

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Seventeenth Legislature

OF THE

State Of Maine

VOLUME VII

SECOND REGULAR SESSION

Senate

March 14, 1996 to April 3, 1996

SECOND CONFIRMATION SESSION

August 1, 1996

SECOND SPECIAL SESSION

House of Representatives

September 5, 1996 to September 7, 1996

Senate

September 5, 1996 to September 7, 1996

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HOUSE AND SENATE LEGISLATIVE SENTIMENTS

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

In Senate Chamber
Wednesday
March 20, 1996

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

Prayer by the Honorable Beverly Miner Bustin of Kennebec.

SENATOR BUSTIN: Since this will probably be the last time I will give the prayer as the Senator from District 19, I would like to give my mother's favorite Psalm, in honor of her. It is the Twenty-Third Psalm, and any of those who care to follow along, may.

"The Lord is my Shepherd, I shall not want. He maketh me to lie down in green pastures. He leadeth me beside the still waters. He restoreth my soul. He leadeth me in the path of righteousness for His name's sake. Yea, though I walk through the valley of the shadow of death, I will fear no evil, for Thou art with me. Thy rod and Thy staff, they comfort me. Thou preparest a table before me in the presence of mine enemies. Thou anointest my head with oil. My cup runneth over. Surely, goodness and mercy shall follow me all the days of my life, and I will dwell in the house of the Lord forever. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

COMMUNICATIONS

The Following Communication:

STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON BANKING AND INSURANCE

March 19, 1996

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House

Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Banking and Insurance has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1512 An Act to Ensure Fairness and Choice to Patients and Providers under Managed Health Care

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. I. Joel Abromson
Senate Chair

S/Rep. Marc J. Vigue
House Chair
S.C. 525

Which was READ and, with Accompanying Bill,
ORDERED PLACED ON FILE.

The Following Communication:

STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT

March 18, 1996

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House

Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Business and Economic Development has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1270 An Act to Redefine the Oil and Solid Fuel Board

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Philip Harriman
Senate Chair

S/Rep. G. Steven Rowe
House Chair
S.C. 526

Which was READ and, with Accompanying Bill,
ORDERED PLACED ON FILE.

The Following Communication:

STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT

March 18, 1996

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House

Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on State and Local Government has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1213 An Act to Implement the Recommendations of the Special Commission on Governmental Restructuring

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Jane A. Amero
Senate Chair

S/Rep. Beverly C. Daggett
House Chair
S.C. 527

Which was READ and, with Accompanying Bill,
ORDERED PLACED ON FILE.

The Following Communication:

117TH MAINE LEGISLATURE

February 27, 1996

Mr. Terrence MacTaggart
Chancellor

University of Maine
107 Maine Avenue
Bangor, Maine 04401

Dear Chancellor MacTaggart:

We are pleased to invite you to address a Joint Session of the 117th Maine Legislature. We have set aside Thursday, March 21, 1996 at 10:30 a.m. in the House of Representatives concerning the State of the University and any other matters that you may care to bring to our attention.

We look forward to seeing you then. Best wishes.

Sincerely,
 S/Jeffrey H. Butland S/Dan A. Gwadosky
 President of the Senate Speaker of the House
 S.C. 528

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

March 19, 1996

The Honorable Jeffrey H. Butland
 President of the Senate of Maine
 117th Maine Legislature
 State House
 Augusta, Maine 04333
 Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 38 of the 117th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Vendean Vafiades of Augusta, for appointment to the Maine Indian Tribal-State Commission.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS:	Sen. 3	Mills of Somerset, Pendexter of Cumberland, Faircloth of Penobscot
	Rep. 8	Treat of Gardiner, Lemke of Westbrook, Richardson of Portland, Jones of Bar Harbor, LaFountain of Biddeford, Watson of Farmingdale, Hartnett of Freeport, Madore of Augusta

NAYS:	0	
ABSENT:	2	Rep. Plowman of Hampden, Rep. Nass of Acton

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Vendean Vafiades of Augusta, for appointment to the Maine Indian Tribal-State Commission be confirmed.

Signed:

S/S. Peter Mills Senate Chair	S/Sharon Anglin Treat House Chair S.C. 530
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Which was **READ** and **ORDERED PLACED ON FILE**.

THE PRESIDENT: The Joint Standing Committee on **JUDICIARY** has recommended the nomination of Vendean Vafiades of Augusta be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on **JUDICIARY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 117th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

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, BERUBE, BUSTIN, CARPENTER, CASSIDY, CIANCHETTE, CLEVELAND, FAIRCLOTH, FERGUSON, GOLDTHWAIT, HALL, HANLEY, HARRIMAN, KIEFFER, LAWRENCE, LONGLEY, LORD, McCORMICK, MICHAUD, PARADIS, PENDEXTER, PINGREE, RAND, RUHLIN, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND
ABSENT:	Senators:	CAREY, ESTY, HATHAWAY, MILLS, O'DEA

The Following Communication:
UNIVERSITY OF MAINE SYSTEM
OFFICE OF THE CHANCELLOR
 107 Maine Avenue
 Bangor, Maine 04401-4380

March 5, 1996

The Honorable Jeffrey H. Butland
 President of the Senate
 The Honorable Dan A. Gwadosky
 Speaker of the House
 State of Maine
 117th Maine Legislature
 State House
 Augusta, ME 04333

Dear Senator Butland and Representative Gwadosky:

Thank you for your letter of February 27th inviting me to address a Joint Session of the 117th Maine Legislature on Thursday, March 21, 1996. I am most pleased to accept your invitation and look forward to this opportunity to comment on the State of the University of Maine System.

Sincerely,
 S/Terrence J. MacTaggart
 Chancellor-elect
 S.C. 529

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

The Following Communication:
117TH MAINE LEGISLATURE

March 19, 1996

Senator Stephen E. Hall
 Representative Ernest C. Greenlaw
 Chairpersons
 Joint Standing Committee on
 Inland Fisheries and Wildlife
 117th Legislature
 Augusta, Maine 04333

Dear Senator Hall and Representative Greenlaw:

Please be advised that Governor Angus S. King, Jr., has withdrawn his nominations of Urban "Sonny" Pierce, Jr. of West Buxton, Gail E. Gould of Calais, David E. Dickinson of Ashland, John B. Dimond of Orono, John S. Banks of Milford and William H. Nichols, Jr. of Cumberland Foreside for appointment as members of the new Atlantic Salmon Authority.

