

MAINE STATE LEGISLATURE

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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

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

In Senate Chamber
Friday
January 20, 1995

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

Prayer by Reverend Robert Canfield of the Free Methodist Church in Gardiner.

REVEREND ROBERT CANFIELD: Let us bow before the Lord. Almighty God, we come to You this afternoon, knowing that You are. That You watch over us and that we are your children. You minister to our needs, and yet, You have given us abilities to do business, to govern, to guide, and to direct. In all of the issues that will be considered on this day, in this hour, may there be the divine guidance and seeking to know your will in each one. May we not fail in the responsibilities that are ours. Fill us, Lord, with the desire to do your will. Guide us that this day will be, along with other days, a day when we would know that we have done right in your presence, because we have begun this day in looking to you. In the name of your son, Christ, we pray. Amen.

Reading of the Journal of Tuesday, January 17, 1995.

Out of order and under suspension of the Rules, on motion by Senator KIEFFER of Aroostook, the following Joint Order:

S.P. 86

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, January 24, 1995, at 10 o'clock in the morning.

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Increase Dog License Agent Fees for Municipal Clerks"

H.P. 115 L.D. 150

Reference to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and **ORDERED PRINTED**.

Comes from the House, referred to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and **ORDERED PRINTED**.

Which was referred to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, in concurrence.

Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 1995" (Emergency)

H.P. 120 L.D. 155

Reference to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and **ORDERED PRINTED**.

Comes from the House, referred to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **ORDERED PRINTED**.

Which was referred to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in concurrence.

Bill "An Act to Require Insurance Companies to Provide Loss Information to Insured Groups"

H.P. 79 L.D. 115

Bill "An Act to Allow the Maine Human Rights Commission to Request the Cooperation of the Bureau of Consumer Credit Protection in Enforcing the Fair Credit Extension Laws"

H.P. 104 L.D. 139

Bill "An Act to Expand the Protection of the Maine Consumer Credit Code"

H.P. 116 L.D. 151

Reference to the Committee on **BANKING AND INSURANCE** suggested and **ORDERED PRINTED**.

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

Which were referred to the Committee on **BANKING AND INSURANCE**, in concurrence.

Bill "An Act to Permit Motor Vehicle Dealerships to Operate on Sundays"
H.P. 73 L.D. 109

Bill "An Act to Amend the Laws Governing Real Estate Appraisers"
H.P. 91 L.D. 126

Reference to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** suggested and **ORDERED PRINTED**.

Come from the House, referred to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and **ORDERED PRINTED**.

Which were referred to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**, in concurrence.

Bill "An Act to Enable Sworn Law Enforcement Employees of the Immigration and Naturalization Service of the Department of Justice and Officers of the United States Custom Service of the Department of the Treasury to Enforce Maine Law"
H.P. 67 L.D. 103

Bill "An Act to Increase the County Share and Change the Name of the Government Operations Surcharge Fund"
H.P. 74 L.D. 110

Bill "An Act to Require that Notification be Distributed Prior to the Release of a Convicted Child Molester"
H.P. 76 L.D. 112

Bill "An Act to Require Mandatory HIV Testing for Assailants of Law Enforcement Officers"
H.P. 81 L.D. 117

Reference to the Committee on **CRIMINAL JUSTICE** suggested and **ORDERED PRINTED**.

Come from the House, referred to the Committee on **CRIMINAL JUSTICE** and **ORDERED PRINTED**.

Which were referred to the Committee on **CRIMINAL JUSTICE**, in concurrence.

Bill "An Act to Decrease the Minimum Required Amount of Liability Insurance for Certain Intrastate Vehicles"
H.P. 28 L.D. 22

Reference to the Committee on **CRIMINAL JUSTICE** suggested and **ORDERED PRINTED**.

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

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

Bill "An Act to Promote Fairness and Due Process within Collegiate Athletics in the State"
H.P. 83 L.D. 119

Bill "An Act to Lower the Cost of New School Construction by Including the Design Phase in the Bidding Process"
H.P. 98 L.D. 133

Reference to the Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and **ORDERED PRINTED**.

Come from the House, referred to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and **ORDERED PRINTED**.

Which were referred to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, in concurrence.

Bill "An Act to Provide Funding to a Domestic Violence Shelter in Ellsworth"
H.P. 65 L.D. 101

Bill "An Act to Enhance Access to Ombudsman Program Services for Consumers of Residential Care and Nursing Home Residents"
H.P. 93 L.D. 128

Bill "An Act to Protect Nursing Home Residents"
H.P. 95 L.D. 130

Bill "An Act to Increase Access to Mental Health Services for Medicaid Recipients"
H.P. 97 L.D. 132

Bill "An Act to Exempt Certain Small Businesses from Paying the Annual Fee to the Public Drinking Water Fund"

H.P. 99 L.D. 134

Resolve, to Establish a Pilot Project for Medicaid Reimbursement for Acupuncture Treatment of Substance Abuse

H.P. 105 L.D. 140

Bill "An Act to Amend Medicaid Eligibility for Admission to Nursing Home Facilities"

H.P. 109 L.D. 144

Bill "An Act to Privatize the Health and Environmental Testing Laboratory within the Department of Human Services, Bureau of Health"

H.P. 112 L.D. 147

Reference to the Committee on **HUMAN RESOURCES** suggested and **ORDERED PRINTED**.

Come from the House, referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED**.

Which were referred to the Committee on **HUMAN RESOURCES**, in concurrence.

Bill "An Act Requiring a Guide for Certain Nonresident Aliens Hunting in the State"

H.P. 61 L.D. 97

Bill "An Act to Allow Hunting on Sunday"

H.P. 87 L.D. 122

Bill "An Act to Extend the Period during Which Only Maine Residents May Hunt Deer"

H.P. 88 L.D. 123

Reference to the Committee on **INLAND FISHERIES AND WILDLIFE** suggested and **ORDERED PRINTED**.

Come from the House, referred to the Committee on **INLAND FISHERIES AND WILDLIFE** and **ORDERED PRINTED**.

