

# 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**

STATE OF MAINE  
One Hundred and Twelfth Legislature  
First Regular Session  
JOURNAL OF THE SENATE  
In Senate Chamber  
Wednesday  
December 5, 1984

Senate called to Order by the President.

Pursuant to the Provisions of the Constitution and the laws of the State of Maine, the Senators-elect of the One Hundred and Twelfth Legislature convened in the Senate Chamber and were called to order by **Joy J. O'Brien**, Secretary of the Senate of the One Hundred and Eleventh Legislature.

Prayer by the Honorable Edgar E. Erwin of Oxford.

**SENATOR ERWIN:** Let us pray. Our Father be present at our Legislative meetings. May Thy spirit be upon all that is said and done here today and during this Legislative Session. Let Thy blessings rest upon the officers, the committee chairmen, the members of this Body, and all our loyal and dedicated staff, that in their work they may be guided by Thy spirit and desire to plan for the good of all.

May the pursuits of common aims bind the membership together in genuine and warm companionship. Let harmony and good will prevail. Amen.

#### COMMUNICATIONS

The Following Communication:

##### Office of the Secretary of State

To Joy J. O'Brien, Secretary of the Senate 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 Senators-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.  | Paul E. Violette, Van Buren       |
| District 2.  | James A. McBreairty, Perham       |
| District 3.  | Michael E. Carpenter, Houlton     |
| District 4.  | Charles M. Webster, Farmington    |
| District 5.  | Charles P. Pray, Millinocket      |
| District 6.  | Michael D. Pearson, Old Town      |
| District 7.  | Larry M. Brown, Lubec             |
| District 8.  | Edgar E. Erwin, Rumford           |
| District 9.  | Jerome A. Emerson, Corinna        |
| District 10. | John E. Baldacci, Bangor          |
| District 11. | Mary-Ellen Maybury, Brewer        |
| District 12. | Thomas R. Perkins, Blue Hill      |
| District 13. | Zachary E. Matthews, Winslow      |
| District 14. | Melvin A. Shute, Stockton Springs |
| District 15. | R. Donald Twitchell, Norway       |
| District 16. | Georgette B. Berube, Lewiston     |
| District 17. | Judy C. Kany, Waterville          |
| District 18. | Charles G. Dow, Gardiner          |
| District 19. | Beverly Miner Bustin, Augusta     |
| District 20. | Charlotte Z. Sewall, Newcastle    |
| District 21. | Jean B. Chalmers, Rockland        |
| District 22. | Richard L. Trafton, Auburn        |
| District 23. | N. Paul Gauvreau, Lewiston        |
| District 24. | Courtney E. Stover, West Bath     |
| District 25. | Henry W. Black, West Baldwin      |
| District 26. | Nancy Randall Clark, Freeport     |
| District 27. | G. William Diamond, Windham       |
| District 28. | Ronald E. Usher, Westbrook        |
| District 29. | Mary Najarian, Portland           |
| District 30. | Thomas H. Andrews, Portland       |
| District 31. | Peter W. Danton, Saco             |
| District 32. | Barbara A. Gill, South Portland   |
| District 33. | John L. Tuttle, Jr. Sanford       |
| District 34. | Dennis L. Dutremble, Biddeford    |
| District 35. | Walter W. Hichens, Eliot          |

**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

Which was **READ** and **ORDERED PLACED ON FILE**.

The Roll being called, the following Senators-elect answered to their name:

Senators-elect:

ANDREWS, BALDACCI, BERUBE, BLACK, BROWN, BUSTIN, CARPENTER, CHALMERS, CLARK, DANTON, DIAMOND, DOW, DUTREMBLE, EMERSON, ERWIN, GAUVREAU, GILL, HICHENS, MATTHEWS, MAYBURY, McBREAIRTY, NAJARIAN, PEARSON, PERKINS, SEWALL, SHUTE, STOVER, TRAFTON, TUTTLE, TWITCHELL, USHER, VIOLETTE, THE PRESIDENT — CHARLES P. PRAY.

33 Senators-elect having answered to the Roll, the Secretary of the Senate of the 111th Legislature declared that a quorum was present.

Motion by Senator-elect **VIOLETTE** of Aroostook that a message be sent to His Excellency, the Governor, informing him that a quorum of Senators-elect is present in the Senate Chamber, ready to take and subscribe to the oaths of office required by the Constitution to qualify them to enter upon the discharge of their official duties.

Which was **PASSED**.

The Secretary of the Senate of the 111th Legislature appointed Senator-elect **VIOLETTE** of Aroostook to deliver the message to His Excellency, the Governor.

Subsequently, Senator-elect **VIOLETTE** of Aroostook reported that he had delivered the message with which he was charged and Governor **JOSEPH E. BRENNAN** was pleased to reply that he would attend upon the Senators-elect forthwith for the purpose of administering to them the oaths of office required by the Constitution.

#### Senate at Ease

The Senate called to order by the Secretary of the Senate of the 111th Legislature.

**SECRETARY OF THE SENATE OF THE 111th LEGISLATURE:** The Chair is pleased to welcome the Honorable Joseph E. Brennan, Governor of the State of Maine.

**GOVERNOR JOSEPH E. BRENNAN:** Madam Secretary and Members of the Senate-elect, about twelve years ago at this time I stood on the floor of this Senate to be sworn in as a state senator from Cumberland County. 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 to returning members of the Maine Senate.

Each of you represents about 35,000 citizens. As you bring their views to the Capitol and see that those views are heard in the shaping of the public policy of the State of Maine, the Maine Senate is truly a respected institution with a great tradition. You follow in the footsteps of many, many distinguished Maine citizens, many superb members of this Senate, and just most recently Senator Gerard Conley of Portland and Senator Samuel Collins of Rockland. It is now my privilege and my great honor to administer the oath of office to the 112th Maine Senate.

Thereupon, the Senators-elect took and subscribed to the oaths of office required by the Constitution of Maine.

The Governor then addressed the Senate as follows:

#### GOVERNOR JOSEPH E. BRENNAN:

Madam Secretary, Honorable Members of the 112th Maine Senate. You have come together as have one hundred and eleven previous Legislatures to fulfill your Constitutional duties, and in essence, to do the peoples' business.

It is a tribute to our chosen form of government that the actions you take today, and the political process you've set in motion differ very little from what our predecessors did more than 160 years ago.

The first day of a new session is certainly a time for enthusiasm, for determination, and indeed hope. Today is the tenth time that I

have been privileged to be here on the first day of a new Legislature to participate in what is really the reaffirmation of our process of self-government.

Our democratic system is slow and often 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 who have been here before have already discovered that for yourselves. Those of you who are seated for the first time will soon find that out. When we finish our work for this session in a few months: hopefully, you'll leave here with a deeper understanding of where Maine is today, where Maine is going, and what are Maine's needs.

So I am pleased to congratulate all of you upon taking office. I welcome all of you, men and women, Democrats and Republicans, old friends and new faces. I wish each of you great success during the life of the 112th Legislature.

No one should underestimate the importance of the duties that await you and the very difficult choices. It is your charge to approve an operating budget for state government for the next two years, to pass judgments on the men and women who will administer the agencies of government, and those who will serve as judges on our courts. Most of all, most of all, to be the final voice on the public policies of this State. The responsibilities are indeed heavy, but I am optimistic that this will be another successful Legislature.

If I could, I would confine my welcoming remarks 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 Senate.

The coming Session will be filled with challenges, not the least of which is the uncertainty of this nation's fiscal health. Washington has shown an inability or an unwillingness to meet its responsibilities 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 responsible manner. The President has repeatedly said that he will not touch defense expenditures or the Social Security System in any effort to reduce that deficit. Our obligation to make interest payments on the national debt just cannot be reduced. These untouchable areas of the federal budget amount to almost two-thirds of the total, and the President has said he will not increase taxes.

Under President Reagan's ground rules there is no alternative to major cuts in programs that help the people of our State. If cuts are made as the President insists, there will be cuts in programs that help people. Though these programs may be cut or indeed eliminated, the underlying need doesn't go away; you can't cut that out the need is still there.

In the face of such pending cuts in programs that help the people of Maine the question is: will the State of Maine act responsibly in addressing what will then be unmet needs? Needs such as financial and medical assistance for the poorest people in our State. I believe that that will be the overriding question that will be before this Legislature.

I appreciate the euphoria of the recent election. The fact is that we have very serious financial problems. I state again, will we meet the unmet needs of Maine people caused by the Federal Government transferring some of their burdens to us to try to solve their financial problems? That will be the question.

I can assure you that the next one hundred Legislative days will be a time of trial and great challenge for all of us. Indeed, I truly believe that this will be the toughest Legislative Session we have faced in my twenty years around State Government. I also know that you have in both parties dedicated and very capable leaders of good will. Leaders who share with you and who share with me the determination to

see that this system works and that the system works justly, fairly, compassionately and responsibly. I can promise you in this Senate the full cooperation and assistance of my cabinet, my staff, and myself as we work together in service to those who sent us here.