Pursuant to Public Law 1996, Chapter 535, these nominations are currently pending before the Joint Standing Committee on Inland Fisheries and Wildlife.

Sincerely,
 S/Jeffrey H. Butland
 President of the Senate
 S/Dan A. Gwadosky
 Speaker of the House
 S.P. 762

Which was **READ** and referred to the Committee on **INLAND FISHERIES AND WILDLIFE**.
 Sent down for concurrence.

The Following Communication:
MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333

No Senator having voted in the affirmative and 30 Senators having voted in the negative, with 5 Senators being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Vendean Vafiades, for appointment to the Maine Indian Tribal-State Commission, was **CONFIRMED**.

The Secretary informed the Speaker of the House.

Off Record Remarks

The Following Communication:

**MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333**

March 19, 1996

The Honorable Jeffrey H. Butland
President of the Senate of Maine
117th Maine Legislature
State House
Augusta, Maine 04333
Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 38 of the 117th Maine Legislature, the Joint Standing Committee on Inland Fisheries and Wildlife has had under consideration the nomination of Russell E. Dyer of Bowdoinham, for appointment to the Inland Fisheries and Wildlife Advisory Council.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS:	Sen. 2	Hall of Piscataquis, Michaud of Penobscot
	Rep. 9	Greenlaw of Standish, Jacques of Waterville, Clark of Millinocket, Paul of Sanford, Tyler of Windham, Tufts of Stockton Springs, Chick of Lebanon, Perkins of Penobscot, Underwood of Oxford

NAYS:	0	
ABSENT:	2	Sen. Kieffer of Aroostook, Rep. Rosebush of East Millinocket

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Russell E. Dyer of Bowdoinham, for appointment to the Inland Fisheries and Wildlife Advisory Council be confirmed.

Signed:

S/Stephen E. Hall Senate Chair	S/Ernest C. Greenlaw House Chair S.C. 531
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Which was **READ** and **ORDERED PLACED ON FILE**.

THE PRESIDENT: The Joint Standing Committee on **INLAND FISHERIES AND WILDLIFE** has recommended the nomination of Russell E. Dyer of Bowdoinham be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on **INLAND FISHERIES AND WILDLIFE** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 117th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

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, BERUBE, BUSTIN, CARPENTER, CASSIDY, CIANCHETTE, CLEVELAND, FAIRCLOTH, FERGUSON, GOLDTHWAIT, HALL, HANLEY, HARRIMAN, KIEFFER, LAWRENCE, LONGLEY, LORD, McCORMICK, MICHAUD, PARADIS, PENDEXTER, PINGREE, RAND, RUHLIN, STEVENS, and the PRESIDENT

ABSENT:	Senators:	CAREY, ESTY, HATHAWAY, MILLS, O'DEA, SMALL
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No Senator having voted in the affirmative and 29 Senators having voted in the negative, with 6 Senators being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Russell E. Dyer, for appointment to the Inland Fisheries and Wildlife Advisory Council, was **CONFIRMED**.

The Secretary informed the Speaker of the House.

The Following Communication:

**MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333**

March 19, 1996

The Honorable Jeffrey H. Butland
President of the Senate of Maine
117th Maine Legislature
State House
Augusta, Maine 04333
Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 38 of the 117th Maine Legislature, the Joint Standing Committee on Inland Fisheries and Wildlife has had under consideration the nomination of Ellen N. Peters of New Gloucester, for appointment to the Inland Fisheries and Wildlife Advisory Council.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS:	Sen. 2	Hall of Piscataquis, Michaud of Penobscot
	Rep. 8	Greenlaw of Standish, Jacques of Waterville, Clark of Millinocket, Paul of Sanford, Tyler of Windham, Tufts of Stockton Springs, Chick of Lebanon, Perkins of Penobscot

NAYS:	1	Rep. Underwood of Oxford
ABSENT:	2	Sen. Kieffer of Aroostook, Rep. Rosebush of East Millinocket

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Ellen N. Peters of New Gloucester, for appointment to the Inland Fisheries and Wildlife Advisory Council be confirmed.

S/Stephen E. Hall
Senate Chair

Signed: S/Ernest C. Greenlaw
House Chair
S.C. 532

Which was **READ** and **ORDERED PLACED ON FILE**.
THE PRESIDENT: The Joint Standing Committee on **INLAND FISHERIES AND WILDLIFE** has recommended the nomination of Ellen N. Peters of New Gloucester be confirmed.

The pending question before the Senate is:
"Shall the recommendation of the Committee on **INLAND FISHERIES AND WILDLIFE** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 117th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

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, BERUBE, BUSTIN, CAREY, CARPENTER, CASSIDY, CIANCHETTE, CLEVELAND, FAIRCLOTH, FERGUSON, GOLDTHWAIT, HALL, HANLEY, HARRIMAN, KIEFFER, LAWRENCE, LONGLEY, LORD, McCORMICK, MICHAUD, MILLS, PARADIS, PENDEXTER, PINGREE, RAND, RUHLIN, STEVENS, and the PRESIDENT, Senator BUTLAND

ABSENT: Senators: ESTY, HATHAWAY, O'DEA, SMALL
No Senator having voted in the affirmative and 31 Senators having voted in the negative, with 4 Senators being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Ellen N. Peters, for appointment to the Inland Fisheries and Wildlife Advisory Council, was **CONFIRMED**.

The Secretary has informed the Speaker of the House.

The Following Communication:
MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333
March 19, 1996

The Honorable Jeffrey H. Butland
President of the Senate of Maine
117th Maine Legislature
State House
Augusta, Maine 04333
Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 38 of the 117th Maine Legislature, the Joint Standing Committee on Inland Fisheries and Wildlife has had under consideration the nomination of Richard A. Neal of E. Lebanon, for appointment to the Inland Fisheries and Wildlife Advisory Council.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Sen. 2 Hall of Piscataquis,
Rep. 8 Michaud of Penobscot,
Greenlaw of Standish,
Jacques of Waterville,
Clark of Millinocket, Paul
of Sanford, Tyler of
Windham, Tufts of Stockton
Springs, Chick of Lebanon,
Perkins of Penobscot

NAYS: 1 Rep. Underwood of Oxford
ABSENT: 2 Sen. Kieffer of Aroostook,
Rep. Rosebush of East
Millinocket

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Richard A. Neal of E. Lebanon, for appointment to the Inland Fisheries and Wildlife Advisory Council be confirmed.

