

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Fourteenth Legislature
OF THE
State Of Maine

VOLUME I

FIRST REGULAR SESSION

December 7, 1988 to May 10, 1989

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE

FIRST REGULAR SESSION

1st Legislative Day

Wednesday, December 7, 1988

Pursuant to Article IV, Part 3, Section 1 of the Constitution and Laws of the State of Maine, the Representatives-elect to the One Hundred and Fourteenth Legislature assembled in the Hall of the House and were called to order by EDWIN H. PERT of Georgetown, Clerk of the House of the One Hundred and Thirteenth Legislature.

Prayer by Father Clement D. Thibodeau, St. Mary's Catholic Church, Bangor.

National Anthem by Fort Kent Community High School Band

COMMUNICATION

STATE OF MAINE

OFFICE OF THE SECRETARY OF STATE

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

In compliance with 3 M.R.S.A., Section 1, I hereby certify that the following are the names and residences of the Representatives-elect to the One Hundred and Fourteenth Legislature, as appears by the report submitted to the Governor under date of November 28, 1988.

District 1	Mark W. Lawrence, Kittery
District 2	Neil Rolde, York
District 3	Orland G. McPherson, Eliot
District 4	Wesley Farnum, South Berwick
District 5	Eleanor M. Murphy, Berwick
District 6	Alberta Wentworth, Wells
District 7	Jack L. Libby, Kennebunk
District 8	H. Stedman Seavey, Kennebunkport
District 9	Vinton T. Ridley, Shapleigh
District 10	Mona Walker Hale, Sanford
District 11	Norman R. Paul, Sanford
District 12	Carl F. Sheltra, Biddeford
District 13	Lucien A. Dutremble, Biddeford
District 14	Charles C. Plourde, Biddeford
District 15	Willis A. Lord, Waterboro
District 16	Harvey C. Donald, Buxton
District 17	John McSweeney, Old Orchard Beach
District 18	Guy R. Nadeau, Saco
District 19	Peggy A. Pendleton, Scarborough
District 20	Linwood M. Higgins, Scarborough
District 21	Mary Clark Webster, Cape Elizabeth
District 22	Santo DiPietro, South Portland
District 23	Cushman D. Anthony, South Portland
District 24	Harold M. Macomber, South Portland
District 25	Anne M. Rand, Portland
District 26	James V. Oliver, Portland
District 27	Herbert C. Adams, Portland
District 28	Gerard P. Conley, Jr., Portland
District 29	Peter J. Manning, Portland
District 30	Harriet Ketover, Portland
District 31	Christopher S. Gurney, Portland
District 32	Annette M. Hoglund, Portland
District 33	William B. O'Gara, Westbrook
District 34	Philip E. Curran, Westbrook
District 35	Elden McKeen, Windham
District 36	Anne M. Larrivee, Gorham
District 37	Barbara E. Strout, Windham
District 38	Jeffrey H. Butland, Cumberland
District 39	Gary W. Reed, Falmouth
District 40	Judith C. Foss, Yarmouth
District 41	James Mitchell, Freeport
District 42	Charlene B. Rydell, Brunswick
District 43	Charles R. Priest, Brunswick
District 44	Donnell P. Carroll, Gray
District 45	P. Kelley Simpson, Casco

District 46	Philip C. Jackson, Harrison
District 47	Ernest C. Greenlaw, Standish
District 48	Peter G. Hastings, Fryeburg
District 49	Jeffery N. Mills, Bethel
District 50	Joseph G. Walker, Norway
District 51	Dana C. Hanley, Paris
District 52	M. Ida Luther, Mexico
District 53	Phyllis R. Erwin, Rumford
District 54	Conrad Heeschen, Wilton
District 55	Edward L. Dexter, Kingfield
District 56	Ronald C. Bailey, Farmington
District 57	Edward L. Pineau, Jay
District 58	Richard H. C. Tracy, Rome
District 59	John M. Nutting, Leeds
District 60	Rosalie H. Aikman, Poland
District 61	Jo Anne D. Lapointe, Auburn
District 62	Constance D. Cote, Auburn
District 63	Susan E. Dore, Auburn
District 64	John Telow, Lewiston
District 65	John A. Aliberti, Lewiston
District 66	Bradford Boutilier, Lewiston
District 67	Gregory G. Nadeau, Lewiston
District 68	James R. Handy, Lewiston
District 69	Roger M. Pouliot, Lewiston
District 70	Margaret Pruitt Clark, Brunswick
District 71	John Jalbert, Lisbon
District 72	Albert G. Stevens, Sabattus
District 73	Lorraine N. Chonko, Topsham
District 74	Maria Glen Holt, Bath
District 75	Mary E. Small, Bath
District 76	James Reed Coles, Harpswell
District 77	Arnold Brewer, Jr., Boothbay Harbor
District 78	Marjorie L. Kil Kelly, Wiscasset
District 79	Jeanne F. Begley, Waldoboro
District 80	Joseph W. Mayo, Thomaston
District 81	James G. Skoglund, St. George
District 82	Rita B. Melendy, Rockland
District 83	John S. McCormick, Jr., Rockport
District 84	Carol M. Allen, Washington
District 85	Paul Parent, Benton
District 86	Donald V. Carter, Winslow
District 87	Christine F. Burke, Vassalboro
District 88	Beverly C. Daggett, Augusta
District 89	Patrick E. Paradis, Augusta
District 90	Daniel B. Hickey, Augusta
District 91	Susan Farnsworth, Hallowell
District 92	Jean T. Dellert, Gardiner
District 93	John F. Marsh, West Gardiner
District 94	Wendy L. Ault, Wayne
District 95	Omar P. Norton, Winthrop
District 96	Bertram Marston, Oakland
District 97	Paul F. Jacques, Waterville
District 98	Ruth Joseph, Waterville
District 99	Dan A. Gwadosky, Fairfield
District 100	Michael F. Hepburn, Skowhegan
District 101	Patrick K. McGowan, Canaan
District 102	Alexander Richard, Madison
District 103	Dorothy A. Rotondi, Athens
District 104	Richard A. Gould, Greenville
District 105	Robert E. Hussey, Jr., Milo
District 106	Kathryn D. Merrill, Dover-Foxcroft
District 107	Weston R. Sherburne, Dexter
District 108	Robert J. Tardy, Palmyra
District 109	Madeline D. Stevenson, Unity
District 110	Walter E. Whitcomb, Waldo
District 111	Francis C. Marsano, Belfast
District 112	Nathaniel J. Crowley, Sr., Stockton Springs
District 113	John H. Richards, Hampden
District 114	Donald A. Strout, Corinth
District 115	Catharine Koch Lebowitz, Bangor
District 116	Thomas A. Duffy, Bangor
District 117	Patricia Stevens, Bangor
District 118	Joseph A. Garland, Bangor

District 119	Everett O. Pederson, Bangor
District 120	Richard P. Ruhlin, Brewer
District 121	Helen M. Tupper, Orrington
District 122	E. Michael Swazey, Bucksport
District 123	Sherman H. Hutchins, Penobscot
District 124	John H. Carroll, Southwest Harbor
District 125	Virginia Constantine, Bar Harbor*
District 126	Frank H. Farren, Jr., Cherryfield
District 127	Ruth S. Foster, Ellsworth
District 128	Eugene J. Paradis, Old Town
District 129	Mary R. Cathcart, Orono
District 130	John O'Dea, Orono
District 131	John A. Cashman, Old Town
District 132	Clyde A. Hichborn, LaGrange
District 133	Thomas A. Cahill, Mattawamkeag
District 134	Michael H. Michaud, East Millinocket
District 135	Herbert E. Clark, Millinocket
District 136	Theone F. Look, Jonesboro
District 137	George A. Townsend, Eastport
District 138	Antonio J. Tammaro, Baileyville
District 139	Fred W. Moholland, Princeton
District 140	Carl B. Smith, Island Falls
District 141	Nason S. Graham, Houlton
District 142	Mary H. MacBride, Presque Isle
District 143	John Lisnik, Presque Isle
District 144	B. Carolyn T. Mahany, Easton
District 145	Susan J. Pines, Limestone
District 146	Wilfred J. Bell, Caribou
District 147	Malachi Anderson, Woodland
District 148	Hilda C. Martin, Van Buren
District 149	Edward A. McHenry, Madawaska
District 150	Judy Paradis, Frenchville
District 151	John L. Martin, Eagle Lake

*After Recount

IN TESTIMONY WHEREOF, I have caused the Seal of the State to be herewith affixed at Augusta this fifth day of December, 1988.

s/PETER W. DANTON

DEPUTY SECRETARY OF STATE

Was read and ordered placed on file.

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

The elected membership of the House being 151 and 150 having answered to their names, a quorum was found to be present.

Absent was Representative-elect Walker of Norway.

On motion of Representative GWADOSKY of Fairfield, Representative McGOWAN of Canaan, Representative DUTREMBLE of Biddeford, Representative CLARK of Brunswick, Representative ERWIN of Rumford, Representative TUPPER of Orrington, Representative SHERBURNE of Dexter, and Representative LOOK of Jonesport were appointed a Committee to wait upon the Governor and inform him that a quorum of the members of the House of Representatives-elect were assembled in the Hall of the House of Representatives and requested his attendance to administer to them the oaths required by the Constitution to qualify them to enter upon the discharge of their official duties.

Subsequently, Representative-elect McGowan reported that the committee had discharged the duty assigned it and that the Governor was pleased to say that he would forthwith attend upon the Representatives-elect for the purpose of administering to them the oaths required by the Constitution.

Subsequently, the Governor, the Honorable JOHN R. MCKERNAN, JR., entered the Hall of the House amid applause, the members-elect and audience rising.

GOVERNOR MCKERNAN: Mr. Clerk and Honorable Members of the 114th Maine House of Representatives:

I want to welcome all of you to Augusta and to your roles as Representatives of the people of our state and I want to wish you success in the months ahead. I also want to welcome to the chambers the Fort Kent Community High School band. It's nice to start the session with so much harmony. We hope that you have set a good example for the rest of our deliberations.