So again I congratulate you. I wish you all a happy holiday season. I hope you get a lot of rest because it's going to be a tough six months ahead. I do look forward to cooperating closely with you, to working very closely with you to address what I believe will be a very, very tough session. Best of luck for a productive session. Thank you.

The Governor then withdrew from the Senate Chamber.

**SECRETARY OF THE SENATE OF THE 111th LEGISLATURE:** The Chair is pleased to make note of the presence of the Senator from Kennebec, Senator KANY, who has taken the oath of office.

(OFF RECORD REMARKS)

On motion by Senator **PERKINS** of Hancock, Senator **VIOLETTE** of Aroostook was authorized to cast one ballot on the part of the Senate in favor of **CHARLES P. PRAY** of Penobscot for President of the Senate. This was done and **CHARLES P. PRAY** of Penobscot was declared duly elected President of the Senate for the political years 1985 and 1986.

At the request of the Secretary, Senator **VIOLETTE** of Aroostook escorted the President-elect to the Governor's office for the purpose of taking and subscribing to the necessary oaths of office to qualify him to enter upon the discharge of the duties of President of the Senate.

Subsequently, Senator **VIOLETTE** of Aroostook reported to the Senate that he had attended to the duties assigned to him and that **CHARLES P. PRAY** had, before the Governor, taken and subscribed to the necessary oaths of office to qualify him to enter upon the discharge of the duties of President of the Senate.

Thereupon, Senator **PRAY** of Penobscot was escorted to the rostrum by the Sergeant-at-Arms and addressed the Senate as follows:

**PRESIDENT CHARLES P. PRAY:** Thank you very much for the kind and gracious gesture. I want to thank the members of the Senate for the confidence and the trust that they have instilled in my selection. It is with a great sense of humility and responsibility that I accept this position.

During my tenure in this Chamber I've seen this Body presided over by two outstanding presidents, Joseph Sewall of Old Town and Gerard P. Conley of Portland. They both worked hard, and doing so, established a record of dedication and effective leadership. During the next two years I will attempt to uphold the exemplary standards set forth by these individuals. I am confident that with your support I will succeed in this endeavor.

When I was elected to the Senate in 1974, it was with a great deal of pride that I took the oath of office to become a Maine State Senator. Today as I stand before you, that same sense of pride is equaled.

The next two years afford us many exciting challenges and opportunities. I have every confidence that we will meet those challenges and take advantage of those opportunities.

I would like to take just a brief moment now to congratulate each of you elected and those of you elected to serve in a leadership capacity by your party. I'm looking forward to working closely with each of you. Furthermore, I'd like every member of this Chamber to know that my door will always be open, if there is any way that I can assist you, please do not hesitate to come forward.

Before closing, there are a few people that I would like to extend particular thanks to. The first being the Secretary of the Senate, Joy

O'Brien and her staff. I'm sure that as I speak for every member of this Body when I commend Joy for preparation of this Session. I believe as you look around in this Chamber the warmth reflects the dedication and care that has gone into the preparation of today's proceedings. Those friends who have stood beside me in support of the endeavors that I sought, I want to say thank you to you. To all that we are now collectively one Body and the responsibility charged to all of us is to precede forward with the people of the State of Maine in mind.

Before I close, I would like to share with you a quote that I had heard quite some time ago: "Public life is regarded as a crown of a career, and to people who seek it out, it is a worthiest ambition. Politics is still the greatest and most honorable adventure."

Let us work over the next two years with the responsibility worthy of Maine's motto. With that said and the business of the State of Maine pending, let's move on. In closing, again, thank you.

At this point, the President noted the presence in the Senate Chamber of Senator-elect **WEBSTER** of Franklin County in accordance with a long standing and unique tradition of the Maine Senate, the Senator-elect from Franklin had been absent to attend to the furnace and make sure that they were well stoked. The Chair requested that Senator from Hancock, Senator **PERKINS** escort the Senator-elect from Franklin, Senator **WEBSTER** to the Governor's office for the purpose of subscribing to the oaths of office required by the Constitution.

Subsequently, the Senator from Hancock, Senator **PERKINS** reported that he had attended to the duties to which he was assigned and was pleased to report that the Senator from Franklin, Senator **WEBSTER** had before the Governor taken and subscribed to the oaths of the office as required by the Constitution. Thereupon, Senator **WEBSTER** of Franklin was escorted to his seat in the Senate Chamber by the Senator from Hancock, Senator **PERKINS**.

(OFF RECORD REMARKS)

On motion by the Senator from Hancock, Senator **PERKINS**, Senator **TWITCHELL** of Oxford was authorized to cast one ballot on the part of the Senate in favor of **JOY J. O'BRIEN** of Portland for Secretary of the Senate. This was done, and **JOY J. O'BRIEN** of Portland was declared duly elected Secretary of the Senate for the political years 1985 and 1986.

At the request of the President, Senator **TWITCHELL** of Oxford escorted the Secretary-elect to the Governor's office for the purpose of taking and subscribing to the necessary oaths of office to qualify her to enter upon the discharge of the duties of the Secretary of the Senate of the One Hundred and Twelfth Legislature.

Subsequently, Senator **TWITCHELL** reported to the Senate that he had attended to the duty assigned to him and that **JOY J. O'BRIEN** had, before the Governor, taken and subscribed to the necessary oaths of office to qualify her to enter upon the discharge of the duties of Secretary of the Senate of the One Hundred and Twelfth Legislature.

On motion by Senator **GILL** of Cumberland Senator **DIAMOND** of Cumberland was authorized to cast one ballot on the part of the Senate in favor of **VALERIE MITCHELL** of Waterville for Assistant Secretary of the Senate. This was done and **VALERIE MITCHELL** of Waterville was declared duly elected Assistant Secretary of the Senate for the political years 1985 and 1986.

At the request of the President, Senator **DIAMOND** of Cumberland escorted the Assistant Secretary-elect to the Governor's office for

the purpose of taking and subscribing to the necessary oaths of office to qualify her to enter upon the discharge of the duties of the Assistant Secretary of the Senate of the One Hundred and Twelfth Legislature.

Subsequently, Senator **DIAMOND** reported to the Senate that he had attended to the duty assigned to him and that **VALERIE MITCHELL** had, before the Governor, taken and subscribed to the necessary oaths of office to qualify her to enter upon the discharge of the duties of the Assistant Secretary of the Senate of the One Hundred and Twelfth Legislature.

Senate at Ease

The Senate called to order by the President.

On motion by Senator **VIOLETTE** of Aroostook a message was sent to the House of Representatives informing that Body that the Senate had organized by the choice of **CHARLES P. PRAY** of Penobscot as President, **JOY J. O'BRIEN** as Secretary, and **VALERIE MITCHELL** as Assistant Secretary.

The President requested that the Senator from Aroostook, Senator **VIOLETTE** deliver the message.

(OFF RECORD REMARKS)

Subsequently, Senator **VIOLETTE** of Aroostook reported that he had delivered the message with which he was charged.

(OFF RECORD REMARKS)

On Motion by Senator **CLARK** of Cumberland, the following Senate Order:

**ORDERED,** that a committee of seven be appointed by the President to whom the returns of votes for Senators for the political years of 1985 and 1986 shall be referred for examination and report.

Which was **READ** and **PASSED**.

The President Appointed the following:

**SENATORS:** DANTON of York  
CARPENTER of Aroostook  
USHER of Cumberland  
NAJARIAN of Cumberland  
HICHENS of York  
SHUTE of Waldo  
McBREAIRTY of Aroostook

**COMMUNICATIONS**

The Following Communication:

**Office of the Secretary of State**

Augusta, Maine

November 30, 1984

To the President of the Senate:

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 Senators 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

<b>District 1</b>	
Paul E. Violette, Van Buren	8,177
Others	35
<b>District 2</b>	
James McBreairty, Perham	7,698
Hollis E. Smith, Presque Isle	3,757
Others	1
<b>District 3</b>	
Ray H. Bird, Fort Fairfield	4,027
Michael E. Carpenter, Houlton	9,325
Others	1
<b>District 4</b>	
James P. Elias, Madison	7,696
Charles M. Webster, Farmington	8,094
<b>District 5</b>	
Elliott N. Levy, Greenville	4,494
Charles P. Pray, Millinocket	10,391
<b>District 6</b>	