Which were referred to the Committee on **INLAND FISHERIES AND WILDLIFE**, in concurrence.

Bill "An Act to Clarify that the Jurisdiction of Tribal Courts Is Consistent with Federal Laws"

H.P. 80 L.D. 116

Reference to the Committee on **JUDICIARY** suggested and **ORDERED PRINTED**.

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

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

Bill "An Act to Permit Suit against an Employer Who Knowingly Places a Worker at Risk of Serious Bodily Injury or Death"

H.P. 96 L.D. 131

Bill "An Act to Increase the Minimum Wage in Maine"

H.P. 108 L.D. 143

Reference to the Committee on **LABOR** suggested and **ORDERED PRINTED**.

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

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

Bill "An Act to Allow Wine Tasting in Fine Wine Stores"

H.P. 62 L.D. 98

Bill "An Act to Ban Political Action Committee Money in Legislative Races"

H.P. 68 L.D. 104

Bill "An Act to Allow Off-duty Police Officers to Work in Retail Stores That Are Licensed to Sell Alcoholic Beverages"

H.P. 69 L.D. 105

Bill "An Act to Amend the Laws Governing Agency Liquor Stores by Repealing the Bidding Process"

H.P. 70 L.D. 106

Bill "An Act to Ensure Fairness in Elections by Limiting Political Action Committee Contributions"

H.P. 75 L.D. 111

Resolve, Authorizing Verne Lee to Sue the Department of Human Services and the State of Maine

H.P. 89 L.D. 124

Bill "An Act to Amend the Legal Requirements for Establishment of New Political Parties in the State"

H.P. 107 L.D. 142

Reference to the Committee on **LEGAL AND VETERANS AFFAIRS** suggested and **ORDERED PRINTED**.

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

Which were referred to the Committee on **LEGAL AND VETERANS AFFAIRS**, in concurrence.

Bill "An Act to Repeal the Law that Prohibits Drugging and Scalloping in the Frenchboro Area"
H.P. 94 L.D. 129

Bill "An Act to Repeal the Laws Regarding Commercial Underwater Handharvesting Safety"
H.P. 103 L.D. 138

Reference to the Committee on **MARINE RESOURCES** suggested and **ORDERED PRINTED**.

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

Which were referred to the Committee on **MARINE RESOURCES**, in concurrence.

Bill "An Act to Ensure the Protection of Tribal Fish Stocks and Other Natural Resources"
H.P. 63 L.D. 99

Reference to the Committee on **NATURAL RESOURCES** suggested and **ORDERED PRINTED**.

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

Which was referred to the Committee on **NATURAL RESOURCES**, in concurrence.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide a Method for Citizen-initiated Recall of Persons Holding Elective Civil Offices
H.P. 77 L.D. 113

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Create the Office of Lieutenant Governor
H.P. 82 L.D. 118

Bill "An Act to Establish Procedures for Secession and Annexation of Territory Situated within a Municipality"
H.P. 84 L.D. 120

Bill "An Act to Require the Registry of Deeds to Maintain a Separate Volume for the Recording of Subdivision Ordinances"
H.P. 90 L.D. 125

Bill "An Act to Require Towns with a Population of 3,500 or More to Provide Funding for Law Enforcement"
H.P. 106 L.D. 141

Bill "An Act to Reduce the Expense of the Legislative Process by Shortening the Length of Legislative Sessions"
H.P. 111 L.D. 146

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Direct Popular Election of Constitutional Officers
H.P. 113 L.D. 148

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Lower the Age of Eligibility to Serve in the Legislature
H.P. 114 L.D. 149

Reference to the Committee on **STATE AND LOCAL GOVERNMENT** suggested and **ORDERED PRINTED**.

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

Which were referred to the Committee on **STATE AND LOCAL GOVERNMENT**, in concurrence.

Bill "An Act to Exempt Business Machinery and Equipment from the Property Tax"
H.P. 64 L.D. 100

Bill "An Act to Allow the Judicial Department to Make Payment in Lieu of Property Taxes to Municipalities Where Administrative Offices are Located"
H.P. 92 L.D. 127

Bill "An Act to Exempt from Taxation Charitable Institutions Authorized To Do Business in Maine"
H.P. 110 L.D. 145

Bill "An Act to Clarify the Tax Exemption for Pollution Control"
H.P. 117 L.D. 152

Reference to the Committee on **TAXATION** suggested and **ORDERED PRINTED**.

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

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

Bill "An Act to Require Indirect Economic Analysis of Tax Expenditures"
H.P. 78 L.D. 114

Reference to the Committee on **TAXATION** suggested and **ORDERED PRINTED**.

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

On motion by Senator **HANLEY** of Oxford, Tabled 1 Legislative Day, pending **REFERENCE**.

Bill "An Act to Reduce the Cost of Business Directional Signs"
H.P. 66 L.D. 102

Bill "An Act to Increase Funds Available to the Department of Conservation and the Department of Inland Fisheries and Wildlife by Amending the Loon Plates Law"
H.P. 71 L.D. 107

Bill "An Act to Install Rumble Strips on the Turnpike and to Allocate Funds to Operate a 24-hour Weigh Station"
H.P. 72 L.D. 108

Bill "An Act to Create a New Maine Firefighter License Plate"
H.P. 101 L.D. 136

Bill "An Act to Create a Purple Heart License Plate"
H.P. 102 L.D. 137

Bill "An Act to Make Supplemental Allocations from the Highway Fund for the Fiscal Year Ending June 30, 1995" (Emergency)
H.P. 119 L.D. 154

Reference to the Committee on **TRANSPORTATION** suggested and **ORDERED PRINTED**.

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

Which were referred to the Committee on **TRANSPORTATION**, in concurrence.

Bill "An Act to Amend the Notification Requirements Regarding Automated Telephone Solicitation"

H.P. 100 L.D. 135

Reference to the Committee on **UTILITIES AND ENERGY** suggested and **ORDERED PRINTED**.

Comes from the House, referred to the Committee on **UTILITIES AND ENERGY** and **ORDERED PRINTED**.

