

LEGISLATIVE RECORD

OF THE

One Hundred And Fifteenth Legislature

OF THE

State Of Maine

VOLUME I

FIRST REGULAR SESSION

House of Representatives December 5, 1990 to May 16, 1991

ONE HUNDRED AND FIFTEENTH MAINE LEGISLATURE FIRST REGULAR SESSION lst Legislative Day Wednesday, December 5, 1990

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 Fifteenth 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 Fourteenth Legislature.

Prayer by Monsignor Gilman J. Chaloult, St. Thomas Aquinas Parish, Madawaska.

Pledge of Allegiance.

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 Fourteenth 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 Fifteenth Legislature, as appears by the report submitted to the Governor under date of November 26, 1990.

District	1	Mark W. Lawrence, Kittery
District	2	David N. Ott, York
District	2 3	Walter W. Hichens, Eliot
District	4	Wesley Farnum, South Berwick
District	5	Eleanor Murphy, Berwick
District	6	Joseph G. Carleton, Jr., Wells
District	6 7	Jack L. Libby, Kennebunk
District	8	Jason Wentworth, Arundel
District	9	Donald H. Gean, Alfred
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	Merton C. Waterman, Buxton
District	17	George J. Kerr, Old Orchard Beach
District	18	Guy Ř. Nadeau, Saco
District	19	Peggy A. Pendleton, Scarborough
District	20	Joan M. Pendexter, Scarborough
District	21	Stephen P. Simonds, Cape Elizabeth
District	22	Santo S. DiPietro, South Portland
District	23	Cushman D. Anthony, South Portland
	24	Harold M. Macomber, South Portland
	25	Anne M. Rand, Portland
	26	James V. Oliver, Portland
	27	Herbert C. Adams, Portland
District	28	Fred L. Richardson, Portland
District	29	Peter J. Manning, Portland
District	30	Harriet A. Ketover, Portland
District	31	Christopher S. Gurney, Portland
District	32	Annette M. Hoglund, Portland
District	33	William B. O'Gara, Westbrook
	34	William Lemke, Westbrook
District	35	Elden McKeen, Windham
District	36	Anne M. Larrivee, Gorham

District	37	Carol A. Kontos, 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	Sophia D. Pfeiffer, Brunswick
District	44	Donnell P. Carroll, Gray
District	45	P. Kelley Simpson, Casco
District	46	Leslie Kutasi, Jr., Bridgton
District	47	Ernest C. Greenlaw, Standish
District	48	Peter G. Hastings, Fryeburg
District	49	Alvin L. Barth, Jr., Bethel
District	50	Richard A. Bennett, 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	Basil L. Powers, Coplin Plantation
District	56 57	Ronald C. Bailey, Farmington Edward L. Pineau, Jay
District	57	Richard H. C. Tracy, Rome
District District	50 59	
District	60	John M. Nutting, Leeds Rosalie Hemond Aikman, Poland
District	61	Jo Anne D. Lapointe, Auburn
District	62	Constance D. Cote, Auburn
District	63	Susan E. Dore, Auburn
District	64	Vivian St. Onge, Greene
District	65	John A. Aliberti, Lewiston
District	66	Bradford Boutilier, Lewiston
District	67	George F. Ricker, 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 Gilman Stevens, Jr., Sabattus
District	73	Lorraine N. Chonko, Topsham
		Lorraine N. Chonko, Topsham Maria Glen Holt, Bath
District	73 74 75	Lorraine N. Chonko, Topsham Maria Glen Holt, Bath Mary E. Small, Bath
District District District District	73 74	Lorraine N. Chonko, Topsham Maria Glen Holt, Bath Mary E. Small, Bath James Reed Coles, Harpswell
District District District District District	73 74 75 76 77	Lorraine N. Chonko, Topsham Maria Glen Holt, Bath Mary E. Small, Bath James Reed Coles, Harpswell Charles H. Heino, Boothbay
District District District District District District	73 74 75 76 77 78	Lorraine N. Chonko, Topsham Maria Glen Holt, Bath Mary E. Small, Bath James Reed Coles, Harpswell Charles H. Heino, Boothbay Marjorie Kilkelly, Wiscasset
District District District District District District District	73 74 75 76 77 78 79	Lorraine N. Chonko, Topsham Maria Glen Holt, Bath Mary E. Small, Bath James Reed Coles, Harpswell Charles H. Heino, Boothbay Marjorie Kilkelly, Wiscasset Robert W. Spear, Nobleboro
District District District District District District District District	73 74 75 76 77 78 79 80	Lorraine N. Chonko, Topsham Maria Glen Holt, Bath Mary E. Small, Bath James Reed Coles, Harpswell Charles H. Heino, Boothbay Marjorie Kilkelly, Wiscasset Robert W. Spear, Nobleboro Joseph W. Mayo, Thomaston
District District District District District District District District District	73 74 75 76 77 78 79 80 81	Lorraine N. Chonko, Topsham Maria Glen Holt, Bath Mary E. Small, Bath James Reed Coles, Harpswell Charles H. Heino, Boothbay Marjorie Kilkelly, Wiscasset Robert W. Spear, Nobleboro Joseph W. Mayo, Thomaston James G. Skoglund, St. George
District District District District District District District District District	73 74 75 76 77 78 79 80 81 82	Lorraine N. Chonko, Topsham Maria Glen Holt, Bath Mary E. Small, Bath James Reed Coles, Harpswell Charles H. Heino, Boothbay Marjorie Kilkelly, Wiscasset Robert W. Spear, Nobleboro Joseph W. Mayo, Thomaston James G. Skoglund, St. George Rita B. Melendy, Rockland
District District District District District District District District District District	73 74 75 76 77 78 79 80 81 82 83	Lorraine N. Chonko, Topsham Maria Glen Holt, Bath Mary E. Small, Bath James Reed Coles, Harpswell Charles H. Heino, Boothbay Marjorie Kilkelly, Wiscasset Robert W. Spear, Nobleboro Joseph W. Mayo, Thomaston James G. Skoglund, St. George Rita B. Melendy, Rockland Lawrence F. Nash, Camden
District District District District District District District District District District District District	73 74 75 76 77 78 79 80 81 82 83 84	Lorraine N. Chonko, Topsham Maria Glen Holt, Bath Mary E. Small, Bath James Reed Coles, Harpswell Charles H. Heino, Boothbay Marjorie Kilkelly, Wiscasset Robert W. Spear, Nobleboro Joseph W. Mayo, Thomaston James G. Skoglund, St. George Rita B. Melendy, Rockland Lawrence F. Nash, Camden Elmer N. Savage, Union
District District District District District District District District District District District District District	73 74 75 76 77 78 80 81 82 83 84 85	Lorraine N. Chonko, Topsham Maria Glen Holt, Bath Mary E. Small, Bath James Reed Coles, Harpswell Charles H. Heino, Boothbay Marjorie Kilkelly, Wiscasset Robert W. Spear, Nobleboro Joseph W. Mayo, Thomaston James G. Skoglund, St. George Rita B. Melendy, Rockland Lawrence F. Nash, Camden Elmer N. Savage, Union Paul Parent, Benton
District District District District District District District District District District District District District District District	73 74 75 76 77 78 80 81 82 83 84 85 86	Lorraine N. Chonko, Topsham Maria Glen Holt, Bath Mary E. Small, Bath James Reed Coles, Harpswell Charles H. Heino, Boothbay Marjorie Kilkelly, Wiscasset Robert W. Spear, Nobleboro Joseph W. Mayo, Thomaston James G. Skoglund, St. George Rita B. Melendy, Rockland Lawrence F. Nash, Camden Elmer N. Savage, Union Paul Parent, Benton Donald V. Carter, Winslow
District District District District District District District District District District District District District District District	73 74 75 76 77 78 79 80 81 82 83 84 85 86 85	Lorraine N. Chonko, Topsham Maria Glen Holt, Bath Mary E. Small, Bath James Reed Coles, Harpswell Charles H. Heino, Boothbay Marjorie Kilkelly, Wiscasset Robert W. Spear, Nobleboro Joseph W. Mayo, Thomaston James G. Skoglund, St. George Rita B. Melendy, Rockland Lawrence F. Nash, Camden Elmer N. Savage, Union Paul Parent, Benton Donald V. Carter, Winslow Elizabeth H. Mitchell, Vassalboro
District District District District District District District District District District District District District District District District	73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88	Lorraine N. Chonko, Topsham Maria Glen Holt, Bath Mary E. Small, Bath James Reed Coles, Harpswell Charles H. Heino, Boothbay Marjorie Kilkelly, Wiscasset Robert W. Spear, Nobleboro Joseph W. Mayo, Thomaston James G. Skoglund, St. George Rita B. Melendy, Rockland Lawrence F. Nash, Camden Elmer N. Savage, Union Paul Parent, Benton Donald V. Carter, Winslow Elizabeth H. Mitchell, Vassalboro Beverly C. Daggett, Augusta
District District District District District District District District District District District District District District District District District District District	73 74 75 76 77 78 80 81 82 83 84 85 86 87 88 88 88 88	Lorraine N. Chonko, Topsham Maria Glen Holt, Bath Mary E. Small, Bath James Reed Coles, Harpswell Charles H. Heino, Boothbay Marjorie Kilkelly, Wiscasset Robert W. Spear, Nobleboro Joseph W. Mayo, Thomaston James G. Skoglund, St. George Rita B. Melendy, Rockland Lawrence F. Nash, Camden Elmer N. Savage, Union Paul Parent, Benton Donald V. Carter, Winslow Elizabeth H. Mitchell, Vassalboro Beverly C. Daggett, Augusta Patrick E. Paradis, Augusta
District District District District District District District District District District District District District District District District District District District	73 74 75 76 77 78 80 81 82 83 84 85 86 87 88 89 90	Lorraine N. Chonko, Topsham Maria Glen Holt, Bath Mary E. Small, Bath James Reed Coles, Harpswell Charles H. Heino, Boothbay Marjorie Kilkelly, Wiscasset Robert W. Spear, Nobleboro Joseph W. Mayo, Thomaston James G. Skoglund, St. George Rita B. Melendy, Rockland Lawrence F. Nash, Camden Elmer N. Savage, Union Paul Parent, Benton Donald V. Carter, Winslow Elizabeth H. Mitchell, Vassalboro Beverly C. Daggett, Augusta Patrick E. Paradis, Augusta
District District	73 74 75 76 77 78 80 81 82 83 84 85 86 87 88 89 90 91	Lorraine N. Chonko, Topsham Maria Glen Holt, Bath Mary E. Small, Bath James Reed Coles, Harpswell Charles H. Heino, Boothbay Marjorie Kilkelly, Wiscasset Robert W. Spear, Nobleboro Joseph W. Mayo, Thomaston James G. Skoglund, St. George Rita B. Melendy, Rockland Lawrence F. Nash, Camden Elmer N. Savage, Union Paul Parent, Benton Donald V. Carter, Winslow Elizabeth H. Mitchell, Vassalboro Beverly C. Daggett, Augusta Patrick E. Paradis, Augusta Sumner H. Lipman, Augusta
District District	73 74 75 76 77 78 80 81 82 83 84 85 86 88 88 89 91 91	Lorraine N. Chonko, Topsham Maria Glen Holt, Bath Mary E. Small, Bath James Reed Coles, Harpswell Charles H. Heino, Boothbay Marjorie Kilkelly, Wiscasset Robert W. Spear, Nobleboro Joseph W. Mayo, Thomaston James G. Skoglund, St. George Rita B. Melendy, Rockland Lawrence F. Nash, Camden Elmer N. Savage, Union Paul Parent, Benton Donald V. Carter, Winslow Elizabeth H. Mitchell, Vassalboro Beverly C. Daggett, Augusta Patrick E. Paradis, Augusta Sumner H. Lipman, Augusta Susan Farnsworth, Hallowell Sharon Treat, Gardiner
District District	73 74 75 76 77 78 80 81 82 83 84 85 86 87 88 89 90 91	Lorraine N. Chonko, Topsham Maria Glen Holt, Bath Mary E. Small, Bath James Reed Coles, Harpswell Charles H. Heino, Boothbay Marjorie Kilkelly, Wiscasset Robert W. Spear, Nobleboro Joseph W. Mayo, Thomaston James G. Skoglund, St. George Rita B. Melendy, Rockland Lawrence F. Nash, Camden Elmer N. Savage, Union Paul Parent, Benton Donald V. Carter, Winslow Elizabeth H. Mitchell, Vassalboro Beverly C. Daggett, Augusta Patrick E. Paradis, Augusta Sumner H. Lipman, Augusta Susan Farnsworth, Hallowell Sharon Treat, Gardiner John F. Marsh, West Gardiner
District District	73 74 75 76 77 80 81 82 83 84 85 88 87 88 89 90 91 92 93	Lorraine N. Chonko, Topsham Maria Glen Holt, Bath Mary E. Small, Bath James Reed Coles, Harpswell Charles H. Heino, Boothbay Marjorie Kilkelly, Wiscasset Robert W. Spear, Nobleboro Joseph W. Mayo, Thomaston James G. Skoglund, St. George Rita B. Melendy, Rockland Lawrence F. Nash, Camden Elmer N. Savage, Union Paul Parent, Benton Donald V. Carter, Winslow Elizabeth H. Mitchell, Vassalboro Beverly C. Daggett, Augusta Patrick E. Paradis, Augusta Sumner H. Lipman, Augusta Susan Farnsworth, Hallowell Sharon Treat, Gardiner John F. Marsh, West Gardiner Wendy L. Ault, Wayne
District District	73 74 75 76 77 80 81 82 83 84 85 86 87 88 90 91 92 93 94	Lorraine N. Chonko, Topsham Maria Glen Holt, Bath Mary E. Small, Bath James Reed Coles, Harpswell Charles H. Heino, Boothbay Marjorie Kilkelly, Wiscasset Robert W. Spear, Nobleboro Joseph W. Mayo, Thomaston James G. Skoglund, St. George Rita B. Melendy, Rockland Lawrence F. Nash, Camden Elmer N. Savage, Union Paul Parent, Benton Donald V. Carter, Winslow Elizabeth H. Mitchell, Vassalboro Beverly C. Daggett, Augusta Patrick E. Paradis, Augusta Sumner H. Lipman, Augusta Susan Farnsworth, Hallowell Sharon Treat, Gardiner John F. Marsh, West Gardiner Wendy L. Ault, Wayne Omar P. Norton, Winthrop Thomas E. Poulin, Oakland
District District	73 74 75 76 77 80 81 82 83 84 85 86 87 88 90 91 92 93 95	Lorraine N. Chonko, Topsham Maria Glen Holt, Bath Mary E. Small, Bath James Reed Coles, Harpswell Charles H. Heino, Boothbay Marjorie Kilkelly, Wiscasset Robert W. Spear, Nobleboro Joseph W. Mayo, Thomaston James G. Skoglund, St. George Rita B. Melendy, Rockland Lawrence F. Nash, Camden Elmer N. Savage, Union Paul Parent, Benton Donald V. Carter, Winslow Elizabeth H. Mitchell, Vassalboro Beverly C. Daggett, Augusta Patrick E. Paradis, Augusta Sumner H. Lipman, Augusta Susan Farnsworth, Hallowell Sharon Treat, Gardiner John F. Marsh, West Gardiner Wendy L. Ault, Wayne Omar P. Norton, Winthrop Thomas E. Poulin, Oakland
District District	73 74 75 76 77 80 81 82 83 84 85 88 89 91 92 93 94 95 97 98	Lorraine N. Chonko, Topsham Maria Glen Holt, Bath Mary E. Small, Bath James Reed Coles, Harpswell Charles H. Heino, Boothbay Marjorie Kilkelly, Wiscasset Robert W. Spear, Nobleboro Joseph W. Mayo, Thomaston James G. Skoglund, St. George Rita B. Melendy, Rockland Lawrence F. Nash, Camden Elmer N. Savage, Union Paul Parent, Benton Donald V. Carter, Winslow Elizabeth H. Mitchell, Vassalboro Beverly C. Daggett, Augusta Patrick E. Paradis, Augusta Sumner H. Lipman, Augusta Susan Farnsworth, Hallowell Sharon Treat, Gardiner Wendy L. Ault, Wayne Omar P. Norton, Winthrop Thomas E. Poulin, Oakland Paul F. Jacques, Waterville Ruth Joseph, Waterville
District District	73 74 75 76 77 80 81 82 83 88 88 90 923 99 94 95 99 99 99 99 99 99 99 99 99 99 99 99	Lorraine N. Chonko, Topsham Maria Glen Holt, Bath Mary E. Small, Bath James Reed Coles, Harpswell Charles H. Heino, Boothbay Marjorie Kilkelly, Wiscasset Robert W. Spear, Nobleboro Joseph W. Mayo, Thomaston James G. Skoglund, St. George Rita B. Melendy, Rockland Lawrence F. Nash, Camden Elmer N. Savage, Union Paul Parent, Benton Donald V. Carter, Winslow Elizabeth H. Mitchell, Vassalboro Beverly C. Daggett, Augusta Patrick E. Paradis, Augusta Sumner H. Lipman, Augusta Susan Farnsworth, Hallowell Sharon Treat, Gardiner John F. Marsh, West Gardiner Wendy L. Ault, Wayne Omar P. Norton, Winthrop Thomas E. Poulin, Oakland Paul F. Jacques, Waterville Ruth Joseph, Waterville Dan A. Gwadosky, Fairfield
District District	73 74 75 76 77 78 80 81 82 83 84 88 88 90 912 93 95 96 99 99 99 90	Lorraine N. Chonko, Topsham Maria Glen Holt, Bath Mary E. Small, Bath James Reed Coles, Harpswell Charles H. Heino, Boothbay Marjorie Kilkelly, Wiscasset Robert W. Spear, Nobleboro Joseph W. Mayo, Thomaston James G. Skoglund, St. George Rita B. Melendy, Rockland Lawrence F. Nash, Camden Elmer N. Savage, Union Paul Parent, Benton Donald V. Carter, Winslow Elizabeth H. Mitchell, Vassalboro Beverly C. Daggett, Augusta Patrick E. Paradis, Augusta Susan Farnsworth, Hallowell Sharon Treat, Gardiner John F. Marsh, West Gardiner Wendy L. Ault, Wayne Omar P. Norton, Winthrop Thomas E. Poulin, Oakland Paul F. Jacques, Waterville Ruth Joseph, Waterville Ruth Joseph, Waterville Dan A. Gwadosky, Fairfield Michael F. Hepburn, Skowhegan
District District	73 74 75 76 77 80 81 82 83 84 88 88 90 91 92 94 95 97 99 99 90 101	Lorraine N. Chonko, Topsham Maria Glen Holt, Bath Mary E. Small, Bath James Reed Coles, Harpswell Charles H. Heino, Boothbay Marjorie Kilkelly, Wiscasset Robert W. Spear, Nobleboro Joseph W. Mayo, Thomaston James G. Skoglund, St. George Rita B. Melendy, Rockland Lawrence F. Nash, Camden Elmer N. Savage, Union Paul Parent, Benton Donald V. Carter, Winslow Elizabeth H. Mitchell, Vassalboro Beverly C. Daggett, Augusta Patrick E. Paradis, Augusta Susner H. Lipman, Augusta Susan Farnsworth, Hallowell Sharon Treat, Gardiner Wendy L. Ault, Wayne Omar P. Norton, Winthrop Thomas E. Poulin, Oakland Paul F. Jacques, Waterville Ruth Joseph, Waterville Dan A. Gwadosky, Fairfield Michael F. Hepburn, Skowhegan Tracy R. Goodridge, Pittsfield
District District	73 74 75 76 77 80 81 82 83 84 85 86 88 90 91 92 93 95 97 99 99 90 101 102	Lorraine N. Chonko, Topsham Maria Glen Holt, Bath Mary E. Small, Bath James Reed Coles, Harpswell Charles H. Heino, Boothbay Marjorie Kilkelly, Wiscasset Robert W. Spear, Nobleboro Joseph W. Mayo, Thomaston James G. Skoglund, St. George Rita B. Melendy, Rockland Lawrence F. Nash, Camden Elmer N. Savage, Union Paul Parent, Benton Donald V. Carter, Winslow Elizabeth H. Mitchell, Vassalboro Beverly C. Daggett, Augusta Patrick E. Paradis, Augusta Sumner H. Lipman, Augusta Susan Farnsworth, Hallowell Sharon Treat, Gardiner John F. Marsh, West Gardiner Wendy L. Ault, Wayne Omar P. Norton, Winthrop Thomas E. Poulin, Oakland Paul F. Jacques, Waterville Ruth Joseph, Waterville Dan A. Gwadosky, Fairfield Michael F. Hepburn, Skowhegan Tracy R. Goodridge, Pittsfield Andrew Ketterer, Madison
District District	73 74 75 76 77 80 81 82 83 84 85 88 90 91 92 93 95 96 97 98 90 101 102 103	Lorraine N. Chonko, Topsham Maria Glen Holt, Bath Mary E. Small, Bath James Reed Coles, Harpswell Charles H. Heino, Boothbay Marjorie Kilkelly, Wiscasset Robert W. Spear, Nobleboro Joseph W. Mayo, Thomaston James G. Skoglund, St. George Rita B. Melendy, Rockland Lawrence F. Nash, Camden Elmer N. Savage, Union Paul Parent, Benton Donald V. Carter, Winslow Elizabeth H. Mitchell, Vassalboro Beverly C. Daggett, Augusta Patrick E. Paradis, Augusta Susan Farnsworth, Hallowell Sharon Treat, Gardiner John F. Marsh, West Gardiner Wendy L. Ault, Wayne Omar P. Norton, Winthrop Thomas E. Poulin, Oakland Paul F. Jacques, Waterville Ruth Joseph, Waterville Ruth Joseph, Waterville Dan A. Gwadosky, Fairfield Michael F. Hepburn, Skowhegan Tracy R. Goodridge, Pittsfield Andrew Ketterer, Madison Dorothy A. Rotondi, Athens
District District	73 74 75 76 77 80 81 82 83 84 85 88 90 91 92 93 95 96 99 90 101 102 103	Lorraine N. Chonko, Topsham Maria Glen Holt, Bath Mary E. Small, Bath James Reed Coles, Harpswell Charles H. Heino, Boothbay Marjorie Kilkelly, Wiscasset Robert W. Spear, Nobleboro Joseph W. Mayo, Thomaston James G. Skoglund, St. George Rita B. Melendy, Rockland Lawrence F. Nash, Camden Elmer N. Savage, Union Paul Parent, Benton Donald V. Carter, Winslow Elizabeth H. Mitchell, Vassalboro Beverly C. Daggett, Augusta Patrick E. Paradis, Augusta Sumar H. Lipman, Augusta Susan Farnsworth, Hallowell Sharon Treat, Gardiner John F. Marsh, West Gardiner Wendy L. Ault, Wayne Omar P. Norton, Winthrop Thomas E. Poulin, Oakland Paul F. Jacques, Waterville Ruth Joseph, Waterville Dan A. Gwadosky, Fairfield Michael F. Hepburn, Skowhegan Tracy R. Goodridge, Pittsfield Andrew Ketterer, Madison Dorothy A. Rotondi, Athens Richard A. Gould, Greenville
District District	73 74 75 76 77 80 81 82 83 84 88 88 90 91 92 93 95 97 99 99 90 100 102 102 104 105	Lorraine N. Chonko, Topsham Maria Glen Holt, Bath Mary E. Small, Bath James Reed Coles, Harpswell Charles H. Heino, Boothbay Marjorie Kilkelly, Wiscasset Robert W. Spear, Nobleboro Joseph W. Mayo, Thomaston James G. Skoglund, St. George Rita B. Melendy, Rockland Lawrence F. Nash, Camden Elmer N. Savage, Union Paul Parent, Benton Donald V. Carter, Winslow Elizabeth H. Mitchell, Vassalboro Beverly C. Daggett, Augusta Patrick E. Paradis, Augusta Susan Farnsworth, Hallowell Sharon Treat, Gardiner John F. Marsh, West Gardiner Wendy L. Ault, Wayne Omar P. Norton, Winthrop Thomas E. Poulin, Oakland Paul F. Jacques, Waterville Ruth Joseph, Waterville Ruth Joseph, Waterville Dan A. Gwadosky, Fairfield Michael F. Hepburn, Skowhegan Tracy R. Goodridge, Pittsfield Andrew Ketterer, Madison Dorothy A. Rotondi, Athens

