

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**LEGISLATIVE RECORD**  
OF THE  
**One Hundred And Seventeenth Legislature**  
OF THE  
**State Of Maine**

**VOLUME I**

**FIRST REGULAR SESSION**

**House of Representatives**  
December 7, 1994 to May 23, 1995

ONE HUNDRED AND SEVENTEENTH MAINE LEGISLATURE  
FIRST REGULAR SESSION  
1st Legislative Day  
Wednesday, December 7, 1994

Pursuant to Article IV, Part 3, Section 1 of the Constitution and Laws of the State of Maine, the Representatives-elect to the One Hundred and Seventeenth Legislature assembled in the Hall of the House and were called to Order by JOSEPH W. MAYO of Thomaston, Clerk of the House of the One Hundred and Sixteenth Legislature.

Prayer by Pastor Thomas Bentum, Fairfield United Methodist Church.

National Anthem by Lawrence High School Band, Fairfield.

COMMUNICATION (H.C. 1)

STATE OF MAINE  
OFFICE OF THE SECRETARY OF STATE  
December 6, 1994

To Joseph W. Mayo, Clerk of the House of the One Hundred and Sixteenth Legislature:

I, BILL DIAMOND, Secretary of State, pursuant to the provisions of Title 3 MRSA, Section 1, hereby certify that the following are the names and residences of the Representatives-elect to the One Hundred and Seventeenth Legislature, in accordance with the tabulation submitted to the Governor on the twenty-eighth day of November in the year One Thousand Nine Hundred and Ninety-Four:

DISTRICT 1	KENNETH F. LEMONT, Kittery
DISTRICT 2	DAVID N. OTT, York
DISTRICT 3	JOHN P. MARSHALL, Eliot
DISTRICT 4	WESLEY FARNUM, South Berwick
DISTRICT 5	ELEANOR M. MURPHY, Berwick
DISTRICT 6	HOWARD A. CHICK, Lebanon
DISTRICT 7	JOSEPH G. CARLETON, JR., Wells
DISTRICT 8	JACK L. LIBBY, Kennebunk
DISTRICT 9	MONA WALKER HALE, Sanford
DISTRICT 10	JOHN L. TUTTLE, JR., Sanford
DISTRICT 11	RICHARD A. NASS, Acton
DISTRICT 12	MICHAEL J. McALEVEY, Waterboro
DISTRICT 13	JEFFERY G. JOYNER, Hollis
DISTRICT 14	JAMES D. LIBBY, Buxton
DISTRICT 15	THEODORE M. POIRIER, Saco
DISTRICT 16	GUY R. NADEAU, Saco
DISTRICT 17	STEVEN JOYCE, Biddeford
DISTRICT 18	PETER P. TRUMAN, Biddeford
DISTRICT 19	LLOYD P. LaFOUNTAIN, III, Biddeford
DISTRICT 20	GEORGE J. KERR, Old Orchard Beach
DISTRICT 21	GLENYS P. LOVETT, Scarborough
DISTRICT 22	ROBERT E. PENDLETON, JR., Scarborough
DISTRICT 23	JANICE E. LABRECQUE, Gorham
DISTRICT 24	SANTO DiPIETRO, South Portland
DISTRICT 25	JEAN GINN MARVIN, Cape Elizabeth
DISTRICT 26	PETER A. CLOUTIER, South Portland
DISTRICT 27	BIRGER T. JOHNSON, South Portland
DISTRICT 28	WILLIAM B. O'GARA, Westbrook
DISTRICT 29	WILLIAM LEMKE, Westbrook
DISTRICT 30	J. ELIZABETH MITCHELL, Portland
DISTRICT 31	JAMES V. OLIVER, Portland
DISTRICT 32	FRED L. RICHARDSON, Portland
DISTRICT 33	HERBERT C. ADAMS, Portland
DISTRICT 34	F. THOMAS GIERINGER, JR., Portland

DISTRICT 35	G. STEVEN ROWE, Portland
DISTRICT 36	ELIZABETH TOWNSEND, Portland
DISTRICT 37	MICHAEL F. BRENNAN, Portland
DISTRICT 38	THOMAS M. TYLER, Windham
DISTRICT 39	CAROL A. KONTOS, Windham
DISTRICT 40	GARY W. REED, Falmouth
DISTRICT 41	BURCHARD A. DUNN, Gray
DISTRICT 42	JOSEPH B. TAYLOR, Cumberland
DISTRICT 43	ERNEST C. GREENLAW, Standish
DISTRICT 44	JOHN T. BUCK, Yarmouth
DISTRICT 45	HARRY G. TRUE, Fryeburg
DISTRICT 46	G. PAUL WATERHOUSE, Bridgton
DISTRICT 47	RICHARD H. THOMPSON, Naples
DISTRICT 48	ROBERT R. HARTNETT, Freeport
DISTRICT 49	EDMUND BENEDIKT, Brunswick
DISTRICT 50	THOMAS M. DAVIDSON, Brunswick
DISTRICT 51	DAVID ETNIER, Harpswell
DISTRICT 52	VERDI L. TRIPP, Topsham
DISTRICT 53	DAVID C. SHIAH, Bowdoinham
DISTRICT 54	ARTHUR F. MAYO, III, Bath
DISTRICT 55	JUDITH B. PEAVEY, Woolwich
DISTRICT 56	CHESTER A. RICE, South Bristol
DISTRICT 57	MARJORIE L. KILKELLY, Wiscasset
DISTRICT 58	CHARLES H. HEINO, Boothbay
DISTRICT 59	ROBERT W. SPEAR, Nobleboro
DISTRICT 60	CHRISTINE R. SAVAGE, Union
DISTRICT 61	RICHARD N. SIMONEAU, Thomaston
DISTRICT 62	PAUL CHARTRAND, Rockland
DISTRICT 63	GORDON P. GATES, Rockport
DISTRICT 64	JOHN UNDERWOOD, Oxford
DISTRICT 65	ALVIN L. BARTH, JR., Bethel
DISTRICT 66	EDWARD L. DEXTER, Kingfield
DISTRICT 67	M. IDA LUTHER, Mexico
DISTRICT 68	TOM J. WINSOR, Norway
DISTRICT 69	BRENDA BIRNEY, Paris
DISTRICT 70	ROBERT A. CAMERON, Rumford
DISTRICT 71	ROSALIE H. AIKMAN, Poland
DISTRICT 72	ROBERT J. WINGLASS, Auburn
DISTRICT 73	BELINDA A. GERRY, Auburn
DISTRICT 74	SUSAN E. DORE, Auburn
DISTRICT 75	ROY I. NICKERSON, Turner
DISTRICT 76	ROLAND B. SAMSON, Jay
DISTRICT 77	CONRAD HEESCHEN, Wilton
DISTRICT 78	WALTER R. GOOLEY, Farmington
DISTRICT 79	WENDY L. AULT, Wayne
DISTRICT 80	CATHARINE L. DAMREN, Belgrade
DISTRICT 81	JUNE C. MERES, Norridgewock
DISTRICT 82	ELIZABETH WATSON, Farmingdale
DISTRICT 83	BONNIE GREEN, Monmouth
DISTRICT 84	NANCY L. CHIZMAR, Lisbon
DISTRICT 85	MICHAEL J. FITZPATRICK, Durham
DISTRICT 86	ROGER M. POULIOT, Lewiston
DISTRICT 87	GEORGE F. RICKER, Lewiston
DISTRICT 88	PATRICIA LEMAIRE, Lewiston
DISTRICT 89	ALBERT P. GAMACHE, Lewiston
DISTRICT 90	GERALD N. BOUFFARD, Lewiston
DISTRICT 91	SHARON TREAT, Gardiner
DISTRICT 92	WILLIAM GUERRETTE, Pittston
DISTRICT 93	RANDALL L. BERRY, Livermore
DISTRICT 94	ELIZABETH H. MITCHELL, Vassalboro
DISTRICT 95	DAVID R. MADORE, Augusta
DISTRICT 96	BEVERLY C. DAGGETT, Augusta
DISTRICT 97	DOROTHY A. ROTONDI, Madison
DISTRICT 98	PAMELA H. HATCH, Skowhegan
DISTRICT 99	RUTH JOSEPH, Waterville
DISTRICT 100	PAUL F. JACQUES, Waterville
DISTRICT 101	DAN A. GWADOSKY, Fairfield
DISTRICT 102	MARC J. VIGUE, Winslow
DISTRICT 103	THOMAS E. POULIN, Oakland
DISTRICT 104	SUMNER A. JONES, JR., Pittsfield

DISTRICT 105	DAVID A. LINDAHL, Northport
DISTRICT 106	GAIL M. CHASE, China
DISTRICT 107	ROBERT L. TUFTS, Stockton Springs
DISTRICT 108	VAUGHN A. STEDMAN, Hartland
DISTRICT 109	WALTER E. WHITCOMB, Waldo
DISTRICT 110	RODNEY W. McELROY, Unity
DISTRICT 111	RICHARD A. GOULD, Greenville
DISTRICT 112	RUEL P. CROSS, Dover-Foxcroft
DISTRICT 113	JOSEPH H. BIGL, Bucksport
DISTRICT 114	DEBRA D. PLOWMAN, Hampden
DISTRICT 115	CHARLES D. FISHER, Brewer
DISTRICT 116	RICHARD H. CAMPBELL, Holden
DISTRICT 117	RICHARD I. STONE, Bangor
DISTRICT 118	LISA LUMBRA, Bangor
DISTRICT 119	HUGH A. MORRISON, Bangor
DISTRICT 120	JANE W. SAXL, Bangor
DISTRICT 121	ROBERT KEANE, Old Town
DISTRICT 122	JULIE WINN, Glenburn
DISTRICT 123	KATHLEEN STEVENS, Orono
DISTRICT 124	ROBERT E. YACKOBITZ, Hermon
DISTRICT 125	DONALD A. STROUT, Corinth
DISTRICT 126	WILLIAM F. REED, Dexter
DISTRICT 127	EDWARD J. POVICH, Ellsworth
DISTRICT 128	ROYCE W. PERKINS, Penobscot
DISTRICT 129	PAUL VOLENIK, Sedgwick
DISTRICT 130	KYLE W. JONES, Bar Harbor
DISTRICT 131	JAMES D. LAYTON, Cherryfield
DISTRICT 132	WILLIAM D. PINKHAM, Lamoine
DISTRICT 133	THEONE F. LOOK, Jonesboro
DISTRICT 134	HARRY W. BAILEY, Township 27
DISTRICT 135	JOSEPH D. DRISCOLL, Calais
DISTRICT 136	GEORGE H. BUNKER, JR., Kossuth Twp.
DISTRICT 137	CLYDE A. HICHBORN, LaGrange
DISTRICT 138	PRISCILLA LANE, Enfield
DISTRICT 139	JON M. ROSEBUSH, East Millinocket
DISTRICT 140	HERBERT E. CLARK, Millinocket
DISTRICT 141	HENRY L. JOY, Crystal
DISTRICT 142	DEAN F. CLUKEY, Houlton
DISTRICT 143	EDGAR W. WHEELER, Bridgewater
DISTRICT 144	RICHARD KNEELAND, Easton
DISTRICT 145	JAMES O. DONNELLY, Presque Isle
DISTRICT 146	MABEL J. DESMOND, Mapleton
DISTRICT 147	JULIE-MARIE ROBICHAUD, Caribou
DISTRICT 148	GARY L. O'NEAL, Limestone
DISTRICT 149	ROSAIRE J. SIROIS, Caribou
DISTRICT 150	DOUGLAS J. AHEARNE, Madawaska
DISTRICT 151	JOHN L. MARTIN, Eagle Lake

In Testimony Whereof, I have caused the Great Seal of the State to be affixed, given under my hand at Augusta this sixth day of December in the year One Thousand Nine Hundred and Ninety-Four.

S/BILL DIAMOND  
Secretary of State

Was read and ordered placed on file.

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

At this point, the Clerk recognized Representative ATTEAN and Representative MOORE, the Tribal Representatives.

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

On motion of Representative-elect JACQUES of Waterville, Representative-elect MARTIN of Eagle Lake, Representative-elect HICHBORN of LaGrange, Representative-elect CLARK of Millinocket, Representative-elect MITCHELL of Vassalboro, Representative-elect POULIOT of Lewiston, Representative-elect STROUT of Corinth, Representative-elect DEXTER of Kingfield, Representative-elect MURPHY of Berwick and Representative-elect GREENLAW of Standish were appointed a Committee to wait upon the Governor and inform him that a quorum of the members of the House of Representatives-elect have assembled in the Hall of the House of Representatives and request his attendance to administer to them the oaths required by the Constitution to qualify them to enter upon the discharge of their official duties.

Subsequently, Representative-elect MARTIN of Eagle Lake reported that the Committee had delivered the message with which it was charged.

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

Governor McKERNAN: Mr. Clerk and Honorable members of the 117th Maine House of Representatives: It is an honor for me as Governor to be here this morning and welcome each of you to our state Capitol, not only those of you who are about to be sworn in, but all your families and friends. This is always an exciting and uplifting day in the State House.

I welcome, especially, each of you who are about to be Representatives of the people of our state. It is a position that Daniel Webster once called "a sentinel on the watchtower of liberty".

I should say that it is a special pleasure for me to address this body with so many Republicans coming in, just having been elected. I say that in not a partisan ways but by way of example of how things generally work out — why couldn't I have had this on my way in rather than on my way out.

I want to thank those of you who served in the minority in the last session for all the support that you gave me during a difficult time.

I also want to say to leadership on the Democratic side and to all the majority members how much I appreciated your willingness to work in a bipartisan way, especially in the last session of the Legislature when I believe that we set the foundation upon which a new Governor and this Legislature will be able to build to adequately prepare our state for the 21st Century.

To those of you who are new to the Legislature, I want to urge you to look to the leaders on both sides of the aisle, look to the other veterans who have served in the past because they truly are the types of public servants that we ought to want to have in our state Legislature. You may not see that in the media very often.

I have worked with most of the people who are back here as returning legislators and you can learn a lot from them and I know that the mix of the new people

and the experience that is here is going to bode well for the future of our state.

I should also say to those of you who are new, I remember when I was sitting in this very chamber (actually in the back to the right) and I went through the orientation period 22 years ago. I remember one of the speakers who said to the new members in the back in 1973, "All of you who are new are probably sitting in this ornate chamber, you are looking around and see other people that you have seen on television or read about that are leading our state, you are thinking about the sense of history and the legacy that exists in this body and you are probably wondering to yourself "How did I possibly get here?!" The speaker went on to say that in six months I will guarantee you will look around this same chamber and these same people and ask, "How did the rest of these people ever get here?!"

I have no question but that you will in fact have those thoughts on some days. I assure you that I did. Frankly, I had them right up until today.

What you will realize is that there is so much that the elected representatives of the people can accomplish if they all work together. Each of you won your election in your home town and in your home cities because your fellow citizens had faith in your ability to represent them here in the halls of the State House.

People of this state want their government to work. They are tired of the bickering and partisan gainstaking that too often carried the day in past legislatures. And they want you to serve as their sentinel, to look after their concerns and their needs.

Maine's citizens voted to bring balance to Augusta, we all figured that out after November 8th. But, they also voted for more, I believe. I believe they voted for a government that works, a government that spends within its means and a government that tackles the tough decisions with the interests of working people at heart.

Two years ago, I opened the Legislative Session with two questions that I said should frame each debate on each new bill introduced to the Legislature: can we afford it, and will it help create jobs in our state?

To a large extent, I believe we succeeded in meeting those criteria on most of the legislative issues that we faced. I also believe that those question linger even today. State government simply must live within its means.

As you know, Maine again faces a gap between the new spending that our next budget envisions and the amount of new revenues that we have in the state. Bridging that gap will not be easy. But you must roll up your sleeves and work with Governor King to make the tough decisions the future of our state demands.

You must make sure that you provide a government that is fair and just — but you must also make sure that it is not one that promises more than hard-working Maine people can afford.

You must continue to work to make Maine a better place to create jobs, and you must continue to work to improve our education systems to make sure that it prepares our young people for those jobs.

Simply put, you must make sure that you provide a government that treats businesses fairly, treats workers fairly, children fairly and taxpayers fairly. It is a difficult balance — but one that I

know if you have the will to succeed I know you will prevail.

This is going to be an exciting time to be in government — ripe with promise but treacherous with distractions. I urge you to remember, always, who sent you here — and to uphold your charge to do the people's business.

It has been an honor to serve the state as your Governor the last eight years, as it is an honor today to welcome you as members to the 117th Maine Legislature, to our Capitol, and to the State House. It is a special pleasure of administering the oath of office to all of you as members of the House of Representatives.

I would ask you to please stand, raise your right hand, and repeat after me: (Inserting your own name after the word I)

I, (members stated their names) do swear, that I will support the Constitution of the United States and of this State, so long as I shall continue a citizen thereof. So help me God.

I, (members stated their names) do swear, that I will faithfully discharge, to the best of my abilities, the duties incumbent upon me as a Member of the Maine State House of Representatives, according to the Constitution and Laws of this State. So help me God.

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

The CLERK: Governor McKernan, on behalf of the Speaker and the members of the 117th Legislature, please accept this small memento as a commemoration of the fourth time you have given the Oath of Office here in the House.

Subsequently, Clerk Mayo presented Governor McKernan with a framed print from a painting by Charles Codman (1800-1842) of the State House in 1836. (Applause, the audience rising)

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

On motion of Representative HICHBORN of LaGrange, Representative CLOUTIER of South Portland, Representative POULIN of Oakland, Representative HATCH of Skowhegan, Representative TOWNSEND of Portland, Representative POVICH of Ellsworth, Representative MURPHY of Berwick, Representative CAMPBELL of Holden, Representative LINDAHL of Northport and Representative PLOWMAN of Hampden were appointed a Committee to receive, sort and count votes for the Speaker of the House.

On motion of Representative KONTOS of Windham, the name of DAN A. GWADOSKY of Fairfield was placed in nomination for the Speaker of the House.

The CLERK: The Chair recognizes the Representative from Windham, Representative Kontos.

Representative KONTOS: Mr. Clerk, Members of the 117th Legislature: It is indeed an honor for me to place the name of Dan A. Gwadosky of Fairfield as the Democratic nominee for the Speaker of the Maine House.

As many of you know, Dan took office as Speaker last February, but many of you had worked with him previously as a colleague in the House. He began his public service in the 109th Legislature and has had a stellar career. Since that initial election to this body, Dan has served among a variety of other responsibilities, as Chair of the State and Local Government Committee, as Assistant Majority Leader, Majority Leader, as Chair of the first Legislative Committee on Total Quality Management and as Chair of Legislative Council.

Because of this extensive experience, Dan knows the structure and machinery that operates the Legislature. He knows the history of Legislative operations and how they evolved. He understands (and is probably one of the few who does) the Legislative budget.

For this key position, I believe, as I know many of you do, we need a person with proven management skills. As you can observe from his work as Speaker since February, Dan has an inclusive management style.

He believes in problem resolution, consensus policy making, and the creation of measurable goals and objectives. Always his focus is on good governance, on the process of governing. Always his focus is on what's best for this state and this institution as a whole. It is this dedication that I believe cannot be questioned by anyone on either side of the aisle.

One of Dan's priorities for the 117th is to continue to evaluate the legislative process, which he views as an important factor in measuring the success of this institution. Specifically, he has been a long-standing supporter of proportional representation on legislative committees and has pledged to bring that principle to the committee assignment process this term.

Secondly, he wants to continue to refine the budget process so that policy committees continue to be involved in setting funding priorities.

Thirdly, Dan will advocate for the adoption of the reforms recommended by the Legislature's T.Q.M. Committee.

Fourth, given term limits, Dan understands the need to enhance legislators' abilities to become leaders through more formalized training and leadership opportunities.

And finally as Speaker, Dan will continue to strive to make the legislative schedule reflective of the outside demands placed upon legislators.

Speaker Gwadosky clearly understands the challenges facing this body. He is sensitive to the expectations of Maine citizens and knows that they want a government that they can trust, a government that will create economic opportunities for them and their families in order for them to feel secure.

But most importantly, Dan is a man of great personal integrity and insight. He knows the difference between leading and directing.

He values the contributions of each individual regardless of party while retaining his vision for the good of the whole.

He understands the need to be assertive without being combative.

He knows the distinction between being light-hearted without being irreverent.

He has high expectation for both himself and for us; yet these expectations are always tempered with sensitivity to our personal lives. And, I dare say, he, with the rest of us, has a lump in his throat

when he takes the oath of office, regardless how many times he has done so. He values the institution that much.

Quite simply, in my experience, I believe Dan believes in our collective potential.

With that in mind, men and women of the House, I urge you to join me in re-electing Dan A. Gwadosky of Fairfield as Speaker of the House for the 117th Legislature.

Representative O'GARA of Westbrook seconded the motion.

The CLERK: The Chair recognizes the Representative from Westbrook, Representative O'Gara.

Representative O'GARA: Thank you. Mr. Clerk, my fellow Legislators: To be asked to nominate a person to any position at any time is always an honor. Something very special!!

Having made that observation — I open my remarks by saying publicly to Dan Gwadosky that I am feeling especially honored to have been asked to join Representative Kontos in placing your name before your 150 colleagues for the position of Speaker of the House.

I shall be pleased if my remarks have some measure of impact on our fellow Representatives.

Not too long ago I joined Representative Kontos in nominating Representative Gwadosky to serve as Speaker for the remainder of the 116th Legislature.