Which was referred to the Committee on **UTILITIES AND ENERGY**, in concurrence.

Off Record Remarks

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

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

After Recess

Senate called to order by the President.

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

COMMUNICATIONS

The Following Communication: S.P. 87

117TH MAINE LEGISLATURE

January 17, 1995

Chairpersons
Joint Standing Committee on Natural Resources
117th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Angus S. King, Jr. has nominated Edward O. Sullivan of New York for appointment as Commissioner of the Department of Environmental Protection.

Pursuant to Title 38, MRSA Section 341-A, this nomination will require review by the Joint Standing Committee on Natural Resources and confirmation by the Senate.

Please be advised that Governor Angus S. King, Jr. has nominated John S. Williams of Winthrop for appointment as Executive Director of the Maine Waste Management Agency.

Pursuant to Title 38, MRSA Section 2102, this nomination will require review by the Joint Standing Committee on Natural Resources and confirmation by the Senate.

Sincerely,

S/Jeffrey H. Butland
President of the Senate

S/Dan A. Gwadosky
Speaker of the House

Which was **READ** and referred to the Committee on **NATURAL RESOURCES**.

Sent down for concurrence.

The Following Communication: S.P. 88

117TH MAINE LEGISLATURE

January 17, 1995

Senator Dana C. Hanley
Representative George J. Kerr
Chairpersons
Joint Standing Committee on Appropriations and
Financial Affairs
117th Legislature
Augusta, Maine 04333

Dear Senator Hanley and Representative Kerr:

Please be advised that Governor Angus S. King, Jr. has nominated Janet E. Waldron of Vassalboro for appointment as Commissioner of the Department of Administrative and Financial Services.

Pursuant to Title 5, MRSA Section 281, this nomination will require review by the Joint Standing Committee on Appropriations and Financial Affairs and confirmation by the Senate.

Sincerely,

S/Jeffrey H. Butland
President of the Senate

S/Dan A. Gwadosky
Speaker of the House

Which was **READ** and referred to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

Sent down for concurrence.

The Following Communication: S.P. 89

117TH MAINE LEGISLATURE

January 17, 1995

Chairpersons
Joint Standing Committee on Transportation
117th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Angus S. King, Jr. has nominated John G. Melrose of Vassalboro for appointment as Commissioner of the Department of Transportation.

Pursuant to Title 23, MRSA Section 4205, this nomination will require review by the Joint Standing Committee on Transportation and confirmation by the Senate.

Sincerely,

S/Jeffrey H. Butland
President of the Senate

S/Dan A. Gwadosky
Speaker of the House

Which was **READ** and referred to the Committee on **TRANSPORTATION**.

Sent down for concurrence.

The Following Communication: S.P. 90

117TH MAINE LEGISLATURE

January 17, 1995

January 5, 1995

Chairpersons
Joint Standing Committee on Human Resources
117th Legislature
Augusta, Maine 04333

Honorable May M. Ross
Secretary of the Senate
State House Station #3
Augusta, ME 04333

Dear Chairs:

Dear Madam Secretary:

Please be advised that Governor Angus S. King, Jr. has nominated Melodie J. Peet of Connecticut for appointment as Commissioner of the Department of Mental Health and Mental Retardation.

This is to notify you that pursuant to our authority under Joint Rule #39, the Republican Party is appointing Kimberly Gore as partisan Staff Assistant for Gubernatorial Nominations.

Pursuant to Title 34B, MRSA Section 1202, this nomination will require review by the Joint Standing Committee on Human Resources and confirmation by the Senate.

Sincerely,

Please be advised that Governor Angus S. King, Jr. has nominated Kevin W. Concannon of Oregon for appointment as Commissioner of the Department of Human Services.

S/Jane A. Amero
Assistant Senate Majority Leader

Which was READ and ORDERED PLACED ON FILE.

Sent down for concurrence.

Pursuant to Title 22, MRSA Section 1, this nomination will require review by the Joint Standing Committee on Human Resources and confirmation by the Senate.

Sincerely,

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

S/Jeffrey H. Butland
President of the Senate

COMMUNICATIONS

S/Dan A. Gwadosky
Speaker of the House

The Following Communication: H.P. 155

Which was READ and referred to the Committee on HUMAN RESOURCES.

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
MAJORITY OFFICE
AUGUSTA, MAINE 04333**

Sent down for concurrence.

January 5, 1995

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

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

Dear Clerk Mayo:

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

This is to notify you that pursuant to our authority under Joint Rule #39, the Majority Party is appointing Patricia Eltman as partisan Staff Assistant for Gubernatorial Nominations.

COMMUNICATIONS

Sincerely,

The Following Communication: S.P. 91

S/Elizabeth H. Mitchell
Assistant House Majority Leader

**THE MAINE SENATE
117TH LEGISLATURE**

Comes from the House, READ and PLACED ON FILE.

Which was READ and ORDERED PLACED ON FILE, in concurrence.

COMMUNICATIONS

The Following Communication: (S.C. 43)

**THE MAINE SENATE
OFFICE OF THE PRESIDENT**

January 17, 1995

Honorable May M. Ross
Secretary of the Senate
State House Station #3
Augusta, ME 04333

Dear Secretary Ross:

Pursuant to Senate Rule 36, please be advised that I have made the following Committee Appointments for the 117th Legislature:

Joint Standing Committee on Agriculture, Conservation & Forestry

Senator Vinton E. Cassidy of Washington, Chair
Senator Willis A. Lord of York
Senator Judy A. Paradis of Aroostook

Joint Standing Committee on Appropriations & Financial Affairs

Senator Dana C. Hanley of Oxford, Chair
Senator Charles M. Begley of Lincoln
Senator Georgette B. Berube of Androscoggin

Joint Standing Committee on Banking & Insurance

Senator I. Joel Abromson of Cumberland, Chair
Senator Mary E. Small of Sagadahoc
Senator Dale McCormick of Kennebec

Joint Standing Committee on Business & Economic Development

Senator Philip E. Harriman of Cumberland, Chair
Senator Jill M. Goldthwait of Hancock
Senator Alton E. Cianchette of Somerset