Someone once said that "things are always at their best in their beginning." Those of us who have been around the State House before know that that is a pretty accurate statement. There will be times in the next few months when we will all feel frustrated, angry, tired, and fed up — that will be on a good day. There will be times when we will understand what Will Rogers meant when he said there are two things you should never watch being made: laws and sausages.

I hope that, even on the bad days, we all retain the convictions and beliefs and desire to make a difference that brought us to the State House in the first place and that marks the beginning of this 114th session of the Maine Legislature.

Two years ago, at the start of the 113th Legislative session, I said that I wanted to work with the House and with the Senate to make Maine the best place in the nation to live and to work and to raise a family. And for the past two years, we have pretty much focused our attention as well as our resources, on the work part of that equation — on bringing more and better jobs to all parts of our state, on improving our roads, our workers' compensation system, our job training and child care programs. And because we really did work together, Republicans and Democrats, Representatives from the northern part of the state and the southern part of the state — we have made major progress.

Now I believe that we must focus on the other two parts of that equation and address some of the qualities of life issues that will determine Maine's future and the kind of state we leave to our children. Issues such as solid waste and affordable housing, access to health care, property tax relief, and excellence in our schools. Each of those issues, on its own, is complex and costly. Taken together, they represent a daunting challenge for those of us who have been entrusted with finding the answers. Very often, the solutions we devise are going to require each of us to make tough choices, choices we won't want to have to make.

And if all of that sounds daunting, it probably should. But, if you are new to this process and about to be sworn in for the first time to the legislature, take heart by the fact that the person next to you probably isn't. There are more veteran lawmakers here today than there are new ones. They have returned to their seats for a new session because they know that, in the end, the process does work, that individual contributions matter, and that each of us has been given an opportunity to do two terribly important things — to make Maine a better place for our neighbors and to our children, and to preserve what is so special about this great state.

For generations, Maine people have sent to Augusta, legislators who have served them with dedication, integrity and common sense. As members of this 114th Legislature, you join that proud company. I know that you will continue the tradition. I look forward to working with all of you

as we seek solutions that will work for our state and our people.

And with that, I now have the pleasure of administering the oath of office to the honorable members of the 114th Maine House of Representatives.

Would you please stand, raise your right hand, and repeat after me (and in the appropriate place declare your own name) the oath of office?

Whereupon, the Governor administered to the members-elect and they subscribed the oaths required by the Constitution to qualify them to discharge their official duties.

At this point, the Governor retired from the Hall of the House amid applause, the members rising.

On motion of Representative JACQUES of Waterville, Representative MADEAU of Lewiston, Representative CHONKO of Topsham, Representative PARADIS of Augusta, Representative DUFFY of Bangor, Representative STROUT of Corinth, Representative LEBOWITZ of Bangor and Representative McPHERSON of Eliot were appointed a Committee to receive, sort and count votes for the Speaker.

The CLERK: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Clerk, Members of the House: It is, indeed, a privilege to stand before you today to place the name of John L. Martin of Eagle Lake in nomination to an unprecedented 8th term as Speaker of the Maine House.

It is very difficult to say anything about John Martin that hasn't already been said before because of the various nomination speeches and tributes already made in his behalf over the years but nomination speeches and tributes don't count without contribution. John Martin, perhaps more than any other member of the party, has contributed tirelessly and effectively to the people of Maine.

Since 1965, when John was first elected to the first of his 13 terms, he has valued public service more than personal or professional gain. To his dedications and commitment to the state, he has earned the state and national reputation as an effective political leader, a skilled parliamentarian, and a concerned citizen. The fact that 26 House Speakers, nationally, have just finished their first terms, while John Martin has entered his 7th, is a tribute to his abilities in a position known for its volatility. There is no Speaker in the nation who has served longer as Speaker of the House than John Martin and John's one rival, as many of you may know, is Speaker of the House in Georgia, a gentleman whose name, interestingly enough, is Tom Murphy. As one who knows Speaker Murphy, I might add that, at age 64, he has nowhere near the head of hair as the man I am nominating today.

James Mundy in his book about Speakers' of the House described John Martin better than I have ever heard him described before and I have described him and I have heard him described in many different fashions. He says, "The key to Martin's success begins with the devotion to his district that goes far beyond political expediency. His district, though sparsely populated, is the largest geographically in Maine and Martin spends countless hours ensuring that his constituents receive what is due them from all levels of government. In fact, his sensitivity, compassion and patience in the treatment of his constituents are a human side of the man he seldom exposes in the State House. John Martin is a very complex person who is both articulate and

outgoing, a master parliamentarian and a dignified and imposing presiding officer. He is never out-manuevered and never out-worked. Perhaps his greatest strength lies in his ability to analyze what motivates people, both as individuals and collectively as groups. He understands that rational and sometimes irrational self-interest is the oil that lubricates the third floor of the State House. His intricate knowledge of the system, the people, and his attention to detail, allow him to conduct his chosen political scenario like a finely tuned orchestra, when he so chooses.

Over the past seven terms as Speaker, John Martin has developed into a House leader who is firm, yet fair, who is a teacher and a disciplinarian, depending on the situation.

More importantly, however, he has succeeded in making this legislature more efficient, more cost effective and more responsive to the people of this state. At the same time, John has been the driving force behind some of the most significant pieces of legislation to come before this legislature.

On the national level, John has repeatedly served the interests of Maine well through his activities in national political organizations, through his leadership in national issues and through his testimony before Congress. Regardless of political party, we all can be proud of John in his recent election as Vice-President of the National Conference for State Legislatures, a position which assures his ascent to the Presidency of NCSL in 1991.

He has come a long way since that first fatal day back on January 6, 1965 when the newly elected Representative from Eagle Lake was ordered by then Speaker Dana Childs of Portland, to act as seat monitor, thereby undertaking the first of his many official duties. To the benefit of the people of Maine, John Martin is as enthusiastic today as he was as a 24 year old to serve the people of Maine.

It is with great pleasure that I place in nomination the name of John L. Martin of Eagle Lake for the position of Speaker of the Maine House of Representatives.

Representative MAYO of Thomaston seconded the motion and Representative MANNING of Portland moved that nominations cease.

On motion of Representative GWADOSKY of Fairfield, the Committee cast one vote for the House for JOHN L. MARTIN.

Subsequently, John L. Martin of Eagle Lake was declared duly elected Speaker of the House of Representatives of the 114th Maine Legislature.

At this point, Speaker MARTIN was escorted to the rostrum by the Representative from Fairfield, Representative Gwadosky, where he assumed the Chair amid the applause of the House, the members rising.

The SPEAKER: Thank you very much. First, let me begin by thanking the Fort Kent Community High School band and its director, staff, and faculty members who came from northern Maine to be here today and to Father Thibodeau, a friend of mine, who used to be the parish priest in my hometown and is now at St. Mary's in Bangor, in joining us today.

Let me take a few minutes to thank you, men and women of the House, to express my sincere thanks and deep personal appreciation for the honor that you have given me by electing me to be Speaker of the House for the 114th Legislature.

As you know, the next two years will mark my 8th term as Speaker and my 13th term as a member of this body. You might think that, after 24 years, a convening of a new legislature would be rather routine for me, repeating a familiar ritual and recreating familiar series of events -- however, to

me, as Representative Gwadosky pointed out, each new legislature brings with it a sense of hope and promise, that is also accomplished by a personal sense of awe that, in this sophisticated world of modern technology, there is still a place for ordinary citizens like you and I to assemble for the purpose of representing other ordinary citizens in the process of governing ourselves. When you stop and think about it, it really is rather remarkable that we engage in a process essentially unchanged since 1820 when Maine became a state and when this nation was a far different place, the institution of which where all members endured the test of time and change and remain a co-equal branch of state government.

Our charge is to protect and defend that institution in its process, to maintain its integrity and independence, and to assert its proper status as an equal partner in the triumph of state government. That is my one pledge to you as members of this body and as citizens of this state.

The session that lies before us promises to be challenging. For awhile, each of us, new members as well as those returning with experience, will be feeling our way along with new assignments, responsibilities and obligations. For my party, there is a sense of historical significance in the size of our majority and the new sense of responsibility that accomplished that particular responsibility. Incidentally, I would like to take advantage of this occasion to correct an error that the press has made several times over for the past few days — several references were made that Democrats are holding 97 seats in this body and frankly, that is not quite accurate — the fact is, that there are 99 Democrats in this body, the previous tally neglecting to count the two Representatives of Maine's Indian Nation, Representative Attean and Representative Nicholas, who ought to receive the notification and recognition due them.

I look forward to the next two years as your presiding officer. I look forward to the challenges to prepare our state for the promise of the next century. I pledge to enforce the rules of this legislature with fundamental fairness and equity. You have the right to expect fairness and consistency and I will do my best to see that you receive it.

Once again, let me thank you for the honor you have given me and I will work hard to justify your faith and your trust and I would also like to take this opportunity to thank Representative Gwadosky for the tremendous (from my personal point of view) speech that he gave in my behalf. Thanks to all of you. (applause)

On motion of Representative PARADIS of Augusta, Representative ROLDE of York, Representative COTE of Auburn, Representative TRACY of Rome, Representative KILKELLY of Wiscasset, Representative SEAVEY of Kennebunkport, Representative BEGLEY of Waldoboro and Representative STEVENSON of Unity be appointed a Committee to receive, sort and count votes for the Clerk of the House.

The SPEAKER: The Chair recognizes the Representative from Wiscasset, Representative Kilkelly.

Representative KILKELLY: Mr. Speaker, Men and Women of the House: Every organization or business has one person who seems to, and actually does have, all of the answers. That person is one that you go to with a variety of problems, questions or ideas — the Maine House of Representatives is no different.

When you forget your key to your desk or locker, you need Christmas cards and calendars to send to constituents, you have a constituent that would like a flag flown over the State House, or a technical assistance on how to remove an amended amendment from a bill and substitute your own amendment, you go to the Clerk's office. All of this on top of the obvious duties of braving splintered gavels and maintaining perfect cadence with the Speaker, to efficiently dispense with the daily calendars, only briefly describes the many and varied tasks and jobs of the Clerk.

