

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 III

FIRST REGULAR SESSION

Senate

December 7, 1994 to April 27, 1995

**SENATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE**

In Senate Chamber
Thursday
December 8, 1994

Senate called to Order by the President, Jeffery H. Butland of Cumberland.

Prayer by the Honorable Dana C. Hanley of Oxford.

SENATOR DANA C. HANLEY: Let's all have a quiet moment of reflection as I share with you two readings. The first is a quotation from Abraham Lincoln. "The legitimate object of government is to do for a community of people whatever they need to have done but cannot do it all or cannot so well do for themselves in their separate and individual capacities. In all the people can individually do as well for themselves government ought not to interfere."

I would also like to share a reading with you from the book of Ezekial 33. "As for you, son of man, your countrymen are talking together about you by the walls and the doors of the houses. Saying to each other, come and hear the message that has come from the Lord. My people come to you as they usually do and sit before you to listen to your words but they do not put them into practice. With their mouths they express devotion but their hearts are greedy for unjust gain. Indeed, to them you are nothing more than one who sings love songs with a beautiful voice and plays an instrument well, for they hear your words but do not put them into practice. When all this comes true, and surely it will, then they will know that a prophet has been among them." Amen.

Reading of the Journal of Wednesday, December 7, 1994.

PAPERS FROM THE HOUSE

Joint Orders

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.

Comes from the House **READ** and **PASSED**.

Which was **READ** and **PASSED**, in concurrence.

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.

Comes from the House **READ** and **PASSED**.

Which was **READ** and **PASSED**, in concurrence.

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.

Comes from the House **READ** and **PASSED**.

Which was **READ** and **PASSED**, in concurrence.

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.

Comes from the House **READ** and **PASSED**.

Which was **READ** and **PASSED**, in concurrence.

COMMUNICATIONS

The Following Communication:

**STATE OF MAINE
OFFICE OF THE SECRETARY OF STATE**

December 7, 1994

To the President of the Senate in the One Hundred and Seventeenth Legislature:

I, BILL DIAMOND, Secretary of the State, in accordance with the Constitution and laws of the State of Maine, having tabulated the returns of the votes cast for State Senators 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

ANDERSON, MALACHI, Woodland 4997
PARADIS, JUDY, Frenchville 8483
Others 2

District 2

KIEFFER, R. LEO, Caribou 5607
MAHANY, B. CAROLYNE T., Easton 3817

District 3

LUDWIG, MARGARET G., Houlton 5513
MICHAUD, MICHAEL H., East Millinocket 7622
Others 1

District 4

CASSIDY, VINTON E., Calais 7195
TOWNSEND, GEORGE A., Eastport 5466
Others 3

District 5

BUNKER, WALTER L., Ellsworth 5947
GOLDTHWAIT, JILL M., Bar Harbor 6536
GRAY, GLENITH C., Sedgwick 3750
Others 2

District 6

HUTCHINS, SHERMAN H., Penobscot 7299
RUHLIN, RICHARD P., Brewer 8036
Others 4

District 7

MINOGUE, THOMAS G., Lincoln 4795
O'DEA, JOHN J., Orono 8322
Others 7

District 8

GAHAGAN, AMBER R., Milo 6227
HALL, STEPHEN E., Guilford 7406
Others 12

District 9

FAIRCLOTH, SEAN F., Bangor 7313
SAWYER, W. TOM, JR., Bangor 5658
Others 3

District 10

CIANCHETTE, ALTON E., Palmyra 8257
PARKS, ALAN, Hampden 5830

District 11

GOULD, ROBERT R., Belfast 6604
LONGLEY, SUSAN W., Liberty 8422
Others 1

District 12

PINGREE, ROCHELLE, North Haven 8871
SLEEPER, EDWARD B., South Thomaston 6238
Others 1

District 13

MILLS, S. PETER, Cornville 7820
NOONAN, ANTHONY J., Fairfield 5187

District 14

CAREY, RICHARD J., Belgrade 7996
WEBBER, H. NORTON, JR., Waterville 4936

District 15

BUSTIN, BEVERLY MINER, Augusta 8508
WHITNEY, BRIAN D., Augusta 5403
Others 3

District 16

BEGLEY, CHARLES M., Waldoboro 8915
KELLEY, VICKI C., Pittston 8321
Others 1

District 17

BENOIT, JOHN W., Sandy River Plt. 7528
FLINT, MARY H., Farmington 6995
Others 2

District 18

MCCORMICK, DALE, Monmouth 9821
TRACY, MALON A., West Gardiner 6295
Others 3

District 19

MACDONALD, WILLIAM D., Woolwich 6946
SMALL, MARY E., Bath 8539
Others 4

District 20

HUSTON, J. MICHAEL, Lisbon 6740
STEVENS, ALBERT G., JR., Sabattus 7248
Others 4

District 21

BERUBE, GEORGETTE B., Lewiston 8166
MADORE, PAUL B., Lewiston 3962
Others 7

District 22

CLEVELAND, JOHN J., Auburn
WESSELING, KURT P., Auburn

9174
4864

District 23

GALLOUPE, ROBERT A., Brunswick
HARRIMAN, PHILIP E., Yarmouth
Others

5151
10385
1

District 24

BOIVIN, J. EUGENE, Rumford
FERGUSON, NORMAN K., JR., Hanover
Others

6248
7926
5

District 25

HANLEY, DANA C., Paris
TWITCHELL, R. DONALD, Norway

8063
6236

District 26

BUTLAND, JEFFREY H., Cumberland
TIMMONS, MICHAEL, Windham
Others

9621
7405
4

District 27

ABROMSON, I. JOEL, Portland
CRAIGHEAD, PAULA M., Portland
Others

8932
7964
4

District 28

HARRIS, RICHARD S., JR., Portland
RAND, ANNE M., Portland
Others

3503
8931
3

District 29

ESTY, DONALD E., JR., Westbrook
WORREY, WANDA G., Westbrook
Others

9183
5085
4

District 30

AMERO, JANE A., Cape Elizabeth
KOSINSKI, ANDREW, Cape Elizabeth
Others

10595
5178
3

District 31

KANE, THOMAS J., Saco
PENDEXTER, JOAN M., Scarborough
Others

7921
7981
9

District 32

ECCLESTON, SCOTT B., Biddeford
HATHAWAY, W. JOHN, Kennebunkport
PLOURDE, CHARLES C., Biddeford

1274
9326
4705

District 33

CARPENTER, DAVID L., Sanford
DEMERS, PATRICK M., Sanford
Others

6820
5260
2

District 34

DREW, GREGORY A., Buxton
LORD, WILLIS A., Waterboro

7350
7355

District 35

CIMINO, CHRISTOPHER M., York
LAWRENCE, MARK W., Kittery
Others

6132
7699
3

I, BILL DIAMOND, Secretary of State, hereby certify that the foregoing report is a true tabulation of the votes cast for State Senators 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

Which was READ and REFERRED TO THE SENATE COMMITTEE ON SENATORIAL VOTE.

The Following Communication:

THE SENATE OF MAINE
AUGUSTA, MAINE 04333

October 14, 1994

Honorable Joy J. O'Brien
Secretary of the Senate
State House Station #3
Augusta, ME 04333

Dear Secretary O'Brien:

Please be advised that pursuant to my authority under Chapter 55 of the Resolves of 1993, I have appointed William Kany of Saco to the Technical College Study Committee.

If you have any questions regarding this appointment, please let me know.

Sincerely,

S/Dennis L. Dutremble
President of the Senate

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

THE SENATE OF MAINE
AUGUSTA, MAINE 04333

October 14, 1994

Honorable Joy J. O'Brien
Secretary of the Senate
State House Station 3
Augusta, ME 04333

Dear Secretary O'Brien:

Pursuant to my authority under Senate Rule #36 I am today appointing Senator Richard J. Carey of Kennebec to serve as Chair of the Joint Standing Committee on Appropriations and Financial Affairs. Senator Carey will be replacing Senator Michael D. Pearson who has resigned his position as a state senator.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Dennis L. Dutremble
President of the Senate

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

**THE SENATE OF MAINE
AUGUSTA, MAINE 04333**

September 13, 1994

Honorable Joy J. O'Brien
Secretary of the Senate
State House Station #3
Augusta, ME 04333

Dear Secretary O'Brien:

Please be advised that pursuant to my authority under Chapter 664 of the Public Laws of 1994, I have appointed Steven Keegan of Kennebec to the Advisory Commission on Radioactive Waste. He will be serving as a licensee member of the Commission.

If you have any questions regarding this appointment, please let me know.

Sincerely,

S/Dennis L. Dutremble
President of the Senate

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

**THE SENATE OF MAINE
AUGUSTA, MAINE 04333**

August 16, 1994

Honorable Joy J. O'Brien
Secretary of the Senate
State House Station #3
Augusta, ME 04333

Dear Secretary O'Brien:

This is to notify you that pursuant to my authority under Chapter 684 of the Public Laws of 1993, I have appointed the following individuals to serve as members of the Committee to Study Organizational and Tax Issues in Public Schools.

Merle R. Nelson, of Falmouth
John Rosser, Ed.D., of Litchfield

Please let me know if you have any questions regarding these appointments.

Sincerely,

S/Dennis L. Dutremble
President of the Senate

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

**THE SENATE OF MAINE
AUGUSTA, MAINE 04333**

July 18, 1994

Honorable Joy J. O'Brien
Secretary of the Senate
State House Station #3
Augusta, ME 04333

Dear Secretary O'Brien:

This is to notify you that pursuant to my authority as President of the Senate, I have appointed Senator Georgette B. Berube of Androscoggin County to serve on the Select Committee to Study and Review the Implementation of the Auto Emissions Inspection Program. Senator Berube has been appointed to replace Senator Bonnie Titcomb who is unable to serve on the Commission at this time, therefore, declining her appointment of July 5, 1994.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Dennis L. Dutremble
President of the Senate

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

**THE SENATE OF MAINE
AUGUSTA, MAINE 04333**

July 11, 1994

Honorable Joy J. O'Brien
Secretary of the Senate
State House Station #3
Augusta, ME 04333

June 24, 1994

Dear Secretary O'Brien:

Pursuant to my authority under Chapter 75 of the Resolves of 1993, I have appointed the following individuals to the Commission on the Future of Maine's Paper Industry:

Raymond Hinckley, of Hampden (representing labor)
Bruce A. Curley, of Portland (with expertise in finance).

Please let me know if you have any questions regarding these appointments.

Sincerely,

S/Dennis L. Dutremble
President of the Senate

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

**THE SENATE OF MAINE
AUGUSTA, MAINE 04333**

July 5, 1994

Honorable Joy J. O'Brien
Secretary of the Senate
State House Station #3
Augusta, ME 04333

Dear Secretary O'Brien:

This is to notify you that pursuant to my authority as President of the Senate, I have appointed the following members to serve on the Select Committee to Study and Review the Implementation of the Auto Emissions Inspection Program:

Sen. Richard J. Carey, of Kennebec (Senate Chair)
Sen. Bonnie L. Titcomb, of Cumberland
Sen. Charles E. Summers, of Cumberland

Please let me know if you have any questions regarding these appointments.

Sincerely,

S/Dennis L. Dutremble
President of the Senate

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

**THE SENATE OF MAINE
AUGUSTA, MAINE 04333**

Honorable Joy J. O'Brien
Secretary of the Senate
State House Station #3
Augusta, ME 04333

Dear Secretary O'Brien:

Pursuant to my authority under Chapter 600 of the Public Laws of 1994, I have appointed Senator Joseph C. Brannigan to the Board of the "Maine Children's Trust Fund."