Joint Standing Committee on Criminal Justice

Senator John W. Benoit of Franklin, Chair
Senator Stephen E. Hall of Piscataquis
Senator John J. O'Dea of Penobscot

Joint Standing Committee on Education

Senator Mary E. Small of Sagadahoc, Chair
Senator I. Joel Abromson of Cumberland
Senator Donald E. Esty of Cumberland

Joint Standing Committee on Human Resources

Senator Joan M. Pendexter of Cumberland, Chair
Senator John W. Benoit of Franklin
Senator Rochelle M. Pingree of Knox

Joint Standing Committee on Inland Fisheries & Wildlife

Senator Stephen E. Hall of Piscataquis, Chair
Senator R. Leo Kieffer of Aroostook
Senator Michael H. Michaud of Penobscot

Joint Standing Committee on Judiciary

Senator S. Peter Mills of Somerset, Chair
Senator Joan M. Pendexter of Cumberland
Senator Sean F. Faircloth of Penobscot

Joint Standing Committee on Labor

Senator Charles M. Begley of Lincoln, Chair
Senator S. Peter Mills of Somerset
Senator Anne M. Rand of Cumberland

Joint Standing Committee on Legal & Veterans Affairs

Senator Norman K. Ferguson of Oxford, Chair
Senator Albert Stevens of Androscoggin
Senator Michael H. Michaud of Penobscot

Joint Standing Committee on Marine Resources

Senator Jeffrey H. Butland of Cumberland, Chair
Senator Jill M. Goldthwait of Hancock
Senator Rochelle M. Pingree of Knox

Joint Standing Committee on Natural Resources

Senator Willis A. Lord of York, Chair
Senator W. John Hathaway of York
Senator Richard P. Ruhlin of Penobscot

Joint Standing Committee on State & Local Government

Senator Jane A. Amero of Cumberland, Chair
Senator David L. Carpenter of York
Senator Susan W. Longley of Waldo

Joint Standing Committee on Taxation

Senator W. John Hathaway of York, Chair
Senator Norman K. Ferguson of Oxford
Senator Richard J. Carey of Kennebec

Joint Standing Committee on Transportation

Senator Albert G. Stevens of Androscoggin, Chair
Senator Vinton E. Cassidy of Washington
Senator Judy A. Paradis of Aroostook

Joint Standing Committee on Utilities & Energy

Senator David L. Carpenter of York, Chair
Senator Philip E. Harriman of Cumberland
Senator John J. Cleveland of Androscoggin

If you have any questions regarding these appointments, please do not hesitate to contact me.

Sincerely,

S/Jeffrey H. Butland
President of the Senate

Which was READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 44)

DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BUREAU OF BANKING
State House Station 36
Augusta, Maine 04333

January 17, 1995

January 13, 1995

The Honorable Jeffrey H. Butland
President of the Senate
Maine Senate
State House Station 3
Augusta, Maine 04333

Senator Jeffrey H. Butland, President
Maine Senate
Representative Dan A. Gwadosky, Speaker
Maine House of Representatives
Maine State Legislature
State House Station #3
Augusta, Maine 04333

Dear President Butland:

In accordance with Title 9-B MRSA section 217, as amended, I am submitting to the members of the Maine House and Senate a report entitled "The Status of Maine's Financial Institutions."

This report contains the number, type and legal structure of all financial institutions operating in the State of Maine, as well as the location of offices and total deposits held by these institutions. This past year continued to show improvement in the financial condition of the banking industry in Maine, with earnings exceeding prior year's record performance and future improvement in bank asset quality.

In recent months, major legislation has been passed by Congress authorizing nationwide interstate banking within one year and permitting interstate branching within three years. Maine must now reassess its structure of interstate bank regulation, particularly the Net New Funds provision, a basis element of this annual report and a safeguard against an outflow of our limited capital resources. The Bureau intends to present legislation this session to address these issues.

Copies of this report have been distributed to the Office of the Clerk of the House of Representatives in order to provide one copy for each member of the House.

Very truly yours,

S/H. Donald DeMatteis
Superintendent

Which was READ and with accompanying report
ORDERED PLACED ON FILE.

The Following Communication: (S.C. 45)

MAINE STATE RETIREMENT SYSTEM
STATE HOUSE STATION 46
AUGUSTA, MAINE 04333-0046

Dear President Butland and Speaker Gwadosky:

I am writing to you pursuant to 5 MRSA § 17103, sub-§ 11, which requires that the Board of Trustees of the Maine State Retirement System make a written report to the Legislature each year. The statute provides that the report be submitted "to the appropriate legislative committee on or before January 15 of each year." Because the "appropriate committee" and its membership have not yet been identified, I have decided to submit the report to you, with 15 additional copies being sent to the Executive Director of the Legislative Council for distribution to the "appropriate committee" chairs and members when known.

This report is to cover areas of policy and administration which in the Board's opinion should be brought to the attention of the Committee, any proposed legislation which the Board recommends to improve the Retirement System, a review of the operations of the Retirement System, including a summary of administrative expenses and the status of these expenses relative to the operating budget, and changes in the delivery of services to the members.

Overview

The Board of Trustees continues to hold the opinion that the Retirement System is in need of substantial plan simplification and a sound, consistent funding policy. Although the System's funding status has improved to date, the System's current financial condition is not satisfactory and is in need of further improvements which are directly related to the State's continued willingness to pay contributions in accordance with a sound and rational funding policy.

The Board remains concerned that the level of service to both the membership and employers is not yet adequate, though recent improvements have been made and more are scheduled. In the past, change has been difficult. The change in the System's organization to a public instrumentality is the opportunity for the System to redesign its operations and services to carry out its particular role. Aspects of the change have been more difficult than anticipated, but service improvements are already evident.

As previously indicated, the Board is committed to the notion of plan simplification. The System's plan provisions continue to be extremely complex, making them difficult both to administer and understand. The Board continues to hold the opinion that the resolution of these issues is critical to the long term success and viability of the System and

will continue to devote effort and resources to plan simplification and ongoing operational reforms.