I did so for a variety of reasons/not the least of which was his ability to work with all members of the House regardless of political party and that he could work effectively with Senate leadership and, perhaps most importantly, with our Governor.

I think all of you who were at the banquet last night will agree that Governor McKernan made no secret of his praise for and appreciation of Dan's leadership, dedication and effectiveness.

I cannot stress too strongly how important it will be that we have as our Speaker a person who will be able to lead in an atmosphere that calls for — in fact — that demands a leader who leads patiently, firmly and competently.

Dan Gwadosky has shown that he is such a leader. He has shown that he understands that everyone elected to the peoples' House must be treated as an equal and have her or his voice heard and her or his opinions, concerns and suggestions considered seriously.

I am now entering my 21st year of elected public service — here since 1984 and for 10 years before that in Westbrook and I think I have a pretty good handle on what it takes to be not just a good leader who runs a good meeting — but an effective, productive leader!

It isn't a matter of having one or more of the several skills that it takes but rather the ability to adapt those skills to any particular situation so that the best possible solution will result. Many would-be leaders know what it takes — Dan Gwadosky has what it takes!

At no time in recent history has the skill of diplomacy been more vital than now as 71 of you begin your legislative experience and others such as myself begin our final term.

At no time in recent history has the skill of consensus building been more necessary. Not only does Dan understand that — he welcomes it!

And certainly at no time in recent history has this body needed as Speaker, a person who has the

respect of leadership and rank and file members of both parties in both houses and the Governor and the media. In Dan Gwadosky you have that person.

In Dan Gwadosky you have a person who takes himself and his responsibilities seriously and I say that in the most positive way possible.

In Dan Gwadosky you have a person who is determined that the Maine House of Representatives will regain the stature it once held in the eyes of Maine people.

If we are to accomplish anything during the 117th Legislature or ever again — we must first accomplish that and it begins with this vote today.

I am proud and I am honored to second the nomination of Dan Gwadosky for Speaker of the Maine House of Representatives.

Thank you.

On motion of Representative CARLETON of Wells, the name of WALTER E. WHITCOMB of Waldo was placed in nomination for the Speaker of the House.

The CLERK: The Chair recognizes the Representative from Wells, Representative Carleton.

Representative CARLETON: Thank you Mr. Clerk, Members of the 117th Legislature: Congratulations to you all.

It is my honor and privilege to nominate for Speaker of the Maine House of Representatives, Walter Whitcomb of Waldo.

During the past 4 years this state and this Legislature went through some very difficult, most trying times one can imagine. They have been controversial and they have been difficult for everyone.

It was during this time that Walter Whitcomb (our party leader) became the Republican Party leader. He was elected in 1991, then elected again and again.

By virtue of his service, experience, his skill and his leadership, he has earned the right to be a candidate for Speaker of this body, and if elected will do a fine job.

All of us in the Republican Caucus felt that it was right to run a candidate for Speaker even though we know what the numbers might be. We have confidence that other candidates and those who support them will respect what is, after all, one of the fundamental principles of our government — that is that candidates run. We in the Legislature have gone beyond the time when we really have to worry about such things.

Walter Whitcomb has the skills to be Speaker of the Maine House. He listens well. He speaks well. He has a low key demeanor. He has the experience. In short, he will make a fine Speaker and I urge you to support him.

Representative WHITCOMB of Waldo seconded the motion.

The CLERK: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Clerk: Thank you Representative Carleton for placing my name in nomination.

I rise to second the nomination.

And, to discuss with you, my fellow members, our plans for the House to move ahead in this, the 117th session.

Fairness, open communications, earnest debate, a positive agenda. These were some of the words suggested to me by members who helped me write these

remarks.

Yesterday we were told by Justice Marsano, "We are here to work for the greater good." People of Maine are waiting for us to move beyond election year rhetoric into action.

Each of you are anxious to be appointed to a committee. For it is on the committees where we are equals and where we will be, I believe, delicately balanced — politically, philosophically as we enter our tasks.

Equality on the committees will be the first public demonstration in fairness of this legislative session. It is on your committee that you will first share your version, your vision, of improving the lot for Maine people as you will later with us in the House of Representatives.

My plans this morning to refine and type these tattered remarks were delayed by my real life work. I became the acting veterinarian on my parents dairy farm this morning and helped save a baby calf's life by turning the unborn around before it was born. I mention this only to add an exclamation point to the variety of different experiences we each bring to this body — other than one member I doubt that there are others of you who brought that experience (at least) today to this body.

The mill worker, the accountants, teachers — each one of you has something to share with all of us. We have, I believe, in this body, a unique opportunity in a long-standing history of listening to each other in our areas of expertise. I have always respected the ability of members of both parties — in this instance to separate my own experience in my own career from sometimes the political message that I carry and that is a unique function of the Maine Legislature. We come, as you will soon see, those 71 of you who are new here, to rely upon each other for advice in our areas of experience.

So, where are we going? How do we respond to our electorate? I have three areas that I think are of common concern. One of our goals certainly is jobs. We are here to find the best ways of assisting the private sector to create jobs. I read many of your comments, a great many of stood for that from both parties, if not all of us.

I think we should challenge each one of ourselves to go back between now and when we return to this place in January and talk to the people we talked with during our campaign and ask what is it that we can do for you to help your endeavor to employ Maine people?

They would appreciate it and it would benefit us in our deliberations this winter and spring.

Perhaps area number two is the structure of Maine Government. We may think there is a mandate for less government. Our challenge is to answer that mandate and still provide better services. Restructuring is a constant in this place and we will engage in it all the time in your committees. And, we must continually justify expenditures of tax payer dollars.

However, saying that we are going to "cut" (that famous word) when we only shift cost — does not respond to the Maine people.

Number three, is our collective relationship with our Chief Executive, mentioned by the two previous speakers. We must acknowledge certainly Governor-elect King's presence and his ideas and we are anxious to review his proposals, the new ones and the ones he brings back from others, both R's and D's, that have been proposed.

He has insight, he has mandate from the people, but so do we. We individually and we collectively have mandates to respond too. And, in the final analysis these are our votes.

The people of Maine are waiting for us to move ahead, to be fair, to debate in earnest, to openly communicate, to be positive.

I pledge to you that is my agenda and I hope it is yours.

Representative MITCHELL of Vassalboro moved that nominations cease.

Representative JACQUES of Waterville moved that any member of the 117th Legislature who is unable, as a result of a serious and personal medical emergency, to attend the election of officers of the Maine House of Representatives to be held on December 7, 1994, may vote absentee for the officers of the House. The member who is unable to attend the election may direct the leader of the party of which the legislator is a member to cast the votes for the absent member as directed by the absent member.

The CLERK: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Clerk: I second the motion and wish to speak to that.

Seeing that I have the floor I will say that this specifically allows Mona to vote in the election of officers for this House. Mona was here and was sworn in and I believe now has found it medically necessary to leave.

Subsequently, on motion of Representative JACQUES of Waterville, and seconded by Representative WHITCOMB of Waldo, the House voted that any member of the 117th Legislature who is unable, as a result of a serious and personal medical emergency, to attend the election of officers of the Maine House of Representatives to be held on December 7, 1994, may vote absentee for the officers of the House. The member who is unable to attend the election may direct the leader of the party of which the legislator is a member to cast the votes for the absent member as directed by the absent member.

Subsequently, the Committee formed in the well of the House to receive, sort, and count votes for the Speaker.

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

Total number of votes cast	151
Total number of votes needed	76
Dan A. Gwadosky received	81
Walter E. Whitcomb received	70

Whereupon, DAN A. GWADOSKY of Fairfield, having received a majority of the votes cast, was declared duly elected Speaker of the House of Representatives for the 117th Legislature.

At this point, the Sergeant-at-Arms escorted Speaker-Elect GWADOSKY to the rostrum to his Chair whereby Joseph W. Mayo, Clerk of the House, administered to the Speaker-Elect, DAN A. GWADOSKY of Fairfield and he subscribed to the oath of office to qualify him to enter upon the discharge of his official duties as Speaker of the House.

Representative GWADOSKY: Thank you very much. I would like to thank my nominators first and foremost, Carol Kontos and Bill O'Gara for their extremely kind and most gracious remarks. It is difficult not having a seat during that time to be in the other office to hear it but, I heard every word and it meant an awful lot to me. I appreciate your kind words and your long-standing friendship, support and guidance.

As many times as I go through this I always find it difficult to particularly go to the beginning.

I am grateful my family could be here. I will not name you all but I love you all and I couldn't have a greater support group than I have in my family, as each of you do, in this momentous day surrounded by your friends and families. It is truly a great occasion and I thank them for being here today.

As I stand before you today to accept this responsibility I do so with humility and respect, confident that we share a dedication to a common mission to improve the lives of Maine people.

I need to make reference to the fact that many of you have stopped by my office during the last couple of weeks and some for the first time. Many were surprised to find a photograph behind the couch, an 8 x 10 color photograph of the comedian Jay Leno. More accustomed to seeing statesmen, rather than entertainers, displayed at the State House, some have questioned the significance of the photo.

The connection is real. Besides sharing a passion for humor, Jay Leno and I hold another attribute in common. We are both agents of transition. As we all know, Jay is carving out a niche as Johnny Carson's late night replacement. I, for the past nine months, have been working hard in a new leadership position here in the Maine House of Representatives.

Today, as I welcome you — ladies and gentlemen of the House, honored guests and esteemed colleagues — the transition continues. This body is dramatically different from the one I addressed only nine months ago when I assumed the Speaker's post. With 71 new House members, we have the largest freshmen class in recent history. Representation is almost equally divided between parties. Mainers, like voters across the country, have sent a clear message for political change. They have elected — for only the second time in Maine's history — an independent governor to administer state government.

Clearly, the cooperation I called for in my address nine months ago is needed now more than ever. The reputation and credibility of the Legislature has been seriously undermined both by forces here at home and by those afoot in the nation. The myth of institutional failure has been elevated to an article of faith among the press and the public. Although I accept and welcome the philosophical differences between us, I urge all of you to be part of an atmosphere of cooperation, of affiliation and of shared responsibilities to help improve the image and effectiveness of this institution. In this, we are united and our success or failure will be a collective legacy. Each of us bears a unique and personal responsibility for the outcome. I have dedicated myself these past nine months to the building of bridges toward that end. To be successful we will all need to join in the construction.

I believe we have made significant strides to



reestablish trust among legislators and restore faith in the legislative process. There have been some simple, but important changes to promote cooperation and improve access. As soon as I was elected Speaker I began making my office available each morning for joint members of leadership to discuss the upcoming calendar, to assure that all members would have the opportunity to impact the process in that given day.

I have tried to maintain an open office to the Speaker's Office, insure that access would be available to any member regardless of party. And I look forward to continued cooperation this session working with a Republican Senate and an Independent Governor.

We must work together, free of partisan posturing, to address and resolve collectively the problems before us. Because, in truth, we are all of us here today agents of transition. Times don't change, people change them. Maine voters have spoken out clearly — sometimes angrily — in favor of a new way of conducting government. But, the mechanisms of the transformation remain in large part for us to determine.

Nine months ago, I spoke of the need for legislative reform in order to restore faith in this institution and to streamline its operation. I highlighted three areas — empowerment of individual legislators, empowerment of the committee process and citizen involvement. I believe we have made significant headway on all three fronts.

Recognizing that we are a citizen's legislature, where people have real jobs and real families and real health care and real day care issues, we have worked hard to schedule sessions that were less grueling than in the past, holding them at reasonable hours, and at a reasonable pace.

To give legislators greater input into operation of the Legislature, we have worked to expand the budget process so that representatives on policy committees would be more fully involved in setting funding priorities.

We will continue to seek out opportunities for legislators to hone their leadership skills through participation in formalized training as well as leadership opportunities.

I believe that Committees should be given more freedom and autonomy to address the issues of the day by being allowed to draft legislation directly, without first having to always ask the approval of the Legislative Council. I believe committee representation should be based on proportional representation to reflect the true composition of the Maine House in the 117th Legislature.

Citizen input continues to be encouraged in all arenas. A Select Committee formed this past summer to review the auto emissions program, for instance, relied heavily on citizen input at public hearings in making its recommendation to temporarily suspend the program.

Transitional times are by their nature unsettled and unsettling. At times such as these, it is vitally important to maintain our focus, to remember why it is that we are here. I still believe, as I stated here before, that what the people of Maine want most is for us to create economic opportunities for them and their families.

The creation of high quality jobs for Maine people will be our fundamental task over the next two years. Government does not create jobs — the private sector does, but government should be

involved in working with the business community to ensure that opportunities exist for economic growth and job creation.

Our efforts in this Legislature in the next two years should build upon our accomplishments over the past two years. I think that we have done more in the past two years than perhaps we have done in the last decade in terms of sustainable job creation efforts: We passed a \$5 million bond issue for Maine's Technical College system, which was recently approved by voters on Nov. 8, which will be used to purchase modern technology training devices to help the system meet the growing demand for trained workers in a number of important Maine industries.

To address the concerns of small business and the need for capital we passed a \$15 million bond issue (also approved by voters recently) which will provide \$10 million in a revolving loan fund for Maine businesses and \$5 million for FAME's Economic Recovery Program.

We moved to stabilize electric utility rates by establishing a program that allows it to issue loans to electric utilities to fund agreements with eligible non-utility electricity generators, thereby reducing the cost of that power to the utility and ultimately benefiting the ratepayer.

We enacted a financial package to assist Maine's paper industry to make the necessary investments for upcoming federal regulations in the area of environmental protection improvements.

We continued to monitor the changes made to the workers' compensation system, which have reduced costs to Maine employers by 3.8% last year — the first decline in over 30 years — and are expected to decrease costs by an estimated 12.5% in the year ahead.

During this session, I believe that our capacity of our technical colleges continue to be expanded to close the gap between job opportunities in Maine and Maine workers skilled to fill them. Maine must make available the skilled work force that a modern business community needs and adopt a pro-active policy that encourages the development of jobs for which there is a proven demand.

We need to continue to invest in the areas of research and development by coordinating the resources of the Technical College System, the University of Maine System and the Science and Technology Commission to respond to the needs of Maine businesses and the Maine business economy.

Maine businesses should be assisted in their efforts to expand world trade.

An Institute on Maine's Economic Future, which L.L. Bean President Leon Gorman and I chair, will be launched next week to help legislators gain the background needed to tackle economic development issues and equally important, to familiarize business with the operations of this legislature.

All of our efforts must have at their core the same objective: to strengthen Maine businesses and create and retain high quality jobs for Maine people. For it is clearer now than ever before that we in government need to spend as much of our time on the creation of jobs as we have spent on the problems brought about by a lack of jobs.

It is our job to clearly articulate this goal and to pursue it in a way that is cooperative and inclusive and does credit to this institution and to the people who have sent us here. In the process, we have the opportunity to replace criticism, cynicism,

frustration, and despair with hope for the future on the part of a public that has tired of rhetoric and is ready for results.

For transitional times are also times of great potential. A misty morning does not denote a stormy day. By acting in a spirit of cooperation, with a willingness to reform our old ways — and by keeping our job creation objective clearly in sight — we have the opportunity to dramatically improve the lives of Maine people today — and for generations to come — affording each of them the chance to use their inherent talents to their fullest potential in pursuit of a decent income, a secure future and a dignified way of life.

To that end I look forward with working with each of you.

Thank you from the bottom of my heart. (Applause, the audience rising)

On motion of Representative KILKELLY of Wiscasset, Representative MORRISON of Bangor, Representative KONTOS of Windham, Representative CHASE of China, Representative STEVENS of Orono, Representative VOLENIK of Sedgwick, Representative DEXTER of Kingfield, Representative FARNUM of South Berwick, Representative SIMONEAU of Thomaston and Representative RICE of South Bristol were appointed a Committee to receive, sort and count votes for the Clerk of the House.

On motion of Representative CHARTRAND of Rockland, the name of JOSEPH W. MAYO of Thomaston was placed in nomination for the Clerk of the House.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Chartrand.

Representative CHARTRAND: Mr. Speaker, Men and Women of the House: It is indeed a pleasure for me to rise for the first time in this Chamber to place in nomination the name of Joseph W. Mayo of Thomaston for Clerk of the House of Representatives in the 117th Maine Legislature.

For those of you returning to serve here, there is little I need to say to convince you of Joe's qualifications, his dedication or his integrity. You have had the opportunity to work with him as the Clerk of the 116th Legislature and you may have served with him during earlier sessions.

His excellent organizational skills are well known to you.

Joe's training as an accountant and his service as a State Representative from Thomaston gives him an attention to detail and the knowledge of the House that are necessary combinations for any Clerk position.

Voters from Joe's home town of Thomaston sent him to the Legislature for five consecutive terms.

His party has elected him Majority Whip.

Thomaston neighbors also continue to choose him as moderator of their town meetings since 1984.

Joe has a fine grasp of parliamentary procedure and a great respect for the democratic process at all levels of government.

Many of my Freshmen colleagues and myself have also benefitted from Joe's dedicated service as Clerk when we began acquainting ourselves with this House of Representatives and began our election campaigns, learning about the House and its procedures.

Since I live in Rockland I have been very fortunate also to have Joe as a mentor and guide through the election process.

His dedication to the Maine House of Representative and his deep respect for its importance to all Maine people have been an inspiration to me and they transcend any party affiliation. It is this aspect of his work that has been most important to me.

As I consider the tasks ahead of us and the need for all of us to work together as individuals and as parties for the next two years I can think of no better person to serve us as Clerk of the Maine House. His dedication to this institution and the legislative process will serve us all well if we elect him as the next Clerk for the 117th Maine Legislature. Thank you.

Representative SIMONEAU of Thomaston seconded the motion.

The SPEAKER: The Chair recognizes the Representative from Thomaston, Representative Simoneau.

Representative SIMONEAU: Mr. Speaker, Ladies and Gentlemen of the House: I second the nomination of Joseph W. Mayo of Thomaston for Clerk of the House and would speak to my motion.

Twenty-four hours ago I didn't even realize I was going to be doing this. So, this would be sort of a disjointed nomination speech. Joe sort of hinted to me yesterday that he would like to have me do this.

I sat back and I watched the day unfold and yesterday afternoon at the Republican Caucus I informed the Caucus that I intended to do this. Well, the reaction afterward and last night at the Civic Center was very heartwarming. Many of them said we are so glad you are doing this because it is putting out a bipartisan approach.

Joe, inadvertently, your nomination has become a symbol for what we should, can, and must do in this Legislature to work together.

Now I will get to why I think Joe asked me and why I do support Joe. I have known him for 32 years — he has heard this story before. I will never forget the first time I saw Joe Mayo. The Mayo family's compound (as we call it) is across the street from St. James Mission. Years ago Joe's father was like a sexton, and usher and everything — he had it warm for us in the morning when we went to Church.

In the winter of 1962, I looked up one day, one Sunday morning and the Mayo family was parading down the aisle and it was like little ducklings, they started here and went down to here. The last one you saw was Joe. There was Joe, in this little brown snowsuit, black boots and a little hood pulled tight around his face, his nose all red. I will never forget his brother Michael — picked him up and sat him in the front pew. Because of all the clothing his little legs stuck right out straight beyond the end of the pew. I have never forgotten that and it warms my heart every time I think of it.

I watched Joe Mayo grow up. He was very close to us. In fact, he became family. In fact, it is that lady in the front row that refers to him as her other son.

More than that is his father. I watched the example his father set for him. Some of you may remember Jim Mayo. Maybe some of you go back far enough to remember — a very fine man. Jim Mayo did not believe that being a citizen was a spectator sport. He got into it and he taught his children

that and Joe Mayo did that.

When Jim retired from the telephone company, he was very involved in the union, he ran for the Legislature and was elected.

I was talking with Joe this morning and I asked him if he was probably the first Democrat to hold that seat. Joe said, "No, there was probably one back in the 1920's."

But, the facts are that Joe Mayo's father and his brother Michael rebuilt the Democratic Party in that area of our state. And, Jim Mayo came over here and he served very well. He died suddenly of a heart attack. Joe was working for us at the time — he was 23 or 24 years old at the most. He came to my partner and I and said, "I want to run for the Legislature and I will resign from the firm because after all I don't want any partisan politics to impact what goes on here." We said, "Don't worry about resigning from the firm Joe, you have got to eat. But, you go ahead and run for it, but why are you doing it?" He said, "My father worked too hard for this."

Joe ran and Representative Chartrand has told you the history which I won't repeat.

So, now we come down to what I am here for, Joe, as the Representative from Thomaston I want to thank you on behalf of your community for the service that you have given to our community especially as Representative. As a member of this House I want to thank you for the service you have given this House as our Clerk, as a friend. If your father were here he would say "Well done, I am proud of you."

I urge you to elect Joe Mayo, Clerk of the House.

Representative KILKELLY of Wiscasset seconded the motion.

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

Representative KILKELLY: Mr. Speaker, Men and Women of the House: It is a privilege and an honor for me also to second the nomination of Joseph Mayo for position of Clerk of the House.

The position of Clerk is a unique position and needs to be filled by a unique individual in this institution. It can and will be all things for all people before this term is over.

It reminds me of an old movie where the drill sergeant says to the new troops, "For the next six months I am going to be your mother, your father, your minister, your friend, your brother, your sister, your aunt and your uncle." Well, to those of you who are new here I want you to know that for the next two years the Clerk and the Clerk's office is where you will go for just about everything.

