified; and in the absence of the Clerk, the Assistant Clerk shall be Clerk pro tempore, with power to appoint an assistant.

CHAPLAINS

4. Every morning the House on assembling shall join with the Chaplains in religious service followed by the National Anthem on the first legislative day of each week.

MONITORS

5. One monitor shall be appointed by the Speaker for each division of the House, whose duty shall be to see to the observance of the rules of the House. If any member shall transgress any of the rules of the House, and persist therein, after being notified thereof by any monitor, it shall be the duty of such monitor to give information thereof to the House.

COMMITTEES

6. The following standing committees shall be appointed at the commencement of the session, whose duty shall be to consider all subjects referred to them and report thereon:

On Ways and Means,
On Leave of Absence,
On Bills in the Second Reading,
On Engrossed Bills,
On Elections,

To consist of seven members each;

On Rules and Business of the House,

To consist of three members and the Speaker ex officio.

7. A member who is absent by leave of the presiding officer and who has notified the presiding officer of his intent to pair his vote may join in voting for or against a measure with another member present at the time of the vote who stands on the opposite side of the question, provided that the absent member has submitted in writing the request for pairing

and has received approval in writing by the Speaker. The vote of the absent member and the member with whom he is paired shall not become part of the total number of votes causing passage or rejection of the measure.

RIGHTS AND DUTIES OF MEMBERS

8. The seat which a member draws at the commencement of the session shall be his during the session, unless he shall have leave of the Speaker to change it and no other person shall be permitted to occupy a member's seat at any time during a session of the House.

9. No member shall sit at the desk of the Speaker or Clerk, except by the permission of the Speaker.

10. When two or more members rise at the same time, the Speaker shall name the person to speak; in other instances, the Speaker shall recognize the member who shall rise first and address the chair.

11. No member shall interrupt another while speaking, except to call to order or correct a mistake; or be allowed to stand up to the interruption of another while any member is speaking, or pass unnecessarily between the Speaker of the House and the person speaking; or stand in an alley, or sit or stand covered, during the session of the House.

12. No member shall speak more than twice to the same question, without first asking leave of the House. When a member of the House of Representatives asks leave to speak a third or more times, any other member objecting to his speaking must stand and be recognized by the Speaker of the House and his objection noted.

13. No member shall speak out of his place without leave from the Chair, nor without first rising and addressing the Speaker; and he shall sit down as soon as he is done speaking.

14. No member shall act as counsel for any party, before a joint committee of the Legislature, or a committee of the House.

15. Every member shall make out and deliver to the clerk or to the Legislative Finance Officer a statement of the number of miles usually travelled in going from his residence to the seat of government.

16. Every member who shall neglect to give his attendance to the House for more than six days after the session commences shall, on making his appearance therein be held to render the reasons for such neglect; and in case the reason assigned shall be deemed by the House sufficient, such member shall be entitled to receive pay for his travel, and not otherwise; and no member shall be absent more than two days without leave of the House; and no member shall have such leave, unless it be reported by the Committee on Leave of Absence; and no leave of absence shall avail any member who retains his seat more than five days from the time the same was obtained.

17. Any member having obtained leave of absence, and having in his possession any papers relating to the business before the House, shall leave the same with the Clerk.

18. When any member shall be guilty of a breach of any of the rules and orders of the House and the House has determined that he has so transgressed, he shall not be allowed to vote or speak, unless by way of excuse for the same, until he has made satisfaction.

19. Every member who shall be in the House when a question is put where he is not excluded by interest shall give his vote, unless the presiding officer for reasons shall excuse him, and when yeas and nays are ordered, no member shall leave his seat until the vote is declared; in all elections by the House, or on joint ballot of the two houses, no member shall leave his seat, after voting, before a return of the House is had.

20. When the galleries shall be ordered to be cleared or shut the matter which may occasion such order shall be kept secret by each member, until the House shall order such injunction of secrecy to be taken off.

21. No person not a member or officer of the

House, except members of the Senate, its secretary and assistant, the Governor, heads of State departments and bureaus, Justices of the Supreme Judicial Court, Chaplains of the Senate and reporters of the proceedings and debates of the House shall be admitted within the Representatives' hall, unless invited by some member of the House. While the House is in session only members and officers of the House and officers of the Senate on official business shall be admitted inside the rail, except members of the press, who shall occupy places at the press table, and except guests of the Speaker.

PROCEEDINGS AND DEBATES

22. After reading of the journal, the following shall be the order of business:

- 1st. Senate papers, and first reading of accompanying bills and resolves.
- 2nd. Messages and documents from the executive and heads of departments.
- 3rd. Reception of petitions, bills and resolves requiring reference to any committee.
- 4th. Orders.
- 5th. Expressions of Legislative sentiment — Special sentiment calendar.
- 6th. Reports of committees and first reading of accompanying bills and resolves.
- 7th. Consent calendar, First Day.
- 8th. Consent calendar, Second Day.
- 9th. Bills and resolves reported by Committee on Bills in the Second Reading, and on their passage to be engrossed.
- 10th. Bills on their passage to be enacted.
- 11th. Orders of the day.

The Speaker shall announce each item of business in its turn, and no paper shall be taken up out of its regular order, except by the unanimous consent of the House. No business shall be transacted in the House after the hour of 9:00 p.m. The orders of the day shall take precedence of all other business at the expiration of the morning hour.

23. It shall be the duty of the Clerk to make up daily a calendar of bills, resolves and other papers, assigned for that day's consideration, and also a calendar of bills and resolves which have had their first reading, and showing the disposition that has been made of each.

24. The unfinished business in which the House was engaged at the time of the last adjournment, shall have preference in the orders of the day and shall continue to be among the orders of the day for each succeeding day until disposed of and no motion or other business shall be received, without special leave of the House, until the former is disposed of.

25. When a question is under debate no motion shall be received but—

- 1st. To adjourn.
- 2nd. To lay on the table.
- 3rd. For the previous question.
- 4th. To commit.
- 5th. To postpone to a day certain.
- 6th. To amend.
- 7th. To postpone indefinitely.

which several motions shall have precedence in the order in which they are arranged.

Questions of concurrence or otherwise with the Senate shall have precedence of each other in the following order:

- 1st. To recede.
- 2nd. To concur.
- 3rd. To insist.
- 4th. To adhere.

26. A motion to adjourn shall always be first in order, and shall be decided without debate.

27. A vote to lay a proposition on the table shall not preclude the further consideration of it on the same day.

27-A. Debate must always have relation to some definite question which is under consideration and it shall be the duty of the Speaker to decide whether or not such debate is relevant.

28. When motion for the previous question

is made, the consent of one-third of the members present shall be necessary to authorize the Speaker to entertain it. No debate shall be allowed until the matter of consent is determined. The previous question shall be submitted in the following words: Shall the main question be put now? No member shall speak more than five minutes on the motion for the previous question, and while that question is pending a motion to lay on the table shall be decided without debate. A call for the yeas and nays, or for division of a question, shall be in order after the main question has been ordered to be put. After the adoption of the previous question, the vote shall be taken forthwith upon amendments, and then upon the main question.

29. In filling blanks and assigning times for the consideration of business, the longest time shall be put first.

30. When a proposition consists of several paragraphs or sections, amendment of one of them shall not preclude amendment of a prior paragraph or section.

31. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

32. No amendment to a bill or resolve shall be acted upon by the House until the same has been printed or reproduced and distributed to the members under the direction of the Clerk, unless the same shall bear the recommendation of the Committee on Rules and Business of the House that such printing or reproduction be dispensed with; and any amendment not so printed or reproduced or bearing such recommendation shall lie on the table until printed or reproduced or until said Committee has recommended that such printing or reproduction be dispensed with. All amendments presented or filed with the Clerk for printing or reproduction shall bear the signature of the member presenting or filing the same.

33. After a motion or order is stated or read by the Speaker, it shall be regarded as in the possession of the House, and shall be disposed of by the vote of the House. But any motion or order may be withdrawn by the mover at any time before a decision or amendment, except a motion to reconsider, which shall not be withdrawn except by consent of the House.

34. When a vote having been declared by the Speaker, is doubted, the members for and against the question, when called on by the Speaker, shall vote again without further debate. But a call for the yeas and nays shall be in order at any time before such a vote is made certain and declared.

35. When a motion has once been made and carried in the affirmative or negative, it shall not be in order for any member who voted in the minority to move a reconsideration thereof; but any member who voted with the majority, or in the negative on a tie vote, may move to reconsider on the same or succeeding day. A motion to reconsider shall not be postponed or laid on the table without a certain time assigned for its further consideration. When a motion for reconsideration has been decided the vote shall not be reconsidered. A motion to reconsider shall not be in order more than once on the same question.

36. When a member shall move or give notice of his intention to move, a reconsideration of any vote, the papers to which the motion relates shall remain in possession of the Clerk until the question of such reconsideration shall have been decided, or the right to move such a question is lost.

37. In all elections by ballot, of the House, a time shall be assigned for such election, at least one day previous thereto.

38. When the reading of a paper is called for which has been before read to the House, and the same is objected to by any member, the question of reading shall be determined by a vote of the House.

39. Every question of order which shall be decided on appeal shall be entered on the journal of the House with the decision thereon.

40. A proposition to require the opinion of the justices of the Supreme Judicial Court, as provided by the Constitution, shall not be acted upon until the next day after such proposition is made.

41. All petitions, memorials and other papers addressed to the House, and all bills and resolves to be introduced in the House, shall bear the signature of the member or member-elect presenting them and a brief descriptive title and shall be deposited by the member presenting them in a box placed for that purpose in front of the Clerk's desk, unless otherwise provided under the rules. All such petitions, memorials, papers, bills and resolves, which are deposited in said box before one o'clock in the afternoon of each day shall be removed therefrom by the Clerk, and shall be introduced and received in the House on the following day, at which time they shall be presented to the House by the Speaker or such other person as the Speaker may request, and referred to the proper committees, unless the House shall otherwise order.

42. All bills in their Second Reading, and resolves in their Second Reading, shall be committed to the standing Committee on Bills in the Second Reading, to be by them examined and corrected. The Director of Legislative Research shall be the clerk of the Committee on Bills in the Second Reading.

43. All resolves appropriating money or land, shall have their Second Reading on such day subsequent to that of their First Reading as the House may assign.

44. All engrossed bills and resolves shall be committed to the standing Committee on Engrossed Bills to be strictly examined; and if found by them to be truly and strictly engrossed, they shall so report to the House, and the question shall be taken without any further reading, unless on motion of any member, a majority of the House shall be in favor of reading the same as engrossed.

45. Every bill or resolve, providing for the grant of money, land, or other public property, which may be laid on the table by leave, and any report of a grant shall be accompanied by a written statement of facts in each case; and no such bill or resolve shall be considered before such statement is made, or pass without being read on two several days.

46. No new bill or resolve of a public nature shall be received, except it be reported by a committee, unless the House otherwise order, and all bills and resolves not reported by a committee, shall be laid upon the table for one day, before further action thereon.

47. No act or resolve shall be passed affecting the rights of individuals or corporations, without previous notice to such individuals or corporations.

48. No bill shall pass to be engrossed until it shall have had two several readings; the time for the second reading shall be assigned by the House. Every resolve which shall require the approval of the Governor shall have two several readings.

The Order was read.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Diamond.

Representative DIAMOND: Thank you Mr. Speaker, Men and Women of the House: The Order that I have presented deals with adoption of Rules of the House, the rules under which we will operate for the next two years and something which is traditionally adopted on this first day. This session there are only two changes and they are very minor changes and I will point those out to you. On page 13 of your printed calendar, Item No. 7 deals with pairing. I will read it to you in case you don't have your printed calendar in front of you. A member who is absent by leave of the presiding officer

and who has notified the presiding officer of his intent to pair his vote may join in voting for or against any measure with another member present at the time of the vote who stands on the opposite side of the question, provided that the absent member has submitted in writing, that is the key here, the request for pairing and has received approval in writing, another key, by the Speaker. The vote of the absent member and the member with whom he is paired shall not become part of the total number of votes causing passage or rejection of the measure. This is to address a concern that we have a more structured procedure for pairing and it was the agreement of both corners of this and the presiding officer that this rule be adopted.

The other change is a minor house-keeping change that compliments some changes we are talking about on the Legislative Council regarding the operation of the various legislative and partisan staffs, and this implements a structure for hiring partisan staff. So those are the only two changes. Its departure from the past from when we had many more significant changes other than that they are the rules under which we proceeded last session.

So I urge your support for them and I can speak for both corners in saying that it has unanimous support of all leaders.

Subsequently, the Order was passed and sent up for concurrence.

(Off Record Remarks)

By unanimous consent, all matters requiring Senate concurrence were ordered sent forthwith to the Senate.

At this point a message was received from the Senate, borne by the Senator from Aroostook, Senator VIOLETTE, that the Senate had been duly organized by the election of Honorable CHARLES P. PRAY as President, JOY J. O'BRIEN as Secretary and VALERIE MITCHELL as Assistant Secretary, and the Senate was ready to transact such business as might come before it.

At this point, a message came from the Senate, borne by the Senator from Aroostook, Senator VIOLETTE, proposing a Convention of both branches of the Legislature to be held at 2 o'clock in the Hall of the House for the purpose of electing an Attorney General, a Secretary of State, a State Treasurer and a State Auditor.

Thereupon the House voted to concur in the proposal for a Joint Convention to be held at 2 o'clock and the Speaker appointed Representative DIAMOND of Bangor to convey this message to the Senate.

Subsequently, Representative DIAMOND of Bangor reported that he had delivered the message with which he was charged.

On the motion of Representative THERIAULT of Fort Kent,

Recessed until 1:55 p.m.

(After Recess)

1:55 p.m.

The House was called to order by the Speaker.

At this point, the Senate entered the Hall of the House and a Joint Convention was formed.

In Convention

The President of the Senate, The Honorable CHARLES P. PRAY, in the Chair.

The Convention was called to order by the Chairman.