The Clerk's Office, under the able leadership of Mr. Ed Pert since the 107th Legislature, has become a major resource of information and assistance to legislators, constituents and other members of state government. On the state level, Ed Pert served as Executive Director of the Maine Democratic Party from 1957 to 1960. He was elected to this body in 1959 as a member of the 99th Maine Legislature. He served as Secretary to the Maine Senate during the 102nd Legislative session and then showed the good sense and judgment to return to this body and serve as Clerk in 1975.

On the national level, Ed has served as President and is currently a member of the Executive Committee of the American Society of Legislative Clerks and Secretaries. In 1986, he received Husson's College public service award in recognition of professional excellence. To quote the criteria for selection, "the individual must demonstrate in a dedicated manner, determination, involvement, concern and faith in the ideals and goals of his profession and has made a significant contribution to the State of Maine." I can think of no better way to describe our own Clerk Pert.

It is an honor and privilege for me to place into nomination the name of Edwin H. Pert to serve as Clerk of the Maine House for the 114th Legislature. (applause)

Representative WEBSTER of Cape Elizabeth moved that nominations cease.

On motion of Representative GWADOSKY of Fairfield, the Committee cast one vote for the House for EDWIN H. PERT, and he was thereupon elected Clerk of the House.

On motion of Representative RIDLEY of Shapleigh, Representative MCSWEENEY of Old Orchard Beach, Representative MARTIN of Van Buren, Representative HALE of Sanford, Representative O'GARA of Westbrook, Representative FOSTER of Ellsworth, Representative LORD of Waterboro, and Representative MURPHY of Berwick were appointed a Committee to receive, sort and count votes for Assistant Clerk of the House.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Manning.

Representative MANNING: Mr. Speaker, Men and Women of the House: It gives me great pleasure today to place in nomination for the Assistant Clerk of the House, Deborah Bedard Wood of Saco.

As most of us know, Debbie has been around here as long as Clerk Pert and has been the person behind the scenes in the last few years, not up front but behind the scenes, in the office of the Clerk's Office, making sure that what runs smooth out here has been done inside the office. Debbie has handled the office of Assistant Clerk on a number of occasions since I have been here in my four terms, starting my fifth, when the Clerk has been absent and that has been, as we know, on rare occasions. But during this last session, we all know that she handled her duties quite nicely when, on veto day two

years ago, she handled a very hard day. As most of us veterans know, veto day is not exactly an easy day to handle.

So again, it gives me great pleasure to put in nomination the name of Deborah Bedard Wood of Saco.

Representative MARSANO of Belfast moved that nominations cease.

On motion of Representative MAYO of Thomaston, the Committee cast one vote for the House for DEBORAH BEDARD WOOD, and thereupon she was elected Assistant Clerk of the House.

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

Subsequently, Representative CARTER of Winslow reported that the Clerk and Assistant Clerk had subscribed to the necessary oaths of office to qualify them to enter upon the discharge of their duties.

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

(At Ease)

The House was called to order by the Speaker.

On motion of Representative STEVENS of Bangor, Representative CROWLEY of Stockton Springs, Representative CLARK of Millinocket, Representative HICKEY of Augusta, Representative HALE of Sanford, Representative WHITCOMB of Waldo, Representative TELOW of Lewiston and Representative PARENT of Benton were appointed a Committee to notify the Governor of the organization of the House by the election of Honorable JOHN L. MARTIN as Speaker, EDWIN H. PERT as Clerk, and DEBORAH BEDARD WOOD as Assistant Clerk and was ready to transact such business as might come before it.

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

At this point, the Speaker appointed Representative MAYO of Thomaston to inform the Senate that the House was duly organized for business.

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

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

(At Ease)

The House was called to order by the Speaker.

COMMUNICATIONS

The following Communication:

STATE OF MAINE

OFFICE OF THE SECRETARY OF STATE

Augusta, Maine

December 5, 1988

To the Speaker of the House of Representatives:

In compliance with the Constitution and laws of the State of Maine, I have the honor to herewith transmit the returns of the votes cast for Representatives to the Legislature in the several cities, towns and plantations in the State of Maine at the General Election held on November 8, 1988.

Respectfully,

S/Peter W. Danton

Deputy Secretary of State

Was read and with accompanying papers ordered placed on file.

The following Communication:

EXECUTIVE DEPARTMENT

OFFICE OF ENERGY RESOURCES

STATE HOUSE STATION 53

AUGUSTA, MAINE 04333

December 1, 1988

Representative John L. Martin, Speaker

Maine House of Representatives

State House Station #2

Augusta, Maine 04333

Dear Speaker Martin:

I am pleased to submit to you, pursuant to Section 6 of Chapter 818 of the Public Laws of 1986, Section 5 of Chapter 533 of the Public Laws of 1987, and Chapter 119 of the Public and Special Laws of 1988, a report on the uses of Exxon, Stripper Well, and Diamond Shamrock Oil Overcharge Funds by the State of Maine.

These reports are required by law to be submitted annually, on December 1st, by the Governor to the Legislature, through the Office of Energy Resources.

Additional copies of this consolidated report are being delivered to your office for distribution to the members of the House.

Respectfully submitted,

S/Harvey E. DeVane

Was read and with accompanying report ordered placed on file.

The following Communication:

DEPARTMENT OF

EDUCATIONAL AND CULTURAL SERVICES

STATE HOUSE STATION 23

AUGUSTA, MAINE 04333

November 30, 1988

TO: Members of the 114th Legislature

Bureau of the Budget

From: Eve M. Bither, Commissioner

Subject: Actual Education Costs for Base Year 1987-88
Pursuant to the provisions of 20-A MRSA section 15604, I am providing notification of the "actual education costs" as defined in subsection 1, of 20-A MRSA section 15604 for the base year 1987-88.

A. Operating costs

(1) Elementary

\$347,467,299

(2) Secondary

208,681,427

B. Special education costs for programs operated by

administrative units

53,744,557

C.	Special education tuition and board excluding medical costs	16,150,439
(1)	Tuition and board for pupils placed by administrative units	\$9,805,968
(2)	Tuition and board for State Wards and direct State placements	2,572,857
(3)	Adjustments under section 15612, subsection 6 (Special Education Hardship grants)	418,116
(4)	Cost to the state for State agency clients (section 15613 subsection 5)	3,353,498
D.	Vocational education costs	16,963,832
E.	Transportation operating costs	43,076,918
F.	Purchase of Buses (approved)	4,964,917
G.	Debt Service Costs	
(1)	Principal and Interest	35,068,391
(2)	Insured Value Factor	868,988
(3)	Leased (approved)	2,209,185
(4)	Construction-Current Year Const. Funding	2,550,370
	Other major capital costs	1,528,116
H.	Cost of reimbursement for private school services	271,883
I.	Cost of state exp. for teacher retirement benefits	91,820,405
J.	Early childhood education programs	545,277

The above figures include all adjustments in expenditure reports through November 29, 1988. These expenditures are from state and local monies only, except that Federal P.L. 81-874 funds are included.

The following Communication:
 MAINE STATE LEGISLATURE
 AUGUSTA, MAINE 04333
 COMMISSION ON COASTAL SEARCH AND RESCUE
 November 30, 1988

President Pray
 Speaker Martin
 State House

Augusta, Maine 04333

Dear President Pray and Speaker Martin:

The Commission on Coastal Search and Rescue is pleased to submit its final report to the Legislature pursuant to Public Law 1987 Chapter 814. There is accompanying legislation which will be submitted to the office of the Revisor of Statutes by the required deadline.

The Commission would be pleased to discuss or expand upon its findings with you should you so desire.

Sincerely,
 S/Sen. John L. Tuttle, Jr.

Chairman
 Was read and with accompanying report ordered placed on file.

The following Communication:
 MAINE STATE LEGISLATURE
 AUGUSTA, MAINE 04333
 COMMISSION ON SPORT FISHERIES
 November 30, 1988

President Pray
 Speaker Martin
 State House

Augusta, Maine 04333

Dear President Pray and Speaker Martin:

The Commission on Sport Fisheries is pleased to submit its report to the Legislature pursuant to Resolves 1987 chapter 39. Accompanying legislation will be submitted to the Revisor of Statutes by the required deadline.

The Commission would be pleased to answer any questions on this report at your convenience.

Respectfully submitted,
 S/Peter Bourque
 Chairman

Was read and with accompanying report ordered placed on file.

The following Communication:
 STATE OF MAINE
 DEPARTMENT OF TRANSPORTATION
 STATE HOUSE STATION 16
 AUGUSTA, MAINE 04333
 December 2, 1988

The Honorable John L. Martin
 Speaker of the House of Representatives
 State House Station 2
 Augusta, Maine 04333

Dear Speaker Martin:

I am pleased to forward a copy of the "East-West Highway Improvement Needs" report that was developed for the Department by Mallar Associates of Augusta. The report will provide us with the data necessary to develop a plan to upgrade that highway to modern standards as required by Chapter 42 of the 1987 Private and Special Laws.

It is our intent to also make copies of this report available to members of the Joint Standing Committee on Transportation of the 114th Legislature at the appropriate time.

If there are questions regarding this report do not hesitate to contact me at any time.

Sincerely,
 S/Dana F. Connors
 Commissioner

Was read and with accompanying report ordered placed on file.

The following Communication: (H.P. 3)
 Executive Department
 Division of Community Services
 State House Station 73
 Augusta, Maine 04333

The Honorable John L. Martin
 Speaker of the House
 State House Station 2
 Augusta, Maine 04333

December 2, 1988

Dear Speaker Martin:

The Weatherization Study performed by Practical Progressive Consultants, Inc., has been submitted to the Division.

I have enclosed a copy of the executive summary for your review.

The Practical Progressive Consultants' report does not reflect official policies of the Division. Policy changes will continue to be made through normal channels.

We are all generally pleased with the report and are working closely with the CAPs and the Legislative Study Committee to redesign the State Weatherization Program.

If you have any questions, I would be happy to meet with you and discuss the study.