Signed: S/Stephen E. Hall
Senate Chair
S/Ernest C. Greenlaw
House Chair
S.C. 533

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

THE PRESIDENT: The Joint Standing Committee on **INLAND FISHERIES AND WILDLIFE** has recommended the nomination of Richard A. Neal of East Lebanon be confirmed.

The pending question before the Senate is:
"Shall the recommendation of the Committee on **INLAND FISHERIES AND WILDLIFE** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 117th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

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, BERUBE, BUSTIN, CAREY, CARPENTER, CASSIDY, CIANCHETTE, CLEVELAND, FAIRCLOTH, FERGUSON, GOLDTHWAIT, HALL, HANLEY, HARRIMAN, HATHAWAY, KIEFFER, LAWRENCE, LONGLEY, McCORMICK, MICHAUD, MILLS, PARADIS, PENDEXTER, PINGREE, RAND, RUHLIN, STEVENS, and the PRESIDENT, Senator BUTLAND

ABSENT: Senators: ESTY, O'DEA, SMALL
No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Richard A. Neal, for appointment to the Inland Fisheries and Wildlife Advisory Council, was **CONFIRMED**.

The Secretary informed the Speaker of the House.

SENATE PAPERS

Resolve, to Secure a Release of Property from the State

S.P. 760 L.D. 1872
Presented by Senator **MCCORMICK** of Kennebec

Cosponsored by Representative SHIAH of Bowdoinham and Representative: TREAT of Gardiner
 Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.
 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 Amend the Maine Turnpike Authority's Budget for Calendar Year 1996" (Emergency)

S.P. 759 L.D. 1871

Presented by Senator STEVENS, JR. of Androscoggin
 Submitted by the Maine Turnpike Authority and approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 24.
 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.

**Pursuant to Joint Order
 JOINT STANDING COMMITTEE ON
 EDUCATION AND CULTURAL AFFAIRS**

Senator SMALL for the **JOINT STANDING COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**, asked leave to report, pursuant to Joint Order S.P. 721, that the accompanying Bill "An Act to Authorize Casco Bay College to Grant Degrees"

S.P. 758 L.D. 1870

Be referred to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and **ORDERED PRINTED**.
 Which Report was **READ** and **ACCEPTED**.
 The Bill referred to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and **ORDERED PRINTED**.
 Sent down for concurrence.

ORDERS

Senate Orders

On motion by Senator CAREY of Kennebec, the following Senate Order:
ORDERED, that Senate Rules 17, 25 and 26 are amended to read:

17. Questions of order shall be decided by the President without debate within 7 legislative days; but if an appeal is taken, the same may be debated like other questions, and the decision thereon shall be entered upon the journal.

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. Business may not be transacted after the hour of 9:00 p.m. without the affirmative vote of 2/3 of the members present and voting.

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

S.O. 39

Which was **READ**.

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

Senator CAREY: Thank you, Mr. President. The Legislative Council, in its wisdom, had a TQM Committee. The TQM Committee set up a Sub-Committee on Rules. We have been meeting all summer on it, and have proposed new Joint Rules. In the making of the Joint Rules, we had to make some changes, both in the House Rules and in the Senate Rules. It was our hope that the Joint Rules would be in place for the incoming legislature, that they would already know what they were getting into, so to speak, when they got there. The part of the Senate Rules that had to be amended were simply three little areas where, on the one hand, the President of the Senate will have seven days in which to render an opinion when there is an appeal made to a decision. The second one is that, the House has a rule, but we do not have a rule on what happens at nine o'clock; therefore, we were putting into the rules a rule that says that after nine o'clock it would take a two-thirds vote of the members present and voting to actually go into an extended session. Our third part was on the handling of a Roll Call, which has come into question on a few occasions, and we have asked that the Roll Calls last no longer than thirty minutes. Those are the only changes in the Senate Rules. Thank you.

Off Record Remarks

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

Joint Orders

On motion by Senator HARRIMAN of Cumberland, (Cosponsored by: Senator CAREY of Kennebec, Representatives: KONTOS of Windham, G. REED of Falmouth), the following Joint Order:

ORDERED, the House concurring, that the Joint Rules be repealed and replaced with the following:

JOINT RULES - 117TH LEGISLATURE

Part 1

General Provisions

Rule 101. Scope.

These Joint Rules are adopted pursuant to the Constitution of Maine to assist in carrying out the responsibilities of the Legislative Branch. The rules govern the transaction of business by both chambers, between the chambers and by members of both chambers, including many of the activities of joint legislative committees. The business of the separate chambers and most actions of members are governed by chamber rules.

Rule 102. Amendment of Rules.

Joint Rules may be amended by a majority vote in each chamber on or before the 3rd Friday in January of the first regular session. After that, a vote of 2/3 of the members present in each chamber is required.

Rule 103. Suspension of Rules.

Except as provided in Joint Rule 308, a joint rule or order may be suspended only with the consent of 2/3 of the members present in each chamber.

Rule 104. Conflict of Interest.

A member may not vote on any question in either chamber of the Legislature or in committee when that question immediately involves that member's private right, as distinct from the public interest.

Rule 105. Payment of House and Senate Employees.

The Secretary of the Senate shall certify vouchers of the officers and employees of the Senate and the Clerk of the House shall certify vouchers of the officers and employees of the House to the Executive Director of the Legislative Council.

Salary and benefit information regarding employees and officers of the Legislature is public information and when requested must be provided within a reasonable time by the Executive Director of the Legislative Council.

Rule 106. Records of Certain Legislator Expenses.

Upon request, the presiding officer of each chamber shall provide to the Legislative Council or any council member the total monthly or annual cost of telephone expenses and of postage expenses for all members in the chamber. The presiding officers shall also provide monthly and annual telephone and postage expenses of individual members upon the request of any member of the council.

Rule 107. Notice of Legislative Council Meetings.

Meeting times of the Legislative Council must be publicized, at a minimum, by posting notice on the door of the meeting room in a timely fashion. When feasible, other advance notice of Legislative Council meetings must be given.

Part 2

Legislation

Rule 201. Prefiling.

A member-elect may file bills and resolves for introduction with the Revisor of Statutes prior to the convening of each first regular session.

Rule 202. Cloture for Legislators at the First Regular Session.