Also pursuant to my authority under Chapter 73 of the Resolves of 1994, I have appointed the following individuals to serve on the Persons with Disabilities Access Commission:

Sharon G. Miller of Brunswick
David M. Cann of Portland
Patricia M. Ender of Augusta
Margaret Rice of Lincolnville.

Please let me know if you have any questions regarding these appointments.

Sincerely,

S/Dennis L. Dutremble
President of the Senate

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

**THE SENATE OF MAINE
AUGUSTA, MAINE 04333**

May 5, 1994

Honorable Joy J. O'Brien
Secretary of the Senate
State House Station #3
Augusta, ME 04333

Dear Secretary O'Brien:

Pursuant to my authority under M.R.S.A. 38 §1453-A, I have appointed Donaldson Koons of Oakland to the Maine Advisory Commission on Radioactive Waste.

If you have any questions regarding this appointment, please let me know.

Sincerely,

S/Dennis L. Dutremble
President of the Senate

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

STATE OF MAINE
116th LEGISLATURE
AUGUSTA, MAINE 04333

May 2, 1994

Honorable Joy J. O'Brien
Secretary of the Senate
State House Station #3
Augusta, Maine 04333

Dear Secretary O'Brien:

This is to notify you that pursuant to our authority under Chapter 297 of the Public Laws of 1993, we have today 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.

Sincerely,

S/Dennis L. Dutremble S/Dan A. Gwadosky
President of the Senate Speaker of the House

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

STATE OF MAINE
116th LEGISLATURE
AUGUSTA, MAINE 04333

May 12, 1994

Honorable Joy J. O'Brien
Secretary of the Senate
State House Station #3
Augusta, Maine 04333

Dear Secretary O'Brien:

This is to notify you that pursuant to our authority under Chapter 707 of the Public Laws of 1993, we have today appointed Rep. Charlene B. Rydell, of Brunswick, to the Maine Health Care Reform Commission. This appointment is subject to the review and approval of the Joint Standing Committee on Banking and Insurance.

Sincerely,

S/Dennis L. Dutremble S/Dan A. Gwadosky
President of the Senate Speaker of the House

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

STATE OF MAINE
116th LEGISLATURE
AUGUSTA, MAINE 04333

May 12, 1994

Honorable Joy J. O'Brien
Secretary of the Senate
State House Station #3
Augusta, Maine 04333

Dear Secretary O'Brien:

This is to notify you that pursuant to our authority under Chapter 707 of the Public Laws of 1993, we have today appointed Rep. George A. Townsend, of Eastport, to serve as the legislative member on the Atlantic States Marine Fisheries Commission.

Sincerely,

S/Dennis L. Dutremble S/Dan A. Gwadosky
President of the Senate Speaker of the House

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

STATE OF MAINE
116th LEGISLATURE
AUGUSTA, MAINE 04333

June 23, 1994

Honorable Joy J. O'Brien
Secretary of the Senate
State House Station #3
Augusta, Maine 04333

Dear Secretary O'Brien:

This is to notify you that pursuant to our authority under Chapter 508 of the Public Laws of 1993, we have appointed the following to serve on the Committee to Study the Operations of the Governor Baxter School for the Deaf:

- Sen. Jane A. Amero, of Cumberland (Education Committee)
- Rep. George J. Kerr, of Old Orchard Beach (Appropriations)
- Barbara J. Keefe, of Cumberland Foreside (Public Educator)
- Roxanne Baker, of Portland (Deaf Community)
- Lois Morin, of East Sebago (Deaf Community)

Sincerely,

S/Dennis L. Dutremble S/Dan A. Gwadosky
President of the Senate Speaker of the House

Which was READ and ORDERED PLACED ON FILE.

Sen. Richard J. Carey, of Kennebec
Rep. Robert J. Tardy, of Palmyra
Rep. Annette M. Hoglund, of Portland
Rep. Eleanor M. Murphy, of Berwick
Rep. Robert W. Spear, of Nobleboro

The Following Communication:

Sincerely,

STATE OF MAINE
116th LEGISLATURE
AUGUSTA, MAINE 04333

S/Dennis L. Dutremble
President of the Senate

S/Dan A. Gwadosky
Speaker of the House

June 23, 1994

Which was READ and ORDERED PLACED ON FILE.

Honorable Joy J. O'Brien
Secretary of the Senate
State House Station #3
Augusta, Maine 04333

The Following Communication:

STATE OF MAINE
116th LEGISLATURE
AUGUSTA, MAINE 04333

Dear Secretary O'Brien:

June 27, 1994

This is to notify you that pursuant to our authority under Chapter 699 of Public Laws of 1993, we have appointed the following to serve on the Commission to Study Potato Quality Issues:

Sen. Judy Paradis, of Aroostook
Rep. Robert J. Tardy, of Palmyra
Rep. Richard Kneeland, of Easton
Ronald Ahlmquist, of Scarborough (Maine State Employees Association)
Vernon DeLong, of Presque Isle (Agricultural Bargaining Council)

Honorable Joy J. O'Brien
Secretary of the Senate
State House Station #3
Augusta, Maine 04333

Sincerely,

Dear Secretary O'Brien:

S/Dennis L. Dutremble
President of the Senate

S/Dan A. Gwadosky
Speaker of the House

This is to notify you that pursuant to our authority under Chapter 100 of the Private and Special Laws of 1993, we have appointed the following to serve on the Unorganized Territory Education and Services Fund Study Commission:

Which was READ and ORDERED PLACED ON FILE.

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 - unorganized territory)
Rep. Richard A. Gould, of Greenville (Legislator - unorganized territory)
Roland D. Martin, of Caribou (Public)
James A. McBreairty, of Perham (Public)

The Following Communication:

Sincerely,

STATE OF MAINE
116th LEGISLATURE
AUGUSTA, MAINE 04333

S/Dennis L. Dutremble
President of the Senate

S/Dan A. Gwadosky
Speaker of the House

June 27, 1994

Which was READ and ORDERED PLACED ON FILE.

Honorable Joy J. O'Brien
Secretary of the Senate
State House Station #3
Augusta, Maine 04333

Dear Secretary O'Brien:

This is to notify you that pursuant to our authority under Chapter 576 of the Public Laws of 1993, we have appointed the following to serve on the Subcommittee of the Joint Standing Committee on Taxation to Review Changes in Tree Growth and Open Space Laws:

The Following Communication:

STATE OF MAINE
116th LEGISLATURE
AUGUSTA, MAINE 04333

June 30, 1994

Honorable Joy J. O'Brien
Secretary of the Senate
State House Station #3
Augusta, Maine 04333

Dear Secretary O'Brien:

This is to notify you that pursuant to our authority under Chapter 72 of the Private and Special Laws of Maine, we have appointed the following to serve on the Commission to Study the Permitting of Cranberry Growing Operations:

- 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)
- Nancy Carter, of Alfred (Environmental Organization)

Sincerely,

S/Dennis L. Dutremble
President of the Senate

S/Dan A. Gwadosky
Speaker of the House

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

STATE OF MAINE
116th LEGISLATURE
AUGUSTA, MAINE 04333

July 27, 1994

Honorable Joy J. O'Brien
Secretary of the Senate
State House Station #3
Augusta, Maine 04333

Dear Secretary O'Brien:

This is to notify you that pursuant to our authority under Chapter 297 of Public Laws of 1993, we have 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.

Sincerely,

S/Dennis L. Dutremble
President of the Senate

S/Dan A. Gwadosky
Speaker of the House

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

STATE OF MAINE
116th LEGISLATURE
AUGUSTA, MAINE 04333

July 28, 1994

Honorable Joy J. O'Brien
Secretary of the Senate
State House Station #3
Augusta, Maine 04333

Dear Secretary O'Brien:

This is to notify you that pursuant to our authority under Chapter 720 of the Public Laws of 1993, we have appointed Rep. James Reed Coles, of Harpswell, to serve as the Energy and Natural Resource Committee non-voting member on the Technical Advisory Group to the Ambient Water Toxics Monitoring Program.

Sincerely,

S/Dennis L. Dutremble
President of the Senate

S/Dan A. Gwadosky
Speaker of the House

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

STATE OF MAINE
116th LEGISLATURE
AUGUSTA, MAINE 04333

August 5, 1994

Honorable Joy J. O'Brien
Secretary of the Senate
State House Station #3
Augusta, Maine 04333

Dear Secretary O'Brien:

This is to notify you that pursuant to our authority under 30-A M.R.S.A., Section 5041, we have reappointed Christalyn Cote, of Augusta, to the Interagency Task Force on Homelessness and Housing Opportunities.

Sincerely,

S/Dennis L. Dutremble
President of the Senate

S/Dan A. Gwadosky
Speaker of the House

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

STATE OF MAINE
116th LEGISLATURE
AUGUSTA, MAINE 04333

STATE OF MAINE
116th LEGISLATURE
AUGUSTA, MAINE 04333

August 5, 1994

August 9, 1994

Honorable Joy J. O'Brien
Secretary of the Senate
State House Station #3
Augusta, Maine 04333

Honorable Joy J. O'Brien
Secretary of the Senate
State House Station #3
Augusta, Maine 04333

Dear Secretary O'Brien:

Dear Secretary O'Brien:

This is to notify you that pursuant to our authority under Chapter 100 of the Private and Special Laws of 1993, we have 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.

This is to notify you that pursuant to our authority under Chapter 737 of the Public Laws of 1993, we have 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.

Sincerely,

Sincerely,

S/Dennis L. Dutremble
President of the Senate

S/Dan A. Gwadosky
Speaker of the House

S/Dennis L. Dutremble
President of the Senate

S/Dan A. Gwadosky
Speaker of the House

Which was READ and ORDERED PLACED ON FILE.

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

The Following Communication:

STATE OF MAINE
116th LEGISLATURE
AUGUSTA, MAINE 04333

STATE OF MAINE
116th LEGISLATURE
AUGUSTA, MAINE 04333

August 9, 1994

August 9, 1994

Honorable Joy J. O'Brien
Secretary of the Senate
State House Station #3
Augusta, Maine 04333

Honorable Joy J. O'Brien
Secretary of the Senate
State House Station #3
Augusta, Maine 04333

Dear Secretary O'Brien:

Dear Secretary O'Brien:

This is to notify you that pursuant to our authority under Chapter 699 of Public Laws of 1993, we have 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.

This is to notify you that pursuant to our authority under Chapter 72 of the Resolves of 1993, we have 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.

Sincerely,

Sincerely,

S/Dennis L. Dutremble
President of the Senate

S/Dan A. Gwadosky
Speaker of the House

S/Dennis L. Dutremble
President of the Senate

S/Dan A. Gwadosky
Speaker of the House

Which was READ and ORDERED PLACED ON FILE.

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

The Following Communication:

STATE OF MAINE
116th LEGISLATURE
AUGUSTA, MAINE 04333

July 12, 1994

The Following Communication:

Honorable Joy J. O'Brien
Secretary of the Senate
State House Station #3
Augusta, ME 04333

**THE MAINE SENATE
116TH LEGISLATURE**

August 16, 1994

Dear Secretary O'Brien:

This is to notify you that pursuant to our authority under Chapter 72 of the Private and Special Laws of Maine, we have appointed Todd Burrows of Falmouth to the Commission to Study the Permitting of Cranberry Growing Operations. Todd will be replacing Evelyn deFrees who has declined our recent appointment to serve as a representative of an environmental advocacy organization on the Commission.