If you need information about making the proper motion in parliamentary procedure you go to the Clerk's office. If you have questions about the calendar and proper decorum, you go to the Clerk's office. For information packets when school children come to visit, you go to the Clerk's office. For flags and sentiments and pins and ties from Joe's boutique of Maine memorabilia you go to the Clerk's office. Sometimes, most importantly, for Tylenol, Anacin, Band-Aid's and Tums you go to the Clerk's office.

Joe Mayo, as Clerk of the House, has put together a dedicated and professional staff that at times seem to be magicians as they will help you to solve

problems and determine how to best serve your constituents.

Another equally important function of the job of the Clerk is to be a welcoming host when we are not here, when the people of Maine come to visit their House we are not here and it is Joe, with a welcoming smile, a warm greeting and delightful historical trivia about this institution that make people feel welcomed in their House. Joe cares deeply about this institution, its history, its culture and its future. He is a talented administrator and he has proven himself an able and dedicated Clerk.

It is my privilege to second the name of my friend, Joseph Mayo, for the position of Clerk of the House in the 117th Legislature.

Representative WHITCOMB of Waldo moved that nominations cease.

On motion of Representative JACQUES of Waterville, the Committee cast one vote for the House for JOSEPH W. MAYO and thereupon he was elected Clerk of the House. (Applause, the audience rising)

On motion of Representative DAGGETT of Augusta, Representative O'GARA of Westbrook, Representative DESMOND of Mapleton, Representative GREEN of Monmouth, Representative ROSEBUSH of East Millinocket, Representative WATSON of Farmingdale, Representative STROUT of Corinth, Representative AULT of Wayne, Representative TUFTS of Stockton Springs and Representative MADORE of Augusta were appointed a Committee to receive, sort and count votes for Assistant Clerk of the House.

On motion of Representative JOSEPH of Waterville, the name of MILLICENT M. MacFARLAND of Augusta was placed in nomination for Assistant Clerk of the House.

Representative JOSEPH: Mr. Speaker, Men and Women of the House: I am honored to place in nomination the name of Millicent M. MacFarland of Augusta as Assistant Clerk of the House. Millie (as she is fondly known) deserves a few words as we look forward to the coming months of the 117th Legislative Session.

Millie has worked diligently in the office of the Clerk of the House for 16 years. In reverse order, Millie has served as Assistant Clerk since October 1, 1992. Prior to that, served as Calendar Clerk since 1978. For six years she was the Chief Calendar Clerk.

It is not unusual for the Clerk, Assistant Clerk and Clerk's staff to put in 14 hour days preparing the calendar of the day and attending to the smooth operation of the Maine House.

Since my service in the Maine House of Representatives, I have observed Millie as she carries out her responsibilities for all the members of the House. She does so in a non-partisan manner, recognizing that her services are for the greater good of each of us providing each member of this body with services to enable that Representative to be the best representative for his or her constituents and for the people of Maine.

Millie and her husband Paul are parents of Nick. Nick is a sophomore at Cony High School and a football player.

I ask you to join with me in reelecting Millicent M. MacFarland as Assistant Clerk of the Maine House. She has a proven record to be a hard working and dedicated member of the Maine House of Representatives team.

Representative PLOWMAN of Hampden seconded the motion.

Representative PLOWMAN: Mr. Speaker, I am pleased to second the nomination of Millicent MacFarland for Assistant Clerk of the House and I would speak to my second.

Millie (as we all call her) approached me to second her nomination and I want to tell you that I hesitated. The reason that I tell you that I hesitated is not because Millie lacks for the experience and the integrity to do the job. I just hesitated. I am telling you that because this is a sign of what we have to come. There are going to be some of us who are more than willing to come up and work for the good of the people and there are going to be some of us who hesitate. We may not even know why we hesitate.

I would like to think that I was one of the more willing people but Millie showed me that I was a little bit hesitant. I don't want to be hesitant and I don't want any of you to be hesitant. We are here for one purpose. Millie showed me that in one fell swoop yesterday afternoon.

I have worked with Millie for two years on the T.Q.M. Committee, in preparation for the orientation that all the new members went through. Millie was professional, kind, considerate. I have known her, as I go into the office to ask for the Tylenol and Tums. I have known Millie to get me through a snow storm when it was the 200th anniversary, the Bicentennial, of Hampden and I needed a Joint Resolution and it was a big snow storm. We happened to have session on February 24 and Millie knew how much it meant to the Town of Hampden that I had that. If it wasn't for Millie we wouldn't have had it that night.

Today, as I drove down, I listened to the radio and there was a special program about December 7th, 1941 and how it changed so many peoples lives. Today it is December 7th, 1994. I would like to think that working together the way Millie has shown us that we can, that we are going to change peoples lives.

I would ask you to join me in voting to reelect Millie as our House Assistant Clerk. Thank you.

Representative MURPHY of Berwick seconded the motion.

Representative MURPHY: Mr. Speaker, I rise to second the nomination of Millicent MacFarland.

In doing so I do it with great honor. When asked if I would do this I said I would be more than happy, I would love to do it and I consider it a great honor and a pleasure to be able to second the nomination of Millie (as we all know her).

I have just taken the Oath of Office for the seventh time. In all those years I have known Millie and always considered her a friend and still do. Not only is Millie a friend to all of us, there is not a question that you ask her that if she doesn't know the answer she will find it. I don't care what you go in that office and ask for, whether it is a paper clip, elastic band, envelope or you need a special sentiment for someone and you need it two days ago, Millie is there for you. She will always be there and I consider it a great pleasure to second this nomination and I would hope you would all vote with me in electing her as our Assistant Clerk of the House. Thank you.

Representative CARLETON of Wells moved that nominations cease.

On motion of Representative MITCHELL of Vassalboro, the Committee cast one vote for the House for MILLICENT M. MacFARLAND and thereupon she was elected Assistant Clerk of the House.

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

### COMMUNICATIONS

The following Communication: (H.C. 14)

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE 04333-0002

December 7, 1994

Mr. Michael Cote  
State House Station 2  
Augusta, ME 04333-0002

Dear Mike:

Pursuant to House Rule 1, I am pleased to reappoint you as the Sergeant-at-Arms for the 117th Legislature.

On behalf of the entire House membership, I would like to express our gratitude to you for the professional manner in which you carry out your duties and responsibilities.

Sincerely,  
S/Dan A. Gwadosky  
Speaker of the House

Was read and ordered placed on file.

At this point, the Honorable DAN A. GWADOSKY, Speaker of the House, administered the necessary oath of office to qualify Joseph W. Mayo, Clerk of the House, to enter upon the discharge of his official duties.

Clerk MAYO: I want to thank the Speaker for providing me the rare opportunity to address members of the House. I will be very brief. I do want to sincerely thank the three individuals who placed my name in nomination, Representative Chartrand, my own Representative, Representative Simoneau and Representative Kilkelly. Their words were very kind and generous and I certainly appreciate it very much.

To all of you I pledge from the bottom of my heart, my sacred honor that the Office of the Clerk of the House of Representatives will be run in the most professional manner possible and that you can all rely upon that office to support your work here in the 117th Legislature. Thank you very much. (Applause, the audience rising)

At this point, the Honorable DAN A. GWADOSKY, Speaker of the House, administered the necessary oath of office to qualify Millicent M. MacFarland as Assistant Clerk of the House to enter upon the discharge of her official duties.

Assistant Clerk MacFARLAND: I didn't realize I would be addressing you this morning. But, I would like to say thank you to everyone, I am really happy to be here. I look forward to the next two years. Thank you to Representative Joseph for nominating me and thank you also to Representative Plowman and Representative Murphy. I will continue to work as

hard as I always have and I hope that I will not fail you. Thank you. (Applause, the audience rising)

At this point, the Honorable DAN A. GWADOSKY, Speaker of the House, administered the necessary oath of office to qualify Michael Cote as Sergeant-at-Arms and to enter upon the discharge of his official duties.

On motion of Representative NADEAU of Saco, Representative CLARK of Millinocket, Representative ROTONDI of Madison, Representative POULIN of Oakland, Representative VIGUE of Winslow, Representative GAMACHE of Lewiston, Representative LOOK of Jonesboro, Representative AIKMAN of Poland, Representative CARLETON of Wells and Representative LOVETT of Scarborough were appointed a Committee to notify the Governor of the organization of the House.

At this point, a message was received from the Senate, borne by Senator AMERO of that body that the Senate had been duly organized by the election of Honorable JEFFREY H. BUTLAND as President, MAY M. ROSS as Secretary and PAMELA L. CAHILL as Assistant Secretary, and the Senate was ready to transact such business as might come before it.

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

At this point the Speaker appointed Representative MITCHELL of Vassalboro to inform the Senate that the House was duly organized for business.

At this point, a message came from the Senate, borne by Senator KIEFFER of that body proposing a Convention of both branches of the Legislature to be held at 2:00 o'clock in the Hall of the House for the purpose of electing an Attorney General, a Secretary of State and a State Treasurer.

Thereupon the House voted to concur in the proposal for a Joint Convention to be held at 2:00 o'clock and the Speaker appointed Representative JACQUES of Waterville to convey this message to the Senate.

Subsequently, Representative MITCHELL of Vassalboro reported that she had delivered the message with which she was charged.

#### SENATE PAPERS

The following Communication: (H.C. 2)  
Maine State Senate  
Augusta, Maine 04333

November 14, 1994

The Honorable Dan A. Gwadosky  
Speaker of the House  
116th Legislature

Augusta, Maine 04333

Dear Speaker Gwadosky:

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

Upon the recommendation of the Joint Standing Committee on Aging, Retirement and Veterans:  
Samuel E. Charlton of Thomaston for appointment to the Committee to Create Retirement Alternatives.

Upon the recommendation of the Joint Standing Committee on Agriculture:  
Dr. Carol A. Eckart of Windsor for reappointment to the Board of Pesticides Control.  
Richard H. Storch of Orono for reappointment to the Board of Pesticides Control.  
Michael A. Wiers of St. Albans for reappointment to the Maine Milk Commission.

Upon the recommendation of the Joint Standing Committee on Education:  
Malcolm C. Cianchette of Hartland for reappointment to the Maine Maritime Academy Board of Trustees.  
Deborah D. Dempsey of Kilmarnock, Virginia for appointment to the Maine Maritime Academy Board of Trustees. Deborah D. Dempsey is replacing Nathan Corning.  
William Haggett of New Brunswick, Canada for reappointment to the Maine Maritime Academy Board of Trustees.

Upon the recommendation of the Joint Standing Committee on Energy and Natural Resources:  
Edwin H. MacArthur of South Berwick for reappointment to the Facility Siting Board.

Upon the recommendation of the Joint Standing Committee on Judiciary:  
John H. Cox of Bangor for reappointment to the Maine Indian Tribal-State Commission.  
Frederick B. Hurley, Jr. of Wayne for reappointment to the Maine Indian Tribal-State Commission.  
Matthew D. Manahan of Portland for appointment to the Maine Indian Tribal-State Commission. Matthew D. Manahan is replacing Maynard Marsh.  
Honorable Donald G. Alexander of Winthrop for reappointment as Justice of the Maine Superior Court.  
Donald H. Marden of Waterville for appointment as Justice of the Maine Superior Court.  
Honorable John C. Sheldon of Paris for reappointment as Judge, Maine District Court.

Upon the recommendation of the Joint Standing Committee on Housing and Economic Development:  
Paul R. Cariani of Presque Isle for reappointment to the Loring Development Authority.  
Helen S. Dudman of Ellsworth for reappointment to the Finance Authority of Maine.  
Laura K. Emack of Stockton Springs for reappointment to the Finance Authority of Maine.  
Albert E. Gibbons, Jr. of Yarmouth for appointment to the Finance Authority of Maine. Albert E. Gibbons, Jr. is replacing Richard Dyke.  
Ray D. Hews of Presque Isle for reappointment to the Finance Authority of Maine.

Jeffrey Kaelin of Winterport for appointment to the Finance Authority of Maine. Jeffrey Kaelin is replacing Toby Hammond.  
Daniel LaPointe of Van Buren for reappointment to the Loring Development Authority.  
Penny S. Nevers of Oakfield for reappointment to the Maine State Housing Authority.  
Albert L. Watt of Sinclair for reappointment to the Loring Development Authority.

Upon the recommendation of the Joint Standing Committee on Labor:

Karl Dornish of Winslow for appointment to the Maine Labor Relations Board.  
Eben B. Marsh of Denmark for reappointment to the Maine Labor Relations Board.  
Howard Reiche of Falmouth for reappointment to the Maine Labor Relations Board.

Upon the recommendation of the Joint Standing Committee on State & Local Government:

Waldemar Buschmann of Oakland for reappointment to the Civil Service Appeals Board.  
Franklin C. Leavitt, Jr. of Topsham for reappointment to the Civil Service Appeals Board.

Sincerely,  
S/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file.

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

The following Communication: (H.C. 3)

MAINE STATE SENATE  
Augusta, Maine 04333  
May 11, 1994

The Honorable Dan A. Gwadosky  
Speaker of the House  
116th Legislature  
Augusta, Maine 04333

Dear Speaker Gwadosky:

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

Upon the recommendation of the Joint Standing Committee on Judiciary:

John R. Atwood of Damariscotta for appointment as a Justice of the Maine Superior Court.  
John R. Atwood is replacing Kermit Lipez.  
Samuel W. Collins, Jr. of Rockland for appointment as an Active Retired Justice of the Maine Supreme Judicial Court.  
Kermit V. Lipez of South Portland for appointment as a Justice of the Maine Supreme Judicial Court.  
Kermit V. Lipez is replacing the Honorable Samuel Collins, Jr.  
Paul E. Vestal, Jr. of Plymouth for reappointment to the Maine Human Rights Commission.

Sincerely,  
S/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file.

The following Communication: (H.C. 4)

MAINE STATE SENATE  
Augusta, Maine 04333  
July 29, 1994

The Honorable Dan A. Gwadosky  
Speaker of the House  
116th Legislature  
Augusta, Maine 04333

Dear Speaker Gwadosky:

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

Upon the recommendation of the Joint Standing Committee on Aging, Retirement and Veterans, for appointment to the Committee to Create Retirement Alternatives:

David Bourne of Winthrop  
Steven E. Crouse of Brunswick  
Malcolm T. Dow of Houlton  
Lawrence Gross, Jr. of Brunswick  
Richard E. Johnson of Damariscotta  
Richard G. Paradis of Farmingdale  
Howard Reiche of Falmouth  
Richard Trahey of Winthrop  
Daniel Unsinn of West Kennebunk  
Carol Whitney of Augusta

Upon the recommendation of the Joint Standing Committee on Agriculture, for appointment to the Harness Racing Commission:

Richard A. Crabtree of Readfield

Upon the recommendation of the Joint Standing Committee on Education, for appointment to the Maine School of Science and Mathematics Board of Trustees:

Andre C. Baillargeon of Gorham  
Joceline Boucher of Castine  
George P. Connick of Portland  
Fred Edgecomb of Limestone  
Susan Gould-Leighton of Fort Fairfield  
Ellen M. Heath of Dresden  
Lucille M. Levesque of Farmingdale  
Mary Majorowicz of North Whitefield  
Susan J. Pines of Limestone  
Harold L. Stewart, II of Presque Isle

Upon the recommendation of the Joint Standing Committee on Education, for reappointment to the Maine Technical College System Board of Trustees:

Brian C. Thayer of Manchester  
Bridget Healy of Freeport

Upon the recommendation of the Joint Standing Committee on Human Resources, for reappointment to the Health Care Finance Commission:

Richard Dalbeck of Cape Elizabeth  
Harvey Picker of Camden  
Robert A. Strong of Bangor

Upon the recommendation of the Joint Standing Committee on State & Local Government, for appointment to the Workers' Compensation Board:

F. Timothy Vigue of Waterville, as a Management Representative, replacing Cheryl Russell.  
Frederick T. Hayes of Scarborough, replacing Eugene Sanborn

Upon the recommendation of the Joint Standing Committee on Transportation, for appointment to the Maine Turnpike Authority:

Patrick F. Butler of Lewiston

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

### COMMUNICATIONS

The following Communication: (H.C. 5)

STATE OF MAINE

Office of the Secretary of State

December 7, 1994

To the Speaker of the House in the One Hundred and Seventeenth Legislature:

I, BILL DIAMOND, Secretary of State, in accordance with the Constitution and laws of the State of Maine, having tabulated the returns of the votes cast for State Representatives at the General Election held on the eighth day of November in the year one thousand nine hundred and ninety-four;

REPORT AS FOLLOWS; that the following named persons having received a plurality of the votes cast, appear to have been elected:

#### District 1

BAILEY, WILLIAM M., Kittery

871

LEMONT, KENNETH F., Kittery

2043

#### District 2

LUEDEKE, LISA R., York

1740

OTT, DAVID N., York

2220

#### District 3

MARSHALL, JOHN P., Eliot

2849

Others

2

#### District 4

FARNUM, WESLEY, South Berwick

2479

Others

12

#### District 5

MURPHY, ELEANOR M., Berwick

1894

Others

5

#### District 6

BURKE, RICHARD W., Lebanon

1227

CHICK, HOWARD A., Lebanon

1461

#### District 7

CARLETON, JOSEPH G., JR., Wells

3091

Others

3

#### District 8

AIELLO, KRISTIN L., Kennebunk

2211

LIBBY, JACK L., Kennebunk

2328

Others

2

#### District 9

CARR, ROBERT B., Sanford

1417

HALE, MONA WALKER, Sanford

1476

Others

1

#### District 10

BAILEY, ROBERT N., Sanford

953

TUTTLE, JOHN L., JR., Sanford

1567

#### District 11

NASS, RICHARD A., Acton

1953

YEATON, LORRAINE, Acton

1764

#### District 12

MCALVEY, MICHAEL J., Waterboro

1798

MONTEITH, JOHN C., Waterboro

1660

#### District 13

JOYNER, JEFFERY, Hollis

2053

THOMAS, RANDA L., Hollis

1358

Others

6

#### District 14

HARE, ROGER C., Buxton

1205

LIBBY, JAMES D., Buxton

2281

Others

1

#### District 15

GUILLORY, ROBERT L., Saco

1681

POIRIER, THEODORE M., Saco

1959

Others

5

#### District 16

NADEAU, GUY R., Saco

2665

#### District 17

JOYCE, STEVEN, Biddeford

2199

SHELTRA, CARL F., Biddeford

1732

#### District 18

BOONE, JACQUELINE R., Biddeford

537

TRUMAN, PETER P., Biddeford

1501

#### District 19

LAFOUNTAIN, LLOYD P., III, Biddeford

2968

Others

2

#### District 20

KERR, GEORGE J., Old Orchard Beach

2751

WEINSTEIN, NEAL L., Old Orchard Beach

736

Others

4

#### District 21

LAWSON, GEORGE R., Scarborough

1200

LOVETT, GLENYS P., Scarborough

2259

#### District 22

GERRY, AUDREY A., Gorham

1221

PENDLETON, ROBERT E., JR., Scarborough

1725

Others

3

#### District 23

KAKITIS, SALLY E., Gorham

1329

LABRECQUE, JANICE E., Gorham

1958

Others

2

#### District 24

DIPIETRO, SANTO, South Portland

2818

TRACEY, JAMES J., JR., South Portland

1091

Others

3

#### District 25

MARVIN, JEAN GINN, Cape Elizabeth

2618

SCHINK, ANNE B., Cape Elizabeth

1821

Others

3

#### District 26

CARPENTER, JUDY M., South Portland

1636

CLOUTIER, PETER A., South Portland

1829

LEGISLATIVE RECORD - HOUSE, DECEMBER 7, 1994

Others	1	Others	1
<u>District 27</u>		<u>District 43</u>	
BREWSTER, JAMES E., South Portland	1184	EVERY, BRUCE V., Standish	1490
JOHNSON, BIRGER T., South Portland	1559	GREENLAW, ERNEST C., Standish	1858
		Others	2
<u>District 28</u>		<u>District 44</u>	
EATON, RICHARD W., Westbrook	401	BUCK, JOHN T., Yarmouth	2563
O'GARA, WILLIAM B., Westbrook	1791	CARR, DOUGLAS S., Yarmouth	1830
RONDEAU, PHILIP C., Westbrook	791	Others	1
Others	1		
<u>District 29</u>		<u>District 45</u>	
LEMKE, WILLIAM, Westbrook	3035	FOOTE, THOMAS O., Hiram	1010
Others	6	TRUE, HARRY G., Fryeburg	2050
<u>District 30</u>		<u>District 46</u>	
MITCHELL, J. ELIZABETH, Portland	2412	WATERHOUSE, G. PAUL, Bridgton	3148
Others	1	Others	4
<u>District 31</u>		<u>District 47</u>	
OLIVER, JAMES V., Portland	2298	BLACK, HENRY W., Baldwin	1792
Others	12	THOMPSON, RICHARD H., Naples	1911
<u>District 32</u>		<u>District 48</u>	
RICHARDSON, FRED L., Portland	2778	BRADLEY, EDWARD F., JR., Freeport	1986
Others	5	HARTNETT, ROBERT R., Freeport	2185
<u>District 33</u>		<u>District 49</u>	
ADAMS, HERBERT C., Portland	1562	BENEDIKT, EDMUND, Brunswick	1465
Others	2	JOWETT, DOUGLAS R., Brunswick	1230
		Others	1
<u>District 34</u>		<u>District 50</u>	
GIERINGER, F. THOMAS, JR., Portland	1967	CHOATE, PETER, Brunswick	629
HOGLUND, ANNETTE M., Portland	1614	DAVIDSON, THOMAS M., Brunswick	1650
<u>District 35</u>		TREWORGY, AUSTIN, Brunswick	938
ROWE, G. STEVEN, Portland	2584	Others	1
Others	7		
<u>District 36</u>		<u>District 51</u>	
GALLIE, WALSTON C., Portland	1065	BARNES, GEORGE W., Harpswell	2030
TOWNSEND, ELIZABETH, Portland	2291	ETNIER, DAVID, Harpswell	2399
Others	1		
<u>District 37</u>		<u>District 52</u>	
BRENNAN, MICHAEL F., Portland	2558	BONGIORNO, JAMES M., Topsham	1616
FOSTER, WALTER H., IV, Portland	1083	TRIPP, VERDI L., Topsham	1632
Others	3	Others	1
<u>District 38</u>		<u>District 53</u>	
HOLMQUIST, WAYNE R., Raymond	1616	DUTILLE, H. KENNETH, Richmond	1370
TYLER, THOMAS M., Windham	1792	SHIAH, DAVID C., Bowdoinham	2153
Others	3	Others	1
<u>District 39</u>		<u>District 54</u>	
DAVIDSON, RICHARD W., Windham	1205	CUNNINGHAM, MAURICE, III, Bath	1075
KONTOS, CAROL A., Windham	2129	MAYO, ARTHUR F., III, Bath	1952
Others	1	Others	1
<u>District 40</u>		<u>District 55</u>	
REED, GARY W., Falmouth	3958	HOLT, MARIA GLEN, Bath	1720
		PEAVEY, JUDITH B., Woolwich	2032
<u>District 41</u>		Others	1
DUNN, BURCHARD A., Gray	2736	<u>District 56</u>	
HAZLETT, PETER N., New Gloucester	1165	FITZPATRICK, LAURI GILBERT, Bristol	2087
		RICE, CHESTER A., South Bristol	2325
<u>District 42</u>		<u>District 57</u>	
PORTER, JEFFREY W., Cumberland	1358	KILKELLY, MARJORIE L., Wiscasset	3179
TAYLOR, JOSEPH B., Cumberland	3161	Others	4