Sincerely,
S/Nicola C. Kobritz
Director

Was read and with accompanying report ordered placed on file and sent up for concurrence.

The following Communication:

STATE OF MAINE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
COMMITTEE ON TRANSPORTATION
November 28, 1988

Charles P. Pray, Senate President

John L. Martin, Speaker, House of Representatives

In accordance with Public Law 1987, Chapter 793, the Joint Standing Committee on Transportation has completed its statutory responsibility of studying the Distribution of Funds Among Municipalities and Counties under the Local Road Assistance Program and hereby submit to you the enclosed report.

This report, which was accepted by the full Committee with two members abstaining from voting on October 18, 1988, concludes an extensive study of this controversial issue. Furthermore, the recommendation outlined in this report appears to fulfill the Committee's goal in establishing a procedure which is fair and the most simplistic way to distribute the Local Road Assistance funds.

In closing, we hope the report will be a useful reference and if we can be of any further assistance, please let us know.

Respectfully submitted,

S/Senator Charles G. Dow S/Rep. Fred W. Moholland
Senate Chair House Chair

Was read and with accompanying report ordered placed on file.

ORDERS

On motion of Representative GWADOSKY of Fairfield, the following Joint Order: (H.P. 1)

ORDERED, the Senate concurring, that the Executive Director of the Legislative Council be authorized and directed to pay each member of the Legislature prior to January 1, 1989, a \$500 allowance for constituent services as authorized in the Maine Revised Statutes, Title 3, section 2.

Was read and passed and sent up for concurrence.

On motion of Representative JACQUES of Waterville, the following Order:

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

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

Was read and passed.

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

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

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

Was read and passed.

On motion of Representative PRIEST of Brunswick, the following Order:

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

Was read and passed.

On motion of Representative MAYO of Thomaston, the following Order:

ORDERED, that each adjournment of the House be until 10 o'clock of the following morning unless otherwise ordered.

Was read and passed.

On motion of Representative MILLS of Bethel, the following Order:

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

Was read and passed.

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

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

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

Was read and passed.

On motion of Representative MITCHELL of Freeport, the following Order:

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

Was read and passed.

On motion of Representative GWADOSKY of Fairfield, the following Joint Order: (H.P. 2)

ORDERED, the Senate concurring, that the Speaker of the House is authorized at his discretion, to permit radio or television, in the Hall of the House

of Representatives while the House is in session, or during joint conventions of the Legislature.

Was read and passed and sent up for concurrence.

At this point, a message came from the Senate, borne by Senator CLARK of Cumberland proposing a Convention of both branches of the Legislature to be held at 1:30 o'clock in the Hall of the House for the purpose of electing an Attorney General, a Secretary of State, a State Treasurer, and a State Auditor.

Thereupon, the House voted to concur in the proposal for a Joint Convention to be held at 1:30 o'clock and the Speaker appointed Representative GWADOSKY of Fairfield to convey this message to the Senate.

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

(Recessed to Gong)

(After Recess)

The House was called to order by the Speaker.

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

IN CONVENTION

The President of the Senate, the Honorable Charles P. Pray, in the Chair.

The Convention was called to order by the Chairman.

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

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Mr. Chairman, I nominate G. William Diamond of Windham for the office of Secretary of State for the political years 1989 and 1990.

G. William Diamond is known to most of us as Bill Diamond, first in the Maine Legislature for 10 years, six years in the House of Representatives and four years in the Maine Senate. He had a solid record of legislative accomplishments. Bill Diamond served in legislative leadership, he was elected by his peers in this Maine House of Representatives as the Assistant Majority Floor Leader.

Bill Diamond knows Maine and Maine people. This is where he was born and this is where he grew up. This is where he lives with his wife Jane and daughters, Karen and Chris. Bill Diamond is a member of Maine's small business community, which represents 97 percent and serves as the foundation of Maine's growing economy.

Bill Diamond has almost 20 years in Maine's classrooms and more years as an administrator in Maine's schools systems.

Bill Diamond shares the outlook, concerns, and best reflects the values of Maine people. He really cares about Maine people and that means all Maine people. Bill Diamond shares our concerns about the future of our state. Bill Diamond will bring renewed pride, order, efficiency and service to the

office of Secretary of State. Bill Diamond is a leader in the best of Maine's traditions.

I am pleased and proud to ask those in this Joint Convention of the 114th Maine Legislature to join me in supporting G. William Diamond, our friend Bill, as the next Secretary of State.

The CHAIRMAN: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Chairman, Members of the Joint Convention: It is a pleasure for me also to stand and second the nomination of G. William Diamond for the position of Secretary of State for the next two years.

As one who has known Bill Diamond, having served with him as a member of the legislature and having enjoyed his friendship for several years, I am honored to have the opportunity to do so. I have complete confidence in his ability to become an exemplary Secretary of State. His fairness, his integrity, his commitment to the values that make Maine the great state that it is, will be a benefit to all of Maine people.

As proud as we will all be of the job that Bill is going to do for us, Maine people will be better off for this service. It is with great pride that I second his nomination.

The CHAIRMAN: The Chair recognizes the Representative from York, Representative Rolde.

Representative ROLDE: Mr. Chairman, Men and Women of the House: I am also pleased to second the nomination of G. William Diamond for Secretary of State. I would just say very briefly that, if my Republican colleagues on the other side of the aisle knew Bill as well as I do after having served with him as co-chairman for four years on the Audit and Program Review Committee, they probably would also be voting for him today too.

The CHAIRMAN: The Chair recognizes the Representative from Falmouth, Representative Reed.

Representative REED: Mr. Chairman, Men and Women of the Convention: It is an honor and a privilege for me to play a small part in these proceedings today and to nominate for the office of Secretary of State, Stephen M. Zirkilton of Mt. Desert for the political years 1989 and 1990.

This candidate that I have the distinct privilege of placing before you for your consideration is a person well-known to members of the 111th, 112th and 113th Legislatures. He is a graduate of Stormking High School in Cornwall, New York and holds a Bachelor's degree in communications from New England College in Henniker, New Hampshire. He has demonstrated the admirable qualities of leadership and management skills by holding the position of Marketing Vice-President in a small start-up corporation. He has earned and retained the trust and respect of his constituents by being re-elected three times as the Representative for the House from District 124.

In 1983, he was honored by being named the outstanding freshman legislator in a survey conducted by one of Maine's leading newspapers. He has also demonstrated and polished his already considerable skills in the art of communications by working as a radio and television announcer. His name can be found in the pages of "Outstanding Young Men of America" in 1983, 1984, 1985 and 1986 -- also in "Who's Who in American Politics" in 1985 and 1986.

It is a privilege to place in nomination before this Joint Convention Stephen Zirkilton of Mt. Desert.

Whereupon, Representative Jackson of Harrison seconded the nomination.

Senator Pearson of Penobscot moved that nominations cease.

On motion of Senator Clark of Cumberland, the following members were appointed a committee to receive, sort and count votes for the office of Secretary of State for the political years 1989-1990.

Senators: CLARK of Cumberland
PEARSON of Penobscot
WEBSTER of Franklin
Representatives: GWADOSKY of Fairfield
ROLDE of York
JACKSON of Harrison
REED of Falmouth

Having attended to the duties assigned it, the Committee reported as follows:

Total number of votes cast	177
Necessary for choice	89
G. William Diamond	115
Stephen M. Zirnkilton	62

Whereupon, G. William Diamond, having received a majority of all the votes cast, was declared elected Secretary of State for the political years 1989-1990.

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

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

Senator BRANNIGAN: Mr. Chairman, Men and Women of the Joint Convention: I nominate James E. Tierney of Lisbon Falls for the office of Attorney General for the political years 1989-1990.

When speaking of Jim, there are many major accomplishments to talk about and many personal attributes to point out. His aggressive manner and his progressive attitude, his wit -- quick, his charm -- with us always, his ability to reorganize this large law firm that represents us and the State of Maine, his willingness to take on hard cases that he may not win, his willingness and his ability to win cases that he is not supposed to win, his national leadership in many of these issues -- all of these things have served our state and served us well.

I do believe that the greatest accomplishment that Jim has done as a leader is, with all of these things, his organizational ability, his personal abilities to attract good people to the Attorney General's Office which is our law firm. Good paid people who head up the different divisions under him, good paid people in the trenches that work every day with protective cases, all the difficult cases that the state must work with. Volunteers who are attracted to his work, especially in the area of consumerism. All of us who run businesses or run agencies know that what makes us look good are the people who work for us. What makes our work happen and do well is because of all of the people who work with us and for us. The Attorney General's Office has a ton of good people.

I want to commend Jim for the work that he has done, I want to nominate Jim for the work to be done over the next two years. I nominate James E. Tierney for Attorney General.

The CHAIRMAN: The Chair recognizes the Representative from Frenchville, Representative Paradis.

Representative PARADIS: Mr. Chairman, it is my pleasure to second the nomination. Jim Tierney personifies the best of Maine's traditions, a sense of responsibility, tenacity, energy and perseverance

in service for the people of the state. His strong family life keeps him grounded regarding what is truly important in life. He travels widths and breadths of this country and state to better familiarize himself with issues and seeking positive creative solutions of our problems. He invests a lot of time and energy speaking to the young, encouraging them to aspire to become the best of what they can truly be.

His office is responsive to our needs and our concerns attesting to his positive leadership. He is truly a man for, by, and with the people.

The CHAIRMAN: The Chair recognizes the Representative from Cape Elizabeth, Representative Webster.

Representative WEBSTER: Mr. Chairman, Members of the Joint Convention: I nominate Richard D. Hewes of Cape Elizabeth for the office of Attorney General for the political years 1989-1990.

Richard Hewes was born in Biddeford, Maine in 1926 and he was admitted to the Maine Bar in 1953. He is a graduate of the University of Maine and Boston University Law School.

He is past President of the Cumberland County Bar Association. He is a member of the Maine Bar Association and the American Bar Association. He has served as President of the Northern New England Defense Counsel Association and is a member of the Federation of Insurance Counselors. He is the senior partner and founding partner of the law firm of Hewes, Douglas, Whiting and Quinn.

