

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

**One Hundred And Sixteenth Legislature**

OF THE

**State Of Maine**

**VOLUME III**

**FIRST REGULAR SESSION**

**Senate**

December 2, 1992 to May 18, 1993

STATE OF MAINE  
ONE HUNDRED AND SIXTEENTH LEGISLATURE  
FIRST REGULAR SESSION  
JOURNAL OF THE SENATE

In Senate Chamber  
Thursday  
January 28, 1993

Senate called to Order by the President, Dennis L. Dutremble of York.

Prayer by the Honorable Rochelle M. Pingree of Knox.

**SENATOR ROCHELLE M. PINGREE:** Let us pray. We are here today in the early moments of the hundreds of hours of work ahead of us. We face a task that is serious and which will take us down paths we cannot yet imagine. Let us pray that in our dealings with each other we will be respectful, honest and kind. Let us pray that in our assistance to those we serve we have the strength to be direct, the wisdom to listen, and the courage to teach. Let us pray as the paper surrounds us and the phone keeps ringing we remember to care about the sadness, to speak out about the injustice, and to take seriously our responsibility to the children. Let us pray that as we make the decisions that lie before us, we keep our minds open to learn all that we can hold and when the time comes to state our vote we make the decisions that hold us true to our hearts. Let us pray that we find the moments, the hours and occasional days to abandon our stately selves to be together with our families, our friends, the fields and the water - whatever opens our eyes and reminds us we're small and the world is very big. For a moment let us pray a mother's prayer, for a daughter who begins her time in a much bigger town, serving in a much larger room. Let us pray that we'll be humble, that we'll be right more than we're wrong and that we'll enjoy our tasks. We don't act alone, and we ask for guidance, patience and peace. Amen.

Reading of the Journal of Tuesday, January 26, 1993.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator **BUSTIN** of Kennebec, 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.

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

Under suspension of the Rules, ordered sent down forthwith for concurrence.

Out of order and under suspension of the Rules, on motion by Senator **ESTY** of Cumberland, the following Senate Order:

ORDERED, that a message be sent to the House of Representatives proposing a Convention of both Branches in the Hall of the House at 6:45 in the evening, for the purpose of extending to Governor John R. McKernan, Jr., an invitation to attend the Convention and make such communication as pleases him.

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

The Chair appointed the Senator from Cumberland, Senator **ESTY**, to deliver the message. The Sergeant-At-Arms escorted the Senator to the House of Representatives.

Subsequently, Senator **ESTY** of Cumberland reported he had delivered the message with which he was charged.

Senate at Ease

Senate called to order by the President.

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act to Prohibit Insurance Companies from Denying Coverage Based on Preexisting Conditions"  
H.P. 118 L.D. 159

Bill "An Act to Reduce Paperwork for Health Care"  
H.P. 129 L.D. 170

Come from the House referred to the Committee on **BANKING & INSURANCE** and **ORDERED PRINTED**.

Which were referred to the Committee on **BANKING & INSURANCE** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Amend the Credit Reporting Laws"  
H.P. 131 L.D. 172

Comes from the House referred to the Committee on **BANKING AND INSURANCE** and **ORDERED PRINTED**.

On motion by Senator **BUSTIN** of Kennebec, referred to the Committee on **BUSINESS LEGISLATION** and **ORDERED PRINTED** in **NON-CONCURRENCE**.

Sent down for concurrence.

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Bill "An Act to Revise the Reciprocity Provisions for Licensing of Barbers and Cosmetologists"  
H.P. 121 L.D. 162

Comes from the House referred to the Committee on **BUSINESS LEGISLATION** and **ORDERED PRINTED**.

Which was referred to the Committee on **BUSINESS LEGISLATION** and **ORDERED PRINTED**, in concurrence.

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Bill "An Act to Require Retention of Special Education Tests and Evaluations"  
H.P. 126 L.D. 167

Comes from the House referred to the Committee on **EDUCATION** and **ORDERED PRINTED**.

Which was referred to the Committee on **EDUCATION** and **ORDERED PRINTED**, in concurrence.

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Bill "An Act to Exempt Public Schools From Air Emission License Fees"  
H.P. 125 L.D. 166

Bill "An Act to Clarify the Application of Recent Increases in Annual Dam Registration Fees" (Emergency)  
H.P. 130 L.D. 171

Bill "An Act Directing the Maine Low-level Radioactive Waste Authority to Commence a Technical Analysis of the Maine Yankee Site" (Emergency)  
H.P. 132 L.D. 173

Come from the House referred to the Committee on **ENERGY & NATURAL RESOURCES** and **ORDERED PRINTED**.

Which were referred to the Committee on **ENERGY & NATURAL RESOURCES** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Authorize the Hunting of Bobwhite Quail"  
H.P. 124 L.D. 165

Comes from the House referred to the Committee on **FISHERIES & WILDLIFE** and **ORDERED PRINTED**.

Which was referred to the Committee on **FISHERIES & WILDLIFE** and **ORDERED PRINTED**, in concurrence.

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Bill "An Act to Amend the Child Labor Laws"  
H.P. 123 L.D. 164

Comes from the House referred to the Committee on **LABOR** and **ORDERED PRINTED**.

Which was referred to the Committee on **LABOR** and **ORDERED PRINTED**, in concurrence.

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Bill "An Act to Amend the Workers' Compensation Act As It Pertains to Officers' Immunity"  
H.P. 119 L.D. 160

Committee on **JUDICIARY** suggested and **ORDERED PRINTED**.

Comes from the House referred to the Committee on **LABOR**.

Which was referred to the Committee on **LABOR** and **ORDERED PRINTED**, in concurrence.

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Bill "An Act to Amend the Laws Concerning Beano and Games of Chance"  
H.P. 128 L.D. 169

Comes from the House referred to the Committee on **LEGAL AFFAIRS** and **ORDERED PRINTED**.

Which was referred to the Committee on **LEGAL AFFAIRS** and **ORDERED PRINTED**, in concurrence.

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Bill "An Act to Change the Scallop Harvesting Season"  
H.P. 117 L.D. 158

Comes from the House referred to the Committee on **MARINE RESOURCES** and **ORDERED PRINTED**.

Which was referred to the Committee on **MARINE RESOURCES** and **ORDERED PRINTED**, in concurrence.

January 25, 1993

Honorable John L. Martin  
Speaker of the House  
116th Maine State Legislature  
State House Station #2  
Augusta, Maine 04333

Resolve, for Amending the Laws Pertaining to Job Classification Specifications  
H.P. 122 L.D. 163

Dear Mr. Speaker,

Bill "An Act to Provide for the Direct Election of the State Auditor"  
H.P. 127 L.D. 168

In accordance with the provisions of Title 30-A, Section 701 of the Revised Statutes, as amended, I have the honor to transmit herewith the budget estimates of expenses of the counties within the State for the year 1993

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

They are as follows: Androscoggin  
Kennebec  
Penobscot  
Piscataquis  
Somerset  
Washington  
York

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

Respectfully,

Bill "An Act to Continue the Income Tax Surcharge to December 31, 1993" (Emergency)  
H.P. 116 L.D. 157

S/G. William Diamond  
Secretary of State

Bill "An Act Concerning the Overpayment of Taxes"  
H.P. 120 L.D. 161

Comes from the House **READ** and referred to the Committee on **STATE & LOCAL GOVERNMENT**.

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

Which was referred to the Committee on **STATE & LOCAL GOVERNMENT**, in concurrence.