Legislation

Currently known or anticipated legislation will deal with the System's operating budget and its legal representation. Consideration should be given to the nature of the legislative role in plan design and simplification. The System continues to work with constituent organizations on matters of common interest and concern.

Investments

The Board of Trustees is charged with the responsibility to invest all assets of the Maine State Retirement System in accordance with the prudent person standard. The Board is assisted in this task by the Executive Director and Investment Advisory Committee comprised of selected Board members, staff and individuals who have investment expertise.

The Board continued to invest the System's assets in accordance with the investment program first adopted in 1987, revised in 1991 and 1992 and continuously reviewed and monitored by the Board, the staff, the Investment Advisory Committee and the System's investment consultants. Overall, the long term investment returns generated by the portfolio have exceeded expectations. Investment returns are as follows:

Annualized Returns
(Preliminary, as of December 31, 1994)

1994 <u>One Year</u>	1992-94 <u>Three Years</u>	1990-94 <u>Five Years</u>	1985-94 <u>Ten Years</u>
-0.13%	6.83%	8.51%	11.44%

In general, the capital markets have been favorable for the past decade resulting in better than expected returns. The Board continues to monitor the capital markets and evaluate the need for change as events unfold. The Board continues to maintain an investment program that it considers prudent and well positioned to generate superior returns in the long term, while recognizing that the capital markets are volatile and can result in poor returns in the short term.

Consolidated Retirement Plan

The efforts of the Participating Local District Advisory Committee and the System to create a Consolidated Plan for participating local districts resulted in the adoption in May, 1993 of the Board's rule governing the Consolidated Plan. The Consolidated Plan became effective July 1, 1993 and went into operation on July 1, 1994, the enrollment minimums specified in the rule having been greatly exceeded. Current participating local districts not yet in the Consolidated Plan have until July 1, 1996 to join. The Participating Local District Advisory Committee remains essential in the implementation of the Consolidated Plan, as it was in its creation.

Trustees

In the FY93-95 biennial budget bill, the Legislature provided that all seven of the System's trustees would be subject to legislative confirmation. Previously, only the four trustees who are appointed by the Governor were so subject. The Legislature also altered the criteria for two of the gubernatorial appointees, substituting actuarial experience for that of law, and further provided that all trustees "have a working knowledge of retirement policy and legal issues and a general knowledge and understanding of banking, finance and investment practices."

Actuarial Assumptions

Actuarial assumptions were modified in 1994 as the result of recommendations by the System's Actuary and legislative changes enacted in 1993. The System continues to employ the same methodology implemented in 1987 to determine its liabilities and establish amortization schedules to liquidate the unfunded liabilities.

Administration

Expenses by category for the fiscal year ending June 30, 1993 are summarized by the chart below:

Expenses for Fiscal Year Ending June 30, 1994
(in millions)

<u>Category of Expense</u>	<u>FY94</u>
Wages and Benefits	\$4.2
Rent and Utilities	.3
Operating Expenses	.9
Data Processing	.2
Professional Services	.7
Totals	\$6.3

6-Month Actual Expenses/Budget
7/1/94 - 12/31/94

<u>Category</u>	<u>Actual</u>	<u>Budget</u>
Personal Services	\$1.8	\$2.3
All Other	\$0.6	\$0.9

A copy of the System's 1994 Annual Report accompanies this letter.

On behalf of Board,

S/Claude R. Perrier
Executive Director

Which was READ and with accompanying report REFERRED TO THE JOINT STANDING COMMITTEE ON LABOR.

SENATE PAPERS

Bill "An Act to Appropriate \$150,000 to the Maine Health Care Reform Commission"

S.P. 78 L.D. 166

Presented by Senator **MCCORMICK** of Kennebec
Cosponsored by Senators: **CAREY** of Kennebec, **MILLS** of Somerset, **PARADIS** of Aroostook,
Representatives: **CARLETON, JR.** of Wells, **JOSEPH** of Waterville

Reference to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and **ORDERED PRINTED**.

Which was referred to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Clarify Insurance Coverage Regarding Breast Reconstruction after Mastectomy Surgery"

S.P. 80 L.D. 168

Presented by Senator **RAND** of Cumberland
Cosponsored by Senators: **CLEVELAND** of Androscoggin, **FAIRCLOTH** of Penobscot, **GOLDTHWAIT** of Hancock, **MCCORMICK** of Kennebec, **RUHLIN** of Penobscot, Representatives: **ADAMS** of Portland, **GOULD** of Greenville, **JOSEPH** of Waterville, **KILKELLY** of Wiscasset, **LEMKE** of Westbrook, **MARTIN** of Eagle Lake, **MITCHELL** of Portland, **NADEAU** of Saco, **SAXL** of Bangor, **TOWNSEND** of Portland, **TREAT** of Gardiner, **VOLENIK** of Sedgwick, **WINN** of Glenburn

Reference to the Committee on **BANKING AND INSURANCE** suggested and **ORDERED PRINTED**.

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

Sent down for concurrence.

Bill "An Act to Remove the Department of Corrections as the Inspecting Authority of County Jails"

S.P. 74 L.D. 162

Presented by Senator **FERGUSON, JR.** of Oxford
Cosponsored by Senators: **BEGLEY** of Lincoln, **LORD** of York, **MICHAUD** of Penobscot, Representatives: **BARTH, JR.** of Bethel, **HEESCHEN** of Wilton

Reference to the Committee on **CRIMINAL JUSTICE** suggested and **ORDERED PRINTED**.

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

Sent down for concurrence.