Some of you in this chamber will recall that he was also elected to the Maine House of Representatives in 1967 and he served here until 1976. He was Speaker of the House in 1973 and he served in the Senate in 1977 and 1978. While in the legislature, he was co-chair of the Judiciary Committee, co-chair of the Legal Affairs Committee and Chairman of the Committee on Legislative Ethics.

Richard Hewes has a tremendous record of public service and I would like to tell you several of the things that he has received. He has received the Greater Portland Council of Government Certificate of Merit, the Maine Highway Safety Committee's Award of Commendation, the Distinguished Service to Youth Award of the YMCA and he has received the American Red Cross Voluntary Appreciation Award.

I think his qualifications and experience would make him an excellent Attorney General.

The CHAIRMAN: The Chair recognizes the Representative from Belfast, Representative Marsano.

Representative MARSANO: Mr. Chairman, Members of the Joint Convention: I have, as many of you know, been a small town lawyer for more than a quarter of a century. During that period of time, I have known Dick Hewes. When I first came back to practice law in the State of Maine, Dick Hewes was already a giant in the profession.

I proudly second the nomination of Richard Hewes for Attorney General.

Senator Dutremble of Cumberland moved that nominations cease.

On motion of Representative Gwadosky of Fairfield, the following members were appointed a committee to receive, sort and count votes for the office of the Attorney General for the political years 1989-1990.

Senators: BRANNIGAN of Cumberland
BERUBE of Androscoggin
GILL of Cumberland
Representatives: PARADIS of Frenchville
WEBSTER of Cape Elizabeth
PARADIS of Augusta
KILKELLY of Wiscasset

Having attended to the duties assigned it, the Committee reported as follows:

Total number of votes cast	175
Necessary for choice	88
James E. Tierney	106
Richard D. Hewes	69

Whereupon, James E. Tierney, having received a majority of all the votes cast, was declared elected Attorney General of the State of Maine for the political years 1989-1990.

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

The CHAIRMAN: The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr. Chairman, Members of the Joint Convention: It is with great pleasure that I place the name of Samuel Shapiro of Waterville for the position of State Treasurer, the State of Maine's highest fiscal officer. Those of you who know Sam and love him like we all do, we would all have to agree that he has taken the job with a vengeance. He is, indeed, a dedicated and hardworking State Treasurer. He has worked to put this state on very sound financial footing as far as our credit rating is concerned. There is no question that he is a wheeler and a dealer but has done it to the benefit of the people of this state. He has saved money for the people of this state. He has helped us receive the highest bond rating that a state can acquire.

I think the past performance of the last eight years speaks for itself. I would urge this Joint Convention to put the best person in the job and that is the person who has it right now -- Samuel Shapiro of Waterville.

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

Representative JOSEPH: Mr. Chairman, Members of the Joint Convention: It is a great honor for me to second the nomination of Samuel D. Shapiro of Waterville as Treasurer of the State of Maine.

Sam has a proven record. Sam is prestigious among his peers. Sam has earned the respect of the financial community across this country. Sam has assured us and the State of Maine of continued prosperity and has helped us to reach the highest bond rating around. He has proven to be a competent treasurer. As has been said, he is a very hardworking treasurer.

I urge you all to support Sam Shapiro for treasurer.

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

Senator KANY: Mr. Chairman, Members of the Joint Convention: I also rise to second the nomination of Samuel Shapiro for State Treasurer. As the third resident of the city of Waterville, I am proud to place that name in nomination as a second. Waterville is, indeed, proud of its politicians. We are proud of native son, George Mitchell and we are also very proud of our adopted son, whose political home most of the time, has been Waterville and that is Ed Muskie. Here we have a third famous politician who is also a treasurer and that is, of course, Sam Shapiro so I am delighted to also second that nomination.

The CHAIRMAN: The Chair recognizes the Senator from Knox, Senator BRAWN.

Senator BRAWN: Mr. Chairman, Members of the Joint Convention: I would like to nominate the

Honorable David F. Emery to the office of State Treasurer for the political years 1989 and 1990.

David Emery served in the 105th and 106th Legislatures as a Representative from Rockland. He served on the Legal Affairs Committee and was its chairman in the 106th. He served in the 94th, 95th, 96th and 97th Congress of the United States where he served on the Science and Technology Committee, Merchant Marine and Fisheries Committee and Armed Services Committee. He was the Chief Deputy Republican Whip in the 97th Congress. From 1983 to 1988, David Emery served as the Deputy Director of the United States Arms Control and Disarmament Agency.

David, his wife Carol and their son Albert, are presently residing in Tenants Harbor. It gives me a great deal of pleasure to nominate the Honorable David F. Emery for State Treasurer for the political years 1989-1990.

The CHAIRMAN: The Chair recognizes the Representative from West Rockport, Representative McCormick.

Representative MCCORMICK: Mr. Chairman, Members of the Joint Convention: I am pleased and honored to second the nomination of the Honorable David Emery for State Treasurer.

Representative Mayo of Thomaston moved that nominations cease.

On motion of Senator Webster of Franklin, the following members were appointed a committee to receive, sort and count votes for the office of the Treasurer of the State of Maine for the political years 1989-1990.

Senators:	KANY of Kennebec
	MATTHEWS of Kennebec
	KNOX of Brawn
Representatives:	JACQUES of Waterville
	JOSEPH of Waterville
	MCCORMICK of West Rockport
	PARENT of Benton

Having attended to the duties assigned it, the Committee reported as follows:

Total number of votes cast	171
Necessary for choice	86
Samuel D. Shapiro	107
David F. Emery	64

Whereupon, Samuel D. Shapiro, having received a majority of all the votes cast, was declared elected Treasurer of the State of Maine for the political years 1989-1990.

The CHAIRMAN: Nominations are now in order for the office of State Auditor of the State of Maine for the political years 1989, 1990, 1991 and 1992.

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

Senator BUSTIN: Mr. Chairman, Members of the Joint Convention: It gives me great pleasure to introduce the name of Rodney L. Scribner for nomination for the position of State Auditor.

Rodney Scribner has rightly earned the title "The Financial Wizard of Maine." He is, indeed, that financial wizard. He has served the federal government as well as the Curtis, Brennan and the present administration in as an exemplary manner as any state employee I have ever known. His expertise, knowledge, honest short-clipped responses to questions, is well-known and appreciated.

He and his wife, Evie, have been good and close friends of mine for longer than I want anyone to remember. Without them, my public life would not have been as interesting or as participatory as it

has been. I owe them a debt of thanks that can never be paid.

The honor of nominating Rodney L. Scribner to the office of State Auditor allows me, in one small way, to pay back that debt. I urge your support of this nomination.

The CHAIRMAN: The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Chairman, Members of the Joint Convention: It is, indeed, a great personal pleasure of mine to second the nomination of Rodney L. Scribner of Augusta to the position of State Auditor.

Rodney Scribner has served this state well and again my friend, it is great to second the nomination for State Auditor.

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

Senator WEYMOUTH: Mr. Chairman, Members of the Joint Convention: I nominate Clifton M. Fletcher for the office of State Auditor for the political years 1989, 1990, 1991 and 1992.

Clifton Fletcher is known as Cliff to his friends and peers. He is a CPA who brings long experience to this job in state service. Mr. Fletcher is well-known in the Kennebec area, having worked with the firm (he is a senior partner) of Schatz, Fletcher & Associates with an office in Augusta and Camden. He is a member of the Maine Board of Accounting. He is very active in many organizations in the Kennebec Valley. I urge you to support him.

The CHAIRMAN: The Chair recognizes the Representative from Wayne, Representative Ault.

Representative AULT: Mr. Chairman, Members of the Joint Convention: It is with pleasure that I second the nomination of Clifton M. Fletcher of Manchester for the office of State Auditor.

Senator Dutremble of York moved that nominations cease.

On motion of Senator Clark of Cumberland, the following members were appointed a committee to receive, sort and count votes for the office of State Auditor for the State of Maine for the political years 1989, 1990, 1991 and 1992.

Senators:	BUSTIN of Kennebec
	TWITCHELL of Oxford
	WEYMOUTH of Kennebec
Representatives:	MAYO of Thomaston
	HOLT of Bath
	AULT of Wayne
	LOOK of Jonesboro

Having attended to the duties assigned it, the Committee reported as follows:

Total number of votes cast	173
Necessary for choice	87
Rodney L. Scribner	114
Clifton M. Fletcher	59

Whereupon, Rodney L. Scribner, having received a majority of all the votes cast, was declared elected State Auditor for the State of Maine for the political years 1989, 1990, 1991 and 1992.

On motion of Senator CLARK of Cumberland, it was ORDERED, that the Secretary be directed to notify the Honorable G. William Diamond of his election as Secretary of State; the Honorable Samuel D. Shapiro of his election as State Treasurer; the Honorable James E. Tierney of his election as Attorney General and the Honorable Rodney L. Scribner of his election as State Auditor.

Was read and passed.

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

On motion of Senator DUTREMBLE of York, it was ORDERED, that the Secretary be directed to notify the Governor of the election of the Honorable G. William Diamond as Secretary of State; the Honorable Samuel D. Shapiro as Treasurer of the State; the Honorable James E. Tierney as Attorney General and the Honorable Rodney L. Scribner as State Auditor.

Was read and passed.

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

The CHAIRMAN: The purpose for which this Convention was assembled, having been accomplished, I now declare the same dissolved.

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

IN THE HOUSE

The House was called to order by the Speaker.

The following items appearing on Supplement No. 1 were taken up out of order by unanimous consent:

PAPERS FROM THE SENATE

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

ORDERED, the House concurring, that three hundred twenty-five copies of the Legislative Record for the 114th 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 Revisor of Statutes.

Came from the Senate, read and passed.

Was read and passed in concurrence.

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

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

Came from the Senate, read and passed.

Was read and passed in concurrence.

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

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

Came from the Senate, read and passed.

Was read and passed in concurrence.

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

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

Came from the Senate, read and passed.

Was read and passed in concurrence.

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

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

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

Came from the Senate, read and passed.