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

The Following Communication:

**ADMINISTRATIVE OFFICE OF THE COURTS**  
70 CENTER STREET  
PO BOX 4820 DTS  
PORTLAND, MAINE 04112

Bill "An Act Concerning Truck Weight Limits"  
H.P. 133 L.D. 174

January 25, 1993

Comes from the House referred to the Committee on **TRANSPORTATION** and **ORDERED PRINTED**.

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

Which was referred to the Committee on **TRANSPORTATION** and **ORDERED PRINTED**, in concurrence.

Dear President Dutremble:

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).

**COMMUNICATIONS**

The Following Communication: H.P. 134

Sincerely,

**STATE OF MAINE**  
**DEPARTMENT OF STATE**  
**AUGUSTA, MAINE 04333**

S/James T. Glessner  
State Court Administrator

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

Sent down for concurrence.

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Senate at Ease

Senate called to order by the President.

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**SENATE PAPERS**

Bill "An Act to Increase the Penalty for Abuse of  
Animals"

S.P. 82 L.D. 195

Presented by Senator **HANLEY** of Oxford  
Cosponsored by Senators: **BUTLAND** of Cumberland,  
**CARPENTER** of York, **HALL** of Piscataquis,  
**SUMMERS** of Cumberland, Representatives: **AULT** of  
Wayne, **BARTH** of Bethel, **BENNETT** of Norway, **KUTASI**  
of Bridgton

Which was referred to the Committee on  
**AGRICULTURE** and **ORDERED PRINTED.**

Sent down for concurrence.

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Bill "An Act Requiring Disclosure of Coinsurance  
Provisions on Insurance Policies or Contracts"

S.P. 81 L.D. 194

Presented by Senator **HANLEY** of Oxford  
Cosponsored by Senator: **SUMMERS** of Cumberland,  
Representatives: **KETTERER** of Madison, **ZIRNKILTON**  
of Mount Desert

Which was referred to the Committee on **BANKING &  
INSURANCE** and **ORDERED PRINTED.**

Sent down for concurrence.

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Bill "An Act to Establish a Shock Incarceration  
Program"

S.P. 79 L.D. 192

Presented by Senator **HANLEY** of Oxford  
Cosponsored by Senators: **BUTLAND** of Cumberland,  
**CARPENTER** of York, **HALL** of Piscataquis,  
**KIEFFER** of Aroostook, **SUMMERS** of Cumberland,  
Representatives: **BAILEY** of Township 27, **BARTH** of  
Bethel, **BENNETT** of Norway, **GREENLAW** of Standish,  
**KETTERER** of Madison, **KUTASI** of Bridgton, **LIBBY** of  
Kennebunk, **ZIRNKILTON** of Mount Desert

Which was referred to the Joint Select Committee  
on **CORRECTIONS** and **ORDERED PRINTED.**

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Resolve, to Consolidate the University of Maine  
at Fort Kent into the University of Maine at Presque  
Isle

S.P. 84 L.D. 197

Presented by Senator **HANLEY** of Oxford  
Cosponsored by Representatives: **BENNETT** of  
Norway, **FOSS** of Yarmouth, **GREENLAW** of Standish,  
**KUTASI** of Bridgton

Committee on **EDUCATION** suggested and **ORDERED  
PRINTED.**

On motion by Senator **PARADIS** of Aroostook,  
Tabled 1 Legislative Day, pending **REFERENCE.**

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

Presented by Senator **BRANNIGAN** of Cumberland  
Cosponsored by Senators: **BALDACCI** of Penobscot,  
**PARADIS** of Aroostook, Representative: **TREAT** of  
Gardiner

Which was referred to the Committee on **HUMAN  
RESOURCES** and **ORDERED PRINTED.**

Sent down for concurrence.

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

Presented by President **DUTREMBLE** of York  
Cosponsored by Senator **HANDY** of Androscoggin,  
Representative **RUHLIN** of Brewer and  
Senators: **ESTY** of Cumberland, **LUTHER** of  
Oxford, Representatives: **CHASE** of China, **CLEMENT**  
of Clinton, **ST. ONGE** of Greene

Which was referred to the Committee on **LABOR  
and ORDERED PRINTED.**

Sent down for concurrence.

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Bill "An Act Concerning the Use of Stabilizers on  
Fishing Vessels"

S.P. 83 L.D. 196

Presented by Senator **PINGREE** of Knox  
Cosponsored by Representative: **SKOGLUND** of St.  
George

Which was referred to the Committee on **MARINE RESOURCES** and **ORDERED PRINTED**.

Sent down for concurrence.

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

At this point, a message was received from the House of Representatives, borne by Representative PARADIS of Augusta informing the Senate that the House concurred in the proposition for a Joint Convention, to be held in the Hall of the House at 6:45 p.m. for the purpose of extending to the Honorable John R. McKernan, Jr., an invitation to attend the Joint Convention and make such communication as pleases him.

Senate at Ease

Senate called to order by the President.

Off Record Remarks

Out of order and under suspension of the Rules, the Senate considered the following:

**ORDERS**

**Joint Order**

On motion by Senator **BUSTIN** of Kennebec 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 to the Governor for approval; and the Secretary of the Senate shall enter on the journal of the Senate the day on which such bills or resolutions are so presented to the Governor.

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

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

7. Conventions. No business ~~shall~~ may 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 Rules 13-B and 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 to the President of the Senate and the Majority Floor Leaders of 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.

12.1. Special Sessions. The President of the Senate and the Speaker of the House may recess of the Legislature if necessary that the Legislature convene in special session pursuant to Article I, Section 1 of the Constitution of Georgia to poll all members of the Legislature in order to determine whether their call should be issued.

12.2. Efficient Means. The Speaker of the House or the President of the Senate may direct the members of the respective House to assemble at the State House in Augusta at an hour and on a date to be specified by them in said House.

12.3. Special Sessions. The Speaker of the House or the President of the Senate may take up in special session of whether to call a call by the Speaker of the House or the President of the Senate in special session.

12.4. Polling Members. If a member of the House or the Senate appears before the Speaker of the House or the Clerk of the Senate or the Clerk of the House to poll the member by the most efficient means possible or shall accept the member's question.

12.5. Response to Call. If a member of the House or the Senate responds to the call of the Speaker of the House or the Clerk of the Senate or the Clerk of the House to the call to members of the Legislature by the most efficient means possible and the Speaker of the House and the Clerk of the Senate or the Clerk of the House at the time of such convening.

12.6. Signature of Call. When the Speaker of the House or the Clerk of the Senate or the Clerk of the House complete its order to call the members of the Legislature to proceed to the call to members of the Legislature before it.

12.7. 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.

12.8. 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.

12.9. 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.

12.10. 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.

13. Legislative Committees. The Speaker of the House or the President of the Senate may create committees to study and report on any subject that may be brought before the House or the Senate.

LEGISLATIVE COMMITTEES

13.1. Legislative Committees. The Speaker of the House or the President of the Senate may create committees to study and report on any subject that may be brought before the House or the Senate.



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 shall be mutually agreeable to both the Senate and House chairs. If not agreeable to both, 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 established by the President of the Senate and the Speaker of the House and shall terminate not later than the end of the session. The Director of the Legislative Council is authorized and shall the committee clerks.

Committees shall in accordance with the President of the Senate, the Speaker of the House, and adhered to the following procedures for Public Hearings and Work Sessions. At the beginning of each legislative biennium, all committees shall adopt procedures that govern public hearings, work sessions and confirmation hearings. Copies of the procedures must 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. The Committee on Appropriations and Financial Affairs shall appoint a subcommittee of its members to attend and report to the Appropriations Committee budget hearings and attend and advise at working sessions dealing with that portion of the budget within their committee's jurisdiction. The subcommittee shall be composed of two members of the House chair. This subcommittee shall report to the Committee on Appropriations and Financial Affairs of their respective committee's portion of the budget.