On motion of Senator CLARK of Cumberland, the following members were appointed a committee to receive, sort and count votes for the Constitutional Officers and for the State Auditor:

Senators:

CARPENTER of Aroostook
PERKINS of Hancock
USHER of Cumberland
- on the part of the Senate

Representatives:

ROTONDI of Athens
ROLDE of Durham
HAYDEN of Durham
SPROUL of Augusta
- on the part of the House

The CHAIRMAN: Nominations are now in order for the office of Secretary of State of the State of Maine.

The Chair recognizes the Representative from Athens, Representative Rotondi.

Representative ROTONDI: Mr. President, Members of the Joint Convention: It is my honor and pleasure once again, to place the nomination for the office of Secretary of State the Honorable Rodney S. Quinn.

The CHAIRMAN: The Representative from Athens, Representative Rotondi, has nominated Rodney S. Quinn of Gorham for the office of Secretary of State for the State of Maine.

Whereupon, Representative Rolde of York seconded the nomination.

The CHAIRMAN: The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Mr. President and Ladies and Gentlemen of the 112th Legislature: It is my pleasure to place for nomination the name of Bennett Katz for the office of Secretary of State. Bennett has served the Legislature in both branches for some 6 to 8 years and served on Education Commissions and is presently serving on the New England Board of Higher Education. He is a businessman and active in civic and other duties that demonstrates that he is well qualified for the job.

The CHAIRMAN: The Senator from Hancock, has nominated Bennett Katz of Augusta for the office of Secretary of State of Maine.

The Chair recognizes the Representative from Augusta, Representative Sproul.

Representative SPROUL: Mr. President, Ladies and Gentlemen of the Joint Convention: It is my pleasure to second the nomination of Bennett D. Katz for Secretary of State.

Senator Violette from Aroostook moved that nominations cease.

Having attended to the duties assigned, Senator Carpenter, for the Committee, reported as follows:

Total number of votes cast - 183
Necessary for choice - 92
Rodney S. Quinn - 116
Bennett D. Katz had - 68

Which report was accepted, and Rodney S. Quinn having received a majority of all the votes cast, was declared elected Secretary of State for the political years 1985 and 1986.

On motion of Senator TRAFTON of Androscoggin, the following members were appointed a committee to receive, sort and count votes for the Office of Attorney General of the State of Maine for the political years 1985-1986.

On the part of the Senate:

Senators:

CLARK of Cumberland
TRAFTON of Androscoggin
HICHENS of York

On the part of the House:

Representatives:

DIAMOND of Bangor
DAVIS of Monmouth
LEBOWITZ of Bangor
NELSON of Portland

The CHAIRMAN: Nominations are now in order for the office of Attorney General for the State of Maine.

The Chair recognizes the Representative from Bangor, Representative Diamond.

Representative DIAMOND: Thank you Mr. President. Members of the Joint Convention: It is with great pleasure that I rise to place in nomination the name of our current and hopefully future Attorney General, James E. Tierney

of Lisbon Falls.

All of our Constitutional Officers have demanding jobs, but the responsibilities of the Attorney General are particularly demanding. He wears many hats, he manages the largest law firm in the State, he is the chief law enforcement officer of the state and he serves as the public's lawyer. It is a big job and for the past four years Jim Tierney has handled it extremely well. He has much experience, know-how, and the capability to take on the job and to do it well. And he has demonstrated that in all of his public life, both as a member of the House of Representatives for eight years and as a Constitutional Officer for four. I think we need his experience and the type of leadership and devotion to the job that Jim Tierney has shown. So I ask you all to join with me today in supporting and re-electing our Attorney General, James Tierney.

The CHAIRMAN: The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Thank you Mr. Chairman. I have the honor on behalf of the Democratic Party of the State of Maine and on behalf of Adam and Josie and Matthew and Daniel to second the nomination of James E. Tierney for the Office of Attorney General for the Great State of Maine.

The CHAIRMAN: The Chair recognizes the Representative from Monmouth, Representative Davis.

Representatives DAVIS: Mr. President, thank you. It gives me a great deal of pleasure to place the name in nomination for Attorney General, one Swift Tarbell, who has served in this position with energy, aggressiveness, knowledge and with color and dedication. And it is at this time that I, with pleasure, introduce his name as a nominee.

The CHAIRMAN: The Chair recognizes the Representative from Bangor, Representative Lebowitz.

Representative LEBOWITZ: Mr. President, Ladies and Gentlemen of the Joint Convention: It is my distinct pleasure to second the nomination of Swift Tarbell for the Office of Attorney General.

Senator Violette of Aroostook moved that nominations cease.

Having attended to the duties assigned, Senator Carpenter, for the Committee, reported as follows:

Total number of votes cast: 183
Necessary for choice - 92
James E. Tierney had - 107
Swift Tarbell had - 76

Which report was accepted, and James E. Tierney having received a majority of all the votes cast, was declared elected Attorney General of the State of Maine for the political years 1985 and 1986.

On motion of Senator TWITCHELL of Oxford, the following members were appointed a committee to receive, sort and count votes for the Office of the Treasurer of the State of Maine for the political years, 1985 and 1986.

On the part of the Senate:

Senators:

VIOLETTE of Aroostook
KANY of Kennebec
SEWALL of Lincoln

On the part of the House:

BELL of Paris
CAHILL of Woolwich
CASHMAN of Old Town
HALE of Sanford

The CHAIRMAN: Nominations are now in order for the office of Treasurer of the State of Maine.

The Chair recognizes the Senator from Aroostook, Senator Violette.

Senator VIOLETTE: Mr. Chairman and Honorable Members of this 112th Joint Convention: It is indeed a great pleasure today to nominate a good friend of mine, the Honorable Samuel Shapiro of Waterville for a third term

for the Office Treasurer of the State of Maine. I have always believed that deeds and actions speak louder than words and Sam's work during these past four years have shown that. The State's bond rating has increased to double A-plus 1 with Moody's and Triple A with Standard and Moore. Because of his leadership, the State has developed an abandoned property division which has collected in excess of a million dollars in this year alone. He has shown leadership by involvement with the Housing Authority, the Maine Municipal Bond Bank, the Maine State Authority and the Finance Authority of Maine. He has brought hope as he has made this position a full time position and has brought a degree of professionalism to the Department of Treasury. In recognition of this, his fellow Treasurers' elected him President of the Democratic State Treasurers' Association within the last year.

So I would hope today that you will all join me in re-electing Samuel Shapiro as Treasurer of the State of Maine. Thank you.

The CHAIRMAN: The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Mr. Chairman, Members of the Legislature, I am delighted to second the nomination of Samuel Shapiro as Treasurer of the State of Maine.

The CHAIRMAN: The Chair recognizes the Representative from Paris, Representative Bell.

Representative BELL: Thank you Mr. Chairman. Men and Women of the 112th Legislature: It is with a great deal of pleasure that I place the name of the Honorable Roland L. Sutton of Paris in nomination for Treasurer of the State of Maine.

Roland served two terms in the Maine Senate during the 109th and 110th Maine Legislature. He is the founder and president of Maine Machine Products Company which has been providing jobs for 28 years in the South Paris area. He is an active member of a number of organizations and committees both in our local communities as well as on a state-wide basis. He is comfortable in the world of banking and finance, serving as a former Bank Director.

It is with a great deal of pleasure that I enter the name of Roland L. Sutton in nomination for the Treasurer of the State of Maine.

The CHAIRMAN: The Chair recognizes the Senator from Lincoln, Senator Sewall.

Senator SEWELL: Thank you Mr. Chairman. Members of the Convention: It is my pleasure to second the nomination of Roland L. Sutton for the Treasurer of the State of Maine.

Representative DIAMOND of Bangor moved that nominations cease.

Having attended to the duties assigned, Senator PERKINS, for the Committee, reported as follows:

Total number of votes cast: 181
Necessary for choice - 91
Samuel D. Shapiro had - 107
Roland L. Sutton had - 74

Which report was accepted, and Samuel D. Shapiro of Waterville having received a majority of all the votes cast was declared elected State Treasurer of the State of Maine for the political years 1985 and 1986.

The CHAIRMAN: Nominations are now in order for the office of Auditor for the State of Maine for the political years 1985, 1986, 1987, and 1988.

Senator DUTREMBLE of York placed the name of Robert Norton of Biddeford as nominee for the office of State Auditor.

The CHAIRMAN: The Chair recognizes the Representative from Biddeford, Representative Racine.

Representative RACINE: Mr. Chairman, Ladies and Gentlemen of the Joint Convention: It gives me great pleasure to second the nomination of my good friend, Robert Norton, for the position of State Auditor.

Representative DAVIS of Monmouth moved

that the Senator from York, Senator DUTREMBLE, be authorized to cast one ballot on the part of the Convention in favor of Robert Norton of Biddeford for State Auditor.

Whereupon Senator DUTREMBLE from York cast one vote on the part of the Convention in favor of Robert Norton, and he was duly elected Auditor of the State of Maine for the political years 1985, 1986, 1987, and 1988.

On motion of Senator CLARK of Cumberland, it was

ORDERED, that the Secretary be directed to notify the Honorable Rodney S. Quinn of his election as Secretary of State; the Honorable Samuel D. Shapiro of his election as State Treasurer; the Honorable James E. Tierney of his election as Attorney General; and the Honorable Robert W. Norton of his election as State Auditor.

The Order was read and passed.

Subsequently, the Secretary reported that she had notified the officers as directed.

On motion of Senator VIOLETTE of Aroostook, it was

ORDERED, that the Secretary be directed to notify the Governor of the election of the Honorable Rodney S. Quinn as Secretary of State; the Honorable Samuel D. Shapiro as Treasurer of State; the Honorable James E. Tierney as Attorney General; and the Honorable Robert W. Norton as State Auditor.

The Order was read and passed.

Subsequently, the Secretary reported that she had delivered the message with which she was charged.

On motion of Senator PEARSON from Penobscot, the Convention was dissolved in memory of Robert MacEachern of Lincoln.

Subsequently, the Senate retired to its Chamber amid the applause of the House, the members rising.

In The House

The House was called to order by the Speaker.

(Off Record Remarks)

The following paper appearing on Supplement No. 4 was taken up out of order by unanimous consent.

Papers from the Senate

The following Joint Order: (S.P. 2)

JOINT RULES

GENERAL PROVISIONS

1. **Printing.** Whenever a document shall be printed under the Joint Rules governing the procedure following a favorable committee report, a sufficient number of copies shall be delivered to the Sergeant-at-Arms of each house for the members and officers thereof and the balance shall be delivered to the Document Clerk, who shall reserve sufficient copies for the departments and binding, twenty copies for the committee having the same under consideration, and shall be responsible for the equitable distribution of the remainder.

2. **Consideration of Legislation.** Every bill or resolve reported in either house by a committee shall be printed and distributed in both houses before having its first reading. Bills not already printed and new drafts shall be printed immediately after the reports are deposited in the office of the Secretary of the Senate or the Clerk of the House. The printed copies shall show by what committee the bill or resolve was reported.

When a bill, resolve, order or memorial shall pass one house, if rejected in the other house, it shall be returned by the Secretary or Clerk, as the case may be, for further consideration.

3. **Debate and Amendment.** No debate or amendment shall be permitted on any bill or resolve until such bill or resolve is before the Senate in the second reading or before the

House in the second reading, provided the favorable report of the committee to which the bill or resolve has been referred has been accepted.

4. Rejection of Bills. No bill or resolve, constitutional resolution, resolution, memorial or order that is finally rejected shall be recalled from the legislative files except by a joint order approved by a vote of two-thirds of both houses.

4A. Notwithstanding Senate Rule 23 and House Rule 48, the President of the Senate or the Speaker of the House may order any bill or resolve to be engrossed upon its introduction to either the Senate or the House. Any bill or resolve engrossed pursuant to this rule shall be committed to the Committee on Engrossed Bills whose duties shall be to examine the same and to see that the same have been truly engrossed. Before any bill shall pass to be enacted, or any resolve finally passed, it shall be reported by that committee to be truly and strictly engrossed, and the title thereof read by the President or the Speaker.

5. Enactment of Bills. Every bill that shall have passed both houses to be enacted and all resolutions having the force of law, that shall have finally passed both houses, shall be presented by the Secretary of the Senate to the Governor for his approval; and the Secretary of the Senate shall enter on the journal of the Senate the day on which such bills or resolutions are so presented to the Governor.

6. Responsibility for Legislative Papers. All endorsements on papers while on their passage between the two houses shall be under the signature of the Secretary of the Senate or the Clerk of the House, respectively; but after the final passage of bills and resolves they shall be signed by the presiding officer of each house.

Where one House has passed upon a legislative paper and forwarded it to the other, the receiving House shall promptly, upon receipt, place that paper on its calendar.

7. Conventions. No business shall be transacted in convention of the two houses unless by unanimous consent, except such as may be agreed upon before the convention is formed.

8. Communications. Whenever a message shall be sent from the Senate to the House, it shall be announced at the door by the Sergeant-at-Arms of the Senate, and it shall be communicated respectfully to the Chair by the bearer or it. In like manner messages from the House shall be communicated to the Senate, the Sergeant-at-Arms of the House announcing them at the door of the Senate.

9. Rules. No joint rule or order shall be suspended without the consent of two-thirds of the members present in each house.

10. Members. No member shall be permitted to vote on any question in either branch of the Legislature or in committee whose private right, distinct from public interest, is immediately involved.

11. Employees. The salaries of all officers and employees of the Senate and House of Representatives shall be established by the President of the Senate, the Speaker of the House and the Majority Floor Leaders of both the House and Senate. The Secretary of the Senate is authorized and directed to certify vouchers of the officers and employees of the Senate and the Clerk of the House is authorized and directed to certify vouchers of the officers and employees of the House in conformance with this Rule to the State Controller and said salaries shall be paid at such intervals as the President of the Senate, the Speaker of the House and the Majority Floor Leaders of both the House and the Senate may determine. The salaries of each committee clerk shall terminate when all bills have been reported out by the committee. The Legislative Administrative Director is authorized and directed to certify vouchers of the committee clerks.