All requests for bills and resolves submitted by Legislators for a first regular session must be submitted in complete form, as provided in Joint Rule 208, to the Revisor of Statutes by 4:00 p.m. on the 3rd Friday in December.

Rule 203. Cloture for Legislators at the Second Regular or Special Sessions.

The Legislative Council shall set a cloture date and establish procedures for submission of legislation by Legislators to the Revisor of Statutes at a second regular or special session. Procedures established for each second regular session must ensure compliance with the requirements of the Constitution of Maine, 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 must be taken by the yeas and nays, and that vote must be recorded and made available for public inspection.

Rule 204. Cloture for State Department, Agency or Commission Bills and Resolves.

1. Deadlines for Requests. A state department, agency or commission may not file a request for a bill or resolve after the first Wednesday in December.

2. Deadline When Governor Newly Elected. If the Governor is newly elected and the convening of the first regular session coincides with the beginning of the Governor's first term, then any bill or resolve submitted by a state department, agency or commission must be submitted within 30 days after the Governor is administered the oath of office.

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

Rule 205. Filing after Cloture.

Any request for a bill or resolve submitted to the Revisor of Statutes by a Legislator or a department, agency or commission after the cloture date must be transmitted to the Legislative Council. The council shall ascertain from the sponsor the facts supporting the request notwithstanding cloture. If a majority of the council approves, the legislation is eligible for introduction as other legislation that is in compliance with Rule 202 or 203.

Rule 206. Sponsorship.

1. Number; Governor's Bills. A bill, resolve, order, resolution or memorial may have up to 7 sponsors: one primary sponsor, one lead cosponsor from the other chamber and 5 cosponsors from either chamber. Each bill or resolve requested by the Governor or a department, agency or commission must indicate the requestor below the title.

2. Duplicate Requests; Chamber of Origin. 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 must originate in the chamber of the primary sponsor.

3. Indian Representatives. The member of the Penobscot Nation and the member of the Passamaquoddy Tribe elected to represent their people at each biennial Legislature may sponsor or cosponsor legislation specifically relating to Indians and Indian land claims and may sponsor and cosponsor expressions of legislative sentiment in the same manner as other members of the House.

Rule 207. Disclosure of Titles of Bills and Resolves.

1. Legislator and Department Bills. The names of sponsors and the titles of requests for bills and resolves submitted by legislators or by departments, agencies or commissions become public information on

the cloture date, and a list of titles and sponsors must be published as soon as practicable after cloture.

2. Governor Bills. The titles of requests for bills and resolves submitted by the Governor are considered public information upon filing. The Governor may direct that the title of a particular bill or resolve remain confidential until that bill or resolve is printed.

Rule 208. Requirements for Drafting.

A request for a bill or resolve filed with the Revisor of Statutes is 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.

Rule 209. Bill Titles and Summaries.

The Revisor of Statutes has authority to change the title of a bill or resolve to ensure that the title accurately and concisely reflects the content and scope of the bill or resolve. If the primary sponsor objects to the change, the President of the Senate and the Speaker of the House shall jointly decide what the title should be.

The Revisor of Statutes shall prepare and include a summary of each bill, resolve and amendment. The Revisor of Statutes has authority to ensure that the summary is concise and accurately reflects the intent of the bill or resolve.

Rule 210. Form.

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

Rule 211. Signatures on Drafts of Bills, Resolves and Amendments.

The Revisor of Statutes shall notify the primary sponsor of a bill or resolve that the bill or resolve is ready in final form for signature. The primary sponsor is responsible for obtaining signatures from cosponsors. The primary sponsor shall sign the bill or notify the Revisor of Statutes of any changes that are necessary within deadlines established by the presiding officers. The primary sponsor shall present the signed cosponsor sheet to the Revisor of Statutes. If the primary sponsor does not contact the Office of the Revisor of Statutes within this period, the bill is void.

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

Rule 212. Errors.

Clerical errors in bills and resolves may be corrected upon suggestion by the Revisor of Statutes without motion to amend.

Rule 213. Expressions of Legislative Sentiment.

All expressions of legislative sentiment must conform to guidelines issued by the President of the Senate and the Speaker of the House and must be presented in a manner standardized by the Revisor of Statutes.

The expressions of legislative sentiment may not be part of the permanent journal or the legislative record but must appear on the Advance Calendar and Journal of each body. The Secretary of the Senate and the Clerk of the House shall print the expressions in an appendix to the legislative record. When the Legislature is not in session, the President of the Senate and the Speaker of the House may authorize expressions of legislative sentiment at the request of legislative members.

Rule 214. Memorials.

A memorial is not in order for introduction unless approved by a majority of the Legislative Council.

Rule 215. Actions Relating to the United States Constitution.

All memorials, resolutions, applications and petitions that relate to the Legislature's functions under the United States Constitution, Article V are in order for introduction without approval from the Legislative Council. Passage of these items must be accomplished as follows:

1. **Calling of United States Constitutional Convention.** An item requesting the calling of a United States Constitutional Convention requires a 2/3 vote of the members present in each chamber:

2. **Ratification of Amendment.** An item requesting ratification of an amendment to the United States Constitution requires a majority vote of the members present in each chamber; and

3. **Any Other Action.** An item requesting any other action under the United States Constitution, Article V requires a majority vote of the members present in each chamber.

Rule 216. Claims against the State.

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

Rule 217. Measures Rejected at a Prior Session.

A bill, resolve, constitutional resolution, resolution, memorial or order that has been introduced and finally rejected in a regular or special session may not be introduced in a subsequent regular or special session of the same Legislature except by vote of 2/3 of both chambers.

Rule 218. Legislation Filed Pursuant to Law or Resolve.

Legislation filed pursuant to law or resolve must identify the source of the legislation and must cite the law or resolve that authorizes the filing. The legislation must be introduced in the chamber of the sponsor or the chamber of origin of the authorizing law or resolve.

**Part 3
Legislative Committees
Subpart A**

Joint Standing Committees

Rule 301. Joint Standing Committee Responsibilities and Jurisdiction.

