

LEGISLATIVE RECORD

OF THE

One Hundred And Sixteenth Legislature

OF THE

State Of Maine

VOLUME V

SECOND REGULAR SESSION

House of Representatives January 5, 1994 to April 14, 1994

ONE HUNDRED AND SIXTEENTH MAINE LEGISLATURE SECOND REGULAR SESSION 8th Legislative Day Tuesday, January 25, 1994

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

Prayer by Pastor Warner A. Howard, North Nobleboro Baptist Church.

Pledge of Allegiance.

The Journal of Thursday, January 20, 1994 was read and approved.

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

ORDERS

On motion of Representative CHONKO of Topsham, the following Joint Order: (H.P. 1326)

ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out a bill or bills concerning supplemental appropriations in fiscal year 1993-94 for the Maine Residents Property Tax Program.

Was read and passed and sent up for concurrence. Ordered sent forthwith.

COMMUNICATIONS

The following Communication:

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

January 20, 1994

Hon. Joseph W. Mayo Clerk of the House State House Station #2 Augusta, Maine 04333

Dear Clerk Mayo:

This is to notify you that pursuant to my authority under Chapter 40 of the Resolves of 1993, I have appointed Rep. Joseph Bruno, of Raymond, to serve on the Federal Funds Task Force as a representative of the Joint Standing Committee on Human Resources.

Sincerely,

S/John L. Martin Speaker of the House

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE DEPARTMENT OF THE ATTORNEY GENERAL STATE HOUSE STATION 6 AUGUSTA, MAINE 04333

January 18, 1994

Honorable Dennis L. Dutremble President of the Senate State House Station #3 Augusta, ME 04333

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

Re: Petroleum Market Share Act/Annual Report to the Legislature

Dear Senator Dutremble and Speaker Martin:

Enclosed, in accordance with the provisions of 10 M.R.S.A. section 1677, is the Attorney General's Annual Report to the Legislature concerning levels of concentration in Maine's retail petroleum markets. A recommendation for further legislative action is also provided.

Thank you for your consideration of these materials; please do not hesitate to call if you should have any question in this regard.

With best wishes for the New Year,

Sincerely,

S/FRANCIS E. ACKERMAN Assistant Attorney General

Was read and with accompanying report ordered placed on file.

The following Communication: (S.P. 628)

116TH MAINE LEGISLATURE

January 19, 1994

Senator Mark W. Lawrence Rep. Paul F. Jacques Chairpersons Joint Standing Committee on Energy and Natural Resources 116th Legislature Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Ronald J. Mallett of Old Town and Norman A. Dean of Madison for reappointment and Betty Lou Mitchell of Etna for appointment to the Board of Environmental Protection.

Pursuant to Title 38, MRSA Section 341-C, these nominations will require review by the Joint Standing Committee on Energy and Natural Resources and confirmation by the Senate.

Sincerely,

S/Dennis L. Dutremble President of the Senate

S/John L. Martin Speaker of the House

Came from the Senate, Read and Referred to the Committee on Energy and Natural Resources.

Was Read and Referred to the Committee on Energy and Natural Resources in concurrence.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills and Resolve 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:

Banking and Insurance

Bill "An Act to Provide Enhanced Enforcement Powers in the Maine Banking Laws" (EMERGENCY) (H.P. 1308) (L.D. 1763) (Presented by Representative CARLETON of Wells) (Cosponsored by Representatives: LIBBY of Kennebunk, LIPMAN of Augusta) (Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 24.)

Business Legislation

Bill "An Act to Prevent Overcharging on Merchandise" (H.P. 1324) (L.D. 1786) (Presented by Representative MICHAEL of Auburn) (Cosponsored by Representative COFFMAN of Old Town and Representative: HATCH of Skowhegan) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Education

Bill "An Act to Create a Single School Administrative District for Aroostook County" (H.P. 1307) (L.D. 1762) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by Representatives: CHONKO of Topsham, HICHBORN of LaGrange) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Establish a Technical College in York County" (H.P. 1313) (L.D. 1775) (Presented by Representative HALE of Sanford) (Cosponsored by Senator DUTREMBLE of York and Representatives: CAMPBELL of Holden, CARLETON of Wells, DUTREMBLE of Biddeford, FARNUM of South Berwick, GEAN of Alfred, HUSSEY of Milo, KERR of Old Orchard Beach, LEMONT of Kittery, LIBBY of Kennebunk, LIBBY of Buxton, LORD of Waterboro, MARSHALL of Eliot, MURPHY of Berwick, NADEAU of Saco, OTT of York, PLOURDE of Biddeford, TOWNSEND of Eastport, TUFTS of Stockton Springs, WENTWORTH of Kennebunkport, Senators: CARPENTER of York, SUMMERS of Cumberland, TITCOMB of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Energy and Natural Resources