12. Special Sessions. The President of the Senate and the Speaker of the House, during a

recess of the Legislature, if they deem it necessary that the Legislature be convened in special session pursuant to Article IV, Part Third, Section 1 of the Constitution of Maine, shall first poll all members of the Legislature in order to determine whether their call should be issued.

In such event, they shall notify all members of the respective branches, in writing or by the most efficient means necessary, that in their judgment it is necessary for the Legislature to convene, stating the necessity for such convention and direct the members of the respective branches to assemble at the State House in Augusta at an hour and on a date to be specified by them in said notice. The notice shall bear the signature of the President of the Senate and the Speaker of the House.

When members of the respective branches are so assembled pursuant to said notice, they first take up the question of the necessity of convening in special session and shall vote upon the question of whether to give their consent to the issuance of a call by the President of the Senate and Speaker of the House for the convention of the Legislature in special session.

If any member of the respective branches of the Legislature shall not appear pursuant to the notice of the President of the Senate and Speaker of the House for reasons of physical inability to attend or otherwise, the President of the Senate and the Speaker of the House shall direct the Secretary of the Senate or the Clerk of the House as appropriate to poll the member by the most efficient means possible or shall accept the member's proxy on the question.

If the member cannot be polled or does not respond, he shall be deemed not to have consented to the convening of the Legislature.

If a majority of the members of the Legislature of each political party consent to convene and it appears that all members of the Legislature have been polled on the question, the President of the Senate and the Speaker of the House shall issue their call for the convening of the Legislature in special session, directing the Secretary of the Senate and the Clerk of the House to give notice of the call to members of the respective branches by the most efficient means necessary. The call shall bear the signature of the President of the Senate and the Speaker of the House and state the date and time of such convening.

When the Legislature is assembled pursuant to the call of the President of the Senate and Speaker of the House, the Legislature shall complete its organization as a special session and proceed to the consideration of matters properly before it.

LEGISLATIVE COMMITTEES

13. Joint Standing Committees. There shall be no more than 19 Joint Standing Committees which shall be appointed as follows at the commencement of the first regular session viz:

- On Aging, Retirement and Veterans
- On Agriculture
- On Appropriations and Financial Affairs
- On Audit and Program Review
- On Business and Commerce
- On Education
- On Energy and Natural Resources
- On Fisheries and Wildlife
- On Human Resources
- On Judiciary
- On Labor
- On Legal Affairs
- On Local and County Government
- On Marine Resources
- On Utilities
- On State Government
- On Taxation
- On Transportation

Membership. Each of these committees shall consist of no more than three on the part of the Senate and no more than 10 on the part of the House. The first named Senate member

shall be the Senate chairman. The first named House member shall be the House chairman. The Senate chairman shall preside and in his absence, the House chairman shall preside and, thereafter, as the need may arise, the chairmanship shall alternate between the members from each House in the order of their appointment to the committee. Standard committee procedure shall be read to the committee at its first meeting and adhered to. These committees may report by bill or otherwise.

Committee Procedure. The hiring of all committee clerks is to be mutually agreeable to both the Senate and House chairmen; if not agreeable, it shall be decided by the President of the Senate and Speaker of the House.

Scheduling of bills to be heard and bills to be considered in public and working sessions shall be arranged by the Senate chairman with the agreement of the House chairman; if agreement is not reached, the committee, by majority vote, shall decide.

The presiding chairman shall decide all questions of order, subject to appeal to the committee. The chairman's ruling shall stand unless overruled by a majority vote of the committee membership.

Each Joint Standing Committee, except the Committee on Appropriations and Financial Affairs, shall appoint a subcommittee of three of its members to attend and participate in Appropriations Committee budget hearings and to attend and advise at working sessions dealing with that portion of the budget within their committee's area of interest. One member of the subcommittee shall be appointed by the Senate Chairman and the remaining 2 members shall be appointed by the House Chairman. This subcommittee may advise the Committee on Appropriations and Financial Affairs of their respective committee's recommendations on these portions of the budget.

Each committee to which is referred bills, resolves or orders involving appropriations or revenues shall within five legislative days after reporting out all these bills, submit to the Committee on Appropriations and Financial Affairs a list indicating the committee's priority for final passage of these bills.

A Joint Standing Committee to which a bill or resolve has been referred shall, within 3 legislative days after receiving notice from the President of the Senate and the Speaker of the House, report that bill out of Committee to the floor for consideration.

14. Reference of Bills to Committee. The Secretary of the Senate and the Clerk of the House shall, after conferring together, suggest an appropriate committee reference for every bill, resolve and petition offered in either House. Upon their agreement, the suggested reference shall be placed upon the calendar of each House. If, however, they are unable to agree, the question of reference shall be referred to a conference of the President of the Senate and the Speaker of the House. Upon their agreement, the suggested reference shall be placed upon the calendar of each House. If, however, they are unable to agree, the question of suggested reference shall be referred to the Legislative Council for resolution. Upon the decision of the Legislative Council, the suggested reference shall be placed upon the Calendar of each House.

When the Legislature is in recess the Clerk of the House and Secretary of the Senate shall refer the bills to the appropriate joint standing committee for public hearing and order printing, subject to the approval of the Speaker of the House and the President of the Senate.

Each suggested reference appearing upon the calendar of each House shall contain a recommendation for the printing of the document being referred and may contain a recommendation on the number of copies of that document to be printed.

Any member may move for reconsideration

of a committee reference on the floor. Notwithstanding House Rule 53, Senate Rule 33 and Joint Rule 9, a majority vote shall be necessary to overturn the original committee of reference.

15. Reports of Bills from Committee.

1. The Joint Standing Committees shall report out every bill which has been referred to them before the end of the session in the manner prescribed herein.

2. The report of the committee shall include a recommendation of one of the following: Ought to Pass, Ought to Pass in New Draft, Ought to Pass as Amended, Ought Not to Pass, Unanimous Ought Not to Pass, Leave to Withdraw, Unanimous Leave to Withdraw.

3. An Ought to Pass report may be carried by a plurality of the Joint Standing Committee. When the vote is not unanimous, a minority report or reports are required.

4. Ought to Pass in New Draft. When a plurality of a Joint Standing Committee moves to report a bill out with changes, the bill shall be reported out Ought to Pass in New Draft. When the vote is not unanimous, a minority report is required.

5. Ought to Pass as Amended. When the changes voted by the committee are minor and not substantive the Director of Legislative Research, with the approval of the President of the Senate and the Speaker of the House may prepare a committee amendment to the original bill and the committee report shall be Ought to Pass as Amended.

6. Ought Not to Pass Report. An Ought Not to Pass Report may be carried by a plurality of the Joint Standing Committee. A minority report or reports is required.

7. Unanimous Ought Not to Pass Report. When all 13 members of a Joint Standing Committee vote to report a bill, Ought Not to Pass, the bill shall, upon notification of both Houses, be placed in the legislative file and disposed of as provided in subsection 10 as prescribed herein.

8. Leave to Withdraw. When the sponsor and all cosponsors request that the committee report a bill "Leave to Withdraw" and a majority of 7 or more of the committee concur with the request the Committee report shall be Leave to Withdraw, a minority report or reports shall be filed.

9. Unanimous Leave to Withdraw. When the sponsor and all cosponsors request that the committee report a bill "Leave to Withdraw" and all 13 members of the Committee concur, the bill shall be reported in the legislative file and disposed of as provided in subsection 10 as prescribed herein.

10. Two-thirds Required. When a bill or resolve is placed in the legislative file pursuant to subsections 7 or 9, no further action shall be taken following such disposition unless the bill or resolve is recalled for reconsideration by a vote of two-thirds of both Houses.

11. Minority Reports. Accepted minority reports are: Ought to Pass, Ought to Pass in New Draft, Ought to Pass as Amended or Ought Not to Pass.

12. New Drafts. New drafts printed pursuant to these rules shall include the legislative document number that the new bill replaces with the names of the original sponsor and cosponsors. The Secretary of the Senate and Clerk of the House shall determine the number of copies which shall be printed of each new draft.

16. Joint Select Committees. Joint Select Committee shall consist of three on the part of the Senate and seven on the part of the House, unless the order creating the same shall provide a different number.

Whenever a select committee shall be appointed by either House and be joined by the other, it shall be the duty of the Secretary of the Senate, or the Clerk of the House, as the case may be, to transmit one to the other the names of the members so joined, in order that they

may be entered upon the journal of each House.

17. Conference Committees. Committees of conference shall consist of three members on the part of each House, representing its vote, and their report, agreed to by a majority of each committee or unable to agree, shall be made within 10 legislative days to the branch asking the conference. If after 10 legislative days no report is made by the Conference Committee, the President of the Senate and the Speaker of the House may appoint a new committee.

18. Committee Inquiries and Reports. Orders directing inquiry in relation to an existing statute shall state the subject matter of such statute and also the title and section to which the inquiry is directed.

In presenting a report upon any matter referred to a committee, such report shall set forth the subject referred, and the substance shall also be briefly endorsed on the back of the same.

If a committee responds to an order directing inquiry upon any matter by presenting a report recommending legislation, such legislation shall be introduced when the report is transmitted to the Legislature. Such legislation shall bear the designation of the committee reporting.

Any legislation filed pursuant to law or resolve shall, at the time of its introduction, bear the designation of the joint standing committee having jurisdiction over the subject matter of that legislation, and shall be introduced in the House of origin of the law or resolve.

19. Committee Study Order Reports.

1. Final action on committee studies and their reports shall be made prior to the convening date of each session of the Legislature.

2. Committee study order reports shall be submitted to the Legislature within 14 days after the convening or reconvening in January of the session to which the report is required and any legislation accompanying the study order requests shall at the same time be submitted to the Director of Legislative Research.

3. Any committee which finds that it is unable to comply with the foregoing dates shall submit a written request for an extension to the Legislative Council at its regularly scheduled meeting next prior to those dates.

20. Reporting out Errors and Inconsistencies Legislation. Prior to reporting out any bill entitled "AN ACT to Correct Errors and Inconsistencies in the Laws of Maine," the Joint Standing Committee on Judiciary shall, after giving notice and an opportunity to be heard, hear proposed amendments and determine which amendments shall be included in the bill reported out. No floor amendment shall be entertained in either House unless the amendment is printed and distributed at least 24 hours prior to introduction.

21. Committee Fiscal Impact Statements. Every bill or resolve affecting revenue or appropriations which has a committee recommendation other than "Ought Not to Pass" shall include a fiscal impact statement. This statement shall be incorporated in the bill before it is reported out of committee. The Office of Legislative Finance shall have sole responsibility for preparing those fiscal notes.

22. Reports of Committees. All bills and resolves referred to committee during any first regular session shall be reported from committees by 1 p.m. on the last Friday of March or by such later time as may be fixed by the Legislative Council.

LEGISLATION

23. Prefiling. Any member-elect may present bills and resolves to the Clerk of the House or Secretary of the Senate for introduction prior to the convening of any first regular session after which they become the property of the Legislature and may not be withdrawn by the sponsor. The Clerk or Secretary shall number and print such measures in advance

or convening.

24. Cloture for State Department, Agency or Commission Bills or Resolves.

1. No request for a bill or resolve may be submitted to the Director of Legislative Research on behalf of any state department, agency or commission after the first Wednesday in December. If the Governor has been newly elected in November preceding the convening of the first regular session, any bill or resolve introduced on behalf of a state department, agency or commission shall be submitted within 30 days after the Governor is administered the oath of office.

2. Each bill or resolve, submitted for preparation under this rule shall clearly designate, under the title, the department, agency or commission upon whose behalf the bill or resolve is submitted.

3. Any request for a bill or resolve submitted under this rule after the first Wednesday in December in either the first or second regular session shall be considered an after cloture request and shall be transmitted to the Legislative Council shall consider the facts supporting introduction notwithstanding cloture. If two-thirds of the Legislative Council approve the request for the bill or resolve, it shall be accepted for introduction. Notice of that action shall appear on the calendar of the appropriate House.

25. Cloture at the First Regular Session. During any first regular session all other requests for bills and resolves shall be submitted to the Director of Legislative Research not later than 1:00 p.m. of the last Friday in December following the convening of the session in December and such measures in complete final form shall be introduced into the appropriate house not later than 1:00 p.m. of the last Friday in January.

Exception. This rule shall not apply to bills or resolves reported by any joint committee in the regular course of business, nor to such bills and resolves as are intended only to facilitate the business of the Legislature.

26. Cloture at the Second Regular or Special Sessions. The Legislative Council shall establish procedures for submission of legislation to the Director of Legislative Research at any second regular or special session. Procedures established for any second regular session shall ensure compliance with the requirements of the Maine Constitution, Article IV, Part 3rd, section 1.

Any vote of the Legislative Council to accept or reject a bill or resolve proposed for introduction under the procedures established under this Joint Rule shall be taken by the yeas and nays, and that vote shall be recorded and made available for public inspection.

27. Filing after Cloture. Any request for a bill or resolve submitted to the Director of Legislative Research by a Legislator after the cloture date shall be transmitted to the Legislative Council. The Council shall ascertain from the presenter the facts supporting the request notwithstanding cloture. If a majority of the Council approves, notice of that approval shall appear on the calendar of the appropriate House.

28. Cosponsorship. A presenter of legislation may authorize up to three additional members of either House to cosponsor a bill or resolve. Orders, resolutions and memorials may be cosponsored by the same manner as bills and resolves. A bill, resolve, order, resolution or memorial having cosponsors shall originate in the House of the presenter.

29. Requirements for Drafting. All requests for bills and resolves filed with the Director of Legislative Research shall be considered as received for drafting, provided such bills and resolves shall be properly titled and accompanied by sufficient information and data required for their preparation.