LEGISLATIVE RECORD - HOUSE, DECEMBER 7, 1994

<u>District 58</u> HEINO, CHARLES H., Boothbay Others	3733 5	<u>District 75</u> MOWER, KEVIN SCOTT, Greene NICKERSON, ROY I., Turner Others	1469 1744 1
<u>District 59</u> SPEAR, ROBERT W., Nobleboro TOWNSEND, VIRGINIA H., Waldoboro Others	2317 1289 1	<u>District 76</u> SAMSON, ROLAND B., Jay TOLMAN, JOHN R., SR., New Sharon Others	2335 1319 2
<u>District 60</u> BOWERS, JAMES S., Washington SAVAGE, CHRISTINE R., Union	1719 2149	<u>District 77</u> HEESCHEN, CONRAD, Wilton WELLS, VANCE M., Wilton	1739 1693
<u>District 61</u> SIMONEAU, RICHARD N., Thomaston SKOGLUND, JAMES G., St. George	2040 1770	<u>District 78</u> GERRITT, GREG, Industry GOOLEY, WALTER R., Farmington SHAFFER, SHEILA M., Industry	604 1584 795
<u>District 62</u> CHARTRAND, PAUL, Rockland FOWLIE, CLAYTON L., JR., Rockland	1422 1173	<u>District 79</u> AULT, WENDY L., Wayne BEATTIE, DONALD W., Winthrop	2722 1034
<u>District 63</u> GATES, GORDON P., Rockport NASH, LAWRENCE F., Camden	2246 1679	<u>District 80</u> DAMREN, CATHARINE L., Belgrade FULLER, ELAINE, Manchester	2228 2037
<u>District 64</u> BENNETT, WALTER A., Oxford UNDERWOOD, JOHN, Oxford	1191 1690	<u>District 81</u> HAM, F. FAY, Norridgewock HOLMES, KERRY L., Norridgewock MERES, JUNE C., Norridgewock Others	1263 448 1565 6
<u>District 65</u> BARTH, ALVIN L., JR., Bethel Others	3169 4	<u>District 82</u> MARSH, JOHN F., West Gardiner WATSON, ELIZABETH, Farmingdale	1869 1896
<u>District 66</u> DEXTER, EDWARD L., Kingfield MCGLOCKLIN, MONICA, Embden	1825 1510	<u>District 83</u> GREEN, BONNIE, Monmouth RIDLON, STEVEN L., Wales Others	1756 1695 2
<u>District 67</u> CARPENTER, NANCY S., Dixfield LUTHER, M. IDA, Mexico	1582 1607	<u>District 84</u> CHIZMAR, NANCY L., Lisbon HOWARTH, ROBERT A., Lisbon Others	1760 1067 6
<u>District 68</u> GRAY, DENNIS B., Norway WINSOR, TOM J., Norway	1404 1793	<u>District 85</u> FITZPATRICK, MICHAEL J., Durham FRASER, RUTH E., Brunswick Others	1868 1738 3
<u>District 69</u> BIRNEY, BRENDA, Paris Others	2776 1	<u>District 86</u> POULIOT, ROGER M., Lewiston Others	2815 5
<u>District 70</u> CAMERON, ROBERT A., Rumford ERWIN, PHYLLIS R., Rumford Others	1813 1606 2	<u>District 87</u> RICKER, GEORGE F., Lewiston Others	1854 2
<u>District 71</u> AIKMAN, ROSALIE H., Poland Others	2272 9	<u>District 88</u> LEMAIRE, PATRICIA, Lewiston PETERS, NELSON M. J., JR., Lewiston Others	1924 1496 3
<u>District 72</u> COTE, CONSTANCE D., Auburn WINGLASS, ROBERT J., Auburn	1802 2080	<u>District 89</u> GAMACHE, ALBERT P., Lewiston SMILEY, DANIEL LUKE, Lewiston Others	955 661 1
<u>District 73</u> MURPHY, BELINDA A., Auburn	1424		
<u>District 74</u> DORE, SUSAN E., Auburn LABRECQUE, MICHAEL, Auburn YOUNG, DAVID C., Auburn	1825 475 882		

LEGISLATIVE RECORD - HOUSE, DECEMBER 7, 1994

<u>District 90</u>		LINDAHL, DAVID A., Northport	2249
BOUFFARD, GERALD N., Lewiston	1729	PATTERSON, HELEN ELIZABETH, Belfast	1068
MADORE, SUSAN M., Lewiston	1432	Others	2
Others	3	<u>District 106</u>	
<u>District 91</u>		CHASE, GAIL M., China	1744
KELLEY, DAVID A., Gardiner	1246	WIAND, H. FREDERICK, China	1447
TREAT, SHARON, Gardiner	1992	Others	12
Others	3	<u>District 107</u>	
<u>District 92</u>		TUFTS, ROBERT L., Stockton Springs	1915
DUSON, JILL C., Hallowell	1816	WATSON, JOSEPH R., Winterport	1697
GUERRETTE, WILLIAM, Pittston	1996	Others	6
<u>District 93</u>		<u>District 108</u>	
BERRY, RANDALL L., Livermore	1736	STEDMAN, VAUGHN, Hartland	1870
BOOTHBY, L. CLINTON, Livermore	1584	TOWNSEND, LOUISE, Canaan	1150
Others	1	<u>District 109</u>	
<u>District 94</u>		MAGUIRE, GREGORY W., Searsmont	1301
EDWARDS, JEFFREY C., Augusta	1678	WHITCOMB, WALTER E., Waldo	2359
MITCHELL, ELIZABETH H., Vassalboro	2080	<u>District 110</u>	
Others	1	CHEESEMAN, ALICE C., Unity	1333
<u>District 95</u>		GEARY, RAYMOND J., Freedom	533
MADORE, DAVID R., Augusta	1559	MCELROY, RODNEY W., Unity	1357
PARADIS, PATRICK E., Augusta	1541	Others	7
Others	1	<u>District 111</u>	
<u>District 96</u>		GOULD, RICHARD A., Greenville	1884
DAGGETT, BEVERLY C., Augusta	1596	NEAL, PETER B., Guilford	1647
O'BRIEN, JULIE ANN, Augusta	1566	Others	2
Others	1	<u>District 112</u>	
<u>District 97</u>		CROSS, RUEL P., Dover-Foxcroft	2662
LIBBY, DOUGLAS L., Madison	1194	Others	48
ROTONDI, DOROTHY A., Athens	1696	<u>District 113</u>	
<u>District 98</u>		BIGL, JOSEPH H., Bucksport	1888
HATCH, PAMELA H., Skowhegan	1650	SWAZEY, E. MICHAEL, Bucksport	1710
SMITH, GARY D., Skowhegan	602	Others	2
WHITMAN, LEONARD C., Skowhegan	844	<u>District 114</u>	
<u>District 99</u>		MULLEN, LENORE M., Hampden	1384
JOSEPH, RUTH, Waterville	2018	PLOWMAN, DEBRA D., Hampden	2661
Others	4	Others	2
<u>District 100</u>		<u>District 115</u>	
JACQUES, PAUL F., Waterville	2259	FISHER, CHARLES D., Brewer	2065
Others	1	ROBERTSON, GERALD D., Brewer	1620
<u>District 101</u>		Others	4
GWADOSKY, DAN A., Fairfield	2627	<u>District 116</u>	
Others	1	CAMPBELL, RICHARD H., Holden	3276
<u>District 102</u>		Others	9
VIGUE, MARC J., Winslow	2609	<u>District 117</u>	
<u>District 103</u>		STONE, RICHARD I., Bangor	1692
PHILBRICK, ROBERT E., Sidney	1658	SULLIVAN, CHARLES M., Bangor	1623
POULIN, THOMAS E., Oakland	1864	<u>District 118</u>	
Others	1	LUMBRA, LISA, Bangor	1740
<u>District 104</u>		MORSE-DWELLEY, MARY, Bangor	1457
CLEMENT, ARTHUR H., Clinton	1430	<u>District 119</u>	
JONES, SUMNER A., JR., Pittsfield	1615	BAIR, JAMES T., Bangor	1187
Others	1	MORRISON, HUGH A., Bangor	1225
<u>District 105</u>		Others	1
		<u>District 120</u>	

LEGISLATIVE RECORD - HOUSE, DECEMBER 7, 1994

EAMES, G. CLIFTON, Bangor	1418	<u>District 136</u>	
SAXL, JANE W., Bangor	1494	BUNKER, GEORGE H., JR., Kossuth Twp.	1292
		GRAY, DURWOOD E., East Machias	885
<u>District 121</u>		LARSON, PATRICK C., Aurora	890
KEANE, ROBERT, Old Town	2360	Others	1
SNYDER, THOMAS J., JR., Old Town	986		
Others	1	<u>District 137</u>	
<u>District 122</u>		BROWN, MARK OLIVER, LaGrange	1057
CURTIS, THEODORE S., JR., Orono	1738	HICHBORN, CLYDE A., LaGrange	1510
WINN, JULIE, Glenburn	1918	Others	3
Others	2	<u>District 138</u>	
<u>District 123</u>		BRUCE, VANESSA NUTTER, Enfield	1458
LITTLEFIELD, BRENT, Orono	777	LANE, PRISCILLA, Enfield	1712
STEVENS, KATHLEEN A., Orono	1374	Others	2
Others	4	<u>District 139</u>	
<u>District 124</u>		LIBBY, GALVEN V., JR., Chester	1241
CREIGHTON, SHARON H., Etna	1417	ROSEBUSH, JON M., East Millinocket	2031
YACKOBITZ, ROBERT E., Hermon	1917	Others	1
<u>District 125</u>		<u>District 140</u>	
COX, ROBERT E., Newport	1139	BARTON, JUDYTH F., Millinocket	594
STROUT, DONALD A., Corinth	2356	CLARK, HERBERT E., Millinocket	2571
<u>District 126</u>		<u>District 141</u>	
REED, WILLIAM F., Dexter	2658	JOY, HENRY L., Crystal	1988
<u>District 127</u>		LANE, RUTH K., Sherman	897
HIGGINS, DALE D., Ellsworth	1440	<u>District 142</u>	
POVICH, EDWARD J., Ellsworth	2569	BELL, CATHERINE B., Houlton	1069
Others	2	CLUKEY, DEAN F., Houlton	1838
<u>District 128</u>		<u>District 143</u>	
PERKINS, ROYCE W., Penobscot	2430	DEAN, PERLEY M., Presque Isle	1404
WALKER, ELLEN W., Blue Hill	2058	WHEELER, EDGAR, Bridgewater	1539
Others	1	Others	1
<u>District 129</u>		<u>District 144</u>	
SEAVEY, GARY W., Tremont	1522	BROWN, JAMES, Easton	1153
VOLENIK, PAUL, Sedgwick	2024	KNEELAND, RICHARD, Easton	2207
<u>District 130</u>		<u>District 145</u>	
JONES, KYLE W., Bar Harbor	2106	DONNELLY, JAMES O., Presque Isle	1940
WORCESTER, BEN C., III, Southwest Harbor	1213	GRANT, MARTHA A., Presque Isle	718
Others	2	<u>District 146</u>	
<u>District 131</u>		DESMOND, MABEL J., Mapleton	1703
LASELL, JOHN M., Franklin	1253	FOWLER, DALE V., Woodland	1438
LAYTON, JAMES D., Cherryfield	2032	<u>District 147</u>	
<u>District 132</u>		BELL, WILFRED J., Caribou	1092
BELLOWS, DEXTER R., Hancock	1157	ROBICHAUD, JULIE-MARIE, Caribou	1680
DEDAM, JOHN, Sorrento	556	<u>District 148</u>	
PINKHAM, WILLIAM D., Lamoine	1633	KILPATRICK, PATRICIA W., Limestone	281
<u>District 133</u>		O'NEAL, GARY L., Limestone	519
GILMORE, JOHN S., JR., Machias	1317	<u>District 149</u>	
LOOK, THEONE F., Jonesboro	1410	SIROIS, ROSAIRE J., Caribou	1910
Others	2	Others	5
<u>District 134</u>		<u>District 150</u>	
BAILEY, HARRY W., Township 27	1566	AHEARNE, DOUGLAS J., Madawaska	2947
GOODWIN, ALBION D., Pembroke	1468	Others	3
<u>District 135</u>		<u>District 151</u>	
COLSON, KENNETH, Calais	1270	CONNORS-CARLSON, SHIRLEE, St. John Plt.	724
DRISCOLL, JOSEPH D., Calais	1565	MARTIN, JOHN L., Eagle Lake	2513

I, BILL DIAMOND, Secretary of State, hereby certify that the foregoing report is a true tabulation of the votes cast for State Representatives at the General Election, as reported to me on the returns from the cities, towns and plantations of the State.

S/BILL DIAMOND  
Secretary of State

Was read and ordered placed on file.

---

The following Communication: (H.C. 6)  
PENOBSCOT INDIAN NATION  
Community Building  
Indian Island  
Old Town, Maine 04468

September 15, 1994  
Joseph W. Mayo  
Clerk of the House of Representatives  
Clerk's Office Room 300  
State House  
Augusta, Maine 04333

Dear Clerk Mayo:

This is to certify that Priscilla A. Attean was duly re-elected Representative to the State Legislature for a term of two years beginning on the first day of October 1994 and ending on September 30, 1996.

The Biennial General Tribal Election was held on September 13, 1994, under the provisions of Chapter 4 of the Penobscot Nation Laws & Ordinances.

Sincerely,  
S/Lorraine Dana  
Tribal Clerk

Was read and ordered placed on file.

---

The following Communication: (H.C. 7)  
PASSAMAQUODDY TRIBE  
JOINT COUNCIL OFFICE  
136 NORTH STREET  
CALAIS, ME 04619

November 30, 1994  
Honorable Joseph W. Mayo  
Clerk of the House  
State House Station 2  
Augusta, Maine 04333-0002

Dear Clerk Mayo:

Certified that the Passamaquoddy Tribe duly elected Frederick J. Moore III, as Tribal Representative to the Maine State Legislature in a term of four years commencing October 1, 1994 to September 30, 1998.

Tribal Elections were held at the Pleasant Point Reservation on September 6, 1994 and the Indian Township Reservation on September 7, 1994 according to the Tribal Election Laws.

Sincerely,  
S/Mary J. Lola, Clerk  
Joint Tribal Council  
Passamaquoddy Tribe

Was read and ordered placed on file.

---

The following Communication: (H.C. 8)  
UNIVERSITY OF MAINE  
5729 Raymond H. Folger Library  
Orono, Maine 04469-5729

April 26, 1994

The Honorable Dan A. Gwadosky  
Speaker of the House of Representatives  
State House Station #2  
Augusta, Maine 04333

Dear Speaker Gwadosky:

I am pleased to submit the second annual report of the Maine State Cultural Affairs Council as required by Title 27, Section 557 of the Maine Revised Statutes.

Established in February 1991, the Council unites four of the state's cultural agencies for efficient administrative procedure and the encouragement of cooperation within the cultural affairs of Maine.

This report covers Fiscal Year 1993.

Respectfully submitted,  
S/Elaine M. Albright  
Interim Chair

Was read and with accompanying report ordered placed on file.

---

The following Communication: (H.C. 9)  
HEALTH CARE FINANCE COMMISSION  
State House Station 102  
Augusta, Maine 04333  
August 1, 1994

The Honorable Dan A. Gwadosky  
Speaker, Maine House of Representatives  
State House Station Two  
Augusta, Maine 04333

Dear Speaker Gwadosky:

I am pleased to transmit to you the Commission's Annual Report. My fellow Commissioners and I hope that our report will be helpful to you and the other members of the Legislature in your efforts to formulate and implement health policy for Maine.

Our report indicates that the cost of hospital services has increased at a significantly lower rate in Maine than in our neighboring states and the nation since the establishment of Maine's hospital payment system. These lower rates of increase have directly benefitted Maine payors in the form of lesser payments and have made hospital services more accessible to Maine citizens.

Unfortunately, this progress in cost containment has been somewhat clouded by the continuing failure of the federal government to pay its fair share of the cost of hospital services. Governmental payment shortfalls have increased significantly over the past several years, causing higher hospital charges and greater payments by Maine's private payors. We recognize that this problem is not unique to Maine and that its solution may require a national initiative.

In our last Annual Report we described the implementation process for the major statutory amendments enacted in 1989. This year we present a preliminary assessment of the impact of these amendments on hospitals and payors. It appears that the amendments have increased the burden on payors and reduced the effectiveness of the payment system in containing costs. We believe these outcomes suggest careful scrutiny of the amendments as additional data becomes available.

We look forward to working with you to assure that quality hospital care is available to all Maine citizens at an affordable cost.

Sincerely yours,  
S/Rosalyn S. Bernstein  
Chairman

Was read and ordered placed on file.

The following Communication: (H.C. 10)  
116th Maine Legislature  
December 7, 1994

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

Dear Clerk Mayo:

On May 2, 1994, pursuant to our authority under Chapter 297 of the Public Laws of Maine, 1993, we appointed Richard Pushard of Portland to serve as the representative of the American Automobile Association on the Task Force to Study the Safe Mobility of Maine's Aging Population. He will be replacing Ellen Kornetsky who has resigned.

On May 12, 1994, pursuant to our authority under Chapter 707 of the Public Laws of Maine, 1993, we appointed Rep. Charlene B. Rydell of Brunswick to serve on the Maine Health Care Reform Commission. This appointment is subject to the review and approval of the Joint Standing Committee on Banking and Insurance.

On May 12, 1994, pursuant to our authority under Chapter 707 of the Public Laws of Maine, 1993, we appointed Rep. George A. Townsend of Eastport to serve as the legislative member on the Atlantic States Marine Fisheries Commission.

On June 21, 1994, pursuant to our authority under Chapter 707 of the Public Laws of Maine, 1993, we appointed Neil Rolde of York to serve on the Maine Health Care Reform Commission. He will be replacing Rep. Charlene Rydell who is unable to serve on the Commission.

On June 23, 1994, pursuant to our authority under Chapter 508 of the Public Laws of Maine, 1993, we appointed Sen. Jane A. Amero of Cumberland (Education Committee), Rep. George J. Kerr of Old Orchard Beach (Appropriations Committee), Barbara J. Keefe of Cumberland Foreside (Public Educator), Roxanne Baker of Portland (Deaf Community), and Lois Morin of East Sebago (Deaf Community) to serve on the Committee to Study the Operations of the Governor Baxter School for the Deaf.

On June 23, 1994, pursuant to our authority under Chapter 699 of the Public Laws of Maine, 1993, we appointed Sen. Judy Paradis of Aroostook, Rep. Robert J. Tardy of Palmyra, Rep. Richard Kneeland of Easton, Ronald Ahlquist of Scarborough (Maine State Employees Association), and Vernon DeLong of Presque Isle (Agricultural Bargaining Council) to serve on the Commission to Study Potato Quality Issues.

On June 27, 1994, pursuant to our authority under Chapter 100 of the Private and Special Laws of Maine, 1993, we appointed Sen. Richard J. Carey of Kennebec (Taxation Committee), Rep. Susan E. Dore of Auburn (Taxation Committee), Sen. Stephen E. Hall of Piscataquis (Legislator whose district includes unorganized territory), Rep. Clyde A. Hichborn of LaGrange (Legislator whose district includes unorganized territory), Rep. Richard A. Gould of Greenville (Legislator whose district includes unorganized territory), Roland D. Martin of Caribou (Public) and James A. McBreaity of Perham (Public)

to serve on the Unorganized Territory Education and Services Fund Study Commission.