Joint standing committees are formed to assist the Legislature in the performance of its constitutional duties and are vested with the general authority granted in the Maine Revised Statutes, Title 3, section 165 and certain other specific authority granted from time to time by the Legislature. The responsibilities of joint standing committees include, but are not limited to:

1. Pending Legislation. Considering and reporting to both chambers on legislation pending before the Legislature;

2. Budget and Fiscal Policy Issues. Reviewing and making recommendations on budgeting and fiscal policy issues concerning State Government;

3. Actions of Departments and Agencies. Conducting oversight and review of the actions of departments and agencies of State Government, including, but not limited to, review of agency rules under Title 5, chapter 375, subchapters II and II-A and agency evaluations under the State Government Evaluation Act;

4. Gubernatorial Appointments. Reviewing and making recommendations on gubernatorial appointments that require legislative confirmation under Title 3, chapter 6; and

5. Other Tasks. Performing other tasks assigned to them, including, but not limited to, reviewing specific provisions of law, conducting studies on assigned topics, issuing reports on policy and legal issues of interest to the Legislature, reporting out specific legislation pursuant to joint order and authorizing the annual budgets of certain counties.

As authorized by Title 3, section 165, there are 17 joint standing committees, which must be appointed at the commencement of the first regular session and which exercise jurisdiction in the following areas:

- Agriculture, conservation and forestry
- Appropriations and financial affairs
- Banking and insurance
- Business and economic development
- Criminal justice
- Education and cultural affairs
- Human resources
- Inland fisheries and wildlife
- Judiciary
- Labor
- Legal and veterans affairs
- Marine resources
- Natural resources
- State and local government
- Taxation
- Transportation
- Utilities and energy

Rule 302. Membership.

Each of the joint standing committees consists of 13 members, 3 from the Senate and 10 from the House of Representatives. The first Senate member named is the Senate chair. The first House member named is the House chair. The Senate chair shall preside and in the Senate chair's absence, the House chair shall preside and, thereafter, as the need may arise, the chair shall alternate between the members from each chamber in the sequence of their appointment to the committee. The sequence of appointment for the biennium is as announced by the presiding officers in each chamber. Every member of the Senate and the House of Representatives is entitled to at least one initial committee assignment.

Rule 303. 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 the 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 salary of each committee clerk is established by the President of the Senate and the Speaker of the House, and the employment of the

committee clerks terminates no later than the end of the session.

Rule 304. 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 and must be posted and made available upon request at all public hearings and work sessions.

The rules of procedure in committee are the same as the rules of the Senate and the House of Representatives to the extent applicable. Committee procedures must be consistent with these rules.

The presiding chair shall decide all questions of order, subject to appeal to the committee. The chair's ruling stands unless overruled by a majority vote of the committee membership.

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

At public hearings, the chair may limit testimony as necessary for the orderly conduct of the hearing. Members may question witnesses to clarify testimony and to elicit helpful and pertinent information. While aggressive and probing questions may sometimes be appropriate, members shall exhibit respect for the witnesses and for one another. Members shall refrain from interrogation that is argumentative, oppressive, repetitive or unnecessarily embarrassing to hearing participants. Advocacy and discussion among members are not appropriate at public hearings. A committee member who is the primary sponsor of a bill and any member who testifies for or against the bill should ordinarily refrain from questioning other witnesses.

Rule 305. 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.

Public hearings must be advertised 2 weekends in advance of the hearing date. All exceptions must be approved by both presiding officers.

The committee shall direct the committee clerk to notify all sponsors of the bill of the public hearing and work session on the bill.

It is the intent of the Legislature that a person not be denied access to committee public hearings and work sessions because of a disability. Committees shall provide reasonable access for disabled persons to their proceedings.

Rule 306. Quorum.

A quorum is 7 members, and a quorum must be present to start a meeting or to take a vote. A quorum is not required to continue a meeting. If a quorum is present, but there is not a Senator among those present, the committee may take a vote only with the authorization of the President of the Senate.

Rule 307. Testimony.

Testimony before a joint standing committee is not presented under oath, except that a committee is authorized to administer oaths in the case of legislative confirmation hearings under the Maine Revised Statutes, Title 3, section 157 and may be so authorized by the Legislature when the committee is acting as a special investigating committee under the Maine Revised Statutes, Title 3, section 165, subsection 7.

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

Rule 308. Reference of Bills to Committee.

All bills and resolves must be referred to committee, except that this provision may be suspended by a majority vote in each chamber.

1. Legislature in Session. When the Legislature is in session, the Secretary of the Senate and the Clerk of the House shall jointly suggest an appropriate committee reference for every bill, resolve and petition offered. The suggested reference must be placed upon the Advance Journal and Calendar of each chamber. If they are unable to agree, the question of reference must be referred to a conference of the President of the Senate and the Speaker of the House. Upon their agreement, the suggested reference must be placed upon the Advance Journal and Calendar of each chamber. If they are unable to agree, the question of suggested reference must be referred to the Legislative Council for resolution. Upon the decision of the Legislative Council, the suggested reference must be placed upon the Advance Journal and Calendar of each chamber. Each suggested reference appearing upon the Advance Journal and Calendar of each chamber must 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 103, a majority vote is necessary to overturn the original committee of reference.

2. Legislature Not in Session. When the Legislature is not in session or is in recess for more than 4 days, the Secretary of the Senate and Clerk of the House may refer the bills to the appropriate joint standing committee for public hearing and order printing, subject to the approval of the President of the Senate and the Speaker of the House.

Rule 309. 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.

Rule 310. Reports of Bills from Committee.

1. Deadline for Reports. The joint standing committees shall report out every bill that has been referred to them in the manner prescribed in these rules and in accordance with deadlines established by the presiding officers.

2. Committee Reports. The report of the committee must include a recommendation. Recommendations that may be made are:

- Ought to Pass
- Ought to Pass as Amended
- Ought to Pass in New Draft
- Ought Not to Pass
- Refer to Another 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 a joint standing committee votes unanimously to report a bill "Ought Not to Pass," the committee shall notify the presiding officers, the sponsor and the cosponsors of the bill of their action. This communication must appear on the calendar in each chamber, and the bill, upon notification of both chambers, must be placed in the legislative file and may be recalled only as provided in Rule 404.

4. Ought to Pass in New Draft Report. 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 must include the legislative document number that the new bill replaces and 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 that must be printed of each new draft.

5. Committee Voting. The committee clerk shall prepare the committee jacket or jackets following the vote and obtain signatures from committee members as required. If all members are not present for the vote, the bill must be held until the following periods have expired.

A. If any member is absent from the State House and the State Office Building at the time of the vote, that member's vote may be registered with the clerk up until noon on the 2nd business day following the vote.