Michael D. Pearson, Old Town	12,452
Others	4
<b>District 7</b>	
Larry M. Brown, Lubec	7,999
John H. Cashwell, Calais	5,645
<b>District 8</b>	
Edgar E. Erwin, Rumford	11,957
Others	3
<b>District 9</b>	
Jerome A. Emerson, Corinna	9,781
Eunice E. Forbus, Skowhegan	5,079
<b>District 10</b>	
John E. Baldacci, Bangor	11,116
Others	6
<b>District 11</b>	
Kenneth P. Hayes, Veazie	7,465
Mary-Ellen Maybury, Brewer	8,255
<b>District 12</b>	
Carroll T. Brown, Jr., Brooklin	4,059
Thomas R. Perkins, Blue Hill	13,227
<b>District 13</b>	
Harold F. Glencross, Pittsfield	4,969
Zachary E. Matthews, Winslow	9,220
Others	2
<b>District 14</b>	
Melvin A. Shute, Stockton Springs	13,002
Others	6
<b>District 15</b>	
Mary Anne Smith, Harrison	6,706
R. Donald Twitchell, Norway	9,692
Others	9
<b>District 16</b>	
Georgette B. Berube, Lewiston	8,901
Edgar J. Morgan, Greene	5,446
<b>District 17</b>	
Judy C. Kany, Waterville	11,237
Others	2
<b>District 18</b>	
Charles G. Dow, W. Gardiner	9,195
Jeffrey M. Temple, Gardiner	6,913
Others	1
<b>District 19</b>	
Beverly Miner Bustin, Augusta	10,839
Others	20
<b>District 20</b>	
William B. Blodgett, Waldoboro	8,031
Charlotte Z. Sewall, Newcastle	10,327
Others	2
<b>District 21</b>	
Russell W. Brace, Rockport	6,911
Jean B. Chalmers, Rockland	8,950
Others	2
<b>District 22</b>	
Richard L. Trafton, Auburn	12,830
Others	5
<b>District 23</b>	
Rosemarie Cote Butler, Lewiston	5,601
N. Paul Gauvreau, Lewiston	8,919
Others	2
<b>District 24</b>	
Brenda H. Nelson, W. Bath	5,061
Courtney E. Stover, West Bath	10,876
<b>District 25</b>	
Henry W. Black, West Baldwin	9,382
George A. Carroll, Limerick	7,167
Others	1
<b>District 26</b>	
Nancy Randall Clark, Freeport	13,850
Others	2
<b>District 27</b>	
Kenneth M. Cole III, N. Windham	6,869
G. William Diamond, Windham	10,963
<b>District 28</b>	
Bernard P. Rines, Gorham	6,534
Ronald E. Usher, Westbrook	9,349
<b>District 29</b>	
Mary Najarian, Portland	12,258
Others	10
<b>District 30</b>	
Thomas H. Andrews, Portland	11,152
Others	3
<b>District 31</b>	
Peter W. Danton, Saco	13,370
Others	8
<b>District 32</b>	
Barbara A. Gill, S. Portland	13,381
Others	18
<b>District 33</b>	

Norman A. Baker, Springvale	6,991
John L. Tuttle, Jr., Sanford	7,672
<b>District 34</b>	
Dennis L. Dutremble, Biddeford	10,513
Marguerite C. Pendergast, Kennebunkport	6,102
<b>District 35</b>	
Stephen C. Estes, Kittery	7,448
Walter W. Hichens, Eliot	7,982
Which was <b>READ</b> and <b>ORDERED PLACED ON FILE</b> .	

**SENATE PAPERS**

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  
Presented by Senator **DIAMOND** of Cumberland  
Cosponsors: Representative **ROLDE** of York and Representative **MARTIN** of Eagle Lake  
Reference to the Committee on **AUDIT AND PROGRAM REVIEW** suggested and **ORDERED PRINTED**.  
Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24.  
Which was referred to the Committee on **AUDIT AND PROGRAM REVIEW** and **ORDERED PRINTED**.  
Sent down for concurrence.

**ORDERS**

On Motion by Senator **VIOLETTE** of Aroostook, the following Senate Order:  
**ORDERED**, that a message be sent to the House of Representatives proposing a Convention of the two branches of the Legislature in the Hall of the House, for the purpose of electing a Secretary of State, for the Political Years 1985 & 1986, a State Treasurer for the Political Years 1985 & 1986 an Attorney General for the Political Years 1985 & 1986 and a State Auditor for the Political Years 1985, 1986, 1987 & 1988 at two o'clock in the afternoon.  
Which was **READ** and **PASSED**.  
The President appointed, Senator **VIOLETTE** of Aroostook to deliver the message, the Senator retired to the Hall of the House and subsequently reported that he had performed the duties with which he was charged.

On motion by Senator **CLARK** of Cumberland  
**RECESSED** until 1:50 p.m. today.

**RECESS**

**AFTER RECESS**

The Senate called to order by the President.

At this point the Senate retired to the Hall of the House where a Joint Convention was formed.

**AFTER JOINT CONVENTION**

**IN SENATE**

The Senate called to order by the President.

**ORDER**

**Joint Order**

On motion by Senator **VIOLETTE** of Aroostook, the following Joint Order: S.P. 2  
**ORDERED**, the House concurring, that the Joint Rules of the 112th Legislature shall be as follows:

**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 of 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 shall 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 committees 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 "Unanimous Leave to Withdraw" and the bill shall be placed 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 Committees 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, and may be either accepted or rejected, but no other action shall be had except through another committee of 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 recom-

mendation 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 of 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 by the Director of Legislative Research. 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.

Which was **READ and PASSED.**

Sent down forthwith for concurrence.

On motion by Senator **HICHENS** of York, 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 suitable index be prepared for such Legislative Record, under the direction of the Director of Legislative Research.

Which was **READ and PASSED.**

Sent down for concurrence.

On motion by Senator **DANTON** of York, 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.

Which was **READ and PASSED.**

Sent down for concurrence.

On motion by Senator **SHUTE** of Waldo, 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 consid-

ered 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 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.

Which was **READ and PASSED.**

Sent down for concurrence.

On motion by Senator **USHER** of Cumberland, 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.

Which was **READ and PASSED.**

Sent down for concurrence.

On motion by Senator **McBREAIRTY** of Aroostook, 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.

Which was **READ and PASSED.**

Sent down for concurrence.

On motion by Senator **CARPENTER** of Aroostook, 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

Which was **READ and PASSED.**

Sent down for concurrence.

On motion by Senator **GILL** of Cumberland, 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.

Which was **READ and PASSED.**

Sent down for concurrence.

On motion by Senator **CLARK** of Cumberland, 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.

Which was **READ and PASSED.**

Sent down for concurrence.

On motion by Senator **SEWALL** of Lincoln, 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.

Which was **READ** and **PASSED**.  
Sent down for concurrence.

On motion by Senator **NAJARIAN** of Cumberland, 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 thereof 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.

Which was **READ** and **PASSED**.  
Sent down for concurrence.

On motion by Senator **McBREAIRTY** of Aroostook, 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.

Which was **READ** and **PASSED**.  
Sent down for concurrence.

On motion by Senator **EMERSON** of Penobscot, the following Senate Order:

**ORDERED**, that the Secretary of the Senate be authorized to purchase five thousand (5,000) copies of the folder entitled "This Is Your Legislature," and five thousand (5,000) copies of the pamphlet entitled "How a Bill Becomes a Law in Maine," from the League of Women Voters of Maine for the use of members of the Senate.

Which was **READ** and **PASSED**.

There being no objection all matters previously acted upon were sent forthwith.

On motion by Senator **CLARK** of Cumberland, the following Senate Order:

**ORDERED**, that the Senate Rules of the 112th Legislature shall be as follows:

#### RULES OF THE SENATE

1. The President shall take the chair at the time to which the Senate stands adjourned; but in case of his absence the President pro tempore shall preside. The President shall have

the right to name a Senator to perform the duties of the Chair during his absence; but the substitution shall not extend beyond an adjournment. In case of the absence of the President pro tempore, the Secretary shall preside until a President pro tempore is chosen.

2. At the first session of each day, on the appearance of a quorum, the journal of the preceding day shall be read; and the President shall ascertain whether a quorum is present before such reading.

3. When the President speaks he shall address the Senate; when a Senator speaks he shall stand in his place and address the President.

4. The President, when he speaks to any member of the Senate, and the members, when referring to each other in debate, shall use in their addresses the title of Senator, and by way of distinction name the county in which he resides.

5. The President shall have the right to appoint a Secretary of the Senate and an Assistant Secretary of the Senate to fill any vacancy that may occur in said office while the Legislature is not in session, to serve until the Senate in session shall elect a Secretary or Assistant Secretary.

The President shall have the authority to appoint legal counsel while the Legislature is in session.

6. The President shall rise to put a question, and shall declare all votes, but if any Senator doubt the vote, all those voting in the affirmative, when called upon by the President, shall rise and stand until they are counted, and also those in the negative, in like manner, to make the vote certain. The President may vote in all cases.

7. The President shall consider a motion to adjourn as always first in order, and it shall be decided without debate.

8. When a question is under debate, no motion shall be received but (1) to adjourn, (2) to reconsider, (3) to lay on the table, (4) to postpone to a day certain, (5) to commit, (6) to amend, (7) to postpone indefinitely; which several motions shall have precedence in the order in which they stand arranged.

