

MAINE STATE LEGISLATURE

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

VOLUME I

FIRST REGULAR SESSION

House of Representatives
December 2, 1992 to May 13, 1993

ONE HUNDRED AND SIXTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
11th Legislative Day
Thursday, January 28, 1993

The House met according to adjournment and was called to order by the Speaker.

Prayer by Reverend Robert Grove-Markwood, Presque Isle Congregational Church, United Church of Christ.

The Journal of Tuesday, January 26, 1993, was read and approved.

At this point, a message came from the Senate, borne by Senator ESTY of Cumberland proposing a Convention of both branches of the Legislature to be held at 6:45 in the evening in the Hall of the House for the purpose of extending to His Excellency, Governor John R. McKernan, Jr., an invitation to attend the Convention and make such communication as pleases him.

Thereupon, the House voted to concur in the proposal for a Joint Convention to be held at 6:45 in the evening and the Speaker appointed Representative PARADIS of Augusta to convey this message to the Senate.

Subsequently, Representative PARADIS reported that he had delivered the message with which he was charged.

SENATE PAPERS

Bill "An Act to Amend Certain Laws Affecting Waste Discharges by Quasi-municipal Agencies" (S.P. 76) (L.D. 177)

Came from the Senate, referred to the Committee on **Energy and Natural Resources** and Ordered Printed.

Was referred to the Committee on **Energy and Natural Resources** in concurrence.

Bill "An Act to Allow Hunting of Small Game Animals on Sundays" (S.P. 78) (L.D. 179)

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

Was referred to the Committee on **Fisheries and Wildlife** in concurrence.

Bill "An Act Regarding Low-cost Drugs for the Elderly" (S.P. 74) (L.D. 175)

Bill "An Act to Allocate Funds to a Teenage Homeless Shelter in Bangor" (S.P. 77) (L.D. 178)

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

Were referred to the Committee on **Human Resources** in concurrence.

Later Today Assigned

Bill "An Act Regarding the Removal of Public Utility Commission Commissioners" (S.P. 75) (L.D. 176)

Came from the Senate, referred to the Committee on **State and Local Government** and Ordered Printed.

On motion of Representative Clark of Millinocket, tabled pending reference in concurrence and later today assigned.

COMMUNICATIONS

The following Communication:

Administrative Office of the Courts
70 Center Street
P. O. Box 4820 DTS
Portland, Maine 04112

January 25, 1993

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

Dear Speaker Martin:

It is my honor and personal pleasure to transmit to you a copy of the Sixteenth Annual Report of the Judicial Branch, pursuant to the provisions of 4 MRSA, section 17(10).

Sincerely,

S/James T. Glessner
State Court Administrator

Was read and with accompanying report ordered placed on file.

**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:

Human Resources

Bill "An Act to Retain the Housing Special Needs Payment for Aid to Families with Dependent Children Families" (H.P. 140) (L.D. 185) (Presented by Representative RYDELL of Brunswick) (Cosponsored by Senator BUSTIN of Kennebec and Representatives: BRENNAN of Portland, DAGGETT of Augusta, DORE of Auburn, GEAN of Alfred, HALE of Sanford, HOGLUND of Portland, LARRIVEE of Gorham, MARTIN of Eagle Lake, MITCHELL of Freeport, MORRISON of Bangor, RAND of Portland, STROUT of Corinth, TREAT of Gardiner,

Senators: CONLEY of Cumberland, PINGREE of Knox)

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

On motion of Representative Chonko of Topsham, was referred to the Committee on Human Resources, ordered printed and sent up for concurrence.

Banking and Insurance

Bill "An Act to Remove the Repeal Date from the Laws Governing Equitable Insurance Coverage for Mental Illness" (EMERGENCY) (H.P. 138) (L.D. 183) (Presented by Representative DORE of Auburn) (Cosponsored by Senator CLEVELAND of Androscoggin and Representatives: ADAMS of Portland, CATHCART of Durham, GEAN of Alfred, HILLOCK of Gorham, HOGlund of Portland, HUSSEY of Milo, MORRISON of Bangor, NADEAU of Saco, PINEAU of Jay, RYDELL of Brunswick, Senators: LAWRENCE of York, McCORMICK of Kennebec)

Bill "An Act to Retain the Federal Demonstration Grant Funding the Maine Health Program" (H.P. 141) (L.D. 186) (Presented by Representative RYDELL of Brunswick) (Cosponsored by Senator BUSTIN of Kennebec and Representatives: CHASE of China, COLES of Harpswell, DORE of Auburn, GEAN of Alfred, MARTIN of Eagle Lake, MITCHELL of Freeport, MORRISON of Bangor, PINEAU of Jay, TREAT of Gardiner, Senators: McCORMICK of Kennebec, PINGREE of Knox)

Bill "An Act to Provide Discounted Workers' Compensation Rates for Certain Employers" (H.P. 147) (L.D. 199) (Presented by Representative CARR of Sanford)

Bill "An Act to Require Insurers to Notify Loss Payees in the Event of Termination of Coverage" (H.P. 148) (L.D. 200) (Presented by Representative MICHAUD of East Millinocket)

Ordered Printed.
Sent up for Concurrence.

Business Legislation

Bill "An Act to Increase the Availability of Emergency Information" (H.P. 158) (L.D. 210) (Presented by Representative HOLT of Bath)

Ordered Printed.
Sent up for Concurrence.

Joint Select Committee on Corrections

Bill "An Act to Ensure Appropriate Community-based Treatment of Nonviolent Juvenile Offenders" (H.P. 146) (L.D. 191) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by Representatives: GEAN of Alfred, HOLT of Bath, JOHNSON of South Portland, LARRIVEE of Gorham,

MARSHALL of Eliot, OLIVER of Portland, PFEIFFER of Brunswick, Senator: CONLEY of Cumberland)

Ordered Printed.
Sent up for Concurrence.

Education

Bill "An Act to Promote Educational Reform" (H.P. 142) (L.D. 187) (Presented by Representative BRENNAN of Portland) (Cosponsored by Representatives: FITZPATRICK of Durham, JOHNSON of South Portland, LARRIVEE of Gorham, OLIVER of Portland, SIMONDS of Cape Elizabeth, Senator: CONLEY of Cumberland)

Bill "An Act to Require the Trustees of the University of Maine System to Include Certain Projections in Their Annual Report to the Legislature" (H.P. 152) (L.D. 204) (Presented by Representative SIMONDS of Cape Elizabeth)

Bill "An Act to Enhance the Effectiveness of the Quality Incentive Adjustment Allocation" (H.P. 153) (L.D. 205) (Presented by Representative REED of Falmouth) (Cosponsored by Representative: FOSS of Yarmouth, Senator: BUTLAND of Cumberland)

Bill "An Act to Appropriate Funds for the Maintenance and Restoration of the Landmark Site 'Montpelier' in Thomaston" (H.P. 160) (L.D. 212) (Presented by Representative SKOGLUND of St. George) (Cosponsored by Representatives: ADAMS of Portland, BOWERS of Washington, MELENDY of Rockland, NASH of Camden, SIMONEAU of Thomaston, Senator: PINGREE of Knox)

Ordered Printed.
Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Prevent Clear-cutting within One Mile of a Great Pond" (H.P. 139) (L.D. 184) (Presented by Representative COFFMAN of Old Town) (By Request)

Bill "An Act to Facilitate Municipal Road Construction" (H.P. 144) (L.D. 189) (Presented by Representative LORD of Waterboro) (Cosponsored by Representatives: AHEARNE of Madawaska, ANDERSON of Woodland, BARTH of Bethel, CARON of Biddeford, CLARK of Millinocket, DEXTER of Kingfield, DONNELLY of Presque Isle, FARNUM of South Berwick, GEAN of Alfred, GOULD of Greenville, HICHBORN of Howland, HILLOCK of Gorham, KERR of Old Orchard Beach, KNEELAND of Easton, LIBBY of Kennebunk, MURPHY of Berwick, NICKERSON of Turner, PLOURDE of Biddeford, POULIOT of Lewiston, REED of Dexter, ROBICHAUD of Caribou, STEVENS of Sabattus, STROUT of Corinth, TARDY of Palmyra, TAYLOR of Cumberland, TRUE of Fryeburg, TUFTS of Stockton Springs, VIGUE of Winslow, YOUNG of Limestone, ZIRNKILTON of Mount Desert, Senators: CIANCHETTE of Somerset, KIEFFER of Aroostook, SUMMERS of Cumberland)

Bill "An Act to Require Reimbursement of Fines or

Penalties Imposed on Municipalities by the Department of Environmental Protection" (H.P. 154) (L.D. 206) (Presented by Representative CARON of Biddeford) (Cosponsored by Representatives: AHEARNE of Madawaska, DiPIETRO of South Portland, DONNELLY of Presque Isle, DUTREMBLE of Biddeford, FARNUM of South Berwick, HATCH of Skowhegan, MURPHY of Berwick, PLOURDE of Biddeford, REED of Dexter, VIGUE of Winslow, Senator: CONLEY of Cumberland)

Bill "An Act to Exempt Municipalities from Fines and Penalties Imposed for Violations of Board of Environmental Protection Rules" (H.P. 155) (L.D. 207) (Presented by Representative CARON of Biddeford) (Cosponsored by Representatives: AHEARNE of Madawaska, DiPIETRO of South Portland, DONNELLY of Presque Isle, DUTREMBLE of Biddeford, FARNUM of South Berwick, HATCH of Skowhegan, MURPHY of Berwick, PLOURDE of Biddeford, REED of Dexter, VIGUE of Winslow)

Bill "An Act to Extend the Municipal Landfill Closure Mandate" (EMERGENCY) (H.P. 164) (L.D. 216) (Presented by Representative FOSS of Yarmouth) (Cosponsored by Representatives: DiPIETRO of South Portland, MITCHELL of Freeport, Senator: BUTLAND of Cumberland)

Ordered Printed.
Sent up for Concurrence.

State and Local Government

Bill "An Act Concerning the Employment of Personnel by the Department of Inland Fisheries and Wildlife" (H.P. 161) (L.D. 213) (Presented by Representative ROTONDI of Athens) (Cosponsored by Representative: JOSEPH of Waterville, Senators: BERUBE of Androscoggin, LUTHER of Oxford)

(The Committee on Reference of Bills had suggested reference to the Committee on Fisheries and Wildlife.)

On motion of Representative Rotondi of Athens, was referred to the Committee on **State and Local Government**, ordered printed and sent up for concurrence.

Judiciary

Bill "An Act to Ensure That Interest on Lawyers' Trust Accounts Is the Property of the Clients" (H.P. 162) (L.D. 214) (Presented by Representative CARR of Sanford)

Ordered Printed.
Sent up for Concurrence.

Labor

Bill "An Act to Provide Wage Equity for Teenage Laborers" (H.P. 151) (L.D. 203) (Presented by Representative PINEAU of Jay) (Cosponsored by Senator

HANDY of Androscoggin and Representatives: MARTIN of Eagle Lake, RUHLIN of Brewer, ST. ONGE of Greene, Senator: LUTHER of Oxford)

Bill "An Act to Amend the Municipal Public Employees Labor Relations Laws" (H.P. 165) (L.D. 217) (Presented by Representative MORRISON of Bangor) (Cosponsored by Representatives: NORTON of Winthrop, RUHLIN of Brewer, SULLIVAN of Bangor, Senator: HANDY of Androscoggin)

Ordered Printed.
Sent up for Concurrence.