B1-1-1-1-1	^ 7	
District 1		William F. Reed, Dexter
District 1		Robert J. Tardy, Palmyra
District 1	09	Madeline D. Stevenson, Unity
District 1	10	Walter E. Whitcomb, Waldo
District 1	11	Walter E. Whitcomb, Waldo Francis C. Marsano, Belfast
District 1	12	Nathaniel J. Crowley, Sr., Stockton
		Springs
District 1	13	John H. Richards, Hampden
District 1		Donald A. Strout, Corinth
District 1		Catharine K. Lebowitz, Bangor
District 1		Thomas A. Duffy, Bangor
		Detwisie M. Stevens Berger
District 1	17	Patricia M. Stevens, Bangor
District 1	18	Joseph A. Garland, Bangor
District 1 District 1	19	Hugh A. Morrison, Bangor
		Richard P. Ruhlin, Brewer
District 1		Helen M. Tupper, Orrington
District 1	22	E. Michael Swazey, Bucksport
District 1	23	Glenith C. Gray, Sedgwick
District 1	24	John H. Carroll, Southwest Harbor
District 1 District 1	25	Virginia Constantine, Bar Harbor
District 1	26	Frank H. Farren, Jr., Cherryfield
District 1		Deale B. Salisbury, Ellsworth
District 1	28	Susan Dubay Duplessis, Old Town
District 1	20	
District 1 District 1	29	Mary R. Cathcart, Orono
		John J. O'Dea, Orono
District 1		John A. Cashman, Old Town
District 1	32	Clyde A. Hichborn, Howland
District 1	33	Mary Cahill, Mattawamkeag
District 1 District 1	34	Michael H. Michaud, East Millinocket
District 1	35	Herbert E. Clark, Millinocket
District 1		Theone F. Look, Jonesboro
District 1	37	George A. Townsend, Eastport
District 1	38	Antonio J. Tammaro, Baileyville
District 1	39	Harry Bailey, Township 27
District 1	40	Rodney V. Bowers, Sherman
District 1		Nason S. Graham, Houlton
District 1		Mary H. MacBride, Presque Isle
District 1		James Donnelly, Presque Isle
District 1		B. Carolyne T. Mahany, Easton
District 1	44	D. Carofyne i. Hanany, Easton
District 1	43	Susan J. Pines, Limestone
District 1		Wilfred J. Bell, Caribou
District 1	4/	Malachi Anderson, Woodland
District 1		Hilda C. Martin, Van Buren
District 1	49	Edward A. McHenry, Madawaska
District 1		Judy Paradis, Frenchville
District 1	51	John L. Martin, Eagle Lake

IN TESTIMONY WHEREOF I have caused the Seal of the State to be herewith affixed at Augusta this thirtieth day of November, 1990.

s/G. William Diamond 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 151 having answered to their names, a quorum was found to be present. On Motion of Representative GWADOSKY of Fairfield, the following Order:

WHEREAS, the House is in possession of a petition from Daniel B. Hickey of Augusta, Maine alleging certain irregularities in the election in District 90; and

WHEREAS, a recount of the election result in District 90 has been properly and duly requested and that recount is presently pending; and

WHEREAS, the Commission on Governmental Ethics and Election Practices has authority to investigate the allegations of irregularities in this election and to review the recount of the election results; and

WHEREAS, the Maine Constitution, Article 4, Part 3rd, section 3 provides that the House shall determine by majority vote the qualifications and elections of its members; and

WHEREAS, on November 26, 1990, the Governor certified that Sumner H. Lipman was the apparent winner in said election and a certificate of apparent election was issued to said Sumner H. Lipman; and,

WHEREAS, that the House does not now determine this disputed election and does not now declare that any candidate was duly elected to District 90 House seat; now, therefore be it

ORDERED, that Sumner H. Lipman be administered an oath of office and be permitted to temporarily assume a seat pending further action and determination and declaration of that determination by majority vote of the House, after receipt of a copy of findings of fact and opinion of the Commission on Governmental Ethics and Election Practices, further consideration by this House or its committees, determination of the disputed election, and declaration of the results thereof.

Was read.

The CLERK: The Chair recognizes the Representative from Fryeburg, Representative Hastings. Representative HASTINGS: Mr. Clerk, my inquiry to the Chair is, (if my understanding of this Order is correct) if it were adopted by the House it would constitute no waiver of any rights by Sumner Lipman as to this election?

The CLERK: The Representative from Fryeburg, Representative Hastings, has posed a question through the Chair to anyone who may respond if they so desire. The Clerk recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Chairman, Ladies and Gentlemen of the House: I would be happy to respond and to assure Representative-elect Hastings that nothing in this Order should be thought to interfere with the Constitutional statutory rights of any member pursuant to law.

Subsequently was passed.

On motion of Representative GWADOSKY of

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

Fairfield, that Representative CARTER of Winslow, Representative CHONKO of Topsham, Representative MCHENRY of Madawaska, Representative JACQUES of Waterville, Representative PARADIS of Augusta, Representative HICHENS of Eliot and Representative STROUT of Corinth, be 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.

At this point, Representative-elect Carter of Winslow reported that the Committee has delivered the message with which they were charged.

Subsequently, the Governor, the Honorable JOHN R. McKERNAN, JR., entered the Hall of the House amid applause, the audience rising.

GOVERNOR McKERNAN: Thank you Mr. Clerk and Honorable members-to-be of the 115th Maine House of Representatives: I want to officially welcome all of you to Augusta and to your roles as Representatives of the people of our state. I can see that you all survived the activities of last night and arrived here ready to go to work.

here ready to go to work. I want to wish you success in the months ahead in what will frankly be one of the most challenging sessions of the legislature in recent history. In years past, we have had the luxury of governing in the "good times" as many of the members who are returning know. We could count on economic growth to fund many of our new programs and expanded services. We made some very valuable investments and for that we should be grateful. This time around, we have been dealt a very difficult hand. The state and national economies, as we all know, are undergoing a significant downturn. As people throughout our state feel the pain of this downturn, we in government are going to be asked to provide more services with less money.

It is small consolation that our colleagues in at least 30 other states will be grappling with similar problems. I believe that good government means leading in the tough times as well as the good.

Our mission this session will be to create a state government that Maine people can afford. Bipartisan cooperation will be more important than ever before. Every day will count and failure to act now will mean deeper cuts in the future.

Last year, as some of you will remember, I quoted John Kenneth Galbraith who said, "Politics is the art of choosing between the disastrous and the unpalatable." Well, there is going to be no shortage of unpalatable solutions to the problems we face. There is one decision that, in my view, would be disastrous and that is to raise taxes. Raising taxes in a slumping economy takes money out of the pockets of people when they need it the most. It undermines consumer confidence and drains away the very consumer spending and investment that we need to spur the recovery that we all hope for.

More importantly, as you learn the practicalities of the legislative process, I do not believe that there is a two-thirds vote in this legislature to increase the taxes at this time anyway. It is for these reasons that we have concluded that our best approach to balancing our budget and meeting the state's need is to refinance our contributions to the State Retirement System in the Teacher Retirement Program. Under our proposal, and I just want to have a chance to express this to you personally, the payments that we would be scheduled to make this year will be made between 1993 and the year 2001 and there will not be one teacher or one retiree that will lose one cent in our proposal. I liken this situation to the way many families in this state are looking at their own financial situations in refinancing their mortgages and tightening their belts to make sure that they have the ability to make ends meet. In my view, it is not the time to ask Maine people for more in taxes when frankly they have less to give.

This refinancing is necessary unless we want to reduce programs by General Purpose Aid for Education in our communities, the University of Maine, and programs for our needy by 15 percent over the next six months. We need action during this month of December to authorize the refinancing of Teacher Retirement to avoid having to begin making those kinds of draconian cuts which, in my view, would be disastrous. I ask for your help in this endeavor. I want you to know, as I said last night, that I look forward to working with all of you as we make these crucial decisions.

With that, I have the pleasure of administering the oath of office to all of you, the Honorable members of the 115th 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, that Representative MAYO of Thomaston, Representative CLARK of Brunswick, Representative LAWRENCE of Kittery, Representative KONTOS of Windham, Representative TARDY of Palmyra, Representative LOOK of Jonesboro and Representative FARNUM of South Berwick be appointed a Committee to receive, sort and count votes for the Speaker.

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

Representative GWADOSKY: Mr. Chairman, Ladies and Gentlemen of the House: It is indeed a privilege for me to stand before you at this time to place the name of John L. Martin of Eagle Lake in nomination to an unprecedented 9th term as Speaker of the Maine House of Representatives.

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 that he has received over the years but nominations, speeches and tributes don't come without contribution. John Martin, perhaps more than any other member of this legislature, has contributed tirelessly and effectively to the people of the State of Maine.

I first became acquainted with the legend of John

Martin approximately 12 years ago as a Freshman member. I remember distinctively, as Representative Paradis, Representative Jacques, and a few others remember, being very much awe-struck. I had never even set foot in the House Chamber before. One member-elect, Jim Elias (many of you knew Jim) — he was a very, very tall man and I met Jim in the rotunda and he helped me go through the registration. I said, "What do we do next?" He said, "We will go down and attempt to pick out a seat in the House." We were walking down the corridor and we had just about reached the House, when out of the Speaker's Office came John Martin, smiling like ever, hand extended, and looked me straight in the eye and said, "Hi Fairfield." I talked for about 30 seconds and then as we picked out our seats, I commented to Jim Elias as to how impressed I was that he knew where I was from. I said, "I'm really, really surprised." He said, "Look, he just couldn't remember your name." I learned a long time ago that John Martin did know my name, he knows everyone's name and everyone's address. One of the most difficult requirements of Speaker is to learn where everyone is from, because on opening day if they get up to speak, the Speaker of the House has to know where they are from.

Jim Élias served as Speaker pro tem for many, many years and as I sat beside Jim, I used to see him watching John Martin's lips like no one else has ever watched his lips before. Representative Hichborn commented yesterday in our House caucus that "sometimes I speak faster than he can listen" and the thought occurred to me that, as I observed John Martin as a Freshman legislator, that I was certain that he was speaking faster than the speed of sound because I didn't understand a thing he was saying. Sometimes I still don't but, for the most part, most of us have gotten the hang of it.

I went on also to attempt to serve as Speaker pro tem and Speaker Martin allowed me an opportunity to serve in that capacity for approximately six years until I got a seat in leadership and, as you know, once you are in leadership, you don't need to know parliamentary procedure because all we do is stand up and table bills for one day.

I appreciate the opportunity John has provided me and I like to think of John as a friend and I appreciate the things he has done for me over the years. Since 1965 when John was first elected to the first of his 14 terms, he has valued public service, much more than any personal or professional gain. Through his dedication and commitment to the State of Maine, he has earned a state and national reputation as an effective leader, a skilled parliamentarian, and a concerned citizen. There is no Speaker in the nation that has served as Speaker of the House longer than John Martin.