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

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

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

9. A motion shall be reduced to writing, if desired by the President or any Senator, and shall then be deemed to be in possession of the Senate, to be disposed of by the Senate; but the mover may withdraw it at any time before a decision, or any amendment be made to it.

10. No Senator shall address the Senate until recognized by the President, nor more than once to the exclusion of any other Senator, without leave of the Senate, if objection is made, unless he be the mover of the matter under debate, and not then more than three times without leave.

11. No motion or proposition on a subject different from that under consideration shall be admitted under color or amendment; nor shall an amendment proposing to ingraft a general provision of law upon a private bill be in order; nor any amendment beyond the second degree.

12. No amendment to a bill or resolve shall be acted upon by the Senate until the same has been printed or reproduced and distributed to the members under the direction of the Secretary of the Senate, unless the same shall bear the recommendation of the Committee on Bills in the Second Reading 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 Secretary for printing or reproduction shall bear their signature of the member presenting or filing the same.

13. An amendment proposed may be amended before it is adopted, but not afterwards; unless the vote adopting it be first reconsidered, and no Senator shall be competent to move any reconsideration unless he voted with the majority and upon the same or a succeeding day; and a motion to reconsider any vote shall not be laid upon the table unless a time shall be specially assigned for its consideration.

14. When a motion has once been made and carried in the affirmative or negative, it shall not be in order for any member of the Senate who voted in the minority to move a reconsideration thereof; but any Senator 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.

15. When a member of the Senate 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 Secretary until the question of reconsideration shall have been decided, or the right to move such a question is lost.

16. A motion to reconsider shall take precedence of all other questions except a motion to adjourn, but if made while another question is pending, it shall not be put until the other question is disposed of, but simply entered.

17. Questions of order shall be decided by the President without debate; but if an appeal is taken, the same may be debated like other questions, and the decision thereon shall be entered upon the journal.

18. A question containing two or more propositions capable of division shall be divided whenever desired by any member.

19. In filling up blanks, the largest sum and longest time shall be put first.

20. Every paper shall be once read at the table before any Senator shall be obliged to vote on it, but when the reading of a paper is called for, that has been before read to the Senate, if any Senator object, the question shall be determined by the Senate.

21. All bills and resolves in the second reading shall be committed to the Committee on Bills in the Second Reading, to be by them examined, corrected, and so reported to the Senate.

22. Upon a second reading of a bill or resolve, after the same shall be read through and before the question is put on its passage, it shall be read and considered by paragraphs, at the request of any member of the Senate; and no bill or resolve shall have a second reading unless a time (not less than one hour after the first reading) be assigned therefore.

23. No bill or resolve shall pass to be engrossed without being twice read; and all bills and resolves, immediately after the same shall have been engrossed, 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; and before any bill shall pass to be enacted, or any resolve be finally passed, it shall be reported by the committee for the examination of engrossed bills to be truly and strictly engrossed, and the title thereof be read by the President.

24. No resolve of any kind, or order making any grant of money, lands, or other public property shall be passed without being read on two several days; the time for the second read-

ing shall be assigned by the Senate.

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

1st. House papers not acted upon; and if accompanied by a bill or resolve, the first reading of such bill or resolve.

2nd. Messages and documents from the executive and heads of departments.

3rd. The reception and reference of petitions and such other papers as required action by a committee.

4th. Orders.

5th. Reports of committees.

6th. Bills and resolves reported by the Committee on Bills in the Second Reading.

7th. Bills on their passage to be enacted, and resolves on their final passage.

8th. Orders of the day.

It shall be the duty of the Secretary to number bills and resolves in the order in which they shall be reported by said Committee on Bills in the Second Reading, and enter them upon the calendar in such order. They shall be taken up for their second reading and passage to be engrossed, or other disposition, in the order in which they stand upon the calendar. When a bill or resolve, after it is put on the calendar, is laid on the table, and no time assigned for its further consideration, it shall go to the foot of the calendar as it then stands. Papers from the House, concerning which there has been a disagreeing vote of the two houses, shall be disposed of before commencing with the calendar. This rule shall not apply to or interfere with motions to reconsider, or special assignments or other privileged questions.

26. Once the Secretary of the Senate commences with the roll call, all Senators shall remain seated until the vote has been announced. When the yeas and nays are taken, the names of the Senators shall be called alphabetically.

27. A roll call may be requested while the result of a division is being announced.

28. After a question is put to vote, no Senator shall speak on it. Every Senator who may be present shall vote unless excused by the Senate, or excluded by interest.

29. The unfinished business, in which the Senate was engaged at the time of the last adjournment, shall have precedence in the orders of the day.

30. No engrossed bill or resolve shall be sent to the House without notice thereof being given to the Senate by the President.

31. Every member or member-elect who shall present a bill, resolve or a petition shall place his signature thereon and a brief descriptive title of its contents.

32. All confidential communications made by the Governor to the Senate, shall be by the members thereof kept inviolably sacred until the Senate shall by their resolution take off the injunction of secrecy.

33. No rule shall be dispensed with, except by the consent of two-thirds of the members present.

34. Members of the Senate may exchange seats on consulting the President and obtaining his permission.

35. No member shall absent himself from the Senate without leave, unless there be a quorum left present.

36. All Committees, a Sergeant-at-Arms, an Assistant Sergeant-at-Arms, a Postmaster, a Doorkeeper and two pages shall be appointed by the President, unless the Senate otherwise directs. Such appointments may be rescinded at any time by the President.

37. At the commencement of the session the President shall appoint a committee on bills in the second reading to consist of four members, and a committee on engrossed bills to consist of twelve members. The Director of Legislative Research shall serve as clerk of the committee on bills in the second reading.

Any one of the first and any two of the second shall constitute a quorum.

38. No member of the Senate shall act as counsel for any party before any committee of the Legislature.

39. All messages from the Senate to the House, and to the Governor, or Governor and Council, shall be carried by the Secretary, unless the Senate shall direct some other mode of transmission, and all papers shall be transmitted to the Governor and Council and the House by the Secretary or his/her assistant.

40. The Senate may at any time, upon motion, by a vote of a majority of the members present, resolve itself into a committee of the whole for the purpose of considering any subject named in the motion; and a chairman shall be appointed by the President. If a message is announced while the Senate is in such committee, the President shall resume the chair for the purpose of receiving it; immediately after which the committee shall proceed, until dissolved in the usual manner.

41. The rules of parliamentary practice comprised in Reed's Rules, or any other standard authority, shall govern the Senate in all cases to which they are applicable, and in which they are not inconsistent with the standing rules of the Senate, or of the joint rules of the two houses.

42. A copy of each Senate order requiring action by any department, bureau, commission, board or agency of the state which is passed by both branches of the legislature shall be forwarded to such department, bureau, commission, board or agency by the Secretary of the Senate immediately after the adjournment of the legislative day in which the order was passed by the concurring branch of the legislature.

43. No smoking shall be allowed within the Senate chamber.

Which was **READ** and **PASSED**.

On motion by Senator **VIOLETTE** of Aroostook, the following Senate Order:

**ORDERED**, that the subordinate officers of the Senate be appointed as follows: by the President, an Executive Secretary, an Executive Assistant, a Legislative Assistant, an Assistant Postmaster and a Senate Courier; by the Secretary, a Reporter, an Assistant Reporter, a Supply Clerk, four Stenographers, one of whom shall be a member of the minority party and sufficient staff to attend to the duties of the Office of the Secretary.

Which was **READ** and **PASSED**.

On motion by Senator **PERKINS** of Hancock, the following Senate Order:

**ORDERED**, that the Secretary of the Senate be directed to furnish each member of the Senate, during the present session with two daily newspapers printed in the State, as each member may direct.

Which was **READ** and **PASSED**.

On motion by Senator **DUTREMBLE** of York, the following Senate Order:

**ORDERED**, that the Senate hold one session a day commencing at 10 o'clock in the forenoon until otherwise ordered.

Which was **READ** and **PASSED**.

On motion by Senator **CARPENTER** of Aroostook, the following Senate Order:

**ORDERED**, that the President of the Senate is authorized, at his discretion, to permit radio or sound television film or live television, or any two or three of these communication media, on the floor of the Senate while the Senate is in session.

Which was **READ** and **PASSED**.

On motion by Senator **PERKINS** of Hancock, the following Senate Order:

**ORDERED**, that the Secretary of the Senate be authorized to invite the clergymen of Augusta, Hallowell and Gardiner to officiate as

Chaplains of the Senate, or to invite clergymen from other areas of the State as requested by any member of the Senate; and be it further

**ORDERED**, that all clergymen acting as Chaplains of the Senate shall receive \$25 for each officiation. The same is to be approved by the Secretary of the Senate.

Which was **READ** and **PASSED**.

On motion by Senator **CLARK** of Cumberland, the following Senate Order:

**ORDERED**, that the Secretary of the Senate be directed to secure uniforms for the subordinate officers of the Senate.

Which was **READ** and **PASSED**.