Bill "An Act to Establish a Limit on Noneconomic Damages in Medical Malpractice Actions"

S.P. 73 L.D. 161

Presented by Senator **HALL** of Piscataquis
Cosponsored by Senators: **BEGLEY** of Lincoln, **BENOIT** of Franklin, **CARPENTER** of York, **CASSIDY** of Washington, **FERGUSON, JR.** of Oxford, **HANLEY** of Oxford, **HARRIMAN** of Cumberland, **HATHAWAY** of York, **LORD** of York, **PENDEXTER** of Cumberland, Representatives: **BAILEY** of Township 27, **CROSS** of Dover-Foxcroft, **REED** of Dexter, **TUFTS** of Stockton Springs

Bill "An Act to Require the State and Political Subdivisions to Pay Property Owners when Regulations Lower the Value of Property by More Than 50%"

S.P. 82 L.D. 170

Presented by Senator **HANLEY** of Oxford
Cosponsored by Senators: **BENOIT** of Franklin, **HATHAWAY** of York, **PENDEXTER** of Cumberland, Representatives: **BARTH, JR.** of Bethel, **BIRNEY** of Paris, **PERKINS** of Penobscot, **WATERHOUSE** of Bridgton, **WINSOR** of Norway

Reference to the Committee on **JUDICIARY** suggested and **ORDERED PRINTED**.

Which were referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**.

Sent down for concurrence.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Prohibit Future Unfunded Liabilities and to Maintain the Current Amortization Schedule

S.P. 70 L.D. 158

Presented by Senator **BUSTIN** of Kennebec
Cosponsored by Representative **HATCH** of Skowhegan and Senators: **CAREY** of Kennebec, **MCCORMICK** of Kennebec, Representatives: **DAGGETT** of Augusta, **JOY** of Crystal, **STROUT** of Corinth, **TUFTS** of Stockton Springs

Bill "An Act to Require the State to Pay Medicare Costs for Retired State Employees and Retired Teachers"

S.P. 71 L.D. 159

Presented by Senator **BUSTIN** of Kennebec
Cosponsored by Representative **HATCH** of Skowhegan
and, Representatives: **DAGGETT** of Augusta, **JOY** of
Crystal, **STROUT** of Corinth, **TUFTS** of Stockton
Springs

Reference to the Committee on **LABOR** suggested and
ORDERED PRINTED.

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

Sent down for concurrence.

Bill "An Act to Prohibit Candidates from
Attending the Voting Place Except to Vote"
S.P. 69 L.D. 157

Presented by Senator **HALL** of Piscataquis
Cosponsored by Senators: **BENOIT** of Franklin,
CASSIDY of Washington, **FERGUSON, JR.** of Oxford,
HARRIMAN of Cumberland, **LORD** of York, **PENDEXTER**
of Cumberland, Representatives: **BAILEY** of
Township 27, **CROSS** of Dover-Foxcroft, **REED** of
Dexter, **TRUE** of Fryeburg, **TUFTS** of Stockton
Springs

Bill "An Act to Reduce the Number of Days a
Tenant May Be in Arrears for Rent Payments"
S.P. 76 L.D. 164

Presented by Senator **CLEVELAND** of Androscoggin

Reference to the Committee on **LEGAL AND VETERANS
AFFAIRS** suggested and **ORDERED PRINTED.**

Which were referred to the Committee on **LEGAL AND
VETERANS AFFAIRS** and **ORDERED PRINTED.**

Sent down for concurrence.

Bill "An Act to Require the Department of
Environmental Protection to Pay Attorney's Fees in
Court Cases where the Department Does Not Prevail"
S.P. 68 L.D. 156

Presented by Senator **HATHAWAY** of York
Cosponsored by Senators: **BENOIT** of Franklin,
HANLEY of Oxford, **PENDEXTER** of Cumberland,
Representatives: **BARTH, JR.** of Bethel, **BIRNEY** of
Paris, **ROBICHAUD** of Caribou, **WATERHOUSE** of
Bridgton, **WINSOR** of Norway

Bill "An Act to Amend the Laws Pertaining to
Governmentally Constructed Jetties" (Emergency)
S.P. 72 L.D. 160

Presented by Senator **CARPENTER** of York
Cosponsored by Representatives: **CARLETON, JR.** of
Wells, **LIBBY** of Kennebunk

Reference to the Committee on **NATURAL RESOURCES**
suggested and **ORDERED PRINTED.**

Which were referred to the Committee on **NATURAL
RESOURCES** and **ORDERED PRINTED.**

Sent down for concurrence.

Resolve, Establishing the Maine Council on
Privatization (Emergency)
S.P. 81 L.D. 169

Presented by Senator **KIEFFER** of Aroostook
Cosponsored by Representative **JOY** of Crystal and
Senators: **ABROMSON** of Cumberland, **AMERO** of
Cumberland, **BEGLEY** of Lincoln, **CAREY** of Kennebec,
CASSIDY of Washington, **CIANCHETTE** of Somerset,
FERGUSON, JR. of Oxford, **HALL** of Piscataquis,
HANLEY of Oxford, **HARRIMAN** of Cumberland,
Representatives: **AIKMAN** of Poland, **BAILEY** of
Township 27, **BIRNEY** of Paris, **CAMPBELL** of Holden,
CLUKEY of Houlton, **DONNELLY** of Presque Isle,
JONES, JR. of Pittsfield, **JOYNER** of Hollis,
KNEELAND of Easton, **LANE** of Enfield, **LIBBY** of
Buxton, **LUMBRA** of Bangor, **MARSHALL** of Eliot,
POIRIER of Saco, **REED** of Falmouth, **ROBICHAUD** of
Caribou, **SIMONEAU** of Thomaston, **STEDMAN** of
Hartland, **UNDERWOOD** of Oxford, **VIGUE** of Winslow,
WATERHOUSE of Bridgton

Reference to the Committee on **STATE AND LOCAL
GOVERNMENT** suggested and **ORDERED PRINTED.**

Which was referred to the Committee on **STATE AND
LOCAL GOVERNMENT** and **ORDERED PRINTED.**

Sent down for concurrence.