Legal Affairs

Bill "An Act Concerning Absentee Ballot Voting Procedures" (H.P. 145) (L.D. 190) (Presented by Representative LIPMAN of Augusta) (Cosponsored by Representative: BAILEY of Township 27)

Bill "An Act to Deter Felons from Carrying Firearms during the Maine Hunting Season" (H.P. 150) (L.D. 202) (Presented by Representative JACQUES of Waterville) (Cosponsored by Representatives: ADAMS of Portland, CLARK of Millinocket, CLEMENT of Clinton, COFFMAN of Old Town, GOULD of Greenville, KILKELLY of Wiscasset, MARSH of West Gardiner, PINEAU of Jay, Senators: HALL of Piscataquis, O'DEA of Penobscot)

Bill "An Act Concerning Harness Racing" (H.P. 156) (L.D. 208) (Presented by Representative TARDY of Palmyra)

Bill "An Act Related to Lottery Machines" (H.P. 159) (L.D. 211) (Presented by Representative GRAY of Sedgwick)

Ordered Printed.
Sent up for Concurrence.

Later Today Assigned

Bill "An Act to Protect Animal Enterprises" (H.P. 163) (L.D. 215) (Presented by Representative TARDY of Palmyra) (Cosponsored by Representatives: ALIBERTI of Lewiston, CARON of Biddeford, CROSS of Dover-Foxcroft, KNEELAND of Easton, SPEAR of Nobleboro)

(The Committee on Reference of Bills had suggested reference to the Committee on **Legal Affairs**.)

On motion of Representative Daggett of Augusta, tabled pending reference and later today assigned.

Taxation

Bill "An Act to Establish a Statute of Limitations for Claims against Titles to Property Acquired for Nonpayment of Taxes" (H.P. 149) (L.D. 201) (Presented by Representative SKOGLUND of St. George) (Cosponsored by Representatives: CARON of

Biddeford, CARR of Sanford, COLES of Harpswell, DRISCOLL of Calais, LIBBY of Kennebunk, Senators: LAWRENCE of York, PINGREE of Knox)

Ordered Printed.
Sent up for Concurrence.

Transportation

Bill "An Act to Establish a Minimum Age Limit on the Use of All-terrain Vehicles" (H.P. 143) (L.D. 188) (Presented by Representative MORRISON of Bangor) (Cosponsored by Representatives: ADAMS of Portland, CAMPBELL of Holden, CLARK of Millinocket, GOULD of Greenville, HOLT of Bath, WINN of Glenburn, Senator: VOSE of Washington)

Bill "An Act to Allow Rental Vehicles to be Used on a Temporary Basis by Limousine Companies" (H.P. 157) (L.D. 209) (Presented by Representative LINDAHL of Northport) (By Request)

Ordered Printed.
Sent up for Concurrence.

Study Report - Committee on Banking and Insurance

Representative RYDELL from the Committee on Banking and Insurance to which was referred by the Legislative Council the Study Relative to the Feasibility of a Statewide Health Insurance Program have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Implement the Recommendations of the Joint Select Committee to Study the Feasibility of a Statewide Health Insurance Program" (EMERGENCY) (H.P. 137) (L.D. 182) be referred to this Committee for public hearing and printed pursuant to Joint Rule 19.

Report was read and accepted and the bill referred to the Committee on Banking and Insurance, ordered printed and sent up for concurrence.

Reported Pursuant to Private and Special Law

Representative DORE for the State Tax Assessor, pursuant to Private and Special Law 1991, chapter 114 ask leave to submit its findings and to report that the accompanying Bill "An Act to Adjust the 1992 State Valuation of Mechanic Falls" (EMERGENCY) (H.P. 135) (L.D. 180) be referred to the Joint Standing Committee on Taxation for public hearing and printed pursuant to Joint Rule 20.

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

Reported Pursuant to the Statutes

Representative DORE from the Joint Standing

Committee on Taxation, pursuant to the Maine Revised Statutes, Title 36, section 199 ask leave to submit its findings and to report that the accompanying Bill "An Act to Implement the Recommendations of the Joint Standing Committee on Taxation Pursuant to Its Annual Tax Expenditure Review" (H.P. 136) (L.D. 181) be referred to the Joint Standing Committee on Taxation for public hearing and printed pursuant to Joint Rule 18.

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

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative JACQUES from the Committee on Energy and Natural Resources on Bill "An Act to Compensate Landowners for Property Value Loss Due to Wetlands Conservation" (H.P. 32) (L.D. 35) reporting "Ought Not to Pass"

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

PASSED TO BE ENACTED

An Act to Promote the Location of a Federal Department of Defense Facility in Penobscot County (H.P. 35) (L.D. 43) (C. "A" H-14)

An Act to Amend the Defense Finance and Accounting Service Financial Assistance Laws (S.P. 68) (L.D. 129) (C. "A" S-14)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

(At Ease)

The House was called to order by the Speaker.

On motion of Representative Jacques of Waterville, the House reconsidered its action whereby Bill "An Act to Establish a Minimum Age Limit on the Use of All-terrain Vehicles" (H.P. 143) (L.D. 188) was referred to the Committee on Transportation.

On further motion of the same Representative, was referred to the Committee on Fisheries and Wildlife, ordered printed and sent up for concurrence.

The Chair laid before the House the following matter: Bill "An Act Regarding the Removal of Public Utility Commission Commissioners" (S.P. 75) (L.D. 176)(came from the Senate, referred to the Committee on **State and Local Government**) which was tabled earlier in the day and later today assigned pending reference in concurrence.

On motion of Representative Clark of Millinocket, was referred to the Committee on **Utilities** in non-concurrence and sent up for concurrence.

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

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

SENATE PAPER

The following Joint Order: (S.P. 86)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, February 2, 1993, at four o'clock in the afternoon.

Came from the Senate, read and passed.

Was read and passed in concurrence.

(At Ease to Gong)

The House was called to order by the Speaker.

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

SENATE PAPERS

Bill "An Act to Increase the Penalty for Abuse of Animals" (S.P. 82) (L.D. 195)

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

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

Bill "An Act Requiring Disclosure of Coinsurance Provisions on Insurance Policies or Contracts" (S.P. 81) (L.D. 194)

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

Was referred to the Committee on **Banking and**

Insurance in concurrence.

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

SENATE PAPERS

Bill "An Act to Establish a Shock Incarceration Program" (S.P. 79) (L.D. 192)

Came from the Senate, referred to the **Joint Select Committee on Corrections** and Ordered Printed.

Was referred to the **Joint Select Committee on Corrections** in concurrence.

Bill "An Act to Improve Access to Dental Services" (S.P. 85) (L.D. 198)

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

Was referred to the Committee on **Human Resources** in concurrence.

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

SENATE PAPERS

Bill "An Act to Ensure Continued Support for Dislocated Workers in Retraining Programs" (S.P. 80) (L.D. 193)

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

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

Bill "An Act Concerning the Use of Stabilizers on Fishing Vessels" (S.P. 83) (L.D. 196)

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

Was referred to the Committee on **Marine Resources** in concurrence.

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

SENATE PAPER

Non-Concurrent Matter

Bill "An Act to Amend the Credit Reporting Laws" (H.P. 131) (L.D. 172) which was referred to the Committee on **Banking and Insurance** in the House on January 26, 1993.

Came from the Senate referred to the Committee on **Business Legislation** in non-concurrence.

The House voted to recede and concur.

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

IN CONVENTION

The President of the Senate, Dennis L. Dutremble, in the Chair.

The Convention was called to order by the Chairman.

On motion of Senator **BUSTIN** of Kennebec, it was

ORDERED, that a Committee be appointed to wait upon the members of the Governor's Cabinet inviting them to attend the Convention.

The Chairman appointed:

Senators: BERUBE of Androscoggin
ESTY of Cumberland
BUTLAND of Cumberland

Representatives: JOSEPH of Waterville
KILKELLY of Wiscasset
GRAY of Sedgwick
DUTREMBLE of Biddeford
AHEARNE of Madawaska
ROWE of Portland
WALKER of Blue Hill
LOOK of Jonesboro
BENNETT of Norway
YOUNG of Limestone

Subsequently, Senator **BERUBE** of Androscoggin, for the Committee, reported that the Committee had discharged the duty assigned it and that the Governor's Cabinet members would attend forthwith.

Subsequently, the Governor's Cabinet members entered the House gallery, amid applause, the audience rising.

On motion of Senator **ESTY** of Cumberland, it was

ORDERED, that a Committee be appointed to wait upon his Excellency, Governor John R. McKernan, Jr., and inform him that the two branches of the Legislature were in Convention assembled, ready to receive such communication as he may be pleased to make.

The Chairman appointed:

Senators: PEARSON of Penobscot
TITCOMB of Cumberland

FOSTER of Hancock

Representatives: CHONKO of Topsham
POULIOT of Lewiston
CARROLL of Gray
MICHAUD of East Millinocket
RYDELL of Brunswick
HICHBORN of Howland
KERR of Old Orchard Beach
FOSS of Yarmouth
MACBRIDE of Presque Isle
REED of Falmouth

Subsequently, Senator **PEARSON** of Penobscot, for the Committee, reported the the Committee had discharged the duty assigned it, and that the Governor was pleased to say that he would attend the Convention forthwith.

At this point, the Chair welcomed to the Convention the wife of the Governor, Congresswoman Olympia Snowe and his mother, Barbara McKernan. (applause, the audience rising)

At this point, Governor John R. McKernan, Jr., entered the Convention Hall, amid applause, the audience rising.

The Governor then addressed the Convention as follows:

Mr. President, Mr. Speaker, Members of the 116th Legislature, Fellow Citizens:

I stand here before you this evening, not just to assess once again the State of our State, but also to describe for you the Maine I believe we can build — if we work together to meet the challenges we face during this decade. The bottom line? Maine must change — change our mindset and our programs to meet our challenges.

I know changing is never easy — it threatens the way we are used to doing business and forces new priorities upon us. It forces us to look closely at our strengths and weaknesses, so that we do not throw out the good with the bad. But, the reality of the 1990's is that our economy is not the same as it was in the 1980's. So, change we must if we are going to have the economic opportunities our citizens deserve in the State of Maine.

We saw that commitment to change, to recover, in President Fred Hutchinson's inaugural remarks last week at the University of Maine. He said that we must accept change, "not out of fear or resignation, not because we don't want to pursue greatness and challenge" — but rather in recognition of the responsibilities and realities of the 1990's. President Hutchinson understands that we may need to offer fewer services, but deliver them better. This is a mindset that we all need to adopt.

I realize that it is difficult to leave the familiar pathways that have guided our state for so long. But, in spurning change these past few years, we can all attest that our decisions have not become any easier, or our problems any less challenging.

Nineteen ninety-two was not an easy year for many

of us: politician or papermaker, factory worker, fisherman or farmer. No, whether it is single parents, families with two working parents, their parents or their children, the 1990's have not been kind. During the 1980's, we in government became accustomed to rapidly growing revenues, as our prosperity, our job base and our population rapidly expanded. When I took office as your Governor in 1987, I called for Maine to become the Opportunity State and spoke of the unlimited promise of our citizens and our state. Well, I still have that belief for those were good times. We chose together to make investments in our citizens. We worked together to build a compassionate government. Together, we began to build a state government perhaps unparalleled in its commitment to our needy, our elderly, and our children. I believe that, for the most part, we did the right thing. I say that because, for the most part, we were able to make these investments without having to raise taxes.