Honorable Dennis L. Dutremble, President
Maine State Senate
State House Station 3
Augusta, Maine 04333

Dear Mr. President:

It is with great regret that I write to inform you that I must resign my seat as State Senator from District 6 effective September 4, 1994.

Please let us know if you have any questions regarding this appointment.

Sincerely,

S/Dennis L. Dutremble
President of the Senate

S/Dan A. Gwadosky
Speaker of the House

I have been deeply honored by the confidence placed in me by the voters of my District and I am deeply appreciative of the opportunity they have given me to serve in an institution that I love and respect. Nevertheless, personal considerations compel me to step down prior to the end of my term.

Thank you, Mr. President, for the leadership you have shown during your term as presiding officer, and please convey to my colleagues my thanks for their dedication to the highest standards of public service.

Sincerely,

S/Michael D. Pearson
SENATOR, District 6

Which was **READ** and **ORDERED PLACED ON FILE**.

Which was **READ** and **ORDERED PLACED ON FILE**.

The Following Communication:

**STATE OF MAINE
116th LEGISLATURE
AUGUSTA, MAINE 04333**

June 21, 1994

The Following Communication:

**BUREAU OF CORPORATIONS, ELECTIONS, AND COMMISSIONS
DEPARTMENT OF THE SECRETARY OF STATE
STATE HOUSE STATION 101
AUGUSTA, MAINE 04333**

September 12, 1994

Honorable Joy J. O'Brien
Secretary of the Senate
State House Station #3
Augusta, ME 04333

Dear Secretary O'Brien:

This is to notify you that pursuant to our authority under Chapter 707 of the Public Laws of 1993, we have today appointed Neil Rolde, of York, to the Maine Health Care Reform Commission. Please note that Neil is replacing Representative Charlene Rydell who is unable to serve on the Commission.

Also, for your information, this appointment is subject to the review and approval of the Joint Standing Committee on Banking and Insurance.

Sincerely,

S/Dennis L. Dutremble
President of the Senate

S/Dan A. Gwadosky
Speaker of the House

Joy J. O'Brien
Secretary of the Senate
State House Station 3
Augusta, Maine 04333

Dear Secretary O'Brien:

Notification is hereby given that a vacancy exists in State Senatorial District 6 due to the resignation of Michael D. Pearson of Enfield from that office effective September 4, 1994.

Which was **READ** and **ORDERED PLACED ON FILE**.

Sincerely,

S/Bill Diamond
Secretary of State

Which was READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act to Protect the Future of the United States Naval Shipyard at Kittery and the United States Naval Air Station at Brunswick" (Emergency)
S.P. 7 L.D. 2

Presented by Senator HARRIMAN of Cumberland.
(GOVERNOR'S BILL).

Cosponsored by Senators: ABROMSON of Cumberland, BUTLAND of Cumberland, CARPENTER of York, CASSIDY of Washington, KIEFFER of Aroostook, LAWRENCE of York, LORD of York, SMALL of Sagadahoc, Representatives: BAILEY of Township 27, BENEDIKT of Brunswick, BUCK of Yarmouth, CLUKEY of Houlton, CROSS of Dover-Foxcroft, DAVIDSON of Brunswick, DONNELLY of Presque Isle, FITZPATRICK of Durham, GUERRETTE of Pittston, JOYNER of Hollis, KNEELAND of Easton, LABRECQUE of Gorham, LEMONT of Kittery, LIBBY of Buxton, LINDAHL of Northport, MARSHALL of Eliot, MAYO of Bath, McALEVEY of Waterboro, MITCHELL of Vassalboro, MURPHY of Berwick, NICKERSON of Turner, OTT of York, PEAVEY of Woolwich, PENDLETON of Scarborough, POIRIER of Saco, REED of Dexter, STEDMAN of Hartland, TUFTS of Stockton Springs, UNDERWOOD of Oxford.

Committee on HOUSING & ECONOMIC DEVELOPMENT suggested and ORDERED PRINTED.

The Bill READ ONCE without reference to a Committee.

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

Senator CLEVELAND: Thank you Mr. President, Ladies and Gentlemen of the Senate. I just had an opportunity to look at the bill. I wonder if there might be a member of the Senate who might be familiar with it that might give us a little more explanation of the bill, what the money is to be used for, where the money is coming from for the expenditures, what the schedule is for the expenditure funds, who will be getting the funds, what the purpose of the use of the funds will be, if there is a committee in place to expend the funds, will there be any matching funds from our good neighbor in New Hampshire, and other questions of that nature. I think it would be helpful. Thank you.

THE PRESIDENT: The Senator from Androscoggin, Senator Cleveland, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Cumberland, Senator Harriman.

Senator HARRIMAN: Thank you Mr. President, Ladies and Gentlemen of the Senate. For just a few moments I would like to share with you the genesis of this bill and the answers to some of the questions that the good Senator from Androscoggin, Senator Cleveland, has raised. As you may recall several years ago another one of our military bases was placed on the Base Closure Commission list, namely

Loring Air Force Base: It wasn't until after that base was put on the closure list that we decided to advocate why it should not have been there. While the rest of it is history as we all know, what we try to do today here is to anticipate that by January 15, the BRAC Commission, as it is called, is going to decide which military bases will be placed on the closure list in the next round of closings. Since that fateful decision at Loring several years ago many of the regions around the State that are dramatically affected by military bases have developed local initiatives to advocate for their military facilities. The one that I am most familiar with is the Brunswick Naval Air Station in Brunswick. Starting in 1991 the area communities got together to assess the economic impact, the military strategic opportunities and defense that that facility provided, not only to the State of Maine but indeed the country. Further, the Bath-Brunswick-Topsham area Economic Development Council has been working on ways to recognize that defense downsizing, not only the Brunswick Naval Air Station but also Bath Iron Works. Many local initiatives have sprung up in my area and I am sure in the Portsmouth-Kittery area as well.

What this bill seeks to do is to appropriate \$100,000 out of a \$300,000 request that was made by the Brunswick area and the Portsmouth-Kittery area. What we seek to do is to provide them with the tools that they need, namely technical advice, advocacy, expenses for travel, printing, research and the like, so that they can begin now, before the Base Closure Commission decides which bases to add to the list, and which ones to leave off the list. Of the money, which is \$100,000 that you are being asked to support today, \$50,000 of it would go to the Brunswick area and \$50,000 of it to the Kittery area; and the money would come from unappropriated surplus. I had a chance to speak with John Wakefield in the Office of Program and Fiscal Review earlier today. He assured me that there is \$900,000 in that account as we speak. We would draw out \$100,000 of it, leaving \$800,000 for any other unexpected opportunities or emergencies that may come along. What we are trying to do is give these areas of our State the opportunity to explain the strategic and economic importance that they have to the State of Maine. I can't think of any other issue that would dash the economic resurgence that we hope is just around the corner than to have one or both of these facilities close. We are asking you to appropriate \$100,000 today to help these regions of the State which contribute \$325 million to our economy. Thank you.

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

Senator LAWRENCE: Thank you Mr. President, Ladies and Gentlemen of the Senate. If I could add perhaps a little more information to what the good Senator from Cumberland, Senator Harriman, has said. The base closure realignment process, we are approximately in the middle of the decision making process. October 31 was the deadline for all information to be gotten into the Navy and it is done through a particular computer system in which individual data calls are given to the various military installations on their military value. In addition, the communities and the state put in information to the base closure process. Between now and January 31 the Navy is reviewing that information and they are going to make a recommendation to the Secretary of the Navy. The Secretary of the Navy will turn around and make a recommendation to the Secretary of Defense who, in turn, makes that

recommendation first public on March 1, by making the recommendation to the President. That recommendation is then referred to what is called BRAC, the Base Closure and Realignment Commission. It is at this point that we want to affect the process because once the decision becomes public it is very difficult to change that decision. What I understand has happened is that the State of Maine has gotten a hold of the software used by the Navy in the BRAC process in preparing this information, and has gotten a hold of the information they are considering. What they want to do with the \$50,000 to each community is to allow the community to hire individuals who can analyze this information that the Navy is looking at, and to correct any mistakes that are in that information. If you remember, in the Loring process there were mistakes in the data and they were discovered only after it became public, after the public decision had been made. The attempt at this point is to find that information, see if we can determine its accuracy in the data call and guarantee that the Navy has the right information before the Secretary of Defense makes his or her announcement. Thank you.

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

Senator **CLEVELAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I want to thank the members of the Senate for the responses to those questions. I posed a series of questions, so it may be that one or two of them were inadvertently overlooked. I believe that we have allocated something in the order of \$50,000 previously for this process for the Portsmouth facility and that the State of New Hampshire has also allocated some money. I wonder if we could find out what the status of those funds are and whether there are any others who are also allocating any funds to assist this process, as the State of New Hampshire receives an enormous financial benefit from the operation of these bases as well. Thank you.

THE PRESIDENT: The Senator from Androscoggin, Senator Cleveland has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from York, Senator Lawrence.

Senator **LAWRENCE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I apologize to the good Senator from Androscoggin, Senator Cleveland. I forgot to answer the other questions when I stood up. The \$50,000 that was appropriated two years ago was appropriated at a time before we realized whether or not any of the naval depots would be on a closure list. What occurred two years ago was that after that appropriation some of the naval depots, specifically Charleston, Long Beach, Mare Island, were put on the closure list. That required the BRAC Commission, or their decision was to put all the bases on the closure list and review all of the bases. That required the Portsmouth Naval Shipyard to do a presentation in Boston to argue why it should not be on the closure list as the Navy had recommended. So that \$50,000, the majority of that, was allowed at that time to do that presentation for the 1993 closure process, to see that the BRAC did not take the recommendations of the Department of Defense, change them and put Portsmouth on the list. There was a serious challenge at that time. Charleston was seeking to have either Portsmouth or Norfolk put on the list and have Charleston taken off. That presentation was done in June two years ago. I don't know whether the State of New Hampshire is considering a similar appropriation at this time.

I just learned of this bill Sunday evening and have not had a chance to get back to my communities to discuss it with some of the legislators from New Hampshire. I can tell you there is a substantial effort to raise a substantial amount of money from within the communities both by the Seacoast Shipyard Association in the Kittery-Portsmouth area and the Task Force on the Portsmouth Naval Shipyard. This \$50,000 is not all that is going to be needed for this process. A large majority of it is going to have to come from communities and from other sources that we can locate. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Kieffer.

Senator **KIEFFER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. My district has gone through a base closure at Loring and I would just like to impress upon you the seriousness of what does happen when this does occur. I'm not sure whether \$50,000 is enough money to save either of these two institutions from closure under the conditions that exist in the country, but if it helps at all I certainly would support it immensely. The economic impact of these base closures is something that in your wildest imagination you can't imagine. If you would just refer to page four of today's calendar, in the voting for Senate in our districts, this redistricting of course was based on the population in 1990 and if you will look in District 1 there were some 13,482 people who voted. In Senate District 3 there were 13,135 people who voted. In Senate District 2, which is Limestone, Caribou, Fort Fairfield, there were 9,404 people who voted. That represents an exodus of people. Not necessarily military because for the most part in our research we found that they do in fact vote absentee where they live. These are people that actually leave the area and I would expect the same thing would happen in these surrounding communities. So the old saying about an ounce of prevention being worth a pound of cure, if we can possibly do something to save these bases at this time, I think it is well worth our serious consideration. Thank you.