B. If any member is absent from the committee at the time of the vote but present in the State House or the State Office Building, that member's vote may be registered with the clerk up until 5:00 p.m. on the day of the vote.

A member may abstain from voting only for a conflict of interest under Joint Rule 104.

Except for a motion to adjourn, a question may not be decided and official action may not be taken in the absence of a quorum.

Rule 311. 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 should be included in the bill reported out. A floor amendment may not be entertained in either chamber unless the amendment is printed and distributed at least 24 hours prior to introduction.

Rule 312. Fiscal Notes.

Every bill or resolve that affects 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" or "Referral to Another Committee" 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.

Rule 313. Confidentiality.

The committee shall protect confidential records, including those records excluded from the definition of "public records" under the freedom of access laws, the Maine Revised Statutes, Title 1, section 402, subsection 3, from public disclosure by holding executive sessions to discuss information contained in those records. Executive sessions must be held in accordance with the provisions of the freedom of access laws, the Maine Revised Statutes, Title 1, chapter 13, subchapter 1.

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.

Rule 314. 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 Committee 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. Budget recommendations made by the Governor on areas within the jurisdiction of a policy committee must be initially heard jointly by the Joint Standing Committee on Appropriations and Financial Affairs and the policy committee having jurisdiction over the subject matter presented.

2. Subcommittee; Appointment. Each policy committee shall appoint a subcommittee of at least 3 and not more than 5 of its members to serve as liaisons to the Joint Standing Committee on Appropriations and Financial Affairs. At least one member of the subcommittee must be appointed by the Senate chair of the policy committee and at least 2 members must be appointed by the House chair of the policy committee. This subcommittee must include members of the 2 parties holding the largest number of seats in the Legislature. Whenever possible, the Joint Standing Committee on Appropriations and Financial Affairs shall notify each member of a policy committee in a timely manner of all subsequent deliberations on budget items relative to that policy committee's jurisdiction. Each policy committee through its subcommittee shall advise the Joint Standing Committee on Appropriations and Financial Affairs of its respective policy committee's recommendations regarding budget items relative to

that committee's jurisdiction and through its subcommittee may participate in all subsequent deliberations of the Joint Standing Committee on Appropriations and Financial Affairs on these budget items.

3. Membership Published. The membership of each subcommittee must be published in the Advance Journal and Calendar.

4. Policy Committee Recommendations. Each policy committee shall provide the Joint Standing Committee on Appropriations and Financial Affairs 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 Joint Standing Committee on Appropriations and Financial Affairs after consultation with the chairs of the policy committee, and in no case may the time period be less than 10 days following the initial joint hearing unless mutually agreed upon. The recommendations must be made within the budgetary constraints set by the Joint Standing Committee on Appropriations and Financial Affairs.

5. Additional Funds. Following submission of the policy committee's biennial budget recommendations within established budget constraints, each policy committee may recommend additional funds for program priorities that exceed the original budgeting constraints and if recommendations for additional funds are made, the committee shall explain those recommendations.

6. Decision-making Authority. The Joint Standing Committee on Appropriations and Financial Affairs shall consider the policy committees' budget recommendations during the deliberations of the Joint Standing Committee on Appropriations and Financial Affairs but retains sole decision-making authority on budget matters.

7. List of Priorities. Within 5 business days after reporting out all bills involving appropriations or revenues, the policy committees shall submit to the Joint Standing Committee on Appropriations and Financial Affairs a list indicating these committees' priorities for final passage of these bills.

Subpart B

Special Legislative Committees

Rule 351. Joint Select Committees.

A joint select committee consists of 3 Senators and 7 members of the House of Representatives, unless the order creating the committee provides a different number.

When a select committee is appointed by both chambers the Secretary of the Senate and the Clerk of the House shall inform each other of the names of the members so that the names may be entered upon the Advance Journal and Calendar of each chamber.

Rule 352. Committees of Conference.

When the chambers do not agree on an action, a committee of conference is in order. A committee of conference consists of 3 members from each chamber who voted on the prevailing side. A committee of conference shall meet and submit a report within 10 legislative days to the chamber asking for the conference. The report must be agreed to by a majority of the members from each chamber. The committee report may be that it is unable to agree. The committee report may be either accepted or rejected, but no other action may be had except through another committee of conference. If

necessary, a new committee of conference may be formed.

Rule 353. Study Committee Reports.

Committees authorized by the Legislative Council to undertake studies shall complete the studies, including reports and necessary implementing legislation, by the date established by the Legislative Council.

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

Part 4

Floor Action on Legislation

Rule 401. Printing of Bills.

Every bill or resolve submitted by a Legislator must be printed unless withdrawn by the sponsor before printing. After it is printed, a bill or resolve is considered to be in the possession of the Legislature and may not be withdrawn by the sponsor. Every bill presented for reference to committee or to be engrossed without reference to committee must be printed before appearing on the Advance Journal and Calendar of either chamber.

Every amendment must be printed and distributed before being taken up in either chamber. Every committee amendment must indicate the committee making the report.

The Secretary of the Senate and the Clerk of the House are responsible for the printing and initial distribution of legislative documents and amendments.

Rule 402. Consideration of Bills.

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

Rule 403. Amendment of Bills.

A floor amendment may not be permitted on any bill or resolve until a favorable report of the committee to which the bill or resolve has been referred has been accepted and the bill or resolve is before the Senate in the 2nd reading or before the House in the 2nd reading.

Rule 404. Rejection of Bills.

A bill, resolve, constitutional resolution, resolution, memorial or order that is finally rejected may not be recalled from the legislative files except by joint order approved by a vote of 2/3 of both chambers.

Rule 405. 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 must be committed to the Committee on Engrossed Bills, whose duties are to examine the engrossed bills and resolves and to see that the engrossed bills and resolves have been truly engrossed. Before any bill passed is to be enacted, or any resolve finally passed, it must be reported by that committee to be truly and strictly engrossed, and the title thereof read by the President or the Speaker.

Rule 406. Enactment of Bills.

Every bill that has passed both chambers to be enacted and all resolutions having the force of law that have finally passed both chambers must 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 those bills or resolutions are presented to the Governor.

Rule 407. Responsibility for Legislative Papers.

All endorsements on papers passing between the 2 chambers must 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 must be signed by the presiding officer of each chamber.

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

Rule 408. Joint Conventions.