Two years ago, I had an opportunity to read a quote from a book by Jim Mundy in his book on Speaker's of the Maine House. In this book, I think he describes John better than I have ever heard him described before. I, like many of you, have heard John described in many different ways. I think the most unusual way is (just to share a quick story) when we were in Washington, D.C. several years ago attending a leader's conference and I remember being outside of the hotel waiting for a cab to pick us up because we had an afternoon seminar and then we were going to an evening reception for members of Congress who were former members of the legislature. I was standing out there with three or four others when John showed up and I said, "John, do you want to join us?" He said, "I think someone is picking me up." Just then, a stretch limousine pulls in front of all of us with the dark windows, the longest limousine I have ever seen in my life. These people from Taiwan got out of it and we then learned that John had been invited to a special reception with the members of the Taiwan delegation to discuss legislative procedures. As we stood there in awe, John Martin jumped in the back of this stretch limousine with dark windows, colored TV in the back, and I have a vivid memory of him driving away watching the Wheel of Fortune. The four of us proceeded to pile into a cab and, as as you can imagine, there was no TV and no radio. Thanks to the creative driving efforts of our cab driver, we did have the opportunity to observe our life pass before our eyes. We got to the reception and, as you are familiar with most receptions, there is a huge table where you get your name badge and go through the process of registering. A half hour later after getting into the reception, the Speaker enters the reception, goes over to the table, he doesn't even give his name and over to the table, he doesn't even give his name and they say, "Mr. Speaker" and we say, "Everybody knows this guy, no matter where you go." They put a name badge on him and he comes over and talks to us and about five minutes later, we realized that the name badge he had was "Speaker Jim Wright." So we said, "John, your name badge is wrong." He took it off and went back to the registration table and said, "Wrong Speaker." We laughed about it but about two days later we realized there were some similarities. I'm just kidding. I know John Martin and he is no Jim Wright.

In Jim Mundy's book and I think this is important, I mentioned this two years ago, and I want to mention it again because it tells so much about the Speaker of the House. It is important for all of us to recognize this and to think about some of these words. In Jim Mundy's book it 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 district, geographically, in Maine. 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 that he seldom exposes in the State House. John Martin is a very complex person, who is articulate, outgoing, a master parliamentarian, a dignified and even an imposing presiding officer. He is never out-maneuvered and never out-worked. Perhaps his greatest strength lies in his ability to analyse 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.

For the past 8 terms as Speaker, John Martin has developed into a House leader who is firm, yet fair, who is a teacher and disciplinarian, depending upon the circumstances.

More importantly, he has succeeded in making this legislature more efficient, more cost-effective, and more responsive to the people of the State of Maine. At the same time, John Martin has been the driving force behind some of the most significant pieces of legislation to come before this state, Workers' Compensation reform, increases in minimum wage, sound forest management, services to the elderly, including the creation of the Bureau of Maine's Elderly and the permanent Maine Committee on Aging, job training and health and welfare. I could easily go on and on.

On the national level, John has repeatedly served well the interest of Maine people through his leadership roles on national issues and through his testimony before Congress. Regardless of our political parties, we can all be very proud of John in his recent election as President of the National Conference of State Legislatures, elected in August of this year. He will formally take office next week.

It is with great pleasure that I place in nomination the person I consider to be a close friend, the name of John L. Martin of Eagle Lake, for the position of Speaker of the Maine House of Representatives.

The CLERK: The Clerk recognizes the Representative from Howland, Representative Hichborn.

Representative HICHBORN: Mr. Clerk, I rise to second the nomination of John L. Martin of Eagle Lake as Speaker of the Maine House of Representatives for the 115th Legislature.

I can't help thinking how lucky we are that we live in a democracy where we have three branches of government, three equal but separate branches, Executive, Legislative and Judiciary. The checks and balances afforded by this system stands us in good stead on this day. We in the legislative branch have available a leader who is nationally recognized as an expert parliamentarian and is a very successful and outstanding legislative leader, one of the most outstanding in the country today, a leader who will lead us out of the darkness of economic problems that surrounds us here today. We are fortunate, indeed, to have in this legislative branch a leader who can read the economic blueprints, who can use an economic compass, who knows where we are, who knows, by having a clear vision, where we are going, who has compassion for all people and who has the kind of confidence that reassures us that we can and that we will correct mistakes of the past.

I enthusiastically second the nomination of John L. Martin for Speaker of the House of the 115th Legislature.

The CLERK: The Clerk recognizes the Representative from Topsham, Representative Chonko.

Representative CHONKO: Mr. Clerk, I am pleased to second the nomination of John L. Martin. I, too, know how capable he is, I know what he can do for us down the road and I also know by seconding him that I can keep him humble.

Representative Whitcomb of Waldo 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 115th Legislature.

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

The SPEAKER: Thank you very much Men and Women of the House: Thank you in particular for the nominating speech by Representative Gwadosky and the seconding speeches by Representative Chonko and Representative Hichborn. I really want to express my sincere thanks and appreciation for the honor that all of you have given me by electing me to be the Speaker of the House for the 115th Legislature. As you already know, (because many people have reminded you) that this will mark my 9th term as Speaker and my 14th term as a member of this body. You may think after 26 years that the convening of a new legislature would be routine for me and for those of you who are returning but it is more than that. As you know, this new legislature and every new legislature brings with it a sense of hope and a sense of promise. It is also accompanied by a personal sense of awe that, in this sophisticated world of technology, there is still a place where ordinary citizens like you and me can assemble for the purpose of representing other ordinary citizens in the process of governing ourselves.

When you stop and think about it, it is rather remarkable that we engage in a process that is essentially the same since Maine became a state in 1820 when this nation was a far different place, the institution of which all members have endured the test of time and remained a co-equal branch of state government. Our charge is to protect and to defend the institution in its process, to maintain its integrity and independence and to assert its proper status as an equal partner in state government. That is my one pledge to you as members of this body and all the citizens of this state.

This session which lies before us promises to be an extremely challenging one, one I think that will challenge all of us. For awhile each of us as new members, as well as returning members with experience, will be feeling our way with new assignments and new responsibilities and new obligations.

For my party, there is a sense of historical significance in the size of our majority in the legislature and the sense of responsibility that accompanies that responsibility. It is critical, as has been pointed out earlier by other speakers and as you read in the press, that we will be facing a severe economic crisis, one that was not envisioned by some until very recently, but it is critical as we move along through this process that we not mortgage the future of this state.

I look forward to the next two years as your presiding officer. I look forward to the challenge as we work to prepare our state for the promise of the next century. I pledge to all of you to enforce the rules of this legislature with fundamental fairness and equity. You have the right to expect it and I will do my best to see that you receive it sometimes you may not even want it.

Once again, I thank you for the honor you have given me and I will work hard to justify your faith and trust. (applause)

On motion of Representative MITCHELL of Vassalboro, that Representative LARRIVEE of Gorham, Representative GEAN of Alfred, Representative KILKELLY of Wiscasset, Representative GOULD of Greenville, Representative RUHLIN of Brewer, Representative LORD of Waterboro, Representative SMALL of Bath 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: It is my honor and pleasure this afternoon to place in nomination the name of Edwin H. Pert for the position of Clerk of the House.

The Maine House of Representatives is a family, a family that experiences joys and sorrows, individually as well as collectively, a family that works diligently to do the business of the State of Maine and a family that is very large with 151 voting members and two tribal Representatives. Here, just as in any large family, there is one person who seems to have all the answers, whether the question is one of protocol, history, schedules, bill references or even how to put House Amendment "B" on a bill when you want to take Committee Amendment "A" off and leave House Amendment "A" on. When you have guests visit the House, be they very young or seniors and anywhere in between, you can be assured that they will be treated with the utmost care and their questions answered carefully and thoroughly. A13 this is very nice but it takes more than nice to win the support of the honorable members of the Maine House of Representatives, it takes competence. There is no more competent, thorough, and effective administrator than Clerk Pert.

Clerk Pert is a native of Bath and graduated from the University of Maine with a Bachelor's Degree in government. He was a member of the House in the 99th Maine Legislature. He has experience as a newsman that worked in both print and radio media, as well as a health agency administrator for the Arthritis Foundation and the National Foundation for the March of Dimes. His local government experience includes terms as selectman, a member of the planning board and property management board for the town of Georgetown. In 1986, he received the Husson College Alumni Association Public Service Award, one of few non-Husson Alumni to be so honored. He has served as Clerk of the Maine House of Representatives since 1974 in the 107th Legislature and is a former President of the American Society of Legislative Clerks and Secretaries. He has assembled a dedicated, skilled staff that is always ready to help members and the public.

members and the public. During the 102nd Legislature, Clerk Pert served as Secretary of the Senate, the only person in Maine's history who has served as both the Secretary of the Senate and the Clerk of the House. I believe it is a great indicator of his competent decision making that he so quickly saw the error of his ways and returned to this body.

Again, it is my honor and privilege to nominate Edwin H. Pert for the position of Clerk of the House. Representative Whitcomb of Waldo moved that

Representative Whitcomb of Waldo 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. (Applause)

On motion of Representative CARROLL of Gray, that Representative HALE of Sanford, Representative WENTWORTH of Arundel, Representative KERR of Old Orchard Beach, Representative COTE of Auburn, Representative HICHBORN of Howland, Representative MURPHY of Berwick and Representative FOSS of Yarmouth be 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 the name of Deborah Bedard Wood as the Assistant Clerk of the House.

Most of us who have been here for many years know that Debbie has been the other person in that office who has made it probably the most efficient Clerk's Office in this country.

Debbie has been in this House for 16 years, 14 of those years as the Assistant Clerk to Ed Pert. She is the longest Assistant Clerk in the history of the State of Maine.

On a few occasions, as some of the veterans will remember, when Clerk Pert has had illness, Debbie has filled in without any problem, moves right to the podium and takes over. I would say probably all of us veterans on both sides of the aisle know how efficient and how well-run that office is. For some of us who are starting our fourth, fifth and sixth terms remember when we didn't have computers when we walked in here back in those days. We now have computers, they have been able to work those computers so that we know much better today what is going on, where the bills are, and how things are going to be run in this House. A lot of you probably don't realize that before we leave here every day that the Calendar is printed. For you Freshman, it is printed outside the Clerk's Office and no matter what time of night we get out of here, even if it is two-thirty in the morning, the Clerk's Office, with Debbie's help, is there after we have gone home and probably been in bed for an hour or so. That Calendar is always there and ready to go and I think it is a credit to people like Debbie who has shown that she has the leadership to help run that office along with Clerk Pert.

Again, it gives me great pleasure to place the name of Deborah Bedard Wood in nomination for the position of Assistant Clerk of the House of the 115th Maine Legislature.

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. (Applause)

The SPEAKER: You might be interested to know that this is Debbie's 8th term, as has been pointed out, and as a result, it makes her the longest serving Assistant Clerk of the House in Maine's history so I would like to present her with eight roses to designate that. (Applause)

SENATE PAPERS

The following Communication:

Maine State Senate Augusta, Maine 04333

September 26, 1990

The Honorable John L. Martin Speaker of the House 114th Legislature Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed the following:

Upon the recommendation of the Joint Standing Committee on Agriculture:

Gerard M. LaMarre of Topsham for appointment to the Harness Racing Commission. Mr. LaMarre is replacing T. Nathan Churchill.

Diann W. Perkins of Cornish for reappointment to the Harness Racing Commission.

Upon the recommendation of the Joint Standing Committee on Judiciary:

Honorable Susan Calkins of Dover-Foxcroft for appointment as Judge-at-Large of the Maine District Court. Honorable Susan Calkins is replacing Harriet Henry.

Joseph H. Field of Freeport for appointment as a Judge of the Maine District Court. Joseph H. Field is replacing Alan Pease.

Honorable Caroline D Glassman of Portland for reappointment as Associate Justice of the Maine Supreme Judicial Court.

Jessie Briggs Gunther of Milo for appointment as a Judge of the Maine District Court. Jessie Briggs Gunther is replacing Susan Calkins.

Honorable Alan C. Pease of Tenants Harbor for appointment as Active Retired Judge of the Maine District Court.

Lendall L. Smith of Brunswick for reappointment as a member of the Workers' Compensation Commission.

Ralph L. Tucker of Brunswick for reappointment as a member of the Workers' Compensation Commission.

Sincerely,

s/Joy J. O'Brien Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

Maine State Senate Augusta, Maine 04333

May 31, 1990

The Honorable John L. Martin Speaker of the House 114th Legislature Augusta, ME 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed the following:

Upon the recommendation of the Joint Standing Committee on Housing and Economic Development:

Dwight Sewell of Presque Isle for appointment as Executive Director of the Maine State Housing Authority. Dwight Sewell is replacing Elizabeth Mitchell.

Upon the recommendation of the Joint Standing Committee on Judiciary:

Honorable Morton A. Brody of Waterville for appointment as Justice of the Maine Supreme Judicial Court. Justice Brody is replacing Brock Hornby.

Andrew M. Mead of Bangor for appointment as Judge, Maine District Court. Andrew M. Mead is replacing Margaret Kravchuk.

Sincerely,

s/Joy J. O'Brien Secretary of the Senate

Was read and ordered placed on file.

COMMUNICATIONS

The following Communication:

STATE OF MAINE

OFFICE OF THE SECRETARY OF STATE

Augusta, Maine

November 30, 1990

To the Speaker of the House of Representatives:

In compliance with the Constitution and laws of the State of Maine, I have the honor to herewith transmit the returns of the votes cast for Representatives to the Legislature in the several cities, towns and plantations in the State of Maine at the General Election held on November 6, 1990.

Respectfully,

s/G. William Diamond Secretary of State

Was read and with accompanying papers ordered placed on file.

The following Communication:

MAINE EDUCATIONAL LOAN AUTHORITY P.O. BOX 510 AUGUSTA, MAINE 04332-0510

May 1, 1990

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

Dear Speaker Martin:

Pursuant to Chapter 417A, Subsection 11427, 20A MRSA, I am forwarding to you the second annual report and financial accounting of the Maine Educational Loan Authority (MELA).

Following the Authority's inception and first loan cycle in 1988-89, the program underwent several changes which had a direct impact on 1989-90 MELA loan processing activities. A sequence of these events is as follows:

- New Authority Member selected June
- MELA loan applications revised July printed and disseminated
- Revision of several program August guidelines achieved through administrative rule changes

During the 1989-1990 academic year, the Authority continued its activities by providing over \$6 million dollars to nearly one thousand borrowers. While the number of borrowers decreased slightly from that reported in the previous year, actual loan volume increased. Total loan volume from the previous year combined with the present year is now over \$12 million dollars.

The attached report indicates in greater detail the distribution of loans by state and institution. While a comparison between last year's and this year's report indicates a similar distribution of borrowers among states and institutions, average loans for students attending private and public institutions increased in size.

Based upon this second year activity, the MELA program has demonstrated itself to be a significant resource for families attempting to meet the rising costs of higher education. In the 1990-91 academic year, the Authority will continue to streamline the application process, and search for ways to encourage and assist families in higher education finance.

The Authority recently completed its second financial audit by an independent certified public accounting firm, Peat Marwick, Maine & Co. Their audited financial statements are enclosed for your reference.

As you are aware, legislative action has clouded the future of the MELA program beyond this year. However, we will continue to work with the Legislature during the next session and attempt to keep this important program ongoing.

.

We are grateful for your interest in and strong support of the Maine Educational Loan Authority, and will continue to assist and promote the financing of higher education for students and families in the State of Maine.

Sincerely,

s/Richard H. Pierce Executive Director

Was read and with accompanying report ordered placed on file.

The following Communication:

STATE OF MAINE WORKERS' COMPENSATION COMMISSION STATE HOUSE STATION 27 AUGUSTA, MAINE 04333

April 24, 1990

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

RE: Quarterly Report for the First Quarter of Calendar 1990 39 M.R.S.A. section 92 (3)

Dear Speaker Martin:

This letter and statistical attachments are the quarterly report of Commissioner caseload and progress mandated by 39 M.R.S.A. section 92 (3).

The Commission received an estimated 3,737 petitions and disposed of 2,784 by decision or dismissal during the first quarter of 1990.

During the 1988 and the first half of 1989, backlog of undecided petitions remained in the area of 7,500 undecided petitions. By the end of December 1989, this had grown to 8,194. During the first quarter of 1990, this increased to 9,147, the highest in Maine's history.

However, the number of petitions undecided for more than two years is 249. This the lowest since the Commission began tracking this figure in late 1986.

Petition filings are increasing and larger backlogs are all but inevitable. It remains to be seen whether the Commission can maintain a low level of older cases despite an increased volume of litigation. We are currently in the process of adjusting Commissioner territories to balance workload as evenly as possible.

In our fourth quarterly report for 1989, we mentioned that the agency is working on a statistical technique to forecast litigation levels based on employment in prior years.

At that time, we anticipated about 13,665

petitions in 1990. During January, additional employment data became available and we plugged it into our equation. The results were not comforting. If this new forecast is accurate, the Commission may see over 16,000 petitions in 1990.

There have been no complaints or filings in connection with the 30 day decision rule of 39 M.R.S.A. section 99-B as implement by Commission Rule 22.11.

A summary of caseload and dispositions is presented in the attached tables. I would be happy to discuss this report further if you wish.

Sincerely,

s/Ralph L. Tucker Chairman

Was read and with accompanying report ordered placed on file.