On June 27, 1994, pursuant to our authority under Chapter 576 of the Public Laws of Maine, 1993, we appointed Sen. Richard J. Carey of Kennebec, Rep. Robert J. Tardy of Palmyra, Rep. Annette M. Hoglund of Portland, Rep. Eleanor M. Murphy of Berwick, and Rep. Robert W. Spear of Nobleboro to serve on the Subcommittee of the Joint Standing Committee on Taxation to Review Changes in Tree Growth and Open Space Laws.

On June 30, 1994, pursuant to our authority under Chapter 72 of the Private and Special Laws of Maine, 1993, we appointed Sen. Margaret G. Ludwig of Aroostook (Energy Committee), Rep. Robert J. Tardy of Palmyra (Agriculture Committee), Rep. Paul F. Jacques of Waterville (Fisheries and Wildlife Committee), Evelyn deFrees of Gardiner (Environmental Organization) and Nancy Carter of Alfred (Environmental Organization) to serve on the Commission to Study the Permitting of Cranberry Growing Operations.

On July 12, 1994, pursuant to our authority under Chapter 72 of the Private and Special Laws of Maine, 1993, we appointed Todd Burrows of Falmouth to serve on the Commission to Study the Permitting of Cranberry Growing Operations. He will be replacing Evelyn deFrees who has declined our recent appointment to serve on the Commission.

On July 27, 1994, pursuant to our authority under Chapter 297 of the Public Laws of Maine, 1993, we appointed Joseph Kott of Portland to represent the Maine Transit Association on the Task Force to Study the Safe Mobility of Maine's Aging Population. He will be replacing Tracy Perez who no longer qualifies.

On July 27, 1994, pursuant to our authority under Chapter 720 of the Public Laws of Maine, 1993, we appointed Rep. James Reed Coles of Harpswell to serve as the Energy and Natural Resources Committee non-voting member on the Technical Advisory Group to the Ambient Water Toxics Monitoring Program.

On August 5, 1994, pursuant to our authority under Chapter 100 of the Private and Special Laws of Maine, 1993, we appointed Rep. Eleanor Murphy of Berwick as a Taxation Committee member on the Unorganized Territory Education and Services Study Commission. She will be replacing Rep. Susan Dore who is unable to serve.

On August 5, 1994, pursuant to our authority under 30-A M.R.S.A., Section 5041, we reappointed Christalyn Cote of Augusta to serve on the Interagency Task Force on Homelessness and Housing Opportunities.

On August 9, 1994, pursuant to our authority under Chapter 737 of the Public Laws of Maine, 1993, we appointed Rep. Hugh Morrison of Bangor to serve as the representative of the Joint Select Committee on Corrections on the Oversight Committee on Performance-Based Contracting.

On August 9, 1994, pursuant to our authority under Chapter 72 of the Resolves of Maine, 1993, we appointed Sen. Rochelle Pingree of Knox and Rep. Beverly Daggett of Augusta to serve as the legislative members on the Commission to Study Biotechnology and Genetic Engineering.

On August 9, 1994, pursuant to our authority under Chapter 699 of the Public Laws of Maine, 1993, we appointed Carl Leinonen of Augusta to serve as the representative of the Maine State Employees

Association on the Commission to Study Potato Quality Issues. He will be replacing Ronald Ahlquist.

Sincerely,

S/Dennis L. Dutremble S/Dan A. Gwadosky  
President of the Senate Speaker of the House  
Was read and ordered placed on file.

The following Communication: (H.C. 11)  
STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE 04333  
December 7, 1994

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

Dear Clerk Mayo:

On May 9, 1994, pursuant to my authority under Chapter 600 of the Public Laws of Maine, 1993, I appointed Rep. Elizabeth Townsend of Portland to serve as the House member on the Board of the Maine Children's Trust, Inc.

On June 2, 1994, pursuant to my authority under Chapter 73 of the Resolves of Maine, 1993, I appointed George Soucy, Augusta Code Enforcement Officer; William Nye of Cumberland Center; A. Leigh Phillips of Islesboro; and Ronald Hanson of Winthrop to serve on the People with Disabilities Access Commission.

On June 20, 1994, pursuant to my authority under Chapter 708 of the Public Laws of Maine, 1993, and in my capacity as Chair of the Legislative Council, I appointed Rep. Dorothy A. Rotondi of Athens to serve as the legislative member on the Advisory Committee on Improving Outdoor Recreational Opportunities for Persons with Disabilities.

On June 20, 1994, pursuant to my authority under Chapter 75 of the Resolves of Maine, 1993, I appointed Gordon Roderick of Waterville and Andrea Cianchette Maker of North Yarmouth to serve on the Commission on the Future of Maine's Paper Industry. Mr. Roderick will represent the interests of labor and Ms. Maker will serve as someone with expertise in business.

On July 5, 1994, pursuant to my authority as Speaker of the House, I appointed Rep. Paul Jacques of Waterville (House Chair), Rep. Beverly Daggett of Augusta, Rep. Richard Gould of Greenville, Rep. Marge Kilkelly of Wiscasset, Rep. Herbert Adams of Portland, Rep. Carol Kontos of Windham, Rep. Malachi Anderson of Woodland, Rep. Rosalie Aikman of Poland, Rep. John Marsh of West Gardiner, and Rep. Lawrence Nash of Camden to serve on the Select Committee to Study and Review the Implementation of the Auto Emissions Inspection Program.

On July 19, 1994, pursuant to my authority under Chapter 664 of the Public Laws of Maine, 1993, I appointed Dr. John T. Chen of Waterville to serve as the public member on the Advisory Commission on Radioactive Waste. His initial appointment will expire on December 31, 1994.

On July 27, 1994, pursuant to my authority under Chapter 74 of the Resolves of Maine, 1993, I appointed Rep. Sharon Anglin Treat of Gardiner, Rep. Birger Johnson of South Portland, Rep. Joseph Bruno of Raymond, Joel Rekas of Portland, Paul Christian of

Saco, and Mark Swann of Portland to serve on the Blue Ribbon Commission on Hunger and Food Security.

On July 28, 1994, pursuant to my authority under Chapter 698 of the Public Laws of Maine, 1991, I reappointed John Moore Fernald of Portland to serve a two-year term on the Oil Spill Advisory Committee.

On August 3, 1994, pursuant to my authority under Chapter 55 of the Resolves of Maine, 1993, I appointed Rep. Guy Nadeau of Saco to serve on the Technical College Study Committee.

On August 5, 1994, pursuant to my authority under 37-B M.R.S.A., Section 792, I appointed Richard Muzerolle of Waterville to serve as the labor representative on the State Emergency Response Commission.

On August 18, 1994, pursuant to my authority under Chapter 684 of the Public Laws of Maine, 1993, I appointed Nathaniel J. Crowley, Sr., of Stockton Springs and Dr. Jean E. Lavigne of Bangor to serve on the Committee to Study Organizational and Tax Issues in Public Schools.

On September 22, 1994, pursuant to my authority under Chapter 73 of the Resolves of Maine, 1993, I appointed Pauline Lamontagne of Augusta to serve on the People with Disabilities Access Commission. She will be replacing A. Leigh Phillips who is unable to serve.

On October 20, 1994, pursuant to my authority under Chapter 500 of the Public Laws of Maine, 1993, I reappointed Stanley Eller of Manchester to serve on the Pollution Prevention Advisory Committee.

On October 20, 1994, pursuant to my authority under Chapter 737 of the Public Laws of Maine, 1993, I appointed Rep. Donald Gean of Alfred, Rep. George Kerr of Old Orchard Beach, Rep. Joseph Bruno of Raymond, and Reynold Raymond of Eagle Lake to serve on the Oversight Committee on Performance-Based Contracting (which replaces the Administrative Costs Task Force).

Sincerely,  
S/Dan A. Gwadosky  
Speaker of the House

Was read and ordered placed on file.

The following Communication: (H.C. 12)  
STATE OF MAINE  
DEPARTMENT OF THE SECRETARY OF STATE

I, the Secretary of State of the State of Maine, do hereby Certify that the paper to which this is attached is a true copy from the records of this office.

In Testimony Whereof, I have caused the Great Seal of the State to be hereunto affixed. GIVEN under my hand at Augusta, this Twenty-Ninth day of November in the year of our Lord one thousand nine hundred and ninety-four.  
S/Bill Diamond  
Secretary of State

RESOLUTION OF THE JOINT TRIBAL COUNCIL OF THE  
PASSAMAQUODDY TRIBE, ADOPTED AT A MEETING  
HELD AT INDIAN TOWNSHIP RESERVATION  
ON JUNE 8TH, 1994

**WHEREAS**, the Maine Legislature has enacted P.L. 1993, c. 600, "An Act Related to Periodic Justification of Departments and Agencies of State Government Under the Maine Sunset Act,"; and

**WHEREAS**, certain provisions of that Act amend the provisions of the Maine Indian Land Claims Settlement act establishing the Maine Indian Tribal-State Commission; and

**WHEREAS**, Section A-25 of P.L. 1993, c. 600 provides that it will not become effective unless it is approved by the Joint Tribal Council of the Passamaquoddy Tribe and the Governor and Council of the Penobscot Nation, and certification thereof is filed with the Maine Secretary of State within 60 days of the adjournment of the Maine Legislature; and

**WHEREAS**, Title 25, Section 1725(e) of the United States Code grants the consent of Congress to any amendment of the Maine Implementing Act affecting the Passamaquoddy Tribe and the Penobscot Nation when the amendment relates to "the enforcement of application of civil, criminal, or regulatory laws of the Passamaquoddy Tribe, the Penobscot Nation, and the State within their respective jurisdiction," or to "the allocation or determination of governmental responsibility of the State and the tribe or nation over specified subject matters..., between the State and the tribe or nation" provided the amendment is made with the agreement of the Passamaquoddy Tribe and the Penobscot Nation; and

**WHEREAS**, P.L. 1993, c. 600 authorizes the Tribal-State Commission to accept and administer loans, grants and contributions from public or private sources to carry out the purposes for which the Commission was created; and

**WHEREAS**, the provisions of P.L. 1993, c. 600 pertaining to the Tribal State Commission are considered beneficial to the Passamaquoddy Tribe,  
NOW THEREFORE BE IT RESOLVED:

THAT, pursuant to the provisions of Title 3, Section 601 of the Maine Revised Statutes and Section A-25 of P.L. 1993, c. 600, the Joint Tribal Council of the Passamaquoddy Tribe hereby agrees to and approves the provisions of P.L. 1993, c. 600 enacted by the Maine Legislature pertaining to the Maine Indian Tribal-State Commission, including specifically the portion of that Act amending Title 30, Section 6212, and further directs that a written certification to that effect be prepared, executed and submitted to the Secretary of State of the State of Maine in accordance with the provisions of Title 3, Section 601 of the Maine Revised Statutes forthwith.

#### CERTIFICATION

I, the undersigned officer designated by the Joint Tribal Council of the Passamaquoddy Tribe pursuant to Title 3, Section 602 of the Maine Revised Statutes, do hereby certify that a meeting of the Joint Tribal Council of the Passamaquoddy Tribe was held at the Indian Township Reservation, Washington County, Maine on June 8th, 1994, and do further certify that the foregoing Resolution was duly adopted by the Joint Tribal Council at that meeting.

Dated: June 8, 1994 ATTEST: S/Madonna M. Soctomah  
Certifying Officer

#### RESOLUTION OF THE JOINT TRIBAL COUNCIL OF THE PASSAMAQUODDY TRIBE, ADOPTED AT A MEETING HELD AT PLEASANT POINT RESERVATION ON MAY 11, 1994

**WHEREAS**, the Legislature of the State of Maine has passed "An Act Relating to the Definition of Passamaquoddy Indian Territory," which was approved by the Governor of Maine and designated P.L. 1993, c. 713, and which includes an amendment to the Maine Indian Claims Settlement Act (the "Maine Implementing Act");

**WHEREAS**, Section 2 of P.L. 1993, c. 713 provides that it will not become effective unless it is approved by the Joint Tribal Council of the Passamaquoddy Tribe and a certification thereof is filed with the Maine Secretary of State within 60 days of the adjournment of the Maine Legislature;

**WHEREAS**, Title 25, Section 1725(e) of the United States Code grants the consent of Congress to any amendment of the Maine Implementing Act affecting the Passamaquoddy Tribe when the amendment relates to "the enforcement of application of civil, criminal, or regulatory laws of the Passamaquoddy Tribe...and the State within their respective jurisdiction," or to "the allocation or determination of governmental responsibility of the State and the tribe...over specified subject matters...,including provision of concurrent jurisdiction between the State and the tribe..." provided the amendment is made with the agreement of the Passamaquoddy Tribe;

**WHEREAS**, P.L. 1993, c. 713 authorizes taking land in Calais into trust with the approval of the City of Calais, if a tribal-state compact under the federal Indian Gaming Regulatory Act is agreed to by the State and the Passamaquoddy Tribe of the State is ordered by a court to negotiate such a compact; and  
**WHEREAS**, this legislative change is deemed beneficial to the Passamaquoddy Tribe,  
NOW THEREFORE, BE IT RESOLVED:

That, pursuant to the provisions of Title 3, Section 601 of the Maine Revised Statutes and Section 2 of P.L. 1993, c. 713, the Joint Tribal Council of the Passamaquoddy Tribe hereby agrees to and approves the provisions of P.L. 1993, c. 713 enacted by the Maine Legislature, including specifically the portion thereof amending Title 30, Section 6205, subsection 1, and further directs that a written certification to that effect be prepared, executed and submitted to the Secretary of State of the State of Maine in accordance with the provisions of Title 3, Section 601 of the Maine Revised Statutes forthwith.

#### CERTIFICATION

I, the undersigned officer designated by the Joint Tribal Council of the Passamaquoddy Tribe pursuant to Title 3, Section 602 of the Maine Revised Statutes, do hereby certify that a meeting of the Joint Tribal Council of the Passamaquoddy Tribe was held at the Pleasant Point Passamaquoddy Reservation, Washington County, Maine, on May 11, 1994, and do further certify that the foregoing Resolution was duly adopted by the Joint Tribal Council at that meeting.

Dated: 5/11/94 ATTEST: S/Madonna M. Soctomah  
Certifying Officer  
Was read and ordered placed on file.

The following Communication: (H.C. 13)  
STATE OF MAINE  
DEPARTMENT OF THE SECRETARY OF STATE

I, the Secretary of State of the State of Maine, do hereby Certify that the paper to which this is attached is a true copy from the records of this office.

In Testimony Whereof, I have caused the Great Seal of the State to be hereunto affixed.  
GIVEN under my hand at Augusta, this Sixth day of December in the year of our Lord one thousand nine hundred and ninety-four.  
S/Bill Diamond  
Secretary of State

RESOLUTION  
NUMBER 06-08-94-01  
OF THE PENOBSCOT NATION

**WHEREAS**, the Penobscot Nation is a federally recognized Indian Tribe; and  
**WHEREAS**, the Penobscot Tribal Governor and Council is the duly authorized and elected governing body of the Penobscot Nation;  
**WHEREAS**, the Penobscot Nation held a General Meeting June 8, 1994, for the purpose of approving or disapproving legislation that was enacted by the 116th Legislature for the State of Maine;  
**THEREFORE, BE IT RESOLVED**, that the Penobscot Nation approved Resolution 06-08-01: H.P. 1368 - L.D. 1851 An Act Related to Periodic Justification of Departments and Agencies of State Government Under the Maine Sunset Act.

CERTIFICATION

I, Lorraine Dana, hereby certify that I am the Tribal Clerk of the Penobscot Nation and official custodian of certain records, including Minutes of the Meetings of the Penobscot Indian Nation, a federally recognized and sovereign Indian Tribe duly organized and existing under the Laws of the United States, and that the foregoing is a true, accurate and compared transcript of resolutions contained in the Minute Book of the Nation, adopted at a General Meeting of said Nation, duly held on the 8th day of June, 1994, and that the proceedings of said Nation, and that the said resolutions have not been amended or revoked and is in full force and effect.

S/Reuben Phillips                      S/Lorraine Dana  
Lt. Governor                      Tribal Clerk  
Was read and ordered placed on file.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Resolve, Directing the Department of Environmental Protection to Extend the Deadline for Licensure of the Transfer Station on Long Island (EMERGENCY) (H.P. 4) (L.D. 1) (Presented by Representative ADAMS of Portland) (Cosponsored by Representative: MITCHELL of Portland, Senators: ABROMSON of Cumberland, MICHAUD of Penobscot, RAND of Cumberland)

Committee on Energy & Natural Resources suggested.  
On motion of Representative JACQUES of Waterville, the Bill was tabled pending reference and later today assigned.

ORDERS

On motion of Representative MITCHELL of Vassalboro, the following Order (H.O. 1):

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

Was read and passed.

On motion of Representative ADAMS of Portland, the following Order (H.O. 2):

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

Was read and passed.

On motion of Representative ROTONDI of Athens, the following Order (H.O. 3):

**ORDERED**, that the remaining subordinate officers of the House be appointed to serve for the present biennium as follows: by the Clerk, a Chief Calendar Clerk, two Advance Journal and Calendar Clerks, a Roll Call and Amendment Clerk, a Journal Copy Clerk, a House Reporter, a Systems Support Coordinator, a Telephone Receptionist, and an Office Secretary; and be it further

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

Was read and passed.

On motion of Representative TREAT of Gardiner, the following Order (H.O. 4):

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

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

Was read and passed.

On motion of Representative JACQUES of Waterville, the following Order: (H.O. 5)

**ORDERED**, that the Rules of the 116th Maine House of Representatives shall be the House Rules of the 117th Maine House of Representatives, except that in the second sentence of House Rule 54 the date, "January 26, 1993," shall be repealed and replaced to read, "the third Friday in January."

Was read.

On motion of Representative JACQUES of Waterville, tabled pending passage and later today assigned.

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

**ORDERED**, the Senate concurring, that any Town or City Clerk or Board of County Commissioners may, upon written request to the Clerk of the House, receive



without charge, copies of all printed bills, so that there may be available to the public during the legislative session a complete and convenient file of all printed bills; and be it further

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

Was read and passed and sent up for concurrence.

On motion of JACQUES of Waterville, the following Joint Order (H.P. 3):

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

Was read and passed and sent up for concurrence.

On motion of VIGUE of Winslow, the following Joint Order (H.P. 5):

**ORDERED**, the Senate concurring, that there be prepared, after adjournment of the present session, a Register of all the Bills and Resolves considered by both branches of the Legislature, showing the history and final disposition of each Bill and Resolve and that there be printed sufficient copies to meet the needs of the Legislature. A copy shall be mailed to each member and officer of the Legislature and the State Law and Legislative Reference Library.

Was read and passed and sent up for concurrence.

On motion of JACQUES of Waterville, the following Joint Order (H.P. 6):

**ORDERED**, the Senate concurring, that the Joint Rules of the 116th Legislature shall be the Joint Rules of the 117th Legislature except that Joint Rule 13-B shall be repealed and replaced to read:

**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.

No Joint Rule or Joint Order shall be altered or repealed, nor shall any new standing rule or order be adopted, unless one day's previous notice thereof be given in each case, and such notice shall be entered on the journal of each House. Notwithstanding Joint Rule 9, reports of the committee that propose amendments to the rules may be adopted by majority vote in each House, until and including the end of the session on the third Friday in January.

Was read.

On motion of Representative JACQUES of Waterville, tabled pending passage and later today assigned.

Representative Jacques of Waterville was granted unanimous consent to address the House.

Representative JACQUES: Mr. Speaker, Men and Women of the House: I would be remiss if I did not extend my heart felt gratitude to the members of the House today for allowing Representative Hale the opportunity to cast a ballot in the election for Speaker and the officers of the House.

It was clearly very important to her today to be here. She did come down (I guess) against the advise of her family, against the advise of some of us. But, she felt that it was very important that she got sworn in here today with all of you.

She regrets that she cannot stay for the whole day but I can pass the message on after spending some time with her — she really does indeed appreciate the fact that you allowed her to vote for the officers of the House.

Hopefully, we will be asking the Joint Convention to offer the same courtesy to her this afternoon. But regardless of what happens there, I did want to extend her thanks to all the members of this House.

I would like to extend my thanks to my two counterparts across the aisle, Representative Whitcomb and Representative Carleton, for their gracious allowance of her to represent her people the way she felt she should. I thank you for that.

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

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

**ORDERED**, the Senate concurring, that the Speaker of the House is authorized, at his discretion, to permit radio or television in the Hall of the House of Representatives while the House is in session, or during joint conventions of the Legislature.

Was read and passed and sent up for concurrence.

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

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

#### IN CONVENTION

The President of the Senate, the Honorable Jeffrey H. Butland, in the Chair.

The Convention was called to order by the Chairman.

On motion of Senator HARRIMAN of Cumberland the Joint Convention voted to operate under Mason's Manual of Legislative Procedure.

The CHAIRMAN: Nominations are now in order for the office of the Secretary of State of the State of Maine for the political years 1995-96.

The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr. President, I move that any member of the 117th Legislature who is unable, as a result of a serious and personal medical emergency, to attend the election of Constitutional Officers of the Maine House of Representatives to be held on December 7, 1994, may vote absentee for Constitutional Officers. The member who is unable to attend the election may direct the leader of the party of the House of which the legislator is a member to cast the votes for the absent member as directed by the absent member.

I would speak to that motion.

Representative JACQUES: Mr. President, Members of the Joint Convention: I would much rather not have been put in the position of making this motion here today. I would much rather have been able to look back and see the good Representative from Sanford, Representative Hale, sitting in her seat as she fully intended to do this day, casing what she believes to be a very important vote on behalf of her constituents in her district.