30. Use of Copies. The Director of Legislative Research shall not accept any request for

drafting of bills or resolves from material submitted in any generation or reproduction or other than the original unless in his discretion it is not practicable to obtain such material in any other manner.

31. **Statement of Fact.** All bills and resolves shall, upon introduction and later amendment thereof, be accompanied by a written statement of fact indicating intent.

32. **Form.** All bills and resolves, including initiated bills, shall be corrected as to matters of form and allocation to the Revised Statutes by the Director of Legislative Research before printing.

32A. **Removal of Signed Bills or Resolves.** The presenter and any cosponsor of a bill or resolve shall sign the complete and final form of the bill or resolve in the Office of Legislative Research. The presenter and any cosponsor shall not remove that signed bill or resolve from the Office of Legislative Research. The Director of Legislative Research shall transmit the signed bill or resolve to the Clerk of the House or Secretary of the Senate for introduction.

33. **Errors.** Mistakes in bills and resolves, merely clerical, may be corrected upon suggestion without motion to amend.

34. **Expressions of Legislative Sentiment.** All requests for expressions of legislative sentiment shall be presented in such manner as standardized by the Legislature.

The expressions of legislative sentiment shall not be part of the permanent journal or the legislative record but shall appear on the printed calendar or advance journal of each body. The Clerk of the House and Secretary of the Senate shall cause said expressions to appear in an appendix to the legislative record. When the Legislature is not in session the Speaker of the House and the President of the Senate may authorize expressions of legislative sentiment at the request of legislative members.

35. **Memorials.** No memorial shall be in order for introduction unless approved by a majority of the Legislative Council.

35A. **Actions Relating to the United States Constitution.** Commencing with the second regular session of the 109th Legislature, all memorials, resolutions, applications and petitions which relate to the Legislature's functions under the United States Constitution, Article V, shall be in order for introduction without approval from the Legislative Council. Passage of these items shall be accomplished as follows:

1. Any item requesting the calling of a United States Constitutional Convention shall require a two-thirds vote of the members present in each House;

2. Any item requesting ratification of an amendment to the United States Constitution shall require a majority vote of the members present in each House; and

3. Any item requesting any other action under the United States Constitution, Article V, shall require a majority vote of the members present in each House.

36. **Claims Against the State.** A claim of an amount of \$2,000 or less shall be in order for introduction only after the claim has been first disapproved or partially approved for payment under the Revised Statutes, Title 5, Section 1510-A. A claim of an amount greater than \$2,000 shall be in order for introduction only in the form of a bill or resolve authorizing a suit against the State.

36A. **Amendments to "AN ACT to Implement the Maine Indian Claims Settlement."** A bill amending "AN ACT to Implement the Maine Indian Claims Settlement," Revised Statutes, Title 30, chapter 601, of which approval by an Indian tribe or Indian nation is required by the United States Code, Title 25, Section 1725 (e), shall contain a section stating that the Legislature has received and accepted a statement of that approval or a section containing a provision that the bill shall not take

effect until that approval is received.

A bill amending the Revised Statutes, Title 30, section 6205, subsection 1, paragraph B or subsection 2, paragraph B, and adding lands to or including lands within Indian territory, shall contain a section stating the recommendation of the Maine Indian Tribal-State Commission.

37. **Measures Rejected at any First Regular Session.** No measure which has been introduced and finally rejected in any first regular session shall be introduced at any second regular or any special session of the same Legislature except by vote of two-thirds of both Houses.

LEGISLATIVE CONFIRMATIONS

38. **Legislative Confirmation of gubernatorial Appointments.** Upon receipt by the President of the Senate and the Speaker of the House of notification from the Governor of the name of a nominee and of the office to which that person is nominated, the President of the Senate and Speaker of the House shall, without delay, forward that notice to the Chairmen of the Joint Standing Committee which is charged by law with reviewing nominations to that office and to the 2 partisan staff assistants for nominations.

The joint standing committee shall hold a public hearing on the nomination in Augusta at a time convenient to the public, within 20 days from the date of the Governor's notice of the nomination to the President of the Senate and Speaker of the House. The Chairmen of the committee shall cause to be published in the state paper at least 7 days before the hearing a notice of that hearing, which shall contain the time and place of the hearing, the name of the nominee, the office to which that person has been nominated and a general description of the duties of that office. At the hearing, the committee shall take written or oral testimony which shall be limited to relevant comments and questions regarding the qualifications of the nominee. All testimony taken at the hearing shall be transcribed by mechanical means, and shall be preserved, together with any other relevant data provided the committee at the public hearing, by the committee for at least 6 months after the date of the public hearing. The 2 partisan assistants for nominations shall provide the committee with a written report of their investigations before the committee votes to recommend or deny confirmation.

Within 20 days from the date of the Governor's notice of the nomination to the President of the Senate and Speaker of the House, the committee shall recommend confirmation or denial by majority vote of the committee members present and voting. The vote of the committee shall be taken only upon an affirmative motion to recommend confirmation of the nominee, and a tie vote of the committee shall be considered a recommendation of denial. The committee vote shall be by the yeas and nays. The chairmen of the committee shall send written notices of the committee's recommendation to the President of the Senate. Within 45 days from the date of the Governor's notification of the nomination to the President of the Senate and the Speaker of the House, the Senate shall review the recommendation of the committee on the nomination, and, after review, shall vote by the yeas and nays on that recommendation.

After vote by the Senate, the committee's recommendation shall become final action of confirmation or denial unless the Senate by a vote of 2/3 of those members present and voting overrides the committee's recommendation. If the committee recommends to deny confirmation and the Senate votes, by a vote of 2/3 or greater of those members present and voting, to override the committee's recommendation, the nomination shall be deemed confirmed. Following Senate confirmation or denial, notice of the action taken shall be given to the Speaker of the House.

Once the Governor withdraws a nomination

at any time prior to the Senate vote, by sending a written notice of withdrawal to the President of the Senate, the Legislature shall take no further action on that nomination.

39. **Partisan Staff Assistants for Nominations.** The members of the Legislative Council representing the party with the largest number of members in the Legislature shall, within 7 legislative days after the convening of the first regular session, appoint a partisan staff assistant for nominations. The members of the Legislative Council representing the party with the next largest number of members in the Legislature shall also, within 7 legislative days after the convening of the first regular session, appoint a partisan staff assistant for the nominations. Each of these assistants shall serve at the pleasure of the appointing authority during the biennium for which he is chosen. A vacancy in either of these positions shall be filled for the remainder of the biennium in the same manner as the original appointment. Partisan staff assistants for nominations shall provide all necessary assistance to each Joint Standing Committee required by law to recommend action on a gubernatorial nominee.

Came from the Senate read and passed.

In the House: The Order was read.

The SPEAKER: The chair recognizes the Representative from Bangor, Representative Diamond.

Representative DIAMOND: Thank you Mr. Speaker. Men and Women of the House: Mr. Speaker, I move the adoption of the Joint Rules and would like to speak to my motion.

The SPEAKER: The gentleman may proceed.

Representative DIAMOND: Thank you Mr. Speaker. Ladies and Gentlemen: Like the House Rules we adopted this morning, these rules are put into place to help us conduct our business over the next two years. Again, like the rules we adopted this morning, there are very few changes. One significant change that most of you should be aware of and that is the change in the standing committees. We are reducing the number of these standing committees from 19 to 18. Combining the responsibilities of the Election Laws Committee with other committees most notably Local and County Government and State Government. We have changed a number of the names of the committees in order to best reflect the work that they do. The Committee on Business Legislation is having its name changed to the Committee on Business and Commerce. The Committee on Health and Institutional Services is having its name changed to the Committee on Human Resources. The Public Utilities Committee is being changed to the Committee on Utilities in order to avoid any confusion and much of the confusion that is taking place because of the similarity in names and acronyms between the Public Utilities Commission and this Committee.

Aside from that, there are just a handful of housekeeping changes, one including the changing of cloture for State Departments, Agencies and Commissions. Again, both corners agree on these rule changes and we ask for your support of them this afternoon.

Subsequently the Joint Order was passed in concurrence.

The following paper appearing on Supplement No. 2 was taken up out of order by unanimous consent:

The following Joint Order: (S. P. 3)

ORDERED, the House concurring, that two hundred seventy-five copies of the Legislative Record for the 112th Legislature be printed, one copy for each of the members of the Senate, the House of Representatives, the Secretary of the Senate and Clerk of the House, and the remainder to be deposited with the State Law Librarian for exchange and library use; and be it further

ORDERED, that a suitable index be prepared for such Legislative Record, under the

direction of the Director of Legislative Research.

Came from the Senate, read and passed.

In the House, the Joint Order was read and passed in concurrence.

The following Joint Order: (S. P. 4)

ORDERED, the House concurring, that the Secretary of the Senate and the Clerk of the House, respectfully, purchase such services, supplies and equipment as may be needed to carry on the business of the Senate and the House, respectfully.

Came from the Senate, read and passed.

In the House, the Joint Order was read and passed in concurrence.

The following Joint Order: (S. P. 7)

ORDERED, the House concurring, that any Town or City Clerk or Board of County Commissioners may, upon written request to the Clerk of the House receive without charge, copies of all printed bills, so that there may be available to the public during the legislative session a complete and convenient file of all printed bills, and be it further

ORDERED, that any tax supported public library may upon written request to the Clerk of the House receive without charge copies of all printed bills, so that there may be available to the public during the legislative session a complete and convenient file of all printed bills.

Came from the Senate, read and passed.

In the House, the Joint Order was read and passed in concurrence.

The following Joint Order: (S. P. 8)

ORDERED, the House concurring, that the rooms in the State House and State Office Building used by the One Hundred and Eleventh Legislature as hearing rooms be reserved for hearing rooms for the One Hundred and Twelfth and succeeding Legislatures and be released for other purposes only upon approval by the President of the Senate and Speaker of the House.

Came from the Senate, read and passed.

In the House, the Joint Order was read and passed in concurrence.

The following Joint Order: (S. P. 5)

ORDERED, the House concurring, that there be prepared, after adjournment of the present session, by the Legislative Information Officer, a Register of all the Bills and Resolves considered by both branches of the Legislature, showing the history and final disposition of each Bill and Resolve and that there be printed 400 copies of the same. The Legislative Information Officer shall mail a copy of the Register to each member and officer of the Legislature and the State Law and Legislative Reference Library shall receive such number of copies as may be required.

Came from the Senate, read and passed.

In the House, the Joint Order was read and passed in concurrence.

The following Joint Order: (S. P. 6)

ORDERED, the House concurring, that the Secretary of the Senate and Clerk of the House jointly prepare the Senate and House Register and that 40,000 copies be printed for the use of the Legislature.

Came from the Senate, read and passed.

In the House, the Joint Order was read and passed in concurrence.

The following Joint Order: (S. P. 9)

ORDERED, the House concurring, that all printing and binding authorized by the Legislature shall be under the direction of the Secretary of the Senate and Clerk of the House.

Came from the Senate, read and passed.

In the House, the Joint Order was read and passed in concurrence.

The following Joint Order: (S. P. 10)

ORDERED, the House concurring, that the Secretary of the Senate and Clerk of the House be authorized to furnish 100-20¢ stamps for each member of the House and Senate for the purpose of distributing various reports of the Departments of State and other public documents such as they may desire to mail to the citizens of the State.

Came from the Senate, read and passed.

In the House, the Joint Order was read and passed in concurrence.

The following Joint Order: (S. P. 11)

ORDERED, the House concurring, that telephone service may be provided for each member of the Senate and House, and each Representative from the Indian Tribes at the Legislature for a reasonable number of calls, of reasonable duration, as determined by the President of the Senate as to members of the Senate and the Speaker of the House as to members of the House and the Representatives from the Indian Tribes, to points within the limits of the State of Maine. The privilege granted to be a personal privilege not to be exercised by other than the members or representatives, that each member of the Senate and House, and each Representative from the Indian Tribes at the Legislature, may be provided with a credit card under the direction of the Secretary of the Senate and Clerk of the House, respectively, the cost of this service to be paid to the New England Telephone Company at regular tariff rates; and be it further

ORDERED, that the President of the Senate or Speaker of the House may, upon a finding of abuse of the privilege of telephone service by a member of the Senate or a member of the House, respectively, temporarily suspend or terminate the privilege of said telephone service to that member.

Came from the Senate, read and passed.

In the House, the Joint Order was read and passed in concurrence.

The following Joint Order: (S. P. 12)

ORDERED, the House concurring, that the Legislative Administrative Director be authorized and directed to prepare weekly, from expense accounts to be submitted to her by the members of the Senate and House, expense rosters showing the entitlement of each member for meals allowance and lodging reimbursement and to obtain approval by the President of the Senate and the Speaker of the House, respectively, and deliver the same to the State Controller for processing and payment, in the manner and form recommended by the Joint Interim Committee of the 101st Legislature created to study and report on a method of implementing the administration of the provision of law relating to the mileage and expenses for members of the Legislature; and be it further

ORDERED, that the Legislative Administrative Director be authorized and directed to provide the forms necessary for such purpose and provide suitable space in her office for the filing and safekeeping of all such expense accounts and other papers and records pertaining thereto.

Came from the Senate, read and passed.

In the House, the Joint Order was read and passed in concurrence.

The following Joint Order: (S. P. 13)

ORDERED, the House concurring, that there be paid to the members of the Senate and the House as advances on account of compensation established by statute, the amount of Six Hundred and Twenty-five Dollars (\$625) bi-weekly, the first payment to be made on January 2, 1985 according to lists certified to the State Controller by the President of the Senate and Speaker of the House, respectively.

Came from the Senate, read and passed.

In the House, the Joint Order was read and passed in concurrence.

The following paper appearing on Supplement No. 6 was taken up out of order by unanimous consent.

**Passed to Be Enacted
Emergency Measure**

An Act to Clarify and Correct Section Numbering of an Effective Date in the Implementing Act of the Commission on the Status of Education in Maine. (H. P. 1) (L. D. 1)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken, 131 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

The following paper appearing on Supplement No. 7 was taken up out of order by unanimous consent.