The following Communication:

INTERDEPARTMENTAL COUNCIL STATE HOUSE STATION 146 AUGUSTA, MAINE 04333

March 30, 1990

Hon. Charles P. Pray President of the Senate State House Station #3 Augusta, ME 04333

Hon. John L. Martin Speaker of the House State House Station #2 Augusta, ME 04333

Dear President Pray and Speaker Martin:

Pursuant to Public Law 1987, Chapter 181, we are pleased to provide you with the Second Annual Report on the Committee for Interdepartmental Coordination of Services for Children and Families for the period of January 1989 - December 1989. The Interdepartmental Council (IDC) comprises the Commissioners of the Departments of Corrections, Educational and Cultural Services, Human Services, and Mental Health and Mental Retardation.

The mission of the IDC, as established in Chapter 181, is threefold:

- to encourage the development of a coordinated, statewide system of services which is responsive to the needs of children and families and to promote access to these services;
- to ensure the availability and quality of coordinated services; and
- to advance the development of a comprehensive and coordinated approach to the initiation and revision of policies affecting children and families.

This report reflects a synthesis of major activities conducted over the past year by the IDC in fulfillment of its mission.

In order to realize the full intent of Chapter 181, the IDC process draws upon the expertise of not only policy makers but also planners and program managers at various levels of administration in the four departments. Further the IDC looks to local providers and concerned citizens to serve as members of several committees; their expertise greatly facilitates work in a variety of policy issue areas.

These pages, therefore, reflect the talents, energies, and dedication of a variety of individuals committed to the development of the most responsive and cost-effective system of quality services to children and families in the State of Maine.

Sincerely,

s/Donald L. Allen, Commissioner Corrections

s/Rollin Ives, Commissioner Human Services s/Eve M. Bither, Commissioner Educational and Cultural Services

s/Robert W. Glover, Commissioner Mental Health and Mental Retardation

Was read and with accompanying report ordered placed on file.

The following Communication:

BUREAU OF TAXATION STATE OF MAINE STATE OFFICE BUILDING AUGUSTA, MAINE 04333

April 17, 1990

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

Dear Speaker Martin:

I am pleased to submit to the Legislature and in particular to the Joint Standing Committee on Taxation, the Joint Standing Committee on Transportation and the Legislative Council the annual report evaluating the effectiveness of the Regional Fuel Tax Agreement pursuant to 36 MRSA section 3312, sub-section 2.

Sincerely,

s/John D. LaFaver State Tax Assessor

Was read and with accompanying report ordered placed on file.

The following Communication:

DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION BUREAU OF INSURANCE STATE HOUSE STATION 34 AUGUSTA, MAINE 04333

May 7, 1990

Honorable John L. Martin Speaker of the House State of Maine Augusta, ME 04333

Dear Speaker Martin:

Enclosed herewith is a copy of the Report of the Superintendent of Insurance on Workers' Compensation Safety Pool Activity for the Year 1989 as required by law (24 - A M.R.S.A. section 2366, sub-section 9).

Sincerely,

s/Joseph A. Edwards Superintendent of Insurance

Was read and with accompanying report ordered placed on file.

The following Communication:

STATE OF MAINE OFFICE OF THE GOVERNOR AUGUSTA, MAINE 04333

August 3, 1990

Mr. Edwin H. Pert Clerk of the House Maine House of Representatives State House Station 2 Augusta, Maine 04333

> RE: Chairperson for the Commission to Study the Future of Maine's Courts, established pursuant to P.L. 1989, ch. 891, PART B.

Dear Clerk Pert:

The purpose of this letter is to notify you that the undersigned, pursuant to Sec. B-2 of the above referenced statute, hereby appoint the Honorable Harriet P. Henry as Chair of the Commission to Study the Future of Maine's Courts.

Sincerely,

s/John R. McKernan, Jr.	s/Charles P. Pray
Governor	President of the Senate
s/Vincent L. McKusick Chief Justice of the Maine Supreme Judicial Court	s/John L. Martin Speaker of the House of Representatives

Was read and ordered placed on file.

The following Communication:

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION State House Station 40 Augusta, Maine 04333

May 29, 1990

Charles P. Pray, President of the Senate John L. Martin, Speaker of the House Maine State Legislature State House Augusta, Maine 04333

Dear President Pray and Speaker Martin:

Enclosed is the interim report on the individual assessment project on long-term inpatients at the Augusta and Bangor Mental Health Institutes requested by Maine's Legislature. The final report will be submitted on August 17, 1990.

As you are aware, the critical elements of this project were ultimately designed as a result of discussions with the mental health advocates and legislative staff. While complex in scheduling an management, we look forward to implementing this project and its protocols and learning from its results.

We will keep you informed as we go along so that you are aware of any significant issues or findings as they surface. Let us know if you have any questions or need additional information.

Sincerely,

s/Ronald S. Welch Acting Commissioner

Was read and with accompanying report ordered placed on file.

The following Communication:

STATE OF MAINE DEPARTMENT OF FINANCE BUREAU OF ACCOUNTS AND CONTROL State House Station 14 Augusta, Maine 04333

The Honorable John L. Martin Speaker of the House 114th Legislature

The Honorable Charles P. Pray President of the Senate 114th Legislature

Dear Mr. Speaker and Mr. President:

In accordance with Title 5, Maine Revised Statutes Annotated, Section 1547, the accompanying Financial Report of the State of Maine is submitted for the fiscal year ended June 30, 1989. The first section of the report consists of the General Purpose Financial Statements for all funds reported in accordance with generally accepted accounting principles for the Governmental Funds uses the modified accrual basis of accounting. Revenues are recognized when they become measurable and available as current assets. Expenditures are generally recognized when the related fund liability is incurred. Exceptions to generally accepted accounting principles in these financial statements include accumulated unpaid vacation and sick leave which has not been recorded, and interest on general long-term debt which is recognized when due.

The second section is reported as it has been in the past, based upon the budgetary and legal requirements. Please refer to Note 7 of the General Notes to the Financial Statements for the reconciliation of the fund balances between the two sections. Comparative budgetary data and statistical information have also been included in this report to promote a better understanding of the State's finances.

Questions and comments about this report or any phase of State finances are always welcome.

Sincerely,

s/David A. Bourne s/Victor E. Fleury State Controller Deputy State Controller

Was read and with accompanying report ordered placed on file.

The following Communication:

Maine State Legislature Commission to Study the Level of Services for Maine's Elderly Citizens

December 5, 1990

The Honorable Charles P. Pray, President of the Senate The Honorable John L. Martin, Speaker of the House Maine Legislature State House Augusta, ME 04333

Dear President Pray and Speaker Martin:

The Commission to Study the Level of Services for Maine's Elderly Citizens is pleased to submit its report to the Legislature pursuant to Resolves 1989, c. 58.

Sincerely,

s/Rep. Virginia Constantine Chair

Was read and with accompanying report ordered placed on file.

The following Communication:

STATE OF MAINE DEPARTMENT OF HUMAN SERVICES STATE HOUSE STATION 11 AUGUSTA, MAINE

August 27, 1990

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

Dear Speaker Martin:

I am pleased to submit to you this report from the Office of Nuclear Safety within the Division of Health Engineering. This report, which was prepared by the State Nuclear Safety Inspector and staff of the Division of Health Engineering, represents the first year activities of the Office of Nuclear Safety.

This report is being submitted pursuant to Title 22 M.R.S.A., Section 666. If you should have any questions in connection with this report, please contact the Division of Health Engineering at 289-5676.

Sincerely,

s/Rollin Ives Commissioner

Was read and with accompanying report ordered placed on file.

The following Communication:

BUREAU OF TAXATION STATE OF MAINE STATE OFFICE BUILDING AUGUSTA, MAINE 04333

October 31, 1990

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

Dear Speaker Martin:

The accompanying report of State-owned real estate is submitted in accordance with the provisions of Title 36, MRSA Section 1283.

This report includes ten properties or interests acquired through liens maturing since the last Regular Session of the Legislature and one property held over from the 1988 report.

Part A (the Resolve) includes a legal description of each property, the entire amount of outstanding tax, interest and costs which have accrued, and recommendation for disposition. Part B includes a narrative description of each property. Respectfully submitted

s/John D. LaFaver State Tax Assessor

Was read and with accompanying report ordered placed on file.

The following Communication:

COMMISSION TO STUDY THE HARNESS RACING INDUSTRY MAINE STATE LEGISLATURE AUGUSTA, MAINE 04333

November 5, 1990

The Honorable John L. Martin The Honorable Charles P. Pray Maine Legislature State House Augusta, Maine 04333

Dear Speaker Martin and President Pray:

The Commission to Study the Harness Racing Industry is pleased to submit its report to the Legislature pursuant to P.L. 1989, c. 787.

Sincerely,

s/Sen. Bonnie Titcomb Chair

Was read and with accompanying report ordered placed on file.

The following Communication:

.

COMMISSION ON CODIFICATION OF RULES MAINE STATE LEGISLATURE AUGUSTA, MAINE 04333

October 10, 1990

The Honorable John L. Martin The Honorable Charles P. Pray Maine Legislature State House Augusta, Maine 04333

Dear Speaker Martin and President Pray:

The Commission on Codification of Rules has submitted its report to the Joint Standing Committee on State and Local Government pursuant to P.L. 1989 c. 636. We are pleased to transmit a copy of that report to you.

Sincerely,

s/Georgette B. Berube Commission Chair

Was read and with accompanying report ordered placed on file.

The following Communication:

PENOBSCOT INDIAN NATION OFFICE OF THE GOVERNOR AND COUNCIL COMMUNITY BUILDING INDIAN ISLAND OLD TOWN, MAINE 04468

September 14, 1990

Honorable Edwin H. Pert Clerk of the House of Representatives State House Augusta, Maine 04333

Dear Clerk Pert:

This is to certify that in accordance with 3 M.R.S.A., Section 1, Second Paragraph, that <u>Priscilla</u> <u>A. Attean</u> was duly re-elected Representative to the State Legislature for a term of two years beginning on the first day of October, 1990, and ending on September 30, 1992.

The Biennial General Tribal Election was held on September 11, 1990, under the provisions of Section 4792 of Chapter IV of the Laws of the Penobscot Nation.

Sincerely,

s/Lorraine Dana Tribal Clerk

Was read and ordered placed on file.

The following Communication:

MAINE TURNPIKE AUTHORITY 430 RIVERSIDE STREET PORTLAND, MAINE 04103

September 24, 1990

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

Dear Speaker Martin:

I am pleased to submit to you in accordance with Section 1966 paragraph 4, of Title 23, M.R.S.A. the Maine Turnpike Authority's Legislative Report, which will serve as the semi-annual report to the Transportation Committee.

I trust that you have had an enjoyable summer. I look forward to working with you during the coming legislative session. If you have any concerns regarding the Turnpike and its programs please let me know.

With best wishes.

Sincerely,

s/Paul E. Violette Executive Director

Was read and with accompanying report ordered placed on file.

The following Communication: (H.P. 5)

STATE OF MAINE ONE HUNDRED AND FOURTEENTH LEGISLATURE COMMITTEE ON MARINE RESOURCES STUDY OF MAINE'S SALMON AQUACULTURE INDUSTRY

November 9, 1990

The Honorable John L. Martin, Chair Legislative Council Maine Legislature State House Augusta, ME 04333

Dear Mr. Chair:

The Aquaculture Study Subcommittee of the Joint Standing Committee on Marine Resources is pleased to submit the attached report of our study of Maine's Salmon Aquaculture Industry pursuant to the order of the Legislative Council. We hope you find this report a useful tool in our continuing efforts to provide reasonable and effective environmental safeguards for the important and growing aquaculture industry.

Sincerely,

s/Rep. James Reed Coles Chair

Was read and with accompanying report ordered placed on file.

The following Communication:

STATE OF MAINE DEPARTMENT OF AUDIT STATE HOUSE STATION 66 AUGUSTA, MAINE 04333

LETTER OF TRANSMITTAL

To the President of the Senate and the Speaker of the House of Representatives

We are pleased to submit the single audit of the State of Maine for the fiscal year ended June 30, 1989.

This report complies with the state's audit requirements contained in Title 5 MRSA, Chapter 11 and the federal audit requirements of the Single Audit Act of 1984, and the associated Circular A-128, issued by the U.S. Office of Management and Budget.

We note for your attention the following areas that we believe to be of particular significance.

Independent Auditor's Report	B-1 - B-2
Independent Auditor's Report on Internal Control Structure Related Matters Noted in a Component Unit Financial Statement Audit Conducted in Accordance with Government Auditing Standards	D-1 - D-3
Schedule of Reportable Conditions	D-5 - D-28
Independent Auditor's Report on Internal Controls (Accounting and Administrative) Based on a Study and Evaluation Made as A Part of an Audit of the Component Unit Financial Statements and the Additional Tests Required by the Single Audit Act	D-29 - D-32
Independent Auditor's Report on Compliance with Laws and Regulations Based on an Audit of Component Unit Financial Statements Performed in Accordance with Government Auditing Standards Issued	

We would like to express our appreciation to the federal cognizant audit agency, the U.S. Department of Health & Human Services, and to the Maine Department of Finance and the other state agencies for their assistance during the audit.

We would be pleased to respond to any of your questions or comments about the 1989 single audit report.

s/Rodney L. Scribner, CPA State Auditor

E - 1 - E - 2

Section/Page

September 28, 1990

by the GAO

Was read and with accompanying report ordered placed on file.

The following Communication:

MAINE STATE LEGISLATURE COMMISSION TO STUDY PUBLIC FINANCING OF STATE ELECTIONS AUGUSTA, MAINE 04333

November 14, 1990

The Honorable John L. Martin The Honorable Charles P. Pray Maine Legislature State House Augusta, Maine 04333

Dear Speaker Martin and President Pray:

The Commission to Study Public Financing of State Elections is pleased to submit its report to the Legislature pursuant to Resolves 1989, c. 59.

Sincerely,

s/Rep. Charles R. Priest Chair

Was read and with accompanying report ordered placed on file.

The following Communication:

WORKERS' COMPENSATION COMMISSION STATE HOUSE STATION 27 AUGUSTA, MAINE 04333

July 19, 1990

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

RE: Quarterly Report for the Second Quarter of Calendar 1990 39 M.R.S.A. Section 92(3).

Dear Speaker Martin:

This letter and statistical attachments are the quarterly report of Commissioner caseload and progress mandated by 39 M.R.S.A. Section 92(3).

The Commission received an estimated 3,876 petitions and disposed of 3,155 by decision or dismissal during the second quarter of 1990.

Petition filings continue to rise. The Commission received an estimated 7,613 petitions during the first half of 1990. Our statistical forecast, based on employment growth, is over 16,000 petitions during 1990.

The backlog of undecided petitions increased to 9,868 during the second quarter of 1990. We are continuing to keep the backlog of petitions undecided for more than two years at a low level.

The additional Commissioners added in 1987 and 1988 are, we believe, the primary reason. Improved tracking of cases via computer has also assisted us in managing the volume of litigation.

We modified the assignment of Commissioner territories in Central and Southern Maine during the second quarter. We will be evaluating how well this new system balances Commissioner workload. We are currently operating with 15.5 vacant support positions which the Commission is unable to fill.

There have been no formal complaints or filings in connection with the 30 day decision rule of 39 M.R.S.A. Section 99-B as implemented by Commission Rule 22.11.

A summary of caseload and dispositions is presented in the attached tables. I would be happy

to discuss this report further if you wish.

Sincerely,

s/Ralph L. Tucker Chairman

Was read and with accompanying report ordered placed on file.

The following Communication:

DEPARTMENT	OF	EDUCAT	ION
STATE HOUS	SE S	TATION	23
AUGUSTA,	MAI	NE 0433	3

November 30, 1990

TO: Members of the 115th Legislature Bureau of the Budget

FROM: s/Eve M. Bither, Commissioner

SUBJECT: Actual Education Costs for Base Year 1989-90

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 the 20-A MRSA section 15604 for the base year 1989-90.