She attended the first session of the Maine House this morning and was duly sworn in as a member, duly elected and duly sworn in to represent the people of her district. She did so against the advice of the leadership in this House because of our concern that the trip and the rigors of that trip and her being here would set her back in her slow but steady progress from a very serious operation. She did so because she felt a very sincere obligation that the people of her district, House District 9, should indeed have their say on the election of the officers of this House and of the Constitutional Officers of the State of Maine.

The Attorney General's opinion that we have sought on trying to seek direction on which way we would go in this situation makes it clear that indeed this Joint Convention can establish by rule or by order or by motion, the procedure and the process that would either allow an absent member, under these particular circumstances, to be allowed to cast their ballot for their Constitutional Officers.

This morning I presented a like amendment dealing with the election of the Speaker, and the officers of the House, after discussion with the leadership team of the Republican Party in this House. I did so because I wanted to make sure they understood the situation we were in was an extraordinary situation. It is for this day, for this particular situation and for only this particular person.

Clearly, if she were on vacation in Bermuda or California, that would be something else. I would not have made the motion. I would not have been in the Minority Office explaining what we had hoped to do. That is not the case, she fully intended to be here, she wanted to be here. As a matter of fact, she is on her way home in an ambulance because indeed the rigors of this morning were as such that we did not feel, and her doctor did not feel that she should stay here.

She called me into the Speakers office and said to me that she very much wanted to cast a vote for those Constitutional Officers, as a duly sworn member of this House she felt it was not only her moral but her legal obligation to represent her constituents in the best way she could.

Unfortunately she can't do it in the way she would have liked, I would have liked, and many of her

friends in this body would have liked. But, her directions to me were pretty clear. Those of you that know Representative Hale know she has no trouble making herself heard and understood. She cleared the room and expressly asked, based on the wording of this order that I would cast, on her behalf, votes for these particular people as many times as it was required to do.

She has been in contact with the President and has passed that on to him over the phone, also. When we looked at the different options to allow her to do this today we were advised that this was the best way to go based on establishing as the Attorney General's opinion ruled, not only the ability to do so but under the procedures by which she would be allowed to do so. Clearly, if you read the Attorney General's opinion that is all entirely the prerogative of this Joint Convention. As was pointed out, Representative Hale's intentions as stated to myself and to the President of the Senate are only her intentions. You and only you can make the decision on whether her intentions will be allowed to be followed through.

I know that she does not want to force you to make a decision that you are uncomfortable with, you are unhappy with, or that you would not be willing to make in any other situation.

I am purely the messenger. As I said, it would be much nicer for me if there were another way to do this.

Representative Hale has served in the House for ten year, this will be her sixth term in this House. She made the request to me and I believe in all earnesty and seriousness and I have to bring that request to you in the same earnesty and seriousness that she passed on to me.

I can just make the motion, put it before this Joint Convention and you, the elected members of the people of this state, will make the determination and the decision whether or not we can follow her instructions as they were stated to President Butland and myself.

We did this this morning and I thank the members of the House for at least allowing her to have a say in the officers of the House. That was very important to her. But, I must point out to you that this obligation of electing the Constitutional Officers is equally if not more important to her at this time.

I would submit that there are probably none of you in this situation that I was in this morning that could have said no or done anything any different than I have tried to do.

I would ask your serious consideration of this motion, hope that you would adopt it so we can continue along to allow every duly elected, sworn in, member of this Legislature to represent their constituency in the way we would all want to. I leave the choice up to you, men and women of the 117th.

Thank you Mr. President.

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

Senator HARRIMAN: Mr. President: With complete respect and empathy for Representative Hale, I understand what the good Representative from Waterville, Representative Jacques, said to us and respect his point of view. I know we all have heartfelt empathy for Representative Hale. But, the issue before us, Mr. President, is how we are going to elect our Constitutional Officers and the Point of

Order I would raise is that in Mason's Manual of Legislative Procedure, clearly says that voting by proxy is not permitted. Section 538, if I could I will read to you, it says, "In a legislative body there is a rule that no member can vote who is not present when the question is put but paring, which is a type of absentee voting by a member, which a member agrees with a member who would have voted on the opposite to the first member not to vote" etcetera.

The CHAIRMAN: The Convention will be at ease.

The Convention was called to order by the President.

The CHAIRMAN: Mason's Rules — it is the ruling of the Chair that the motion from Representative Jacques of Waterville is out of order.

Nominations are now in order for the Office of Secretary of State for the political years 1995-1996.

Representative Jacques of Waterville, having voted on the prevailing side, moved the Convention reconsider its action whereby Mason's Rules of Order were adopted.

The same Representative requested a division on the motion to reconsider.

Representative Townsend of Portland requested a roll call vote.

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

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

The pending question before the Convention is the motion of Representative Jacques of Waterville that the Convention reconsider its action whereby Mason's Rules were adopted for the purpose of the Joint Convention. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL JC1

##### SENATE:

YEA - Berube, Bustin, Carey, Cianchette, Cleveland, Esty, Faircloth, Lawrence, Longley, McCormick, Michaud, O'Dea, Paradis, Pingree, Rand, Ruhlin.

NAY - Abromson, Amero, Begley, Benoit, Carpenter, Cassidy, Ferguson, Goldthwait, Hall, Hanley, Harriman, Hathaway, Kieffer, Lord, Mills, Pendexter, Small, Stevens, The President.

##### HOUSE:

YEA - Adams, Ahearne, Benedikt, Berry, Bouffard, Brennan, Bunker, Chartrand, Chase, Chizmar, Clark, Cloutier, Daggett, Davidson, Desmond, Dipietro, Dore, Driscoll, Etnier, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gould, Green, Hatch, Heeschen, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Kerr, Kilkelly, Kontos, Lafountain, Lemaire, Lemke, Luther, Martin, Meres, Mitchell EH, Mitchell JE, Morrison, Nadeau, O'Gara, O'Neal, Oliver, Poirier, Poulin, Pouliot, Povich, Richardson, Ricker, Rosebush, Rotondi, Rowe, Samson, Saxl, Shiah, Sirois, Stevens, K.; Thompson, Townsend, Treat, Tripp, Truman, Tuttle, Tyler, Vigue, Volenik, Watson, Wheeler, Winn, The Speaker.

NAY - Aikman, Ault, Bailey, Barth, Bigl, Birney, Buck, Cameron, Campbell, Carleton, Chick, Clukey, Cross, Damren, Dexter, Donnelly, Dunn, Farnum, Gieringer, Gooley, Greenlaw, Guerrette, Hartnett, Heino, Jones, S.; Joy, Joyce, Joyner, Kneeland, Labrecque, Lane, Layton, Lemont, Libby JD, Libby JL, Lindahl, Look, Lovett, Lumbra, Madore, Marshall, Marvin, Mayo, McAlevey, McElroy, Murphy, Nass, Nickerson, Ott, Peavey, Pendleton, Perkins, Pinkham, Plowman, Reed, G.; Reed, W.; Rice, Robichaud, Savage, Simoneau, Spear, Stedman, Stone, Strout, Taylor, True, Tufts, Underwood, Waterhouse, Whitcomb, Winglass, Winsor, Yackobitz.

ABSENT - Hale.

93 having voted in the affirmative, 92 in the negative, the motion did prevail.

The CHAIRMAN: The pending question before the Joint Convention is the motion of Senator Harriman of Cumberland to adopt Mason's Manual of Legislative Procedure for the purpose of the Joint Convention.

Representative Martin of Eagle Lake moved to table.

Representative Robichaud of Caribou requested a division on the table motion.

Senator HARRIMAN: Point of order. My understanding was that my motion had passed and that Representative Jacques motion was to reconsider, which failed, meaning my motion to still stand.

The CHAIRMAN: The Chair would answer in the negative. The motion was to reconsider, and the motion prevailed.

The question before the Convention is the motion of Representative Martin of Eagle Lake, to table the motion to adopt Mason's Rules for this Joint Convention.

The CHAIRMAN: The Chair will order a vote. The pending question before the Convention is the motion of Representative Martin of Eagle Lake to table the motion to adopt Mason's Rules for this Joint Convention. Those in favor will vote yes; those opposed will vote no.

A vote of the Convention was taken.

95 having voted in the affirmative, 90 in the negative, the motion to table did prevail.

Subsequently, Representative Jacques of Waterville moved that any member of the 117th Legislature who is unable, as a result of a serious or personal medical emergency, to attend the election of Constitutional Officers of the State of Maine to be held on this day, December 7, 1994, may vote absentee for the Constitutional Officers. The member who is unable to attend the election may direct a leader of the party in the House of which that Legislator is a member of, to cast a vote for the absent member as directed by that absent member.

The CHAIRMAN: The Chair recognizes the Representative from Oxford, Representative Hanley.

Representative HANLEY: Mr. President, if I could pose a question to the good Representative from Waterville, Representative Jacques?

To the good Representative from Waterville, Representative Jacques, are you aware of any other Joint Convention in the History of the State of Maine that has allowed proxy voting?

The CHAIRMAN: Senator Hanley of Oxford has posed a question through the Chair to Representative Jacques of Waterville, who may respond if he so desires.

The Chair recognizes that Representative.

Representative JACQUES: Mr. President, I cannot answer that question.

The CHAIRMAN: The Chair recognizes the Representative from Oxford, Representative Hanley.

Representative HANLEY: Mr. President, Men and Women of the Joint Convention: There are some of you in this Chamber that were here in 1979, when in fact a very similar situation presented itself.

The good Senator from Androscoggin, Albert Cote, was in a similar situation as the good Representative from Sanford, who I had the distinct privilege to serve with for three terms in this House.

In 1979 the question was put to the Law Court as to whether or not legislators could vote by proxy in Joint Conventions. The Law Court made a statement in 1979 in response to the question put forward by the Senate Chamber. In 1979 the Law Court said we will abide by the same ruling we gave in 1933. Such a ruling was that the Maine Law Court did not have jurisdiction to make a determination of the question concerning a Joint Convention of this body.

In 1979 an Attorney General opinion was issued with respect to this question. That opinion, which was penned by then Attorney General Joseph Brennan relied on the Constitution of the State of Tennessee, when he made his ruling that it was up to the body, the Convention body itself, to determine its rules to govern itself.

Men and Women of the House I would like to read to you what was said during Joint Convention by the Honorable Senator from Knox, Samuel Collins. He said, "Mr. President and Members of the Joint Convention: It is a difficult matter to take position against sympathy but it is well known in our legal history that heart cases make bad law, that when we do something because it basically is an act of sympathy we live sometimes to regret it because the precedent that it creates binds us for the future to an opening of doors that may not be the wise policy for all time."

"Yesterday," and I will interject, the Joint Convention in 1979 lasted two days because this question was raised and they put the question both to the Law Court and the Attorney General's Office.

I will continue, "Yesterday, many of us hoped that we would get some guidance from the Supreme Judicial Court on an important question. The court might very well have liked to help us, wanted to help us with our problem, but they said to us they could not help us because it was not within their power to do so."

I submit to the Convention that that is our problem today. The people who wrote our Constitution said something very clearly. They said that we, in Joint Convention, must cast ballots in convention and the critical word is convention.

What is a convention? It is a convening of bodies, it is not conducted by mail or by telephone or by radio or however for years and years it has been the standard parliamentary practice in legislative bodies that absentee ballots may not be cast in those legislative bodies in the absence of a special rule.

The idea of "In Convention" was written into the Constitution for a purpose. I think that we must honor that purpose.

I do not think that even if we wish to do so we would have the power to change the Constitutional mandate that ballots be cast In Convention and that "In Convention" terminology means people being here.

Men and women of the Joint Convention, a scant five and half hours ago we took the oath of office to uphold the greatest law in the State of Maine, that

is our Constitution. When we convened here this afternoon we convened as a Constitutional Convention to elect Constitutional Officers. Those officer requirements are set forth in the Constitution for the Secretary of State, the Attorney General and the Treasurer.

For the Secretary of State it says the Secretary of State shall be chosen biannually at the first session of the Legislature by joint ballot of the Senators and Representatives in Convention.

That same language, men and women of this Convention, is held for the Attorney General and also the Treasurer.

We have a vote of conscience here this afternoon.

When I raised my right hand and took the Oath of Office to uphold our Constitution I did so with all seriousness. The question I asked Representative Jacques was if there had been any precedent in the history of the State of Maine since we became a state in 1820 to allow proxy votes In Convention. The answer, men and women is no, we have not. Even though in 1979 there was a situation almost identical to the situation we are facing here this afternoon.

This is not a partisan vote, nor, is it a simple vote but it is one that takes each one of us to address what the most important aspect of being a legislator is all about. To me, that is upholding our Constitution, the Constitution of the greatest state in America, the State of Maine. Because of that, I will recommend that everyone — I will not tell you how to vote because it is a vote of conscience, if you believe the Constitution says one thing then you should vote that way. I just raise these issues because they are a concern, they have been raised before.

Before you cast a vote, I encourage everyone to do a lot of soul-searching and consideration of the impact of this one vote, one of many that you will take in this chamber.

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

Representative JACQUES: Mr. President, Members of the Joint Caucus: I do not have the legal powers that my good colleague from the other side of the aisle has but I can just tell you that there is indeed a difference between this situation and the situation of 1979. In 1979, Senator-elect Albert Cote had not taken the Oath of Office. The argument began on whether or not he could be allowed to vote for the Constitutional Officers based on the fact that he had not taken the Oath of Office.

We looked into the Constitution too, and the Constitution, I believe, speaks clearly that if you are going to get sworn in, you have to get sworn in as a member of this body on this day, in this place, by the Governor. After that you could be sworn in at a later date by the Governor at the direction of the presiding officer of this body or the other body when you show up or by the direction of the Governor by someone from the Law Court. The fact of the matter is that in this case Representative Hale was indeed here, was indeed sworn in with every other member of the Legislature.

I disagree with my learned colleague. I think the Constitution is silent on this particular issue. It does say, and couple of Attorney General Rulings do say that this Joint Convention can establish the rules and procedure by which they want this Joint Convention to operate by including whether or not to

allow absentee ballots and voting for members who cannot be here for whatever reasons.

The discussion about setting precedent and it never happening before, I have heard in 16 years of serving this body — this body sets precedent daily. We should not be afraid of that. Setting precedent means you are moving forward, it sets new milestones in governing the people of this state.

You talk about absentee ballots. We run on and advocate that we are a peoples' body, we are regular people, we make much ado. It is on today's program of what we do, our walks of life, the varied jobs that we have. What is the most fundamental right given a citizen of this state in this country? In a democracy that is the right to vote. We have, time and time again, reaffirmed the right of our people to vote absentee in every single election.

Many of you sitting here today would not be sitting here today, and many before you, had it not been for the provision in our laws supported by all that we allow people to vote absentee. We allow them to vote absentee because they are going to go hunting in November. We allow them to vote absentee because they are going to be in Florida in November. We allow them to vote absentee because they have sickness in the family. We allow them to vote absentee because they themselves are physically incapacitated and cannot go to the polls and vote.

To even try to imply that by somehow allowing a citizen of this state or a member of this Joint Convention the right to cast their ballots in a mechanism set up by this very convention flies in the face of the Constitution of the State of Maine, I most fervently disagree.

My motion simply lays before this body the Joint Convention the option of whether or not we will allow our own (one of our own) — and I ask you to put the party tags away if only for a brief moment, since we have all promised and pledged that we intend to approach the 117th Legislature with this new atmosphere, with this new feeling of working together, removing the partisanship and removing the labels that occur and just ask yourself are we going to allow one of our own the fundamental right to represent the 8,000 or so people that duly elected and sent her here for this purpose?

Again, I would point out she would have loved to be here. We would love to have her here. I know we all would love to have her here. Physically she cannot do it. Is it so important that we jeopardize not only the health and welfare put potentially the very life of someone to assure that they will be given the very fundamental rights that we give everyone else?

The situation in 1979 was not exactly like this situation, men and women of the House, I was here. There aren't many left that were.

I can just close by telling you this, the day that this Joint Convention in 1979 voted not to allow Senator-elect Cote, the right to cast a vote for his people in his district was indeed nothing to cheer about, it was nothing in my opinion to be proud about. I wish we had been able to set a precedent there. We did not. But, I still remember that day as probably one of the gloomiest occasions of what I believe to be an otherwise great length of service in this body.

I am not telling any of you what to do. It is clearly within your prerogative, all we are doing is trying to pass on the wishes of a duly elected, duly

sworn member of this body — your colleague, a person who was called to the same service you have. That is it.

How you vote is up to you — but we did have an obligation to at least put this forth on behalf of this person. It is not out of sympathy, men and women of the Joint Convention, it is out of just a matter of pure, pure decency.

The CHAIRMAN: The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Mr. Chairman, Members of the Convention: I was, too, here in 1979. I am going to state how I feel today even though I don't agree with the leader in the right-hand corner, the way he wants to do it. I will tell you in 1979 I voted to let Senator Cote vote by absentee ballot and I would vote today to let Representative Hale (who I have served with over the years) to vote by absentee ballot but not the way he wishes to do it.

I believe that under the circumstances of that lady's health, if she was to cast an absentee ballot, the same that everyone else does when they cast an absentee ballot, I could do that.

The way I suggest that is that that person would be allowed to cast her ballot in a sealed envelope, notarized by a notary and delivered to this body. But, I can't, in good conscience, even though I understand what the gentleman has told us, I could not have it over the phone. I could not do that.

I do feel that she should have an opportunity to vote but it should be done and it should be done the right way. I believe, as he says, the right way is an absentee ballot like we all do.

The CHAIRMAN: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Chairman, Members of the Joint Convention: First, let me assure you I was not here in 1933 when the Supreme Court rendered that decision. But, I was here in 1979.

Let me remind the members of the Convention that the quote by then Senator Collins was of course as a leader of a group of Senators and not as a member of the court.

I would just quote from the Maine Constitution again in which it says, "The Secretary of State" etcetera and it is the same as the good Senator from Oxford pointed out, "should be chosen biannually at the first session of the Legislature by joint ballot of the Senators and Representatives in Convention."

My reason for moving to table Mason's Rules were very clear. Mason applies specifically to Legislative bodies individually. There is only one reference in the entire book of Mason — for those of you who have every bothered to take the time to read it, which deals with joint sessions of the Legislature. I will read it to you and I quote, "The two houses of the legislature may have the right to sit in joint session for certain purposes but the right for it to sit is a limited Constitutional right and cannot be augmented by the Legislature. Once the Senate and the House have convened in Joint Session the members then become a single body with a majority of all the members of both houses constituting the quorum with each member entitled to an equal vote with every other member. When the two houses meet in Joint Convention they in effect merge into one House where the quorum is the majority of the members of both Houses and where the votes of the members of each House have equal weight and where special rules

can be adopted to govern Joint Sessions or they can be governed by the parliamentary common law."

That is what Mason says, and that is what legislative bodies around this country rely upon.

You must also be aware that we are one of the very few states in the country that by joint ballot we elect Constitutional Officers of any kind. We are the only state that elects an Attorney General in this manner. We are one of only three or four states that elect a Secretary of State and none elect a State Treasurer in this fashion.

What this basically says to all of us is that whatever it is that this Joint Convention chooses to do is entirely proper. It is exactly what the Supreme Court said twice, not once, but twice, that this Joint Convention can establish its own rules and procedures.

I was here in 1979, along with a couple of other members who have spoken today. It was not a pleasant session at the very beginning and it set a very bad tone for that Legislature. I hope we don't do that today.

I understand the concerns of perhaps a person voting in a different way than what we are now talking about in ballots. Let me tell you, for those of you who know Mona Hale, you all know as well as I do that she can make her voice and her intentions known very clearly to any of you openly, publicly, without any fear of ever fearing any of us, including me when I served as Speaker. She will say it to you openly, publicly and in any way which you want to do it. If you wish, for example, I am sure to get a radio station to call her and ask her to give it over the air in Sanford or Portland, she would do that as well. I can assure you, for those of you who don't know her, she doesn't take a back seat to any single member in this House or ever will.

I would simply ask a member who represents the same number of people that I do, whose intentions are clear, be allowed the right to vote. It is our choice, not the choice of the Supreme Judicial Court of Maine, nor of the Attorney General, nor of anyone else. It is only the ability that we have in this body to allow it. So, it is up to you and up to us.

The CHAIRMAN: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Chairman, Members of the Joint Convention: I wish to pose a question if I may, through the Chair?

I would like to pose a question to the gentleman from Waterville who offered the Order.

It is in a vein entirely different than we have proceeded with at this point.

The discussion that we have heard is about allowing, essentially, absentee balloting in this process. Would he be comfortable with an amendment that allowed others, for other reasons who are not able to be in this body for a vote, or potential vote for Constitutional Officers, be allowed to vote?

The CHAIRMAN: Representative Whitcomb of Waldo has posed a question through the Chair to Representative Jacques of Waterville who may respond if he so desires.

The Chair recognizes that Representative.

Representative JACQUES: Mr. President, Members of the Convention: My answer to that, Representative Whitcomb, would be in line with the discussion that you, Representative Carleton, and I had this morning. Your concerns were that this would be stated on the Record, both in the House session and

in the Joint Convention and that this Order would be for this particular day, for this particular set of circumstances and none other.

I understood that, I agreed with that and I think that if the Legislature wants to set up a mechanism for in the future that should be done at the proper time with the proper committee and through the regular channels.