With the onset of the 1990's, we entered a new decade that brought new realities. We learned that, just as our job base could expand dramatically during the 1980's, it could contract dramatically as well. We learned that, in the 1980's, businesses came to Maine in droves as our neighbors to the South ran out of space for jobs and workers to fill them. In the 1990's, we have watched as many of those same jobs have been eliminated or receded back to the South...and we have been left with a huge government infrastructure that state revenues can no longer support. That is the reality of today.

So, we must rebuild a state government that we can afford, a state government that lives within its means. If we do that, Maine will remain a state of promise and opportunity. For awhile, we were once perched on the geographic edge of our country; today we stand at the center of a global economy that offers unbounded opportunity if we can only adjust the way we do business.

Our challenge this year is to tackle problems in different ways, seeking out these new solutions. And, we would do well to begin by listening to our new President. In his Inaugural Address, President Clinton asked us to "break the bad habit of expecting something for nothing, from our government or from each other. Let us all take more responsibility", he said, "not only for ourselves and our families, but for our communities and our country." President Clinton is right.

We need to aspire to new heights, to new ideals, and invest in our future even as we scale back our government. We must change our focus — from providing programs that discourage personal responsibility, to providing programs that require personal responsibility and expand opportunity. Our citizens, our society, our government — all of us are searching for a new, uniting goal that will bring us together even as we set new expectations.

I believe that uniting principle is simple: to once again strive, together, to make Maine a state of opportunity for all of our citizens — the best place in America to live, work and raise a family. That is the goal that united us in 1987 when I became Governor and that goal can unite us again in 1993 even though we are faced with remarkably different circumstances.

Instead of leading the nation in economic growth and per capita increase in funding for education, as we did during the 1980's, our world has been turned

upside down. Since 1990, we have been among the nations' leaders in number of jobs lost and in personal and business bankruptcies. Our workers' compensation insurance costs have led the nation.

Thankfully, it appears that our economy has stabilized and is beginning to improve. But, as we come out of the darkness of this recession, the question is how to take the best advantage of the morning light. I believe the way to harness that morning light is to shine it through the prism of a new approach to job creation and turn it into a spectrum of opportunities. I believe that we will succeed — but only if we do it jointly.

A few weeks ago, I presented my budget to you in an address here in this very Chamber and with that address, we set forth a new budget that reflects new priorities. That budget is changing the face of the State of Maine and I am confident that our budget is changing Maine state government for the better. As I stated in my budget address, however, we must realize that our problem in government over the past few years had not been a problem simply of programs or of lagging revenues. Rather, our problem has been the tremendous loss of jobs that we suffered as our economy plummeted in the three years following 1989. Thirty thousand fewer jobs exist today than during our peak employment that year. That means 30,000 fewer people who can support our economy with either purchases or support state government with their tax dollars. That is why our number one priority this year must be to adopt government policies that encourage job creation, and good jobs for our citizens. (applause)

When I leave office in two years, I would like to leave the citizens of this state with a Maine that has not only weathered the twin storms of unprecedented regional and national recessions, but also a Maine whose course is set toward enhanced opportunity for all who want it. Our goal must be to set Maine on sound economic footing — not only for state government, but for all who live here as well.

To accomplish our goal, we must follow five guiding principles:

1. Break down barriers to economic growth and foster a climate hospitable to job creation.
2. Improve educational opportunities for our citizens and our children in response to the new economic realities.
3. Maintain a safety net to guard our neediest citizens. (applause)
4. Continue our commitment to protecting our environment, so our state remains the place where we want to live and work.
5. Restore the credibility of our government, both by maintaining sound fiscal policies and by rethinking our responsibilities.

Our first task is to address the problems that remain at the root of our economic woes: the barriers to job creation in our state. These barriers vary from business to business, even from region to region. But from our regulatory structure to our tax burden, from workers' comp to energy costs, the persistent reality remains: businesses struggle to hurdle an array of barriers.

Last year, we created a Jobs Commission to reduce these impediments. Unfortunately, with only a few exceptions, the proposals the Commission made were not adopted by the last Legislature.

This year, we will try again. With the leadership of President Dutremble and Speaker Martin, we will create a special task force of legislators to work with our Administration to examine the proposals of last year's Jobs Commission and a number of other job creation proposals that have been suggested to me and to many of you over the past few months. I encourage this group when it is formed to leave the State House, to leave Augusta, to listen to the people who are doing business and creating jobs for Maine workers. They will tell you why it is so difficult to create jobs in Maine. They will tell you that one of the most persistent problems with job creation in Maine is the perception — however accurate — that our Legislative Branch of Government is hostile to business. Changing that perception, I believe, is just a matter of a few well-placed words, a few actions — which will show those who create jobs that Maine welcomes job creation. It is crucial to those we represent that we change the anti-jobs perception this year.

Business leaders will tell you that we need to work to bring energy costs in line by passing utility reform; that we need to streamline our governmental permitting process; that we should leave our recently-reformed workers' compensation insurance system alone for this session; that we need to lower our taxes to let businesses and their workers get back on their feet. I believe people will also tell you we need to invest in promoting Maine — that we need to keep pace with those who compete with Maine for jobs and tourists. So, I will propose to increase our spending for tourism promotion in a way which will pay for itself and not take money away from other programs. (applause) We need to rethink the way we approach business climate issues here in Maine.

The Defense Finance and Accounting Services facility for which we are competing is a good example. With your help, we are removing excess costs of locating this facility in Maine in an attempt to create thousands of new jobs. I believe the lesson that should be learned from this effort should be that we cannot continue to make these decisions on a case-by-case basis. Rather, we must commit ourselves this session to lowering costs for all of our businesses: those already here as well as the new ones we hope to attract. (applause) Businesses across Maine and the nation are watching our response and literally thousands of jobs for Maine citizens hang in the balance. We simply cannot afford to wait any longer.

As we work to create more jobs, we must also continue to raise the aspirations of our young people and enhance the education and training opportunities available to all of our citizens. No other investment is more important in restoring our long-term economic stability.

We must extend opportunity to our children by improving our education system even as we control school costs. I believe we will succeed because our citizens, our teachers, our students and our schools are committed to success. We are seeing progress in the Maine Educational Assessment, where scores have improved steadily even as we have not dramatically increased the cost of education but we have dramatically increased the difficulty of these tests. Our progress is clear in national comparisons. The National Association of Educational Progress tells us that a study to be released in

March will show that Maine students have achieved high scores compared to students in other states. So, we are making this progress despite more limited state funding, demonstrating, I believe, that more money alone does not improve educational outcomes.

In spite of our successes, we must continue to broaden opportunities in our schools, especially for those young people not now planning to go on to college. The Maine Youth Apprenticeship Program, which we are piloting in Cumberland County this year, will create opportunities for our students by providing a relevant education tied to available jobs and needed skills. Our youth apprenticeship plan draws on the best experiences of European apprenticeship models and gives students a year of free higher education in our technical colleges.

To make sure children in all parts of our state have the educational opportunities they deserve, I will propose a ten million dollar bond issue to enhance our Distance Education Program, making it second to none in the nation. Our plan will create special studios for students that will make distance education available through the University of Maine's Interactive Television Network to every high school in the state by 1997. True economic opportunity will only come when all of our citizens have access to the education they need to take advantage of these opportunities.

For our neediest citizens — for those struggling to regain their balance after the recession or suffering from mental or physical illness — we will also maintain a basic safety net. Ours is a compassionate society and we must remain true to the tradition of neighbor helping neighbor, friend helping friend. We will continue to help those who need it most.

But over the years, we have increased funding of so many of these programs that we are providing a level of care for many recipients that taxpayers — hard-working citizens who support those programs — cannot afford for their own families. In many programs, we have failed to include incentives for recipients to get off state programs and again become self-sufficient. If we are going to set Maine back on an even economic keel, then we need to overhaul the way we deliver many of our human service programs.

A good example of this new approach will be announced tomorrow by Commissioner of Mental Health and Mental Retardation Bob Glover. He will be making that announcement with a consortium of Southern Maine hospitals. That consortium is willing to provide short-term care from the Augusta Mental Health Institute providing patients with quality care closer to home and demonstrating the cooperation between public and private sectors that will provide excellent community-based care at an affordable cost, which will guide our system in the 1990's. Affordable health care for our citizens must be one of our top priorities.

To accomplish this goal, however, it requires us to reinvent our entitlement program so that we care for those who can't care for themselves — but not for those who simply won't.

To make Maine truly the best place to live, work and raise a family, we must also keep the trust of future generations and continue to protect Maine with our environmental laws. That means developing a long-range vision to protect this environment, which is why our initiatives in recycling make me so proud.

We have set a goal of recycling 50 percent of our

waste by next year — the most ambitious goal in the nation. Nearly three-quarters of our citizens and two-thirds of our communities are already recycling. All we need is a little more effort and we will reach our goal.

To visibly demonstrate our commitment to the environment, yesterday I introduced a new environmental license plate program. The legislation we will introduce would allow citizens who so choose to show their support for our environment. Their donation for each plate will go to a fund to protect endangered wildlife in Maine and to maintain our precious open spaces for generations to come.

Finally, if we are to share in the opportunities of the future, we must restore a proper balance to our state government. One fundamental step — our budget proposal — has already been taken. But a second, more subtle step remains: restoring our citizens' faith in their government. It means proving that we are up to the task of bringing spending within our means. It means restoring respect for the workers who run state programs. It means restructuring the way we deliver services. And, it means finding new ways to bring quality to state government: understanding the needs of our employees as well as those who receive our services.

It means removing the cloud that hangs over the State House with questions about the integrity of our election process. We can remove that cloud by reforming the election process and restoring confidence in the integrity of our government. It means having the courage to lead — to make tough decisions — to carry the morning light and guide our citizens out of the economic darkness. It means setting aside partisan politics and working together in the best interest of this state. (applause)

Our constituents really do want us to make tough decisions. They want us to make those decisions instead of going to their pockets first for hundreds of millions of dollars in new taxes. They think we can only spend, that we can't scale back. Ironically, nothing would restore their confidence more than our proving them wrong.

During the annual message to the Congress more than a century ago, President Abraham Lincoln said, "the dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty and we must rise with the occasion. As our case is new, so we must think anew and act anew."

During these final two years of my Administration, I hope that we can work together to think and act anew, to reject the dogmas of the past, to find the right response to our "stormy present" — so we can put our state back on the path to prosperity.

The New England economy is beginning to recover and with this recovery comes the potential for renewed optimism and new opportunity. But only if we face the new realities, if we keep the trust, if we prepare now for the future can we poise our state to take advantage of those opportunities. Make no mistake about it, our actions this session will determine our constituents' standard of living for the foreseeable future.

Tonight, I ask you to join with me to build a strong climate for job creation and opportunity here in Maine. Those we are here to represent deserve no less. Thank you.

At the conclusion of the Governor's address, the

Governor withdrew amid applause, the audience rising.

The purpose for which the Convention was assembled having been accomplished, the Chairman declared the same dissolved and the Senate retired to its chamber, amid applause, the members rising.

IN THE HOUSE

The House was called to order by the Speaker.

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

SENATE PAPER

The following Joint Order: (S.P. 96)

Ordered, the House concurring, that the Joint Rules be amended to read:

JOINT RULES - 116TH LEGISLATURE

GENERAL PROVISIONS

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

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

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

3. Debate and Amendment. No debate or amendment shall be permitted on any bill or resolve until such bill or resolve is before the Senate in the second reading or before the House in the second reading, provided the favorable report of the committee to which the bill or resolve has been referred has been accepted.