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

Senator **CLEVELAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I want to thank the members of the Senate for responding to those questions. It is quite helpful when I receive questions from members of my own constituency on how we allocate scarce public dollars that I can give a cogent response. I certainly support the efforts to keep those facilities here in the State. They have tremendous economic benefit to the State, as well as, I think, a military significance that should be clearly articulated; and I certainly would support it. I appreciate the opportunity to have the information provided so I can provide a cogent response to those who might ask questions from my own district. Thank you.

Which was **READ A SECOND TIME** and **PASSED TO BE ENGROSSED** without reference to a Committee.

Which was ordered sent down forthwith for concurrence.

ORDERS

On motion by Senator HANLEY of Oxford, the following Order:

ORDERED, that the Senate Rules of the 117th Legislature are as follows:

**RULES OF THE SENATE
117TH LEGISLATURE**

1. The President shall take the chair at the time to which the Senate stands adjourned; but in case of the President's absence the President pro tempore shall preside. The President shall have the right to name a Senator to perform the duties of the Chair during the President's absence. In case of the absence of the President pro tempore, the Secretary shall preside until a President pro tempore is chosen.

When, between the first Wednesday in December following the general election in which a gubernatorial election is held and the first Wednesday after the first Tuesday in January following the election, the President, pursuant to Article 5, Part 1, Section 14 of the Constitution of Maine, assumes the office of Governor, the President pro tempore shall exercise the powers and duties of the office of President until the vacancy in the Senate created by the President's succession to the office of Governor is filled, the Senator so elected is seated and a President is elected.

1-A. Beginning with the 117th Legislature, the President, the majority leader, the assistant minority leader, the minority leader and the assistant minority leader may not serve more than 2 consecutive terms.

2. At the first session of each day, on the appearance of a quorum, the journal of the preceding day shall be read; and the President shall ascertain whether a quorum is present before such reading.

3. When speaking, the President shall address the Senate; when a Senator speaks the Senator shall stand in the Senator's place and address the President.

4. The President, when speaking to any member of the Senate, and the members, when referring to each other in debate, shall use in their addresses the title of Senator, and by way of distinction name the county in which the Senator resides.

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

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

6. The President shall rise to put a question, and shall declare all votes, but if any Senator doubt the vote, all those voting in the affirmative, when called upon by the President, shall rise and stand until they are counted, and also those in the negative, in like manner, to make the vote certain. The President may vote in all cases.

7. The President shall consider a motion to adjourn as always first in order, and it shall be decided without debate.

8. When a question is under debate, no motion shall be received but - (1) to adjourn, (2) to reconsider, (3) to lay on the table, (4) to postpone to a day certain, (5) to commit, (6) to amend, (7) to postpone indefinitely; which several motions shall have precedence in the order in which they stand arranged.

Questions of concurrence or otherwise with the House shall have precedence of each other in the following order.

- | | |
|------|------------|
| 1st. | To recede. |
| 2nd. | To concur. |
| 3rd. | To insist. |
| 4th. | To adhere. |

A motion to adjourn shall always be first in order, and shall be decided without debate.

9. A motion shall be reduced to writing, if desired by the President or any Senator, and shall then be deemed to be in possession of the Senate, to be disposed of by the Senate; but the mover may withdraw it at any time before a decision, or any amendment be made to it.

10. No Senator shall address the Senate until recognized by the President, nor more than once to the exclusion of any other Senator, without leave of the Senate, if objection is made, unless the Senator be the mover of the matter under debate, and not then more than three times without leave.

11. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment; nor shall an amendment proposing to ingraft a general provision of law upon a private bill be in order; nor any amendment beyond the second degree.

12. No amendment to a bill or resolve shall be acted upon by the Senate until the same has been printed or reproduced and distributed to the members under the direction of the Secretary of the Senate, unless the same shall bear the recommendation of the Committee on Bills in the Second Reading that such printing or reproduction be dispensed with; and any amendment not so printed or reproduced or bearing such recommendation, shall lie on the table until printed or reproduced or until said Committee has recommended that such printing or reproduction be dispensed with. All amendments presented or filed with the Secretary for printing or reproduction shall bear the signature of the member presenting or filing the same.

13. An amendment proposed may be amended before it is adopted, but not afterwards; unless the vote adopting it be first reconsidered, and no Senator shall be competent to move any reconsideration unless that Senator voted with the majority and upon the same or a succeeding day; and a motion to reconsider any vote shall not be laid upon the table unless a time shall be specially assigned for its consideration.

14. When a motion has once been made and carried in the affirmative or negative, it shall not be in order for any member of the Senate who voted in the minority to move a reconsideration thereof; but any Senator who voted with the majority, or in the

negative on a tie vote, may move to reconsider on the same or succeeding day. A motion to reconsider shall not be postponed or laid on the table without a certain time assigned for its further consideration. When a motion for reconsideration has been decided the vote shall not be reconsidered. A motion to reconsider shall not be in order more than once on the same question.

15. When a member of the Senate shall move, or give notice of intention to move, a reconsideration of any vote, the papers to which the motion relates shall remain in possession of the Secretary until the question of reconsideration shall have been decided, or the right to move such a question is lost.

16. A motion to reconsider shall take precedence of all other questions except a motion to adjourn, but if made while another question is pending, it shall not be put until the other question is disposed of, but simply entered.

17. Questions of order shall be decided by the President without debate; but if an appeal is taken, the same may be debated like other questions, and the decision thereon shall be entered upon the journal.

18. A question containing two or more propositions capable of division shall be divided whenever desired by any member.

19. In filling up blanks, the largest sum and longest time shall be put first.

20. Every paper shall be once read at the table before any Senator shall be obliged to vote on it, but when the reading of a paper is called for, that has been before read to the Senate, if any Senator object, the question shall be determined by the Senate.

21. All bills and resolves in the second reading shall be committed to the Committee on Bills in the Second Reading, to be by them examined, corrected, and so reported to the Senate.

22. Upon a second reading of a bill or resolve, after the same shall be read through and before the question is put on its passage, it shall be read and considered by paragraphs, at the request of any member of the Senate; and no bill or resolve shall have a second reading unless a time (not less than one hour after the first reading) be assigned therefor.

23. No bill or resolve shall pass to be engrossed without being twice read; and all bills and resolves, immediately after the same shall have been engrossed, shall be committed to the Committee on Engrossed Bills, whose duties shall be to examine the same, and to see that the same have been truly engrossed; and before any bill shall pass to be enacted, or any resolve be finally passed, it shall be reported by the committee for the examination of engrossed bills to be truly and strictly engrossed, and the title thereof be read by the President.

24. No resolve of any kind, or order making any grant of money, lands, or other public property shall be passed without being read on two several days; the time for the second reading shall be assigned by the Senate.

25. After the reading of the journal, the following shall be the order of business:

1st. House papers not acted upon; and if accompanied by a bill or resolve, the first reading of such bill or resolve.

2nd. Messages and documents from the executive and heads of departments.

3rd. The reception and reference of petitions and such other papers as require action by a committee.

4th. Orders.

5th. Reports of committees.

6th. Bills and resolves reported by the Committee on Bills in the Second Reading.

7th. Bills on their passage to be enacted, and resolves on their final passage.

8th. Orders of the day.

It shall be the duty of the Secretary to number bills and resolves in the order in which they shall be reported by said Committee on Bills in the Second Reading, and enter them upon the calendar in such order. They shall be taken up for their second reading and passage to be engrossed, or other disposition, in the order in which they stand upon the calendar. When a bill or resolve, after it is put on the calendar, is laid on the table, and no time assigned for its further consideration, it shall go to the foot of the calendar as it then stands. Papers from the House, concerning which there has been a disagreeing vote of the two houses, shall be disposed of before commencing with the calendar. This rule shall not apply to or interfere with motions to reconsider, or special assignments or other privileged questions.

26. Once the Secretary of the Senate commences with the roll call, all Senators shall remain seated until the vote has been announced. When the yeas and nays are taken, the names of the Senators shall be called alphabetically.

27. A roll call may be requested while the result of a division is being announced.

28. After a question is put to vote, no Senator shall speak on it. Every Senator who may be present shall vote unless excused by the Senate, or excluded by interest.

28-A. There may be no pairing of votes in the Senate.

29. The unfinished business, in which the Senate was engaged at the time of the last adjournment, shall have precedence in the orders of the day.

30. No engrossed bill or resolve shall be sent to the House without notice thereof being given to the Senate by the President.

31. Members or members-elect who shall present a bill, resolve or a petition shall place their signatures thereon and a brief descriptive title of its contents.

32. All confidential communications made by the Governor to the Senate, shall be by the members thereof kept inviolably sacred until the Senate shall by their resolution take off the injunction of secrecy.

33. No rule shall be dispensed with, except by the consent of two thirds of the members present. Notwithstanding this rule, after the convening of the First Regular Session and before the 3rd Monday in January, any amendment to the Senate Rules proposed by a Senate Order may be adopted by a majority vote of the members present, except that if the amendment has already failed to be adopted during that session, it may be adopted only if, upon reconsideration, it receives the approval of 2/3 of the members present.

34. Members of the Senate may exchange seats on consulting the President and obtaining permission.

35. No member shall be absent from the Senate without leave, unless there be a quorum left present.

36. All Committees, a Sergeant-at-Arms, an Assistant Sergeant-at-Arms, a Postmaster and chamber staff shall be appointed by the President, unless the Senate otherwise directs. Such appointments may be rescinded at any time by the President.

37. At the commencement of the session, the President shall appoint a Committee on Bills in the Second Reading and a Committee on Engrossed Bills, each committee to consist of 4 members. At least 2 members of either committee shall constitute a quorum of that committee and the Revisor of Statutes shall serve as clerk of the Committee on Bills in the Second Reading.

38. The President of the Senate shall appoint the Committee on Conduct and Ethics which shall be comprised of 5 members and which shall represent the 2 major political parties.

39. No member of the Senate shall act as counsel for any party before any committee of the Legislature.

40. All messages from the Senate to the House, and to the Governor shall be carried by the Secretary, unless the Senate shall direct some other mode of transmission, and all papers shall be transmitted to the Governor and the House under the direction of the Secretary or the Assistant Secretary.

41. The Senate may at any time, upon motion, by a vote of a majority of the members present, resolve itself into a committee of the whole for the purpose of considering any subject named in the motion; and a chairman shall be appointed by the President. If a message is announced while the Senate is in such committee, the President shall resume the chair for the purpose of receiving it; immediately after which the committee shall proceed, until dissolved in the usual manner.

42. The rules of parliamentary practice comprised in Mason's Manual of Legislative Procedure shall govern the Senate in all cases to which they are applicable and in which they are not inconsistent with the standing rules of the Senate or of the joint rules of the two houses.

43. A copy of each Senate order requiring action by any department, bureau, commission, board or agency of the State which is passed by both branches of the Legislature shall be forwarded to such department, bureau, commission, board or agency by the Secretary of the Senate immediately after the adjournment of the legislative day in which the order was passed by the concurring branch of the Legislature.

44. Prior to final action by the Senate on any paper initiating any impeachment proceeding under the Constitution of Maine, Article IV, Part First, Section 8; Article IV, Part Second, Section 7; and Article IX, Section 5, and prior to final action by the Senate on any paper initiating any address proceeding under the Constitution of Maine, Article IX, Section 5, the Secretary of State shall furnish members of the Senate with copies of the 1986 report to the 112th Legislature on impeachment and address.

Which was **READ**.

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

Joint Orders

On motion by Senator **BUSTIN** of Kennebec, the following Joint Order:

S.P. 1

ORDERED, the House concurring, that a sufficient number of the Legislative Record for the 117th Legislature be printed. One copy for each of the members of the Senate and the House of Representatives who so desires, the Secretary of the Senate and Clerk of the House, and the remainder to be deposited with the State Law Librarian for exchange and library use; and be it further

ORDERED, that suitable index be prepared for such Legislative Record, under the direction of the Revisor of Statutes.