I agreed with both you and Representative Carleton this morning, this clearly is for this situation, for somebody that was here this morning, took the oath this morning and had to leave — we did not want to jeopardize her health.

The answer to your question is I put this Order forth for this particular situation, this particular day and that only.

The CHAIRMAN: The Chair recognizes the Senator from Lincoln, Senator Begley.

Senator BEGLEY: Mr. President, Members of the Joint Convention: It is absolutely true that any convention can decide what it will do. We have been told that and we are in that position.

It is also absolutely true that any number of circumstances can produce a desired action. However, it is my feeling (and a strong feeling) and that is how I will vote — that a person should be present and voting because once it is open we can say we are doing this only for this Convention — we can't do that. We can do it here but the next Convention we do whatever it pleases. The next Convention will build its ideas pretty much on what we do. We have handled it extremely well in the past, in my opinion.

I am very certain that there are other circumstances that are going to arise and we will plead for any one individual. Anybody in his right mind would be sympathetic to the individual we are talking about today, that doesn't affect me at this time. What affects me is what the precedent is going to be and the precedent I am afraid is wrong. I am afraid we are saying that is going to be what we will follow in the future whether we want to or not.

I am still of the opinion and rightfully so, as far as I am concerned, that we accept only votes from those who are present in the Convention.

The CHAIRMAN: The Chair recognizes the Senator from Oxford, Senator Hanley.

Senator HANLEY: Mr. President, Men and Women of the Joint Convention: The last statements I will make to this Joint Convention with respect to this issue is purely from a Constitutional perspective. The good Representative from Eagle Lake, Representative Martin, is absolutely correct when he said that we were bound by the Constitution in the operation of this Joint Convention.

When you make this vote it is your interpretation because we do not have the Law Court to have made the decision for us but it is your own individual interpretation of how a joint ballot by the Representatives and Senators in Convention should be interpreted. That is the only issue before us now. Haven taken the Oath of Office, haven sworn to uphold the Constitution, it is your interpretation, that is what guides you. That is what will be guiding me when I take this vote.

The CHAIRMAN: The Chair will order a vote. The pending question before the House is the motion of Representative Jacques of Waterville that any member of the 117th Legislature who is unable as a result of a serious or personal medical emergency to attend the election of the Constitutional Officers of the State

of Maine to be held on December 7, 1994 may vote absentee for the Constitutional Officers. The member who is unable to attend the election may direct a leader of the party in the House which the Legislator is a member to cast a vote for the absent member as directed by the absent member. Those in favor will vote yes; those opposed will vote no.

A vote of the Joint Convention was taken.

93 having voted in the affirmative, 92 in the negative, the motion did prevail.

The CHAIRMAN: Nominations are now in order for the office of Secretary of State for the political years 1995-96.

The Chair recognizes the Senator from Sagadahoc, Senator Small.

Senator SMALL: Mr. President, Members of the Joint Convention: I am Senator Mary Small of Sagadahoc and I rise today to nominate Charles E. Summers for the office of Secretary of State.

Each of us was elected by our constituents to represent them here in the State House. Regardless of our party or non-party affiliation we do share one thing in common, that is a mandate from our constituents to create a government that is more effective and more efficient, more customer friendly, if you will.

We spent the past months listening to the people who sent us here to Augusta and their message was loud and clear. They want change. Right now is our opportunity to show them we were listening.

Maine is the only state in the nation that elects its Constitutional Officers in this manner. Our vote today is on their behalf. On behalf of the thousands of constituents who cannot elect their Secretary of State.

For many of our people the Secretary of State Department are the first encounter with a branch of Maine government, whether it is registering their car, incorporating a business, or casting a ballot, the Secretary of State oversees these critical services that impact all our constituents.

I believe Charlie Summers can restore confidence and integrity in Maine government.

Charlie beat the odds in his Senate District and was elected because the people had confidence in his ability to represent them despite their opposite party labels. They returned him to the Senate because he proved he listens and he responded to their wishes. In fact, Charlie rose in our caucus not to long ago and urged the membership to allow Representative Hale to vote by proxy. Not because it would benefit him, not because it made him popular in our caucus but because it is what he considered the right thing to do.

Charlie Summers has won my support because of his honesty, his integrity, and his ability to work with diverse groups and bring them to a consensus.

I believe Charlie Summers will be a catalyst for restoring Maine Government to the people, the people who elected us and the people we all serve.

I urge you to join me today in supporting Charles Summers for Secretary of State.

The CHAIRMAN: The Chair recognizes the Representative from Scarborough, Representative Pendleton.

Representative PENDLETON: Mr. President, Members of the Joint Convention: My name is Robert Pendleton and I am a duly elected member of the Legislation and

I would like to second the nomination of Charles E. Summers for the office of Secretary of State.

I have known Charles Summers for a number of years. We first met when he approached my wife and I in the Republican Town Caucus. As we were standing around he said, "What does someone have to do to run for office?" My wife, then a Republican - now a Democrat, said, "I will show you the way but you will have to do most of it on your own." Everybody just kind of chuckled because at that time Scarborough had never been represented by anything but Democrats. Peg said that he would have to get out there and work. We were quite impressed with Charles' work ethics. The town has been extremely pleased with his representation. The whole district has been pleased with his representation and I know that his ability to face the issues and work hard on them and tackle every issue will be a strong position for this job as Secretary of State.

I hope that you, my colleagues, will join me in electing Charles E. Summers as the next Secretary of State for the State of Maine.

The CHAIRMAN: The Chair recognizes the Senator from York, Senator Hathaway.

Senator HATHAWAY: Mr. President, Members of the Joint Caucus: I rise to second the nomination of the next Secretary of State of this great State of Maine.

Leadership begins with listening. Over the last 300 days you and I have listened to thousands of voices of the people across this state, in every home, every business and every bean supper across the State of Maine. The message we heard was simple. The people of this state and the people across this country want change. They want honest change.

We have an opportunity today to cast a vote for change. I traveled that long road like you did to get from the comfort of our homes to the confines of this chamber. Along the way I made one promise, that was to come to Augusta and be an independent voice for change.

Charles Summers will bring us that change. I ask you to cast your vote for Charlie Summers, to go home tonight, to talk to your neighbors and your friends and your family, stand tall, look them in the eye and tell them that you kept your promise, that you cast your first vote for change, that you helped elect Charlie Summers as the next Secretary of State of this great state.

The CHAIRMAN: The Chair recognizes the Representative from Windham, Representative Kontos.

Representative KONTOS: Mr. President, I nominate G. William Diamond of Windham for the office of Secretary of State for the political years 1995-96 and would speak to my motion.

Mr. President, Members of the Joint Convention: It is a pleasure and honor for me to stand before all of you today and nominate Secretary of State Bill Diamond for reelection. Bill Diamond has done an outstanding job as Secretary of State and will continue to be an outstanding public servant for all the customers of the department he oversees. Those customers include just about everybody in Maine and even people from outside the state.

As I told some of you yesterday, I want to remind you of the scope of this job and the wide variety of customers who depend on the Secretary of State's office. The department has more than 450 employees and three bureaus, the Maine State Archives, the Bureau of Motor Vehicle and the Bureau of Corporations, Elections and Commission. The



department generates \$150 million for the highway fund and \$8 million for the General Fund. The department maintains hundreds of thousands of documents and the Secretary of State is responsible for the filing of 40,000 corporations in Maine.

The Secretary of State's department which is also responsible for keeping our roads safe, holds more than 5,500 motor vehicle hearings each year, issues 65,000 license suspensions and processes more than 1 million motor vehicle registrations annually.

Bill Diamond, in addition to being a dedicated public servant has a wealth of other experiences that help him to do this job real well.

A Maine native, Bill grew up in Gardiner and is long-time resident of my home town of Windham. He is an educator, a former teacher, principle and superintendent of schools. He is a dedicated husband and the father of two college age daughters.

Bill is also a small business owner and started and operated several small companies in the past.

It is Bill's experiences in life and his emphasis on customer service innovation that have helped him accomplish so much as Secretary of State.

I would like to talk with you a minute about his work to help improve the business climate here in Maine. As an experienced small business owner Bill Diamond knows the importance of providing top-quality customer service. The high caliber of customer service found today in the Department's Division of Corporations is especially impressive when you remember what the situation was like when Bill Diamond was first elected.

Some of you heard me remark yesterday of the situation that Bill faced when he took office. He was greeted by 18 cardboard boxes filled with \$450,000 of uncashed checks for annual corporate filing fees. They had been sitting in the office for six to eight months. The corporations of Maine understandably, desperately needed service. State employees, while demoralized, were nevertheless working as hard as they could but the system had just failed. It was outdated, it was overloaded. It was no ones fault but that didn't help the businesses of Maine. It took three months to incorporate or start up a business. Uniform commercial code filings were backed up for months. A real problem for financial lending institutions.

Today, thanks to Bill Diamond, it takes two days, not three months to incorporate a business in Maine. You can even get same day service. The Division of Corporations has replaced outdated systems with cutting edge technology and is a model of efficiency. There are no financial or information backlogs for corporations or uniform commercial code filings. Information needed by the public is readily available at the division's first ever public access computer terminals. Paper work has been reduced, business forms have been revised and even more business is being conducted over the phone. And, the department worked with the Legislature to completely update Maine's corporate laws.

Some of these improvements were suggested by a special advisory board of attorneys and business people established by Bill Diamond. He formed the group, essentially the customers of the corporate services, because he knows it is important to listen, to hear what people have to say.

A long term customer comment program also was started in the division. That program consistently provides outstanding feedback and the division

regularly earns high praise. Here are two of the quotes, "I thought the service was excellent, the best of any state agency." The second, "The staff was wonderful, extremely friendly and helpful."

The Maine Bar Association has presented the department with a certificate of appreciation for the job well done and businesses from other states now incorporate here because we are so efficient.

Corporations should be a model for other states according to one person from another state, "A comparison between Maine and other states is so drastic I do not expect to hope for the same level of excellent service from other states that I receive from Maine."

When all is said and done, Bill had completely reorganized the corporate section and thus began the Bureau of Corporations, Elections and Commissions. It wasn't easy.

Other states tried and failed, leaving their business communities with even worse customer service than before. But not here, not in Maine. With Bill Diamond as Secretary of State, Maine succeeded. All of this, I remind you, was done within budget during a time of extreme fiscal difficulty for the state. As the department cut millions of dollars from its budget and seriously reduced position, service was dramatically improved.

In addition to these accomplishments, Bill has introduced many other customer service improvements for the business community.

In closing I want to take a personal moment to say thank you to both Bill and Jane Diamond who are in the balcony. I want to thank them for their friendship and encouragement and support and to Bill, on behalf of the Town of Windham, for over 20 years of public service and dedicated good will.

Like many people in my town who will use me as their spokesperson today, I say thank you to him for his years of service and I urge all of you to support me and join me in supporting Bill as Secretary of State.

The CHAIRMAN: The Chair recognizes the Senator from Aroostook, Senator Paradis.

Senator PARADIS: Mr. President, Men and Women of the 117th: Congratulations to you all.

It is a distinct honor and privilege for me to second the nomination of the Honorable Bill Diamond for Secretary of State. When I think of Bill Diamond's tenure as Secretary of State it represents what government should be at all times — energetic, thorough, and responsive in meeting the needs of a constituency, the customers of its services. He has done a heck of a job and deserves to continue bringing the department into the 21 Century.

In this age when it is popular to say the problem is too much government — my response is that in Aroostook County we have very little government. We have our basic transportation, education and some health care. People are accustom to seeing little benefit from government. They don't expect very much. Waiting in line at the Department of Motor Vehicle was one of the things they had very little toleration for. We legislators would hear about it. We don't hear it any more. Bill worked hard to fix things that are wrong and to serve customers better. We legislators have had very few complaints because Bill came and made sure things got done by reorganizing the Department of the Secretary of State during his three terms. He challenges his team to have the best department in state government and his



approach is effective. He empowers people to do their best. He has developed top-notch customer services as his trademark.

To improve customer service in the Maine State Archives he reorganized the agency to provide more and better public access to the archives, expensive records. One of the Secretary of State's biggest customers is the electorate, the voters who choose all of us to come here. To improve services to the customers of the Department's Election Services, Bill Diamond created the "Motor/Voter" program to better serve people who need to register or change information on their registration. This has been copied by other states and has become Federal Law. More than 125,000 Maine residents have registered to vote or updated their status through "Motor/Voter".

He crafted Maine's first homeless voters rights legislation and Bill has established a committee that is now working to revise all correspondence to motorist. Letters will now be written in clear and understandable language.

Bill Diamond has also created the very first Elections Advisory Board to help review legislation and to improve communication in the elections community. The board includes legislators, town and city clerks, election officials and other citizens.

"One of the best Secretaries of State I have worked with in almost 20 years I have been clerk. He has been very supportive of both clerks and the election process." Says Gorham's Town Clerk, Brenda Caldwell. And, says Lewiston City Clerk, Gerald Berube, "Having dealt with the Secretary of States' office almost on a daily basis for the past 27 years I can honestly say that communication and cooperation has improved tremendously under the leadership of Bill Diamond."

Bill Diamond created a special commission to improve election laws. Together the recommended changes that were adopted by the Legislature and have been remarkably successful — ask the candidates, Republican and Democrats who requested recounts this year and they will tell you the process works and it works very well.

Bill started the first regular training seminar for local election officials and will continue the annual education event focusing specifically on assisting local election officials. "For the first time in a long time we are receiving training and I would like to see that continue. He had done a good job." Says Barbara Martin, the Town Clerk of Berwick.

He called together literacy experts from around the state to serve on a ballot clarity board, finally, that is helping to write Maine's citizen initiatives in common sense language.

He promoted citizen participation in our democracy through motor/voter and other outreach programs, especially voter education efforts for young people as Maine set a voter turn-out record for the Governor's race in 1990, led the nation for voter turn-out for the nation in 1992 presidential race and continued to perform remarkably this year, finishing forth in the country for voter turn-out. Maine has become a leader in voter participation.

Says Linda Cohen, the South Portland City Clerk and past president of the Cumberland County Municipal Clerks Association, "Bill listens to what everyone has to say. He has taken the time to visit my polling places on Election Day and talked with election staff. His efforts towards encouraging

youths to register to vote and be part of the process has been very very successful here."

For me the idea that his work with young people is especially meaningful. For example, he has been sponsoring the Maine Citizen Bee, an academic and civic competition. The competition through the generosity of sponsors has awarded more than \$45,000 in savings bonds to students who win the local, state, and national level. And organizing Maine Student/Parent mock election. This year more than 300 schools reported some 70,000 people participated. These accomplishments and ongoing activities, these improvements in customer services gives you some idea why Bill Diamond is such a tremendous Secretary of State.

Currently the department is in the process of reorganizing the Bureau of Motor Vehicle, that huge project is expected to be done in a little more than a year. I know Bill is looking forward to completing the job and offering even better customer service.

Bill Diamond works hard every day to make sure the Secretary of State is serving the people of Maine and I urge you all to support him for Secretary of State.

The CHAIRMAN: The Chair recognizes the Representative from Bar Harbor, Representative Jones.

Representative JONES: Mr. President, Men and Women of the Convention: I have known Bill Diamond for a long time. My daughter, Maiysha, shares Bill's red hair. I have campaigned for him on many occasions. We have gone door to door for days and days. He has never forgotten Maiysha's health. She was but four years old when I first started helping him. Whenever we have met over the years he has always made her feel special. In fact, a couple of weeks ago during our caucus he looked up in the balcony and saw her leaning on the railing and said, "Hay, Maiysha!" I have got very few relatives that can remember her name but Bill remembered it after eight years.

I can only assume that that attention to detail, that personalization of all of his relationships really represents the astounding metamorphosis of the Bureau of Corporations which is of course run by the Secretary of State. It is also due to his intelligence, principles, hard work, coupled with the respect he shows everyone no matter what their station in life.

When I was practicing law in Portland I often had dealings with the Bureau of Corporations, a period I like to call PD (pre Diamond). It was uniformly the most ineffective bureaucracy I had ever come in contact with and I have many dealings with the IRS. Frustrated workers who answer the phone there had to have endured many mean spirited calls from both attorney's and business people demanding their articles of incorporation or reservation of name forms and they wanted them yesterday or more appropriately they wanted them two months ago.

I recall one business I represented that was attempting to incorporate, the clients called regularly to check on their corporate status or lack thereof. The name of the business was "I Love Flowers." I called the bureau again and talked to a harried secretary, obviously over-worked in a system that simply couldn't function. She told me it would be quite a while before I received the necessary documents. I told her the name of the business "I Love Flowers" and said, "Don't you love flowers?"

Suddenly my documents floated to the top of the pile and in a few days they arrived in my office.

When Bill Diamond became Secretary of State there was indeed 18 boxes of approximately \$450,000 of uncashed checks sitting idle. The checks only good for a certain amount of time under the Commercial Code and that time had either run out or was running out quickly. His overhaul of that bureau is the singular most impressive feat I have ever witnessed. the bureau is streamlined. The \$450,000 came into the state coffers. The articles of incorporation and other forms flowed quickly through the bureau as did the checks. It was and still is good for the business community and is obviously good for our state budget.

Bill Diamond is effective, a dedicated husband and father, with a daughter in medical school — who always has a moment to discuss matters within his jurisdiction. Bill Diamond is a good man. I strongly urge this body to give Bill Diamond a chance to serve our state once again so he can continue his outstanding work as Secretary of State.

Senator Kieffer of Aroostook, moved that nominations cease.

On motion of Senator Amero of Cumberland, the following committee was appointed to receive, sort and count votes for the office of Secretary of State of the State of Maine for the political years 1995-96.

Subsequently, the Chair appointed:

Senators: HATHAWAY of York  
PARADIS of Aroostook  
SMALL of Sagadahoc  
Representatives: JONES of Bar Harbor  
KONTOS of Windham  
PENDLETON of Scarborough

The CHAIRMAN: The pending question before the Convention is the election of Secretary of State. The nominees are Charles E. Summers of Scarborough and G. William Diamond of Windham.

A vote of the Convention was taken.

186 votes having been cast, 94 being necessary for choice, G. William Diamond having received a majority of all the votes cast, the Chairman declared G. William Diamond duly elected Secretary of State of the State of Maine for the political years 1995 and 1996.

The CHAIRMAN: Nominations are now in order for the office of Attorney General of the State of Maine for the political years 1995 and 1996.

The CHAIRMAN: The Chair recognizes the Senator from York, Senator Lawrence.

Senator LAWRENCE: Mr. Chairman, Men and Women of the Joint Convention: Today I rise to place into nomination the name of Andrew Ketterer of Madison for the office of Attorney General of the State of Maine.

Drew, as we all know him, has all the essential qualifications and experience to serve the people of the State of Maine as Attorney General. He has practiced law for 20 years. He started out his legal career with the Roxbury Defenders Committee in 1974, defending the indigent in serious felony matters for five years. Drew has been in private practice since 1979, gaining broad experience in family, divorce and probate matters, administrative, environmental and municipal laws, criminal defense and personal injury to name a few. He has served both individual and institutional clients, all the while building and managing a successful law practice in Norridgewock.

Drew has been active in support of his chosen profession. He served six years as Governor of the Maine Bar Association and will soon serve as President of the New England Bar Association. He is also a charter member of the Maine Bar Foundation.

As many of you know Drew has also served with distinction in the Maine Legislature. He has shown himself to be a person of character and principle both in the House and on the Judiciary Committee. His convictions, his temperament, his keen intelligence and his common sense have won him many close friends and admirers on both sides of the aisle.

He is particularly sensitive to the issues that are of concern to many in this state. He is concerned with the plight of victims of crime, of abuse and domestic violence and of hate. He will continue to be so as Attorney General. He will insure that all laws are enforced fairly, effectively and impartially.

I also nominate Drew Ketterer for personal reasons. I am also an attorney in the general practice of law and for those people in the general practice of law you learn to rely on people in the profession whom you trust to help you in situations where you have difficult decisions, ethical and legal, to make. Many a time I have personally called on Drew as one of four or five attorney's in the State of Maine, I continually consult on legal matters. Drew has a sharp and keen intelligence and he is somebody whose ethics and legal opinion I trust personally and implicitly.

We need an Attorney General's Office that makes the very best use of its resources so that all members of the public are served and protected.

Most importantly, in the tough times that face us, we need an Attorney General that has compassion and understanding of the needs and concerns of all of Maine's people.

Drew Ketterer is the candidate that can do all of those things. It is a great privilege for me to place his name in nomination for Attorney General of our state.

The CHAIRMAN: The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Mr. President, Men and Women of the Convention: I rise tonight to second the nomination of Andrew (Drew) Ketterer for Attorney General for the years 1995-96.

53 years ago today, December 7, 1941, people of all parties, all views and opinions, were called together in a time of National emergency to put petty differences aside and to work for the common interest in the true spirit of bipartisanship. The times today are not as desperate as those but they are times that call for the same spirit. It is in this spirit that I rise today to second the nomination of Andrew Ketterer for the office of Attorney General.

I have been a member of this House for 22 years. I am the most senior Republican member of the House and I have seen many people come and go and soon I will be gone too. I ask that you listen to my words and accord me this chance to speak to the good of all, to speak from my heart and from my conscience.

I have known Drew Ketterer for four years. I have worked with him in this House during difficult times. Who can forget the most bitter, divisive and partisan atmosphere known to this building when trust was at rock bottom, when we as a peoples representative could not talk to each other and when the government of this great state shut down. During

those dark days Drew Ketterer shone forth as a voice of moderation and conciliation, a voice of humor and optimism, of principle and integrity. In those four years we had two seating controversies, one a Republican and one a Democrat. Drew Ketterer had the courage and conviction to put aside politics, to vote to seat the members because it was the right thing to do. In both cases he voted on principle and not on politics and showed both parties the proper path.