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

by a vote of two-thirds of both Houses.

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

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

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

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

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

8. Communications. 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.

9. Rules. Except as otherwise provided in Joint Rule Rules 13-B and Article 14, no joint rule or order shall be suspended or amended without the consent of two thirds of the members present in each House.

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

11. Employees. The salaries of all officers and employees of the Senate and House of Representatives shall be established by the President of the Senate, the Speaker of the House and the Majority Floor

Leaders of both the House and Senate. The Secretary of the Senate is authorized and directed to certify vouchers of the officers and employees of the Senate and the Clerk of the House is authorized and directed to certify vouchers of the officers and employees of the House in conformance with this Rule to the Executive Director of the Legislative Council and said salaries shall be paid at such intervals as the President of the Senate, the Speaker of the House and the Majority Floor Leaders of both the House and the Senate may determine.

Upon request from any member of the Legislature, the Executive Director of the Legislative Council shall provide salary range information for any position in the Legislature, including, but not limited to, employees of the President of the Senate, the Speaker of the House, the Secretary of the Senate, the Clerk of the House, the partisan offices, the nonpartisan offices, the chamber staff, the leadership staff and the committee clerks.

It is the duty of 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 convening 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 PUTTED 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.

12. Transaction of Legislative Business after 9:00 p.m. No business shall be transacted in either House after the hour of 9:00 p.m. without the affirmative vote of 2/3 of the members present and voting.

12-A. Duration of Roll Calls: Calls for Yeas and Nays. A roll call in the Senate, or a call for yeas and nays in the House must close no more than 30 minutes after such call was commenced.

12-B. Questions Posed to Chair. When a question is posed to the Chair by a member in the Senate or the House, the presiding officer must respond to the question within 7 legislative days. Pending the presiding officer's response to the question, the item about which the question was posed must be tabled.

12-C. Records of Certain Legislator Expenses. Upon request of any member of the Legislative Council in the majority party, the presiding officers shall provide to the requestor records of total monthly or annual aggregate expenditures for telephone and postage solely for members in the majority party and, upon request of any member of the Legislative Council in the minority party, shall provide the same information to the requestor solely for members in the minority party.

LEGISLATIVE COMMITTEES

13. Legislative 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: Committees play an essential role in the legislative process. The purposes of committee rules are outlined in the Committee Handbook. The rules of procedure in committee are the same as the rules of the Senate and House to the extent these are applicable.

The following rules govern the activity of all committees in the Legislature.

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 Labor
- On Legal Affairs
- On Marine Resources
- On State and Local Government
- On Taxation
- On Transportation
- On Utilities

Membership. Each of these committees shall consist of no more than 3 on the part of the Senate and no more than 10 on the part of the House. The first named Senate member shall be the Senate chair. The first named House member shall be the House chair. The Senate chair shall preside and in the Senate chair's absence, the House chair shall preside and, thereafter, as the need may arise, the chair shall alternate between the members from each House in the order of their appointment to the committee. Every member of the House of Representatives and the Senate is entitled to at least one initial committee assignment.

Committee Clerks. The hiring of all committee clerks is to be mutually agreeable to both the Senate and House chairs, if, If not agreeable to both, it shall be decided by the President of the Senate and Speaker of the House shall decide. Committee clerks serve at the pleasure of the President of the Senate and the Speaker of the House. The salaries of each committee clerk shall be set established by the President of the Senate and the Speaker of the House and shall not terminate when all bills have been reported out by the committee no later than the end of the session. The Executive Director of the Legislative Council is authorized and directed to defray/vouchers of the committee clerks.

Committee Procedure. Committees shall adopt standard rules of procedure at their first meeting in accordance with guidelines established by the President of the Senate and the Speaker of the House, and adhered to. Procedures for public hearings and work sessions. At the beginning of each legislative session, all committees shall adopt procedures that govern public hearings, work sessions and confirmation hearings. Copies of the procedures shall be sent to the presiding officers, the Secretary of the Senate, the Clerk of the House and the Executive Director of the Legislative Council upon adoption.

Committee procedures must be consistent with these rules and posted and made available upon request at all public hearings and work sessions.

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.

Scheduling Public Hearings and Work Sessions. At the beginning of each regular session, each committee shall recommend to the presiding officers specific days for its public hearings and work sessions, taking into consideration the availability of assigned staff and hearing rooms. Upon approval of the schedule by the presiding officers, the chairs shall try to schedule all committee work on those days. Each committee shall distribute a detailed list of hearings and work sessions that have been scheduled for the following week to all committee members. This schedule must also be posted.

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 bills, advise the Committee on Appropriations and Financial Affairs a list indicating the committee's priority for final passage of bills.

Participation in Budget Hearings and Work Sessions. As used in this Rule, "policy committee" means a joint standing committee or joint select committee of the Legislature having subject matter jurisdiction other than the Joint Standing Committees on Appropriations and Financial Affairs and Audit and Program Review.

In regard to the Governor's biennial budget recommendations, the Legislature shall set priorities and implement policy as follows:

1. Budget recommendations made by the Governor on areas within the jurisdiction of a policy committee must be initially heard jointly by the Appropriations and Financial Affairs Committee and the appropriate policy committee having jurisdiction over the subject matter presented;

2. Each policy committee shall appoint a subcommittee of three of its members to serve as liaisons to the Appropriations and Financial Affairs Committee. One member of the subcommittee must be appointed by the Senate chair of the policy committee and the remaining

two members must be appointed by the House chair of the policy committee. This subcommittee must include members of both the majority and minority parties. Whenever possible, the Appropriations and Financial Affairs Committee shall notify each subcommittee in a timely manner of all subsequent deliberations on budget items relative to that subcommittee's jurisdiction. Each subcommittee shall advise the Appropriations and Financial Affairs Committee of its respective policy committee's recommendations regarding budget items relative to that committee's jurisdiction and may participate in all subsequent deliberations of the Appropriations and Financial Affairs Committee on these budget items;

3. The membership of each subcommittee must be published in the Legislative Calendar and, if time permits, printed in the Senate and House Register;

4. Each policy committee shall provide the Appropriations and Financial Affairs Committee with the policy committee's recommendations regarding the relevant part of the Governor's budget. These recommendations must be delivered within a time period mutually agreeable to both the chairs of the Appropriations and Financial Affairs Committee and the chairs of the policy committee and in no case may the time period be less than ten days following the initial joint hearing unless mutually agreed upon. The recommendations must be made within the budgetary constraints set by the Appropriations and Financial Affairs Committee;

5. Following submission of the policy committee's biennial budget recommendations within established budget constraints, each policy committee may recommend additional funds for program priorities that exceed the original budgeting constraints and if recommendations for additional funds are made, the committee shall explain those recommendations;

6. The Appropriations and Financial Affairs Committee shall consider the policy committees' budget recommendations during the Appropriations and Financial Affairs Committee's deliberations, but retains sole decision-making authority on budget matters; and

7. In addition, within five legislative days after reporting out all bills involving appropriations or revenues, the policy committees shall submit to the Appropriations and Financial Affairs Committee a list indicating these committees' priorities for final passage of these bills.

Testimony. Notwithstanding Joint Rule 38, the use of testimony under oath for public hearings pursuant to the Maine Revised Statutes, Title 3, section 165, subsection 7 requires prior approval by the Legislature.

All written materials presented to the committee must bear the name, address and affiliation, if applicable, of the presenter and the date presented.

A committee member who testifies on a bill referred to that committee may not ask questions of other persons testifying on that bill at the public hearing.

Advertising. Public hearings must be advertised two weekends in advance of the hearing date. All exceptions to this rule must be approved by both presiding officers.

Advance Notification to Bill Sponsors. The committee shall direct the committee clerk to notify the bill sponsors as soon as the bill is scheduled for public hearing and for all committee work sessions.

Questions of Order. The presiding chair shall decide all questions of order, subject to appeal to the committee. The chair's ruling stands unless overruled by a majority vote of the committee membership. A quorum of seven or more members must be present to take a vote. If a quorum is present, but there is not a Senator among them, the committee may take a vote only with the authorization of the presiding officers.

Smoking. No one may smoke in committee rooms at any time.

Confidentiality. The committee shall protect confidential records, including those records excluded from the definition of "public records" under the freedom of access laws, Maine Revised Statutes, Title 1, section 402, subsection 3 from public disclosure by holding executive sessions to discuss information contained in such records. Executive sessions must be held in accordance with the provisions of the freedom of access laws, Maine Revised Statutes, Title 1, section 401, et seq.

Before the committee files leave the custody of the committee, the committee chairs shall direct the custodian of the files to protect the confidentiality of the records in any appropriate manner, including returning the records to the person or department from which they came; destroying the records; or blocking out personally identifying information in the records and retaining them in the files, if the law declaring the records confidential permits disclosure in this manner.

The committee chairs shall also ensure that the files include a notation indicating what type of confidential records were reviewed by the committee.

Notice to Report. 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.

13-A. Joint Select Committee on Indian Affairs. There shall be a Joint Select Committee on Indian Affairs to review all legislation relating to Indians and Indian land claims after its submission to a joint standing committee but before a public hearing is held on that legislation. The committee shall consist of the representatives from House Districts 131, 137, 139 and 141, the Senators from Senate

Districts 3, 6 and 7, the member of the Penobscot ~~Indian Tribe~~ Nation and the member of the Passamaquoddy ~~Indian Tribe~~ Tribe elected to represent ~~the Tribe's~~ their people 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.

13-B. Joint Select Committee on Rules. There shall be a Joint Select Committee on Rules. The 10 House members shall be appointed by the Speaker of the House. The 5 Senate members shall be appointed by the President of the Senate. The first-named House member shall be the House Chair. The first-named Senate member shall be the Senate Chair. The committee shall make recommendations to the House and the Senate. The committee shall, in addition to other changes, determine changes necessary to incorporate gender-neutral language in the rules.

The Joint Select Committee on Rules may only report those recommendations adopted by majority vote. Minority reports are not authorized.

Notwithstanding Joint Rule 9, majority reports of the committee that propose amendments to the rules may be adopted by a majority vote in each House, until and including the end of the session on January 28, 1993.

The Joint Select Committee on Rules shall address concept bill drafting and cloture issues and submit its report, and any other necessary implementing papers, to the Legislative Council by July 31, 1993.

14. Reference of Bills to Committee. All bills must be referred to committee; except that this provision may be suspended by a majority vote taken by a division. 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.

14-A. Notification of Meetings of the Legislative Council. Meeting times of the Legislative Council must be publicized at a minimum by posting on the door of the meeting room in a timely fashion. Other means of notification may be employed as deemed necessary or feasible.

15. Reports of Bills from Committee.

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

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

2. Committee Reports. Committees shall report out every bill that has been referred to them in accordance with deadlines established by the presiding officers and in the manner prescribed in these rules. The report of the committee must include a recommendation. Reports that may be recommended unanimously or by a plurality of the committee include:

- Ought to Pass
- Ought to Pass as Amended
- Ought to Pass in New Draft. The use of this report requires the approval of both presiding officers.
- Ought Not to Pass

The report Referral to Another Committee requires a unanimous vote of the committee.

When the committee recommendation is not unanimous, a minority report or reports are required. All reports on any legislative document must be submitted to the Legislature at the same time.