Bill "An Act to Clarify What Machinery and
Equipment Used in Business Are Tax Exempt"
S.P. 75 L.D. 163

Presented by Senator **FERGUSON, JR.** of Oxford
Cosponsored by Senators: **ABROMSON** of Cumberland,
CIANCHETTE of Somerset, **HALL** of Piscataquis, **LORD**
of York, **PINGREE** of Knox, **SMALL** of Sagadahoc,
Representatives: **BARTH, JR.** of Bethel, **HEESCHEN**
of Wilton

Bill "An Act to Decrease the Paperwork Burden on
Maine Businesses by Decreasing the Number of Tax
Filings for Retailers"
S.P. 79 L.D. 167

Presented by Senator FAIRCLOTH of Penobscot
Cosponsored by Senator CARPENTER of York and
Representative MITCHELL of Vassalboro and
Senator: FERGUSON, JR. of Oxford,
Representatives: BRENNAN of Portland, GWADOSKY of
Fairfield

Reference to the Committee on TAXATION suggested
and ORDERED PRINTED.

Which were referred to the Committee on TAXATION
and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Require All Persons to Use Safety
Belts in Motor Vehicles"

S.P. 77 L.D. 165

Presented by Senator PENDEXTER of Cumberland
Cosponsored by Representative LINDAHL of
Northport and Senators: AMERO of Cumberland,
FAIRCLOTH of Penobscot, MCCORMICK of Kennebec,
PARADIS of Aroostook, PINGREE of Knox,
Representatives: GIERINGER, JR. of Portland,
LOVETT of Scarborough, MARVIN of Cape Elizabeth,
MCALEVEY of Waterboro, VIGUE of Winslow

Reference to the Committee on TRANSPORTATION
suggested and ORDERED PRINTED.

Which was referred to the Committee on
TRANSPORTATION and ORDERED PRINTED.

Sent down for concurrence.

ORDERS

Joint Orders

On motion by Senator CLEVELAND of Androscoggin,
the following Joint Order:

S.P. 83

ORDERED, the House concurring, that the Joint
Rules be amended by adding a new Joint Rule 12-D to
read:

12-D. Registered lobbyists. A registered
lobbyist may not prepare on legislative committee
stationery or on a committee member's legislative
stationery any written communication or materials for
a legislative committee, for the Senate or House
chair of a committee or for a committee member. A
registered lobbyist may not produce any written
communication or materials that give the appearance
of being committee or legislative communications and

may not possess any legislative or committee
stationery. Written materials prepared by a
registered lobbyist for a committee or a committee
member or presented to a committee must list the
name, address and affiliation of the registered
lobbyist and the date presented.

Which was READ.

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

Senator CLEVELAND: Thank you Mr. President,
Ladies and Gentlemen of the Senate. I would like to
take a few moments on an issue that I think is
important. I would first like to begin by
describing, briefly, what the amendment to the Joint
Rules is. I would like to take a moment to give you
some explanation on what has motivated, or what
knowledge I possess that has motivated me to bring
this to you. Then I would like to make some summary
remarks.

The Order simply, in its simplest form, directs
that registered lobbyists may not possess, in their
possession, at their lobbyist office, or in any other
location, any Committee stationery or legislative
stationery of this Legislature for any Committee. It
is the possession of the legislative Committee and it
ought not to be in the possession of lobbyists.
Secondly, it directs that registered lobbyists may
not prepare communications for any Committee, for the
House Chair, for the Senate Chair, or for any
Committee member on Committee stationery at all.
Finally, it requires that any communications prepared
by a lobbyist, for presentation, include the name of
the lobbyist who prepared it, their address and their
affiliation for identification. That's as simple as
the Order is.

Let me take a moment to explain to you what has
brought me to the point of having to present this
amendment to the Joint Rules. Frankly, it was not a
choice that I had preferred; but I find that it is
the only option I have to bring, what I believe is a
critical ethical issue, to the attention of this
body. In 1994, as Chair of the Audit and Program
Review Committee, the Audit and Program Review
Committee was reviewing the Board of Optometry.
During that review we had, in our possession, a
document called "The Maine Board of Optometry - A
Reply to the Maine State Legislature 116th Committee
on Business Legislation" from the Maine Board of
Optometry. This document was in response to a 1992
request by the Committee on Business Legislation to
prepare a report outlining various issues that dealt
with the operations of the Board of Optometry and, in
particular, in reference to economic regulations and
other controversial issues. The Committee chose to
ask the Board to prepare a report and submit it back
to them. This is the report. During our review of
this report there were aspects of the report that
raised questions in my mind. On further
investigation, what I determined here is that there
were two letters sent to the Board of Optometry,
requesting the contents and the formats of that
report. They were different. The second letter
deleted certain aspects of the first letter. I noted
on the second letter, dated March 26, 1992, that

there were initials after the abbreviations of the Senate President's name, the usual procedure indicating the person who had prepared the document. After extensive efforts to find out who had prepared the document, and I have to use the name so you will get the full understanding of what has occurred here, and that is the only reason why I will do it, the lobbyist who had prepared it, Bruce Gerrity, admitted that he had prepared the document and his secretary had typed it. It was done on the Business Legislation Committee's stationery, without any identification that a paid lobbyist, who had an interest in the outcome of this particular report, had prepared the document. Let me also tell you that when I approached the lobbyist and the Senate Chair, in 1992, about that issue, I was told that the Senate President had asked that the document be prepared. It bears the signatures of both the Senate and the House Chairs at the time.