Business may be transacted in convention of the 2 chambers only by unanimous consent of the convention, except for such business as may be agreed upon by the 2 chambers before the convention is formed.

Rule 409. Communications.

Whenever a message is 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 are communicated to the presiding officer of the Senate.

Part 5

Legislative Confirmations

Rule 501. Partisan Staff Assistants for Nominations.

The members of the Legislative Council representing each party shall, within 7 legislative days after the convening of the first regular session, appoint a partisan staff assistant for nominations. Each of these assistants serves at the pleasure of the appointing authority during the biennium for which the assistant is chosen. A vacancy in either of these positions must 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.

Rule 502. Notice of Gubernatorial Appointments.

The procedures for legislative confirmation are established in the Maine Revised Statutes, Title 3, chapter 6. 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 and copies of accompanying materials to the chairs of the joint standing committee that is charged by law with reviewing nominations to that office, to the Legislative Information Office and to the 2 partisan staff assistants for nominations. The Legislative Information Office shall establish an official file for each nominee.

Rule 503. Committee Preconference Hearing.

The joint standing committee must hold a prehearing conference within 21 days of the notification from the Governor unless the committee decides otherwise. The prehearing conference must be consistent with the Maine Revised Statutes, Title 3, section 156.

Rule 504. Committee Public Hearing.

The joint standing committee shall hold a public hearing on the nomination in Augusta at a time convenient to the public within 30 days, or 35 days

for judicial officers, from the date of the Governor's notice of the nomination to the President of the Senate and the Speaker of the House. At least 7 days before the hearing, the Legislative Information Office shall publish in the state paper and in a newspaper of general circulation in the area where the nominee resides a notice of that hearing, which must 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. The notice must also contain a statement that written comments relevant to the qualifications of the nominee together with supporting materials may be filed with the Legislative Information Office by 9 a.m. on the hearing date. At the hearing, the committee shall take written or oral testimony limited to relevant comments and questions regarding the qualifications of the nominee. Notwithstanding the Maine Revised Statutes, Title 3, section 157, for the purposes of reviewing nominations pursuant to this rule, the joint standing committee has the power to administer oaths and to take testimony under oath. All testimony taken at the hearing must be recorded and testimony and other materials received by the committee must be preserved according to the Maine Revised Statutes, Title 3, section 159. 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.

Rule 505. Committee Vote.

Within 35 days, or 40 days for judicial officers, from the date of the Governor's notice of the nomination to the President of the Senate and the 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 may be taken only upon an affirmative motion to recommend confirmation of the nominee, and a tie vote of the committee is considered a recommendation of denial. A vote may not be taken sooner than 15 minutes after the close of the public hearing unless by agreement of all committee members present. The committee vote must 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.

Rule 506. Senate Vote.

Within 45 days, or 50 days for judicial officers, 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 becomes 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 is considered confirmed. Following Senate confirmation or denial, notice of the action taken must be given to the Speaker of the House.

Rule 507. Withdrawal of Nomination.

If 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 may not take any further action on that nomination.

Rule 508. Nomination Made Within 30 Days of Adjournment.

If the Governor posts a nomination within 30 days preceding the statutory date of adjournment, a legislative committee to which a nominee is referred for confirmation review may by 2/3 vote request the President of the Senate and the Speaker of the House to delay this review in order to complete the committee's legislative work. If the President of the Senate and the Speaker of the House approve the request, the time periods for legislative action begin on the date the Legislature adjourns.

S.P. 761

Which was READ.

On motion by Senator KIEFFER of Aroostook, Tabled 1 Legislative Day, pending PASSAGE.

Senate at Ease
Senate called to order by the President.

COMMITTEE REPORTS

House

Ought to Pass

The Committee on AGRICULTURE, CONSERVATION AND FORESTRY on Resolve, to Require Additional Promotion of the Maine Quality Seal (Emergency)

H.P. 1294 L.D. 1776

Reported that the same Ought to Pass.

Comes from the House with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

The Resolve LATER ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

The Committee on BUSINESS AND ECONOMIC DEVELOPMENT on Bill "An Act to Make Pet Dealers Liable for the Sale of Dogs and Cats That Have Health Problems"

H.P. 53 L.D. 47

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-779).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-779).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-779) READ and ADOPTED, in concurrence.

The Bill, as Amended, LATER ASSIGNED FOR SECOND READING.

The Committee on CRIMINAL JUSTICE on Bill "An Act to Facilitate the Lawful Detention of Juveniles" (Emergency)

H.P. 1312 L.D. 1796

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-776).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-776).

Which Report was **READ**.

On motion by Senator **KIEFFER** of Aroostook, Tabled
1 Legislative Day, pending **ACCEPTANCE** of the Report.

The Committee on **LEGAL AND VETERANS AFFAIRS** on
Bill "An Act Relating to Payment of Tri-state Lotto
Prizes"

H.P. 1304 L.D. 1785

Reported that the same **Ought to Pass as Amended**
by **Committee Amendment "A" (H-773)**.

Comes from the House with the Report **READ** and
ACCEPTED and the Bill **PASSED TO BE ENGROSSED AS**
AMENDED BY COMMITTEE AMENDMENT "A" (H-773).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-773) **READ** and **ADOPTED**,
in concurrence.

The Bill, as **Amended**, **LATER ASSIGNED FOR SECOND**
READING.

The Committee on **NATURAL RESOURCES** on Bill "An
Act to Enhance Used Oil Recycling Capabilities"

H.P. 1178 L.D. 1610

Reported that the same **Ought to Pass as Amended**
by **Committee Amendment "A" (H-777)**.

Comes from the House with the Report **READ** and
ACCEPTED and the Bill **PASSED TO BE ENGROSSED AS**
AMENDED BY COMMITTEE AMENDMENT "A" (H-777).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-777) **READ** and **ADOPTED**,
in concurrence.

The Bill, as **Amended**, **LATER ASSIGNED FOR SECOND**
READING.

The Committee on **STATE AND LOCAL GOVERNMENT** on
Bill "An Act to Dismiss Certain Federal Mandates"

H.P. 1028 L.D. 1443

Reported that the same **Ought to Pass as Amended**
by **Committee Amendment "A" (H-775)**.

Comes from the House with the Report **READ** and
ACCEPTED and the Bill **PASSED TO BE ENGROSSED AS**
AMENDED BY COMMITTEE AMENDMENT "A" (H-775).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-775) **READ** and **ADOPTED**,
in concurrence.