Bill "An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Laws" (Emergency) (S. P. 1) (L. D. 3)

Came from the Senate referred to the Committee on Audit and Program Review, ordered printed.

In the House, was referred to the Committee on Audit and Program Review in concurrence.

The following paper appearing on Supplement No. 5 was taken up out of order by unanimous consent:

**Passed to Be Enacted
Emergency Measure**

An Act Relating to Daily Mileage Allowance for Legislators. (H. P. 2) (L. D. 2)

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

Mr. SPEAKER: The Chair recognizes the Representative from Bangor, Representative Diamond.

Representative DIAMOND: Thank you Mr. Speaker. Ladies and Gentlemen of the House: I would like to explain at this time the purpose of this legislation so that it avoids any confusion that might have arisen over its title. As most of you know, many of you don't know, we are reimbursed for mileage while we are in session a limited amount. No more than \$24.00 per day effective with this session. When we are out of session and we come down to Augusta, or up to Augusta, depending on where you live, you are reimbursed a full mileage of 22 cents per mile for your round trip with no cap on it, a cap being in existence when we are in session, not in existence when we are out of session. That is the way we have been proceeding for some time. We found out very recently that a section of the law places a cap on us at all times and not only when we are in session. So for that reason, both corners agreed that it made sense to institute formerly the practice that we have been indeed practicing for quite some time. That is the purpose of this legislation, it will have no effect on the mileage reimbursement when you're in session, not will it change any reimbursement when we are out of session. It will take care of a problem in the law that we did not realize was in place and we are trying to correct that now.

The SPEAKER: This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken, 133 voted in favor of the same and none against and according the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

The following paper appearing on Supplement No. 8 was taken up out of order by unanimous consent.

Bill "An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Laws" (Emergency) (S. P. 1) (L. D. 3)

Came from the Senate, referred to the Committee on Audit and Program Review and Ordered Printed.

Was referred to the Committee on Audit and Program Review in concurrence.

The following paper appearing on Supplement No. 8 was taken up out of order by unanimous consent:

Paper from the Senate

The following Joint Order: (S. P. 14)

WHEREAS, the United States Constitution, Amendment X, reserves to the states the exercise of the police power to protect public health, morals and public safety; and

WHEREAS, under the Constitution of Maine, the Legislature bears a portion of the responsibility to protect the public health, morals and safety; and

WHEREAS, the regulation of public utilities is a function of the Legislature; and

WHEREAS, in 1913 the Legislature delegated to the Public Utilities Commission the regulation of public utilities, including those granted monopoly status by Act of the Legislature and by operation of other laws; and

WHEREAS, the delegation of power to the Public Utilities Commission is limited, with the residual power and duty to regulate public utilities remaining in the Legislature; and

WHEREAS, the Legislature maintains constant oversight of the activities of the Public Utilities Commission and its efforts to regulate the public utilities of Maine; and

WHEREAS, the Legislature has been informed of the following matters:

1. Recently, the Public Utilities Commission has conducted an investigation of matters in connection with the false testimony of a specific utility and has proposed to order it and several of its officers and employees to show cause why it and the officers and employees should not be held in contempt for presenting false information to the commission, engaging in a series of actions designed to continue to impede the commission's authority and for failing to correct that information when its misleading nature became known to the utility;

2. As a result of that investigation, the utility and a senior officer of the utility have pleaded guilty in Maine courts to the crimes of falsification of physical evidence and false swearing, respectively;

3. During the course of that investigation, the commission developed information that at least one utility has become extensively involved in Maine's political process, including the use of utility employees in political campaigns; in the formation and use of political action committees; in the formation and operation of an incorporated subsidiary which conducted political polling for the utility and for presently unnamed political candidates and organizations; and in the retention of consultants for the purpose of directing its political activities;

4. The commission has indicated that due to a lack of resources it has been unable to satisfactorily complete further examination of that utility's or other utilities' involvement in the political process. This leaves unanswered the critical questions of the scope and purpose of involvement in political activities by large utilities; of the relationship of these political involvements to the regulation of public utilities and of the adequacy of and compliance with election laws applicable to their activities and the beneficiaries of their activities; now, therefore, be it

Ordered, the House concurring, that pursu-

ant to the Constitution of Maine and the Revised Statutes, Title 3, sections 162, 165 and 401, et seq., the Legislative Council shall appoint itself, a joint standing committee or a joint select committee, as a legislative investigating committee to investigate and report on the following matters:

1. The nature of the relationship of public utilities to their subsidiaries, affiliates, officers, employees and persons or organizations providing contract services to them, with particular attention to the larger utilities;

2. The nature and extent of the participation of public utilities, either directly, indirectly or through their subsidiaries, affiliates, political action committees, officers, employees or contractors, in political processes and activities, including both referendum campaigns and election campaigns;

3. Whether that political participation has involved violations by public utilities or other persons of laws relating to elections, registration of voters, initiatives and referenda, campaign reports or finances, or other political or election activities or practices;

4. The relationship of that political participation and the regulation of public utilities;

5. Whether rate payers' money has been used directly or indirectly to affect the regulation of public utilities;

6. The ability of the commission to properly and thoroughly investigate, monitor and report on the matters set forth above; and

7. The adequacy of the present laws governing public utility regulation and elections to properly reveal and regulate the political participation of utilities; and be it further

Ordered, that to carry out this investigation, the Legislature grants to this committee all the powers and authority of a legislative investigating committee as provided under the Revised Statutes, Title 3, section 162, subsection 4; section 165, subsection 7; and sections 401, et seq. The committee may hire legal counsel and staff as necessary; and be it further

Ordered, that the Legislative Council shall receive weekly financial reports from the committee and that expenditures shall be reported to the Council weekly; and be it further

Ordered, that the committee shall make its final report, including recommended legislation, as well as any interim reports and recommended legislation, not later than April 1, 1985.

Came from the Senate, read and passed.

In the House: The Joint Order was read.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Diamond.

Representative DIAMOND: Thank you Mr. Speaker. Ladies and Gentlemen of the House: I urge you to support the passage of this order and would like to explain the reasons behind it, behind its introduction. As all of you know, the previous Legislature, put into place a select committee to investigate the political activities of public utilities. It did so after evidence came forth that these utilities, which are funded with rate payer money, were using those funds for political purposes, non-partisan political purposes and partisan purposes. There was concern enough that this previous Legislature created this committee.

The committee has been working hard, looking at a lot of material and has run into some real road blocks. Things came up that they did not anticipate, most notably the lack of cooperation from some of the key players in this battle. As a result, a lot of time was lost, valuable time, and as a result, the committee found itself unable to complete its work before its power to continue expired at ten o'clock this morning. There is a lot more to be done. The committee has a lot more work to be done, the courts have ordered certain individuals and certain institutions to provide information that has not been available. And as

a result, it is important that this Legislature recognize its obligation to the people of this state, to allow a commission to continue to conduct the investigation that is necessary in order to determine how detailed and how intricately the political activities of these public utilities have been.

This Order before you has two approaches, two concerns that it focuses on, the most notable being and the most important for our purposes tonight, the continuation of that investigation, allowing more time, up to April 1, for the commission to continue its work and to complete its report. Secondly, there has been much concern, bipartisan concern, originally expressed by the Democrats on the Legislative Council yesterday, that we have to keep a careful eye on the expenditures of this committee. Because of the court costs that were incurred, that were unexpected, court costs that were spread out over months, the committee went over budget.

We are establishing within this Order the power given to the Legislative Council to keep a detailed account as to the further expenditures of this. On a weekly basis, the 112th Legislature's Legislative Council will be overseeing this committee and the way it spends its money. We are establishing greater oversight, greater accountability in doing so in order for this committee to be able to continue with its charge and to complete its work.

For that reason I ask you today, this evening rather, to support the passage of this Order. Thank you very much.

Representative SPROUL of Augusta offered House Amendment "A" (H-1), and moved its adoption.

House Amendment "A" (H-1) was read by the Clerk.

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

Representative SPROUL: Thank you Mr. Speaker. Ladies and Gentlemen of the House. My amendment does basically three things and three things only. First, it will freeze all expenditures of this committee. It still allows the naming of a new committee, it still allows them to do some work but it freezes the expenditures.

Second of all, it allows for the final report to be written. I felt that it was unreasonable to simply go against the extension because work has been done, money has been spent and I feel that this is a responsible alternative to allow the final report to be done. This final report would be written and would be due back to the Legislature upon re-convening in January.

Third, most of you have heard that there is approximately a \$60,000 debt, over-run if you will, that the committee has incurred. This amendment would allow the members of the Legislative Council to negotiate with the creditors and to make recommendations to the Legislature also in that day in January when we come back for action at that time. Hopefully, we might be able to, by mutual agreement, be able to reduce some of the debts that are now withstanding.

I would hope that you would support my amendment. I mentioned before I offered this in what I hope would be a reasonable alternative to simply an out and out no vote against extension. However, there are some problems that I feel you should be made aware of. First of all it's been mentioned that there were unreasonable delays in the work of the committee. The staff director of the committee wrote to the chairs and then I believe it went to Legislative Council from there, that the inability of this committee to complete its task in a timely fashion is due to the extensive delays encountered in the scheduling of witnesses, refusal of certain individuals to respond in a timely fashion to requests for documents, and the protracted court proceedings that fol-

lowed the refusal of individuals to provide materials. Although the position of the committee was upheld, the process from initial request of documents to subpoena, enforcement, contempt citation, court hearings and order, nevertheless, took over five months. I feel there is something a little misleading there. First of all, I do not believe that the view of the committee was upheld in court. The committee, by majority vote, voted to seek a contempt citation against one Dr. Christian Potholm. That contempt citation was not, I report, it was not enforced and financial records which the attorney of Dr. Potholm argued were beyond the scope of the investigation were indeed ruled to be beyond the scope of the investigation. I believe there are other causes for the delay. The staff director comes primarily with a Washington background and what I consider to be a Washington mentality. I don't believe there was any concern about over-runs. If there are over-runs, they would have to pay them, we will continue to incur them. And this gentleman is being paid at the rate of \$180.00 per day, whether he is here all day or whether he is here for five minutes. Delays were created because at least on four occasions, as I went through my calendar, committee hearings which were scheduled, were then cancelled, some of which that were not made up for at least a few weeks later. They were cancelled because the staff director was in Ohio and not in Maine. Months, literally months, could have been saved had we taken what I consider to be a more responsible position. Instead of inviting Dr. Christian Potholm to appear before the committee to narrow down what the differences might be over production of some documents, we went the route of court. We issued the subpoena, we went to contempt citation. After one of the court appearances he came before the committee and many of the problems were straightened out at that time. It could have been done months beforehand. But this was an attitude that the committee took, and not which outside individuals took.

I don't really believe there has been anything major uncovered as far as the activities of the public utilities go. There is a need and I readily agree having served on that committee, there is a need for a standard reporting practices. We ran into a great problem how the utilities were reporting, especially in kind contributions. I don't deny that. It is something that is very real and should be addressed by legislation. However, if we continue, if we extend at this time, in my opinion, it is simply a matter of trying to justify what we've been over a year doing. We first met in November, I believe it was the 21st, 1983, we've been over a year, it has gone on too long and I think to extend is simply a matter of spending good money after bad and I would hope you would support, what I again, view to be a reasonable alternative to still get the report, to cease expenditures and I hope that you would support my amendment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Durham, Representative Hayden.

Representative HAYDEN: Mr. Speaker and Men and Women of the House: I urge you to follow me in voting against this prevailing amendment which is entitled House Amendment "A" and I would like to tell you why. It has been suggested, the gentlemen from Augusta suggested it, that this is a reasonable alternative to helping people answer a bothersome and irritating problem that we have had, that this committee has uncovered and that if only we can get together and at this late hour, just tell the committee, regardless of what has been done to date, just do your work now and we will be able to finish our job. We won't have to throw good money after bad. We can still come up with a useful product.

Well, I want to tell you right away that I

didn't serve on this committee. That is one confession, but I did have the occasion to see this committee in action and the picture that I drew from that brief experience wasn't anything what I heard today. I didn't see the picture of a over zealous committee commanding rudely information to be divulged from a civilian who was just trying to help out in any way that he could. What I saw was a series of questions being asked, first polite and then I admit with a little bit of frustration from the Chair and being answered time and time again with responses such as "I don't understand the point of that question or I don't believe that it is my obligation to divulge this information and can I make my statement in its entirety now rather than answer your question."

And the sad, I am about to make another confession to you, but first I want to tell you that the sad truth of this committee is that it has been wrestling with a nearly extractable problem. Because what we have had here is some very, very sensitive data, some people that are fighting tooth and nail not to give it up and others that are demanding that it be given up and our system isn't designed very well to have the Legislature command an unwilling civilian to do its bidding. This wasn't a question of not asking, it was a question of being told,—I don't believe that I have to answer your subpoena. I don't believe, and I'm talking about the witnesses now, that I have to respond at all. There is no alternative unless we wanted to accept that but to go to the courts, to go to the courts with a request that this witness be held in contempt. It's true the court did not hold this witness in contempt. What the court did is, time and time again, with each successive appeal, is order these witnesses to produce the information, most of it, some questions, some requests the courts said it is true you don't have to respond to. But the majority of the requests that were denied the court upheld our right as a Legislature elected by the people to at least find out what's going on.

Now for my second confession. And its the profession I have when I am not in the Legislature, because you see I am a lawyer and the confession is, I think we would have done a lot better if there we no lawyers from either side involved. Because one of the sad truths of representing somebody that doesn't want to give anything up is, that in this business of law rather than the practice of law, the habit has become to teach people how to delay. In my opinion, from an admittedly brief witness of the conduct of one hearing that is exactly what was happening. What you have here is a witness consulting with his attorney, answering with absolute innocence as it appears on the Record, "I don't know." So to ask this committee now to finish its report, I don't think provides a reasonable alternative at all.