The Senate shall resolves revenues shall, report out all bills to the Committee on Appropriations and Financial Affairs list indicating the committee's passage of these 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~~ Nation and the member of the Passamaquoddy ~~Indian~~ Tribe elected to represent ~~the~~ 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. 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 5 4 as prescribed herein.

4. Two-thirds Required. When a bill or resolve is placed in the legislative file pursuant to subsection 3 of 4, no further action shall be taken following such disposition unless the bill or resolve is recalled for reconsideration by a vote of two-thirds of both Houses.

5. Unanimous Leave to Withdraw. When all 13 members of a Joint Standing Committee vote to report a bill Unanimous Leave to Withdraw, 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 5 as prescribed herein. Once a bill has had a public hearing, the committee may not report out a bill Unanimous Leave to Withdraw.

6. Public Hearing. When a bill or resolve is placed in the legislative file pursuant to subsection 3 of 4, no further action shall be taken following such disposition unless the bill or resolve is recalled for reconsideration by a vote of two-thirds of both Houses.

7. Public Hearing. When a bill or resolve is placed in the legislative file pursuant to subsection 3 of 4, no further action shall be taken following such disposition unless the bill or resolve is recalled for reconsideration by a vote of two-thirds of both Houses.

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~~. A committee of conference shall meet and submit a report, agreed to by a majority of each committee or unable to agree, ~~and~~ ~~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 ~~the 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~~ ~~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 ~~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 résolutions 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/arrangement/with 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.

Which was **READ**.

**THE PRESIDENT:** The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I rise today to urge the Senate to adopt the package that's before us. Under Senator Bustin's leadership, a lot of us worked a long time and sometimes in a very frustrating manner, not necessarily the individual we were working with were frustrating but the subject matter was frustrating and we spent a lot of time really dissecting the Joint Rules and going over them word for word and spending a lot of time defining what certain words meant. It was a lot of work and I think it was the beginning of the process if you will, and that's positive and I'm happy to do that.

I voted for this package because I think that it goes part of the way. I do not think it goes far enough and I'm going to be offering a couple of amendments today to make what I believe will be a more comprehensive Joint Rules package. So I'd like to begin by offering Senate Amendment "A" with a filing number of S-15.

On motion by Senator **CAHILL** of Sagadahoc, Senate Amendment "A" (S-15) **READ**.

**THE PRESIDENT:** The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. What this amendment will do is discuss the area in the new Joint Rules regarding Committee Clerks. We did make a change that we unanimously agreed on saying that the clerk's have to be mutually acceptable by both the House Chair and the Senate Chair. I felt that we need to go further and I'd like to say at the very onset that I think most generally Committee Chairs operate in an extremely professional manner. I think that generally speaking that is the case and I think is the general rule but there's always an exception to the general rule and because of that exception I would like to offer the language that says "While serving as Committee Clerks, Committee Clerks shall perform their duties in a non-partisan manner". The reason I think this is necessary is because it has been brought to my attention over the past couple of years in, I will admit, limited situations the Committee Clerks are doing partisan work. I feel that even though they are selected by Committee Chairs, the House Chair and the Senate Chair, and serve at the pleasure of the presiding officers, I believe, as a member of the minority party, they should perform in a non-partisan manner. Sometimes that just doesn't happen.

The employee handbook that is passed out to Committee Clerks at the beginning of the year specifically states that Committee Clerks perform their duties in a non-partisan manner. I think if this is what is says for Committee Clerks it should be put in the Rules so each Legislator knows that it is inappropriate for them to ask their Committee Clerk to do work of a partisan nature. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator **BUSTIN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This is a rule that we went over in the Committee many times and there were many things said about it. One that the good Senator from Sagadahoc, Senator Cahill, has indicated that the non-partisanship language is already in the handbook. It is in the handbook and that's what the Committee Clerks go by, they go by what's in that handbook. Non-partisan, if you put it in the Rules means something a lot more than what the Committee Clerks are supposed to do. Non-partisan is what the Revisor's Office does, it's what the Legislative Analysts do, it's what Appropriations Committee Staff does, it's a legal kind of thing that you really need to adhere to. In fact, it gets so bad that when a friend of mine who I have known since she was probably five years old, that's how long a relationship it was, she babysat my children and everything, when she was hired by the Revisor's Office she didn't even dare make a phone call to me, let alone come to my house and have lunch or dinner. That's what that non-partisan language meant to her and means, and that's not what we mean to have it mean for when the Clerk's serve the Committee. If there are abuses then those abuses should be given to the presiding officers and they should take care of that in their way because it is not allowed. You don't do that kind of partisan stuff as Committee Clerks but in my judgement does not belong in the Rules and in fact the majority of the Committee agreed with me. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. One clarification, in my language on Committee Clerks I'm not suggesting that they become non-partisan employees. Non-partisan employees, like the good Senator from Kennebec, Senator Bustin says, are employees like in the Revisor's Office, that's David Kennedy's office, Sally Tubbesing's office, the Executive Director's office, Martha Freeman's office, and John Wakefield's office. These indeed are non-partisan employees and I have to say that these people are a professional class of individuals who make a good deal of money more than Committee Clerks do. I'm not suggesting that the Committee Clerks become non-partisan staff although frankly that would be my druthers but I understand that we can't do that. What I'm suggesting is that when that Committee Clerk, and I understand that it's a part time position and I understand that it is a clerical position and I think perhaps it would be inappropriate for us to say that they have to be non-partisan. That is they may not participate in any political activity outside the office, they can't put bumper stickers on their car, perhaps that is taking it too far. So what my compromise language is is to suggest that while they are performing their duties as Committee Clerks, that they work in a non-partisan manner. I don't think they should be



typing nomination papers for either party, Republicans or Democrats. I don't think, for example, that when they pass out their committee work schedules that they put that the Democratic Presidential Caucus is going to be Sunday, February 23, or the Republican caucus. I think that they should be strictly non-partisan when they are performing their duties as Committee Clerks. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Kennebec, Senator Bustin.

**Senator BUSTIN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I agree with the good Senator from Sagadahoc, Senator Cahill. Those things should not occur by Committee Clerks and would not occur if it was brought to the attention when that was done. I'm sure any presiding officer of either body would take care of that appropriately. This compromise language that has been submitted by the good Senator from Sagadahoc, Senator Cahill, was not, to my knowledge, presented to the Committee and perhaps after today and when the Committee meets again to discuss additional Rules for the next session, perhaps that's the time to bring this language before the Rules Committee. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

**Senator CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This language was offered by a member of the other party as a compromise language and was defeated but it was offered. I think it's an important enough issue if we're attempting to make this process work a little better that it's important enough to bring before the whole Senate. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Oxford, Senator Hanley.

**Senator HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would just like to make a point that in fact there was an amendment prepared prior to the Rules Committee being formed that would have addressed the actions of Committee Clerks that was proposed to the Committee on the Rules on the whole. The language that I proposed dealt with the fact that we do have Committee Clerks that are undergoing activities which can be classified as a partisan nature. I guess I'm at a loss as to the good Senator from Kennebec's theory that this language is inappropriate because of the non-partisan matter that might get confused with non-partisan staff and partisan staff. I think if we take a look at the language of the amendment it's quite specific that it only goes to their actions and not the classification. The good Senator from Sagadahoc pointed out some of these inconsistencies as far as past practices. Those of you who are new to this body probably don't have a good understanding of exactly what the role of a Committee Clerk is. Having served in the Legislature for three terms prior to this I have been involved in Committees where Clerks have been involved in tabulating questionnaires for the Chair, have been involved in notifying of various caucuses that are going on which, I think, can take a partisan slant. I think the only thing this does is to reinforce the Committee handbook I think it also bolsters the fact that if there is a concern and it is in the Rules it can be more easily brought forward to the presiding officers. I really don't see any objectionable passage in this amendment and therefore I endorse it's passage. Thank you.