There are two issues here. The first issue, I believe, is that it is totally inappropriate for interested parties, who are getting paid to represent a specific interest, have a legal, moral and ethical responsibility to the people who are paying that salary, to represent that interest's point of view, to be preparing documents that appear to be documents that come from legislative Committees, or other communications, without any indication on who has participated in preparing that document. It seems to be clear that communications can be prepared and identified without being on legislative stationery, so that there is no appearance in this Legislature that anything other than the people's will is being done and is being done in an open and honest way, so that all parties, who may have an interest in any particular issue, are clear on where documents are coming from and who has prepared them. This procedure does not provide that opportunity. Secondly, I inquired as to the knowledge of the other Committee members, including the House Chair of the second document. The House Chair reported to me that he had no recollection of the document. I inquired to other members, both those in the Republican Party and the Democratic Party on the Committee at the time, of their recollection of documents. None of them could provide me with any recollection of the second communication, which I found curious. I present that to you because it sets, in my mind, the slippery slope of circumstances that occur when documents are prepared and other Committee members may or may not be aware of them. I checked with the non-partisan staff, the OPLA staff, who assists Committees, if they were familiar with the document. They were not, the first time they had seen the document was when I presented it to them. I asked if it was in the Committee file report that are kept on the actions of every bill that are taken in that Committee. It was not. They had no knowledge of it. Another indication of what happens when we step out of the procedure of properly documenting who prepares documents and asks for which requests. It seems to me that if we want to make sure that communications that we receive are fully disclosed on their participation, that we ought not to allow people with specific paid interest to prepare them. We have a paid OPLA staff, we have Committee Clerks, we have Stenos, and we have other clerical assistance people. There seems to me to be no need to ask people to put on Senate stationery, or Committee

stationery, those communications. That doesn't mean that communications can't be prepared. It doesn't mean that they can't be identified. It does not mean that the lobby cannot participate in trying to find common solutions. They ought not to be drafting them and they ought not to possess the stationery in their possession, because then you lose control over that stationery.

Let me summarize by saying two things. This has nothing to do about being punitive with one particular individual, or any group of individuals. But, when I have knowledge of situations that I believe have breached the ethical codes, I have a moral responsibility to try to find a resolution. I checked with the Attorney General's Office in 1994 for guidance and direction. I was told that there was no specific law that was violated, although there were some questions on whether this was an appropriate procedure, but there were no violations. I then checked with the President of the Senate, in 1994, and asked for direction, and a means of more appropriately addressing this issue. I received no resolution. I find that there is no other resolution then for this body to determine whether the use of Committee stationery, by registered lobbyists, is an appropriate action that we ought to continue. I suggest to you that it isn't. Let me just close by saying this, I discussed this issue with the individuals involved. I was told, by the lobbyist, Mr. Gerrity, "I have done it in the past. I did this one, and I see nothing wrong with doing it in the future." I can't accept that as a reasonable direction on the way business is conducted, so I present this Order to you for your action; and I hope that you will act on it favorably. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Mills.

Senator MILLS: Thank you Mr. President, Ladies and Gentlemen of the Senate. I have a question I would like to pose to anyone who would care to answer it. Was the communication in question signed, and authenticated, by a member of this body? Thank you.

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

Senator CLEVELAND: Thank you Mr. President, Ladies and Gentlemen of the Senate. The document that bears what is presented to be the signature of the Senate Chair of that Committee and the House Chair of that Committee. The Senate Chair of the Committee at the time represented to me that he had signed the document. The House Chair had no recollection of whether he had or had not signed the document. Further, and I would leave it to anyone's interpretation as you may, I recognize that signatures are not always the same, anyone is free to take a look at the documents, you can compare the signature of the Senate Chair on the first letter, and you may compare the signature on the second letter. They are clearly not done in the same script. Whether or not they were done by the same individual, I can offer no opinion. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The reason I posed the question is because it seems to me that it is a very simple matter. If there is someone who has prepared a communication for me to sign, as a member of this body, and I sign that communication, the manner in which it has been typed, the administrative process by which it has been prepared, to me, is not a major issue. The question is, did I read the document? Did I put my signature on the document? Is it an authorized communication from a Senator, or a Representative? If it has been duly authenticated, it has been signed and distributed over the signature of a member of this body, or a member of the other body, it seems to me that wipes out any concern. If it is an ethical violation or an ethical problem for portions of your stock of stationery to be given to a lobbyist, or to some other lay person, to prepare a communication on, at your request, it seems to me that this is a matter to be taken up by the Ethics Committee, or possibly by the Attorney General's Office. But, it is not an issue where we should be trying to micro-manage the lives of the Senators and the members of the House, through writing rules about every possible thing that can go wrong in the management of this Legislature. It just doesn't seem to be appropriate to me for rule making. Somehow there is another way of dealing with this issue if, in someone's judgement, it is a transgression of ethics. I am not prepared to say whether it is or not. It seems to me that if I want a person to type something for me so that I can then sign it, it is my personal business who types my communications. That is my sense of things. 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 think there is a fundamental and substantive difference between whether I ask my wife, a friend, a campaign worker, or a constituent back home who is enthusiastic and willing to help, or I pay someone to do some of my correspondence and they prepare material to which I then attach my signature. The substantive difference here is we are talking about people who have a paid interest in the outcome. They have an ethical responsibility to their clients, at all times under the legal code, to represent their client's interests. It seems to me that we have put people in situations of potential conflict. When on one hand, they have a paid responsibility to represent an interest of their client, and at the same time we are asking them to draft legislation, or draft communications, which is then put on stationery to represent the Committee. Anyone who wants to present information and has a point of view ought to do it. It just simply ought to be clear whether that person has a vested interest in the outcome and identify that they do, up front, without the cover of a legislative document where it doesn't provide the opportunity for debate and discussion on the contents of that legislation. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **CLEVELAND** of Androscoggin to **PASS** the Joint Order.

The Chair ordered a Division.

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

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

7 Senators having voted in the affirmative and 24 Senators having voted in the negative, the motion of Senator **CLEVELAND** of Androscoggin to **PASS** the Senate Order, **FAILED**.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 156

ORDERED, the Senate concurring, that the Joint Rules be amended by adding a new Joint Rule 28-A to read:

28-A. Sponsorship of Legislation by Members of Penobscot Nation and Passamaquoddy Tribe Elected to Represent Their People at Legislature. Notwithstanding House Rule 55, the member of the Penobscot Nation and the member of the Passamaquoddy Tribe elected to represent their people at the Legislature may sponsor or cosponsor legislation specifically relating to Indians and Indian land claims.

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

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

Senate at Ease

Senate called to order by the President.

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

The **ADJOURNMENT ORDER** having been returned from the House **READ** and **PASSED**, in concurrence, on motion by Senator **PARADIS** of Aroostook, **ADJOURNED** until Tuesday, January 24, 1995, at 10 o'clock in the morning.