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 committee shall notify the presiding officers, the sponsor and cosponsors of the bill of their action. This communication must appear on the calendar in each

House, and the bill shall, upon notification of both Houses, be placed in the legislative file and disposed of as provided in subsection 3 4 as prescribed herein.

A. Unanimous Leave to Withdraw. When the sponsor requests 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 3 as prescribed herein. Once a bill has had a public hearing, the committee may not report out a bill Unanimous Leave to Withdraw.

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

3/ 5. New Drafts. 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.

6. Committee Voting. A quorum, comprising a majority of the committee, which equals seven members for a thirteen-member committee, must be present in order for a vote to be taken. If a quorum is present, but there is not a Senator among them, the committee may take a vote only with the authorization of the presiding officers.

The committee clerk shall prepare the committee jacket or jackets following the vote and obtain signatures from committee members as required. A committee member who is absent from the committee on the day of the vote has 48 hours to register the member's vote.

Except for a motion to adjourn, no question may be decided and no official action may be taken in the absence of a quorum.

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

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

the other the names of the members so joined, in order that they may be entered upon the journal of each House.

17. Conference Committees. Committees of conference shall consist of three members on the part of each House, representing its vote, and ~~which~~. A committee of conference shall meet and submit a 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. This report 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 Committee of Conference is unable to agree~~, 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 ~~present~~ sponsor 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~~ or that requires a local unit of government to expand or modify that unit's activities so as to necessitate additional expenditures from local revenues and that has a committee recommendation other than Ought Not to Pass or Unanimous Leave to Withdraw shall ~~must~~ include a fiscal note. This statement shall ~~must~~ 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 ~~must~~ also include a fiscal note. The Office of Fiscal and Program Review shall have ~~has~~ the 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.

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

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

25. Cloture at the First Regular Session. During any first regular session, all other requests for bills and resolves submitted by Legislators shall be submitted in complete form to the Revisor of Statutes by 4:00 p.m. on the 3rd Friday in December.

26. Cloture at the Second Regular or Special Sessions. The Legislative Council shall establish procedures for submission of legislation to the Revisor of Statutes at any second regular or special

session. Procedures established for any second regular session shall ensure compliance with the requirements of the Maine Constitution, Article IV, Part Third, Section 1.

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

27. Filing after Cloture. Any request for a bill or resolve submitted to the Revisor of Statutes by a Legislator after the cloture date shall be transmitted to the Legislative Council. The Council shall ascertain from the présentéur sponsor 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.

27-A. Primary Sponsorship. Notwithstanding any other Joint Rule, legislation may have 2 primary sponsors, one from each House. Notwithstanding Joint Rule 28, a bill, resolve, order, resolution or memorial shall originate in whichever House agreed to by the primary sponsors, except that a revenue-raising bill must originate in the House of Representatives, in accordance with the Constitution of Maine, Article IV, Part Third, Section 9.

28. Sponsorship and Identification of Agency. A présentéur sponsor of legislation may authorize an unlimited number of members of either House to cosponsor a bill, resolve, order, resolution or memorial. For duplicate or closely related bills or resolves, the Legislative Council may establish a policy for combination of requests and the number of cosponsors permitted on combined requests. A bill, resolve, order, resolution or memorial having cosponsors shall originate in the House of the présentéur sponsor. Each bill or resolve requested by the Governor or a department, agency or commission shall indicate the requestor below the title.

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.

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

31. Form. All bills and ~~resolves~~ other instruments, including bills proposed by initiative, shall be allocated to the Revised Statutes as appropriate and corrected as to matters of form, legislative style and grammar ~~and attention to the Revised Statutes~~ by the Revisor of Statutes before printing.

32. Signing of Bills, Resolves and Amendments.

The présentéur sponsor 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 présentéur sponsor 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 présentéur sponsor 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 présentéur sponsor when changes have been made and the bill is available for signature; and the présentéur sponsor and cosponsors shall sign the bill within the established deadlines. Further changes must be proposed to the committee of reference. If the présentéur sponsor 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.

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

34. Expressions of Legislative Sentiment. 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. Notwithstanding House Rule 55, the member of the Penobscot Nation and the member of the Passamaquoddy Tribe elected to represent their people at the biennial session of the legislature shall have the right and privilege to sponsor and cosponsor expressions of Legislative sentiment as if a regular member of the House.

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

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

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

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

amendment to the United States Constitution shall require a majority vote of the members present in each House; and

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

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

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

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

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

LEGISLATIVE CONFIRMATIONS

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

The joint standing committee shall hold a public hearing on the nomination in Augusta at a time convenient to the public, within 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 transcribed by mechanical means, and shall be preserved, together with any other relevant data provided the committee at the public hearing, by the committee for at least 6 months after the date of the public hearing. The 2 partisan assistants for nominations shall provide the committee with a written report of their investigations before the committee votes to recommend or deny confirmation.

Within 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 committee's recommendation to the President of the Senate. Within 45 days from the date of the Governor's notification of the nomination to the President of the Senate and the Speaker of the House, the Senate shall review the recommendation of the committee on the nomination, and, after review, shall vote by the yeas and nays on that recommendation.

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

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

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

recommend action on a gubernatorial nominee.

Came from the Senate, read and passed as amended by Senate Amendment "D" (S-18).

The Joint Order was read by the Clerk.

Senate Amendment "D" (S-18) was read by the Clerk.

The Speaker: The Chair will order a vote. The pending question before the House is the adoption of Senate Amendment "D" (S-18) in concurrence, a two-thirds vote being necessary. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Representative Tracy of Rome requested a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

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

Representative RYDELL: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to call your attention to the fact that the Rules Committee debated this issue for a very long time. We had a great deal of discussion on the issue and there were a couple of reasons why in the end, the Rules Committee, after a number of different discussions and in fact a couple of different votes, voted not to recommend this to be a part of our Majority Report.

First of all, we are dealing in this particular rule with a rule that takes effect several legislatures from now and the situation may indeed be very different at that time. In fact, it is very difficult to make a decision on what is the best and most effective way of leadership being elected by future legislators.

It is my personal feeling, and I speak now personally and not as a Chair of the Rules Committee, that there are some pitfalls and problems with binding ourselves to a particular number of terms for leadership. There is always a possibility of a group of people getting together to elect one person for this term and then promising to elect someone else the next term. I think there are some dangers in that. We have seen some problems in states that have had these term limits. I think we have intelligent and thinking legislators in our state and I suspect that we will have intelligent and independent and thinking legislators in future legislatures. I believe that the members of those legislatures can make a decision as to who is the most suitable person to be in the leadership role. I believe we should allow that to be made free of any term limits and free of any determination as to who could or could not even run for leadership in a particular legislature.

So, I would ask you to please consider your votes carefully and to vote not to include term limits in our Joint Rules.

The SPEAKER: The Chair recognizes the Representative from Norway, Representative Bennett.

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: Representative Rydell is correct in her comments regarding how the Rules

Committee debated this and deliberated over it. We did spend several times during our meetings on this issue. At one point, it was on the Report; at another point, it was off the Report — it kind of depended on who was in the room when the vote was taken.

It seemed clear to me, however, based on the raw numbers of the Rules Committee, not when the final vote was taken, but prior to it, that a majority of the Rules Committee did appear in favor of that.

The term limits, in my view, for members of a legislative body or public officials are different than term limits for parliamentary officers. I believe that you can be in favor of term limits for public officials, while being opposed to term limits for parliamentary officers and vice versa. There is some connection philosophically, but not necessarily. You can be opposed to term limits for public officials and still vote for term limits for parliamentary officers.

I believe we are speaking to the future with this. Representative Rydell is correct — we cannot bind future legislatures. If they so choose, they can strip this off their rules and put something else that is either more stringent or less stringent in its stead. However, we are speaking as a legislature here, we are setting something in rule that will have the weight of precedence and I advocate for its passage and I ask for your support.

The SPEAKER: A roll call has been ordered. The pending question before the House is adoption of Senate Amendment "D" (S-18), a two-thirds vote being necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 1

YEA - Adams, Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Bowers, Brennan, Bruno, Cameron, Campbell, Carleton, Caron, Carr, Cashman, Cathcart, Clement, Clukey, Constantine, Cross, Dexter, Dipietro, Donnelly, Farnsworth, Farnum, Farren, Fitzpatrick, Foss, Gamache, Gould, R. A.; Gray, Greenlaw, Gwadosky, Heesch, Heino, Hoglund, Hussey, Jones, Joy, Ketterer, Kilkelly, Kneeland, Kontos, Kutasi, Lemke, Lemont, Libby Jack, Libby James, Lindahl, Look, Lord, MacBride, Marsh, Marshall, Michael, Nadeau, Nash, Norton, Ott, Paradis, P.; Pendexter, Pendleton, Plourde, Plowman, Poulin, Quint, Reed, G.; Reed, W.; Richardson, Robichaud, Rowe, Saint Onge, Simonds, Simoneau, Small, Spear, Stevens, A.; Taylor, Thompson, Tracy, Treat, True, Tufts, Walker, Whitcomb, Winn, Zirkilton.

NAY - Ahearne, Aliberti, Beam, Chase, Clark, Cloutier, Coffman, Coles, Cote, Daggett, Driscoll, Dutremble, L.; Erwin, Faircloth, Gean, Hale, Hatch, Hitchborn, Holt, Jalbert, Johnson, Joseph, Kerr, Martin, H.; Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Oliver, Pfeiffer, Pineau, Pinette, Pouliot, Rand, Rotondi, Ruhlin, Rydell, Saxl, Skoglund, Stevens, K.; Strout, Sullivan, Swazey, Tardy, Townsend, E.; Townsend, G.; Wentworth, The Speaker.

ABSENT - Carroll, Chonko, Dore, Hillock, Jacques, Larrivee, Lipman, Melendy, Nickerson, O'Gara, Ricker, Vigue, Young.

Yes, 89; No, 49; Absent, 13; Paired, 0; Excused, 0.

89 having voted in the affirmative and 49 in the

negative with 13 being absent, Senate Amendment "D" was not adopted.

Representative Zirkilton of Mount Desert offered House Amendment "B" (H-16) and moved its adoption.

House Amendment "B" (H-16) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Mount Desert, Representative Zirkilton.

Representative ZIRKILTON: Mr. Speaker, Ladies and Gentlemen of the House: This amendment which proposes to amend the Joint Rules would require the makeup of all of our Joint Standing and Select Committees to be divided based upon the percentage of legislative seats held by each party in the House of Representatives.

As members of the Minority Party, we Republicans presently hold 61 of the 151 House seats. This figure represents 40 percent of the House. This would mean that each committee, which is made up of 10 House seats, would have 6 Democrats representing 60 percent and 4 Republicans representing 40 percent. This figure, of course, would change after each election to reflect any changes made by the people who we work for, our constituents.

Why should you vote for this? Why would you as the Majority Party intentionally give up something you now enjoy? Because it is the right thing to do. Because it is the fair thing to do and because inside your hearts you know that if Maine people elect the House of Representatives, which is made up of 40 percent Republicans, then Maine people deserve to have that same 40 percent representation on all and not just some of our committees.