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

Sent down for concurrence.

On motion by Senator **CARPENTER** of York, the following Joint Order:

S.P. 2

ORDERED, the House concurring, that Secretary of the Senate and the Clerk of the House respectively, purchase such services, supplies and equipment as may be needed to carry on the business of the Senate and the House, respectively.

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

Sent down for concurrence.

On motion by Senator **MCCORMICK** of Kennebec, the following Joint Order:

S.P. 3

ORDERED, the House concurring, that all printing and binding authorized by the Legislature shall be under the direction of the Secretary of the Senate and Clerk of the House.

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

Sent down for concurrence.

Sent down for concurrence.

On motion by Senator **HANLEY** of Oxford, the following Joint Order: S.P. 4

ORDERED, the House concurring, that telephone service may be provided for each member of the Senate and House, and each Representative from the Indian Tribes at the Legislature for a reasonable number of calls, of reasonable duration, as determined by the President of the Senate as to members of the Senate and the Speaker of the House as to members of the House and the Representatives from the Indian Tribes, to points within the limits of the State of Maine. The privilege granted to be a personal privilege not to be exercised by other than the members or representatives, that each member of the Senate and House, and each Representative from the Indian Tribes at the Legislature, may be provided with a credit card under the direction of the Secretary of the Senate and Clerk of the House, respectively, the cost of this service to be paid to the New England Telephone Company at regular tariff rates; and be it further

ORDERED, that the President of the Senate or Speaker of the House may, upon a finding of abuse of the privilege of telephone service by a member of the Senate or a member of the House, respectively, temporarily suspend or terminate the privilege of said telephone service to that number.

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

Sent down for concurrence.

On motion by Senator **PENDEXTER** of Cumberland, the following Joint Order: S.P. 6

ORDERED, the House concurring, that there be paid to the members of the Senate and the House as advances on account of compensation established by statute, 12 payments on a biweekly basis commencing January 4, 1995, in the amount of Eight Hundred and Thirty-one dollars and twenty-five cents (\$831.25), according to lists certified to the State Controller by the President of the Senate and Speaker of the House, respectively.

Which was **READ**.

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

Senator **CAREY**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I would hope that the Senate takes note that that would not cover those people under Social Security who have asked for equalized payments over the two years. Thank you.

Which was **PASSED**.

Sent down for concurrence.

On motion by Senator **HANLEY** of Oxford, the following Joint Order: S.P. 8

ORDERED, the House concurring, that the Joint Rules of the 117th Legislature are as follows:

JOINT RULES - 117TH LEGISLATURE

GENERAL PROVISIONS

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

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

On motion by Senator **SMALL** of Sagadahoc, the following Joint Order: S.P. 5

ORDERED, the House concurring, that the Executive Director of the Legislative Council be authorized and directed to prepare weekly, from expense accounts to be submitted to her by the members of the Senate and House, expense rosters showing the entitlement of each member for meals allowance and lodging reimbursement and to obtain approval thereof by the President of the Senate and the Speaker of the House, respectively, and deliver the same to the State Controller for processing and payment, in the manner and form recommended by the Joint Interim Committee of the 101st Legislature created to study and report on a method of implementing the administration of the provision of law relating to the mileage and expenses for members of the Legislature; and be it further

ORDERED, that the Executive Director of the Legislative Council be authorized and directed to provide the forms necessary for such purpose and provide suitable space in her office for the filing and safekeeping of all such expense accounts and other papers and records pertaining thereto.

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

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

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

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

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

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

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

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

7. Conventions. No business may be transacted in convention of the two Houses unless by unanimous consent of the convention in the convention, except for such business as may be agreed upon by 2/3 vote of the Legislative Council before the convention is formed.

8. Communications. Whenever a message shall be sent from the Senate to the House, the Chair shall appoint a messenger, who after being recognized, shall announce the message respectfully to the Chair.

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

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

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

11. Employees. The salaries of all officers and employees of the Senate and House of Representatives shall be established by the 2/3 vote of the Legislative Council. The Secretary of the Senate is authorized and directed to certify vouchers of the officers and employees of the Senate and the Clerk of the House is authorized and directed to certify vouchers of the officers and employees of the House in conformance with this Rule to the Executive Director of the Legislative Council.

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

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

12-A. Duration of Roll Calls: Calls for Yeas and Nays. A roll call in the Senate, or a call for yeas and nays in the House must close no more than 20 minutes after such call was commenced.

12-B. Questions Posed to Chair. When a question is posed to the Chair by a member in the Senate or the House, the presiding officer must respond to the question within 5 legislative days. Pending the presiding officer's response to the question, the item about which the question was posed must be tabled.

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

12-D. Special Sessions. The President of the Senate and the Speaker of the House, during a recess of the Legislature, if they deem it necessary that the Legislature be convened in special session pursuant to Article IV, Part Third, Section 1 of the Constitution of Maine, shall first poll all members of the Legislature in order to determine whether their call should be issued.

In such event, they shall notify all members of the respective branches, in writing or by the most efficient means necessary, that in their judgment it is necessary for the Legislature to convene, stating the necessity for such convention and direct the members of the respective branches to assemble at the State House in Augusta at an hour and on a date to be specified by them in said notice. The notice shall bear the signature of the President of the Senate and the Speaker of the House.

When members of the respective branches are so assembled pursuant to said notice, they shall first take up the question of the necessity of convening in special session and shall vote upon the question of whether to give their consent to the issuance of a call by the President of the Senate and Speaker of the House for the convention of the Legislature in special session.

If any member of the respective branches of the Legislature shall not appear pursuant to the notice of the President of the Senate and Speaker of the House for reasons of physical inability to attend or otherwise, the President of the Senate and the Speaker of the House shall direct the Secretary of the Senate or the Clerk of the House as appropriate to poll the member by the most efficient means possible or shall accept the member's proxy on the question.

If the member cannot be polled or does not respond, he shall be deemed not to have consented to the convening of the Legislature.

If a majority of the members of the Legislature of each of the 2 major political parties consent to convene and it appears that all members of the Legislature have been polled on the question, the President of the Senate and the Speaker of House shall issue their call for the convening of the Legislature in special session, directing the Secretary of the Senate and the Clerk of the House to give notice of the call to the members of the respective branches by the most efficient means necessary. The call shall bear the signature of the President of the Senate and the Speaker of the House and state the date and time of such convening.

When the Legislature is assembled pursuant to the call of the President of the Senate and the Speaker of the House, the Legislature shall complete its organization as a special session and proceed to the consideration of matters properly before it.

LEGISLATIVE COMMITTEES

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

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

There shall be no more than 14 Joint Standing Committees which shall be appointed as follows at the commencement of the first regular session, viz:

- On Appropriations and Financial Affairs
- On Banking and Insurance
- On Education
- On Natural Resources and Agriculture
- On Marine Resources, Fisheries and Wildlife
- On Economic and Business Legislation
- On Human Resources
- On Judiciary
- On Labor
- On Legal Affairs
- On State and Local Government
- On Taxation
- On Transportation
- On Utilities and Energy

Membership. Each of these committees shall consist of no more than 3 members on the part of the Senate and no more than 10 members on the part of the House. The Senate chair shall be elected by the Senate members elected to the committee. The House chair shall be elected by the House members elected to the committee. The Senate chair of the committee shall preside at committee meetings. The House chair shall preside in the absence of the Senate chair or at the Senate chair's discretion. If both chairs are absent, the chair shall alternate between the members from each House in order of appointment to the committee.

Committee Clerks. The hiring of all committee clerks must be mutually agreeable to both the Senate and House chairs. If not agreeable to both, the President of the Senate and Speaker of the House shall decide. Committee clerks serve at the pleasure of the President of the Senate and the Speaker of the House. The salaries of each committee clerk are established by the President of the Senate and the Speaker of the House and must terminate no later than the end of the session.

Committee Attendance. Each member is responsible for notifying the committee clerk whenever the member is unable to attend a public hearing or work session. The attendance records kept by the clerk shall be sent each week to the majority and minority leaders of both houses.

Procedures for Public Hearings and Work Sessions. At the beginning of each legislative biennium, all committees shall adopt procedures that govern public hearings, work sessions and confirmation hearings. Copies of the procedures must be sent to the presiding officers, the Secretary of the Senate, the Clerk of the House and the Executive Director of the Legislative Council upon adoption.

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

These committees may report by bill or otherwise. The presiding chair shall decide all questions of order, subject to appeal to the committee. The chair's ruling shall stand unless overruled by a 2/3 vote of the committee membership.

Scheduling of bills to be considered in public hearing and working sessions shall be arranged by the Senate chair with the agreement of the House chair; if agreement is not reached, the committee, by majority vote, shall decide.

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

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

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

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

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

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

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

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

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

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

committees' priorities for final passage of these bills.

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

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

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

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

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

Questions of Order. The presiding chair shall decide all questions of order, subject to appeal to the committee. The chair's ruling stands unless overruled by a 2/3 vote of the committee membership. A quorum of seven or more members must be present to take a vote. If a quorum is present, but there is not a Senator among them, the committee may take a vote only with the authorization of the presiding officers.

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

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

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

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

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

13-A. Joint Select Committee on Indian Affairs. There shall be a Joint Select Committee on Indian Affairs to review all legislation relating to Indians and Indian land claims after its submission to a joint standing committee but before a public hearing is held on that legislation. The committee shall consist of the representatives from House Districts 121, 134, 135 and 142, the Senators from Senate Districts 3, 4 and 7, the member of the Penobscot Nation and the member of the Passamaquoddy Tribe elected to represent their people at the Legislature and the executive secretary of the Tribal State Commission. The President of the Senate and the Speaker of the House of Representatives shall serve as ex officio members of the committee. The Joint Select Committee on Indian Affairs may make recommendations to the joint standing committee to which the legislation is referred.

13-B. Joint Select Committee on Rules. There shall be a Joint Select Committee on Rules. The 10 House members shall be appointed by the Speaker of the House. The 5 Senate members shall be appointed by the President of the Senate. The first-named House member shall be the House Chair.

The first-named Senate member shall be the Senate Chair. The committee shall make recommendations to the House and the Senate. The committee shall, in addition to other changes, determine changes necessary to incorporate gender-neutral language in the rules.

Notwithstanding Joint Rule 9, reports of the committee that propose amendments to the rules may be adopted by a majority vote in each House, until and including the end of the session on the 2nd Friday in January.

14. Reference of Bills to Committee. All bills must be referred to committee; except that this provision may be suspended by a majority vote taken by a division. The Secretary of the Senate and the Clerk of the House shall, after conferring together, suggest an appropriate committee reference for every bill, resolve and petition offered in either House. Upon their agreement, the suggested reference shall be placed upon the calendar of each House. If, however, they are unable to agree, the question of reference shall be referred to a conference of the President of the Senate and the Speaker of the House. Upon their agreement, the suggested reference shall be placed upon the calendar of each House. If, however, they are unable to agree, the question of suggested reference shall be referred to the Legislative Council for resolution. Upon the decision of the Legislative Council, the suggested reference shall be placed upon the calendar of each House.

When the Legislature is in recess the Clerk of the House and Secretary of the Senate shall refer the bills to the appropriate joint standing committee for public hearing and order printing, subject to the approval of the Speaker of the House and the President of the Senate.

Each suggested reference appearing upon the calendar of each House shall contain a recommendation for the printing of the document being referred and may contain a recommendation on the number of copies of that document to be printed.