Was read and passed in concurrence.

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

PAPERS FROM THE SENATE

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 Thirteenth Legislature as hearing rooms be reserved for hearing rooms for the One Hundred and Fourteenth and succeeding Legislatures and be released for other purposes only upon approval by the President of the Senate and Speaker of the House.

Came from the Senate, read and passed.

Was read and passed in concurrence.

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

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

Came from the Senate, read and passed.

Was read and passed in concurrence.

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

ORDERED, the House concurring, that the Secretary of the Senate and Clerk of the House be authorized to furnish 100-25 cent stamps for each member of the House and Senate for the purpose of distributing various reports of the Departments of State and other public documents such as they may desire to mail to the citizens of the State.

Came from the Senate, read and passed.

Was read and passed in concurrence.

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

ORDERED, the House concurring, that telephone service may be provided for each member of the Senate and House, and each Representative from the Indian Tribes at the Legislature for a reasonable number of calls, of reasonable duration, as determined by the President of the Senate as to members of the Senate and the Speaker of the House as to members of the House and the Representatives

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

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

Came from the Senate, read and passed.

Was read and passed in concurrence.

The following items appearing on Supplement No. 3 were taken up out of order by unanimous consent:

PAPERS FROM THE SENATE

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

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

Came from the Senate, read and passed.

Was read and passed in concurrence.

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

ORDERED, the House concurring, that there be paid to the members of the Senate and the House as advances on account of compensation established by statute, 13 payments on a biweekly basis commencing January 4, 1989, the first 12 payments to be in the amount of Seven Hundred and Fifty Dollars (\$750) and the final payment to be in the amount of Nine Hundred Dollars (\$900), according to lists certified to the State Controller by the President of the Senate and Speaker of the House, respectively.

Came from the Senate, read and passed.

Was read and passed in concurrence.

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

JOINT RESOLUTION ON THE ELECTION OF

GEORGE J. MITCHELL

AS THE MAJORITY LEADER

OF THE UNITED STATES SENATE

WHEREAS, on the third day of January, 1989, George John Mitchell will assume the office of Majority Leader of the United States Senate; and

WHEREAS, the people of the State of Maine have resoundingly indicated their special affection for George Mitchell and their trust in his intelligence, integrity and leadership by re-electing him as their United States Senator by the largest margin in Maine's history; and

WHEREAS, the members of the Legislature have for many years observed Senator Mitchell demonstrate rare wisdom and commanding intellect in the performance of his duties as the Executive Assistant to Senator Edmund S. Muskie, as a respected attorney in the private practice of law, as the United States Attorney for Maine, as a Judge of the United States District Court for the District of Maine and as a United States Senator from Maine; and

WHEREAS, the people of the United States of America have observed Senator Mitchell's high ability and admirable temperament as a member of the special committee investigating the Iran-Contra Affair; and

WHEREAS, his colleagues in the Senate have recognized Senator Mitchell's special talents and abilities and have seen fit to elevate him to the post of Majority Leader; and

WHEREAS, the citizens of Senator Mitchell's home city of Waterville, the people of the State of Maine and the members of this Legislature take great pride in Senator Mitchell's singular achievements; now, therefore, be it

RESOLVED: That We, the members of the 114th Legislature of the great and sovereign State of Maine, now assembled, extend our heartiest congratulations to Senator Mitchell on the occasion of his election as Majority Leader of the Senate; and be it further

RESOLVED: That a duly attested copy of this resolution be transmitted forthwith by the Secretary of State to the new Majority Leader of the United States Senate in honor of the occasion.

Came from the Senate, read and adopted.

Was read and adopted in concurrence.

The following items appearing on Supplement No. 4 were taken up out of order by unanimous consent:

PAPERS FROM THE SENATE

The following Joint Resolution: (S.P. 15)

**JOINT RESOLUTION ON THE INAUGURATION
OF GEORGE H. W. BUSH AS PRESIDENT
OF THE UNITED STATES OF AMERICA**

WHEREAS, on the 20th day of January, 1989, the uniquely American event called Inauguration Day will occur; and

WHEREAS, during these dramatic times, George Herbert Walker Bush will face the Nation as the 41st President of the United States of America; and

WHEREAS, the people of this Nation through a free and open election process have placed their faith, trust and confidence in George H. W. Bush; and

WHEREAS, the State of Maine takes pride in the election of President Bush because of his long-standing ties to our State, his love of our State's natural beauty and his affection for its people and institutions; and

WHEREAS, all Americans pray that the next four years will be filled with peace in the world and prosperity at home, and that the directions taken by this administration can bring new hope, opportunity and great satisfaction to the people of this country and the world; now, therefore, be it

RESOLVED: That, We, the Members of the 114th Legislature, now assembled, of the great and sovereign State of Maine extend our heartiest

congratulations to President-Elect Bush on the occasion of his inauguration; and be it further

RESOLVED: That a duly authenticated copy of this Resolution be transmitted forthwith by the Secretary of State to our new Chief Executive of the United States in honor of the occasion.

Came from the Senate, read and adopted.

Was read and adopted in concurrence.

COMMUNICATIONS

The following Communication: (S.P. 1)

STATE OF MAINE

**ONE HUNDRED AND THIRTEENTH LEGISLATURE
COMMITTEE ON TRANSPORTATION**

December 1, 1988

Senator Charles P. Pray, Chairman

Legislative Council

State House

Augusta, Maine 04333

Dear Senator Pray:

The Joint Standing Committee on Transportation is pleased to submit the attached report of our study of Heavy Trucks pursuant to Chapter 793 of the Public Laws of 1987. We hope you find this report useful.

Sincerely,

S/Sen. Charles G. Dow

S/Rep. Fred W. Molland

Chair

Chair

Came from the Senate, read and with accompanying papers ordered placed on file.

Was read and with accompanying papers ordered placed on file in concurrence.

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

PAPERS FROM THE SENATE

Bill "An Act to Make an Appropriation to the Secretary of State for Expenses Incurred in Recent Elections" (Emergency) (S.P. 16) (L.D. 1)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed.

(The Committee on Reference of Bills had suggested reference to the Committee on Appropriations and Financial Affairs.)

Under suspension of the rules and without reference to a Committee, the bill was read twice and passed to be engrossed in concurrence.

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

PASSED TO BE ENGROSSED

WITHOUT REFERENCE TO COMMITTEE

Bill "An Act to Clarify Eligibility for the STAR Program" (Emergency) (H.P. 4) (L.D. 3) (Presented by Representative McKEEN of Windham) (Cosponsors: Representative JOSEPH of Waterville, CARTER of Winslow and Senator MATTHEWS of Kennebec)

(The Committee on Reference of Bills had suggested reference to the Committee on Labor.)

Under suspension of the rules and without reference to any committee, the Bill was read twice, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

(At Ease)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 9 was taken up out of order by unanimous consent:

PAPER FROM THE SENATE

Bill "An Act to Continue the Blue Ribbon Commission to Study the Regulation of Health Care Expenditures" (Emergency) (S.P. 18) (L.D. 2)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed.

(The Committee on Reference of Bills had suggested reference to the Committee on Human Resources.)

Under suspension of the rules and without reference to any committee, the Bill was read twice, passed to be engrossed in concurrence.

The following item appearing on Supplement No. 10 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act to Continue the Blue Ribbon Commission to Study the Regulation of Health Care Expenditures (S.P. 18) (L.D. 2)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected being necessary, a total was taken. 107 having voted in favor of same and none against and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

The following item appearing on Supplement No. 11 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act to Clarify Eligibility for the STAR program (H.P. 4) (L.D. 3)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected being necessary, a total was taken. 120 having voted in favor of same and 1 against and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

The following item appearing on Supplement No. 15 was taken up out of order by unanimous consent:

ORDERS

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

ORDERED, that the House Rules of the 113th Legislature be the House Rules of the 114th Legislature.

Was read and passed.

(At Ease)

The House was called to order by the Speaker.

On motion of Representative Carter of Winslow, the House reconsidered its action whereby An Act to Make an Appropriation to the Secretary of State for

Expenses Incurred in Recent Elections (S.P. 16) (L.D. 1) was passed to be engrossed in concurrence.

The same Representative offered House Amendment "A" (H-1) and moved its adoption.

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

The Bill was passed to be engrossed as amended and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The following item appearing on Supplement No. 12 was taken up out of order by unanimous consent:

PAPER FROM THE SENATE

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

JOINT RULES - 114TH LEGISLATURE

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 joint order approved by a vote of two-thirds of both Houses.

4-A. Engrossing of Bills. 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 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. Except as otherwise provided in these rules, no joint rule or order shall be suspended without the consent of two-thirds of the members present in each House.

10. Conflict of Interest. No member shall be permitted to vote on any question in either branch of the Legislature or in committee whose private right, as distinct from the 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 Executive Director of the Legislative Council 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.

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 the 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 Banking and Insurance
- On Business Legislation
- On Housing and Economic Development
- On Education
- On Energy and Natural Resources
- On Fisheries and Wildlife
- On Human Resources
- On Judiciary
- On Labor
- On Legal Affairs
- On Marine Resources
- On State and Local Government
- On Taxation
- On Transportation
- On Utilities

Membership. Each of these committees shall consist of no more than 3 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 chair. The first named House member shall be the House chair. The Senate chair shall preside and in the Senate chair's absence, the House chair shall preside and, thereafter, as the need may arise, the chair shall alternate between the members from each House in the order of their appointment to the committee.

Committee Clerks. The hiring of all committee clerks is to be mutually agreeable to both the Senate and House chairs; if not agreeable, it shall be decided by the President of the Senate and Speaker of the House. The salaries of each committee clerk shall be established by the

President of the Senate and the Speaker of the House and shall terminate when all bills have been reported out by the committee. The Executive Director of the Legislative Council is authorized and directed to certify vouchers of the committee clerks.

Committee Procedure. Committees shall adopt standard rules of procedure at their first meeting in accordance with guidelines established by the President of the Senate and the Speaker of the House, and adhered to. These committees may report by bill or otherwise. The presiding chair shall decide all questions of order, subject to appeal to the committee. The chair's ruling shall stand unless overruled by a majority vote of the committee membership.