Right now in this 116th Legislature, 8 of the most important committees in state government are made up of 7 Democratic House members and only 3 Republicans. Is it right to deny Maine people the kind of representation they voted for? Thirty-two of our states say no it is not right. Thirty-two of our states require that House members of their legislative committees to be divided based upon proportionate representation — one state, Kansas, enforces that requirement by statute. Arizona, California, Colorado, Illinois, Massachusetts, New Hampshire, New York, Washington and all of the other states of those thirty-two — are they all wrong? I don't think so. I think they are states which are governed by legislators who understand the meaning, the value, and the necessity of fairness. Here in Maine, the Democratic Party has controlled this House of Representatives for nearly the past 20 years. You have a right to be proud of a record which has led Maine people to continue to return you with sufficient numbers to maintain your majority. As members of the Majority Party, you rightfully enjoy many benefits — you choose the presiding officer, your members chair every legislative committee, you have a majority in every committee and you choose the Clerk of the House. Most importantly, you have the numbers to vote up or down any issue as you see fit, which is as it should be.

As a member of the Minority Party, the Republican Leadership, let me tell you how the committee process now works for us. This year, members of the Majority Party turned in their requests for committee assignments in early December. The Speaker thought about these assignments for nearly six weeks until the middle of January. My distinguished leader, Representative Whitcomb and I made multiple inquiries as to where the process stood, we sat idly by, not

unlike a household pet who sits by the dinner table at mealtime waiting to see what in the way of scraps might come our way.

After each committee had been sufficiently picked over and we saw what was left for us, we had barely 36 hours in which to decide who of our members we would ask the Speaker to place on the various committees. Appropriations, Taxation, Judiciary, Human Resources, Transportation, State and Local Government, Education and Energy and Natural Resources have only 3 Republican House members. The committees who are now dealing with many of the most important and pressing problems our people face today — right now in thirty-two states, this could not happen because they have taken a step to ensure fairness. Are Maine people getting the committee representation they voted for and deserve? I say no they are not. But today, right now, you have the power to change that.

Our new President challenged the American people to have the courage to change and they responded. It gave people a sense of hope that it would no longer be "politics as usual." This year, legislative leadership promised Maine people that we would make every effort to get along, to compromise. In a few moments, we will find out just what compromise means. We will find out if it means that we will all get along if the Minority Party doesn't make any waves or we will find out if it truly means the Majority wants to include the ideas and comments of the Minority Party as we search together for the solutions to our mutual problems.

In a few moments, when we look at the lights on these boards, we will know who wants to embark into a new era of cooperation and we will know who wants to maintain "politics as usual."

In 1945, when what was then Jefferson Day, Franklin Delano Roosevelt wrote words for a speech which he was never to have the opportunity to deliver. It would have said, "The only limit to our realization of tomorrow will be our doubts of today. Let us move forward with a strong and active faith." Now I must ask you to search within yourselves for the answer which you know is right, the answer which 32 other states know is right, the answer which says "yes" to giving Maine people the representation, the fairness that they deserve, the answer which opens the door and say yes to a new era of bipartisan cooperation, the answer which closes the door and says no to the "politics as usual" of the past.

Mr. Speaker, I ask when the vote is taken that it be taken by the yeas and nays. Thank you very much.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the Representative from Norway, Representative Bennett.

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: I rise to speak in favor of this amendment to the Joint Rules, a change that was brought before the Joint Select Committee on Rules and sadly rejected.

Some members of the committee suggested that this was a House matter and so it was most appropriate

that it be brought before this body for consideration and adoption. I support this reform now as I proposed in committee, not to give the present Minority Party preferential treatment, because it does not, but to correct a wrong, to give us and future minorities fair and appropriate involvement in the legislature.

I have heard the arguments that Republicans are denied proportional representation now because 20 years ago, proportional representation was denied the Democrats. Past injustices are no excuse for present injustices and for refusing to move on. We must pass this reform measure, regardless of whether the past injustices are real or perceived, were committed by Democrats, Republicans, Whigs or anti-Federalists. If it was wrong then, then it is wrong now, and we must change our practices for current and future members of the legislature.

If the people of Maine gave us any kind of mandate this past November, it was that we must learn to live together. They do not like to hear of gridlock in the legislature. But, when the Minority Party is shut out of debate or left without a voice in the legislature or its committees, its members have little choice but to do what they can to get a point across. Lately, that has meant we can stop certain actions but we can have no direct impact on directing them reasonably.

Constructive involvement starts with respect for our mutual rights to be here and for our mutual responsibility to govern. Some have wondered why we do not demand proportional representation for Senators. This change in the rules could apply equally to other members of the other body. It is, however, easier to allow proportional representation in the House where there are more members and more available committees. Proportional representation wherever possible and workable is to be deserved and should be demanded.

I was pleased to be appointed to the Joint Select Committee on Rules and I enjoyed working with the other members on both sides of the aisle. I enjoyed the spirited exchanges on many issues, it was a good experience. I believe there are two purposes for rules, as I said in the committee meetings. One is to make the legislative process run more smoothly, efficiently and equitably.

The second is to protect the rights and privileges of minorities within the legislature. I use the term minorities because I not only talk about the Minority Party, but other minorities as well, such as members of the Majority Party who feel disenfranchised. Sometimes the minority may consist of one lonely but dedicated and duly elected member advocating his or her distinct independent point of view. Both purposes for rules are important in their own right because they both seek to create a government that is more responsive, that provides better service, better accountability and better representation for our constituents, the citizens of Maine.

Committees are the core of the legislative process. It is where the nuts and the bolts of lawmaking are connected. Disenfranchising members from full participation in committees wastes talent and ability and disenfranchises, not only members, but their constituents from the full representation to which they are entitled.

We do, after all, function in a representative form of government. That means that we are intended

to have proportional representation, not absolute "winner take all" power vested in one individual.

I ask you to extend your hands across the aisle in the spirit of good will and partisan friendship and support this amendment. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from York, Representative Ott.

Representative OTT: Mr. Speaker, Ladies and Gentlemen of the House: I also rise to support this amendment, not just because I am member of the Minority Party, but because I think that it addresses one of the key issues to which this committee was formed.

Our charge, as I saw it when I was appointed to this committee, was to fashion a framework of rules that would allow us to effectively dispatch the people's business. Foremost, in my opinion, to dispatch that business is the committee process, a process where the 13 members that sit on these committees gather together the information that is provided by the sponsors of the particular bills that are presented, by the information that is taken from public testimony, by documentation and research that is provided by special interest groups — lobbyists and other professional research groups — but perhaps the most important aspect of that process is the deliberations that take place in the workshop sessions that follow the public hearing. It is there that we draw upon the experience, the bias, the preferences and the philosophies of the members of the Minority and Majority Party members of those committees. It is there that a full debate takes place that reflects those biases and those preferences and philosophies. In my opinion, that is where the real work of this legislature is done, the real hard work, the hard analysis, the hard debate that then brings some product out onto the floor for our consideration.

The recognition, however, of that Minority (and for that matter, the Majority) representation is not fully guaranteed. It would seem to me that support of this amendment would provide us with an opportunity to send a message to the people of the State of Maine that we are truly interested in reform, that we are truly listening to some of the lectures that we have received during the first few weeks of our session, that we are considering restructuring, reform, restructuring opportunities that will present us with an opportunity better served for the people of the State of Maine.

I ask for your support on this amendment.

The SPEAKER: A roll call has been ordered. The pending question before the House is adoption of House Amendment "B" (H-16), a two-thirds vote being necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 2

YEA - Adams, Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Bowers, Bruno, Cameron, Campbell, Carleton, Carr, Cathcart, Chase, Clukey, Cross, Dexter, Donnelly, Dutremble, L.; Farnsworth, Farnum, Farren, Foss, Gould, R. A.; Gray, Greenlaw, Heeschen, Heino, Hussey, Johnson, Jones, Joy, Kilkelly, Kneeland, Kutasi, Lemke, Lemont, Libby Jack, Libby James, Lindahl, Look, Lord, MacBride, Marsh, Marshall, Michael, Morrison, Murphy, Nash, Norton, Oliver, Ott, Pendexter, Pendleton, Pfeiffer, Plowman, Poulin, Quint, Reed, G.; Reed, W.;

Richardson, Robichaud, Rowe, Ruhlin, Simoneau, Small, Spear, Stevens, A.; Stevens, K.; Strout, Taylor, Thompson, Tracy, True, Tufts, Wentworth, Whitcomb, Winn, Zirnkilton.

NAY - Ahearne, Aliberti, Beam, Brennan, Caron, Carroll, Cashman, Clark, Clement, Cloutier, Coffman, Coles, Constantine, Cote, Daggett, Driscoll, Erwin, Faircloth, Fitzpatrick, Gamache, Gean, Gwadosky, Hale, Hatch, Hichborn, Hoglund, Holt, Jalbert, Joseph, Kerr, Ketterer, Kontos, Martin, H.; Michaud, Mitchell, E.; Mitchell, J.; Nadeau, Paradis, P.; Pineau, Pinette, Plourde, Pouliot, Rand, Rotondi, Rydell, Saint Onge, Saxl, Simonds, Skoglund, Sullivan, Swazey, Tardy, Townsend, E.; Townsend, G.; Treat, Walker, The Speaker.

ABSENT - Chonko, Dipietro, Dore, Hillock, Jacques, Larrivee, Lipman, Melendy, Nickerson, O'Gara, Ricker, Vigue, Young.

Yes, 81; No, 57; Absent, 13; Paired, 0; Excused, 0.

81 having voted in the affirmative and 57 in the negative with 13 being absent, House Amendment "B" (H-16) was not adopted.

At this point, the Speaker appointed Representative Michaud of East Millinocket to act as Speaker pro tem.

The House was called to order by the Speaker pro tem.

Representative Rydell of Brunswick offered House Amendment "C" (H-17) and moved its adoption.

House Amendment "C" (H-17) was read by the Clerk.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brunswick, Representative Rydell.

Representative RYDELL: Mr. Speaker, Men and Women of the House: This is a technical amendment that will put an effective date of September 1, 1993 on the implementation of the dual sponsorship. The reason for that is that since the Rules Committee voted out its report, it has come to our attention that we are really in a technological age and that the change requires reprogramming of not less than six different computer systems and it is not possible to do that and not interrupt the flow of work for this session. Therefore, we are requesting that this particular provision be delayed until September 1st of 1993.

The SPEAKER PRO TEM: The Chair will order a vote. The pending motion before the House is adoption of House Amendment "C" (H-17), a two-thirds vote being necessary. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Representative Michael of Auburn requested a roll call.

The SPEAKER PRO TEM: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and less than one-fifth of the members present and voting not

having expressed a desire for a roll call, a roll call was not ordered.

The SPEAKER PRO TEM: The Chair will order a vote. The pending motion before the House is adoption of House Amendment "C" (H-17), a two-thirds vote being necessary. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

116 having voted in the affirmative and 5 in the negative, House Amendment "C" (H-17) was adopted.

Representative Gwadosky of Fairfield offered House Amendment "A" (H-15) and moved its adoption.

House Amendment "A" (H-15) was read by the Clerk.

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

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: The practical effect of adopting House Amendment "A" would be changing our existing House and Senate Rules that would defectively prospectively bar members of the House and Senate and all legislative employees from participating in future ballot recounts of legislative elections, other than being involved in an individual legislator's own recount.

I offer this, in my belief, a belief that I hope will be shared by many of you that we need to safeguard the integrity of this election process. Recounts in this state are held under the auspices of the Secretary of State in behalf of candidates simply to verify the accuracy of the reported results of a particular election. While historically members of both political parties, staffs from both political parties and legislative employees have donated and volunteered their own time to participate in these, we need to be mindful of the opportunity to adopt the necessary rules and regulations and policies that will avert any potential suspicion in partisan politics.