Any member may move for reconsideration of a committee reference on the floor. Notwithstanding House Rule 53, Senate Rule 33 and Joint Rule 9, a majority vote shall be necessary to overturn the original committee of reference.

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

15. Reports of Bills from Committee.

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

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

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

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

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

3. Unanimous Ought Not to Pass Report. When all 13 members of a Joint Standing Committee vote to report a bill Ought Not to Pass, the committee shall notify the presiding officers, the sponsor and cosponsors of the bill of their action. This communication must appear on the calendar in each House, and the bill shall, upon notification of both Houses, be placed in the legislative file and disposed of as provided in subsection 4 as prescribed herein.

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

5. New Drafts. When the changes voted by the committee are major, the committee may elect to report the bill out Ought to Pass in New Draft with authorization of the presiding officers. When a plurality of the committee recommends this report, the chairs shall submit a request for authority to report the bill out in this fashion. When the committee recommendation is not unanimous, a minority report is required. New drafts printed pursuant to these rules shall include the legislative document number that the new bill replaces with the names of the original

sponsor and cosponsors. The Secretary of the Senate and the Clerk of the House shall determine the number of copies which shall be printed of each new draft.

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

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

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

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

Whenever a select committee shall be appointed by either House and be joined by the other, it shall be the duty of the Secretary of the Senate, or the Clerk of the House, as the case may be, to transmit one to the other the names of the members so joined, in order that they may be entered upon the journal of each House.

17. Conference Committees. Committees of conference shall consist of three members on the part of each House, and, if possible, representing each major political party. A committee of conference shall meet and submit a report, agreed to by a majority of each committee or unable to agree within 10 legislative days to the branch asking the conference. This report may be either accepted or rejected, but no other action shall be had except through another committee of conference. If the committee of conference is unable to agree, the President of the Senate and the Speaker of the House may appoint a new committee.

18. Committee Inquiries and Reports. Orders directing inquiry in relation to an existing statute shall state the subject matter of such statute and also the title and section to which the inquiry is directed.

In presenting a report upon any matter referred to a committee, such report shall set forth the subject referred, and the substance shall also be briefly endorsed on the back of the same.

If a committee responds to an order directing inquiry upon any matter by presenting a report recommending legislation, such legislation shall be introduced when the report is transmitted to the Legislature. This legislation shall bear the designation of the committee reporting.

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

Any committee which finds that it is unable to comply with these deadlines shall submit a written request for an extension to the Legislative Council prior to the deadline.

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

21. Reporting out Errors and Inconsistencies Legislation. Prior to reporting out any omnibus bill concerning errors and inconsistencies in the Laws of Maine, the Joint Standing Committee on Judiciary shall, after giving notice and an opportunity to be heard, hear proposed amendments and determine which amendments shall be included in the bill reported out. No floor amendment shall be entertained in either House unless the amendment is printed and distributed at least 24 hours prior to introduction.

22. Fiscal Notes. Every bill or resolve affecting state revenues, appropriations or allocations or that requires a local unit of government to expand or modify that unit's activities so as to necessitate additional expenditures from local revenues and that has a committee recommendation other than Ought Not to Pass must include a fiscal note. This statement must be incorporated in the bill before it is reported out of committee. Any amendment introduced that would affect the fiscal impact of the original bill must also include a fiscal note. The Office of Fiscal and Program Review has the sole responsibility for preparing all fiscal notes.

LEGISLATION

23. Prefiling. Any member-elect may present bills and resolves to the Clerk of the House or Secretary of the Senate for introduction prior to the convening of any first regular session after which they become the property of the Legislature and may not be withdrawn by the sponsor. The Clerk or Secretary shall number and print such measures in advance of convening.

24. Cloture for State Department, Agency or Commission Bills or Resolves.

1. Deadlines for Requests. No request for a bill or resolve may be submitted to the Revisor of Statutes on behalf of any state department, agency or commission after the first Wednesday in December. If the Governor has been newly elected in November preceding the convening of the first regular session, any bill or resolve introduced on behalf of a state department, agency or commission shall be submitted within 30 days after the Governor is administered the oath of office.

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

3. After-Deadline Requests. Any request for a bill or resolve submitted under this rule after the first Wednesday in December in either the

first or second regular session shall be considered an after cloture request and shall be transmitted to the Legislative Council by the Revisor of Statutes. The Legislative Council shall consider the facts supporting introduction notwithstanding cloture. If two-thirds of the Legislative Council approve the request for the bill or resolve, it shall be accepted for introduction. Notice of that action shall appear on the calendar of the appropriate House.

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

26. Cloture at the Second Regular or Special Sessions. The Legislative Council shall establish by 2/3 vote procedures for submission of legislation to the Revisor of Statutes at any second regular or special session. Procedures established for any second regular session shall ensure compliance with the requirements of the Maine Constitution, Article IV, Part Third, Section 1.

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

27. Filing after Cloture. Any request for a bill or resolve submitted to the Revisor of Statutes by a Legislator after the cloture date shall be transmitted to the Legislative Council. The Council shall ascertain from the sponsor the facts supporting the request notwithstanding cloture. If 2/3rds of the Council approves, notice of that approval shall appear on the calendar of the appropriate House.

27-A. Primary Sponsorship. Notwithstanding any other Joint Rule, legislation may have 2 primary sponsors, one from each House. Notwithstanding Joint Rule 28, a bill, resolve, order, resolution or memorial shall originate in whichever House agreed to by the primary sponsors, except that a revenue-raising bill must originate in the House of Representatives, in accordance with the Constitution of Maine, Article IV, Part Third, Section 9. This Rule takes effect on September 1, 1993.

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

29. Requirements for Drafting. A request for a bill or resolve filed with the Revisor of Statutes shall be considered complete when the request is properly titled and accompanied by sufficient instructions, information and data required for its preparation. Drafts prepared by an outside source must be filed in final form by the appropriate cloture date.

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

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

32. Signing of Bills, Resolves and Amendments. The sponsor and any cosponsor of a bill or resolve shall be notified by the Revisor of Statutes that the bill or resolve is ready in final form for signature. The sponsor and any cosponsors shall sign the bill or notify the Revisor of any changes that are necessary within deadlines established by the presiding officers. If the sponsor does not contact the Office of the Revisor of Statutes within this period, the bill shall be considered voided.

If changes are requested, the Revisor of Statutes shall notify the sponsor when changes have been made and the bill is available for signature; and the sponsor and cosponsors shall sign the bill within the established deadlines. Further changes must be proposed to the committee of reference. If the sponsor does not sign the bill within this period, it shall be voided. If cosponsors do not sign the bill within either period, their names shall be removed from the bill.

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

34. Expressions of Legislative Sentiment. All expressions of legislative sentiment shall conform to guidelines issued by the President of the Senate and the Speaker of the House and shall be presented in such manner as standardized by the Revisor of Statutes. Notwithstanding House Rule 55, the member of the Penobscot Nation and the member of the Passamaquoddy Tribe elected to represent their people at the biennial session of the Legislature shall have the right and privilege to sponsor and cosponsor expressions of legislative sentiment as if a regular member of the House.

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

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

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

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

2. Any item requesting ratification of an amendment to the United States Constitution shall require a majority vote of the members present in each House; and

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

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

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

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

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

LEGISLATIVE CONFIRMATIONS

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

The joint standing committee shall hold a public hearing on the nomination in Augusta at a time convenient to the public, within 45 days from the date of the Governor's notice of the nomination to the President of the Senate and Speaker of the House. The chairs of the committee shall cause to be published in the state paper at least 7 days before the hearing a notice of that hearing, which shall contain the time and place of the hearing, the name

of the nominee, the office to which that person has been nominated and a general description of the duties of that office. At the hearing, the committee shall take written or oral testimony which shall be limited to relevant comments and questions regarding the qualifications of the nominee. All testimony taken at the hearing shall be transcribed by mechanical means, and shall be preserved, together with any other relevant data provided the committee at the public hearing, by the committee for at least 6 months after the date of the public hearing. The 2 partisan assistants for nominations shall provide the committee with a written report of their investigations before the committee votes to recommend or deny confirmation.

Within 50 days from the date of the Governor's notice of the nomination to the President of the Senate and Speaker of the House, the committee shall recommend confirmation or denial by majority vote of the committee members present and voting. The vote of the committee shall be taken only upon an affirmative motion to recommend confirmation of the nominee, and a tie vote of the committee shall be considered a recommendation of denial. The committee vote shall be by the yeas and nays. The chairs of the committee shall send written notices of the committee's recommendation to the President of the Senate. Within 45 days from the date of the Governor's notification of the nomination to the President of the Senate and the Speaker of the House, the Senate shall review the recommendation of the committee on the nomination, and, after review, shall vote by the yeas and nays on that recommendation.

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

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

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

Which was **READ**.

Senate at Ease

Senate called to order by the President.

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

All matters thus acted upon were ordered sent down forthwith for concurrence.

Senator **KIEFFER** of Aroostook was granted unanimous consent to address the Senate off the Record.

Senator **LAWRENCE** of York was granted unanimous consent to address the Senate off the Record.

ORDERS

On motion by Senator **LAWRENCE** of York, the following Senate order:

ORDERED, that the President of the Senate is authorized, at his discretion, to permit radio or sound television film or live television, or any two or three of these communication media, on the floor of the Senate while the Senate is in session.

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

On motion by Senator **BUSTIN** of Kennebec, the following Senate order:

ORDERED, that the Secretary of the Senate be authorized to invite the clergy to officiate as Chaplains of the Senate as requested by any member of the Senate; and be it further

ORDERED, that all clergy acting as Chaplains of the Senate shall receive \$25 for each officiation. The same is to be approved by the Secretary of the Senate.

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

Off Record Remarks

On motion by **THE PRESIDENT**, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

SENATE ORDER - relative to the Senate Rules of the 117th Legislature

Tabled - earlier in the day by Senator **KIEFFER** of Aroostook

Pending - **PASSAGE**

(In Senate, **READ**.)

On motion by The President the Order **INDEFINITELY POSTPONED**.

On motion by Senator **KIEFFER** of Aroostook, the following Order:

ORDERED, that the Senate Rules of the 117th Legislature are as follows:

RULES OF THE SENATE

117TH LEGISLATURE

1. The President shall take the chair at the time to which the Senate stands adjourned; but in case of the President's absence the President pro tempore shall preside. The President shall have the right to name a Senator to perform the duties of the Chair during the President's absence. In case of the absence of the President pro tempore, the Secretary shall preside until a President pro tempore is chosen.

When, between the first Wednesday in December following the general election in which a gubernatorial election is held and the first Wednesday after the first Tuesday in January

following the election, the President, pursuant to Article 5, Part 1, Section 14 of the Constitution of Maine, assumes the office of Governor, the President pro tempore shall exercise the powers and duties of the office of President until the vacancy in the Senate created by the President's succession to the office of Governor is filled, the Senator so elected is seated and a President is elected.

1-A. Beginning with the 117th Legislature, the President, the majority leader, the assistant majority leader, the minority leader and the assistant minority leader may not serve more than 2 consecutive terms.

2. At the first session of each day, on the appearance of a quorum, the journal of the preceding day shall be read; and the President shall ascertain whether a quorum is present before such reading.

3. When speaking, the President shall address the Senate; when a Senator speaks the Senator shall stand in the Senator's place and address the President.

4. The President, when speaking to any member of the Senate, and the members, when referring to each other in debate, shall use in their addresses the title of Senator, and by way of distinction name the county in which the Senator resides.