Bill "An Act to Preserve Productive Forests" (EMERGENCY) (H.P. 1309) (L.D. 1764) (Presented by Representative HOLT of Bath) (Cosponsored by Representatives: CROSS of Dover-Foxcroft, FARNSWORTH of Hallowell, HEESCHEN of Wilton, MARTIN of Eagle Lake, MITCHELL of Freeport, Senator: LUTHER of Oxford) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Acquire Lake and Ocean Frontage to be Preserved for the Public" (H.P. 1312) (L.D. 1767) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by Representatives: AHEARNE of Madawaska, CHONKO of Topsham, GOULD of Greenville, JACQUES of Waterville, MELENDY of Rockland, Senator: PEARSON of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Refund Money Collected from the Disposal Fee on Major Appliances and Tires to Municipalities" (H.P. 1314) (L.D. 1776) (Presented by Representative LORD of Waterboro) (Cosponsored by Representatives: ANDERSON of Woodland, CROSS of Dover-Foxcroft, HEINO of Boothbay, HICHBORN of LaGrange, HUSSEY of Milo, KERR of Old Orchard Beach, PINETTE of Fort Kent, POULIOT of Lewiston, SPEAR of Nobleboro, STROUT of Corinth, Senators: CARPENTER of York, CIANCHETTE of Somerset) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Housing and Economic Development

Bill "An Act to Make Economic Development Funds More Readily Available for Improving Existing Equipment and Facilities" (H.P. 1315) (L.D. 1777) (Presented by Representative AHEARNE of Madawaska) (Cosponsored by Senator PARADIS of Aroostook and Representatives: CAMERON of Rumford, CLARK of Millinocket, DRISCOLL of Calais, ERWIN of Rumford, HUSSEY of Milo, LEMKE of Westbrook, O'GARA of Westbrook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Judiciary

Bill "An Act to Require That Medical Personnel Report Suspected Domestic Abuse" (H.P. 1318) (L.D. 1780) (Presented by Representative DORE of Auburn) (Cosponsored by Representatives: HOGLUND of Portland, MURPHY of Berwick) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act Relating to Access for People with Disabilities" (H.P. 1321) (L.D. 1783) (Presented by Representative FARNSWORTH of Hallowell) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Amend the Laws Regarding Protective Custody" (H.P. 1322) (L.D. 1784) (Presented by Representative RYDELL of Brunswick) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Legal Affairs

Bill "An Act to Ensure Appropriate and Equitable Penalties for Violation of Electoral Laws" (H.P. 1311) (L.D. 1766) (Presented by Representative LARRIVEE of Gorham) (Cosponsored by Representative: GWADOSKY of Fairfield) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Marine Resources

Bill "An Act to Amend the Sea Urchin Harvesting and Licensing Laws and to Establish the Sea Urchin Fund" (EMERGENCY) (H.P. 1319) (L.D. 1781) (Presented by Representative RAND of Portland) (Cosponsored by Representatives: ADAMS of Portland, CARROLL of Gray, KERR of Old Orchard Beach, PLOURDE of Biddeford, Senator: CONLEY of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act Concerning Alewives" (H.P. 1323) (L.D. 1785) (Presented by Representative MITCHELL of Freeport) (Cosponsored by Representatives: HEINO of Boothbay, SKOGLUND of St. George, Senators: CAHILL of Sagadahoc, GOULD of Waldo) (Submitted by the Department of Marine Resources pursuant to Joint Rule 24.)

State and Local Government

Bill "An Act to Promote Fairness in Investigation of Employee Misconduct" (H.P. 1325) (L.D. 1787) (Presented by Representative FARNSWORTH of Hallowell) (Cosponsored by Representatives: COTE of Auburn, GWADOSKY of Fairfield, PARADIS of Augusta, Senators: BUSTIN of Kennebec, CONLEY of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Taxation

Bill "An Act to Clarify the Tax-exempt Status of Nonprofit Rental Housing" (EMERGENCY) (H.P. 1320) (L.D. 1782) (Presented by Representative DORE of Auburn) (Cosponsored by Representatives: DiPIETRO of South Portland, HOGLUND of Portland, LARRIVEE of Gorham, MURPHY of Berwick, NADEAU of Saco, RAND of Portland, RUHLIN of Brewer, SIMONEAU of Thomaston, Senators: BRANNIGAN of Cumberland, ESTY of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Transportation

Bill "An Act to Increase Safety in Highway Construction and Maintenance Work Areas" (H.P. 1316) (L.D. 1778) (Presented by Representative O'GARA of Westbrook) (Cosponsored by Representative: DRISCOLL of Calais, Senator: GOULD of Waldo) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Resolve, to Designate Route 196 through Lisbon in Memory of Staff Sergeant Thomas Field (H.P. 1317) (L.D. 1779) (Presented by Representative JALBERT of Lisbon) (Cosponsored by Senator BERUBE of Androscoggin and Representatives: ALIBERTI of Lewiston, ANDERSON of Woodland, BAILEY of Farmington, BARTH of Bethel, CARLETON of Wells, CARON of Biddeford, CARR of Sanford, CARROLL of Gray, CATHCART of Orono, CLARK of Millinocket, CLUKEY of Houlton, COTE of Auburn, DEXTER of Kingfield, DiPIETRO of South Portland, DONNELLY of Presque Isle, DORE of Auburn, DRISCOLL of Calais, DUTREMBLE of Biddeford, ERWIN of Rumford, FAIRCLOTH of Bangor, FARNUM of South Berwick, FARREN of Cherryfield, FITZPATRICK of Durham, GAMACHE of Lewiston, GWADOSKY of Fairfield, HATCH of Skowhegan, HEINO of Boothbay, HICHBORN of LaGrange, HUSSEY of Milo, JACQUES of Waterville, JOHNSON of South Portland, JOY of Island Falls, KERR of Old Orchard Beach, LEMKE of Westbrook, LIBBY of Kennebunk, LINDAHL of Northport, LIPMAN of Augusta, LORD of Waterboro, MaCBRIDE of Presque Isle, MARSH of West Gardiner, MARSHALL of Fliot, MARTIN of Eagle Lake, MITCHELL of Freeport, MORRISON of Bangor, MURPHY of Berwick, NICKERSON of Turner, NORTON of Winthrop, O'GARA of Westbrook, PARADIS of Augusta, PFEIFFER of Brunswick, PINEAU of Jay, PINETTE of Fort Kent, PLOURDE of Biddeford, POULIOT of Lewiston, RICKER of Lewiston, ROWE of Portland, RUHLIN of Brewer, SIMONDS of Cape Elizabeth, ST. ONGE of Greene, STEVENS of Sabattus, STROUT of Corinth, SULLIVAN of Bangor, TARDY of Palmyra, TOWNSEND of Eastport, TRUE of Fryeburg, TUFTS of Stockton Springs, VIGUE of Winslow, WALKER of Blue Hill, Senators: BRANNIGAN of Cumberland, HALL of Piscataquis, HANDY of Androscoggin, KIEFFER of Aroostook, TITCOMB of Cumberland, VOSE of Washington) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Utilities