Senator **BUSTIN** of Kennebec requested a Division.

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Off Record Remarks

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

**Senator CARPENTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I think that we ought to look at this amendment in this light. It's already in the employee's handbook and what we're doing is putting it in our own handbook so that we realize that the Committee Clerks would perform their duties in a non-partisan manner. Thank you.

On motion by Senator **CONLEY** of Cumberland, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered. Subsequently, Senator **CONLEY** of Cumberland requested and received leave of the Senate to withdraw his motion for a Roll Call.

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

**Senator CONLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'd like to pose a question through the Chair to anyone who would answer.

**THE PRESIDENT:** The Senator may pose his question.

**Senator CONLEY:** Mr. President, in looking at this language the Statement of Fact indicates exactly what the good Senator from Sagadahoc has explained to me. However, I would note the last sentence of the present language is struck altogether and there is significant language struck in the last sentence and I was wondering if the good Senator from Sagadahoc or another Senator might explain exactly what that means. Thank you.

**THE PRESIDENT:** The Senator from Cumberland, Senator Conley has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

**Senator CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'd be happy to explain that to the best of my knowledge, and I'm sure the good Senator from Kennebec, Senator Bustin will help me out here. The last sentence is language that was deemed by the Revisor's Office as being obsolete. That is the agreed upon language. The only language that I'm adding which was not agreed upon by the Rules Committee is "while serving as a Committee Clerk, Committee Clerk's shall perform their duties in a non-partisan manner." That one simple sentence.

On motion by Senator **CAHILL** of Sagadahoc, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

**THE PRESIDENT:** The pending question before the Senate is the motion of Senator **CAHILL** of Sagadahoc to **ADOPT** Senate Amendment "A" (S-15).



A vote of Yes will be in favor of **ADOPTION**.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

**YEAS:** Senators AMERO, BEGLEY, BERUBE, BUTLAND, CAHILL, CAREY, CARPENTER, CLEVELAND, FOSTER, GOULD, HALL, HANDY, HANLEY, HARRIMAN, KIEFFER, LUDWIG, LUTHER, MARDEN, PINGREE, SUMMERS, TITCOMB, WEBSTER

**NAYS:** Senators BALDACCI, BRANNIGAN, BUSTIN, CIANCHETTE, CONLEY, ESTY, LAWRENCE, MCCORMICK, O'DEA, PARADIS, PEARSON, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, and 22 being less than two-thirds of the Membership present, the motion of Senator **CAHILL** of Sagadahoc to **ADOPT** Senate Amendment "A" (S-15), **FAILED**.

On motion by Senator **CLEVELAND** of Androscoggin, Senate Amendment "D" (S-18) **READ**.

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

Senator **CONLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Our caucus had a lengthy discussion about this particular Rules change last night. For the record I'd like to reiterate some of my objections to this Rule change. I have observed this body and the other body for some time and have paid careful attention to the ongoing debate in this State regarding term limits per se. I would like to say that I am personally opposed to term limits for legislators. I feel that to do so is actually to abrogate the right of an individual to run for office and actually to abrogate the right of an individual to vote for a person who may be the most qualified person for that office. I really feel that it's a slap in the face of democracy to limit a person's ability to run for whatever office he or she may choose when it comes to the third branch of government. Because of my feelings in reference to term limits for legislators no matter what may be passed or adopted by the voters, and I realize a majority of them may feel differently then I on this issue, I'll never have to face that particular question I assure you. I feel that what is good for us in our individual seats is also good for those who seek leadership in this particular body and in the other body. Trying to control what may be a perceived problem with leadership, and I call it a perceived problem, by limiting terms for these individuals reminds me of wiring somebody's jaw shut in order to control their eating habits. I feel that it's an issue of choice, choice being a key word these days, freedom of choice for us to be able to reject or accept someone who wants to run for a particular position. If somebody is not happy with

the way someone is performing in that particular position they can seek to run against them. This merry-go-round of forcing someone out of a seat every three terms I do not think is the right way to go. For those reasons I oppose this Rules change and would ask for a Division. Thank you.

Senator **CONLEY** of Cumberland requested a Division.

**THE PRESIDENT:** The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator **BUSTIN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I just want to reiterate what the good Senator from Cumberland, Senator Conley, has said. It's a basic philosophy of mine that the voters get the right to decide, and the voters in this case are the members of the bodies in question. Just as out in the hinterlands it's the decision of the voters out there who are voting, it doesn't matter whether it's 35,000, 35, 151, or 7500, it's still the same thing. Further than that I would like to add that it has no effect on me whatsoever if this was to take effect. For me it would be 18 years before you would get me out of leadership, assuming that I could get the vote of my peers. I'm going to be fairly old by that time so this has no effect but it is a philosophical problem for me and I think that we ought to take the Rules as they are and not accept this amendment. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Androscoggin, Senator Cleveland.

Senator **CLEVELAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I offered this amendment this evening to the Joint Rules because I think that's where it ought to be, in the Joint Rules, because it ought to govern both bodies. I hope that this evening we will pass it even though the sequence of events over the last two days have moved it from necessity of a majority vote to a two thirds vote. My understanding is as recently as Tuesday the Rules Committee, by a majority vote, voted to adopt this exact language, but in the final copy of the changes to the Joint Rules which we have before us this evening it has been removed. So my understanding is that it will therefore require a two thirds vote to be adopted and I hope that we would do that. However, I think it is so important that I've also prepared an amendment which you see before you to deal with it in the Senate Rules. My preference is that we would deal with it in the Joint Rules, where I think it ought to be done, that's why I bring it before us so we can discuss it and act on it this evening.

One of the things we've heard loud and clear, at least I have, is that the public wishes to see us proceed in an orderly and thoughtful way and to proceed with some change in the way business is done. This is not meant to mean, necessarily, any derogatory comments on any particular individual who may have served in any particular leadership position. The public sees a need that in today's environment we need new ideas, different ideas, that we ought to be able to use the diversity of talents and knowledge that exists in either body. To present their abilities in dealing with the problems of this State and that we ought to provide opportunities for those who have a diversity of opinion, background, experiences and a contribution to make to have an opportunity to do so in a reasonable and orderly way. The fact that terms are limited is not new, we have limited the term of the President of the United

States, the Governor of this State and of most States, so it's something that's done often. Many organizations that you have in your own community, United Way, Rotary or others, have a progression of leadership so that we can take advantage of the wealth of experience and knowledge individuals contribute to an organization. It provides an orderly process and I think that we can do that.