A. Operating costs

(1) Elementary	\$448,313,549
(2) Secondary	249,872,225

- B. Special education costs for programs operated by administrative units 76,616,433
- C. Special education tuition and board excluding medical costs 21,916,744

(1)	Tuition and board	
	for pupils placed	
	by administrative	
	units	13,663,572
(2)	Tuition and board	
	for State Wards and	
	direct State	
	placement	2,418,514
(3)	Adjustments under	

- section 15612, subsection 6 (Special Education Hardship grants) 500,000 (4) Cost to the state for
- (4) Cost to the state for State agency clients (section 15613, subsection 5) 5,334,658
- D. Vocational education costs 20,355,564
- E. Transportation operating costs 52,321,366
- F. Bus Purchases

	(1)	Purchase of Buses-Regular	4 001 949	Neverber 27, 1000
	(2)	Approvals Purchase of Buses from	4,991,848	November 27, 1990
	(-)	Bond Issue	367,817	Honorable Edwin H. Pert
G.	Debt	Service Costs		Clerk of the House State House Station 2
	(1)	Principal and Interest	44,573,231	Augusta, Maine 04333
		Insured Value Factor	1,572,258	Dear Clerk Pert:
		Leased (approved)	5,045,269	Place to the that he and the fills
	(4)	Construction-Current year construction funding	0	Please be advised that we have made the following appointments:
	(5)	Other major capital costs	12,985,144	
	C	of weighting month for		Commission on Investment Capital; Pursuant to Chapter
п.		of reimbursement for ate school services	253,107	914 of the Public Laws of 1989: Mr. Shepard Lee of Auburn as public member and
Ι.	Cost	of state expenditure		co-chair Representative Gregory G. Nadeau of Lewiston
	for	teacher retirement benefits	116,799,185	Representative Ronald C. Bailey of Farmington Representative Wilfred J. Bell of Caribou
J.	Earl	y childhood educational		Senator Dennis Dutremble of York
	prog	rams	673,521	Senator Joseph C. Brannigan of Cumberland
		ove figures include all a		Commission on Job Opportunity Zones; Pursuant to
		ure reports through November 28		Chapter 500 of the Public Laws of 1987:
		ures are from state and loca hat Federal P.L. 81-874 funds a		Mr. Laurence E. Gardiner of Mapleton, replacing Edith Beaulieu who resigned
	•			Mr. William Forbes of Presque Isle as
	Was	read and ordered placed on file	•	Co-Chairman, replacing Gregory Cyr who resigned
				Commission to Assess the Impact of Increased State
	The	following Communications		Spending on the University of Maine System; Pursuant
	ine	following Communication:		to Chapter 101 of the Resolves of 1989: Dr. James M. Acheson of Orono
		114th Maine Legislature		Mr. Dean Smith of Dover Foxcroft
		November 20	6, 1990	Mr. Mark Sirois of Augusta as student representative
Hone	orable	e Edwin H. Pert		Ms. Sharon Zimmer-Boucher of Fort Kent as faculty representative
C1e	rk of	the House		Representative James V. Oliver of Portland
		use Station 2		Representative John O'Dea of Orono
Augi	isia,	Maine 04333		Senator Stephen Bost of Penobscot
	-	rk Pert:		Commission to Study Maine's Oil Spill Clean-Up Preparedness; Pursuant to Chapter 868 of the Public
	ase b Dintma	e advised that we have made ent:	the following	Laws of 1989: Dr. Hugh Mitchell of Eastport as the
C	nicai	an to Study Mainals 0-1 6		representative of the aquaculture industry,
Pre	paredi	on to Study Maine's Oil S ness; Pursuant to Chapter 868 1989:		replacing Cathy Crory who is unable to serve Mr. David Norton of Boothbay Mr. James Lemmon of Casco
Luw:	- 01			Mr. Jeffrey H. Kaelin of Winterport as the
		Cathy Crory of Eastport as the he aquaculture industry	representative	representative of the sardine industry Mr. Sidney Barht of Pembroke as a public member
		have any questions about thi et one of us know as soon as pos		Commission to Study the Establishment of a State and Tribal Partnership to Encourage Economic Development;
		Sincerely,		Pursuant to Chapter 76 of the Resolves of 1989: Mr. Clair Sabattus of Houlton
s/Cł	narles	s P. Pray s/John L. I	1artin	Mr. Melvin Francis of Perry Mr. Nicholas Dow of Old Town
Pres	ident	t of the Senate Speaker of	the House	Ms. Mary Philbrook
	Was	read and ordered placed on file.		Representative Fred W. Moholland of Princeton Representative George A. Townsend of Eastport
			-	Senator Michael Pearson of Penobscot
	Th-			Commission to Study the Use of Herbicides; Pursuant
	ine 1	following Communication:		to Chapter 98 of the Resolves of 1989: Mr. James H. Wazlaw of Brunswick as the
		114th Maine Legislature		representative of electric utilities

H-15

Health Insurance Continuity Task Force; Pursuant to Chapter 867 of the Public Laws of 1989: Representative Charlene B. Rydell of Brunswick Representative Harriet A. Ketover of Portland Representative Harvey C. Donald of Buxton

Senator Beverly Miner Bustin of Kennebec

Interagency Task Force on Homelessness and Housing Opportunities; Pursuant to Chapter 581 of the Public Laws of 1989:

Mr. Joel Rekas of Portland as the representative of non-profit shelters, replacing Donald Gean who resigned

Ms. Peggy Dunn of Portland as the representative of municipalities, replacing Doris Hohman who resigned

Mackworth Island Trust Advisory Board; Pursuant to Chapter 113 of the Private and Special Laws of 1989: Mr. Donald Perkins of Peaks Island as an environmental member Mr. John Deiffenbacher Kroll of Portland Representative Hebert C. Adams of Portland as a

legislative member

Maine Commission on Mental Health; Pursuant to Chapter 887 of the Public Laws of 1987: Janet Stratton of Bangor reappointed Marc Plourde of Eagle Lake reappointed Ronald Melendy of Rockland reappointed Tim R. Rogers of Bangor reappointed Mr. David Gregory of Portland reappointed Mrs. Janice Burns of South Portland reappointed

Maine Health Program Advisory Committee; Pursuant to Chapter 588 of the Public Laws of 1989: Susan M. Soucie of Eagle Lake reappointed Ms. Barbara Darling of Portland reappointed

Mandated Benefits Advisory Committee; Pursuant to Chapter 556 of the Public Laws of 1989 and MRSA 24, Section 2325-B:

Mrs. Carol Harris of Greenville reappointed Senator Raynold Theriault of Aroostook reappointed

Medical Demonstration Project Advisory Committee; Pursuant to Chapter 931 of the Public Laws of 1989: Ms. Katherine Alexander of Portland as the non-profit health insurer representative

Special Commission to Study and Evaluate the Status of Education Reform in Maine; Pursuant to Chapter 88 of the Resolves of 1989:

Honorable Stephanie Locke of Sebec Representative Judy A. Paradis of Frenchville Representative Nathaniel J. Crowley, Sr. of Stockton Springs Representative Omar P. Norton of Winthrop Senator Stephen M. Bost of Penobscot

Student Financial Aid Transition Advisory Committee; Pursuant to Chapters 559 & 698 of the Public Laws of 1989:

Mr. Marshall Frankel of Bangor Mr. Michael Cote of Farmingdale as a public member, replacing Dean Smith who resigned

If you have any questions about these appointments, please let one of us know as soon as possible.

Sincerely,

s/Charles P. Pray President of the Senate s/John L. Martin Speaker of the House

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE HOUSE OF REPRESENTATIVES SPEAKER'S OFFICE AUGUSTA, MAINE 04333

December 5, 1990

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

Dear Clerk Pert:

This is to notify you that I have made the following appointments:

On May 9, 1990, pursuant to my authority under Chapter 787 of the Public Laws of 1989, I appointed Representative John A. Aliberti of Lewiston, Representative Robert J. Tardy of Palmyra, Representative Harold M. Macomber of South Portland, and Representative Paul Parent of Benton to serve as House members on the Commission to Study the Harness Racing Industry.

On May 9, 1990, pursuant to my authority under Chapter 89 of the Resolves of 1989, I appointed Representative Mark W. Lawrence of Kittery to serve as the House member on the Commission to Study the Feasibility of Establishing a Piscataqua River Basin Compact between Maine and New Hampshire.

On May 9, 1990, pursuant to my authority under Chapter 868 of the Public Laws of 1989, I appointed Representative Susan Farnsworth of Hallowell to serve as the House member on the Commission to Study Maine's Oil Spill Clean-Up Preparedness.

On May 9, 1990, pursuant to my authority under Chapter 98 of the Resolves of 1989, I appointed Representative Michael H. Michaud of East Millinocket, Representative Willis A. Lord of Waterboro and myself to serve on the Commission to Study the Use of Herbicides.

On May 9, 1990, pursuant to my authority under Chapter 921 of the Public Laws of 1989, I appointed Representative Harold M. Macomber of South Portland to serve as the House member on the Motor Fuel Tax Evasion Committee.

On May 9, 1990, pursuant to my authority under Chapter 735 of the Public Laws of 1989, I appointed Representative Robert J. Tardy of Palmyra to serve as the House member on the Travel Information Advisory Council. On May 9, 1990, pursuant to my authority under Chapter 808 of the Public Laws of 1989, I appointed Representative Cushman D. Anthony of South Portland and Representative Rita Melendy of Rockland to serve as House members on the Maine Correctional Advisory Commission.

On May 9, 1990, pursuant to my authority under Chapter 99 of the Resolves of 1989, I appointed Representative Thomas A. Duffy of Bangor and Representative Mary R. Cathcart of Orono to serve as House members on the Advisory Committee on the Coordinated Response System.

On May 15, 1990, pursuant to my authority under Chapter 100 of the Resolves of 1989, I appointed Representative Paul F. Jacques of Waterville, Representative P. Kelley Simpson of Casco and Representative James Reed Coles of Harpswell to serve as House members on the Commission on Maine Lakes.

On May 25, 1990, pursuant to my authority under Chapter 880 of the Public Laws of 1989, I appointed Representative Guy R. Nadeau of Saco, Representative Clyde A. Hichborn of Howland and Representative Walter E. Whitcomb of Waldo to serve as House members and Bonnie Post of Owl's Head and Barry Larman of Portland to serve as public members on the Select Committee on Comprehensive Tax Reform.

On June 6, 1990, pursuant to my authority under Chapter 89 of the Resolves of 1989, I appointed Mark Glaze of North Berwick to serve as a public member on the Commission to Study the Feasibility of Establishing a Piscataqua River Basin Compact between Maine and New Hampshire.

On June 14, 1990, pursuant to my authority under Chapter 100 of the Resolves of 1989, I appointed Representative Annette Hoglund of Portland to serve on the Commission on Maine Lakes. She will be replacing Representative Paul Jacques who is unable to serve.

On July 16, 1990, pursuant to my authority under Chapter 934 of the Public Laws of 1989, I reappointed Representative Margaret Pruitt Clark of Brunswick to serve on the Maine Council on Alcohol and Drug Abuse Prevention.

On July 16, 1990, pursuant to my authority under Chapter 891 of the Public Laws of 1989, I appointed Representative Patrick E. Paradis of Augusta, Representative Cushman D. Anthony of South Portland and Representative B. Carolyne T. Mahany of Easton to serve as House members on the Commission to Study the Future of Maine's Courts.

On July 16, 1990, pursuant to my authority under Chapter 929 of the Public Laws of 1989, I appointed Dr. Monique Aniel of Rumford (Public), David Tudor of Jay (Environmental) and Daniel Fortin of Madawaska (Public Health) to serve on the Toxics Reduction Advisory Council.

On July 16, 1990, pursuant to my authority under Chapter 931 of the Public Laws of 1989, I appointed Ronald Deprez of Portland to serve on the Medical Demonstration Project Advisory Committee, John Pratt of Standish to serve on the Medical Specialty Advisory Committee on Anesthesiology, Carrie Sienkiewicz of Farmingdale to serve on the Medical Specialty Advisory Committee on Obstetrics and Gynecology, and Donald Theriault of Fort Kent to serve on the Medical Specialty Advisory Committee on Emergency Medicine.

On July 18, 1990, pursuant to my authority under Chapter 929 of the Public Laws of 1989, I appointed Peter Washburn of Phippsburg to serve as an environmental member on the Toxics Reduction Advisory Council. He will be replacing David Tudor who has accepted an appointment to this panel by the President of the Senate.

On July 25, 1990, pursuant to my authority under 5 M.R.S.A., Section 7021, I reappointed Caroline Gentile of Presque Isle and appointed Sue Ellen Bordwell of Pownal to serve on the Maine Commission for Women.

On July 27, 1990, pursuant to my authority under Chapter 98 of the Resolves of 1989, I appointed Michael Dunn of Mapleton (Forest Products Industry), Gregory Cyr of Portage (Public) and Charles Hewett of South Casco (Environmental) to serve on the Commission to Study the Use of Herbicides.

On September 5, 1990, pursuant to my authority under Chapter 929 of the Public Laws of 1989, I appointed Stanley Eller of Manchester to serve as an environmental member on the Toxics Reduction Advisory Council. He will be replacing Peter Washburn, who is unable to serve.

On September 17, 1990, pursuant to my authority under Chapter 816 of the Public Laws of 1987, I appointed Steven Michaud of Brunswick to serve on the Maine Health Policy Advisory Council. He will be replacing Dr. Guy Raymond.

Sincerely,

s/John L. Martin Speaker of the House

Was read and ordered placed on file.

The following Communication:

DEPARTMENT OF EDUCATION STATE HOUSE STATION 23 AUGUSTA, MAINE 04333

November 30, 1990

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

Dear Speaker Martin:

In accordance with 20-A MRSA, section 15618-A, a report of all school administrative unit state and local revenues designated for K-12 education in their FY 91 budgets has been compiled and a copy is provided for your use.

It should be noted that the amounts budgeted in the various categories may not be the same as actual expenditures for these categories, for the following reasons:

- 1. Some budgeted amounts may be unexpended and carried forward to the following year. The statewide balance forward, for all budget categories, is usually between 2% and 3%.
- School administrative units which do not utilize a line-item budget may transfer funds to other categories.
- 3. For certain types of funds that are transferred between school administrative units (for tuition costs and for transportation and other services provided to another school administrative unit), the amount is budgeted in both school administrative units, since each unit must appropriate these funds. Since these instances cannot be netted out in the State Total Summary, the state totals will overestimate actual expenditures to some degree.

Sincerely,

s/Eve M. Bither Commissioner

Was read and with accompanying report ordered placed on file.

The following Communication:

MAINE STATE LEGISLATURE AUGUSTA, MAINE 04333

STATE COMPENSATION COMMISSION

November 16, 1990

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

Dear Speaker Martin:

The State Compensation Commission is pleased to submit its Final Report to the Legislature pursuant to Title 3, Section 2-A of the Revised Statutes. We have submitted legislation to implement our statutory recommendation to the Revisor of Statutes.

We would be pleased to answer any questions you may have regarding our recommendations.

Respectfully submitted,

s/Stephen R. Crockett Chairman

Was read and with accompanying report ordered

placed on file.

The following Communication:

STATE OF MAINE OFFICE OF THE GOVERNOR AUGUSTA, MAINE 04333

November 29, 1990

The Honorable John L. Martin Speaker of the House House of Representatives Augusta, ME 04333

Dear Speaker Martin:

Attached is a copy of the public Proclamation of the results of the vote taken on November 6, 1990 regarding "An Act to Amend the Sunday Sales Law." I am providing this proclamation to you as written notice pursuant to the provisions of 21-A M.R.S.A. Section 724-A.

Sincerely,

s/JOHN R. McKERNAN, Jr. Governor

STATE OF MAINE PROCLAMATION

An Act to Amend the Sunday Sales Law.

WHEREAS, the electors of the State of Maine presented to the One Hundred and Fourteenth Legislature in Second Regular Session an initiated bill entitled,

"An Act to Amend the Sunday Sales Law,"

under the provisions of Article IV, Part Third, Section 18 of the Constitution of Maine, and

WHEREAS, the Legislature failed to enact such initiated bill, and

WHEREAS, the initiated bill was submitted to the electors for approval, by proclamation of the Governor, at an election to be held on the Tuesday following the first Monday in November, 1990, and

WHEREAS, it appears by the return of votes given in by the electors of the various cities, towns and plantations voting upon said initiated bill on November 6, 1990, and reviewed by the Governor on November 27, 1990, that a majority of said votes were in favor of the initiated bill becoming law; namely,

272,129 for, and 246,408 opposed;

NOW, THEREFORE, I, JOHN R. McKERNAN, Jr., Governor of the State of Maine, in pursuance of the provisions of the Constitution of Maine in such case provided, declare said measure adopted, to take effect and become law thirty days after the date of this proclamation.

In testimony whereof I have caused the Great Seal of the State to be hereunto affixed GIVEN under my hand at Augusta this twenty- seventh day of November in the year of our Lord One Thousand Nine Hundred and Ninety.

By the Governor:

s/JOHN R. McKERNAN, Jr. Governor

s/G. William Diamond Secretary of the State

Was read and ordered placed on file.

The following Communication:

COMMISSION TO STUDY THE IMPACT OF GAME AND NONGAME SPECIES ON MAINE'S ECONOMY

November 29, 1990

Honorable John L. Martin, Speaker House of Representatives State House Augusta, Maine 04333

Dear Speaker Martin:

The Commission to Study the Impact of Game and Nongame Species on Maine's Economy is pleased to submit the attached final report pursuant to Public Laws of 1987, chapter 554, Section 3.

The Commission, consisting of members of the Legislature and the public, was established to study the economic contribution of recreational fishing, wildlife hunting, and nonconsumptive uses to the economy of Maine. In December of 1987, the Commission contracted with Dr. Kevin Boyle and the University of Maine to conduct the research necessary to carry out its mission.

It is my understanding that Maine is the first state to ever conduct such a comprehensive study identifying specific participation rates, valuations, and expenditure estimates for consumptive and nonconsumptive users of fish and wildlife resources. Furthermore, this final report will assist the State in developing a data base that will reveal the vast dimensions and regional importance of our precious resources.

In closing, I hope you find this report useful and if I can be of any assistance, please let me know.

Sincerely,

s/Rep. Donald V. Carter Chair

Was read and with accompanying report ordered

placed on file.

The following Communication:

STATE OF MAINE ADMINISTRATIVE OFFICE OF THE COURTS P.O. BOX 4820, DOWNTOWN STATION PORTLAND, MAINE 04112

May 2, 1990

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

Dear Speaker Martin:

It is my honor and personal pleasure to transmit to you and each of the other Representatives of the 114th Legislature a copy of the Thirteenth Annual Report of the Judicial Department, pursuant to the provisions of 4 MRSA section 17.10.

Sincerely,

s/Dana R. Baggett State Court Administrator

Was read and with accompanying report ordered placed on file.

The following Communication:

EXECUTIVE DEPARTMENT PUBLIC ADVOCATE STATE HOUSE STATION 112 AUGUSTA, MAINE 04333

November 30, 1990

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

Dear Speaker Martin:

I enclose for your review a copy of "Ready for Winter? The Final Report of the Blue Ribbon Commission on Energy Policy for Maine's Low-Income Citizens" which was delivered to the Governor today.