As a matter of fact, as I understand it, there is still outstanding information that has not yet been received from this committee that has been ordered by the court and the committee is yet to receive it.

Now it doesn't seem to me that it is unreasonable to allow this committee to finish its job. Now some of you may agree with this committee and some of you may disagree with this committee, but once it is started in motion, and its authority to get information has been challenged, I think Republican or Democrat, we have an obligation to allow this committee to finish its work. Whether you are Republican or Democrat and you look at the end product of the committee and you say its work wasn't worth it and whoever supported it should be ashamed of themselves, let's find out if that happens. My suspicion is that that won't be the case. But to say now that there is nothing in this committee to be found, when we haven't even found the information that the court has ordered the witnesses to di-

vulge, I think is anything but reasonable and, for that reason, I urge you to follow me in voting against this amendment.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Bott.

Representative BOTT: Mr. Chairman, I wish to pose a question through the Chair if I may.

In his address before this body, the Representative from Augusta, Representative Sproul, mentioned some cost over-runs. I was wondering if there was someone present in the chamber who could tell us of their financial condition of the particular committee in question.

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

The Chair recognizes the Representative from Hampden, Representative Willey.

Representative WILLEY: Thank you Mr. Speaker. I didn't intend to get up on this, but I am a member of that committee and I asked to be a member of it going in. I thought that I should know from first hand information. And I did, I think get some first hand information. I think the problem has been all the way along, that we have had ample time, more than ample time to finish our job. There can be no question about that. Many meetings were postponed, as mentioned, many were cancelled and just nothing went on for ages and ages. And suddenly at the very last end there was a flurry of activity, shortly after the courts acted on the case. It is true enough that they did have to go to court and many parts of our requests—the Judge did not rule in favor of them, some of them they did. But a week ago last Monday, we had Mr. Potholm on the stand and we heard his concluding evidence, and I say concluding evidence for the simple reason that I asked the Chairman, Senator Baldacci, if that was the end of the witnesses, if that was the end of the hearings. He said yes, they were. There would be no more witnesses and no more hearings. That we would get together last Friday and go over the draft and decide from the draft whether or not there would be a minority report or whether there would not. That meeting was cancelled. Because after writing some twenty odd pages, I understand, they discovered that the transcripts were not available for some of the parts of it, because of the delay and that simply the draft was not ready to be gone over. For that reason I don't see why it is necessary to continue the hearing when all that the only thing they have to do is write the reports. All the evidence they said was in.

Now, I should explain one other thing to you because I don't think a lot of you are aware of this. That as far as public utilities are concerned, they have an entirely different political reporting procedure than any other corporation. That for instance, take I don't know, Campbell Soup, whatever they spend for politics, and certainly they do spend money in the political arena, you pay for when you buy a can of soup. Now the public utilities simply don't respond that way. They have to report differently, they have to report every single thing that they do. As a matter of fact, the president of Central Maine Power Company says that the way the law is written now, if he talks to one of us for an hour, he has to write that down as political activities. Or any member of his staff or any member of the hierarchy that has to be reported as a political activity.

We have uncovered absolutely nothing in this thing of a criminal nature in my mind, except that some things like that were not handled properly and probably the regulations as, Representative Sproul said, we need to do something about this because they have to report differently than anyone else does. But beyond that, I can see absolutely nothing of

any consequence whatever. I think the biggest earthshaking thing that we did was discover that Senator Sewall had an in kind contribution of some \$122.00, \$124.00, that they didn't think had been recorded. Actually it had been and the ethics committee had already acted on it and said that it was fine and dandy. That was the most earthshaking thing that I know of and that made headlines the next day, before they discovered if it had been acted on. This thing could go on and on and on just as long as you want it to go on. There is no question about that. It seems to me that if it is going to be a standing committee we ought to say so rather than keep extending the thing. We could have accomplished the work, I am absolutely certain of it, I think other members are as certain as I am. There are just so many things there that just don't make much sense at all and you notice that nobody knows, nobody could tell you how much the over-run is because no one knows. I've heard figures of anywhere from \$20,000.00 to \$60,000.00 and they had \$75,000.00 to begin with and most of it is legal fees. There are lawyers all over the place all the time and I guess lawyers come rather expensive and if we continue this thing there will be greater legal fees.

I do not see any way that the consumer, the rate payer, or those that own stock in the company are going to come out any way shape or manner further ahead. It is just not conceivable that they possibly could. It seems to me that in all fairness we should accept this amendment as a compromise. My own personal feeling is that the committee should be dissolved.

One more thing I want to bring to your attention. The three members of that committee cease to be members of that committee because they are no longer members of the Legislature as of ten o'clock this morning or yesterday morning, whenever it was. I assume, if we continue, that those three members would have to be replaced and replaced with people who have heard no evidence whatever, have no background for it and if they want to read about four feet of transcript to bring themselves up to date on it, which I doubt very much that they will, would be the only way that they could. I strongly recommend that we do accept this amendment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Stockton Springs, Representative Crowley.

Representative CROWLEY: Mr. Speaker and Ladies and Gentlemen of the House: I too was a member of that committee and I must be honest and say that Representative Willey and Representative Sproul were excellent members of that committee and we went down through this investigation that has been time consuming and frustrating, especially for someone who is not a lawyer and is not used to dealing with this kind of business that we run into when we tried to get Mr. Potholm to bring in some simple evidence that he could have brought to us in a week's time.

We went to Central Maine Power Company, they were the guilty ones in this whole deal. They opened up their books, they said look, come in, find what you have to and we will straighten this thing out. Two men lost their jobs from Central Maine Power Company over this mess, long before we got into it, but they wanted to clear this thing up, they wanted to get the Legislation straightened out, they want to do the thing right now that wasn't done right before with their political action monies and committees. Then the telephone company came to us with a lay out that was I thought, tremendous. And they reported to us openly, honestly and told us yes, we agree that something should be done and I think both companies are glad that we are on to this thing and hope we can resolve some problems because there are real problems to resolve. We

are talking about rate payers money and that's our money, yours and mine and they have abused the privilege here and we have to go the last mile, I believe.

I agree with practically everything that they have said except for the fact that to buy this Legislation and shut this thing off now, I think would be a mistake. We got a last mile or a last 100 yards or whatever it is. The contempt citation that went to the Judge wasn't an empty citation and we did have Mr. Potholm deliver papers to us that he refused to before because the Judge told him he had to. There was some papers he didn't submit because the Judge said he didn't have to. But we did get new information. Now we have all this information in and I guess it was the next to the last hearing, we had testimony pertaining to the tapes that were erased. Now this sounds like a Watergate thing. But it actually happened and we had three different versions, from three people. We had the girl that worked in the office, who said that she was told to erase these tapes. We had Mr. Leason, I guess his name was, that had another version of this thing. He couldn't quite remember anything. He was an excellent witness, drove me bananas just to have to listen to someone not answer your questions, but I'm not used to this anyway, I don't understand it. And the third one was Mr. Potholm and this girl told us that they came out into the parking lot and talked with her and she did erase this tape. I don't think that's earth shattering and I don't think we are going to put them all in jail, but I do think that we need the time to go the last mile and examine the rest of the material we have, because we haven't examined the things that just came in and then write this letter. I agree with Representative Sproul and Representative Willey, we got to write this thing and we got to change this Legislation so that the Central Maine Power and other utilities won't be confused by the process of the Public Utilities Commission and the election committee results, records that they have to turn over and these are very confusing and we are going to straighten those out, I hope.

So I hope that you go along with this motion. I think we are going to have safeguards and watch dogs over the money we are spending with the Legislative Council watching it, week by week. I don't think that there will be that much money involved but to take the money that we have already spent and throw it out the window, I think would be ridiculous. I think we ought to go this last little bit and get that report written and correct the flaws we have in our laws and the thing will be done. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: I am a new member in this chamber and as a new member I feel a certain amount of duty is owed to the older members, the veteran members, to look after us. I am not a young boy, but I have a lot to learn. If I stay in this chamber long enough I would do the same to a new member. I have only been two days and I told the Speaker yesterday morning I couldn't button my vest and after two days now I have no more problem buttoning it. So you can see we have been kept pretty busy.

I have been a town official in my town for 20 years, I have served on every committee except the water district and every time something came up, I found that if you give the answers to the people, they will listen to you and they will respect you for it.

I was not a member of the 11th and I am not concerned with what happened in the 11th. I am answerable to my constituents as a member of the 12th. And I have a right to know the answers to what happened. I read it in the newspaper and, if the media is any criterion to listen to, there is some information

there. But I plead with you, that if you want a new member to do the job right, please tell him the truth to what's happened. I am not passing tonight on the merits of the case, I have just read it in the newspapers, as I said Mr. Speaker, but I ask you, please let me know what's happened and I will give you an honest answer. Thank you.

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

Representative HIGGINS: Mr. Speaker and Members of the House: Before I begin, I would ask for a roll call on adoption of House Amendment "A" to this Joint Order.

The SPEAKER: Roll Call is requested, the Representative may proceed.

Representative HIGGINS: Thank you. Mr. Speaker and Members of the House: When this order was introduced, well fifteen months ago now, I came under a certain amount of controversy, I guess, because I was sitting in the corner where Mr. Murphy is now, and felt that members of the Republican Caucus should support the Order that was originally introduced on September 7, 1983. There was a lot of concern at that time that this would turn into a boon doggie. It has been affectionately called by Republicans and Democrats a witch hunt. I suggested to them at the time that we really needed to consider, if there were any doubts whatsoever in the general public's mind, whether or not there were in fact, political activities and to what extent they were being done by public utilities. So I went along with that. I spoke with the Speaker, and some of the members who were involved in drafting it and availed myself of what they perceived to be—how this would proceed. As I said, I went along with this and continued to appoint three people from the House and myself to make four.

Having said that, I would like to go a little further and try to put new members, as well as old members of this body, on Record as to how this worked its way through the Legislative Council and how we got where we are now, because I think that is important to get to the previous gentleman's remarks.

The Joint Order was passed in this House and in the other body on September 7, 1983, not 1984, 1983. On October 5, 1983, the Legislative Council met because the Joint Order, as you see, if you read it, does say that the Council will determine the make-up of the special investigatory committee. So the Council met on October 5 of 1983 and discussed a process for appointing the Legislative Committee. There were several motions that were made and the first one was that a joint select committee be formed with members to be appointed in the same manner as the Legislature's Joint Standing Committees. And that the process number of meetings and budget be set in advance. In other words, we were going to set up a thirteen member committee just like any other Joint Standing Committee, three from the Senate and ten from the House and in the same political make-up as most of the committees which was 6 Democrats and 4 Republicans in the House, 2 to 1 in the Senate. That motion carried 7 to 2. There was another motion made that any and all staff to be hired for the Legislative Investigatory Committee be approved in advance by the Legislative Council. That motion passed. By the way, as far as I know, the Council never followed that through and the committee was hired by the Council but that's neither here nor there. There was also a motion that moved that a budget be prepared for the Committee to be reported back to the next council meeting. That passed and that was on October 5th. The next thing that happened after that was that on October 18th, the Council met again and authorized, because there was some question as to whether the Investigatory Committee could even meet, the Council had to then set a par-

ticular date or authorize the Committee to meet. They did that on November 18th and that it authorized the special Committee to meet on Monday, November 21st, to develop a budget and that passed. On November 23rd, there was a memo sent to Chairman and Vice-chairwoman of the Council requesting \$27,000.00 of money from the Legislative Account to fund the study. On December 5th, the Council met again and received a letter and a presentation, as I recall, by Senator Baldacci who is the Senate Chair of this committee and the committee recommendation at that time was changed and the motion that was placed before the Legislative Council was that a budget be established for the sum of \$27 to \$100 thousand dollars. That was discussed at some length and a motion was made to table and it failed on a tie vote. Then I made a motion that we adopt the \$27,000.00, that failed. Then the previous motion was made whereby we adopted a figure of between \$27 and \$100 thousand dollars and that failed. At that point, the item was in limbo and the council failed to consider any further action on it and took none until January 4th. And on January 4th, there was a letter received from Council to authorize an expenditure of up to \$75,000.00 for the study.

It also says in the letter that we received from the Chair people of this committee that the Council will be asked to authorize such additional expenditures as they become necessary. Anyway, that's the background of where that came. And on January 4th we finally had money available in an amount to start the process. It was reported at that time that it was going to be very little money expended for Legislators to be involved in this because the study was going to be accomplished before the end of the Second Regular Session, in the Spring of 1984. However, as I recall, that obviously didn't happen and to my knowledge, the Committee may have met twice during the Legislative Session this spring. Therefore, a great deal of the work had to be done over the summer and, as someone has already indicated, most of the work was done from probably the first of August on, which I think is unfortunate.

But at any rate, that's how we got to where we were at that time and I think that my concern in the whole matter, and as I said from the outset, I had some real concerns about where we are going and what is the Legislature's role in this whole thing and I really think I went into it with an open mind, but since the committee has been formed and I have been through some of the hearing processes and the manner with which it was conducted, I think it really has turned out to be a tragedy.

Now, the Representative from Orono, Mr. Bott, asked if someone could outline to him the cost over-runs. Yesterday, in the Council meeting, and this is the first time that I ever received this and in fact, I didn't receive this until we started discussing the issue itself and I am a member of the Committee mind you, and yet I never saw this document until yesterday, five minutes after we decided to discuss the issue. As you recall we had \$75,000.00 appropriated. Yesterday, we were handed a sheet that indicated that the Legislature had paid already \$79,000.00 for this particular Committee. Now, that may be inaccurate, they may have only gone to \$75,000.00, I don't know whether they have the legal justification to go over an appropriated amount. Anyway, the sheet I have shows over \$75,000.00 has been expended already. Now on the second page they have bills received and not processed. Bills that the Legislature owes. That totals \$41,725.00. The total, therefore, for this whole escapade comes to \$121,000.00 to date. Now the concern I have and I think the concern that each and every one of us should have is, who's watching out for the people's money?