I've also accepted, although my thought originally, was to do it for two terms, I have compromised and said three terms because at one point the Rules Committee suggested that three consecutive terms would be more appropriate than two. I'm willing to compromise to do that, to allow for three consecutive terms for a bit more continuity. I also think that we need to take a look at history. Take a walk in the hall behind us and look at the Senate Presidents and the dates they have served. Historically from 1820 you will find that there's no longevity in the leadership until modern times, until recent years. It has been customary that leadership positions have changed rather regularly, it is only more recently that that phenomenon has not occurred. Finally I wish to speak to the notion that somehow this prevents a free choice, that we each individually can determine what the leaders are. Certainly on it's face that's the case but there's a major distinction between your ability to go in your own voting booth, the privacy back home and cast the ballot which will never be seen, to know who cast that ballot in any particular way with a very large constituency. We're talking about a process in a small organization where the leaders have an opportunity to encourage and benefit those who they choose to, maybe all, maybe part, and to discourage those who may not. We have just gone through a process each one of us, agonizing over which Committee will I be appointed to, which Chair will I have, how will it affect me, how should I conduct myself? In private conversations can we deny that there have been none of us who have taken that into consideration as we proceeded to make decisions? I think that if we talk into our hearts we know that in our private conversations we've had those, that we've considered those relationships. I would trust that most of us have set those aside and done what we think is appropriate, but we also know that they may have an influence. When you're talking about one or two votes or three votes that will make a difference it doesn't take many to determine who the leaders will be. I think this is appropriate, I think it's fair, it's not meant to be derogatory towards anyone but it's meant to provide an opportunity for any healthy organization to benefit from the knowledge, experience, talents, creativity, vision, energy and points of view of a diverse group and do so in a way that doesn't put anyone who is serving in that position in jeopardy to say "if I don't run again what will my constituents back home say" or "if I don't succeed will it infringe on my political popularity back home if I don't continue on in this position, how will that react to my own interests and ability to serve my constituency?" It removes that cloud from it distinctly and allows each officer to proceed and continue in this body and I hope for as long as possible because I do not support term limits for individuals as well. So I've offered it in that spirit of constructive change that I think is positive and I think it provides an opportunity to get the best of this institution that we have and I hope that you will see the way to support this this evening. Thank you.

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

**Senator BALDACCI:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Having sat on the Rules Committee for a period of time and trying to devote as much energy as possible to the issue and staying there until almost 8:00 the other evening and then finding out later that there was a revote on a particular issue after I had left, not saying that it was planned that way, but after I had left and then finding out about it when I got back I had asked that the issue be taken up and the Committee was courteous enough to move for reconsideration we had an opportunity then to discuss the issue. I mean when you're sitting there all day and you're discussing whether the Sergeant-at-Arms or the Secretary of the Senate passes papers to the Clerk of the House or the Sergeant-at-Arms of the House it tends to get a little dry after a while and there are only a few issues that you can really sink your teeth into and I think that this would be one of those issues and I really wanted to be there for that discussion, having been there for the dry part I would have preferred to have been there when they sat down and had the real meal. This particular issue bothers me for a couple of reasons. I ran for leadership twice, and I ran against an incumbent the first time, an incumbent presiding officer, I'm not known to be a soldier or a puppet, I would like to consider myself to be more of an independent thinker and a maverick if I have to be. Believing that what I have back in Bangor is a lot more important to me and to my family and to my young son than anything else in the world, so when I come down to Augusta I'm not here to gain anything or to move up or whatever else, I'm here to do a job. When I saw this particular issue and we discussed this particular issue the thing that struck me was that it appeared that the membership wanted to throw the leadership to the wolves. People want term limits, people don't want us to be here forever, this is a part time citizen legislature. Why not support term limits for everybody? I believe that we should have term limits for everybody, and we didn't need to have term limits for leadership if we had term limits for everybody, we wouldn't worry about leadership and everybody could be moving and fluid and if you don't believe in that how can you believe in half of it for leadership? Who's to say that the Chairperson of Appropriations or the Chairperson of Taxation, after having been here unlimitedly, could exert more power and control than any position of leadership if they're fixed for a particular set term? You actually probably have reversed the power, you've moved it to another location but it's still going to be there because there's going to have to be a vacuum that's going to have to be filled and that's what you end up having. You end up having the important Committee Chair calling the shots because they're unlimited and don't have to seek leadership because they're determining leadership. I think that you should address the issue up front and to say whether you're for it or against it, not just for leadership. We've got a brand new leadership in the Senate. It makes me feel really good when I talk about the leadership in the Senate. We've got a brand new team on both sides, we've got cooperation, spirit is good, we're working together. There was no need to say that we've got a problem with leadership and we need to limit it, it's like a slap in the face and I just think that's a mistake. Working together, cooperative, people pulling together for the State, not one side or the other but for the whole State and I think it sends a wrong message and that's why I felt so strongly about it and appreciated the Committee's reconsiderations. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Oxford, Senator Hanley.

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. It's encouraging to hear such strong support for term limits both on the legislative side and also for individual legislators. It's ironic though that we can't get an agreement, some Senators agree on leadership term limits, others just on individual term limits. I think it's important as Senators representing our constituencies that we come forward and do their will. For me the word from my constituents was we need term limits all the way around, so for me this is an opportunity to say yes to term limits to leadership. When other legislation comes forward I will say yes to term limits for individual legislators. I think it's important if you're truly to represent a district and if that is the will of our constituents then to say it as many times as possible. I don't think it's relevant to distinguish leadership or individuals, they're both the same thing and I will whole heartedly be supporting this. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Kennebec, Senator McCormick.

Senator **MCCORMICK:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I just briefly want to urge you to support this amendment. It was my amendment which was initially included in the Joint Rules package that we have in front of us and then in some way was then deleted, so I'm very grateful to Senator Cleveland for allowing us to vote on this here today. I think that there is in no way any comparison between the elections that we have, that we as citizens participate in when we vote in secret in a voting booth and the elections that we have in this body for leadership. Term limits in one case I think are needed and that is in leadership, and in the other case I think we have them, people can vote us out every two years if they want to and I feel that in the case of us voting on leadership it is a difficult thing because of the powers that come into play. I would urge you to support this amendment. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Penobscot, Senator O'Dea.

Senator **O'DEA:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'll be voting against this amendment today for a number of reasons. I thought it was interesting to look around the country this November, there were fourteen or fifteen States that had term limit referendums on the ballot and in all of those states term limits were passed, in most cases by overwhelming margins. At the same time people nationally re-elected their Congresspeople about 90% to 92% of the time. That tells me something, it tells me that while people have jumped on the bandwagon for calling for term limits for their elected officials they also want to have the choice of sending somebody who's doing the job that they happen to approve of, back. We've all heard the syndrome, it's everybody elses Congressman or everybody else's Representative but it's certainly not mine who is the cause of the problem. It's a question of choice. I view term limitations as a rather simplistic solution, much like tax caps or anyone of a half a dozen other things that come up from time to time that people circulate petitions about that are all designed somehow to improve our government without doing anything substantive about

it. I disagree with the assertion made by the Senator from Androscoggin, Senator Cleveland, that sometimes people are unable to vote against members of leadership for fear of being punished. I haven't come across a legislator yet in my experience who's told that to me and I certainly would hope that not to be the case and if anything like that ever did happen I would have very little compassion for somebody who felt that way, and somebody who had made it to this point in their life without having the conviction to at least do what they felt was right. Lastly, Mr. President, I'll be voting against this because I believe that it weakens the Legislative branch relative to the power of the Executive. What it is that our constituents are most frustrated about is the cost of government and the growth of government and the lack of accountability, none of which are problems that have their start in the Legislative branch, I believe they are largely problems with the Executive branch, with the Administration and with the growth of the branch of government that is not accountable. I would urge you to vote against this as I would urge you to vote against all measures that deal with this issue. Thank you.

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

Senator **BEGLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. There is one major difference when one tries to compare the vote to get you here versus while you are here on whether or not you're going to serve a certain term. If you limit the terms of the leadership, and I would concur with also the Chairmen of Committees, that is something different. Those people will still be here, elected by their constituents and if they are limited they still have the experience, the knowledge, and hopefully some of the influence they had as leaders to continue their work. Insofar as the current leadership of the Senate as you notice, this is for three years, by no means is anyone in danger of that but please, I don't think it's smart to compare how you got here to that type of vote versus the vote which you are making. Thank you.