On motion by Senator **VIOLETTE** of Aroostook, the following Senate Order:

**ORDERED**, that the Senate Majority Floorleader and the Senate Minority Floorleader be authorized to hire one secretary each.

Which was **READ** and **PASSED**.

On motion by Senator **DANTON** of York, the following Senate Order:

**ORDERED**, that all Bills and Resolves carrying or requiring an appropriation of highway revenue or involving a loss of highway revenue that are in order to be passed, to be enacted, or finally passed, shall, at the request of a member of the Committee on Transportation, be placed on a special calendar to be called up for consideration only by a member of that Committee.

Which was **READ** and **PASSED**.

On motion by Senator **NAJARIAN** of Cumberland, the following Senate Order:

**ORDERED**, that all Bills and Resolves carrying or requiring an appropriation or involving a loss of revenue that are in order to be passed to be enacted, or finally passed, shall, at the request of a member of the Committee on Appropriations and Financial Affairs, be placed on a special calendar to be called up for consideration only by a member of that committee.

Which was **READ** and **PASSED**.

There being no objections all matters previously acted upon were sent forthwith.

Senate at Ease

The Senate called to order by the President.

Senator **PERKINS** of Hancock was granted unanimous consent to address the Senate, Off the Record.

Senator **VIOLETTE** of Aroostook was granted unanimous consent to address the Senate, Off the Record.

(OFF RECORD REMARKS)

On motion by Senator **CLARK** of Cumberland

**RECESSED** until the sound of the Bell.

**RECESS**

**AFTER RECESS**

The Senate called to order by the President.

Out of order and under suspension of the rules, the Senate voted to consider the following:

**PAPERS FROM THE HOUSE**

**House Papers**

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

Reference to the Committee on **TAXATION** suggested and **ORDERED PRINTED**.

Comes from House, Under Suspension of the Rules **READ TWICE** and **PASSED TO BE ENGROSSED WITHOUT REFERENCE TO A COMMITTEE** and **ORDERED PRINTED**.

**THE PRESIDENT**: Is it the pleasure of the

Senate that under suspension of the rules the Bill be given its First Reading without Reference to Committee?

It is a vote.

Under Suspension of the Rules **READ TWICE** and **PASSED TO BE ENGROSSED WITHOUT REFERENCE TO COMMITTEE** and **ORDERED PRINTED**, in concurrence.

Sent forthwith to the Engrossing Department.

Bill, "An Act Relating to Daily Mileage Allowance for Legislators." (Emergency)

H.P. 2 L.D. 2

Reference to the Committee on **STATE GOVERNMENT** suggested and **ORDERED PRINTED**.

Comes from House, Under Suspension of the Rules **READ TWICE** and **PASSED TO BE ENGROSSED WITHOUT REFERENCE TO A COMMITTEE** and **ORDERED PRINTED**.

THE PRESIDENT: Is it the pleasure of the Senate that under suspension of the rules the Bill be given its First Reading without Reference to Committee?

It is a vote.

Under Suspension of the Rules **READ TWICE** and **PASSED TO BE ENGROSSED WITHOUT REFERENCE TO COMMITTEE** and **ORDERED PRINTED**, in concurrence.

Sent forthwith to the Engrossing Department.

Bill, "An Act Prohibiting State Agencies from Purchasing Real Property." (Emergency)

H.P. 3 L.D. 4

Bill, "An Act to Require Legislative Approval of all Public Improvements Involving the State House." (Emergency)

H.P. 6 L.D. 5

Come from the House referred to the Committee on **STATE GOVERNMENT** and **ORDERED PRINTED**.

Which were referred to the Committee on **STATE GOVERNMENT** and **ORDERED PRINTED**, in concurrence.

#### (OFF RECORD REMARKS)

#### ORDER Joint Order

On motion by Senator VIOLETTE of Aroostook, 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, 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 pursuant 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 referenda 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 ratepayers' 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.

Which was **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator **CARPENTER**.

**Senator CARPENTER:** Mr. President, and Ladies and Gentlemen of the Senate, I apologize for taking your time in the early evening of our first day in the Legislature. For those of you who are new to the Chamber, you may want to reconsider your decision to run to be here. This is probably not the last time that you are going to be here with darkness having fallen outside.

The issue before us is whether or not to reestablish the Joint Select Committee on the Investigation of Public Utilities. A Committee that was formed last spring to investigate what we felt to be the possibility of improper activities by some Maine utilities that had been ongoing for a number of years.

As many of you know I raised some issues in my last Legislative Council meeting yesterday, and I want to assure everybody in this Chamber and within the sound of my voice, contrary to what I was just told in the hallway or what was inferred to me in the hallway, I have not changed my position one iota. I will be voting for the order before us however, because I think that we have a number of separate issues here.

I would just take a moment to try to delineate those issues. If you believe that there is, was, or ever has been any of these activities which need investigating, then I would ask that you follow me and vote for the reconstitution of a committee. I don't say "the Committee" because it is obviously the establishment of a new committee to investigate this activity.

I believed when I voted for the order the first time that these activities had been ongoing. There was creditable evidence of that. I believed that, when I voted for the committee as a member of the Legislative Council. I believe it this evening as I stand here. I believe it more so this evening than I did before because now there has been evidence brought to the fore by this committee of this kind of activity. Therefore, I will be voting for the establishment of this committee to finish its investigation.

A caveat has been added to this order in that there will be weekly reporting to the Legislative Council. Even though I am not a member of that Council during this Session of the Legislature I have nothing but the greatest faith and confidence in the Council that they are going to do the right thing.

On the other issue, the issue that prevented me from voting for the various motions in the Council yesterday, the other issue of a possible overdraft, possible over-expenditure of budget, those kinds of issues, I have not changed one bit. Anybody that was at the Council meeting yesterday heard me say, and we fought for over an hour trying to separate the various issues, and I kept saying, "I want to vote to keep the committee going, but I don't want to ratify something that I haven't had a chance to look at, investigate or see." That's what I see as the other issue, and just from a very personal standpoint, I assure you, and I suspect that I probably will have company there, I assure you that this Legislative Council, the present Legislative Council of the 112th Legislature will be dealing with this issue. Will be dealing with was there an overdraft, how much was it, was it proper, was it improper? All of those kinds of questions. I will be there and I will be asking the same questions that I asked yesterday from the other side of the table.

So I would because of the evidence that has been brought to our attention from the committee: the committee has had meetings, the press has been involved, you know of some of this evidence, you know as much about it as I do there is evidence of wrongdoing, ask you that you will allow this committee, (excuse me, I just did say what I said I wouldn't say) I ask you to allow a committee to be selected to finish up this report.

We will deal with the other issue at a later date. I assure you that I will be there at that time asking the same questions and raising the same concerns that I raised yesterday. Thank

you, Mr. President.

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

**Senator SEWALL:** Mr. President, I move the Indefinite Postponement of this Order, and would speak to my motion.

**THE PRESIDENT:** The Senator has the floor.

**Senator SEWALL:** Thank you, Mr. President. I heard just now from the previous speaker that there has been evidence of wrongdoing brought before this committee and part of public record. I am the minority member of that committee and no evidence of that sort has ever been presented to me, I would like someone to explain it.

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

**Senator BALDACCI:** Mr. President and Members of the Senate, this committee has spent nearly a year reviewing many facets of the political activities of the public utilities.

Our investigative staff, attorneys, and state audit staff have spent countless hours reviewing documents, interviewing and collecting information. This effort formed the bases of six days of public hearings so far. What has come from these hearings, what are our accomplishments to-date, what remains to be done? Our hearings clearly outlined the extent of the major utilities involvement in the political process. Mr. Thurlow, former President of Central Maine Power Company, testified that the company created, staffed and directed the ostensible citizens committee called "The Committee to Save Maine Yankee", and controlled it to the extent of guaranteeing it loss and appointing its staff.

Mr. Thurlow, Mr. Webb, Senior Vice-president of Finance of Central Maine Power Company, testified that major vendors of Central Maine Power Company were canvassed on company stationery for funds to support the so-called "Citizens Committee."

The testimony by a gentleman named Mr. Larkin verified the fact that the vendor contributions of Save Maine Yankee I and II were collected by the vendors, (meaning Westinghouse, for example) when it sells Central Maine Power Company a turbine builds into that the contributions that it has been giving to Central Maine Power Company. The vendor contributions from Save Maine Yankee I and II were issues that Mr. Larkin felt serious review and ordering out of the rate base that was discussed within the committee to investigate public utilities.

Mr. Mennario, Executive Director of the Committee to Save Maine Yankee, Mr. Thurlow and Mr. Temple explained how the referendum efforts were controlled by a steering committee made up of Central Maine Power Company employees, the Edison Electric Institute, which is the electric public utility national association, Westinghouse Electric Company representing the suppliers, and Save Maine Yankee, and that Mr. Thurlow as Chief Executive Officer of Central Maine Power Company was in total charge.