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

Participation in Budget Hearings and Work Sessions. 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 chair and the remaining two members shall be appointed by the House chair. 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.

Notice to Report. A joint standing committee to which a bill or resolve has been referred shall, within three 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.

13-A. Joint Select Committee on Indian Affairs. There shall be a Joint Select Committee on Indian Affairs to review all legislation relating to Indians and Indian land claims after its submission to a joint standing committee but before a public hearing is held on that legislation. The committee shall consist of the representatives from House Districts 131, 137, 139 and 141, the Senators from Senate Districts 3, 6 and 7, the member of the Penobscot Indian Tribe and the member of the Passamaquoddy Indian Tribe elected to represent the tribes at the Legislature and the executive secretary of the Tribal State Commission. The President of the Senate and the Speaker of the House of Representatives shall serve as ex officio members of the committee. The Joint Select Committee on Indian Affairs may make recommendations to the joint standing committee to which the legislation is referred.

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. Deadline for Reports. 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 in these rules.

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

3. Ought to Pass. 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 as Amended. When a plurality of a Joint Standing Committee moves to report a bill out with changes, the committee may prepare a committee amendment to the original bill and the committee report shall be Ought to Pass as Amended. When the vote is not unanimous, a minority report or reports are required.

5. Ought to Pass in New Draft. When the changes voted by the committee are major, the committee may elect to report the bill out Ought to Pass in New Draft with authorization of the presiding officers. When a plurality of the committee recommends this report, the chairs shall submit a request for authority to report the bill out in this fashion. When the committee recommendation is not unanimous, a minority report is required.

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 are 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 9 as prescribed herein.

8. Unanimous Leave to Withdraw. When the sponsor and all cosponsors request that the committee give Leave to Withdraw a bill 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 9 as prescribed herein.

9. Two-thirds Required. When a bill or resolve is placed in the legislative file pursuant to subsection 7 or 8, 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.

10. 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.

11. 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 the 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. This 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 Reports. Committees shall take final action on studies authorized by the Legislative Council, including reports and accompanying legislation by the date established by the Legislative Council.

Any legislation which accompanies committee study reports shall be submitted to the Revisor of Statutes on or before December 1st.

Any committee which finds that it is unable to comply with these deadlines shall submit a written request for an extension to the Legislative Council prior to the deadline.

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. Fiscal Notes. Every bill or resolve affecting state revenues, appropriations or allocations which has a committee recommendation other than Ought Not to Pass or Unanimous Leave to Withdraw shall include a fiscal note. This statement shall be incorporated in the bill before it is reported out of committee. Any amendment introduced that would affect the fiscal impact of the original bill shall also include a fiscal note. The Office of Fiscal and Program Review shall have sole responsibility for preparing all fiscal notes.

22. Reports of Committees. All bills and resolves referred to committee during any first regular session shall be reported from committees by 1:00 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. Deadlines for Requests. No request for a bill or resolve may be submitted to the Revisor of Statutes 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. Identification of Agency. 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. After-Deadline Requests. 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 Revisor of Statutes. 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 in complete form to the Revisor of Statutes no later than 1:00 p.m. of the last Friday in December following the convening of the session in December.

Presenters shall be notified by the Revisor of Statutes when the bill or resolve is ready for signature and shall be responsible for reviewing and signing the bills and resolves in accordance with Joint Rule 32 to ensure timely introduction into the appropriate House.

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 Revisor of Statutes 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 Third, 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 Revisor of Statutes 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 in 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. A request for a bill or resolve filed with the Revisor of Statutes shall be considered complete when the request is properly titled and accompanied by sufficient instructions, information and data required for its preparation.

30. Statement of Fact. The Revisor of Statutes shall include a concise statement of fact on all bills, resolves and amendments. The purpose of the statement of fact is to provide a brief summary of the bill, resolve or amendment.

31. Form. All bills and resolves, including initiated bills, shall be corrected as to matters of form and allocation to the Revised Statutes by the Revisor of Statutes before printing.

32. Signing of Bills, Resolves and Amendments. The presenter and any cosponsor of a bill or resolve shall be notified by the Revisor of Statutes that the bill or resolve is ready in final form for signature. The presenter and any cosponsor shall have 5 working days from the time of notification to inform the Revisor of Statutes of any changes that are necessary. If the presenter does not contact the Office of the Revisor of Statutes within this period, the bill shall be considered withdrawn and shall require approval by the Legislative Council in accordance with Joint Rule 27.

If changes are requested, the Revisor of Statutes shall notify the presenter when changes

have been made and the bill is available for signature; and the presenter and cosponsors shall, again, have 5 days to sign the bill. If the presenter does not sign the bill within this period, it shall be considered withdrawn and shall require approval by the Legislative Council in accordance with Joint Rule 27. If cosponsors do not sign the bill within either 5 working day period, their names shall be removed from the bill. The presiding officers may suspend this rule within 30 calendar days before the statutory adjournment date.

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 conform to guidelines issued by the President of the Senate and the Speaker of the House and shall be presented in such manner as standardized by the Revisor of Statutes.

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.

35-A. 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.

36-A. 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 Prior Session. No measure which has been introduced and finally rejected in any regular or special session shall be introduced in any subsequent regular or 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 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 Chairs 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 chairs 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 chairs 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 nominations. Each of these assistants shall serve at the pleasure of the appointing authority during the biennium for which the assistant is chosen. A vacancy in either of these positions shall be filled for the remainder of the biennium in the same manner as the original appointment. Partisan staff assistants for nominations shall provide all necessary assistance to each joint standing committee required by law to recommend action on a gubernatorial nominee.

Came from the Senate, read and passed.

Was read.

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Hanley.

Representative HANLEY: Mr. Speaker, Men and Women of the House: I present a Joint Order and move its passage.

The SPEAKER: The Chair would advise the Representative that a Joint Order amending a Joint Order is not in order because of the way the Order has been offered. We only have before us Joint Order, Senate Paper 2.

Representative HANLEY: Would it be possible to present this as an amendment, Mr. Speaker?

The SPEAKER: The Chair would answer — the way that it has been drafted, it cannot be.

Representative Hanley: Mr. Speaker, although not a neophyte in this body any longer, this being my second term, I went to the Revisor's Office yesterday afternoon and asked to have legislation drafted that would amend the Joint Rules and this was what was drafted.

The SPEAKER: The Chair would advise the Representative that the only proper way to amend Senate Paper 2 is by amending Senate Paper 2. The way in which the Order has been presented calls for a separate Joint Order under House Paper 6 and, therefore, the Order as offered by the Representative, is not in order. It is in violation of the rules.

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

Representative HIGGINS: Mr. Speaker, a parliamentary inquiry?

If Supplement 12, Senate Paper 2 were adopted, then the Representative could offer his Joint Order to that — is that correct?

The SPEAKER: The Chair would answer in the affirmative but it would have to done under suspension of the rules.

Representative HIGGINS: I knew this would take a two-thirds but I didn't realize it would be under suspension of the rules.

The SPEAKER: Under suspension of the rules or under the two-thirds rule, it is the same thing. Subsequently, was passed in concurrence.

The following item appearing on Supplement No. 14 was taken up out of order by unanimous consent:

ORDERS

On motion of Representative HANLEY of Paris, the following Joint Order: (H.P. 6)

Ordered, the Senate concurring, that the Joint Rules be amended by adding a new Joint Rule 25-A to read:

25-A. Recess and late filing at the First Regular Session. During any first regular session, the Legislature shall recess for the entire week beginning on the 3rd Monday in February. Notwithstanding any other joint rule, no additional bill or resolve may be approved for introduction by the Legislative Council during and after the recess unless that bill or resolve contains an emergency preamble and emergency clause.

Was read.

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Hanley.

Representative HANLEY: Mr. Speaker, Men and Women of the House: There are two reasons why I present this Joint Order and it is to serve two purposes. The first purpose is to provide a week off in February, the third Monday, which is Presidents Day, a recognized state holiday, and usually corresponds with school vacation. For those legislators that have families, that have children, who realize in the course of being a Representative and in the course of being a legislator, they have duties that call them up to Augusta at very weird hours and for long hours and for many days in the week.

The legislator is taken away from his or her family quite often because of these responsibilities. By taking this week off, the third week in February, it would allow all the legislators with children to spend time with their children who are out of school and it would also provide an opportunity for those people who run a business or who are in a business to get caught up from the month before and to get themselves prepared for what is to ensue for the remainder of the session.

The second purpose is to provide a break for the Revisor of Statutes Office. For those of you who are returning realize, in committee it is often a very long process to get bills drafted and out of the Revisor's Office so you can set up a hearing schedule and so these bills can be heard in the committee setting. By taking this week off, you will enable the Revisor's Office to deal strictly with drafting of legislation and not having to deal with amendments or those other day-to-day routine things that go along with the session -- being in session.

The other part of this bill would create any legislation coming after that point in time, after the third Monday in February, to be required to have that legislation have an emergency preamble and go through the Executive Council. As a second term legislator, one of the most frustrating things about this job was to have bill upon bill being entered into the committee process and then not have people throughout the State of Maine have an opportunity to come up and speak before the committees. If you have all the legislation before committee that can be scheduled and categorized, whether it be grandparents rights or solid waste disposal -- for

those people throughout the state, who have a serious interest in this legislation, it would enable them a chance to come up to Augusta only one or two days instead of having to come up week after week after week.

I hope you will support this.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Men and Women of the House: Let me begin by saying that I appreciate the concerns of Representative Hanley and share some of his goals. However, I have some problems with the way he is trying to achieve that and, in fact, would urge you to defeat this Joint Order.

First of all, in regards to having the week's vacation in February, I would point out that that particular week, although I certainly sympathize with the demands on a legislator's life, I think we know what we are in store for when we enter this field, and are used to the demands on our time. I want to make sure that people remember that that particular week of school vacation is probably the one week that we receive more school children from around this state -- it is one of the few times when we actually have kids who are able to come down and see their parents at work -- so I am not sure that you really would achieve the purposes that you so desire.