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

Senator **HARRIMAN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I rise to speak in support of the good Senator from Androscoggin, Senator Cleveland's amendment. I say that because we have an opportunity here tonight to send a message to the rest of the citizens of the State of Maine that the Senate and the House of Representatives is going to continue to grow, I say that because I am very impressed and pleased with the leadership we have in place now, all of whom as you've heard are new. Why did that happen? Because an opportunity arose and you sought the office that you now seek and I congratulate you. We need to provide that same opportunity for other members of the Senate and the House who may, somewhere along in their career, decide that they would like to ascend to leadership. There's a saying I heard from a farmer that says "if you're green you grow, if you're ripe you rot". We have an opportunity to grow here, we have an opportunity to send a message to the rest of the citizens of the State that we are building on the momentum that we have created, that we are going to create a legislature that encourages and fosters and demands more leaders to step forward and take up the gauntlet. We have an opportunity, let's seize it. Please vote for this amendment. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator **BUSTIN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Not to prolong this debate but just to reiterate what the good Senator from Cumberland, Senator Harriman, has said, because the voters did vote, and because that did change the leadership in this Senate, the leadership was changed. So in my mind, and I have wrestled with this issue back and forth, and you can wrestle with it forever, but in my mind it is the voters that ought to have that vote and ought to have it on this issue as well by simply voting term limits. We ought to wait for the voters to speak and then we will know what their will is. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator **CLEVELAND** of Androscoggin, to **ADOPT** Senate Amendment "D" (S-18).

A Division has been requested.

Will all those in favor please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

25 Senators having voted in the affirmative and 10 Senators having voted in the negative and 25 being more than two thirds of the members present and voting, the motion by Senator **CLEVELAND** of Androscoggin to **ADOPT** Senate Amendment "D" (S-18), **PREVAILED.**

**THE PRESIDENT:** The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Parliamentary inquiry please.

**THE PRESIDENT:** The Senator may pose her question.

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I apologize for being so ignorant about where we go from here and I know in normal procedure we can't refer to the actions of the other body but since we're amending the Joint Rules my question sort of goes along with what happens. I'm not sure since this doesn't have first and second readings will we get another opportunity to act on this?

**THE PRESIDENT:** The Senate will only have the paper back in its possession if the other body returns it to us in non-concurrence.

Which was **PASSED, as Amended.**

Under suspension of the Rules, ordered sent down forthwith for concurrence.

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Off Record Remarks

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Senate at Ease

Senate called to order by the President.

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Out of order and under suspension of the Rules, the Senate considered the following:

**ENACTORS**

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

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)

Senator **CIANCHETTE** of Somerset requested and received leave of the Senate to be excused from voting due to the appearance of a conflict of interest.

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

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Senate at Ease

Senate called to order by the President.

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Out of order and under suspension of the Rules, the Senate considered the following:

**ORDERS**

On motion by Senator **CLEVELAND** of Androscoggin the following Senate Order:

ORDERED, that the Senate Rules be amended by adding a new Senate Rule to read:

1-A. Beginning with the 116th Legislature, the President, the majority leader, the assistant majority leader, the minority leader and the assistant minority leader may not serve more than 3 consecutive terms.

Which was **READ.**

On motion by Senator **CLEVELAND** of Androscoggin, Tabled until Later in Today's Session, pending **PASSAGE**.

On motion by Senator **CLEVELAND** of Androscoggin the following Senate Order:

ORDERED, that the Senate Rules be amended by striking out all of Senate Rule 5 and inserting in its place the following:

5. The President has the right to appoint a temporary Secretary of the Senate and a temporary Assistant Secretary of the Senate to fill any vacancy that may occur in the office while the Legislature is not in session, to serve until the Senate elects a Secretary or Assistant Secretary, which must occur within 60 days of the vacancy.

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

Which was **READ**.

**THE PRESIDENT:** The Chair recognizes the Senator from Androscoggin, Senator Cleveland.

Senator **CLEVELAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I think this a pretty simple and hopefully non-controversial addition. What I recognized in reading the Senate Rules was that if there should be an occasion where there was a vacancy either in the office of the Secretary of the Senate or the Assistant Secretary of the Senate that the President may appoint a replacement. Now what may happen is in a short Session when we end April 1, it may be as much as nine months before we would convene again. It was my feeling that both of those are such important positions that this body ought to vote on filling those positions, either confirming the temporary fill-ins or some other appointment. I selected the sixty days because my hope was that within that time period there may possibly be other business that the Senate would do, confirmations or other types of business, where we could coordinate the meeting so that we wouldn't have to come up just for that purpose. However, I think it's important enough even in that case, if we had to, that this body ought to convene for the filling of these positions on a permanent basis. Thank you.

Which was **PASSED**.

Out of order and under suspension of the Rules, the Senate considered the following:

**ORDERS**

On motion by Senator **CLEVELAND** of Androscoggin the following Senate Order:

ORDERED, that the Senate Rules be amended by adding a new Senate Rule to read:

6-A. When a question is posed to the Chair by a member of the Senate, the Presiding Officer shall 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.

Which was **READ**.

On motion by Senator **CLEVELAND** of Androscoggin, Tabled until Later in Today's Session, pending **PASSAGE**.

On motion by Senator **CLEVELAND** of Androscoggin the following Senate Order:

ORDERED, that Senate Rule 26 be amended to read:

26. Once the Secretary of the Senate commences with the roll call, all Senators shall remain seated until the vote has been announced. When the yeas and nays are taken, the names of the Senators shall be called alphabetically. A roll call must close no later than 30 minutes after the roll call was commenced.

Which was **READ**.

On motion by Senator **CLEVELAND** of Androscoggin, Tabled until Later in Today's Session, pending **PASSAGE**.

Out of order and under suspension of the Rules, the Senate considered the following:

**ORDERS**

On motion by Senator **CAHILL** of Sagadahoc the following Senate Order:

ORDERED, that Senate Rule 36-A be enacted to read:

36-A. The minority leader shall fill any committee seat vacated by a minority member.

Which was **READ**.

**THE PRESIDENT:** The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Before I really debate this issue I just want to say that with the exception of one Committee assignment, all of the Committee assignments that the good Senator from York, Senator Carpenter, and I recommended to the presiding officer were filled. The philosophy of this issue is one of whether or not the Minority Leader of the Minority party should have the right to

fill or to assign Committee assignments to their members. I believe that the Minority Leader does have that right. To offer that as a Joint Order today sort of would upset the apple cart because supposedly we are proceeding down the legislative countdown to when we get out in May or June, so I wouldn't do that. I think that if a vacancy does occur within the Minority party, for whatever reason, between now and the next Session of the Legislature, it should be up to the Minority Leader, the Minority party to appoint a member. I would like to read something into the record, this says "the leverage of leadership over its members is much more limited than is commonly understood. Giving the leadership more responsibility, such as the power to make Committee assignments and limit the number of roll call votes, will effectively strengthen the leadership's ability to seek consensus and move important legislation." These words were said two nights ago by our very own Senate Majority Leader, Senator George Mitchell, when they were doing their organizational convention in Congress. I don't often suggest that we follow Congress' lead because they don't do too much that I think is good but I think that by moving to allow Minority Leaders to appoint their members we are indeed doing something that should be part of this Legislature. Thank you.