Bill "An Act to Protect Ratepayer Investments" (H.P. 1310) (L.D. 1765) (Presented by Representative GWADOSKY of Fairfield) (Cosponsored by Representatives: TARDY of Palmyra, WHITCOMB of Waldo,

Senator: SUMMERS of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

ORDERS

On motion of Representative CARLETON of Wells, the following Order:

ORDERED, that House Rule 52 be amended to read:

52. The rules of parliamentary practice comprised in Reedis Mason's Rules, or any-other-standard authority, shall govern the House in all cases in which they are applicable, and in which they are not inconsistent with the standing rules and orders of the House, and the joint rules of the Senate and House of Representatives. <u>In the event that Mason's</u> <u>Rules do not cover the parliamentary practice in</u> <u>question, then the rules of any other standard</u> authority may be applied.

Was read.

On motion of Representative MARTIN of Eagle Lake, tabled pending passage, pursuant to House Rule #54, and specially assigned for Thursday, January 27, 1994.

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 56 and Joint Rule 34, the following items:

Recognizing:

Representative ROBICHAUD of Caribou. (Cosponsor: Senator KIEFFER of Aroostook)

On objection of Representative ROBICHAUD of was removed from the Special Sentiment Caribou. Calendar.

Was read.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Robichaud. Representative ROBICHAUD: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I would like to commend the Clerk of the House for his valiant attempt at deciphering what actually says, "Congratulations and Best Wishes to Madame Elise Robichaud on her 100th birthday."

I am sharing this with you today because this woman is very special to me, she happens to be my grandmother and I am very proud to have her with us after 100 years of life. I just wanted to share that with you and let's hope that we all can achieve that fraction of a lifespan that she has been able to achieve.

Subsequently, was passed for and sent up concurrence.

In Memory of:

George "Jim" St. John, for many years a resident of Bath, whose death has saddened family and friends. Mr. St. John worked in the field of education for 40 years. He was an author, canoeist, gardener and with his family created the 700-acre Bates Morse Mountain Conservation Trust, a gift for all of Maine. Mr. St. John was an active member of the Society of Friends and the Bath Area Committee for Nuclear Arms Control; (HLS 806) by Representative HOLT of Bath. (Cosponsors: Senator CAHILL of Sagadahoc. Representative SMALL of Representative SMALL of Sagadahoc, Bath. Representative COLES of Harpswell)

On objection of Representative HOLT of Bath, was removed from the Special Sentiment Calendar.

Was read.

SPEAKER: Chair The The recognizes the Representative from Bath, Representative Holt.

Representative HOLT: Mr. Speaker, Ladies and Gentlemen of the House: Thank you Mr. Speaker for this opportunity to make a brief statement for the Legislative Record.

George St. John, better known as Jim, and his family typify the very best of citizenship, always serving their community with heart, humility and with a special sense of joy that comes with sharing good fortunes.

Jim's perceptions of the dangers of humankind, harnessing the atom without having learned to control itself, led him to his work in the Bath area's Citizens for Nuclear Arms Control. An educator by profession and by nature, his success lay in example Madame Elise Robichaud, en lui offrant nos both great and small. One day he saved the day for meilleurs voeux a367 l'occasion de son centie36**6me** Bath 4th of July Parade float. A truck broke anniversaire de naissance; (HLS 803) by down and on the spur of the moment, Jim volunteered his old vehicle and he drove it himself, overheating it, and just barely made it to the finish, huffing and steaming amid cheers. Then sometime before that, he was seen out in a downpour helping a lone volunteer repair a long fence on a sand dune that was protecting a very rare nesting site.

Yet, the gift of Jim St. John and his family were and are many. We here in the legislature benefit everyday from the untiring service of his son, Christopher St. John, whose kindness, knowledge and intelligence help us further the cause of social justice in Maine.

Subsequently, was adopted and sent uΰ for concurrence.