Now the Representative from Bangor, Representative Diamond, and the Representative from Durham, Representative Hayden, talked about an obligation to the people of the State of Maine, an obligation to see this thing through, an obligation to make sure that it is done correctly, and I share those same concerns and realizations of obligations. But at the same time, we have an obligation to the people of this state to make sure that money is spent effectively and wisely. And how foolish can our Legislature look to appropriate \$75,000.00 for some dubious study and then two days before it is supposed to go out of existence, come to the Legislative Council and say, geez we, I don't know, blame it on the lawyers, that seems to be the key phrase around here, and I refuse to do that, use them as a scapegoat on this, but to come before the Legislative Council 24 hours before the 11th is supposed to dissipate and say well, you know, we need another \$60,000.00 because we underestimated what was going to happen and we need another two or three months to get this thing resolved, I think that's absurd. I said it yesterday, and I know that the Senator, my Senator from York, criticized my comments as if I was supposed to know ahead of time what was happening in the Committee. No one ever informed us as to the amount of money that was being spent, who was being spent for or what. I had to obtain that information myself and did so on a number of occasions. But on no occasion was the Committee ever advised that we were going, until Monday, excuse me, until Monday last week, that we were going to run over. Now standard procedure in this Legislature is that, if you, as a member of a Committee, have so much allotted to you to do a study, \$600.00 or whatever, and you are going to run over by a \$100.00, you come to the Legislative Council before you have incurred that debt. You just don't go out and spend money. I can't imagine what would happen to some other agency in this State, that if the Appropriations Committee passed a budget that said you can spend \$75,000.00 and they came back 24 hours before they were supposed to go out of existence and said, oh, we forgot, before the end of the fiscal year, we need another \$60 or \$75 thousand dollars. I mean, we'd have an Attorney General's investigation and we'd have the State Auditor over there and everything else. Any why is this any different? It has been handled very poorly right from the start and I think that if we have any obligation, it is an obligation to say to our constituents, if we vote for this thing without the amendment on it, why are you doing that, what's the incentive for any other Legislature or Legislative Committee to live within a budget? We ask all other people in this state, in State Government, to live within a budget. That is always one of the catch phrases when you run for the Legislature or any other public office. You have your own budget at home and the State ought to live within its budget. But this Legislature can't do it. And I think it's wrong. And it was unexpected. I really think that most members on this Committee were as unaware as I was that they were going to run over. If they were going to run over, somebody ought to have told us and got approval from the council 24 hours before the elimination of the Committee.

Now what was this money spent for? Well, we did a little research on that. And of the \$79,000.00 that has been spent so far, \$36,000.00 of that has gone to a special investigator. We already heard that he gets paid \$180.00 per day when he's here. I don't know whether that's high or not, but it's sure a lot more than what I'm getting paid and your getting paid while we are here today. And I think we're probably putting in a few more hours than he is. But nevertheless, he gets \$180.00 per day. One of the other interesting things that I think you ought to be aware of is, that

part of the way through this investigation, the investigator decided to move his residency from Millinocket to Ohio. And since sometime in the middle of August, as I understand, the State has been picking up the tab for this gentlemen to travel back and forth to Ohio every weekend at the cost of approximately \$400.00 round trip. About 12 trips, almost \$5,000.00 in travel from Ohio back and forth every weekend, or Mondays and Fridays or whatever he's doing, I don't know, but we are paying for it anyway. I think that's wrong.

We paid \$17,000.00 to one Richard Mayberry, Jr., I believe he is an attorney in Washington. We paid him \$1,200 a day. Over \$700.00 in travel to come up here at least once. I can't seem to find the records as to how many times he was here but the one time he was here we paid \$740.00 for travel and \$1,200.00 a day while he was here. Charges \$17,000.00 to write interrogatories. As I understand, I happened to have a conversation with an attorney in the hall out here today, who I would like to have his name remain unknown, and he said, as a member of the bar, I am embarrassed that some attorney would charge the State of Maine \$17,000.00 to do what this gentlemen did for us.

We were also charged \$400.00 a day by some other expert, a couple of days, and he lived a long way away so I suspect that he was worth the \$400.00 a day. You know, how far away you live, depends on how much you can get reimbursed.

We also have paid some attorneys here in the State of Maine. Now there has been a lot said about Majority and Minority Counsel, and there was a lot of hoopla over who the Majority and Minority Counsel were going to be and how much they were going to charge. And originally, as I recall, it sort of reminds me of the debate or the concern that was had over the reapportionment costs, that Minority and Majority Counsels were going to receive basically the same amount of money to conduct the investigation. I would say to you that that hasn't worked out quite the same and I guess perhaps that I didn't expect that it would be, nor would any member of the Minority party, but to date we have paid the firm of Preti, Flaherty and Belleveau, \$2,779.00, that's the Majority Counsel, as you might know from the last name in the law firm. The Minority Counsel, Lenell, Choate and Webber has been paid \$1,872.00 to date. However, there has been a debt incurred to date to the firm of Preti, Flaherty and Belleveau of \$35,000.00, we owe them. Now \$27,000.00 of that was for the work that was done in October. And if you divide that by what I consider 23 working days in October, that's \$1,200.00 a day, a considerable sum of money, I might add, and we do owe the Minority Counsel, I should tell you, \$3,300.00. So it would appear to me that the Majority Counsel is going to receive over \$37,000.00 and the Minority Counsel is going to receive \$5,100.00. Now I'm not saying to you that the Minority Counsel ought to receive more, I'm saying to you that Majority Counsel perhaps ought to think about getting less. I am not able to make that decision, because no one is telling me and there is no record on the bills as to how much we are being charged an hour or how many hours are even being charged. Simply a gross bill that says this is what I did on a particular day and you owe us \$35,000.00. I think that's a little ridiculous. I know perhaps I have rambled on longer than I ought to but I think it is important to know where this study came from, where we got where we are and the financial implications of what we are doing.

I really think that the process that has been used has been terrible. I think that it is a disgrace. I think it is a disgrace to this Legislature. I think it is a disgrace to the Committee that started out and I think that the people of Maine ought to be asking the question of why

we would continue to fund this operation. Now there is no question that there has been a problem of the filing by the Public Utilities. We already know how that can be resolved. We can have legislation drafted by the Legislative Research Office or the Assistants to take care of that problem. But to continue on in this really is a little bit ridiculous. There ought to be some method of the Legislature finally saying to special committees or commissions or whatever, if you over spend your budget, you are not going to get any more money. And I don't know how you do that, but, as an individual Legislator anyway, I'm not going to be part of just giving a blank check to some special commission, even if I am part of it. I didn't receive, nor did any member of the Committee receive, any great sum of money. The per diem is a total of \$2,400.00. So I don't think anybody on the Committee got rich. But it sure looks to me that a few other people may be driving Cadillacs. Now I don't think there is a great deal else to be reported.

Now there was some talk over there about whether or not there was some tapes erased. Well, whether there were or weren't, my understanding was that the tapes that were erased, there are probably 50 copies of what was erased in somebody's file that we already know about. So I think it is inconsequential whether the tapes were erased or not. If they were erased, we'll get them somewhere else. We know that somebody else has the facts that were on that tape. I think that the members of the Committee or whoever is running the show on this Committee got themselves into one heck of a box. I don't feel like I can be part of getting them out of that box.

This Legislature—we heard from the Governor last night, about how we need to be accountable, we need to be fiscally responsible, that somehow the federal government is going to take all this money away from us and we need every cent we can get. That was the implication that I had last night and I think you probably did too. I am saying to you, here is \$125,000.00 that we threw away and that we could use for some other program. I don't like admitting that now, because it makes me look like a sap from September 7, 1983 when I endorsed this thing. But I can say it now. Because I think we have wasted a lot of money, wasted a lot of time and we simply managed to harass a number of people. I know the case has been made that one Dr. Potholm didn't come in with all his documents and we had to take him to court. But did anybody ever really, did the Committee ever ask him to come in and to simply sit down and talk to us, one to one or as a Committee to a person? No. It was an antagonistic situation right from the start. The whole intent of the Committee was to get at Dr. Potholm right from the word go and they managed to do that. They want to blame the lawyers, they want to blame Dr. Potholm, they want to blame unforeseen problems. But I think the unforeseen problems begin and end right here. And this Legislature ought to stand up and say, no more, it is enough, we don't want any part of it.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Diamond.

Representative DIAMOND: Thank you Mr. Speaker. Men and Women of the House: My good friend from Scarborough, Representative Higgins, brought to light nothing new, nothing that we were not made aware of before, that we were unaware of before yesterday and he raised a lot of concerns that were mutual concerns. He has the concern about the accountability of the Committee and the lack of oversight over the finances of that Committee, concerns that are shared both in that corner, in that side of the aisle and on this side of the aisle. The Legislative Council, I know of nobody on that Council, who did not share his concern. We want accountability and we were

concerned about the same items that he brought forward. He played a little loose with the facts. He talked about the bills that have been submitted to date by the Majority Counsel. He did not mention that the Minority Counsel still has a bill to be submitted and you can be sure that it's going to be much greater than the figures he just outlined. But that is not the issue.

The issue is not whether or not we showed enough concern over the finances of that Committee while it was in operation during the 111th Legislature. The concern is, what are we going to do about the problem that that Committee was originally charged to take care of? And to me the answer is clear. The answer is to allow the Committee to do its work and to finish up what remains of their original charge. He spoke long and very eloquently about his concern. He did not address what the motion is before us and what the overall concern ought to be. What we are debating is not whether or not the Committee acted as efficiently as it should or has done enough of the work, all the work that it needs to do in order to prepare its report, what we are debating is the amendment before us, House Amendment "A" and I join in my colleague and my seatmate in urging you to vote against that. What it does is basically say that the Committee has to provide its report to this Legislature based on the information that was willingly given to them and without the benefit of considering the information that was withheld from them, information that the courts have ordered people to submit. But yet, they have not had the chance to consider. It makes no sense to me to talk about responsibility and talk about irresponsible action. Nothing could be more irresponsible, nothing could be more of a farce, more wasteful, then to ask this Committee to prepare a report based on the information that has very little relevance to the overall concern. It seems to me that we have one thing we have to do, live up to our obligation, live up to the obligation made by the previous Legislature. Recognize the legitimate concern that some utilities in this State have gone beyond all reasonable bounds in their political activity. We have to get to the bottom of that, Representative Higgins, that's the most important thing and that's what we have to keep in mind tonight. If we are going to do that and act responsibly, we are not going to sit around and set aside the work that has been done for the last year or so. If you really want to waste that \$120,000.00 you were talking about, it would be just to do what you just suggested and what Representative Sproul has suggested. That's a waste of money and that's where the farce would become. To me, we should dispose of this amendment, vote against it, it makes no sense whatsoever and proceed to the adoption of the Order before us. Thank you very much.

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

Representative SPROUL: Thank you Mr. Speaker. Men and Women of the House: I am not going to take up a lot more of your time but I feel that I must respond to the Representative from Bangor, Representative Diamond.

I do not believe that there is a great deal of more information. At just our last meeting last week, the staff and the Chairman said that there will be no more hearings, we have received the information, we're going to start drafting the report on Friday. Friday's meeting never happened. And then all of a sudden, I suspect they started writing the report and found out they had found nothing over a year and now they are trying to justify the existence. But we were told that everything was in. We were told there were no more hearings to be had. We were told that the report was being drafted at that moment when we were in. Then all of a sudden things changed. I view that this is in-

deed responsible. It's putting an end to excessive spending in State Government. It's allowing for the report to still be written, still be filed with us. And for us to take action and hopefully make changes in the law.

I hope you support the Amendment.

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

Representative HIGGINS: Mr. Speaker and Members of the House: I am glad the Representative from Bangor brought up the fact that we would be getting this enormous bill from Minority Counsel. I forgot to mention that in my initial remarks and I am glad he brought it up because I wanted to make sure that everybody knew that. I did speak with the Minority Counsel today. He informed me that we do in fact owe him some money. I asked him how much that would be. He said to me that it would be less than \$1,000.00. In fact, he said to me less than \$500.00 and I said well, I'll give you the benefit of the doubt and I'll say that it will be less than \$1,000.00. He said that it would be far less than that. The bill that I am showing that we owe is \$3,300.00 is for work that was done through, I don't know, up to like a couple of weeks ago, so don't hold that against us. You are not going to get a big bill from the Minority Counsel. Minority Counsel's bill, if you stop today, is less than \$500.00 and if you want to play fast and loose, let's say \$1,000.00. So I am not playing, contrary to my colleague's speech, fast and loose with the facts. I think that if anybody is playing loose and fast, they are playing loose and fast with the people of the State of Maine's money. I think we are simply trying to justify the existence of a Committee that now, in my opinion, has outlived its usefulness. I don't believe for a minute there's anything that is going to be uncovered. We are throwing good money after bad. There's been nothing earthshaking brought up, other than a \$144.00 contribution. Or in kind contribution. And really, it has been the biggest waste of taxpayer's money I have seen in the ten years that I have been here.

I think the Representative from Bangor, Representative Diamond, or other people who are defending this amount of money, ought to stand up and tell this Legislature—how can you go back home and say I think we ought to pay attorneys \$1,200.00 a day and I think we ought to pay an investigator \$180.00 a day plus \$400.00 or \$500.00 a week to travel back and forth between Ohio, because that person happened to move from Maine to Ohio part of the way through this particular study. I think that's outrageous. The people in my district will go bananas over something like that. And I think rightfully so. We have an obligation, Mr. Diamond, and I think you should stand up and tell the House how this is going to be resolved. What is the answer to the Legislature, the previous Legislature or any Legislature establishing a basic Legislative Commission and giving them a certain amount of money and then 15 months later say, well, \$75,000.00 wasn't enough. We need another \$60,000.00 or \$70,000.00. Well, go ahead, because, if we don't give you that \$60,000.00 or \$70,000.00, you are not going to write a report that doesn't say anything.