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

Senator **ESTY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Each of us had an opportunity to vote on the first day of the Session on who our Senate President should be. We made that choice in an open forum together to represent all of us and our Senate President does in fact represent all members of this body, Republicans and Democrats. We put our faith, our trust, in our Senate President to make decisions that represent all of our interests fairly. He has the authority, and has had the authority to make the Committee assignments. I think it's very dangerous for us to consider allowing Committee assignments by the Minority leadership or the Majority leadership, to make those Committee assignments in a partisan way. I think we should all support our Senate President to represent all of us in making these Committee assignments and not let either partisan office make partisan Committee assignments. We should have the leader who is chosen by all of us making those assignments. I would urge all members of this Senate to not support this Senate order. Thank you.

The Chair ordered a Division.

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

Senator **PEARSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Maybe I'm being picky but it seems to me it ought to say "The minority leader shall assign any committee seat vacated by a minority member." What it says is "The minority leader shall fill any committee seat vacated by a minority member" and I don't know about you but I don't think there are any Democrats in the Senate Chamber that would mind having the Minority leader fill any vacancy on any Committee even though she has a tendency to always think in terms of transportation. I wonder if that is properly worded.

**THE PRESIDENT:** The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator **CAHILL:** Thank you Mr. President,

Ladies and Gentlemen of the Senate. I think, indeed, the good Senator from Penobscot is correct and I just want to tell him that it is not my intention to personally sit on any Committee in which there should be a vacancy, I just would like the authority to assign another member to that slot and I guess we could recess and correct this but as Minority Leader and having at least a little bit of political sense around this Chamber, I don't think that this is going to be very long lived. Perhaps if I'm pleasantly surprised we can pick it up in errors and inconsistencies later on. Thank you.

**THE PRESIDENT:** The pending question before the Senate is **PASSAGE**.

The Chair ordered a Division.

Will all those in favor please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

16 Senators having voted in the affirmative and 18 Senators having voted in the negative, the Order **FAILED PASSAGE**.

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Senate at Ease

Senate called to order by the President.

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Senator **BUSTIN** of Kennebec was granted unanimous consent to address the Senate off the Record.

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Off Record Remarks

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On motion by Senator **CLEVELAND** of Androscoggin, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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Out of order and under suspension of the Rules, the Senate considered the following:

**PAPERS FROM THE HOUSE**

**House Papers**

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

Bill "An Act to Retain the Federal Demonstration Grant Funding the Maine Health Program"

H.P. 141 L.D. 186

Bill "An Act to Provide Discounted Workers' Compensation Rates for Certain Employers"

H.P. 147 L.D. 199

Bill "An Act to Require Insurers to Notify Loss Payees in the Event of Termination of Coverage"

H.P. 148 L.D. 200

Come from the House referred to the Committee on **BANKING & INSURANCE** and **ORDERED PRINTED**.

Which were referred to the Committee on **BANKING & INSURANCE** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Promote Educational Reform"

H.P. 142 L.D. 187

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

Bill "An Act to Enhance the Effectiveness of the Quality Incentive Adjustment Allocation"

H.P. 153 L.D. 205

Bill "An Act to Appropriate Funds for the Maintenance and Restoration of the Landmark Site "Montpelier" in Thomaston"

H.P. 160 L.D. 212

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

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

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Out of order and under suspension of the Rules, the Senate considered the following:

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act to Increase the Availability of Emergency Information"

H.P. 158 L.D. 210

Comes from the House referred to the Committee on **BUSINESS LEGISLATION** and **ORDERED PRINTED**.

Which was referred to the Committee on **BUSINESS LEGISLATION** and **ORDERED PRINTED**, in concurrence.

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Bill "An Act to Ensure Appropriate Community-based Treatment of Nonviolent Juvenile Offenders"

H.P. 146 L.D. 191

Comes from the House referred to the Joint Select Committee on **CORRECTIONS** and **ORDERED PRINTED**.

Which was referred to the Joint Select Committee on **CORRECTIONS** and **ORDERED PRINTED**, in concurrence.

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Out of order and under suspension of the Rules, the Senate considered the following:

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act to Prevent Clear-cutting within One Mile of a Great Pond"

H.P. 139 L.D. 184

Bill "An Act to Facilitate Municipal Road Construction"

H.P. 144 L.D. 189

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

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

Bill "An Act to Extend the Municipal Landfill Closure Mandate" (Emergency)

H.P. 164 L.D. 216

Come from the House referred to the Committee on **ENERGY & NATURAL RESOURCES** and **ORDERED PRINTED**.

Which were referred to the Committee on **ENERGY & NATURAL RESOURCES** and **ORDERED PRINTED**, in concurrence.

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Out of order and under suspension of the Rules, the Senate considered the following:

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act to Provide Wage Equity for Teenage Laborers"  
H.P. 151 L.D. 203

Bill "An Act to Amend the Municipal Public Employees Labor Relations Laws"  
H.P. 165 L.D. 217

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

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

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Bill "An Act Concerning Absentee Ballot Voting Procedures"  
H.P. 145 L.D. 190

Bill "An Act to Deter Felons from Carrying Firearms during the Maine Hunting Season"  
H.P. 150 L.D. 202

Bill "An Act Concerning Harness Racing"  
H.P. 156 L.D. 208

Bill "An Act Related to Lottery Machines"  
H.P. 159 L.D. 211

Come from the House referred to the Committee on **LEGAL AFFAIRS** and **ORDERED PRINTED**.

Which were referred to the Committee on **LEGAL AFFAIRS** and **ORDERED PRINTED**, in concurrence.

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Out of order and under suspension of the Rules, the Senate considered the following:

**PAPERS FROM THE HOUSE**

**House Papers**

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

Comes from the House referred to the Committee on **TAXATION** and **ORDERED PRINTED**.

Which was referred to the Committee on **TAXATION** and **ORDERED PRINTED**, in concurrence.

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Bill "An Act to Allow Rental Vehicles to be Used on a Temporary Basis by Limousine Companies"  
H.P. 157 L.D. 209

Comes from the House referred to the Committee on **TRANSPORTATION** and **ORDERED PRINTED**.

Which was referred to the Committee on **TRANSPORTATION** and **ORDERED PRINTED**, in concurrence.

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Out of order and under suspension of the Rules, the Senate considered the following:

**PAPERS FROM THE HOUSE**

**Pursuant to Statutes**

**COMMITTEE ON TAXATION**

The 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 Committee on **TAXATION** for Public Hearing and printed pursuant to Joint Rule 18.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill referred to the Committee on **TAXATION** and **ORDERED PRINTED**, pursuant to Joint Rule 18.

Which Report was **READ** and **ACCEPTED**, in concurrence.

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The Bill referred to the Committee on **TAXATION** and **ORDERED PRINTED**, pursuant to Joint Rule 18, in concurrence.



**Pursuant to Private & Special Law**

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 Committee on **TAXATION** for Public Hearing and printed pursuant to Joint Rule 20.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill referred to the Committee on **TAXATION** and **ORDERED PRINTED**, pursuant to Joint Rule 20.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill referred to the Committee on **TAXATION** and **ORDERED PRINTED**, pursuant to Joint Rule 20, in concurrence.

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Out of order and under suspension of the Rules, the Senate considered the following:

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act to Ensure That Interest on Lawyers' Trust Accounts Is the Property of the Clients" H.P. 162 L.D. 214

Comes from the House referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**.

Which was referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**, in concurrence.

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**Study Report**

**JOINT SELECT COMMITTEE TO STUDY THE FEASIBILITY OF A STATEWIDE HEALTH INSURANCE PROGRAM**

Report of the **JOINT SELECT COMMITTEE TO STUDY THE FEASIBILITY OF A STATEWIDE HEALTH INSURANCE PROGRAM** 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 the Committee on **BANKING & INSURANCE** for Public Hearing and printed pursuant to Joint Rule 19.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill referred to the Committee on **BANKING & INSURANCE** and **ORDERED PRINTED**, pursuant to Joint Rule 19.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill referred to the Committee on **BANKING & INSURANCE** and **ORDERED PRINTED**, pursuant to Joint Rule 19, in concurrence.