CONSENT CALENDAR

First Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(H.P. 1271) (L.D. 1715) Resolve, to Extend the Reporting Date of the Study to Identify the Extent of

Violence among Children (EMERGENCY) Committee Human Resources reporting "Ought to Pass" on

(H.P. 1272) (L.D. 1716) Resolve, to Extend the Reporting Deadline of the Health and Social Services Transition Team (EMERGENCY) Committee on **Human** Resources reporting "Ought to Pass"

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, January 27, 1994 under the listing of Second Day.

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of 1994, adjournment Thursday, January 20, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

HOUSE ORDER - Relative to amending House Rule 23. In House, Read on January 5, 1994. TABLED - January 11, 1994 by Representative KILKELLY of Wiscasset. PENDING - Passage. (2/3 Vote Required)

On motion of Representative KILKELLY of Wiscasset, tabled pending passage and specially assigned for Thursday, January 27, 1994.

Bill "An Act to Clarify the Application of Nursing Facility Admissions Criteria" (EMERGENCY) (H.P. 1230) (L.D. 1650) - In House, referred to the Committee on Human Resources on January 6, 1994. - In Senate, to the referred Committee on Appropriations and Financial Affairs in non-concurrence. TABLED - January 13, 1994 by Representative CHONKO of Topsham.

PENDING - Further Consideration.

On motion of Representative CHONKO of Topsham, the House voted to Adhere.

Bill "An Act Establish to Preapprenticeship Programs" (H.P. 1282) (L.D. 1730) (Committee on Labor suggested) TABLED - January 18, 1994 by Representative GWADOSKY of Fairfield.

PENDING - Reference.

On motion of Representative RUHLIN of Brewer, tabled pending reference and specially assigned for Thursday, January 27, 1994.

This being the day designated in the House Order passed on January 6, 1994, relative to the Office of the Speaker of the House, the House proceeded by ballot to the election of a Speaker to fill the vacancy occasioned by the resignation of John L. Martin of Eagle Lake as Speaker of the House effective February 3, 1994.

Motion by Representative JACQUES of Waterville, that Representative NADEAU of Saco, Representative KONTOS of Windham, Representative O'GARA of Westbrook, STROUT of Corinth, Representative Representative ZIRNKILTON of Mount Desert and Representative TAYLOR of Cumberland were appointed a Committee to receive, sort and count votes for the Speaker.

The SPEAKER: The Chair recoanizes the Representative from Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker, I rise this afternoon to place in nomination the name of the good Representative from Fairfield, Representative Dan Gwadosky, for Speaker of the House.

It is a great personal privilege and honor for me to place Representative Gwadosky's name in nomination for the highest office in this chamber.

Representative Gwadosky and I entered the Maine House of Representatives together in 1979. It was here that we first took the oath of office from Governor Jim Longley. Since that time, we have seen tremendous changes, both in our state and in this body. We have watched as the legislature has been transformed into the modern institution that it is With those changes, we have come to todav. understand that a new type of leadership is required to help this body operate effectively, efficiently and with conviction into the future.

The advent of term limits on legislatures is but the latest change that will have an enormous impact on this legislative process. More specifically, the role of the Speaker of the House has been changed forever and we need someone at the rostrum who recognizes the significance of these changes and who is prepared to lead us through this important transition.

We also need a leader who recognizes that issues Everyone needs a good paying, Each citizen has a right to are non-partisan. rewarding job. accessible, affordable health care. All children must have an equal opportunity to a education. Our future well-being is dependen quality Our future well-being is dependent on our current resolve here in this chamber. While the two parties may have differences in political philosophy and in our approach to these concerns, the solutions that we devise in the legislature must have the people of Maine in mind, not our partisan ambitions.

The good Representative from Fairfield as Speaker will keep us focused on our common goals and on our mission to achieve these goals.

The good Representative from Fairfield has also demonstrated a sense of fairness and integrity to everyone in this body, especially to my Democratic colleagues, when he has led the way on various issues and led our caucus through difficult times.

Representative Dan Gwadosk self-confidence, the determination y has and the Dan Gwadosky the calm demeanor to help this body fulfill its goals and objectives.

Representative Gwadosky, ladies and gentlemen of the House, is a leader for these times and is a leader for all of us in this chamber.

The Majority Leader's accomplishments over the years demonstrate both his commitment to the people of this state and his ability to lead to consensus on

important issues. He has served as Chair on several committees during his 8 terms in office, including the Select Committee on Economic Development, the Select Committee on Vocational/Technical Colleges, and the Joint Standing Committee on State Government. During his term as Chair of the State Government Committee, he led the committee through several major governmental reforms and let me just share a couple of them with you.

The State Personnel System was revolutionized and made substantially more flexible to meet the needs of modern state government. The Vocational/Technical College System was created from the Vocational/Technical Institute that previously had been part of the Department of Education.

The Finance Authority of Maine was established, which centralized state loan and loan guarantee activities previously implemented by numerous agencies throughout state government.

The Bureau of Information Services was created to centralize computer system purchases. The planning of the Department of Economic and Community Development was initiated and, in addition, operations of the State Development Office was significantly changed to focus on Maine businesses and to provide Maine businesses and the public with a guide to state agencies permits.