I am going to go home with a clear conscience. I am voting for the Amendment. I don't like it because it means we are going to spend more than \$75,000.00 on this thing. But it's a far cry better than the opinions and the offerings that I have heard from the other side of the aisle. Thank you.

The SPEAKER: The Chair recognizes the Representative from Dover-Foxcroft, Representative Law.

Representative LAW: There has been one Freshman Legislator speak and I'm a freshman as you all know and I would like to speak too.

I hate to see this get into a partisan argument. I was brought up in school almost, the Reverend, this man here, was the Coach of the

high school when I was in grammar school and I think an awful lot of him. I have spent about 20 years as Town Manager and as Director of Engineering with the U.S. Forest Service in which I was responsible for major budget control. To me, it is unbelievable that you do not have better control of your budget than this Committee did. I didn't hear Representative Crowley say anything when he got up that he couldn't accomplish within this Amendment. I think we ought to pass the Amendment and put it to bed.

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Foster.

Representative FOSTER: Thank you Mr. Speaker. I did not see the minutes of the Legislative Council in front of us and having heard the report that was given to them and the figures, I was wondering, was a vote taken by the Legislative Council. If a vote was taken, I think it is very necessary for us to know who voted and how they voted. Is that information available at this time?

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

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Foster.

Representative FOSTER: Mr. Speaker, Ladies and Gentlemen of the House: You know I am back up here now but you hear all the scuttlebutt and I understand and someone must know what this is and we are going to get, in a short time, the vote on that issue—now why can't we have it now? Can't someone give me that information?

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Diamond.

Representative DIAMOND: Mr. Speaker, Men and Women of the House: I apologize to the Representative from Ellsworth—I was having a hard time understanding what her question was, I wasn't sure which council action she was referring to. I think I understand that she is talking about yesterday's council vote, not the creation of the committee.

The vote yesterday was on a very complicated motion put forth by the presiding officer of this body at the council and it was defeated by bipartisan support. It dealt with a number of areas that is not reflected in the Order before us. Some of us were, some of them were not, but it was defeated nonetheless by the Legislative Council of the 111th, a proposal that did not reflect the proposal that we now have before us. There is a lot of confusion, understandably, over this debate but the key question that everybody is harping on is accountability. We can't get back the money that is committed already. We can assess whether or not it was spent wisely and we can seek retribution if it is necessary by there is, Representative Higgins, there is Representative Sproul, there is Representative Lord, a section in this Order if you read it on the next to the last paragraph that gives us the power, us, the Legislative Council, accountable to you all, the power to oversee the expenditures of this committee. This is something that was not there and everyone on that council wants that. If you are concerned about the way the committee's finances were handled, then you would support the Order. If you don't care, then you don't support it.

We are thinking along the same lines. We want to accomplish the same thing and if we do, indeed, want to accomplish something, then you defeat the amendment and you adopt the Order.

I hope, Mr. Speaker, we can proceed to the Order at hand. Would you please restate the question?

The SPEAKER: The pending question before the House is adoption of House Amendment "A," a roll call having been requested.

The Chair recognizes the Representative from Gorham, Representative Hillock.

Representative HILLOCK: Mr. Speaker, Members of the House: As a freshman Representative, I have campaigned on accountability of the Legislature and the ability to get the job done with the maximum utilization of taxpayer dollars.

This committee was formed because there was a problem and the problem was, accountability of the utilities in the State of Maine and their involvement with political action. That was a well stated problem. There were vague areas and what have we done? We have formed a committee, in my mind and many others, which has been very inefficient. I don't care who is to blame, the obvious fact is that it has been very inefficient. Now let's remember one thing, what was the goal of that committee? Was it to find out some poor man from Orono, who had a \$50 donation from CMP? I don't think so. It was to improve the accountability of political action of public utilities in the State of Maine. We have done that. We have cooperation now from CMP, New England Telephone—they say, let's work this problem out. This is something that the Legislature can work on, this is something that we are paid to do, to solve this problem. We are not paid to go out there and perform a witch hunt that is four years old.

Ladies and Gentlemen of the Legislature: This is a blackeye for the 111th, let's not make it a blackeye for us. We have thrown money away—to what degree of wastefulness will always be debated but the end result is to improve accountability. We haven't found one shred of evidence to indicate a serious problem here and what if we had? Can we prove it? If we prove it, what can we do?

The thing is, let's improve the accountability of the public utilities, they are cooperating with us, let's legislate in the 112th with the utilities for a better product. Let's don't polarize ourselves, with the taxpayers of the State of Maine on one end and having them think that we are on the other end, throwing their money away needlessly. There is enough of that now. Everyone of us just came off a campaign where we said we were going to work hard and campaigned that we were going to do better for the State of Maine. This is obviously not the case because the end result is better cooperation, better accountability with the Legislature and the utilities—we have got that now, we can build a base, work on it and let's be positive. Let's get away from that attitude of a witch-hunt and that something might be out there.

It was before my generation but I have researched MacArthurism and this is a microcosm of this. This Amendment is forcing this committee to be accountable for what they have done and it might be an embarrassment to them but let's stop now. If something comes up that is a monumental problem, perhaps another committee should be started and have them work on that problem but we haven't even identified a particular, dangerous problem yet. And any individual that abuses the system, we really haven't got that—what we have got is us, right now, being able to work with the utilities and have them work with us for a better accountability product.

I say, adopt this amendment, march on, and start this 112th Legislature on a positive note. This is not a partisan issue, this is an issue of accountability.

Representative Higgins of Scarborough requested a roll call on the motion to adopt House Amendment "A."

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

The SPEAKER: The pending question before the House is on the motion of Representative Sproul of Augusta that House Amendment "A" be adopted. Those in favor will vote yes; those opposed will vote no.

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

Representative TELOW: Mr. Speaker, if you have an investment in the company, does this constitute a conflict of interest? If so, I would like to be excused from voting.

The SPEAKER: The Chair would advise the Representative from Lewiston, Representative Telow, the Chair is not in a position to make determinations as to whether or not he is in conflict but the Chair would advise the Representative from Lewiston, in reference to Joint Rule 10 and also House Rules which do deal with the question of conflict of interest and the Chair would grant, if the Representative from Lewiston, Representative Telow, wishes to be excused from voting, that permission at this time since the Chair is not in a position to make determinations.

The Chair understands that the Representative from Lewiston, Representative Telow, wishes to be excused from voting pursuant to House Rules and Senate Rules and the Chair will grant that request.

ROLL CALL No. 1

YEA—Armstrong, Baker, Orrington; Begley, Bell, Bott, Bragg, Brown, Livermore Falls; Callahan, Conners, Davis, Dellert, Drinkwater, Farnum, Foss, Foster, Greenlaw, Harper, Hepburn, Hichborn, Higgins, Scarborough; Hillock, Holloway, Ingraham, Jackson, Kimball, Lander, Law, Lawrence, Lebowitz, Lord, MacBride, Masterman, Matthews, McPherson, Murphy, Berwick; Murphy, Kennebunk; Nicholson, Nickerson, Paradis, Old Town; Parent, Randall, Rice, Salisbury, Scarpino, Seavey, Sherburne, Small, Smith, Mars Hill; Sproul, Stevens, Sabattus; Stevenson, Strout, Taylor, Webster, Wentworth, Weymouth, Whitcomb, Willey, Zirkilston.

NAY—Aliberti, Allen, Beaulieu, Boutillier, Brannigan, Brown, Gorham; Carroll, Chonko, Clark, Coles, Connolly, Cooper, Cote, Crouse, Crowley, Daggett, Descoteaux, Diamond, Duffy, Erwin, Gwadousky, Hale, Handy, Hickey, Higgins, Portland; Hoglund, Jacques, Jalbert, Joseph, Kane, Lacroix, Lis nik, Macomber, Manning, Martin, Mayo, McCollister, McGowan, McHenry, McSweeney, Melon dy, Michael, Michaud, Mills, Mitchell, Moholland, Murray, Nadeau, Saco; Nelson, O'Gara, Paradis, Augusta; Paul, Perry, Pouliot, Priest, Racine, Reeves, Richard, Ridley, Roberts, Rolde, Rotondi, Ruhlin, Rydell, Simpson, Smith, Island Falls; Soucy, Stevens, Bangor; Swazey, Tammaro, Tardy, Theriault, Vose, Walker, Warren, The Speaker.

ABSENT—Baker, Bonney, Bost, Brodeur, Cahill, Carrier, Carter, Cashman, Dexter, Dillenback, Nadeau, Lewiston; Pines, Rioux, Stetson.

EXCUSED—Telow.

59 having voted in the affirmative and 77 in the negative with 14 absent and one excused, the motion to adopt House Amendment "A" did not prevail.

The SPEAKER: The pending question now before the House is passage of the Order in concurrence.

The Chair recognizes the Representative from Scarborough, Representative Higgins.

Representative HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a couple of questions through the Chair, if I might, before we take action on this amendment.

First of all, could someone inform the members of the House as to who might be going to serve on this special committee and who is going to set it up? Is it going to be the same one or a different one—do we have any idea?

Second, what is the rationale for extending beyond the end of February—the original request, as I recall from yesterday, some 24 hours ago, was to the end of February—today I see it is still the end of March and I think members of the House ought to be made aware of that.

Why the further continuation of what was

asked of us yesterday from the end of February—now to the first of April, as I understand?

Another question is, is there a limit? Do we have any idea yet—I mean there is nothing in this Order to indicate to the members of the House and the people of this state how much more money is going to be needed. We already are assuming, I guess, that we are about \$50,000 over—how much more are we going to need in addition to that if we go three or four more months? \$1,200 a day kind of adds up along with \$180 a day for an investigator plus \$500 a week in travel from here to Ohio?

Finally, where is the money going to come from? As I understand it, when we left here in September, we had some sort of a surplus after we passed the Education Bill of like \$20,000 or something like that so could someone inform the House where that money might be going to come from? To continue this study since we only have appropriated \$75,000 and we might get up to \$60,000 or \$70,000 or more—where is that money going to come from?

Finally, I almost hate to do it, but I would like to ask for a roll call on adoption because I think it is important to the people of the state to know who thinks it is a good idea to throw good money after bad and who doesn't.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Diamond.

Representative DIAMOND: Mr. Speaker, Men and Women of the House: In response to the Representative from Scarborough's questions—he asked some very legitimate questions and I would be glad to answer them. The makeup of the committee will be somewhat different from the committee that existed in the 111th Legislature, simply because some of those members no longer are members of this Legislature. It will be up to the presiding officers to appoint the membership of those committees as they did in the previous session.

The date change, as well as the spending limit, are both going to be in recognition of the fact that the Legislative Council has to take more responsibility for the way that this committee and all committees it authorizes functions and the money that they spent and, for this reason, the language of this proposal was drafted in such a way as to put the burden on the council, both the Democratic and the Republican members of that council, to keep careful watch, weekly accountability and great oversight on this committee and all its responsibilities.

It is the intention to have the work of this committee concluded much before the deadline we established in this Order but we want to give us enough flexibility so if some unforeseen situation arose, such as another court problem or attempt of a person called before this committee to avoid accountability to the committee itself, that we had that flexibility but I assure you, as you well know from sitting through that meeting yesterday, that every member of that council wants to get this matter resolved as quickly as possible and with as much accountability and as much responsibility on our own part as possible.

So again, I ask you to support the passage of this Order.

Representative Higgins of Scarborough requested a roll call passage of the Joint Order.

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

The SPEAKER: The pending question before the House is passage of the Joint Order in concurrence. Those in favor will vote yes; those opposed will vote no.

The SPEAKER: The Chair will grant permission to Representative Telow of Lewiston to be excused from voting according to House and Senate Rules.

ROLL CALL No. 2

YEA—Aliberti, Allen, Beaulieu, Boutlier, Brannigan, Brown, Gorham; Carroll, Clark, Coles, Connolly, Cooper, Cote, Crouse, Crowley, Daggett, Descoteaux, Diamond, Duffy, Erwin, Gwadosky, Hale, Handy, Hayden, Hickey, Higgins, Portland; Hognlund, Jacques, Jalbert, Joseph, Kane, Lacroix, Macomber, Manning, Martin, Mayo, McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mills, Mitchell, Moholland, Murray, Nadeau, Saco; Nelson, O'Gara, Paradis, Augusta; Paul, Perry, Pouliot, Priest, Racine, Reeves, Richard, Ridley, Roberts, Rolde, Rotondi, Ruhlin, Rydell, Simpson, Smith, Island Falls; Soucy, Stevens, Bangor; Swazey, Tammaro, Tardy, Theriault, Vose, Walker, Warren, The Speaker.

NAY—Armstrong, Baker, Orrington; Begley, Bell, Bott, Bragg, Brown, Livermore Falls; Callahan, Conners, Davis, Dellert, Drinkwater, Farnum, Foss, Foster, Greenlaw, Harper, Hepburn, Hichborn, Portland; Higgins, Scarborough; Holloway, Holloway, Ingraham, Jackson, Kimball, Lander, Law, Lawrence, Lebowitz, Lord, MacBride, Masterman, Matthews, McPherson, Murphy, Berwick; Murphy, Kennebunk; Nicholson, Nickerson, Paradis, Old Town; Parent, Randall, Rice, Salisbury, Scarpino, Seavey, Sherburne, Small, Smith, Mars Hill; Sproul, Stevens, Sabattus; Stevenson, Strout, Taylor, Webster, Wentworth, Weymouth, Whitcomb, Willey.

ABSENT—Baker, Portland; Bonney, Bost, Brodeur, Cahill, Carrier, Carter, Cashman, Chonko, Dexter, Dillenback, Lisnik, Nadeau, Lewiston; Pines, Rioux, Stetson, Zirkilton.

EXCUSED—Telow.

75 having voted in the affirmative and 58 in the negative with 17 absent and one excused, the Joint Order was passed in concurrence.

(Off Record Remarks)

On motion of Representative Jacques of Waterville,

Adjourned until eight-thirty tomorrow morning in memory of Robert MacEachern.