More importantly, in the Joint Rules that were just adopted, the presiding officers already have the authority to create a recess at any given time to allow for this type of mechanism.

Secondly, the goal that you tried to achieve is to create a situation where no legislation can be introduced after the third Monday of February unless it is emergency legislation and that is a clear violation of the Constitution, Article IV, Section 16, which would prohibit the transferring of land on an emergency basis. For those reasons, I think this is clearly in violation of the Constitution. It is a great attempt but it is really not appropriate at this time and I would urge you to vote against this Order.

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

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: I appreciate the concept but I would like to pose a question through the Chair.

What is so magic about February? What about April?

The SPEAKER: The Representative from Lewiston, Representative Aliberti, has posed a question through the Chair to the Representative from Paris, Representative Hanley, who may respond if he so desires.

The Chair recognizes that Representative.

Representative HANLEY: Mr. Speaker, Men and Women of the House: The purpose of this Joint Order commencing in February was to come at a time early enough in the process so we could put a stop to this rampant legislation coming in. If we are going to be playing firm with the cloture date this year in hopes that we will have legislation being entered in on time and meeting the deadlines, then you would limit the amount of legislation each committee has to deal with in the process.

Taking the February vacation is soon enough into the session, we would have four months after that to deal with all this legislation.

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

Representative JALBERT: Mr. Speaker, I would like to pose a question through the Chair.

Is the good Representative from Paris prepared to bring in some air conditioners next June to make up for that week of not being here?

The SPEAKER: The Chair will not address that question, obviously that is a rhetorical question.

The Chair recognizes the Representative from Belfast, Representative Marsano.

Representative MARSANO: Mr. Speaker, Men and Women of the House: I hope this House will not treat this as an idle action on the part of the Representative from Paris. Last year, he made a valiant attempt to see this House control its own destiny, to work itself to help the Speaker to make the kind of decision which is included in this action. It isn't a laughable matter, it is important that -- and I am sure you can remember how from time-to-time the Speaker would get irate because the Revisor's Office could not get this material out, could not get it into the flow so we could do the appropriate work -- this is another tool and it is probably the first and only time this session when we will have a chance to speak as members of this House with regard to our own destiny. It seems to me as though it is important and we ought to prove it.

I would urge you to support the Joint Order.

The SPEAKER: The Chair will order a vote. The pending question before the House is passage of Joint Order, House Paper 6. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

43 having voted in the affirmative and 84 in the negative, the Joint Order failed passage.

The following item appearing on Supplement No. 13 was taken up out of order by unanimous consent:

ORDERS

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

Ordered, the Senate concurring, that Joint Rule 13 be amended to read:

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 Banking and Insurance
- On Business Legislation
- On Housing and Economic Development
- On Education
- On Energy and Natural Resources
- On Fisheries and Wildlife
- On Human Resources
- On Judiciary
- On Labor
- On Legal Affairs
- On Marine Resources
- On State and Local Government
- On Taxation
- On Transportation
- On Utilities

Membership. Each of these committees shall consist of no more than 3 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 committees shall meet to elect chairmen on the first day that the Legislature meets~~

in January. The first-named Senate member shall call the Senate members to order to ballot for Senate chairman. The first-named House member shall call the House members to order to ballot for House chairman. In the event that no Senate member receives a majority of votes cast on the first ballot, the first-named Senate member shall serve as chairman. In the event that no House member receives a majority on the first ballot, the name of the member receiving the lowest number of votes shall be withdrawn and balloting shall recommence. This process shall be repeated as necessary until one House member receives a majority of the votes cast. The Senate chairman shall preside and in his absence the Senate chairman's 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 clerks. 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. ~~The salaries~~ salary of each committee clerk shall be established by the President of the Senate and the Speaker of the House and shall terminate when all bills have been reported out by the committee. The Executive Director of the Legislative Council is authorized and directed to certify vouchers of the committee clerks.

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 two 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 three 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.

Was read.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative Hepburn.

Representative HEPBURN: Mr. Speaker, Men and Women of the House: This is a Joint Order relating to the selection of committee chairs in the various Joint Standing Committees here in the legislature.

The new language would come in under the membership section in the current rules and it states that, unlike the current method of selecting a chairman whereby the presiding officers of both bodies select the chairman of the committee, that on the first day that the legislature meets in January, which will be January 3rd this year, the members of the other body would gather and select their chairs and the members of the House would gather and select the House chairs.

To be quite honest with you, when I first got here I was surprised that this wasn't the way we did it. I remember going down to the Labor Committee on the first day and walking in the door and, all of a sudden, a couple of gavels came down and we started doing business. I was a little bit surprised to see that the chairman had already been picked.

This method of selecting our House and Senate chairs would be somewhat similar to the way our county legislative delegations currently pick their chairman. It is a kind of progressive and democratic way of picking a chairman for the committees, I think it is a very good common sense approach and it is closer to the system that is used in Congress where the members of the majority party votes pick the various chairs of Senate and House committees.

I think it is a bill that gives empowerment to the rank and file members and I think it is a good step toward good government. I hope you will support it.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadodsky.

Representative GWADOSKY: Mr. Speaker, Men and Women of the House: Far be it for me to disagree with the Representative from Skowhegan, Representative Hepburn in his approach to further advancement of good, clean government on behalf of the Maine Legislature. I think, once again, he has done just that.

The tradition of allowing the presiding officers of these bodies to select the chairman of the committees has been around since 1820, since Maine became a state. The reasons for that are quite clear -- when the majority party is in position to elect a presiding officer, we want that presiding officer in the majority party to be able to pick their own chairs -- in other words, to carry out the mandate of that political party. We see no reason to change that now. I understand exactly what is going on as every single member in this chamber understands exactly what is going on -- I see my good friend from Waterville, Representative Jacques is also going to make a comment on this so let me, at this point, move to indefinitely postpone this Joint Order. Thank you for your consideration.

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

Representative JACQUES: Mr. Speaker, I would like to pose a couple of questions to the good Representative from Skowhegan, Representative Hepburn.

I am sure that someone does not offer such a radical change in the rules without a very good reason. Being a former House Chair of a committee

for four years, I would like to pose a question. I have seen my other House Chair, Representative Michaud, work -- is there a particular reason why the Representative feels that the members of his party have not been treated fairly by any particular House Chair? I imagine, since he is advocating this position, he must have some examples of where some of the chairs or any of the chairs have not done their job properly as they were appointed to do by the presiding officer -- perhaps he could relate those to this body?

The other question is, would he then be in favor of the majority of this body picking the commissioners that serve the people of this state in that same democratic process that he is advocating for our Chief Executive who assumes that he should have the right to pick the people that he will be working with to run his departments, I imagine the same way the Speaker presumes he will have his chairs that will be working with him running the legislative committees?

The SPEAKER: The Representative from Waterville, Representative Jacques, has posed a series of questions through the Chair to the Representative from Skowhegan, Representative Hepburn, who may respond if he so desires.

The Chair recognizes that Representative.

Representative HEPBURN: Mr. Speaker, Men and Women of the House: Just quickly, I would like to respond to some of the concerns that have been voiced here. I feel kind of like the President of a Central America Republic right now -- being the target of the moment. But, first of all, I would have to take some issue with the idea that this is in any way a radical proposal. I think most of us believe in the democratic form of government and this is certainly a very democratic form of electing a chairman. Certainly I think the term radical, when it applies to this particular proposal, is inappropriate.

Secondly, the Representative from Fairfield mentioned that this would somehow attack the idea that the majority party who runs the show here -- if anyone questioned that, I guess I would like to inform you that rumor has it, that there will probably be about three Republican members on most of the Joint Standing Committees so I think with seven members, the majority party would be able to elect practically whomever they would care to. I would certainly expect that to be the case anyhow.

Relating to the commissioners -- certainly as a function of the Executive Branch, it is not appropriate that the legislature pick commissioners. I think we could dispatch that one out of hand.

One reason I would really like to move to this system though is because I think it is a good system. I think it is a better system than the one we have now. So often here in state government, and it is true of the government in Washington and true of our local boards of selectmen and our school boards, is that we have government by crisis, something is wrong so we instantly change the system. We have to change it now because there is a crisis that is going on. We don't have a crisis, I don't have any problems with any of the presiding chairs (we don't know who they are going to be yet) and I don't have a bone to pick with any one as far as who has been a chairman in the past or who might be in the future -- I just think it is a fairer, more reasonable and more inclusive process to have committee chairs elected by the committees that they will be working with all year than it is to have them named elsewhere. The other system has worked

relatively well -- that is all right but I think it could work better if we had chairpersons who were elected by their committees rather than have chairpersons who were named. That is all.

I hope you will support the Order.

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

Representative MACOMBER: Mr. Speaker, Men and Women of the House: I guess my only concern would be is -- I served on a committee for the past eight years and this year we are looking for the possibility of having seven new members on that committee -- just how would that work, would we campaign to be chairman the same way we campaign to get elected here? Those seven new people who come on my particular committee -- what would their qualifications be or what would the criteria be for electing that chairman? Would each one of us have to state why we thought we should be chairman or what our qualifications are? I think the present system perhaps does not always benefit all of us but I do think it is a system that has worked for many years.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Fairfield, Representative Gwadosky, that Joint Order, House Paper 5 be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

89 having voted in the affirmative and 39 in the negative, the motion did prevail.

The following item appearing on Supplement No. 16 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act to Make an Appropriation to the Secretary of State for Expenses Incurred in Recent Elections (S.P. 16) (L.D. 1) (H. "A" H-1)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 125 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

(At Ease to Gong)

The House was called to order by the Speaker.

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

PAPER FROM THE SENATE

The following Joint Order: (S.P. 17)

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, January 3, 1989, at 10:00 o'clock in the morning, unless called earlier by mutual agreement of the President of the Senate and Speaker of the House.

Came from the Senate, read and passed.

Was read and passed in concurrence.

On motion of Representative Lord of Waterboro,
Adjourned until Tuesday, January 3, 1989, at ten
o'clock in the morning pursuant to Joint Order (S.P.
17)