During a career of elected public service, a very distinguished career to the people of this state, Representative Gwadosky has been the prime sponsor of significant legislation, hospital cost containment, full-time Workers' Compensation Commissioners, requiring alcoholism treatment benefits to be included in health insurance policies, the creation of the Finance Authority of Maine, regulation of interstate bank ownership, a study of the feasibility of a Maine product market strategy and product logo, legislative oversight prior to implementation of departmental rules, the creation of the Maine Technical College System, the establishment of a Maine Elderly Tax and Assistance Program, the implementation of Total Quality Management procedures in the Executive Department in reducing administrative costs of state government. In 1986, the Representative from Fairfield was

In 1986, the Representative from Fairfield was elected to a House leadership position and turned his attention to the broader problems facing this body and its members. During his one term as Majority Whip and his three terms as Majority Leader, my good friend from Fairfield has worked diligently to open up the legislative process, improve and enhance the functions of legislative staff and provide vital background information on important issues to our caucus and the body as a whole.

Specifically, the Majority Leader has made substantial contributions in the following areas: he has promoted a modern management philosophy and approach to legislative operations, his vast academic and work-related experience in management and management practices has enabled him to seek a consensus by including <u>all</u> in the process. He has endeavored to open the budget process so that policy committees and therefore rank-and-file members are able to establish funding priorities and program funding levels. He has also been an early and strong advocate of TQM, Total Quality Management Practices, to the legislature and its staff. Problem resolution, consensus policymaking ánd the creation of goals and objectives through the implementation of

TQM will substantially reduce the tension and conflict in the legislative process.

As Chair of the Legislative Council and as Chair of the Personnel Committee of the Legislative Council, Representative Dan Gwadosky has learned the structure and the machinery that operates the legislature. He is acutely aware of state and federal personnel policies, laws and practices as they apply to the legislative employees and, through his efforts, innovative policies and guidelines have been instituted for our legislative staff. He also knows the history of legislative operations and how they evolve which is necessary to the effective management of our legislative process.

Not only has Representative Dan Gwadosky earned your support for the position of Speaker of the House through his commitment to you, this body, and the people of Maine as we can clearly see from his past accomplishments, he has also demonstrated an understanding of the changing role of the position and is committed to reforming the process to make this institution a model for the future.

I hope all of you will join me this evening in supporting the good Representative from Fairfield, our Majority Floor Leader in this chamber, Dan Gwadosky, for the position of Speaker of the House.

Let me add and close on a very personal note. When the good Representative from Fairfield and I took the oath of office that cold January day, not unlike this one here, on the 25th of January, the Minority Floor Leader, the late Representative from Cumberland, Bill Garsoe, a very distinguished member of this body for many years, rose and made a motion that the Secretary cast one ballot for Speaker of the House. There was no election, there was no partisan bickering as we have had in the past years and months over the election of a Speaker. That was the event that we remember which formed our history of this body which made an indent on our minds, not the events of the last few years, but the events of earlier years when the Majority and Minority worked closely together. Years of pain and turmoil divide that event from these recent years but it need not always be like that into the future. I believe that Representative Gwadosky as Speaker of this body will recall fondly those years when we served in this body, when all of us had the utmost respect for each other's convictions, for each other's strengths and respect for each other's weaknesses and will summon the best in all of us that we can get along and go along with the business which is the people's business.

The sun is ready to set on this beautiful state. Tomorrow will dawn very cold but very promising. We are one day closer to Spring, we are one day closer to completing our business and we will be one day into a new era of new leadership and new promise in this state. I urge you this evening to join me in supporting the good Representative from Fairfield for Speaker of the House.

The SPEAKER: The name of Dan Gwadosky of Fairfield has been placed in nomination for Speaker of the House.

The Chair recognizes the Representative from Portland, Representative Oliver.

Representative OLIVER: Mr. Speaker, Ladies and Gentlemen of the House: It is with great honor that I rise to second the nomination of a good friend, Representative Dan Gwadosky, for the position of Speaker of the Maine House of Representatives. We are indeed fortunate at this time of historic transition in leadership in this body and with the growing national cynicism of our citizens towards government in public institutions that we have a member of this body so eminently qualified and prepared to take the reins and accept this awesome responsibility. We need a statesperson that, when necessary, can rise above the partisan debate and articulate the purpose of democratic government and defend its institutions. We need a Speaker with a steady hand on the wheel, that has the strength of presence and parliamentary skill that can continue the high degree of decorum and respect for protocol that has so distinguished this body.

I think personally, when I look for someone that I would like to be the Speaker, naturally you look first for the skills. Does the person articulate the issues? Is the person fair? Does the person have a sense of the history and traditions of the institution? Can the person, under very difficult times, deal with an appeal that's a parliamentary appeal? Of course the answer with Dan Gwadosky is yes on all those occasions but more than that it's what makes up the man. When he becomes the Speaker of this House, he becomes the Speaker for both sides of the aisle. We will want to see fairness and everyone that knows Dan knows that this is a person of high integrity, that his word is worth something and that he will honor it.

We know back home in our local neighborhoods and our barbershops on our streets that the public is questioning government, questioning the purpose of government, questioning the role of government, questioning the very integrity of this institution.

One of the things that makes me proud in seconding this nomination is that here is a person that rises to the occasion, that has always been superbly fair to all members of this House and, when the time came that something had to be negotiated and there was partisanship on both sides, the quietness, the steadiness, the consistency of a Dan Gwadosky pulling the parties together to reach a conclusion, was necessary.