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

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

6. The President shall rise to put a question, and shall declare all votes, but if any Senator doubt the vote, all those voting in the affirmative, when called upon by the President, shall rise and stand until they are counted, and also those in the negative, in like manner, to make the vote certain. The President may vote in all cases.

7. The President shall consider a motion to adjourn as always first in order, and it shall be decided without debate.

8. When a question is under debate, no motion shall be received but - (1) to adjourn, (2) to reconsider, (3) to lay on the table, (4) to postpone to a day certain, (5) to commit, (6) to amend, (7) to postpone indefinitely; which several motions shall have precedence in the order in which they stand arranged.

Questions of concurrence or otherwise with the House shall have precedence of each other in the following order.

- | | |
|------|------------|
| 1st. | To recede. |
| 2nd. | To concur. |
| 3rd. | To insist. |
| 4th. | To adhere. |

A motion to adjourn shall always be first in order, and shall be decided without debate.

9. A motion shall be reduced to writing, if desired by the President or any Senator, and shall

then be deemed to be in possession of the Senate, to be disposed of by the Senate; but the mover may withdraw it at any time before a decision, or any amendment be made to it.

10. No Senator shall address the Senate until recognized by the President, nor more than once to the exclusion of any other Senator, without leave of the Senate, if objection is made, unless the Senator be the mover of the matter under debate, and not then more than three times without leave.

11. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment; nor shall an amendment proposing to ingraft a general provision of law upon a private bill be in order; nor any amendment beyond the second degree.

12. No amendment to a bill or resolve shall be acted upon by the Senate until the same has been printed or reproduced and distributed to the members under the direction of the Secretary of the Senate, unless the same shall bear the recommendation of the Committee on Bills in the Second Reading that such printing or reproduction be dispensed with; and any amendment not so printed or reproduced or bearing such recommendation, shall lie on the table until printed or reproduced or until said Committee has recommended that such printing or reproduction be dispensed with. All amendments presented or filed with the Secretary for printing or reproduction shall bear the signature of the member presenting or filing the same.

13. An amendment proposed may be amended before it is adopted, but not afterwards; unless the vote adopting it be first reconsidered, and no Senator shall be competent to move any reconsideration unless that Senator voted with the majority and upon the same or a succeeding day; and a motion to reconsider any vote shall not be laid upon the table unless a time shall be specially assigned for its consideration.

14. When a motion has once been made and carried in the affirmative or negative, it shall not be in order for any member of the Senate who voted in the minority to move a reconsideration thereof; but any Senator who voted with the majority, or in the negative on a tie vote, may move to reconsider on the same or succeeding day. A motion to reconsider shall not be postponed or laid on the table without a certain time assigned for its further consideration. When a motion for reconsideration has been decided the vote shall not be reconsidered. A motion to reconsider shall not be in order more than once on the same question.

15. When a member of the Senate shall move, or give notice of intention to move, a reconsideration of any vote, the papers to which the motion relates shall remain in possession of the Secretary until the question of reconsideration shall have been decided, or the right to move such a question is lost.

16. A motion to reconsider shall take precedence of all other questions except a motion to adjourn, but if made while another question is pending, it shall not be put until the other question is disposed of, but simply entered.

17. Questions of order shall be decided by the President without debate; but if an appeal is taken, the same may be debated like other questions, and the decision thereon shall be entered upon the journal.

18. A question containing two or more propositions capable of division shall be divided whenever desired by any member.

19. In filling up blanks, the largest sum and longest time shall be put first.

20. Every paper shall be once read at the table before any Senator shall be obliged to vote on it, but when the reading of a paper is called for, that has been before read to the Senate, if any Senator object, the question shall be determined by the Senate.

21. All bills and resolves in the second reading shall be committed to the Committee on Bills in the Second Reading, to be by them examined, corrected, and so reported to the Senate.

22. Upon a second reading of a bill or resolve, after the same shall be read through and before the question is put on its passage, it shall be read and considered by paragraphs, at the request of any member of the Senate; and no bill or resolve shall have a second reading unless a time (not less than one hour after the first reading) be assigned therefor.

23. No bill or resolve shall pass to be engrossed without being twice read; and all bills and resolves, immediately after the same shall have been engrossed, shall be committed to the Committee on Engrossed Bills, whose duties shall be to examine the same, and to see that the same have been truly engrossed; and before any bill shall pass to be enacted, or any resolve be finally passed, it shall be reported by the committee for the examination of engrossed bills to be truly and strictly engrossed, and the title thereof be read by the President.

24. No resolve of any kind, or order making any grant of money, lands, or other public property shall be passed without being read on two several days; the time for the second reading shall be assigned by the Senate.

25. After the reading of the journal, the following shall be the order of business:

1st. House papers not acted upon; and if accompanied by a bill or resolve, the first reading of such bill or resolve.

2nd. Messages and documents from the executive and heads of departments.

3rd. The reception and reference of petitions and such other papers as require action by a committee.

4th. Orders.

5th. Reports of committees.

6th. Bills and resolves reported by the Committee on Bills in the Second Reading.

7th. Bills on their passage to be enacted, and resolves on their final passage.

8th. Orders of the day.

It shall be the duty of the Secretary to number bills and resolves in the order in which they shall be reported by said Committee on Bills in the Second

Reading, and enter them upon the calendar in such order. They shall be taken up for their second reading and passage to be engrossed, or other disposition, in the order in which they stand upon the calendar. When a bill or resolve, after it is put on the calendar, is laid on the table, and no time assigned for its further consideration, it shall go to the foot of the calendar as it then stands. Papers from the House, concerning which there has been a disagreeing vote of the two houses, shall be disposed of before commencing with the calendar. This rule shall not apply to or interfere with motions to reconsider, or special assignments or other privileged questions.

26. Once the Secretary of the Senate commences with the roll call, all Senators shall remain seated until the vote has been announced. When the yeas and nays are taken, the names of the Senators shall be called alphabetically.

27. A roll call may be requested while the result of a division is being announced.

28. After a question is put to vote, no Senator shall speak on it. Every Senator who may be present shall vote unless excused by the Senate, or excluded by interest.

28-A. There may be no pairing of votes in the Senate.

29. The unfinished business, in which the Senate was engaged at the time of the last adjournment, shall have precedence in the orders of the day.

30. No engrossed bill or resolve shall be sent to the House without notice thereof being given to the Senate by the President.

31. Members or members-elect who shall present a bill, resolve or a petition shall place their signatures thereon and a brief descriptive title of its contents.

32. All confidential communications made by the Governor to the Senate, shall be by the members thereof kept inviolably sacred until the Senate shall by their resolution take off the injunction of secrecy.

33. No rule shall be dispensed with, except by the consent of two thirds of the members present. Notwithstanding this rule, after the convening of the First Regular Session and before the 3rd Monday in January, any amendment to the Senate Rules proposed by a Senate Order may be adopted by a majority vote of the members present, except that if the amendment has already failed to be adopted during that session, it may be adopted only if, upon reconsideration, it receives the approval of 2/3 of the members present.

34. Members of the Senate may exchange seats on consulting the President and obtaining permission.

35. No member shall be absent from the Senate without leave, unless there be a quorum left present.

36. All Committees, a Sergeant-at-Arms, an Assistant Sergeant-at-Arms, a Postmaster and chamber staff shall be appointed by the President, unless the Senate otherwise directs. Such appointments may be rescinded at any time by the President.

37. At the commencement of the session, the President shall appoint a Committee on Bills in the

Second Reading and a Committee on Engrossed Bills, each committee to consist of 4 members. Any one member of either committee shall constitute a quorum of that committee and the Revisor of Statutes shall serve as clerk of the Committee on Bills in the Second Reading.

38. The President of the Senate shall appoint the Committee on Conduct and Ethics which shall be comprised of 5 members and which shall represent the 2 major political parties.

39. No member of the Senate shall act as counsel for any party before any committee of the Legislature.

40. All messages from the Senate to the House, and to the Governor shall be carried by the Secretary, unless the Senate shall direct some other mode of transmission, and all papers shall be transmitted to the Governor and the House under the direction of the Secretary or the Assistant Secretary.

41. The Senate may at any time, upon motion, by a vote of a majority of the members present, resolve itself into a committee of the whole for the purpose of considering any subject named in the motion; and a chairman shall be appointed by the President. If a message is announced while the Senate is in such committee, the President shall resume the chair for the purpose of receiving it; immediately after which the committee shall proceed, until dissolved in the usual manner.

42. The rules of parliamentary practice comprised in Mason's Manual of Legislative Procedure shall govern the Senate in all cases to which they are applicable and in which they are not inconsistent with the standing rules of the Senate or of the joint rules of the two houses.

43. A copy of each Senate order requiring action by any department, bureau, commission, board or agency of the State which is passed by both branches of the Legislature shall be forwarded to such department, bureau, commission, board or agency by the Secretary of the Senate immediately after the adjournment of the legislative day in which the order was passed by the concurring branch of the Legislature.

44. Prior to final action by the Senate on any paper initiating any impeachment proceeding under the Constitution of Maine, Article IV, Part First, Section 8; Article IV, Part Second, Section 7; and Article IX, Section 5, and prior to final action by the Senate on any paper initiating any address proceeding under the Constitution of Maine, Article IX, Section 5, the Secretary of State shall furnish members of the Senate with copies of the 1986 report to the 112th Legislature on impeachment and address.

Which was READ.

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

Senator LAWRENCE: Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like to pose a question. Could someone please explain to me what the differences are in these rules between the rules that were adopted by the 116th Senate? Thank you.

THE PRESIDENT: The Senator from York, Senator Lawrence, has posed a question through the Chair to

any Senator who may care to respond. The Chair recognizes the Senator from Oxford, Senator Hanley.

Senator HANLEY: Thank you Mr. President, Ladies and Gentlemen of the Senate. It is my understanding that certain changes have been made and I can tell you exactly what the changes were that are in the Senate Rules that are proposed and the earlier Order which has been Indefinitely Postponed. The only thing that has changed now, to my understanding, is that there will be no pairing allowed in the Senate during the 117th Legislature. Also, there will be a window, that is in 28-A, that is a new addition to the Senate Rules. There is a window period that will allow this Senate to make changes until I believe it is the third Monday in January, to propose any changes to these rules and require only a majority vote rather than a two-thirds vote as would normally be the case. There is also a change in 1-A as far as for leadership in this chamber, they will be limited to no more than two consecutive terms. As all of us know, one legislative body cannot direct the actions of the next legislative body, but it would only be unless the 118th Senate want to adopt that as well. To my understanding the other changes that were in the original have been excised from this document. Thank you.

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

Senator LAWRENCE: Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like to pose another question through the Chair. My understanding is also that in rule 42, the words were taken out that refer to Mason's manual and in the rules of the 116th there were also the words "or any other similar manual". I was wondering if anyone could explain to me why those words were taken out. Thank you.

THE PRESIDENT: The Senator from York, Senator Lawrence has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Oxford, Senator Hanley.

Senator HANLEY: Thank you Mr. President, Ladies and Gentlemen of the Senate. To answer the good Senator from York, Senator Lawrence, the reason why it was taken out was to give the individuals in this chamber the ability to know exactly what rules they were going to be operating under. I know as a member of the minority in the other chamber as well as this chamber, sometimes it was difficult to know exactly what set of rules would be pulled out at any one time. I think this would be a benefit to the party in the minority and would offer that as such, as a benefit to know exactly what rules would be in place at all points in time. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Goldthwait.