Mr. Thurlow, Mr. Temple, Mr. Leason and Dr. Pothome all testified, or made sworn statements to the committee that Central Maine Power Company created and funded a major statewide public opinion polling operation.

Mr. Thurlow and Dr. Pothome, both stated that the intent was in part to influence political figures to support the company's political positions. We have seen the major utilities move to change their time and effort reporting, and accounting systems. Efforts are underway to simplify the reporting requirements to the Public Utilities Commission and to the Secretary of State.

They were reporting to the Public Utilities Commission their political activity in a year, and they were reporting it differently to the Secretary of State, because of different reporting requirements. The Public Utilities Commission up until the Scott Affair which was the de-

struction and erasure of documents that were being investigated by the Public Utilities Commission had never really investigated the reports that were filed, because they said to the committee that three or four hundred thousand dollars spent when we are looking at a twenty-five million dollar rate case isn't going to make an impact. But a three or four hundred thousand dollars in a state campaign, as we are all well aware of, has a tremendous amount of influence.

When the auditors reviewed their reports over the last three years, they could not correlate the figures that were produced on those reports with documentation, and made recommendations to the committee.

There can be no question in anybody's mind that ratepayers' dollars flowed from utilities directly and indirectly for the benefit, solicited or not, of candidates for public office.

What remains is to fully explore the methodology of the utilities in their efforts to exert political influence.

We had a document that was presented to the committee at its last hearing. The title of which is "Operation Olympic Coronet" done by Command Research, a hired consultant, at the rate of thirty-four hundred dollars a month plus expenses to Central Maine Power Company during the time of this review. Page four points out that their employees at Maine Yankee Power Company were given hundred dollar awards for twenty-six voter registration cards turned in. The potential for two violations of law, one of election laws because notaries are required to notarize those cards, and the second of which may be the use of ratepayers' money being given as a reward for trying to encourage people in the political process.

I think the facts have been there, but unfortunately when you have a hearing that lasts four or five hours, and all of a sudden the reports on television or in the newspaper have to be limited to two or three minutes or two columns, the total story of that particular committee may not have the same opportunity as it would like to have for its report.

So there has been things and I could go on and on and on with the evidence that has been uncovered by the committee to date. Thank you, Mr. President.

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

**Senator SEWALL:** Thank you, Mr. President. Members of the Senate, the evidence that I have heard about supposedly, that by the way has never been passed out to the committee as evidence. The evidence, if it were such should be given to the Attorney General for action, is less than you might think.

Now, let me tell you the whole story of this committee because I don't think anyone has been able to fathom exactly what we are doing. I have had a lot of people stop me around the State saying, "What is that committee doing? How did you happen to get on it? And what's happening?" My first meeting, after the first of many cancellations was November 21, 1983. The purpose of the meeting: we had had the scandal and the scam, the "Scott Affair" which had been handled by the Public Utilities Commission. It was a hot item then its investigation looked, perhaps, as a wise thing to do at the time. We met then and the idea of the whole meeting was that this investigation committee would go on during the session last year and would wrap up its work by the time that we went home in the summer, and look into these questions.

Well, we met about twice during the spring. We didn't meet during the summer. We did start meeting in the fall, and as a matter of fact they scheduled hearings; although, they were cancelled intermittently the entire time. If you look back at our weekly journals and schedules you'll see that we did have meetings every single day for the two weeks before election. We did drag people in; we subpoenaed in one case

someone in there and that is one of the reasons that I have heard for the delays.

Now I don't know exactly what went on. We had a paid staff and the finances have been a little bit of a problem with this committee. I want you to know that that staff has been paid right along; they haven't gone without. So, I guess all the work couldn't possibly get done until the last few weeks before election when this whole thing came up.

Then I have heard another thing that was tremendously upsetting to me and that is that in this business of going to court that one particular person had lost in court, and that one person had won in court and just exactly what did happen in court. That is what we asked for, what the committee asked for by the way it was divided by party lines on the votes, was for a Contempt Order, not production of materials. As a matter of fact majority counsel objected to production of materials, in other words giving us the material we wanted. What we asked for was a Contempt Citation, or what the majority of the committee asked for, and that was refused by the court.

I would like to read a little bit about what happened in that case. Then try to get you to think that perhaps we have a little bit overstepped our bounds in getting into this investigation committee. After all the committee is only there to look at the facts and none of us want any wrongdoing, none of us support some illegal actions, but on the otherhand what has this committee as a whole done except send a lot of money, way over budget.

The majority acting on the advice of majority counsel sent to the court twice in order to attempt to get certain records from Christian Pothome. The first trip to court proved to be totally unnecessary. The court agreed to review the claimed confidentiality of privilege issues of the parties. The court agreed. Mr. Pothome agreed to review and Mr. Flaherty refused. In other words Mr. Pothome, his attorney said, "I would like the court to look at the materials and if the court says that I should produce these materials to the committee, I'll gladly do it." The majority counsel refused. The court therefore refused to review the documents.

During the hearing when Christian Pothome refused to produce certain additional materials, on advise of counsel, the committee chairman said, "there was no privilege" and made the statement that apparently based on the advise of majority counsel that they should go for a contempt. Despite the statements that have been made by Mr. Ash and Mr. Flaherty about the outcome of the second court hearing the fact is that the court supported Christian Pothome's claims that the documents requested went beyond the scope and the subject matter, and were privileged.

Well, continuing on the public payroll, the record should be made clear that these staff people had some interest in continuing this procedure.

After the second court hearing, Judge Brody ordered Mr. Pothome to produce tracking question results from polls done for non-utility clients. He sustained Mr. Pothome's claimed privilege as to the balance of those non-utility polls. Judge Brody ordered Mr. Pothome to provide receipts of payments from certain political candidates, information by the way which is readily available from the candidates themselves and in many cases already a matter of public record in our campaign financing reports, which are required by law.

Then the important part in every other aspect all of Mr. Pothome's claims of privilege and his claims that the information went beyond the scope and the subject matter of the investigation was sustained.

The delay of this investigation has been costly by the failure of the administrative staff to proceed in a timely and sensible fashion. The ten's of thousands of dollars in investigative staff salary's, claimed travel expenses, and

legal fees have yielded nothing. For, now as I hear tonight maybe something that should go to the Attorney General, but certainly not back to this investigation committee. That there has been yielded in essence nothing of significance and the additional thousands of dollars we are asking for now, and the continuation of this committee will do nothing to help the citizens of the State of Maine except to help them, perhaps, out of some more of their tax dollars.

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

**Senator DANTON:** Mr. President and Members of the Senate, the good Senator from Lincoln makes an excellent case, but I think but for some of you senators that have just joined this Body, I think we should go back to the very beginning.

This committee was formed because our Public Utilities Commission and our Attorney General felt it was beyond his scope to get the information that was needed for us to correct the laws that have to be corrected to get the utility companies out of politics at the ratepayers' expense. That is the bottom line on this whole issue.

I can remember when I was appointed to the committee to replace the past President of the Senate, Gerry Conley, one of our very first meetings was whether we should have majority counsel and minority counsel. The good Senator from Lincoln can very well remember at that point in time I said, "let's not get into partisan squabbles, let's do what has to be done for the ratepayer in the State of Maine. Whether he should pay for any utility to be involved in politics or not." That was the bottom line. I insisted on that throughout every meeting that we had and I didn't attend all of them I am sorry to say.

Now as far as overdrafts and spending money. I can remember the first request was about one hundred and twenty-five thousand dollars. That was whittled down to seventy-five thousand dollars with, for those of you who were on leadership at the time, the understanding that if the committee did need more money that the chairman would return and ask for more money.

As it ended up the minority members of the committee felt they needed counsel, and rightfully so, they felt they needed counsel they should have counsel to advise them. There was nothing wrong with that, I saw nothing wrong with that. Again, I want you to think of the bottom line whether the ratepayers should be paying for utilities to be involved in politics or not, that is the bottom line.

I read in the paper where the former minority leader from the other Body said, "observe, fumed outgoing GOP House minority leader, Linwood Higgins of Scarborough criticizing the cost overruns." Why he sounds as if he never even knew that there was such a committee, and believe it or not he is or was a member of that committee, and so was the Speaker. They knew about these cost overruns. I am sure that these were brought to the attention of the Legislative Council. If they weren't, they should have been.

Now let's not take all of this work that has been done and let's not think of being Democrats and Republicans. Let's just think of investigating a problem that has been existing in this State for a long, long time. The utilities getting involved in politics. Let's just say once and for all, "We, as Democrats and Republicans are going to take and solve that problem."

Believe me when I tell you that the utilities no longer want to be in politics. They welcome these changes. So, let's finish this investigation we have eaten most of that meal, all we have to do is finish the dessert now and come out with legislation that will no longer allow the ratepayers in the State of Maine to pay for involvement in politics by the public utilities.

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator **GILL**.