One of the things that I think is important is tradition. I always love the traditions in my neighborhood, St. Patrick parades, love the traditions in my family, I love the traditions that have been set here, the many unwritten rules that we all abide by, the civility that we give to each other and I find that in this person, Dan Gwadosky, that we have somebody who will keep us on a level that will respect each and every member here regardless of party or regardless of agenda, that has shown his capacity during some very, very tough legislative sessions, during shutdowns, during media blitz's and here is a person who never seems to sweat. I never saw his tie out of order, I never saw a misplaced word, I never saw him run from the action, here is a man who stood his ground and articulate very well what it meant to be government and how difficult it is in a democracy and how tough partisan debate can get but then how we have to come together and respect each other. So, here is a man of the times who will do us all great honor as Speaker, who will give us a sense of stability, a healing time and a new definition of civility in politics.

I am very, very proud to present to you and second this nomination of Dan Gwadosky.

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

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: It is with pride and pleasure that I move the name of Walter Evan Whitcomb of Waldo be placed in nomination for Speaker of the House.

It was after a vigorous campaign and spirited discussion, which is characteristic of our caucus and of our party, that the Republicans in this body chose by acclamation our party leader, Representative Whitcomb, as our candidate for Speaker.

Since all of us in the Republican caucus did survive fourth grade arithmetic, you can well ask why we care so much about offering our own candidate in this election. The short answer is that we have some important things to say at this momentous occasion, the event of electing a new Speaker after two decades of a singular, dominant influence in that office. The things that we have to say may be borne of the injustices of the past but they reflect our hopes for the future, a brighter future for representative government in Maine.

proud to Ι am nominate and speak for Representative Whitcomb because he embodies the traits that I believe are essential to the Speaker's fairness, humility, a sense of proportion and office. an abiding respect for and faith in in this body, the Maine House of Representatives. Some of these traits may be lost on some of you because of his position as Minority Leader and the functions that that job demands in a parliamentary body, but these are traits that not only have served Representative Whitcomb in leadership and in five terms of the House but also in his activities outside this body for moderating sometimes contentious town meetings, to his former work to the National Agricultural Fraternity, to running his family dairy farm with his wife, three children and extended families.

Fairness, humility, a sense of proportion and an abiding respect for and faith in this body — I have never heard the Representative from Waldo bash this institution as some claim that he does. It is easy to misjudge criticism of leadership and management as criticisms of the institution but I would suggest that such criticism and skepticism are essential to the integrity of our democratic institution. In fact, it is the Minority Party's job, and in particular, the Minority Leader's job, to hold those in power accountable, to demand disclosure, to cast a critical eye and voice the alternative view.

I believe Representative Whitcomb has always provided his criticism carefully, responsibly with a purpose of improving the institution and the public's view of it rather than tarnishing it.

It is also the purpose of the Minority to stand for our party's principles and to demand that they be heard in the process. Representative Whitcomb has done that as well.

Each of us in the Minority Party was elected by the same number of people that each of you in the Majority Party were. We want the same rights to be heard on the floor and in committee as Majority members. That is why we have demanded in the past and continue to demand now changes in rules in this body, both in the written and unwritten rules. First, we want proportional representation on committees. The fact that we don't have this now effectively disenfranchises our constituents from full participation in this most vital part of our legislative process. Second, we want elected committee chairs. All members in the people's House ought to participate in these important choices of who chairs committees rather than to surrender our authority to a hierarchy of cronyism.

Third, we want a consistent standard of parliamentary rules, such as that presented earlier on today's calendar by Representative Carleton.

The rules of this body ought not to be arbitrarily chosen by the Speaker depending on the political needs of the moment, they ought to be predictable, fair and uniformly imposed on all members.

Fourth, as Representative Carleton pointed out in our caucus last week, there are some changes that can only be effected by the Speaker himself, changes in tone and tenor that require tempered leadership from the top. In essence, we deserve fair treatment and civility; in essence, common courtesy.

We hope that the person elected Speaker today will make all these changes. We do not suffer delusions about this race, we can count votes, so let me add a personal note about the Representative from Fairfield. Like many of you, my relationship with Representative Gwadosky goes back many years, in fact, well before my tenure in the legislature. I have a clipping from the Kennebec Journal which I sent to Representative Gwadosky one time when he was acting as Speaker pro tem, dated the Spring of 1981, with a picture of me standing at the rostrum as the Speaker of the YMCA's model state legislature. I was a high school senior at the time, not even of voting age. In the picture, I am wearing Speaker Martin's formal attire, perhaps the same outfit that he is wearing today, which I had found in his office closet and, believe it or not, the suit fit at the time. Next to me is a slightly more youthful Representative Gwadosky of Fairfield lending advice and teaching a roomful of high school students how their democracy I remember vividly his encouragement to us to works. get involved, his assisting us with the sometimes cumbersome process that democracy demands. I hope that in the event of his election that Speaker Gwadosky will offer the same kind of guidance, will promote participation by all members and thereby help restore public faith in this institution by encouraging a truly deliberative process based on parliamentary principles, not parliamentary ledger domain.