We have been fortunate that during the ongoing investigation of alleged ballot tampering that there has been no allegation or suspicion of wrongdoing on the part of any legislator, despite the hype of the media and despite the hype of the rhetoric of many individuals who attempted to make more dramatic the unfortunate circumstances. At the same time, I think that the investigation allows us the opportunity to look at ways to prevent the suggestion of impropriety in the future. The adoption of this particular rule will help raise the credibility of this institution by separating ourselves from a responsibility that, in my mind, we really don't need to be involved in.

I think that there are party loyalists, there are party activists. Each of us have campaigned in our own hometowns who can assist in the recounting of this process and to work with the Secretary of State's Office.

I am encouraged by the direction of the Secretary of State by establishing a Commission and many of you are on that Commission to look at ways to improve the electoral process. Back home in our own districts to prove to Maine people that we recognize that there is a weakness in the system and that we need to make adjustments, I think we need to make a positive case here in our state, in the Capitol, where recounts are being held. We also are going to emerge on a new field here and say that we won't be involved in those to avoid even the hint or perception of a possible problem with our involvement.

Once again, I am very proud that during this

process there has never been a suggestion or question of wrongdoing by any legislator. I feel very proud about that but I think this is an opportunity for us to now take the next step, to be proactive and to ensure Maine people that we are very concerned about the integrity of this election process and, in my mind, this is a way to accomplish that and I would urge your adoption.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Ladies and Gentlemen of the House: We had a lengthy discussion in our caucus earlier this day about this amendment and there are a number of questions that arose in our caucus as to the working of the amendment. My understanding is that it was not discussed at any length, and perhaps not even at all, in front of the Rules Committee, which is not the case in a number of these other matters that we have dealt with earlier.

So, with permission of the Chair, I would like to pose a couple of questions through the Chair to the sponsor.

I thought at the onset of the presentation by the Representative from Fairfield that he used the word "prospective" and I wonder if he could draw our attention to which of the words in his amendment that would guarantee that?

The other question is a guarantee or an understanding of whether the intent of this amendment is to include "contract staff" that works for the legislature and whether it is intended to apply to individuals who are currently involved in the process?

The SPEAKER PRO TEM: The Representative from Waldo, Representative Whitcomb, has posed a couple of questions through the Chair to the Representative from Fairfield, Representative Gwadosky, who may respond if he so desires.

The Chair recognizes that Representative.

Representative GWADOSKY: Mr. Speaker, I am not sure that I understand the first question so I will attempt to answer the second one.

My intention is for this to apply to any legislative employee. I don't think that any legislative employee, be they partisan or nonpartisan, any legislator or elected official needs to be involved in the recount process. That is my intention. If for some reason that there are Representatives here who feel that this needs to be clarified, I am willing to discuss that. I fully recognize that this change requires a two-thirds vote, whether we consider it tonight to we consider it next Tuesday or next Thursday. My intention really is to include all legislative employees. My interpretation would be for that to include anybody who is on contract with the legislature. That is something that I would want to put into the Record because I think that is the intention in which I offer it.

I would be happy to respond to the first part of the question — I just can't remember what it was or didn't hear the question and I apologize for that.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Ladies and Gentlemen of the House: To clarify the first part of the question — I thought I heard the word "prospective" when it was first discussed by the presenter of the amendment. I wanted to understand the intent. Is it the intent of this to apply for those activities that are going on right now (in

fact, they may still be going on this evening) or is it the intent to apply this in future election recounts or appeals? All I ask is clarification of the intent.

The SPEAKER PRO TEM: The Representative from Waldo, Representative Whitcomb, has poses a clarification to the Representative from Fairfield, Representative Gwadosky, who may respond if he so desires.

The Chair recognizes that Representative.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I will be happy to respond to the question. I apologize to the Representative from Waldo for not hearing the word "prospective" earlier. Obviously, if this were to be adopted this evening, this would then become the rule for the 116th Legislature and the involvement of any legislator prospectively would be barred by the adoption of this amendment.

I want to make very clear my comments — it would bar any legislator or legislative employee from participating in recounts (prospectively) from the moment that we adopt this particular provision.

I understand that there may be some people who are concerned about the involvement of legislators and we have some I know who act in the the legal capacity and some who do not. I know that there may be some interest in protecting the interest of some others but I think we ought to treat everybody the same whether our members happen to have a legal background or whether they have personal relationships with the people who are involved in these things. I think we need to demonstrate to Maine people that we are going to treat everybody the same and starting fresh with a clean slate and adopt the necessary rules and regulations that says "as elected officials and legislative employees, we are not going to be involved in the process from this point on."

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bridgton, Representative Kutasi.

Representative KUTASI: Mr. Speaker, Ladies and Gentlemen of the House: I commend Representative Gwadosky on this amendment because it looks like good government, it looks like a good rule to have, but I have a few questions that I want to place through the Chair to Representative Gwadosky.

First of all, this rule seems to deny the legislator from being involved in his recount but it doesn't deny the opponent from being involved in the recount and I want to get a clarification on that.

Also, from a constitutional standpoint, can we really rule something that is done outside these chambers in another policy matter?

The SPEAKER PRO TEM: The Representative from Bridgton, Representative Kutasi, has posed a couple of questions through the Chair to the Representative from Fairfield, Representative Gwadosky, who may respond if he so desires.

The Chair recognizes that Representative.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I would be happy to respond to those two points. The first point is the question of whether we are treating someone who is not a legislator unfairly. The provisions in this issue, as you read the language, says that a legislator may not participate in the actual counting of ballots. Those of you who have been in recounts know that, for practical purposes, the candidates never count ballots themselves. There is nothing in here that

would prevent a legislator (and many of you have been in recounts) from sitting in the ballot room and keeping your own totals. It just simply says that you can't count the ballots.

As long as I have been here, I have never seen a candidate actually count ballots in any of these recounts. They are always in the room and they are always represented but I think that that would be an unusual circumstance.

Representative Coles was concerned about a similar circumstance as to whether or not that would apply to that. My concern and my position for writing this was to ensure that legislators themselves wouldn't be counting the ballots. Obviously, if you are in a recount, you have every right to be in that room to monitor the activities and I don't believe that would change. You just simply cannot count the ballots yourself. You are not touching the ballots yourself.

The second question deals with rules. As you know, in our rules, we adopt rules for a variety of reasons, we also have provisions in our rules that states if any member violates these rules, that there are some penalties involved. I believe we have the opportunity to put these into rules, that it is appropriate and that it is legal for us to do so. I am not opposed to the consideration of a law. One of our Representatives has a proposal in but I don't think that particular proposal goes quite far enough. I have had a discussion with him and am willing to work with him to look at a law as well as the rules. The advantage of considering rules at this point is that rules go into place and effect immediately, unlike a law that would take effect immediately if it were an emergency or 90 days after the legislature adjourns.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Mount Desert, Representative Zirnkilton.

Representative ZIRNKILTON: Mr. Speaker, I would like to pose an additional question through the Chair to Representative Gwadosky.

Representative Gwadosky, the text here seems to indicate that you wish to bar legislators and staff personnel from participating in the recount proceedings. My question would be whether or not you would intend that that also include the appeals process? For example, would it be your intention that any legislator who happens also to be an attorney would be banned from, say perhaps, representing someone in the appeals process even though there would be no counting of ballots going on?

The SPEAKER PRO TEM: The Representative from Mount Desert, Representative Zirnkilton, has posed a question through the Chair to Representative Gwadosky of Fairfield who may respond if he so desires.

The Chair recognizes that Representative.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I will attempt to answer the question and I am beginning to see where the concern is coming from. There is obviously a specific individual that members of this House are trying to protect in this process. I didn't realize that there was a financial element. Perhaps there isn't a financial element involved here, but there certainly appears to be a concern.

There are already rules and laws and there are provisions in the Constitution that bar some of our members from acting as legal counsel on behalf of parties in many appeals processes. I don't intend to

change that. There are some legal provisions that occur but I will make this suggestion — we don't need to vote on this right now. If there really is the intent to pass this, if there really is intent to make this work, I am willing to sit down and hold out my hand and sit with people who have some concerns. I am not attempting to gain political mileage or to shove something down anyone's throat, I am willing to spend some time talking about this. Whether we adopt it tonight or tomorrow, it is going to take a two-thirds vote.

Mr. Speaker, I request permission to withdraw my amendment at this time. I will then sit down with the members who have raised concerns to see if we can work out the concerns that have been expressed and it would be my intention to offer this amendment again sometime next week. Perhaps that will save us 40 minutes and we won't run into our nine o'clock rule that we have already adopted in the meantime. But, it doesn't lessen my concern or my attempt to move forward with an effective change in the rules that does effectively bar legislators and legislative employees from participating in these recounts prospectively. I will continue to advocate strongly for that, but in courtesy and out of respect for those who have concerns, I would be willing to withdraw my amendment at this time and have an opportunity to sit down with each of you and discuss that.

The SPEAKER PRO TEM: The Representative from Fairfield, Representative Gwadosky, withdraws House Amendment "A" (H-15).

Representative Coles of Harpswell offered House Amendment "F" (H-20) and moved its adoption.

House Amendment "F" (H-20) was read by the Clerk.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Harpswell, Representative Coles.

Representative COLES: Mr. Speaker, Ladies and Gentlemen of the House: This amendment is intended to correct a mistake that the Rules Committee made in reviewing the final draft. A statement in connection with the Appropriations Committee process did not reflect the intent of the Rules Committee and this amendment simply makes the Order reflect the true intent of the Rules Committee.

The SPEAKER PRO TEM: The Chair will order a vote. The pending question before the House is adoption of House Amendment "F" (H-20), a two-thirds vote being necessary. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

106 having voted in the affirmative and 5 in the negative, House Amendment "F" (H-20) was adopted.

At this point, the Speaker resumed the Chair.

The House was called to order by the Speaker.

Representative Kilkelly of Wiscasset offered House Amendment "E" (H-19) and moved its adoption.

House Amendment "E" (H-19) was read by the Clerk.

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

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "E" makes a change in one of the rules that was put forth by the Rules Committee. What we are looking at is the ability that all bills be referred to a committee and in order to suspend that rule, there would need to be a vote of the body to do that so that it is not something that could go quickly under the hammer, that it would be something all of us would have an opportunity to vote on.

The way the rule is written in the amendment — what we have is an option for a Division, it does not say an option for a Division or Roll Call. What this amendment would do would be to allow either of those options if the rule was to be suspended so that a bill would not be referred to a committee. It just allows us that additional option.

The SPEAKER: Pursuant to House Rule 1, the Chair must ask a question of the Representative from Wiscasset, Representative Kilkelly. The Chair would inquire as to how the Chair would deal with the question of suspension since any rule can be suspended by unanimous consent? This one would be no different so there would no change in present practice.

Representative KILKELLY: The intent of this rule is to assure that there is a vote, a participatory vote, by the members of this body in order to suspend the rules that would allow a bill not be referred to a committee. That is the intent.

The SPEAKER: The Chair thanks the Representative from Wiscasset. The Chair must, however, pursuant to House Rule 1, tell you that it does not supersede the unanimous consent of the ability of the House to suspend any rule before the body.

The Chair recognizes the Representative from Wiscasset, Representative Kilkelly.

Representative KILKELLY: Mr. Speaker, may I pose a question to the Chair?

The SPEAKER: The Representative may pose her question.