**Senator GILL:** Mr. President, as a member

of the former Legislative Council I can attest that when the amount was dropped from the higher amount to the seventy-five thousand dollar amount that the former president of this Body said, "seventy-five thousand and no more." It was unequivocal no more. That was the feeling of the council at that point in time. That was raised and it was brought up before the Legislative Council as we met yesterday on this.

When we are talking about expenses and the good Senator from York, Senator Danton brought this up that the Legislative Council was certainly not aware of the over-expended monies that the committee had incurred. I was shocked, absolutely shocked yesterday, when we were handed in the Legislative Council meeting the fact that they are going to require sixty thousand additional dollars just to meet the expenses that have been incurred at the present time. This is without the bill from the minority counsel.

They had asked us in Legislative Council yesterday to extend them to February 28th. As I see in this order the extension is now April 1st. So they have changed their mind since yesterday to allow for an additional two months extension.

It seems to me that if we go along with this particular order that what we are saying is that, "Yes, we'll give you the time, but we also along with that will allow for any additional money that you wish to expend." The sixty thousand dollars and any monies up to the point that they have to finish their business. The order does call for them to come back before the Legislative Council on a periodic basis.

We are talking about originally allowing seventy-five thousand dollars to be expended and now we are going to be over double that amount before we are through with this, and the evidence as I have heard doesn't really call for that.

I serve on the committee that is the Health and Institutional Committee. I look at the monies that are being expended. I know the monies that we have in the general fund now. I think wouldn't it be great to have that money go to some of the really needy causes and programs that we have as opposed to what we are looking at allocating now. I would urge you to support the good Senator from Lincoln's motion and give this an Indefinite Postponement.

**THE PRESIDENT:** The Chair recognizes the Senator from Aroostook, Senator **VIOLETTE**.

**SENATOR VIOLETTE:** Mr. President and Ladies and Gentlemen of the Senate, this issue has been one that has been discussed at great length today and days past here in the halls of the Legislature. This committee was created for a particular reason. It is a particularly kind of unique entity. Such investigatory committees have been only created on extremely rare occasions. It is particularly difficult to deal with such an entity and to allow it to conduct the work with which it is charged. It has to be given a substantial degree of flexibility otherwise it becomes quite easy to stymie the attempts for such entity to conduct its efforts.

In my opinion that was in fact the case. That attempt to stymie and perhaps to foreclose the committee from proceeding was not successful. I give credit to those members in this Chamber who were on that committee: Senator Baldacci, Senator Danton. In my discussion with them, Senator Baldacci's own comments to the Chamber this evening point out very well and very succinctly the reasons for not only why this investigatory committee was created, but why it should be continued. The substantial amount of money that that committee has documented that has gone into political activity as part of the rate-base.

Senator Gill, I can only respond to your comments that it is those needy people that are paying in their utility bills for that activity to be conducted. What is in their best interest is to stop that action from continuing. That is

what is in the best interest of the consumers in this state.

I think that it would be extremely poor judgment after what has been brought to light by that investigatory committee at this point, with the monies that have been expended, expended perhaps at a better process.

You know the Legislature is a learning process for us all and perhaps as a result of overdraft with respect to this particular investigatory committee that proper procedures will be implemented and this resolution that I introduced; this joint order calls for some degree of further control over the financial affairs of that entity, and perhaps further rules should be introduced in the Joint Rules for a time when other investigatory committees will be created.

You know that is not the real issue here. It is a concern the cost and the cost overruns, but that is not the fundamental issue. The fundamental issue here is, what is in the best interest of the consumers in this state? With what has been brought to light so far from the deliberations of this committee there is no reason why it should not be recreated and given three more months to continue its work.

I don't know, the good Senator from Cumberland, Senator Gill was a member of the Council of the 111th, I was not. I attended Council yesterday, and I was aware that the three months extension was, in fact, what was asked for when I sat in the back of that hall. I may be in error but that was my understanding.

I think that justification has been made for the continuation of this investigatory committee, sound justification. There is continued work that needs to be done here. It is in the best interests of the consumers of the State of Maine. It is in the best interest of the utilities of this state; it's in their best interest that this study, this investigation be concluded. Not to conclude it quite frankly would cast a serious question upon the extent of their involvement in the election process. That would be a greater harm than to finish the deliberations of that investigatory committee.

So, I hope, and Mr. President, I request a Roll Call, and when that roll call is taken that you would vote against the good Senator from Lincoln's motion to Indefinitely Postpone this very worthwhile Joint Order. Thank you, Mr. President.

**THE PRESIDENT:** The Senator from Aroostook, Senator Violette has requested a Roll Call. In order for the Chair to order a Roll Call it must have the expressed desire of one-fifth of the members present.

All those in favor of a Roll Call will rise in their place and stand until counted.

Obviously more than one-fifth of the members present having arisen a Roll Call is ordered.

The Chair recognizes the Senator from Lincoln, Senator **SEWALL**.

**Senator SEWALL:** Thank you, Mr. President and Members of the Senate. I guess to try to reiterate what I would hope my friend the majority leader and attorney would agree with me upon, and that is that if there is some wrongdoing, if — and by the way I have never seen any evidence that ratepayers' money has been the source of any of this polling or political activity — if it is, that evidence. I must say that many, many times we asked for financing, minority members asked if we were getting all the materials that were being provided to everyone else? The staff said, "We, Mark Ash said, let me make it very clear, said, "We, report to the Chairman." The Chairman being Representative David Soule, Democrat from Wiscasset and Senator Baldacci, Democrat here.

Well I am just telling you from my point of view and I don't think that I have seen all the material and we have an extensive record of this debate. If you want to read it we had a court reporter the whole time and if you really are sincere about this you should read that record and see exactly what went on.

Let me ask you another thing in concluding! If this were something that a professional staff says, we could do from the time it took in the last Legislature (that is when we founded this committee when we were first put on it November 21, 1983,) and it was supposed to be done in June or before June by the end of the last session; suddenly it has taken this extra time. Does it ever cross your mind that maybe that one hundred and eighty dollars a day he gets whether he makes one phone call or whether he is working full-time has anything to do with it? I think that we are making a very bad mistake to try to put law in the hands of an investigative committee.

If there is some evidence of wrongdoing it belongs in the courts. If there is something wrong with our law we should change it here in the Legislature. We can put bills in before cloture now. If we want to say there is a million dollar penalty a day for ratepayers' money going into any political activity we can do that right now. We can deal with the law here and now in that sense. If there is a criminal wrongdoing it belongs in the courts not in a Legislative Committee which right now does not even have an attorney serving on it.

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

**Senator BALDACCI:** Mr. President and Members of the Senate, very quickly there is earlier attempt to discredit the attorney, the majority counsel for the committee for refusing to allow the judge to review the documents. I think that you, as Senators, deserve an answer to that particular question.

It was the feeling of majority counsel and the majority members on that committee that in order to protect and preserve the rights of this Legislature, we should not abridge the rights of the Legislature to the Court. It is very clear in the statutes that the committee has the power to issue a subpoena. The committee if the subpoena is not obeyed has the power to hold the individual in contempt. Because the Legislature was not in session the committee asked the court if it would enforce the Contempt Citation. Mr. Flaherty, who is the majority counsel, and the members on that committee were not going to be the ones to dilute the powers of this Legislature, because this Legislature has the powers of Contempt. It does not have to go to court it can bring the individual to the bar or the body in which they are found in contempt and held until they purge themselves of the documents that have been requested. We were not in session, so it was a constitutional and a very serious constitutional question in record that was being developed by the majority counsel for this committee to protect the Legislature.

Mr. Pothome was ordered by the judge to produce documents that we had been asking for since the end of May. We had been delayed for five months trying to get documents that when finally reviewed by the court, the court ordered him to produce.

If the good Senator from Lincoln had read the judge's order she would have noted that the judge's remark about privilege was non-existent to him also, in that Mr. Flaherty, who is counsel to the committee had never heard of a privilege such as consultant client that was being claimed in the court of law. He, also, claimed that it was within the scope of that committees' review. The questions asked were legally drafted and were within the scope of that committees review and that we had dotted the I's and crossed the T's. We were representing the Legislature.

I know that that is expensive but at the same time it is not just the people that are here today in the 112th, but it is for future Legislatures. So we are protecting their rights. That was what was going on in court, also, with getting the production of the documents.

It was found that we were not asking questions that were out of line. I thought that that

was a very good decision because it vindicated the committee from people saying, "why are you picking on somebody, to ordering somebody to produce something?"

Let me tell you, the non-utility polls asking questions on those polls are going to prove very prominently in any questioning that is done between utility and non-utility polling. Ladies and Gentlemen, if the accuracy is to be checked using a utility poll that was commissioned by a utility for a non-utility client, as we have received in testimony, then I think there may be a serious question as to whether the ratepayers in those particular instances were being used to produce results accurate for non-utility customers. You know something, those polls don't go for two or three thousand dollars. Those polls go for eighteen and twenty-four thousand dollars. Those are expensive.