So, I nominate our party leader as Speaker, not out of a sense of hostility, but a sense of hope; not a sense of opposition, but a sense of opportunity; not out of a sense of partisanship, but of partnership. Above all, I make this nomination with a faith that by turning to a new chapter in the history of this House, we can also seize the chance of opening a new chapter of public pride in our legislature.

The SPEAKER: The name of Walter E. Whitcomb has been placed in nomination for Speaker of the House.

The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Ladies and Gentlemen of the House: Thank you Representative Bennett from Norway for making my nomination.

I am taking the unusual step of seconding my own nomination because I feel it is important to present a number of perspectives from the Republican viewpoint.

This is, as we all recognize, an historic moment from the aspect that this is only the third time in the history of the State of Maine that we have filled a vacancy created by the resignation of a Speaker. For a brief moment in history, in 1831, Speaker Ruggles from Thomaston resigned to accept an appointment to the Common Court of Plea's and then went on to become a U.S. Senator. In 1835, Speaker Davie resigned after only a few weeks in office to become a sheriff and then eventually to become a U.S. Congressman. It is historic because we all believe, both Republicans and Democrats, that we are at a critical turning point in terms of public perception of our effectiveness as members of this legislature, of this legislature as a whole, and in fact, in a sense of representative government. I am a candidate for the Speaker's office because

I am a candidate for the Speaker's office because I believe that every member of this House should be treated fairly and honestly. Maine people want and deserve this direction in leadership.

I listened to the comments of the Representative from Fairfield the other night when he spoke to his caucus and I noted he mixed his vision of the future with his personal observations and I will do some of the same. Probably the item that we most differ on integrity of the legislature or our tion of that integrity, by our is the interpretation of that integrity, by our interpretation of which actions solidify a positive impact of this legislature and which actions detract from that. Republicans frequently hear the comment that our party (or we as individuals) choose to campaign against the institution itself — I believe it is very inaccurate to characterize our discussions and our debates as a campaign against this institution. What is accurate is to understand how greatly we differ at times in our beliefs in how this legislature should be run, about how the money is spent and about items of operation including how we at times spend our time.

I am a candidate this afternoon because Republicans have had a lot to do with bringing this legislature to this turning point in history. I am also a candidate because I believe in the value of this institution and I value intense public debate.

It is often suggested that members of the Minority Party or that some individuals take matters to the public view because we are somehow showing disrespect for the State House or this institution. Words of criticism that many of us level are not aimed at all at the institution but they are at the policies and actions of some individuals. I believe it is very positive for us to note differing priorities and as an example, I flatly disagree with those who consider that the cost of traveling, that the cost of taking staff to distant locations, that the cost of retreats to other states, is more important than our spending funds for our children. That is а policy disagreement.

I have a fundamental difference in vision from the Representative in this body, who is not the Representative from Eagle Lake by the way, who last year spent \$5,700 of taxpayer money to travel to other states. That is a difference of policy vision. However, we are not moles, we are not afraid of light. If actions are worthwhile in the judgment of some individuals, there should be no shame in discussing them in public. What is important is that we move ahead in this historic event, that members of both parties beyond the words "campaign for open government — can we put the past behind us?" Those were the words spoken to me last March 23rd from the Representative from Eagle Lake as he stepped from the rostrum and shook my hand and said, "Put it behind us" --- perhaps now we can.

We must move on with an attitude that acknowledges the active role of the minority in a two party system. We are here this afternoon because nearly every Republican and a percentage of the Democratic caucus demanded change. Blame term limits, blame Ballotgate, blame partisan politics, blame the press, blame even the public for demanding that his odd coalition of conservative Republicans and liberal Democrats worked together to bring us to this point.

Openness should not make us fearful, it is absolutely necessary if people are to trust us. There are some matters that we have to do on behalf of the public and it is best that the interests of both political parties be put aside. We need to make issues rise to another plane, a task that we involve ourselves with, the "above reproach" and "partisan politics." I sincerely believe, as I have said before from this position, that we could claim high ground, that we could show true reform by allowing the public to elect our Constitutional officials. There will always be a concern by the Minority, whether it is one party or another, about the conduct of elections and the fairness of legal opinions when those positions are chosen by the Majority Party of the legislature. That is an inherent conflict.

The events of last Spring would not have sparked the height of suspicion had we had the institutional assurances that those offices were divorced from the office that was under concern and could conduct itself fairly. As Republicans, we are not even now confident of fair elections, to be honest, because that office controls elections and because we have, just recently, been aware of an attempt to exert influence to get names of Republican candidates. That is needless, political friction and could be remedied by going to the people. It is the kind of change that we should all be for if we are going to move away from the condition of confrontation that we have subjected ourselves to so frequently.