Representative KILKELLY: Thank you, Mr. Speaker. If it is the intent of the rules that the vote be participatory, — even it were a unanimous participatory vote — would that not meet both the rule and the situation that you described?

The SPEAKER: The Chair would answer in the negative.

Representative KILKELLY: Thank you, Mr. Speaker.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "E" (H-19), a two-thirds vote being necessary. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken. 64 having voted in the affirmative and 50 in the negative, House Amendment "E" was not adopted.

Representative Whitcomb of Waldo, having voted on the prevailing side, moved that the House reconsider its action whereby House Amendment "C" (H-17) was adopted.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Michael.

Representative MICHAEL: Mr. Speaker, Ladies and Gentlemen of the House: I, too, wanted an opportunity to speak on this bill, not so much as having a roll call before. I should have spoken before the Division so I apologize for that.

What this difference makes in this amendment that we have passed and is now in a posture where we are

requesting reconsideration thereby to remove the amendment we have accepted is this — in the past, the rules were such that there were four sponsors allowed on each bill and we changed this year in the interim rules so that on one hand multiple sponsors were allowed, which is good, and all amendments offered today allow for the continuation of multiple sponsors.

There was one change which we have in the interim rule which takes power away from the individual legislator and which takes away from our ability to be bipartisan in our efforts. I will explain what that is. In the past when we had four sponsors, you could have a House Democrat and a House Republican and if you wished (and many people did this) a Senate Democrat and a Senate Republican. Under the interim rules, which we are operating under now, there are only three real leadership positions available. There is a sponsor and a House leader and a Senate leader and then the other sponsors who are not stepping out taking a leadership role on the legislation. For instance, if Representative Gwadosky sponsored a bill and asked Representative Whitcomb to cosponsor it, you would have a bipartisan presence in the House. Representative Whitcomb, for instance, would be the House "lead" and Representative Gwadosky, perhaps, the sponsor. Now you have two leaders stepping out on a bill creating it to be bipartisan. Now there is only one spot left when you go to the Senate. There is a Senate "lead" but you cannot have a Republican and a Democrat on that bill stepping out in front as a leader. So, what the Rules Committee came up with, which was put out on this green sheet (as he holds it up) which we have now changed was to put the system in a posture where there are four sponsors allowed plus all the cosponsors. So, that system would allow for two sponsors in the House and two sponsors in the Senate, Republican and Democrat in each. I think it is too bad for us to give that up.

I spoke with the member of the other body who was on the committee, a Democratic as it was, and she informed me that she still feels very strongly about the language that is in the green sheet and was pleased that I would try to keep that in here. I think it is not accurate to call this a technical amendment, even though there may be some technical difficulties.

It is true, perhaps, that the staff will have to go and reprogram these computers, which I think are 50 or 60 years old. This might be a good chance to get a real computer system in the State House and that is unfortunate but they did that a couple of weeks ago and I encourage them to do that again.

I hope that you do move to reconsider so that we can keep the spirit of the possibility of bipartisan legislative effort alive. I think we all want to work together and this allows us to genuinely work together. It is not quite as simple as we all had believed, so I hope we do reconsider our action.

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Coles.

Representative COLES: Mr. Speaker, Ladies and Gentlemen of the House: The Rules Committee adopted a provision which would allow one sponsor from each body and everyone else would be a cosponsor, regardless of which party they were in. It didn't require a sponsor from each body, it only allowed a sponsor so that if a Senator and a Representative had worked closely together on a bill, they wouldn't have

to decide who would be the sponsor and who would be just a cosponsor.

This amendment, however, doesn't affect in any ultimate way — this amendment simply postpones the date of implementation solely because the Revisor of Statutes informed the Rules Committee that it would take all their computer programmers, that they would have to remove their computer programmers from all other work for three weeks to install this change. I don't disagree with the Representative from Auburn that maybe we need a new computer system but the fact is if we want to slow down the Revisor's work for three weeks, we should reject this amendment. If we want to continue the flow of work during this session in a reasonable orderly fashion, we should reject this motion to reconsider and allow this measure in the rules to take effect next Fall before the next session.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Michael.

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

To your knowledge, did it take three weeks for the staff to reprogram its computers for the current change we are operating under now?

The SPEAKER: The Representative from Auburn, Representative Michael, has posed a question through the Chair to the Representative from Harpswell, Representative Coles, who may respond if he so desire.

The Chair recognizes that Representative.

Representative COLES: Mr. Speaker, Ladies and Gentlemen of the House: We were informed that it took between six and eight weeks.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Michael.

Representative MICHAEL: Mr. Speaker, Ladies and Gentlemen of the House: I will just speak one final time.

I don't understand how we could have made the interim rules change just a few weeks ago and it took six to eight weeks to change the computers. It doesn't quite add up in my head. Maybe it is so, but I just don't think we should allow a technical problem with staff to interfere in the rules process. A few weeks ago, we were all quite joyful that there would be a Rules Committee, to my knowledge the first time in many, many years a new precedent of even having a Rules Committee, and now we find out via a manipulation, a technical manipulation, we can't even proceed to amend the rules anyway.

So, the question I put out, why even be here if the staff is going to announce that they can't handle a computer programming change. It is mind boggling.

The SPEAKER: Pursuant to House Rule 1, the Chair would advise members that the rule was adopted the first week of December and was fully implemented two days ago. That was the length of time it became necessary to implement the other rules. The problems is not as much that it can't be done in a short time, it is that the other stuff still has to be done while that is being done. That is why it extends the time.

The Representative may proceed.

Representative MICHAEL: Thank you Mr. Speaker. I am sure we could find a way to make it work. By changing the rules so that it goes into effect in September, it means that we miss this entire legislative session. This is the session where everyone, Freshmen and veterans, can put in any bill

that they want. This amendment which we adopted previously, will postpone the change until next year where you can only get a bill in with permission from the Executive Council. There will be only a very few bills in. The opportunity for bipartisan work is here and now and this is when we should have this rule.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Waldo, Representative Whitcomb, that the House reconsider its action whereby House Amendment "C" (H-17) was adopted. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

20 having voted in the affirmative and 82 in the negative, the motion did not prevail.

Subsequently, Joint Order (S.P. 96) amending the Joint Rules as amended by House Amendment "C" (H-17) and House Amendment "F" (H-20) was adopted in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter: Bill "An Act to Protect Animal Enterprises" (H.P. 163) (L.D. 215) which was tabled earlier in the day and later today assigned pending reference.

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

The SPEAKER: Pursuant to House Rule 22, the pending question before the House is the motion to suspend the rules to extend beyond 9:00 p.m.. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

73 having voted in the affirmative and 56 in the negative, the rules were suspended to extend beyond 9:00 p.m..

(At Ease)

The House was called to order by the Speaker.

The SPEAKER: The Chair would like to explain what I did and didn't do regarding the previous action regarding House Rule 22.

The rule that we are operating under, House Rule 22, was changed the second day that we adopted House Rules. What we did under the old rules was it took two-thirds of the members present and voting to extend beyond nine o'clock. The way in which it was amended was to say that it can be done by majority vote but must be done by a Division or roll call so that is the basis upon which I put it to a vote.

However, part of that which I had forgotten is that there also is a provision that there should be a time attached to it in that motion and, of course,

there was no motion since I made it from the Chair. If the motion had failed — I was correct in stating that we would have been back on Tuesday at four o'clock; however, the motion did not fail and, therefore, we have in effect I suppose, by virtue of that, unlimited time beyond nine o'clock. So, the Chair now would entertain a motion for a time certain pursuant to House Rule 22.

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

Representative KILKELLY: Mr. Speaker, I move that the House continue business until ten o'clock this evening.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Wiscasset, Representative Kilkelly, that the House extend the time to 10:00 p.m. this evening. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

84 having voted in the affirmative and 26 in the negative, the motion did prevail.

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

SENATE PAPER

Non-Concurrent Matter

Joint Order (S.P. 96) Relative to Amending the Joint Rules which was passed in the House as amended by House Amendments "C" (H-17) and "F" (H-20) on January 28, 1993.

Came from the Senate passed as amended by House Amendments "C" (H-17) and "F" (H-20) and Senate Amendment "D" (S-18) in non-concurrence.

Was read.

Representative Rydell of Brunswick moved that the House Insist.

Representative Whitcomb of Waldo moved that the House recede and concur.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Farnsworth.

Representative FARNSWORTH: Mr. Speaker, Ladies and Gentlemen of the House: I just wanted to clarify that my understanding is that this motion would keep all of the rule changes that were adopted by this body previously, plus the additional thing that has to do with term limits. I would like to remind people that we were within three votes of passing the term limits the last time this issue came before this body and I think it sets a tone for how we feel about how this body ought to operate and I hope people will sincerely consider that. It would be absolutely the shortest route home tonight to vote to recede and concur.

Representative Martin of Eagle Lake requested a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote

yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is the motion of Representative Whitcomb of Waldo that the House recede and concur, a two-thirds vote being necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 3

YEA - Adams, Aikman, Ault, Bailey, H.; Bailey, R.; Bennett, Bowers, Brennan, Bruno, Cameron, Campbell, Carleton, Caron, Carr, Clement, Clukey, Coffman, Cross, Dexter, Donnelly, Dutremble, L.; Farnsworth, Farnum, Farren, Foss, Gamache, Gould, R. A.; Gray, Greenlaw, Gwadosky, Heeschen, Hoglund, Hussey, Johnson, Jones, Joy, Kerr, Ketterer, Kilkelly, Kontos, Kutasi, Lemont, Libby Jack, Libby James, Lindahl, Lipman, Look, Lord, MacBride, Marsh, Marshall, Melendy, Michael, Nadeau, Nash, Norton, Ott, Pendexter, Pendleton, Plourde, Plowman, Reed, G.; Reed, W.; Richardson, Robichaud, Rowe, Saint Onge, Simonds, Simoneau, Small, Spear, Stevens, A.; Taylor, Thompson, Tracy, Treat, Tufts, Walker, Wentworth, Whitcomb, Winn, Zirkilton.

NAY - Ahearne, Aliberti, Beam, Carroll, Chase, Chonko, Clark, Coles, Cote, Daggett, Driscoll, Erwin, Faircloth, Fitzpatrick, Gean, Hale, Hatch, Hichborn, Holt, Martin, H.; Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Oliver, Paradis, P.; Pineau, Pinette, Rand, Rotondi, Ruhlman, Rydell, Saxl, Skoglund, Stevens, K.; Strout, Sullivan, Tardy, Townsend, E.; Townsend, G.; The Speaker.

ABSENT - Anderson, Barth, Cashman, Cathcart, Cloutier, Constantine, Dipietro, Dore, Heino, Hillock, Jacques, Jalbert, Joseph, Kneeland, Larrivee, Lemke, Nickerson, O'Gara, Pfeiffer, Poulin, Pouliot, Quint, Ricker, Swazey, True, Vigue, Young.

Yes, 82; No, 42; Absent, 27; Paired, 0; Excused, 0.

82 having voted in the affirmative and 42 in the negative with 27 being absent, the motion to recede and concur did not prevail.

Subsequently, the House voted to Insist. Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Pursuant to House Rule 1, the Speaker appointed Representative Michaud of East Millinocket to act as Speaker pro tem Tuesday, February 2, 1993.

On motion of Representative Martin of Eagle Lake, Adjourned at 9:30 p.m. until Tuesday, February 2, 1993, at four o'clock in the afternoon pursuant to Joint Order (S.P. 86).