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Out of order and under suspension of the Rules, the Senate considered the following:

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act to Establish a Minimum Age Limit on the Use of All-terrain Vehicles" H.P. 143 L.D. 188

Committee on **TRANSPORTATION** suggested and **ORDERED PRINTED**.

Comes from the House referred to the Committee on **FISHERIES & WILDLIFE** and **ORDERED PRINTED**.

Which was referred to the Committee on **FISHERIES & WILDLIFE** and **ORDERED PRINTED**, in concurrence.

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Bill "An Act to Retain the Housing Special Needs Payment for Aid to Families with Dependent Children Families"

H.P. 140 L.D. 185

Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** suggested and **ORDERED PRINTED**.

Comes from the House referred to the Committee on **HUMAN RESOURCES**.

Which was referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED**, in concurrence.

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Bill "An Act Concerning the Employment of Personnel by the Department of Inland Fisheries and Wildlife"

H.P. 161 L.D. 213

Committee on **FISHERIES & WILDLIFE** suggested and **ORDERED PRINTED.**

Comes from the House referred to the Committee on **STATE & LOCAL GOVERNMENT.**

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

Out of order and under suspension of the Rules, the Senate considered the following:

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

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

In Senate, January 26, 1993, referred to the Committee on **STATE & LOCAL GOVERNMENT** and **ORDERED PRINTED.**

Comes from the House referred to the Committee on **UTILITIES** and **ORDERED PRINTED** in **NON-CONCURRENCE.**

On motion by Senator **ESTY** of Cumberland, the Senate **RECEDED** and **CONCURRED.**

On motion by Senator **CONLEY** of Cumberland, **RECEDED** until the sound of the bell.

After Recess

Senate called to order by the President.

Off Record Remarks

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

**AFTER CONVENTION**

**IN SENATE**

Senate called to order by the President

Off Record Remarks

Senator **CAHILL** of Sagadahoc was granted unanimous consent to address the Senate off the Record.

Senator **ESTY** of Cumberland was granted unanimous consent to address the Senate off the Record.

On motion by Senator **BEGLEY** of Lincoln, **RECEDED** until the sound of the bell.

After Recess

Senate called to order by the President.

Out of order and under suspension of the Rules, the Senate considered the following:

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

JOINT ORDER - relative to amending the Joint Rules of the 116th Legislature  
S.P. 96  
(S "D" S-18)

In Senate, January 28, 1993, **READ** and **PASSED AS AMENDED BY SENATE AMENDMENT "D" (S-18).**

Comes from the House **READ** and **PASSED AS AMENDED BY HOUSE AMENDMENTS "C" (H-17) AND "F" (H-20)** in **NON-CONCURRENCE.**

On motion by Senator **ESTY** of Cumberland, the Senate **RECEDED.**

House Amendment "C" (H-17) **READ** and **ADOPTED,** in concurrence.

House Amendment "F" (H-20) **READ** and **ADOPTED,** in concurrence.

Which was **PASSED,** as **Amended** in **NON-CONCURRENCE.**

Under suspension of the Rules, ordered sent down forthwith for concurrence.

Off Record Remarks

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On motion by Senator **BRANNIGAN** of Cumberland, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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Out of order and under suspension of the Rules, the Senate considered the following:

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

JOINT ORDER - relative to amending the Joint Rules of the 116th Legislature

S.P. 96  
(S "D" S-18; H "C"  
H-17; H "F" H-20)

In Senate, January 28, 1993, **READ** and **PASSED AS AMENDED BY SENATE AMENDMENT "D" (S-18)**.

In House, January 28, 1993, **READ** and **PASSED AS AMENDED BY HOUSE AMENDMENTS "C" (H-17) AND "F" (H-20) in NON-CONCURRENCE**.

In Senate, January 28, 1993, **PASSED AS AMENDED BY SENATE AMENDMENT "D" (S-18) AND HOUSE AMENDMENTS "C" (H-17) AND "F" (H-20) in NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED**.

On motion by Senator **ESTY** of Cumberland, the Senate **RECEDED** and **CONCURRED**.

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**ORDERS OF THE DAY**

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

SENATE ORDER - regarding that the Senate Rules be amended by adding a new Senate Rule 1A: concerning 3 consecutive term limits for leadership.

Tabled - January 28, 1993, by Senator **CLEVELAND** of Androscoggin.

Pending - **PASSAGE**

(In Senate, January 28, 1993, **READ**.)

**THE PRESIDENT:** The Chair recognizes the Senator from Androscoggin, Senator Cleveland.

Senator **CLEVELAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This evening was one that I think was somewhat frustrating. By clearly more than a two thirds support in this body we supported change in regards to our leadership. In two votes in the House they got 65% and 66%, less than 1% shy of getting the two thirds. There is an overwhelming majority in this institution for change. If it had been supported by the Rules Committee or simply by majority rule we would now have that change. I would have preferred as you know that we did it in what I thought would have been the more appropriate way, that both bodies could come to common reason and adopt the term limits in the Joint Rules. We haven't succeeded in doing that. I think we should continue to lead. These are rules, we can change them, we must adopt them every two years when we come back. If some future Legislature feels they should be changed, particularly the Rule about term limits, they may do it at the next time. I think it's important that we make at least from this body a strong statement that this is an important change and we would hope that the House would come to an understanding as well. I believe it does not disadvantage us but I believe it does show that this body has the ability to change and make things different, to make the democratic process more effective. 35 bright, energetic, hardworking people in this body, plenty of people to provide opportunity. Though this is my second position in the way of term limits I would hope that you would support it in at least this body and do what I believe the people in this State would like to see done. Thank you.

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Senator **BUSTIN** of Kennebec requested a Division.

**THE PRESIDENT:** The pending question before the Senate is **PASSAGE**.

A Division has been requested.

Will all those in favor please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

19 Senators having voted in the affirmative and 11 Senators having voted in the negative, the Senate Order was **PASSED**.

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Pursuant to Joint Rule 12, the Chair ordered a Division on the question of whether to conduct session past 9:00 p.m. 28 Senators having voted in the affirmative, and 1 Senator in the negative, and 28 being more than two thirds of the membership present and voting, the Rules were suspended and the following proceedings were conducted after 9:00 p.m.

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

SENATE ORDER - regarding that the Senate Rules be amended by adding a new Senate Rule 6-A: concerning Presiding Officer having 7 legislative days to respond to matter, matter tabled pending a ruling from the Chair.

Tabled - January 28, 1993, by Senator **CLEVELAND**, of Androscoggin.

Pending - **PASSAGE**

(In Senate, January 28, 1993, **READ.**)

On motion by Senator **CLEVELAND** of Androscoggin **INDEFINITELY POSTPONED.**

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The Chair laid before the Senate the Tabled and Later Today Assigned matter:

SENATE ORDER - regarding that Senate Rule 26 be amended: regarding roll calls must close no later than 30 minutes after commencement.

Tabled - January 28, 1993, by Senator **CLEVELAND**, of Androscoggin.

Pending - **PASSAGE**

(In Senate January 28, 1993, **READ.**)

On motion by Senator **CLEVELAND** of Androscoggin **INDEFINITELY POSTPONED.**

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The **ADJOURNMENT ORDER** having been returned from the House **READ** and **PASSED**, in concurrence, on motion by Senator **SUMMERS** of Cumberland, **ADJOURNED** until Tuesday, February 2, 1993, at 4:00 in the afternoon.