Senator GOLDTHWAIT: Thank you Mr. President, Ladies and Gentlemen of the Senate. I would also like to offer the explanation that I heard which was that Mason's manual itself refers to other standard bodies of procedure which could be referenced in the course of these proceedings. Thank you.

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

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

Could you please explain the impetus behind rule 1-A? Why have you proposed a change from three consecutive terms to two consecutive terms? To me it limits the amount, whether you are in the majority or the minority, the amount of experience you afford your leaders and potential Presidents of this Senate. I would just like to know the reasoning that went behind that one. Thank you.

THE PRESIDENT: The Senator from Cumberland, Senator Rand, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Oxford, Senator Hanley.

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. To respond to the good Senator from Cumberland, the rationale is that we are now, because of a vote that took place two Novembers ago when over 70% of the Maine voters decided that Senators and Representatives would serve no more than four consecutive terms. It is my belief that if you only have four terms here then probably there would be a benefit, as we have now with a Senate President who has no prior leadership experience, to be able to ascend to that position but would only be able to maintain that for two terms. I think there is a benefit to turnover in leadership. For those of you who have been in leadership before and are now in a non-leadership position, I think there are certain strengths that you bring to the caucus outside of your leadership role. Just as I have said for years and years, the more people you can get involved in the process, the better; and the more people that you can get involved in different areas of the process, I think, the better the State of Maine is served. Thank you.

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

Senator **LAWRENCE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I have a couple of strong concerns about the proposals in these rules. As I understand it, and I understand what the Senator from Hancock, Senator Goldthwait, said, that Mason's allows you to refer to other rules, in fact suggests that you refer to other authorities. If that is true, then I don't see the point in taking those words out of our rules that achieve the same thing. Mason's is limited in certain circumstances on the types of rules it deals with, particularly I believe in Committees of Conference. It doesn't provide the guidance that we would need on certain rules. I just want to make it clear, on the Record, that we are not limiting ourselves to just Mason's, that we are allowing to go to other authorities. From the statements from the Senator from Oxford, Senator Hanley, it sounded like that was exactly what he wanted to do, was to limit only to Mason's authority. I just want to make it clear, on the Record, and I would be very happy if the good Senator would make it clear, on the Record, that we are not limiting ourselves to that one authority.

My other concern is regarding the condition against pairing of votes. I know in this chamber in the past the majority party has chosen not to do pairing and I think anyone who does not believe in pairing should not do it, but the right of people to pair, and the right of people to be included in the ability to vote is a very important tradition in democracy. The ability of people, whether they be in the majority or the minority, to pair among themselves is very important. I don't think that we should lightly restrict this ability. People are elected to a citizens' legislature, Maine has a proud

tradition of its citizen legislatures and I want to keep it that way. In a citizens' legislature people have to have other jobs. They have other responsibilities and there are occasions when they can't be here. Pairing is a courtesy allowed to them that would allow them to still participate when they can't make it here for justifiable reasons. Thank you.

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. If I could respond first to the good Senator from York, Senator Lawrence, regarding proposed Senate Rule 42. I think it speaks for itself in that by choosing to have this body follow Mason's Rules, if Mason's Rules allows for additional parliamentary regulations to be considered if Mason's doesn't cover it, I think it speaks for itself. I'm more than happy to elaborate further on the Record but I think as long as we know that Mason's covers whatever issue comes before us that is going to be the governing decision. As far as pairing, in the 116th the then minority party, now the majority party, had quite a long and heated discussion as far as pairing and the choices that we thought were important to make, not only as a party but as Senators to our State and the importance of voting and the importance of being here. We, too, applaud and appreciate the fact that we are a citizens' legislature and those of us on this side of the aisle would very much like to continue and return ourselves to a true citizens' legislature and not have to commit so much time up here and the time we do spend up here to be committed to working effectively and efficiently. As far as the pairing, it is a decision that has been heavily discussed in this chamber from both sides and it is a decision that needs to be made by the body but one that we have discussed at length. Thank you.

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

Senator **BEGLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Insofar as pairing is concerned, I would take a staunch stand not to allow pairing for I am a firm believer that if you are not here than the vote should not be recorded. We also have enough safeguards and decency by leadership to allow for a delay for anybody in a similar situation that needs delay. I have also witnessed in my short career pairing take place in the middle of a vote, a decision has been made that something is needed so we start pairing. I don't agree with that. I think it is something that should not be allowed but certainly there are the other opportunities on both sides to delay a vote on such a circumstance. So, I am against pairing. Thank you.

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

Senator **CLEVELAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like to pose a question to the Chair. It is in the tradition of this body in the past to have a very narrow requirement for excused absences, in essence this has been primarily if you have been travelling, specifically on Senate business. To my recollection, there has been few other opportunities to be legitimately excused when family crisis or illness, illness with a child or personal illness, or other legitimate business or other causes might legitimately take a member away from their very

important job in this chamber and then be recorded as having not voted without any explanation to the public that it wasn't in any way a dereliction of their responsibility or caring for their constituency but real, legitimate concerns that pulls a citizen's legislature away. Will the President be changing the rules in regards to excuses? Will they be more broadened? Thank you.

THE PRESIDENT: The Senator from Androscoggin, Senator Cleveland, has posed a question to the Chair and the Chair would answer that rule changes are the purview of the body. From a personal point of view I can remember when the Senator from Kennebec, Senator Carey, was absent while he was in the hospital with a triple or quadruple bypass. I certainly, from a personal point of view, didn't think that was right. The Chair will entertain any other amendments to these rules. There is a window written in where by a simple majority the rules may be changed.

Senator **LAWRENCE** of York requested a Division.

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

A Division has been requested.

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

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

18 Senators having voted in the affirmative and 13 Senators having voted in the negative, the Order was **PASSED**.

Senate at Ease

Senate called to order by the President.

Off Record Remarks

Senate at Ease

Senate called to order by the President.

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

ENACTORS

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

Emergency

An Act to Protect the Future of the United States Naval Shipyard at Kittery and the United States Naval Air Station at Brunswick (Governor's Bill)
S.P. 7 L.D. 2

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

ORDERS OF THE DAY

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

JOINT ORDER - relative to the Joint Rules of the 117th Legislature
S.P. 8

Tabled - earlier in the day by Senator **KIEFFER** of Aroostook

Pending - **PASSAGE**

(In Senate, **READ**.)

Which was **INDEFINITELY POSTPONED**.

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

ORDERS

Joint Orders

The following Joint Order: H.P. 7

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 be responsible to review the charge of each standing and select committee of the 117th Legislature. The committee shall be authorized to conduct surveys and hold in-house public hearings. The committee shall report to the Legislative Council by May 15, 1995 on its recommendations. The

report shall include, but not be limited to the following, number of committees, committee workloads, restructuring of committees, and improved efficiency of the committee process. Notwithstanding Joint Rule 9, the recommendations included in this report on committees may be adopted by a majority vote.

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. 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.

Comes from the House **READ** and **PASSED**.

Which was **READ**.

Senator **AMERO** of Cumberland moved to **TABLE Unassigned**, pending **PASSAGE**.

Senator **RUHLIN** of Penobscot requested a Roll Call.

Senator **BUSTIN** of Kennebec moved to **TABLE 1 Legislative Day**, pending **PASSAGE**.

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

THE PRESIDENT: The pending question before the Senate is the motion of Senator **BUSTIN** of Kennebec to **TABLE 1 LEGISLATIVE DAY**, pending **PASSAGE**.

A vote of Yes will be in favor of **TABLING 1 LEGISLATIVE DAY**.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators: None

NAYS: Senators: **ABROMSON, AMERO, BEGLEY, BENOIT, BUSTIN, CAREY, CARPENTER, CASSIDY, CLEVELAND, FAIRCLOTH, FERGUSON, GOLDTHWAIT, HALL, HANLEY, HARRIMAN, HATHAWAY, KIEFFER, LAWRENCE, LONGLEY, LORD, MCCORMICK, MICHAUD, MILLS, O'DEA, PENDEXTER, PINGREE, RAND, RUHLIN, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND**

ABSENT: Senators: **BERUBE, CIANCHETTE, ESTY, PARADIS**

No Senator having voted in the affirmative and 31 Senators having voted in the negative, with 4 Senators being absent, the motion of Senator **BUSTIN** of Kennebec to **TABLE 1 LEGISLATIVE DAY**, pending **PASSAGE**, **FAILED**.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **AMERO** of Cumberland to **TABLE UNASSIGNED**, pending **PASSAGE**.

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

THE PRESIDENT: The pending question before the Senate is the motion by Senator **AMERO** of Cumberland to **TABLE UNASSIGNED**, pending **PASSAGE**.

A vote of Yes will be in favor of **TABLING UNASSIGNED**, pending **PASSAGE**.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators: **ABROMSON, AMERO, BEGLEY, BENOIT, CARPENTER, CASSIDY, FERGUSON, HALL, HANLEY, HARRIMAN, HATHAWAY, KIEFFER, LORD, MILLS, PENDEXTER, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND**

NAYS: Senators: **BUSTIN, CAREY, CLEVELAND, FAIRCLOTH, GOLDTHWAIT, LAWRENCE, LONGLEY, MCCORMICK, MICHAUD, O'DEA, PINGREE, RAND, RUHLIN**

ABSENT: Senators: **BERUBE, CIANCHETTE, ESTY, PARADIS**

18 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 4 Senators being absent, the motion by Senator **AMERO** of Cumberland to **TABLE UNASSIGNED**, pending **PASSAGE**, **PREVAILED**.

Senate at Ease

Senate called to order by the President.

Senator **LAWRENCE** of York was granted unanimous consent to address the Senate on the Record.

Senator **LAWRENCE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I wanted to make some constructive suggestions on behalf of the Democratic Caucus. I mentioned to the Majority Leader earlier tonight that perhaps in the future the Democratic Caucus would be interested in having joint caucuses within the Senate of all the members, Democrats, Republicans and Independents, to discuss issues such as those that came up tonight. I think we are willing to work on these issues. We were willing to work later tonight and I understand that is not feasible, but I think we can avoid

miscommunications and get things out in the open earlier on if we use the mechanism of joint caucus and hopefully proceed this session on quicker. I hope the members of this body would consider that as an option. Thank you.

The **ADJOURNMENT ORDER** having been **READ** and **PASSED**, in concurrence, on motion by Senator **LAWRENCE** of York, **ADJOURNED** to the call of the President of the Senate and the Speaker of the House when there is need to conduct legislative business.

Senator **KIEFFER** of Aroostook was granted unanimous consent to address the Senate on the Record.

Senator **KIEFFER**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I did discuss this with the Minority Leader earlier and I told him that I heartily agree. I think there is a great amount of merit in the things to be accomplished and things to be gained by so doing. We certainly will not only entertain offers but we will be offering suggestions along those lines in the days to come. Thank you.

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

ORDERS

Joint Orders

The following Joint Order: H.P. 8

ORDERED, the Senate concurring, that when the House and Senate adjourn, they do so to the call of the President of the Senate and the Speaker of the House when there is need to conduct legislative business.

Comes from the House **READ** and **PASSED**.

Which was **READ**.

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

Senator **MCCORMICK**: Thank you Mr. President, Ladies and Gentlemen of the Senate. Could you give us a sense of what you have in mind here now that we have tabled the rules and have no rules? When will we get started? Is it your intention to call us into session before the Christian holiday or to wait until January? Thank you.

THE PRESIDENT: It would be my desire to begin discussions on this this coming Monday; and, depending on how fruitful those discussions are we will schedule a session, hopefully, between Christmas and New Years.

Which was **PASSED**, in concurrence.