Please do not hesitate to contact me with questions about the Blue Ribbon Commission, the report's seven recommendations or related matters.

Sincerely,

s/Stephen G. Ward

Was read and with accompanying report ordered placed on file.

<u>ORDERS</u>

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

ORDERED, the Senate concurring, that the Executive Director of the Legislative Council be authorized and directed to pay prior to December 20, 1990 each member of the Senate \$650 and each member of the House \$500 for constituent services allowance 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 Clerk-stenographers be employed to provide stenographic and clerical assistance to the Members of the House. Clerk-stenographers shall be appointed by the House Majority Leader and by the House Minority Leader, 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 HOGLUND 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 PARADIS of Augusta, 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 FARNSWORTH of Hallowell, 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. 7)

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.

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

ORDERED, that the House Rules of the 114th Legislature be the House Rules of the 115th Legislature.

.

Was read and passed.

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

On motion of Representative Martin of Eagle Lake, Recessed until two-thirty in the afternoon.

(After Recess)

The House was called to order by the Speaker.

At the request of Representative COLES of Harpswell Representative CARTER of Winslow, Representative GRAY of Sedgwick, Representative DORE of Auburn, Representative POWERS of Coplin Plantation, Representative CHONKO of Topsham, Representative AULT of Wayne and Representative MARSH of West Gardiner 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 the Hall of the House upon the discharge of their official duties.

On motion of Representative STEVENS of Bangor, that Representative PARADIS of Augusta, Representative KETOVER of Portland, Representative TREAT of Gardiner, Representative ST. ONGE of Greene, Representative POULIOT of Lewiston, Representative BAILEY of Farmington and Representative AIKMAN of Poland be appointed a Committee to notify the Governor of the organization of the House.

Subsequently, Representative PARADIS of Augusta reported that the Committee had delivered the message with which it was charged.

At this point, a message was received from the Senate, borne by <u>Senator DUTREMBLE of York</u> 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 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 Ease)

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

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

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

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 the Secretary of State of Maine for the political years 1991-1992.

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Mr. Chairman, I am pleased to place in nomination for the office of Secretary of State of the State of Maine the name of G. William Diamond of Windham.

Bill Diamond is our current and incumbent Secretary of State. Bill Diamond is a man who is experienced, hardworking, and competent. Bill is our nominee from the Democratic caucus of the Democratic Convention and Bill is a Constitutional Officer who stays in touch with constituents and that includes all legislators as well as the citizens across our state. After all, this legislature, both the House and the Senate, represent the forms from which he moved to his Constitutional Office.

Bill Diamond shares our outlooks and concerns and best reflects the values of, not only those he serves, but of all the people of the state and with emphasis in his recent tenure to the upcoming aspiring voters and participating citizens of our state.

Bill Diamond demonstrated his ability to get things done. In highlighting Bill's two years of dedicated, effective service as our current Secretary of State are those points that I think are most important to all of us, the involvement of our young people in the Democratic, political and civic process of our state. Bill has visited over 3,000 school-aged children around Maine. He initiated a "Kids Vote Program" where students from grades 1 to 12 discussed the issues and focused on candidates along with their teachers weeks in advance and then, with their own special ballots, voted on election day, a precursor, we hope, of their involvement in the process of their citizenship responsibilities when they reach their maturity.

Bill Diamond initiated Maine's first-ever involvement in the National Citizen Bee, a program to increase awareness of civics and geography, along with world and national affairs. Over 50 Maine high schools participated in the Maine Citizen Bee. That involved 4,000 young adults and I feel confident that they benefited from this involvement. The winners of that Bee earned U.S. Savings Bonds, which will further ensure their ability to aspire to post-secondary education.

In 183 schools across the state, which involved 30,000 students, as well as staff, we found involvement again in elections. This represents the number that actually voted in Maine's largest ever student mock elections. That occurred on November 6, 1990.

Bill created also, with the help of his capable staff, a new teen OUI booklet, which was designed to assist in the coordinated, comprehensive campaign in Maine's public, private, and parochial schools to address the issue of substance and drug abuse and to promote an awareness among our teen population as well as educate them simultaneously about the effects and implications of drugs and substance abuse.

Bill Diamond has ably and capably demonstrated his ability to get things done. Remember when we vote for Bill Diamond today, we are voting for ourselves and for everyone who believes as Bill Diamond does that Maine can, indeed, live up to its own best traditions.

I am honored to place the name of G. William Diamond in nomination for re-election to the office of Secretary of State of this great State of Maine. The CHAIRMAN: The Chair recognizes the

Representative Fairfield, from Representative Gwadosky.

Representative GWADOSKY: Mr. Chairman, Men and Women of the House: It is indeed a pleasure for me to rise to second the nomination of G. Willliam Diamond for the office of Secretary of State.

Two years ago, the members of the 114th Legislature had the wisdom to install Bill Diamond into this important office. Since then he has proven to be an extremely effective administrator, a leader with both energy and vision. His innovative approaches to improving operations within the Secretary of State's Office and problems in that Department have greatly improved. Senator Clark has given you many examples of Bill

Diamond's innovativeness in outreach programs that have helped the youth and many other people.

I also want to give you a couple of examples of areas where his office has helped to encourage and improve voter registration across this great state, such as The Work Vote Program in which over 30 banks. hospitals and corporations provided time, space and materials so their employees could vote. The Motor Voter Program, which began in a single motor vehicle branch last Spring and expanded into 12 branches this year and was responsible for the creation of some 6,000 new and updated voter registrations. Δ. literacy volunteer project, which assist people when voting in registration. A variety of projects and programs that helped to ensure the State of Maine the highest voter turnout as a percentage of any state in the nation. Clearly, Bill Diamond has seized each and every opportunity to make the office of Secretary of State more efficient and more responsive to the people of Maine.

He has earned more than another term and I urge you to join me in supporting Bill Diamond so he may for me to second the nomination of Bill Diamond for the office of Secretary of State. The CHAIRMAN: The Chair recognizes the Senator

from Lincoln, Senator Holloway. Senator HOLLOWAY: Mr. Chairman, I nominate Charlotte Zahn of Hallowell for the office of Secretary of State for the political years of 1991-1992.

I am pleased to nominate the former Senator from Lincoln, Charlotte Zahn, for the office of Secretary of State. She is known to many people in this body as Charlotte Sewall, former Senator from Lincoln. Charlotte's interest in government has not wavered at all since her retirement from elective office. Her energy and enthusiasm and dedication are assets that should be recognized in state government. I do wish for your support for her nomination today. Thank you.

The CHAIRMAN: The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator CAHILL: Mr. Chairman, Men and Women of the Convention: It is indeed a pleasure that I rise today and second the nomination of my good friend and former colleague, the Honorable Charlotte Zahn of Hallowell for office of Secretary of State.

moved Senator Pearson of Penobscot that nominations cease.

On motion of Senator Dutremble of York, the following members were appointed a committee to receive, sort, and count votes for the office of Secretary of State for the political years 1991-1992.

Senators:	CLARK of Cumberland HOLLOWAY of Lincoln PEARSON of Penobscot
Representatives:	PINEAU of Jay RAND of Portland LARRIVEE of Gorham STEVENS of Sabattus

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

Total number of votes cast	175
Necessary for choice	88
G. William Diamond	117

Charlotte Zahn

Whereupon, G. William Diamond, having received a majority of all the votes cast, was declared elected Secretary of State for the political years 1991-1992.

The CHAIRMAN: Nominations are now in order for the office of Attorney General for the State of Maine for the political years 1991-1992.

The CHAIRMAN: The Chair recognizes the Senator from Androscoggin, Senator Gauvreau.

Senator GAUVREAU: Mr. Chairman, Men and Women of the Convention: It is my honor to place into nomination for the office of Attorney General for the political years 1991-1992 the name of Michael E. Carpenter of Houlton.

When we go about our important task of selecting Maine's next Attorney General, we must consider a variety of essential qualifications which will guide us in our choice. The highest priority we must look for are qualities of integrity, independence, legal skills, experience and, last but not least, a person with substantial experience in articulating and developing public policy for Maine people.

Michael Carpenter is an outstanding individual who meets all of the criteria to serve as our next chief law enforcement officer. Many of you have had the privilege of working with Michael when he served in the State Senate for some 12 years. As you know, he served with distinction, he served for many years as Chair of the Joint Standing Committee on Judiciary. During that time, we came to know Michael Carpenter as a person of conscience, as a person of independence, as a person who would always strive to do the right thing. He often showed true grace under pressure.

Since leaving these bodies, he has developed in our state a reputation as a thoughtful and thorough litigator and experienced trial counsel. He has had a successful law practice in Aroostook County and he has also served with distinction as a prosecutor in Aroostook County.

As we choose our next Attorney General, we must choose an individual who not only has solid skills as an attorney, but also appreciates the rule which this body plays in developing public policy in order that he can promptly give fruition to the legislative intent as he enforces legislation enacted by this body. We must choose a leader who has the intelligence and the integrity and the ability to discharge the responsibilities of the office of Attorney General. We must also be careful in this election process and choose one who has the sensitivity to address the needs of those amongst us who are not as fortunate. We must be careful to choose as our next leader for the Attorney General position a person who has sensitivity to a wide variety of Maine people, such as the displaced homemaker who requires and needs prompt child support payments and is relying upon the agency of state government to make sure that those important payments are promptly paid. Likewise, you must choose a leader who understands that as we come into troubled economic times that we are likely, unfortunately, to win us an increase in violence in Maine families. We must choose a leader who will forcefully bring the powers of his office to assist victims of criminal

offences in the State of Maine and we must also be sure to choose as a leader one who has true sensitivity to the victims of domestic abuse.

As we come into difficult economic times, we must also choose an individual who has true sensitivity to the working people of our state, who will suffer economic dislocation in the years to come. Likewise, we must choose an individual with enough savvy and business acumen so as to safeguard the interests of Maine business and preserve a truly competitive economic environment for all Maine people.

Mr. Chairman, I fear in the coming years an unprecedented period of economic chaos in our state, which will have a devastating impact on thousands of Maine people. We must pledge amongst ourselves to make the necessary decisions to set the state's fiscal environment in order. In choosing our next Attorney General, we must be ever vigilant to safeguard the rights and the integrity and, in fact, the aspirations of those amongst us who do face economic adversity.

This morning as we assembled, our Governor addressed both Houses of this Legislature. In his opening statement, our Governor told us that the challenges that lie ahead is to create a government which Maine people can afford. Mr. Chairman, I submit that the real challenge ahead is to reassess the true priorities of Maine people and to craft to maintain essential principal strategies governmental services for all our people and to reach out throughout our state to forge meaningful and innovative responses to the challenges which confront Maine people.

Some 70 years ago in his inaugural address to the Congress, President Woodrow Wilson faced similar problems in this country. He stated at that time, "Nor have we studied and perfected the means by which government may be put at the service of humanity in safeguarding the health of the nation, the health of its men, women and children as well as their rights in their struggle for existence. This is no sentimental duty. The firm base of government is justice, not pity, these are matters of justice. There can be no equality or opportunity, which in fact is the first essential of justice that body politics if men, women and children be not shielded in their lives, in their very vitality from the consequences of great industrial or social processes which they cannot alter, control or singly cope with. Society must see to it that it does not itself crush, weaken, or damage its own constituent parts." "The first duty of law," Wilson said, "is to keep

sound the society of which it serves."

Mr. Chairman, when we select our next Attorney General, we must choose an individual who, not only has the legal skills to properly discharge the duties of that office, we must also be sensitive in choosing the next individual to occupy that esteemed office. We must select one that will have true sensitivity, true compassion for the people of the State of Maine as we come upon difficult economic times and I submit to this body that Michael Carpenter is the precise choice that we need.

Michael Carpenter grew up in Aroostook County, not with all the economic opportunity others amongst have had, he worked for everything that he has achieved in life. In fact, he over-achieved. Those who were privileged to serve with Michael Carpenter know the quality of the gentle man which he is. I submit to you that Michael Carpenter is the apotheosis of those values which characterize life in the State of Maine. He has the courage to maintain frailty to one sense of purpose at all times. He has the understanding for the work ethic, which is so ingrained amongst Maine people. He has the integrity to make difficult choices under great stress. He has showed us the impartiality to treat all people who come before him with fairness and respect. Yes, he has the compassion to mobilize the resources of the state to protect individual integrity. He also has the common sense to impose self-restraint when government exceeds its proper role and intrudes individual and civil liberties.

For these various reasons, I submit that Michael Carpenter is an outstanding choice to serve us as our chief law enforcement officer and I am proud to place in nomination the name of Michael E. Carpenter of Houlton for the office of Attorney General.

The CHAIRMAN: The Chair recognizes the Representative from Rockland, Representative Melendy. Representative MELENDY: Mr. Chairman, Members of the Joint Convention: It is with honor and great pleasure that I second the nomination of Michael Carpenter for the position of Attorney General of the State of Maine.

Michael is a very strong independent thinker, someone who is extremely trustworthy. His honesty, integrity and moral character are above reproach. Michael Carpenter is well qualified and has a strong background in law. He graduated from the University of Maine's School of Law as an outstanding graduate in the class of 1983. He has been in private practice since 1983 and served as Assistant District Attorney for Aroostook County since 1989. His experience has enabled him to practice before all levels of courts including the Superior Court and Maine Supreme Judicial Court.

Michael is also very experienced in the having served process, a as legislative Representative for the 107th Legislature and as a Senator for the 108th through the 112th Legislatures. During his legislative tenure, he served as Assistant Majority Leader in the Senate and Chaired the Judiciary Committee during the 112th Legislature. While it is very important for the Attorney General to understand the legislative process, it is imperative that politics be kept out of the office and Michael can be counted on to do that.

In addition to his qualifications, Michael Carpenter's sensitivity to fairness and his honesty are the reasons that I strongly endorse his candidacy for Attorney General and I urge you to support Michael Carpenter who will perform in an outstanding manner.

CHAIRMAN: The Chair recognizes The the Representative from Brunswick, Representative Rydell.

Representative RYDELL: Mr. Chairman, Men and Women of the Joint Convention: I am pleased and honored to also second the nomination of Michael Carpenter for the Constitutional Office of Attorney General.

Through his years in public life and in the private practice of law, Michael Carpenter has truly earned the right to hold the office of Attorney General. I know that Michael cares deeply about our state, his personal values embody the philosophy and values that are important to Maine people and essential in our Attorney General.

I admire Michael Carpenter for his commitment to

law enforcement, for his integrity, for dedication to social justice and public service. his

The Maine Department of Attorney General represents the highest level of legal skill and professional competence. We can be proud of our Attorney General's Office and, indeed, that Department is recognized for its excellence in our nation and in states across the country. I know that Michael Carpenter has a deep respect for the highly skilled and dedicated men and women who work in the Attorney General's Office. As Attorney General, he will maintain that high stature of the office. He will be the leader of that office to be responsive to the law enforcement and social policy needs of our state that safeguards the welfare of all our citizens.

As Attorney General, as our state's top law enforcement officer, Michael Carpenter will be a strong advocate on environmental issues, human rights strong advocate on environmental issues, numan rights issues and child welfare issues. Michael's commitment to public service, even while in the private practice of law, has been exceptionally strong and could well-serve as an example for all members of the legal profession. There are few attorneys in Maine who are the equal of Michael Carpenter when it comes to assisting low income He has truly served the people of citizens. Aroostook County and he is now prepared to serve all the people of Maine as our Attorney General.

It is with great pleasure that I second his nomination and urge the Convention to join me in supporting Michael Carpenter as our next Attorney General.

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

Senator GILL: Mr. Chairman, Members of the Convention: I nominate Richard Hewes of Cape Elizabeth for the office of Attorney General for the political years 1991-1992.

Richard Hewes served in this body and served with distinction as Speaker of this body at one point. He also moved to the Senate of the State of Maine and, when he left the Senate seat and went into private law practice, he was a constituent of mine and I came into his seat so I have known Richard Hewes for a very long time.

Richard Hewes is a fair man, a family man who knew when it was time to leave the legislature because he had a family obligation. He had children in college and he knew that he had to go back into private practice to earn enough money to see that they could go to college. He was a wise man. I think that Richard Hewes would make an excellent Attorney General. He is fair-minded, he is

just, he is honorable, honest, and for all those reasons, I would submit his name for consideration.

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

Representative MARSANO: Mr. Chairman, Men and Women of the Convention: Dick Hewes is an individual that I have come to know well over the course of nearly three decades in practice before the courts of this state. I can attest to the numerous accomplishments that have been outlined by the Senator from Cumberland. It is my opinion that Dick Hewes would be an excellent Attorney General for the people of this state. He brings a number of unique qualities and one of them is that he is one of the few people that plays tennis in the age group in which he is on a par with the Majority Leader of the the United States Senate. I know that that is not

considered significant in terms of the Attorney General's position but it is important as far as some of the calls are concerned that life holds for us all.

The point is that Dick Hewes' career has taken on a bipartisan event over the years. He has worked with people of different parties in an attempt to help Maine. He founded and is a senior member of one of the finest law firms in the state. He has trained a large number of lawyers who are practicing law throughout the State of Maine.

His capacity is such that, from time to time, I receive letters from all over the country from other lawyers that he has met and are friends of mine who have told me of his accomplishments in the various areas of the practice of law. He would be a leader for us on the national scene, a leader as far as making the laws of Maine work for the people of Maine, and I wholeheartedly endorse his candidacy for Attorney General.