That is the issue in which we are dealing with here today. I felt it very important to make sure that the Legislature, and the Senate in particular, knew the reasons that went on in court.

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

**Senator DANTON:** Mr. President, Members of the Senate, one I want to say that I am very happy that we had some debate today, our first day of the session. I think that it is going to be very helpful to new members, not new members to the Legislature but new members to the Senate, too, because usually we have a reputation of never discussing anything in here. That has changed considerably.

I want to make one point and the point is a very simple one that I have noticed now serving my seventh term here in the Maine Senate. That the Legislature's authority has been eroded from having three coequal branches of government. I feel that the Legislature in the future if we continue to go like this criticizing each other because we plan to do something for the people that sent us here to represent them, will not be able to do anything. We are going to come here on December 5: elect Charlie Pray, President of the Senate; say Hello, to Barbara Gill and everybody else; and see how the families are going; and then the next day we'll sit down and just vote on the budget; and have Senator McBreairty from Aroostook County get up and Adjourn Sine Die; and go home. Let's not give up our authority to investigate anything we want to investigate. We are a coequal branch of government and don't ever forget it.

What do you think that it costs the DOP when they decide that they want to build a new bridge, the new Bangor-Brewer Bridge? What expenses do they go through for meals and traveling, investigating and surveys, and all the other engineering costs? No one questions those costs or any other part of the Executive Branch of Government, or the Judiciary, for that matter, to know what should be going on with the courts and what shouldn't be going on with the courts. I just want to caution you that we, as Legislators, have the right to investigate anything that we think is wrong and to correct it for our constituents.

That is why they elected us on November 6th. That is why they sent us here. That is why we should take and complete the study. Do what is right and forget Democrats and Republicans. That is not the case any more the election is over. We have got a couple of years to go before the next election comes up.

**THE PRESIDENT:** The Chair recognizes the Senator from Hancock, Senator **PERKINS**.

**Senator PERKINS:** Mr. President, and Ladies and Gentlemen of the Senate, my good friend from the County of York has to be corrected. First off, on the first day lest we won't have a last day, because unless my calculations are incorrect it will not be the Senator from Aroostook who moves Sine Die but the Senator from Sagadahoc. He has added many years on the Senator from Aroostook's life to have the Senator from Sagadahoc here and I think the

Senator from York should be privy to that.

I, also, think that maybe what we are standing here tonight talking about is a matter of dollars. That the dollars that have been excluded in the study having been a member of the committee who approved the seventy-five thousand for the last budget of the committee, and having sat in a meeting yesterday, I think that the minutes will bear me out that number one the former President of this Body reiterated and it will be on the minutes of that record that he told them that it would be seventy-five thousand and not a hundred and don't come back.

I, also, was under the impression that yesterday's request was for February 28th, not April 1st. I find myself, having been elected to this position today going to be a member of a committee that will investigate, the investigatory committee because they have over-spent.

Maybe we should say, "Whoa, back! Holdup! Let's wait a minute! I heard in a nomination speech today for our Attorney General that he ran the largest law firm in the State of Maine. Maybe we should be utilizing this law firm. I don't think that this would depreciate any of the Legislative power. Maybe with cloture coming up in December if there is need and I don't question that there is need, and I don't question that they will appreciate it. Let's use it. Let's put a bill in that tells them how they can do it and what they can do.

If it doesn't work I thought that that was what Legislatures were for. Here to protect the people because having approved the seventy-five thousand, having watched requests come in for home based care for nine hundred thousand, having watched requests come in for winterization and for home heating with winter coming on, maybe we could use that money for something else. I think that that is for good people.

Perhaps if we didn't do this let's call a halt and see what the report says, proceed with the legislation, and then if there is need, oh, I suspect that we'll be here in June, let us address it. I support the good Senator from Lincoln.

**THE PRESIDENT:** The motion before the Senate is the motion by the Senator from Lincoln, Senator Sewall that this Joint Order be Indefinitely Postponed.

A Roll Call has been ordered.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the roll.

#### ROLL CALL

**YEAS**—Senators, Black, Brown, Emerson, Gill, Hichens, Maybury, McBreairty, Perkins, Sewall, Shute, Stover, Twitchell, Webster.

**NAYS**—Senators, Baldacci, Berube, Bustin, Carpenter, Chalmers, Clark, Danton, Diamond, Dow, Dutremble, Erwin, Gauvreau, Kany, Matthews, Pearson, Trafton, Tuttle, Usher, Violette, The President—Charles P. Pray.

**ABSENT**—Senators, Andrews, Najarian.

13 Senators having voted in the affirmative and 20 Senators having voted in the negative, with 2 Senators being absent, the motion to **INDFINITELY POSTPONE FAILED**.

Which was **PASSED**.

Sent down for concurrence.

Out of order and under suspension of the rules, the Senate voted to consider the following:

#### PAPERS FROM THE HOUSE

##### Joint Orders

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 following Joint Order: H.P. 5  
**ORDERED**, the Senate concurring, that the Speaker of the House is authorized, at his dis-

cretion, 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.

Come from the House **READ** and **PASSED**. Which were **READ** and **PASSED**, in concurrence.

#### COMMUNICATION

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 ground water. 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 Steel, of my staff, who is coordinating this program. Thank you.

Sincerely,  
S/HENRY E. WARREN,  
Commissioner

Department of Environmental Protection  
Comes from the House **READ** and with Accompanying Papers **ORDERED PLACED ON FILE**.

Which was **READ** and with Accompanying Papers **ORDERED PLACED ON FILE**, in concurrence.

#### ENACTOR

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

##### Emergency

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

Which was **PASSED TO BE ENACTED** and having been signed by the President was presented by the Secretary to the Governor for his approval.

There being no objection all matters previously acted upon were sent forthwith.

Senate at Ease

The Senate called to order by the President.

#### ENACTORS

The Committee on **ENGROSSED BILLS** reported as truly and strictly engrossed the following:

##### Emergency

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

This being an emergency measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in the negative, and 30 being more than two-

thirds of the entire elected membership of the Senate was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

The President laid before the Senate the following: The Chair was in error this was an emergency measure which required a two-thirds vote of the membership.

#### ENACTOR

The Committee on **ENGROSSED BILLS** reported as truly and strictly engrossed the following:

##### Emergency

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

This being an emergency measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in the negative, and 31 being more than two-thirds of the entire elected membership of the Senate was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**Senator DIAMOND** of Cumberland was granted unanimous consent to address the Senate, On the Record.

**Senator DIAMOND:** Thank you, Mr. President. Men and Women of the Senate I would call your attention to supplement number 3 and the letter that was addressed to Speaker Martin written under the hand of Henry Warren, Commissioner of DEP. In that letter evidently the Speaker had requested an update on the underground gasoline storage tanks, and I would say to you that I am pleased to see it is here, because the Audit Committee has just held a lengthy hearing on what DEP proposes to do in following L.D. 2324 which we passed last year. During that hearing and discussion some of their evidence that they shared with us, such as, there are probably about eleven million gallons of gasoline each year that is leaking into our ground. The ground water that that is polluting or will pollute, will be a substantial problem we are going to have to deal with this year in this Legislature.

I think that one of the reasons I rise this evening, knowing full-well that we all want to go home, is to simply point out the importance of this. Indeed because of this number one problem of loss of our energy, such as, the gasoline that has been leaked. Also, the major pollution that is going to take place; we are going to discover in years to come because of this leakage, and the fact that they determine that possibly three tanks out of four are leaking underground right now. It is a major concern of all of us and I simply thank you for allowing me to share that. Thank you, very much.

**Senator KANY** of Kennebec was granted unanimous consent to address the Senate, On the Record.

**Senator KANY:** Mr. President, Senators, I would like to add a little bit to the good Senator's remarks, from Cumberland. I would like you to know that the Energy and Natural Resources Committee last year unanimously recommended to the Legislature legislation which required a comprehensive inventory of all underground tanks, containing both petroleum and other toxic substances. As a result of that legislation which we enacted without debate, the letter is before us from Commissioner Warren, that inventory has been taken to the best of the ability of the Department. They are still lacking information, and undoubtedly, there are many underground tanks that are unlocated and about which we know not and who's owners we know not.

It is a very important area. In that legislation

we, also, asked the Department to draw up regulations regarding underground tanks because it is clear that they corrode so quickly in our soil, our very damp soil. That most of the tanks that are underground are steel and unprotected. It is a very important area.

The Energy and Natural Resources Committee did spend considerable amount of time on that topic. I have spent many, many hours on this topic and intend to pursue it more fully this year.

If you have any questions please come see me in addition to talking with the Chairman of the Audit and Program Review Committee, and I'll be happy to work with you on this.

Out of order and under suspension of the rules the Senate considered the following:

#### COMMUNICATION

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

Which was **READ** and **ORDERED PLACED ON FILE**.

(OFF RECORD REMARKS)

On motion by Senator **CLARK** of Cumberland, **ADJOURNED** until 8:30 a.m. tomorrow.