As a Minority Leader, I have an intense belief that we have a tremendous opportunity to succeed. I really do believe that. We have a nearly equal opportunity to fail in the coming weeks of this session, perhaps to remind ourselves of what's been judged by some to have been one of our toughest moments. Last night I read in its entirety the 25 pages of debate concerning the removal of the Speaker of the House, March 23, 1993, the Horse Blanket or as is called by some, the Legislative Record. I read the strong criticism of the actions to the Representative from Eagle Lake and I read the equally strong criticisms directed at our corner or directed at this individual for appealing to the public as we did on this very public policy. But reading in that debate, which reopened some very sore wounds and would for any of you if you should take the time to read that, there were some words that ended that debate spoken by the Representative from Buxton that I believe should be our motto for the rest of this session, beyond this evening -- he said, "I want a fair leader who is going to help me make decisions that are in the best interests of the state." I can think of no way of saying what we are about as shortly and as succinctly and as purposely. One year ago on this occasion, when the eyes of the nation were focused on the President's State of the Union Address, this House overturned the recommendation of an independent panel, the Ethics Commission, had

removed a Republican Representative from this body. that action is done but not forgotten. One benchmark of change will be the composition of that House Election's Commission — if that Commission which recommends the fate of membership in this House remains in its current structure with 6 Democrats and 1 Republican, we will have gone nowhere to answering the public call for fairness. Other benchmarks have been mentioned by other speakers and I believe today we have even begun this process in conversations with the Representative from Fairfield and others about what it will take to constitution a House governed by fairness. From our vantage point as Republicans, we can and will speak out on matters of public policy. We will speak out and act strongly as we have before on issues of jobs, fair elections and new direction of this legislature. We are not afraid of rocking the boat, we have shown that we are willing to shut down government for jobs, insight public outcry as we did last Spring and yes, even work with the Representative from Arundel, although he and I have never spoken on this matter, to bring us to this election tonight.

It is, however, a time for us to look up and look ahead. Each one of us, I believe, has come to understand that the events around us are larger than us as single individuals. We are in a time of great need to prove to the public that the legislature can work, that we can debate with all the fervor necessary the many aspects of public policy and the many differing views that we have.

It was interesting to hear the comments from the Representative from Augusta in his final concluding remarks. So, for his benefit and the benefit of all the members, I will read from the script that I have developed over the last week, my final comments.

Because we so desperately need to move this state ahead with a sense of common purpose, with some trust in each other and with a commitment to the people of Maine, not to just another political battle, Mr. Speaker, I withdraw my name from nomination and move that the Clerk cast one ballot for the Representative from Fairfield to be the Speaker of the Maine House.

Subsequently, on motion of Representative Whitcomb of Waldo, the Committee cast one ballot for the House for DAN A. GWADOSKY.

Thereupon, DAN A. GWADOSKY was elected Speaker of the House effective February 3, 1994.

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

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I have prepared my remarks in French too and I would like to pass them to the Clerk at this moment — if he could read those.

It was Yogi Berra, as you may recall, who said upon being honored at a very special night towards the end of his very distinguished career, — it was a special night at the ballpark and he was being honored time and time again by countless people who had come up to him and talked about his accomplishments and he responded to the acclaim and tribute of the crowd by saying "I want to thank everybody who made this evening necessary."

My thanks first to Representative Pat Paradis and Representative Jim Oliver for their very kind words and comments. In listening to your remarks, sometimes I had difficulty realizing that all the references were to me. You have portrayed me with the warts removed, with the rough edges smoothed over and it was a portrait that not only touched me, I think you may have retouched me, but I thank you kindly for your kind words and certainly thank Walt and Steve for their kindness for coming over and for the graciousness of being cast by one ballot.

I want each and every member of this House to know that I accept this responsibility with humility, with a sense of purpose and common mission for promoting mutual respect within this body and for enhancing the well-being of all Maine people.

Since it is my intention to make a more formal address on February 3rd when I am sworn in, I will be very brief at this point.

I would like to use that opportunity to spend a moment to talk about a vision for this body and to talk about some shared common goals and objectives I think that we share and need to be focusing our time on. One of my first priorities, however, will be to ensure a smooth transition. As you know, these types of things don't normally happen during the middle of the session and I want to be careful in order to have as little disruption as we can possible have. I am asking each and every one of you to be both patient and to also be willing to participate, to contribute, we will need your ideas and your thoughts to make this work and, indeed, to ensure that our chances for success are that much greater.

Another priority from the outset will be to reach my hand out to the Republican colleagues. We must work together, fear free from the partisan bickering which has been documented by the press and the media for the last three years and free from the partisan bickering that we have experienced for the last several years.

several years. We all accept our philosophical differences and we are all here because we are concerned about the future, we are worried about events that are going on, the people that we represent and that is a concern that unites, I think, despite our occasional differences of opinion and despite out differences of opinion on the best solutions to the many problems that confront us.

My commitment to each of you is to maintain open, clear, and honest lines of communication between myself, the Democratic Party and the Republican Party. We have an enormous task ahead of us but I ask each of you to join me today as we enter together a new age in Maine politics and establish a new direction for the Maine House of Representatives.

Finally, author Robert Benchley often tells the story of a tempermental actress who was complemented on the set one day of her studio by a young child actress. This young child actress, only 10 years old, approached the aging, tempermental star, almost in awe and said, "My you look wonderful this morning, you look simply beautiful" and at that point the actress turned around very ungraciously and said to her colleague, "What am I supposed to say to that?" The young girl, as sweet as could be, said, "You are supposed to say thank you." No one needs to prompt me on that line. I thank each and every one of you from the bottom of my heart and I will work as hard as I can to justify the faith that you have placed in me. Thank you all, thanks to the family, I know that we can do it working together. 1994 at 4:00 p.m., in memory of George "Jim" St. John of Bath.

On motion of Representative CLARK of Millinocket, adjourned at 5:20 p.m., until Thursday, January 27,