Senator Dutremble of York 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 Secretary of State for the political years 1991-1992.

Senators:	GAUVREAU of Androscoggin DUTREMBLE of York GILL of Cumberland
Representatives:	RYDELL of Brunswick MARSANO of Belfast CROWLEY of Stockton Springs MURPHY of Berwick

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

Total number of votes cast	177
Necessary for choice	89
Michael É. Carpenter	115
Richard Hewes	62

Whereupon, Michael E. Carpenter, having received a majority of all the votes cast, was declared elected Attorney General for the political years 1991-1992.

The CHAIRMAN: Nominations are now in order for the office of Treasurer of the State of Maine for the political years 1991-1992.

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

Representative JACQUES: Mr. Chairman, I am pleased to nominate Samuel Shapiro of Waterville for the office of Treasurer of the State of Maine for the political years 1991-1992.

I will be brief. Sam has served in this capacity for the last 10 years, he has been effective, hardworking, dedicated, has saved the state money at every opportunity and he has the experience and expertise which will be sorely needed in these next few years. He deserves our support.

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

Senator KANY: Mr. Chairman, Members of the Legislature: I rise to second the nomination of Samuel Shapiro as Treasurer of the State of Maine. I do so because he has earned our trust.

The CHAIRMAN: The Chair recognizes the

Representative from Paris, Representative Hanley. Representative HANLEY: Mr. Chairman, Members of the Joint Convention: It is a privilege to nominate the Honorable Philip C. Jackson of Harrison as State

Treasurer for the political years 1991-1992. Phil Jackson is by no means a stranger to the halls of this House. Phil has dedicated 14 years of public service to the State of Maine, two terms in the 107th and 108th, five terms in the House from the 110th through the 114th. Phil has served the Taxation Committee for a number of years and has become well aware of the state's financial situation.

In the true spirit of the Maine's citizen legislature, Phil Jackson has owned and operated a small business in Harrison from 1972 to 1989. Phil received his business degree from Bliss Business College in Lewiston and served in the United States Army prior to obtaining his degree.

Phil has been the director-trustee for Bethel Savings Bank for the past six years and has recently been chosen to serve as Director of the Brunswick Federal Savings. Currently, Phil serves as Vice-President of the Bethel Savings Bank and has distinguished himself admirably in the financial field. For all the reasons I have enumerated, I urge you to give your fair and honest consideration of Philip C. Jackson as Maine's next State Treasurer. The CHAIRMAN: The Chair recognizes

the

Representative from Norway, Representative Bennett. Representative BENNETT: Mr. Chairman, it is an honor to address the Maine Legislature for the first time and to second the nomination of our friend, the Honorable Philip C. Jackson of Harrison, for State Treasurer.

Nearly all of us here in the chamber today have had the pleasure of working with Phil Jackson, working with him in the House and in the Senate or on other projects.

My colleague from Paris has mentioned that Phil Jackson is amply experienced and competent for the job of State Treasurer. I wish to add only one point. Just as Phil Jackson has earned our respect with his work in state government, you can be sure that he respects us the Maine Legislature and other branches of state government. You can be sure that he will work effectively with both the legislature and the executive branch during these trying times of fiscal uncertainty. You can be sure that Phil Jackson will always speak with honesty and sensitivity when discussing the state's budget. It is time to elect a judicious and capable State Treasurer so please join me in electing Phil Jackson 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 State Treasurer for the political years 1991-1992.

Senators:	KANY of Kennebec CLARK of Cumberland WEBSTER of Franklin
Representatives:	JACQUES of Waterville

MAYO of Thomaston HANLEY of Paris BENNETT of Norway

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

Total number of votes cast	173
Necessary for choice	87
Samuel Sĥapiro	112
Philip C. Jackson	61

Whereupon, Samuel Shapiro, having received a majority of all the votes cast, was declared elected State Treasurer for the political years 1991-1992.

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 Michael E. Carpenter of his election as Attorney General and the Honorable Samuel Shapiro of his election as State Treasurer.

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 Michael E. Carpenter as Attorney General and the Honorable Samuel Shapiro as State Treasurer.

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.

The House was called to order by the Speaker.

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

SENATE PAPERS

The following Joint Order: (S.P. 21)

ORDERED, the House concurring, that the Joint Rules of the 115th are as follows:

JOINT RULES - 115TH 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.

<u>3. Debate and Amendment</u>. 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.

<u>4. Rejection of Bills.</u> 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.

<u>7. Conventions.</u> 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. <u>Communications</u>. Whenever a message shall be sent from the Senate to the House, the Chair shall appoint a messenger, who after being recognized, shall announce the message respectfully to the Chair.

In a like manner, messages from the House shall be communicated to the Presiding Officer of the Senate.

<u>9. Rules.</u> 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.

<u>11. Employees.</u> 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 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

<u>13.</u> 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 Education On Energy and Natural Resources On Fisheries and Wildlife On Housing and Economic Development On Human Resources On Judiciary On Legal Affairs On Marine Resources
- On State and Local Government

On Taxation On Transportation On Utilities

<u>Membership.</u> 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.

<u>Committee Clerks.</u> 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.

<u>Committee Procedure</u>. 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.

<u>Notice to Report.</u> A joint standing committee to which a bill or resolve has been referred shall, after receiving notice of the reporting deadline from the President of the Senate and the Speaker of the House, report that bill out of committee to the floor for consideration in accordance with that deadline.

<u>13-A.</u> 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.

<u>1. Deadline for Reports.</u> The Joint Standing Committees shall report out every bill which has been referred to them in the manner prescribed in these rules in accordance with deadlines established by the presiding officers.

2. <u>Recommendation Required.</u> 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. Ought to Pass, Ought to Pass as Amended, Ought to Pass in New Draft or Ought Not to Pass reports may be recommended by a plurality of the committee. When the committee recommendation is not unanimous a minority report or reports are required.

3. 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 5 as prescribed herein.

4. 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 5 as prescribed herein.

5. Two-thirds Required. When a bill or resolve is placed in the legislative file pursuant to subsection 3 or 4, 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.

<u>6. New Drafts.</u> 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. 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.

<u>16.</u> 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.

<u>17.</u> <u>Conference Committees.</u> 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.

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

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. Legislation filed pursuant to law or resolve. Any Legislation filed pursuant to law or resolve shall specify the source of the legislation and shall cite the law or resolve which authorizes the filing. The legislation shall be introduced in the House of the presenter or the House of origin of the authorizing law or resolve.

21. Reporting out Errors and Inconsistencies Legislation. Prior to reporting out any omnibus bill concerning 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.

22. 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.

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.

<u>2. Identification of Agency.</u> 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 submitted by returning Legislators shall be submitted in complete form to the Revisor of Statutes by 5:00 p.m. on the 2nd Friday in December. Requests for bills and resolves submitted by new Legislators shall be submitted in complete form to the Revisor of Statutes by 5:00 p.m. on the last Friday 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.

<u>Exception.</u> 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.

<u>26.</u> <u>Cloture at the Second Regular or Special</u> <u>Sessions.</u> 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. Drafts prepared by an outside source must be filed in final form by the appropriate cloture date.

<u>30. Statement of Fact.</u> 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.

<u>31.</u> Form. All bills and resolves shall be corrected as to matters of form, legislative style and grammar 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 cosponsors shall sign the bill or notify the Revisor of any changes that are necessary within deadlines established by the presiding officers. If the presenter does not contact the Office of the Revisor of Statutes within this period, the bill shall be considered voided.

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 sign the bill within the established deadlines. Further changes must be proposed to the committee of reference. If the presenter does not sign the bill within this period, it shall be voided. If cosponsors do not sign the bill within either period, their names shall be

.

removed from the bill.

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

<u>34. Expressions of Legislative Sentiment.</u> All 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.

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

<u>35-A.</u> Actions Relating to the United States <u>Constitution</u>. 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;

<u>2.</u> 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.

<u>36.</u> 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 resolve authorizing a suit against the State.

<u>36-A.</u> <u>Amendments to "AN ACT to Implement the</u> <u>Maine Indian Claims Settlement."</u> 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.

<u>37. Measures Rejected at any Prior Session.</u> 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 30 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 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 30 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 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 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.

Partisan Staff Assistants for Nominations. 39. 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 Scarborough, Representative from Representative Pendleton.

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

As you know, I have prepared an amendment to the Joint Rules that deals with bills filed after cloture but it is my understanding that you intend to have a study from some of the Peat, Marwick recommendations of the changes in these rules — is that true? The SPEAKER: The Chair would answer in the

affirmative.

Representative PENDLETON: Thank you sir. Then I would request that my proposal be considered in the study and I respectfully thank you for your consideration.

Representative Hanley of Paris offered House Amendment "B" (H-2) and moved its adoption.

House Amendment "B" (H-2) was read by the Clerk.

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

Representative HANLEY: Mr. Speaker, Men and Women of the House: This proposed method of selecting our House and Senate Chairs would be somewhat similar to the way our County Legislative What this Delegation currently pick their chairs. amendment does is change the current Joint Rules so that a committee would elect the Chairs from a majority vote within the first meeting of the committee rather than the current process of being appointed by the presiding officers.

This is a progressive and democratic way of picking chairs for our Joint Standing Committees. The system that I am proposing is similar to the system that our Congress uses where the members of the Majority Party vote for the various chairs of each committee. I strongly believe that this amendment to the Joint Rules gives empowerment to the rank and file members and I think it is a positive step in the further advancement of the democratic process.

I rise this afternoon with a better understanding of the burden that our good Speaker is under. I have had the opportunity to review both the Joint Rules and our House Rules and was surprised to discover the inordinate number of appointments that the Speaker is forced to make over the course of a session. With this in mind, I see two strong reasons why you should support this amendment (1) it makes the democratic process even more democratic and (2) it relieves our presiding officers of an unnecessary burden and frees up their time to be spent on other matters of the state.

Mr. Speaker, pursuant to Section 536 of Mason's Manual of Legislative Procedures, I move that this be taken by ballot.

The SPEAKER: The motion is out of order.

The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I move that House Amendment "B" be indefinitely postponed.

I would like to offer some very brief remarks in opposition to the House Amendment that has just been presented.

Our current system of selecting committee chairs by the presiding officers is one of a long-standing tradition here in the State of Maine. It has existed during Republican majorities in the House and existed during Democratic majorities of our House and is one that has worked well. It certainly has not been one that has, by any stretch of the imagination, been abused.

Appointment by the presiding officers of the committee chairs is, quite simply, one of the many privileges of being the Majority Party, just as an appointment of a cabinet member is a privilege extended to the individual who currently resides on the second floor. Proposing that committee members elect committee chairs is like suggesting that agency and bureau directors make their appointments of commissioners throughout state government. I am not sure any of us would suggest that bureau directors would select commissioners within the State of Maine.

I can't imagine a more cumbersome and complicated system to select our committee chairs. I think the existing system has worked well and because we have been shown no compelling reasons for change, I would urge you to run with me in moving to indefinitely postpone House Amendment "B."

The Chair The SPEAKER: recognizes the

Representative from Paris, Representative Hanley. Representative HANLEY: Men and Women of the House: I would like to pose a parliamentary inquiry. By what rules does this House turn to when the Joint Rules or the House Rules do not answer?

The SPEAKER: The Chair would advise Representative Hanley that we have not adopted Joint Rules at this time; therefore, we have to rely on House Rules and, under House Rules, we operate at the present time under Reed's Rules.

Subsequently, on motion of Representative Gwadosky of Fairfield, House Amendment "B" was indefinitely postponed.

Representative Hepburn of Skowhegan offered House Amendment "C" (H-3) and moved its adoption.

House Amendment "C" (H-3) was read by the Clerk.

The SPEAKER: The Chair recognizes the

Representative from Skowhegan, Representative Hepburn. Representative HEPBURN: Mr. Speaker, Ladies and Gentlemen of the House: This particular amendment has to do with Rule 35A, which is titled Action Relating to the U.S. Constitution. Maine seems to be the only state that handicaps its legislature in this way with its Joint Rules. Every other state, if they wish to take an action under Article V of the U.S. Constitution, do so by a simple majority vote. Legislatures in all other states, whether it be Louisiana, Texas, New Hampshire, Massachusetts, Idaho, Hawaii, any other state, can simply pass a Joint Resolution. However, in the State of Maine, when we pass a Joint Resolution, it must be passed by a two-thirds vote which, in effect, weakens our opportunity as a legislature to engage in this type of activity which is expressly referred to under Article V of the U.S. Constitution. All I am suggesting that we do with this rule change here is that we make our actions under Article V, if we ever decide that we would like to take one, to be passed by a simple majority vote instead of by two-thirds vote as the rules have stated since 1977, I believe.

This 35A is a relatively new rule in the Joint Rules. It appeared in the late seventies and previously had not existed as relating to the two-thirds requirement on these convention call resolutions. So for that reason, I would urge that you vote favorably on this amendment and thank you.

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

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I move that House Amendment "C" be indefinitely postponed.

I think the Representative from Skowhegan, Representative Hepburn, in reference to the fact that these are fairly new Joint Rules and have been adopted fairly recently -- for those of you who may not know, this was a result of a compromise between Republicans and Democrats many years ago at a time when Republicans in the legislature wanted to have the ability to send Resolutions memorializing Congress through the legislature without going through the Legislative Council. At one point, a compromise was reached in which the creation of the Council was established to allow those Joint Resolutions memorializing Congress to go through Council and, at the same time, that any proposals to memorialize Congress for a Constitutional Convention, which I think most people in this chamber would agree, is a fairly serious proposition and it should require a two-thirds vote.

I think it is more than appropriate. I just had a note passed to me which said that I might want to (and I always like to give attribution whenever these are provided to me) point out that holding up the U.S. Congress as an example of efficient and effective legislature might not be a very effective argument. I haven't been given the opportunity to provide this attribution but I did want to share that with you, I think it is probably revealing.

These amendments are often advanced and put forth every two years and it does give us an opportunity to take a look at our rules. There is nothing wrong with offering these things but, quite frankly, I think the system we have now works fine. I certainly am not opposed to looking at these again in two years if we are successful in adopting this but I haven't heard the arguments advanced today that would justify this change and I would urge you to join with me in rejecting this amendment and vote to indefinitely postpone it.

Representative Hepburn of Skowhegan requested a Division.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Gwadosky of Fairfield that House Amendment "C" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

90 having voted in the affirmative and 45 in the negative, the motion did prevail.

Subsequently was passed in concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

PETITIONS, BILLS AND RESOLVES **REQUIRING REFERENCE**

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

Energy and Natural Resources

Bill "An Act Concerning Open Burning Regulations" (EMERGENCY) (H.P. 2) (L.D. 2) (Presented by Representative MICHAUD of East Millinocket) (Cosponsored by Senator KANY of Kennebec)

Ordered Printed. Sent up for Concurrence.

PASSED TO BE ENGROSSED WITHOUT REFERENCE TO COMMITTEE

Bill "An Act to Give the Legislative Council Express Authority to Set Fees for Legislative Publications" (EMERGENCY) (H.P. 3) (L.D. 4) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by Senator CLARK of Cumberland and Senator CAHILL of Sagadahoc)

(Committee on State and Local Government was suggested)

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

By unanimous consent, ordered sent forthwith to the Senate.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

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

Utilities

Bill "An Act to Mandate the Continuance of Current Policies on Winter Utility Disconnections" (EMERGENCY) (H.P. 4) (L.D. 10) (Presented by Representative OLIVER of Portland) (Cosponsored by Speaker MARTIN of Eagle Lake, Representative ADAMS of Portland and Senator DUTREMBLE of York)

Ordered Printed. Sent up for Concurrence.

Reported Pursuant to Public Law 1989, chapter 636

Representative PARADIS for the Commission on Codification of Rules, pursuant to Public Law 1989, chapter 636 ask leave to submit its findings and to report that the accompanying Bill "An Act to Codify the Public Codification (1997) and the Public Codify the Rules of Maine" (H.P. 1) (L.D. 1) be referred to the Joint Standing Committee on State and Local Government for Public Hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, and the bill referred to the Committee on State and Local Government, ordered printed and sent up for concurrence.

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

COMMUNICATIONS

The following Communication: (S.P. 1)

DEPARTMENT OF TRANSPORTATION STATE HOUSE STATION 16 AUGUSTA, MAINE 04333

July 23, 1990

To: Members of the Maine 114th Legislature

We are pleased to present to you this copy of TRANSPORTATION TO THE YEAR 2000: A CAPITAL IMPROVEMENT PLAN FOR MAINE. This document, which represents a milestone in the evolution of Maine's

transportation policy, is the product of extensive effort on the part of the newly created Maine Transportation Capital Improvement Planning Commission as well as Department staff.

The Plan reflects a new direction in transportation planning in Maine. It is the first Plan to give comprehensive consideration to all modes of transportation, in a long-term perspective, in an effort to start the process of forging a truly intermodal system.

In addition to a discussion of the broad issues that confront the development of Maine's transportation network into the future, the document contains a description of transportation supply and demand by mode and presents specific issues and strategies to be considered in meeting identified needs. It also presents, by transportation mode, the expenditure levels required to meet the needs outlined in the Plan.

The Plan represents but one product in an on-going planning process that constantly requires change in order to respond to changing transportation needs. As mandated by the legislation establishing the Planning Commission, the Plan is to be updated on a biennial basis.

In developing this Plan, the Commission has encouraged public review and comment and will continue to offer a forum for public debate on the goals, issues and strategies contained in this Plan.