I have seen him on the floor of this House stand up to members of his own party when his conscience and abundant common sense caused him to honestly disagree.

What Drew Ketterer has shown me and many other members of this Legislature is that he has the legal skills, the management skills, the leadership skills and most of all the wisdom, character and integrity that it takes to serve all the people of Maine, rich and poor, women and men, Democrats and Republicans or Independents, as Attorney General.

I urge every one here whether Democrat, Republican or Independent to vote for Andrew Ketterer for Attorney General.

The CHAIRMAN: The Chair recognizes the Representative from Skowhegan, Representative Hatch.

Representative HATCH: Mr. Chairman, Men and Women of the Joint Convention: I would also like to second the nomination.

Yesterday at the Democratic Caucus I was pleased to second the name of Andrew Ketterer as the Democratic nominee for Attorney General. I am honored to do so again today.

I would like to say again, for all the members of this Joint Convention, what I said yesterday about this exceptional candidate.

I have known Drew for ten years. I speak as a returning member of this House, as a woman, and as one who has overcome life's barriers to become the person that I am today. Drew shares with me same modest beginning. I can speak about him because I know him and I understand where he comes from and I know where he is going.

Drew has told me over the years about his early life and I share some of it with you today. Drew's mother died when he was five years old. His father, a teacher, struggled to fill the void, he died in Drew's arms while Drew, only 13 at the time, waited for an ambulance that never came.

Drew, the youngest of his family, quickly became to his brothers and sisters the rock upon which the water falls. Supported only by a monthly social security survivor benefit check he worked his way through high school and won a hard-earned scholarship to college and law school. Now he is a successful lawyer with a wonderful family of his own.

The pressure of adversity and grinding poverty can embitter you, it can harden your heart, and can twist your sense of right and wrong and leave lasting scars. But, not with Drew. From the years that I have known him I can say that his heart and his mind are as big as a barn. I think of him as an older brother, as a person who can give me sound advice in the time of trouble, a source of common sense and sound judgment mixed with optimism for the future and a great sense of humor.

I have seen Drew's abilities up close. Drew has served as my family lawyer and he has been my seatmate. He will be dearly missed this session. I have seen him at work, he is very thoughtful and conscientious. He harnesses a very keen analytical

mind with a warm and understanding heart when working through difficult issues.

As many of you know, he spoke in this House only when he had something to say and when he did, people listened.

Drew is a natural lawyer in the very best sense of the word. He is committed to serving the public. He wants to be Attorney General to ensure that all Mainers receive a fair shake and equal justice.

I urge you to join me today in voting for Andrew Ketterer for Attorney General.

The CHAIRMAN: The Chair recognizes the Representative from Presque Isle, Representative Donnelly.

Representative DONNELLY: Mr. Chairman, Members of the Joint Convention: I nominate Kenneth Cole of Portland to the office of Attorney General for the political years of 1995 and 1996.

It is my distinct honor as my colleague good friend and mentor, Bill O'Gara, said earlier in his nomination speech to be able to stand before you and place a name in nomination — it is always a great honor to do such a thing. It is especially an honor today because we have two very wonderful candidates, the people of the State of Maine will be served well regardless who is elected.

The choice to me came down on several criteria, why I decided to vote to support Ken Cole. The AG's office is essentially a large legal firm. This firm needs a good and experienced manager to assure the most cost effective way to serve people and protect the people of the State of Maine. As a managing partner for Jensen, Baird, Gardner and Henry, Ken is experienced and has the capabilities to do this. He has been the managing partner for that firm for more than five years and a member of that firm since he graduated from law school in 1972 with honors.

I believe as it was said, public service has also been an important aspect for us to consider when we consider our Attorney General choice. The community activities that Ken has participated in go well beyond the partisan position of chairman that we are all familiar with. It started back in 1975 when he was chairman of the Windham Town Council. He was past president and executive director of the Greater Portland Council of Governments, past chairman and member of the Cumberland County Charter Commission, 1974 he was director and council of Pine Tree Legal INC., and the Boy Scouts of America. He was a member of the reapportionment committee, he handled that job with a gentile manner that helps settle something, a job which is less than enjoyable. Most recently, from 1987 to now Ken has been Chairman since 1993 of the Portland Planning Board.

I have heard concerns by members of the other party about Ken's recent tenure as Chairman of the Republican Party. I would like to share a little story about Ken, why I feel comfortable with him, why I feel he is able to do the job without being partisan. In 1990 when I was running, my opponent was handing out literature at the polls, Ken then was the attorney that was helping out with the elections, called the Attorney General's Office and he asked for an opinion. The opinion came down that the person was a write-in candidate, that the laws of the election did not apply, that they were just distributing information. Many saw this as partisan and less than fair way of going about it. Ken accepted that, (never appealed it in court) in order to move forward.

I asked Ken, "If you were in the AG's office and it were me standing at the polls and you had just been Republican Chairman and I was handing out that literature what would you have done?" He said, "Jim, I would have had the police drag you away and put you in jail because it was clearly a violation of the law. The law should not play party to politics."

Also, because Ken cannot speak on his own behalf today I thought it would be fair to share with you some of the things he did say in caucus about a vote we had just taken earlier. As the caucus was voting not to allow a proxy vote, Ken asked permission and was granted permission to address the caucus. He asked that we allow it, he asked that we do so so we did not disenfranchise those voters. I did not agree with Ken, but this body did. I think that when a person can make those kinds of choices knowing that that proxy vote was not going to be for him, knowing that the skills and ability he has will move our Attorney General's Office forward and make them even more highly regarded than they are today.

With that, that I have in mind, when I thought about Ken Cole as our Attorney General for 1995 and 1996 session. It is with that in mind that I ask you to vote for Ken Cole.

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

Senator AMERO: Mr. Chairman, Members of the Joint Convention: I rise to second the nomination of Kenneth Cole for Attorney General for the State of Maine.

It is with a great deal of pleasure that I rise this afternoon (or is it early evening) to second the nomination of Ken Cole for Attorney General for the State of Maine. Ken has been a well regarded, highly respected attorney in the Portland area for over 20 years. During those same 20 plus years he has been very active in political activities. But, what has impressed me most about Ken is what he has chosen to do when he is away from his law firm, when he is away from his work and his family. It is his great commitment to public service, to serving his community that I think makes him such an outstanding candidate for this position.

Jim Donnelly has gone through the several positions in the community that Ken has helped. I would just like to say that he didn't just become a member of the Windham Town Council. He became a chairperson. He didn't just become a member of the Greater Portland Council of Government, he became its president. He didn't just participate in the Boy Scouts of America in the Portland area, he received their highest award for distinguished service for adults serving in volunteer positions to the Boy Scouts. He didn't just serve on the planning board in Portland, he became chair of that board as well.

Ken is a real leader. He has a great deal of personal integrity. He has negotiation skills that are outstanding.

I hope that you will all consider very carefully and cast your vote for Kenneth Cole for Attorney General for the State of Maine.

The CHAIRMAN: The Chair recognizes the Senator from Oxford, Senator Hanley.

Senator HANLEY: Mr. Chairman, Distinguished Colleagues of the Joint Convention: I also rise to second the nomination of Ken Cole as the next Attorney General for the State of Maine. We are very fortunate in selecting our Constitutional Officers

this year to have such high caliber individuals presented by both sides of the aisle.

Ken is a graduate of Bowdoin College and Cornell Law School. Ken has received a strong foundation in our system of jurisprudence. For the past 22 years Ken has been associated with the Law Firm of Jensen, Baired, Gardner and Henry in Portland. One of the largest law firms in the State of Maine. I believe that is an important criteria for the fact that as the next Attorney General will be covering one of the largest law firms in our state.

Ken has worked hard as an attorney and his efforts have paid off. Ken is currently the Chairman and managing partner of his firm. He is currently responsible for overseeing and managing the practice of over 30 lawyers.

As a practicing lawyer myself I have been on the opposite side of legal issues with Ken, while we both zealously advocate on behalf of our respective clients, I was very impressed with Ken's very clear insight into the issues as well as the calm and gracious manner in which he dealt with me as his adversary. With 22 years of experience behind him it would be very easy for Ken to become cynical and annoyed with the legal profession. Based on my working with Ken that couldn't be further from the truth.

Ken has exhibited the talents and qualities necessary to be a stella Attorney General. Ken has the credentials and the character to be our next Attorney General. For those reasons I request, ask, that you consider the nomination of Ken Cole when you mark your ballot for Attorney General.

Senator Kieffer of Aroostook, moved that nominations cease.

On motion of Senator Amero of Cumberland, the following committee was appointed to receive, sort and count votes for the office of Attorney General of the State of Maine for the political years 1995-96.

Subsequently, the Chair appointed:

Senators: AMERO of Cumberland

HANLEY of Oxford

LAWRENCE of York

Representatives DONNELLY of Presque Isle

HATCH of Skowhegan

STROUT of Corinth

The CHAIRMAN: The pending question before the Convention is the election of Attorney General. The nominees are Andrew Ketterer of Norridgewock and Kenneth Cole of Portland.

A vote of the Convention was taken.

186 votes having been cast, 94 being necessary for choice, Andrew Ketterer having received a majority of all the votes cast, the Chairman declared Andrew Ketterer duly elected Attorney General of the State of Maine for the political years 1995 and 1996.

The CHAIRMAN: Nominations are now in order for the Office of Treasurer of State for the political years 1995 and 1996.

The Chair recognizes the Senator from Knox, Senator Pingree.

Senator PINGREE: Mr. President, it is my honor today to stand before the Joint Convention and it is my privilege to place in nomination the name of Samuel Shapiro to be the Treasurer for the State of Maine.

Last Summer down in Port Clyde, which is in my district, we had a benefit supper for a boat builder

who had cancer and much illness in his family. Every fisherman came to the hall, the place was packed. We had a great lobster stew. After the dinner we had a good auction to raise money. But, the best moment of the whole evening was when my good friend, Representative James Skoglund, got up and was able to give the fisherman's family \$1,000 out of the abandoned property fund. It used to be money that belonged to an association years and years ago, now defunct, he found the name of the association on the list, realized they were family members of the stricken boat builder and he went to Samuel Shapiro and made sure that through that office that money was able to be returned to this person.

I imagine that we all have some kind of story about the abandoned property fund. I know I look over those lists, for my name first of course, then look for any of my constituents to see if there is money that could be returned. But, the fact is over the last 14 years through that office Sam has returned \$2 million to \$3 million to the treasury of the State of Maine. In his 14 years over \$20 million has been returned to our treasury.

The most important thing that Sam does in this office, he is the watchdog of our credit rating. We have a AA+ rating with Standard and Poors, we have a AA rating with Moody's, in fact we have the best credit rating in New England.

Now, most of us who have been here and all of you who came here and ran for office know that financially the State of Maine is not in such good shape. We have a large unfunded liability in our retirement fund. We have had much difficulty balancing our budget. So, in fact, what Samuel Shapiro has done to keep our credit rating up is nothing short of very good work. He is a good negotiator for the State of Maine and he has developed a very good relationship to make sure that that credit rating stays good.

Sam runs a nonpartisan office. Any bank has the option of taking the State of Maine money on deposit and always we receive the highest possible rate of interest on our invested funds. There are no insider deals.

I think all of us who serve in public office know how important it is to have the respect of our colleagues. Sam has that. Many times he has been elected and is currently president of his association and he has been named State Treasurer of the Year in the northeastern states.

He spent many years in business before he came to this office. He is a very good negotiator. He is highly respected by Republicans and Democrats. The fact is Sam comes into work every day. He rarely takes a sick day. When I call the office or any of us call the office we get him on the telephone. His employees in the office rarely turn over, he has a very good style of getting people to work together.

I know as well as everybody else — and it has been said many times today that this is a time when we need change. But the fact is it is also a time when we need to be very responsible with the funds in the State of Maine.

I am honored today to place Samuel Shapiro's name in nomination. I would be pleased to see you vote for him. I will look forward to having Sam be our State Treasurer for his last two years.

The CHAIRMAN: The Chair recognizes the Representative from Winslow, Representative Vigue.

Representative VIGUE: Mr. President, Ladies and Gentlemen of the Legislature: I am very proud to stand and second the nomination of my friend and neighbor, Sam Shapiro.

Sam and I go back a number of years, probably more years that I could say and not having somebody say well you have got gray hair for a reason. Sam and I started coaching together a number of years back, coaching his kids and my kids. We were on the ice at five o'clock in the morning. One thing that I can tell you about Sam is that he is a hard worker. He is an asset to any program.

I had Sam on skates when he couldn't skate but he was out there fighting and working for kids.

The State of Maine knows the value that Sam has brought to the state because of the hard work. Results show it. As Senator Pingree stated, we have got AA+ ratings with one bond house and a AA rating with another — this at a time when the State of Maine had many many problems trying to take care of our schools and our own problems. So, he has been the reason why we have been able to stay away from having a poor rating.

Being my friend alone doesn't qualify him to be State Treasurer. What qualifies him to be reelected is his longevity. He has been in 14 years. He is held in very high esteem by his peers. He has been asked to speak to many bond buyer conferences. He is now the second longest serving Treasurer in the country. He is the second longest serving Treasurer in Maine's history. He has brought five national and regional conferences to Maine and in doing all this he has done numerous work in charities. He has raised thousands of dollars for the Susan Curtis Foundation, for Peter McKernan's Scholarship Fund and the Pine Tree Cripple Childrens Camp.

The people of Maine have spoken loud and clear. We want talented people who can provide us the best government possible at the best price. Sam has proven through his performance in office as State Treasurer that he deserves another term. This will be his last term.

I am therefore proud and honored to second the nomination of Sam Shapiro to be our next State Treasurer.

The CHAIRMAN: The Chair recognizes the Representative from Augusta, Representative Daggett.

Representative DAGGETT: Mr. Chairman, I would second the nomination.

Mr. Chairman, Members of the Joint Convention: It is my great pleasure to second the nomination of my friend and occasional tennis partner, Sam Shapiro, as Treasurer of the State of Maine.

The importance of having an experienced and capable Treasurer is particularly important as our state begins to rebound from a period of serious budget and cash flow problems.

Our Treasurer is responsible for Maine's checkbook, Maine's savings accounts and Maine's investment portfolio. The variety and forms of maturities, investments and financial management is incredible and we need an experienced person in that office.

As part of his duties as Treasurer Sam is a member on the Boards and Commissions that affect the state debt, Maine Municipal Bond Bank, Maine State Retirement System, FAME, Maine School Building Authority, the Maine State Housing Authority, the Court Facilities Authority and the Maine Educational Loan Authority.

As an ex officio member of these state independent agencies. In the late 1980's Sam undertook a review of all the trustee bank fee schedules and discovered that they had miscalculated their charges. After extensive negotiations with the trustee banks and the independent agencies, there was substantial credits received by those independent agencies. There were new fee payments and new fee schedules based on the new computation method. It was only through Sam's experience as State Treasurer that allowed him to spot that mistake. Because of that Maine's independent agencies received hundreds of thousands of dollars in payment credits and reduced trustee fees.

Senator Pingree has already mentioned Sam's experience in developing the abandoned property program. One of the best in the United States and one from which many other states have modeled their programs.

While running a very efficient office which operates currently with one-third fewer employees than when he first took office, Sam has been very active in both the regional and national offices.

There may be those who can out-play Sam on the tennis court but there is no one who can out-play him on Wall Street and the bond market. Today more than ever we need the knowledge and commitment of Sam Shapiro as Treasurer of the State of Maine.

The CHAIRMAN: The Chair recognizes the Representative from Presque Isle, Representative Donnelly.

Representative DONNELLY: Mr. Chairman: I nominate John Bott of Augusta for the office of Treasurer for the State of Maine for the political years 1995-96.

I see that my articulation and speaking ability are now becoming renown — and chasing people to early suppers. But, those who can hear me in the hall, it is a great honor and privilege to once again be asked to nominate a member of the public who is interested in serving our fine state in the manner that they, and others, think they can do best.

John Bott's experience in the private sector, working for a number of small businesses and two banks give him a sound business basis that will allow him to serve the people of the State of Maine.

When examining contracts which the State of Maine enters in for the fiscal responsibility for the bonding and other such parts of the Treasurers job John's legal experience will come in quite handy. As we all know, those of us who have hired decent attorney's have found a little word here or there can mean thousands of dollars.

John has also served three terms in the House of Representatives. As a young man from Orono, he quickly built a reputation for being a thoughtful consensus builder.

John isn't just running for the heck of running. John is running because he has some ideas on how to improve the Treasurers office. Change that the people of the State of Maine and change that people in other states have done. He plans to improve and maintain Maine's Standard and Poors AA+ and Moody's Service AA bond ratings. Improve Maine's financial management performance, support efforts to reduce Maine's short-term and long-term debt. If there is anything the voters have talked about this year it was for the politicians and those they elect to stop putting us further in debt.

John would like to implement the 90 percent rule.

He would like to reduce administrative banking and legal costs which, while improving the efficiency of the office.

He also would like to oppose and expose budgetary gimmicks that make it more expensive for Maine to sell its bonds and jeopardize the credit rating we now enjoy.

Beyond the management of the office, John has some new programs which are being done in other states and he would like to catch Maine up to those states. He would like to bring us to the position where we are offering the same opportunities as they are. These reach outside the normal purview of the Treasurers office. He would like to institute an internship program to assure that we have a professional experienced up and coming group that is ready to take management of that Treasury office in the future. Building for the future is a very important position, a very important job that we all maintain. John would like to work to do that.

He would also like to adopt a nation bank at school program. Working with schools to teach children what we do here at the state so it is not such a mystery when they read about it in the paper.

John's experience on the Education Committee has led him to believe that these things are necessary. He would also like to provide local government with increased investment opportunities.

The State of Louisiana recently created a local government investment pool. It allows local governments to pool their resources to achieve higher rates of return, safety, liquidity and investment ease.

As we look forward and we listen to our constituents and friends as we worry about the increasing property taxes, programs that will assure the safety of the property tax dollars in our cities and help them grow further is one small way to limit the further burden that property taxes pass upon our citizens.

I just wanted to quote one thing that John did say in his speech, since he can't speak here again. I thought it was a very telling statement. I quote John when he said, "What I envision is a partnership between the Treasurers Office, the incoming Governor and all the members of the Legislature, to put partisan politics aside and place Maine squarely on the path toward sound financial fiscal future."

Thank you for your patients and I hope that you will join me in supporting John Bott for change in the State Treasurers Office.

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

Representative AULT: Mr. Chairman, I am pleased to second the nomination of John Bott for the position of State Treasurer.

I first met John ten years ago when we both traveled the roads of New England representing our respective University of Maine campuses recruiting prospective students. I have always known John to be articulate, thorough and professional. He is analytical and thoughtful.

Perhaps John's greatest strength is his ability to work well with people. I am confident that John will work in a non-partisan manner for the good of our state.

The CHAIRMAN: The Chair recognizes the Senator from Oxford, Senator Ferguson.

Senator FERGUSON: Mr. Chairman, I also second the nomination of John Bott for Treasurer for the State of Maine.

Due to the length of the short period that we have here or due to the fact that most of the House is absent and due to the fact that I would like to move the proceedings along quite quickly my remarks are going to be rather brief.

John does have the qualifications to hold this position. He is an attorney, he has served in the Legislature for three terms and I am sure that he would do an excellent job in this position.

That concludes my seconding remarks. Thank you.

Senator KIEFFER of Aroostook moved that nominations cease.

On motion of Senator Amero of Cumberland, the following committee was appointed to receive, sort and count votes for the office of Treasurer of State of the State of Maine for the political years 1995-96.

Subsequently, the Chair appointed:

Senators: FERGUSON of Oxford

PINGREE of Knox

Representatives: AULT of Wayne

DAGGETT of Augusta

DONNELLY of Presque Isle

VIGUE of Winslow

The CHAIRMAN: The pending question before the Convention is the election of Treasurer of State. The nominees are Samuel Shapiro of Waterville and John Bott of Augusta.

A vote of the Convention was taken.

186 votes having been cast, 94 being necessary for choice, Samuel Shapiro having received a majority of all the votes cast, the Chairman declared Samuel Shapiro duly elected Treasurer of State of the State of Maine for the political years 1995 and 1996.

On motion of Senator Kieffer of Aroostook, the Secretary of the Senate was directed to notify the Constitutional Officers of their election.

On motion of Senator Amero of Cumberland, the Secretary of the Senate was directed to notify the Governor of the election of the Constitutional Officers.

The CHAIRMAN: Before we dissolve here today I would just like to say that it is a pleasure to be back, as I look out amongst so many familiar and friendly faces.

If you didn't notice when the new Senators marched in, there are 15 Senators who have prior service in the House. I think that bodes very very well for relations in the 117th.

On behalf of the Maine Senate I would just like to say that we are looking forward to working with you over the next several months.

I would also like to thank the Clerk of the House, Joe Mayo, and Assistant Clerk Millie MacFarland for their stellar duty today.

The purpose for which the convention was assembled having been accomplished, I now declare the same dissolved.

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

The House was called to order by the Speaker.

On motion of Representative VIGUE of Winslow, the House adjourned at 7:15 p.m. until Thursday, December 8, 1994 at 1:00 p.m., in honor and in memory of Pearl Harbor Day.