Sincerely,

S/Henry Bourgeois, Chair Maine Capital Improvement Planning Commission

S/Dana Connors, Commissioner Maine Department of Transportation

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

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

The following Communication: (S.P. 2)

STATE OF MAINE INTER-DEPARTMENTAL MEMORANDUM

- T0: Governor/Legislative Leaders
- FROM: Samuel Shapiro, State Treasurer August 13, 1990
- DATE:
- RE: Title 3, Section 551 - Bonded Indebtedness

Title 3, Section 551 of the Maine Revised Statutes requires the Commissioner of Finance and the State Treasurer to advise the Legislature and the Governor of the effect of any proposed bond issues on the State's debt. Presently there are several L.D.'s pending before the Legislature requesting additional bonding authorization as follows:

> Referendum of November 6, 1990 New Authorizations Pending

- 1. Build, Plan and Renovate Correctional Facilities \$20,250,000
- Investigation, Abatement, Cleanup and Mitigation of Uncontrolled Hazardous substance sites that pose a hazard to Public Health, et\$.3,000,000
- Correction of major maintenance problems in public schools \$ 5,000,000
- 4. Construction of Water Pollution Control Facilities \$ 9,000,000
- 5. Restoration and Preservation of Historic Buildings \$ 5,000,000
- Acquisition of certain rail lines, rail trunkage rights of easem\$n\$,500,000
- Purchase of public lands to provide access for Maine's people and for Construction to replace Churchill Dam \$19,000,000

Total: \$65,750,000

Outlined as follows are the bonds presently authorized and unissued which will be issued as projects come on line and will be added to \$306,275,000 of bonds already outstanding as of 6/30/90.

AMOUNT PURPOSE

\$ 5,220,000 10,000,000	Sewerage, Water, Oil Clean up Construction of Correctional Facilities
9,000,000	Sewerage Treatment Facilities
1,000,000	Clean up solid waste Landfills
5,500,000	Sewerage Treatment Facilities
2,000,000	Oil Storage Tank Removal
10,000,000	Highway and Bridges
20,000,000	Land Purchases
31,800,000	University of Maine
12,000,000	Sewerage Treatment Facilities
10,500,000	Hazard Site Clean up
3,200,000	9–1–1 Telephone System
14,500,000	Correctional Facilities
10,000,000	Asbestos Removal
21,000,000	Highway and Bridges
5,000,000	Capital Grants Program
7,000,000	Construction Facilities Serving
	People with Mental Illness
4,400,000	Sewerage Facilities Construction
6,000,000	Clean up of Municipal and Solid
	Waste Landfills
15,000,000	Acquiring Land for Affordable Housing
<u>19,710,600</u>	Maine Vocational Technical Institutes

\$222,830,600

CONTINGENT DEBT

86,936,927 FAME

4,000,000	Student Loans
4,800,000	School Building Authority
1,000,000	Indian Housing
<u>4.000,000</u>	Veterans Small Business Loans

\$100,736,927 Total Contingent Debt

SUMMARY

Bonds Outstanding 6/30/90 Authorized-Unissued Contingent Debt	306,275,000 222,830,600 <u>100,736,927</u>
Total:	\$629,842,527

New L.D.'s Pending listed on preceding Page

I would be pleased to answer any further questions concerning the above material at any time.

S/Samuel Shapiro Treasurer of State

S/H. Sawin Millett, Jr. Commissioner of Finance

65,750,000

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 Communication: (S.P. 3)

PUBLIC ADVOCATE STATE HOUSE STATION 112 AUGUSTA, MAINE 04333

TO: Interested Parties FROM: Stephen G. Ward, Public Advocate RE: Monthly Status Report DATE: September 28, 1990

As required by PL 1989, C. 875, I hereby provide an accounting of office time by work category for all seven employees in the Public Advocate's office, as well as a caseload listing as of September 28 and a statement of highlights of the previous month. Note that 77% of all office time (and 98% of direct hours) were devoted to utility advocacy at the Maine PUC.

Please do not hesitate to contact me in the event of any questions about this report.

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 Communication: (S.P. 22)

DEPARTMENT OF PUBLIC SAFETY

State House Station 42 Augusta, Maine 04333

The Honorable Charles P. Pray President of the Senate State House Station 3 Augusta, Maine 04333

Dear President Pray:

Pursuant to 25 M.R.S.A., it is my privilege to present to you and the Legislature the fifteenth <u>Crime in Maine Annual Report</u>.

Throughout the 16-year history of Maine's Uniform Crime Reporting program, its staff has striven to provide the law enforcement community and Maine's citizens with a timely analysis of state and local crime statistical data. This report represents the sole crime data collection system which serves as a barometer of criminal activity in Maine. It has not only measured crime during the year, but it also has served as a standard for law enforcement record systems.

With the reported increases in many crime categories, Maine law enforcement must strive to constantly improve and enhance its crucial role in society. Faced with limited budgets, changes in socio-economic climates and in public attitudes toward the criminal justice system, law enforcement officers have a great task at hand.

In the collection of crime data during 1989, an upward trend appeared in the form of increased arrests for drugs and drug-related crimes. Because of the powerful influence drug sales and personal use has upon our citizens, it is difficult to accurately measure its impact upon other crimes such as burglaries, thefts and assaults. The challenge at hand for our UCR program is one of improving the methodology used to compile and analyze crime data in order to help compensate for law enforcement's limited resources. With improved quantity, quality and timely statistical information, administrators will be better able to make informed decisions concerning budget preparation, training, staff development, crime fighting and crime prevention programs.

The availability of data compiled in this report is a tribute to the cooperation of over 150 municipal, county and state police agencies who contribute crime data each month. It is through their dedicated reporting that we are provided with information that helps us understand the volume, diversity and complexity of crime in Maine. May this data provide us with the knowledge to collectively advance effective crime resolutions. I know you join me in thanking them for their work.

Respectfully submitted,

s/John R. Atwood Commissioner

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

Was read and with accompanying report ordered

placed on file in concurrence.

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

SENATE PAPERS

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

ORDERED, the House concurring, that three hundred twenty-five copies of the Legislative Record for the 115th 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. 5)

ORDERED, the House concurring, that 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. 6)

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. 7)

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. 8)

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 Joint Order: (S.P. 9)

ORDERED, the House concurring, that the rooms in the State House and State Office Building used by the One Hundred and Fourteenth Legislature as hearing rooms be reserved for hearing rooms for the One Hundred and Fifteenth and succeeding Legislatures and be released for other purposes only upon approval by the Chair of the Legislative Council.

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 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. 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 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 2, 1991, the first 12 payments to be in the amount of Eight Hundred (\$800) 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 items appearing on Supplement No. 6 were taken up out of order by unanimous consent:

SENATE PAPERS

Bill "An Act to Restrict Disclosure of HIV Test Results" (EMERGENCY) (S.P. 17) (L.D. 6)

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 **Business** Legislation.)

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

By unanimous consent, ordered sent forthwith to the Senate.

Bill "An Act to Change an Effective Date and to Correct Errors and Inconsistencies in the Real Estate Appraisal Laws" (EMERGENCY) (S.P. 18) (L.D. 7)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed as amended by Senate Amendment "A" (S-1).

(The Committee on Reference of Bills had suggested reference to the Committee on **Business** Legislation.)

Under suspension of the rules and without reference to any Committee, the Bill was read once. Senate Amendment "A" (S-1) was read by the Clerk

and adopted.

Under further suspension of the rules, the Bill was read a second time and passed to be engrossed as amended in concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Bill "An Act to Allow Relicensing of an Existing Biomedical Waste Facility" (EMERGENCY) (S.P. 15) (L.D. 3)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed as amended by Senate Amendment "A" (S-2).

(The Committee on Reference of Bills had suggested reference to the Committee on **Energy and** Natural Resources.)

Was referred to the Committee on Energy and

Natural Resources in non-concurrence and sent up for concurrence.

Bill "An Act to Revise the Lobster Measure" (EMERGENCY) (S.P. 20) (L.D. 9)

Came from the Senate, referred to the Committee on Marine Resources and Ordered Printed.

Was referred to the Committee on Marine Resources in concurrence.

Bill "An Act to Provide a Salary Payment Option for Legislators" (EMERGENCY) (S.P. 16) (L.D. 5)

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 **State and** Local Government.)

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

By unanimous consent, ordered sent forthwith to the Senate. \cdot

Bill "An Act to Regulate Water Utilities" (EMERGENCY) (S.P. 19) (L.D. 8)

Came from the Senate, referred to the Committee on **Utilities** and Ordered Printed.

Was referred to the Committee on **Utilities** in concurrence.

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

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

Aging, Retirement_and_Veterans

Bill "An Act to Refinance a Portion of the Teacher Retirement Payments for the Fiscal Year 1990-91" (EMERGENCY) (H.P. 9) (L.D. 12) (Presented by Representative FOSS of Yarmouth) (Cosponsored by Senator WEBSTER of Franklin) (Submitted by the Department of Finance pursuant to Joint Rule 24.)

Ordered Printed. Sent up for Concurrence.

Taxation

(Later Reconsidered)

Bill "An Act to Increase the Amount the State may Borrow in Anticipation of Tax Revenues" (EMERGENCY) (H.P. 10) (L.D. 13) (Presented by Representative FOSS of Yarmouth) (Cosponsored by Senator WEBSTER of Franklin) (Submitted by the Department of Finance pursuant to Joint Rule 24.)

(Committee on Appropriations and Financial Affairs had been suggested)

Was referred to the Committee on **Taxation** ordered printed, and sent sent up for concurrence.

On motion of Representative Martin of Eagle Lake, the House reconsidered its action whereby L.D. 13 was referred to the Committee on **Taxation**.

Subsequently, was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

<u>Taxation</u>

Bill "An Act to Conform the Maine Income Tax Law for 1990 with the United States Internal Revenue Code" (EMERGENCY) (H.P. 8) (L.D. 11) (Presented by Representative FOSS of Yarmouth) (Cosponsored by Senator WEBSTER of Franklin) (Submitted by the Department of Finance pursuant to Joint Rule 24.)

Ordered Printed. Sent up for Concurrence.

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

(Off Record Remarks)

(At Ease)

The House was called to order by the Speaker.

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

The following Item:

STATE OF MAINE

Petition to the 115th Legislature of the State of Maine on the seating of Sumner H. Lipman of Augusta. TO: Honorable Edwin H. Pert, Clerk Elect, State of Maine House of Representatives

Respectfully Represents, Daniel B. Hickey (Petitioner), by and through his attorney, Michael J. Gentile, Esquire, of Augusta, County of Kennebec, and State of Maine.

Petitioner alleges that he was the Democratic candidate for the State Representative to the 115th Legislature from District 90 in the November 6, 1990 general election (Election). Petitioner was opposed in the Election by the Republican candidate, Sumner H. Lipman of Augusta.

The Governor certified Sumner H. Lipman as the apparent winner in the Election and a certificate of election was issued to Sumner H. Lipman by the Secretary of State.

Petitioner alleges that, as a result of an inspection of the ballots conducted under the auspices of the City of Augusta and as the result of Petitioner's review of the Election several irregularities were discovered:

- A. Augusta City Attorney Charles Moreshead informed Petitioner that the first five people who voted in Ward I were not checked off on the incoming list. Thus, they could have possibly voted twice;
- B. Mr. Moreshead also indicated that seven Chapel Street residents were erroneously listed in District 89 instead of District 90 and that there were four residents of Western Avenue who were similarly erroneously listed. He stated that the error on Chapel Street was corrected at some point during election day but he did not know when;
- C. Mr. Moreshead indicated that one ballot, voted with a red pen or pencil, had been crumpled and thrown into a waste container, but was later retrieved, smoothed out and deposited in the ballot box. Petitioner did not see this ballot during the ballot inspection;
 - Up to 50 voters were registered in the wrong district, including those on Chapel Street. Other streets affected appear to be Eastern Avenue, Western Avenue, Green Street, South Belfast Avenue, Howard Street, Hospital Street, State Street, Bridge Street, Winthrop Street, Arsenal Street, and Gray Birch Drive. A review of the voting list indicated at least 11 of these people actually voted. Petitioner has confirmed that three more people also erroneously listed have voted and is awaiting final confirmation on two others. Petitioner has over 20 other names to check for this problem at the recount;

D.

E. The City of Augusta provides only about half the legally required number of voting machines and booths. Maine election law requires one voting opportunity for every 150 people of voting age. Since the Shoup voting machines are, in fact, the actual voting booth, the 150 person rule applies. The Ward I polling place, for example, is equipped with 10 machines and 3 paper ballot booths. There are approximately 3,500 registered voters in Ward I, or about 270 per voting opportunity;

> As a result of this failure to comply with State law, many voters waited more than two hours to vote. A significant number of voters, either because of age, infirmity or for other reasons, could not wait and had to leave without voting. During one two-hour period at Ward I, one voter observed twenty others who had to leave the polling place without voting. Petitioner also understands that people wishing to vote on paper ballots were delayed by long lines of voters waiting to use machines. This occurred even while paper ballot booths were empty, particularly in Ward II where voters were refused paper ballots;

- F. On election night, 53 absentee ballots were challenged in Ward I by representatives of the Lipman campaign. On Wednesday, November 7, 1990, Petitioner challenged 33 absentee ballots in Ward II and Lipman challenged 3 or 4. At the ballot inspection, Petitioner was able to account for only 47 challenged ballots in Ward I and only 30 ballots in Ward II. It appears there may be as many as 14 challenged ballots missing or for which Petitioner cannot account; and
- G. At the ballot inspection, none of the voting machines were properly under seal. None broke the seal when opened and voting machine #29187 had no seal at all. In addition, voting machine #29186 registered only 161 voters while the tally showed 167 people as having voted. None of the paper ballots were under proper seal. Ends of ballot packages were sealed only with clear plastic tape no seals while the other end would be under seal tape. After the ballot inspection, packages were sealed with tape but state seals were taped on without the backs being moistened. State seals were not affixed to the packages and boxes properly.

In support of this Petition, Petitioners refers you to the convening of the 108th Maine State Legislature on January 5, 1977. In that year, the House of Representatives declared vacant the seat in District 89 for Bath on the single issue: that more people voted in the wrong district, and were thus disenfranchised, than the margin of victory for the winner. No other issues, such as the ones addressed above, were raised during the 1977 controversy. A copy of the Legislative Record for this action by the 108th Legislature is attached hereto. In the Election which took place in the City of Augusta, precisely the same issue is raised. Thus, given this precedent, no one should be seated in District 90 until a determination is made that citizen of District 90 was disenfranchised.

WHEREFORE, your Petitioner prays that the 115th Legislature not seat Sumner H. Lipman at this time. Petitioner urges the House of Representatives to allow the election process to go forward. A recount is scheduled on December 6, 1990. An investigation by the Commission on Governmental Ethics and Election Practices will be in order after the recount. By not seating anyone for District 90 at this time, the House of Representatives will preserve the status quo and will allow the election process to go forward unencumbered by one candidate being seated. The election process, as outlined in the State statutes, will insure that the citizens of Augusta have a full and fair election and that all voters who are entitled to vote in District 90 will have the opportunity to do so.

Dated at Augusta, Maine this 4th day of December, 1990.

Respectfully submitted,

s/Michael J. Gentile, Esquire Attorney for Daniel B. Hickey

The accompanying attached extracts from the House Legislative Record, dated January 5, 1977, pages 5 and 6 and dated January 12, 1977, page 31.

Was read and referred to House Committee on Elections and to the Commission on Governmental Ethics and Election Practices.

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 Restrict Disclosure of HIV Test Results (S.P. 17) (L.D. 6)

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. 129 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.

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 Provide a Salary Payment Option for Legislators (S.P. 16) (L.D. 5)

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

Chair recognizes the The SPEAKER: The Representative from Lewiston, Representative Aliberti. Representative ALIBERTI: Mr. Speaker, I would

like to pose a question through the Chair. I would like to use myself as an example. This

is the time of evening when a little bit of humor is

in very good taste anyway. The question is, if I took this option and I am over age 70 and if in the first year I left this great land of ours, would I allow my estate to collect the \$10,000 or the \$9,000?

The SPEAKER: It would go to the legislator that Representative from replaces the Lewiston. Representative Aliberti, pursuant to law. Any amount that is not paid would not be paid, if you choose to use this option. You do not need to but if you choose to use the option and you are covered by this provision, you would not be paid, it would simply remain with the State of Maine. The new legislator would get the difference based by the number of weeks times the salary. So, you have an option, exercise it if you so desire if you are covered by it. If you don't want to, just leave it alone. You can't have it both ways.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 126 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.

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Change an Effective Date and to Correct Errors and Inconsistencies in the Real Estate Appraisal Laws (S.P. 18) (L.D. 7) (S. "A" S-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)

The House was called to order by the Speaker.

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Give the Legislative Council Express Authority to Set Fees for Legislative Publications (H.P. 3) (L.D. 4)

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. 107 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

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

SENATE PAPERS

The following Joint Order: (S.P. 23)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Thursday, January 3, 1991, at 4 o'clock in the afternoon or to the call of the President of the Senate and the Speaker of the House when there is need to conduct legislative business.

Came from the Senate, read and passed.

Was read and passed in concurrence.

At this point, the Speaker appointed the following members to the House Committee on Elections:

Representative Jacques of Waterville, Chair Representative Chonko of Topsham Representative McHenry of Madawaska Representative Mayo of Thomaston Representative Pouliot of Lewiston Representative Strout of Corinth Representative Parent of Benton

0n of Representative Gwadosky motion of Fairfield,

Adjourned at 7:27 p.m. until Thursday, January 3, 1991 at four o'clock in the afternoon pursuant to Joint Order (S.P. 23)