The Bill, as **Amended**, **LATER ASSIGNED FOR SECOND**
READING.

Divided Report

The Majority of the Committee on **BUSINESS AND**
ECONOMIC DEVELOPMENT on Bill "An Act to Make Changes
in the Beverage Container Deposit Laws"

H.P. 1324 L.D. 1813

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

HARRIMAN of Cumberland
GOLDTHWAIT of Hancock
CIANCHETTE of Somerset

Representatives:

ROWE of Portland
SIROIS of Caribou
REED of Dexter
DAVIDSON of Brunswick
RICHARD of Madison
BIRNEY of Paris
POVICH of Ellsworth
CAMERON of Rumford
LEMONT of Kittery

The Minority of the same Committee on the same
subject reported that the same **Ought to Pass**.

Signed:

Representative:

LIBBY of Kennebunk

Comes from the House with the Majority **UGHT NOT**
TO PASS Report **READ** and **ACCEPTED**.

Which Reports were **READ**.

On motion by Senator **HARRIMAN** of Cumberland, the
Senate **ACCEPTED** the Majority **UGHT NOT TO PASS**
Report, in concurrence.

Divided Report

The Majority of the Committee on **JUDICIARY** on
Bill "An Act Authorizing Officers of Closely Held
Corporations to Represent those Corporations before
Any Court"

H.P. 1264 L.D. 1739

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

MILLS of Somerset
FAIRCLOTH of Penobscot

Representatives:

TREAT of Gardiner
RICHARDSON of Portland
JONES of Bar Harbor
LAFOUNTAIN, III of Biddeford
WATSON of Farmingdale

The Minority of the same Committee on the same
subject reported that the same **Ought to Pass as**
Amended by Committee Amendment "A" (H-770).

Signed:

Senators:

PENDEXTER of Cumberland

Representatives:

PLOWMAN of Hampden
HARTNETT of Freeport
MADORE of Augusta
NASS of Acton

Comes from the House with the Minority **UGHT TO**
PASS AS AMENDED Report **READ** and **ACCEPTED** and the Bill
PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE
AMENDMENT "A" (H-770).

Which Reports were **READ**.

On motion by Senator **KIEFFER** of Aroostook, Tabled
1 Legislative Day, pending **ACCEPTANCE** of Either
Report.

Divided Report

The Majority of the Committee on **TAXATION** on Bill
"An Act Regarding Municipal Penalties for Late Filing
under the Maine Tree Growth Tax Law"

H.P. 1271 L.D. 1749

Reported that the same **Ought to Pass as Amended**
by **Committee Amendment "A" (H-764)**.

Signed:

Senators:

HATHAWAY of York
 FERGUSON, JR. of Oxford
 CAREY of Kennebec

Representatives:

REED of Falmouth
 TRIPP of Topsham
 KEANE of Old Town
 BARTH, JR. of Bethel
 GREEN of Monmouth
 POIRIER of Saco
 DUNN of Gray
 DORE of Auburn

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-765).**

Signed:

Representatives:

TUTTLE, JR. of Sanford
 MURPHY of Berwick

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-764).**

Which Reports were **READ.**

The Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-764)** Report **ACCEPTED**, in concurrence.

The Bill **READ ONCE.**

Committee Amendment "A" (H-764) **READ** and **ADOPTED**, in concurrence.

The Bill, as **Amended**, **LATER ASSIGNED FOR SECOND READING.**

**Senate
 Ought to Pass As Amended**

Senator **STEVENS, JR.** for the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Allow the Adjutant General to Sell Unfit and Unneeded Property and Apply Proceeds to the Military Bureau's Construction and Capital Repair Account, to Authorize the Adjutant General to Transfer Real Property, and to Authorize the Military Bureau to Retain the Proceeds of Armory Rentals"

S.P. 660 L.D. 1720

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-489).**

Which Report was **READ** and **ACCEPTED.**

The Bill **READ ONCE.**

Committee Amendment "A" (S-489) **READ** and **ADOPTED.**

The Bill, as **Amended**, **LATER ASSIGNED FOR SECOND READING.**

Senator **GOLDTHWAIT** for the Committee on **MARINE RESOURCES** on Bill "An Act to Clarify Certain Provisions of Law Pertaining to Lobster Management"

S.P. 673 L.D. 1733

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-488).**

Which Report was **READ** and **ACCEPTED.**

The Bill **READ ONCE.**

Committee Amendment "A" (S-488) **READ** and **ADOPTED.**

The Bill, as **Amended**, **TOMORROW ASSIGNED FOR SECOND READING.**

SECOND READERS

The Committee on Bills in the Second Reading reported the following:

House As Amended

Bill "An Act to Improve and Expand the Functions of the Department of Audit"

H.P. 1292 L.D. 1774
 (C "A" H-745)

Bill "An Act to Exempt Farms from the Sales Tax on Electricity"

H.P. 1293 L.D. 1775
 (C "A" H-766)

Bill "An Act to Lessen the Penalty for Withdrawal of Farms from the Farm and Open Space Tax Law"

H.P. 1295 L.D. 1777
 (C "A" H-767)

Which were **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**, in concurrence.

Senate As Amended

Bill "An Act to Allow the Diagnosis of Biologically-based Mental Illness by Licensed Psychologists" (Emergency)

S.P. 622 L.D. 1630
 (C "A" S-472)

Bill "An Act Concerning the Number of Washington County Commissioners"

S.P. 703 L.D. 1792
 (C "A" S-487)

Which were **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended.**

Sent down for concurrence.

ENACTORS

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

An Act to Amend the Laws Regarding the Maine Public Drinking Water Commission

H.P. 99 L.D. 134
 (C "A" H-746)

An Act to Change the Maine Rule of Evidence That Currently Allows the Admission of Subsequent Remedial Measures as Evidence of Negligence

H.P. 244 L.D. 346
 (C "A" H-754)

An Act Regarding Wrongful Death Actions

H.P. 546 L.D. 742
 (C "A" H-755)

An Act to Improve the Function of the Maine Health Security Act

S.P. 335 L.D. 916
 (C "A" S-462)

An Act Relating to the Sale of Alcoholic Beverages

S.P. 624 L.D. 1632
 (S "B" S-456)

An Act to Make Changes to the Motor Vehicle Laws

S.P. 643 L.D. 1687
 (C "A" S-454)

An Act to Amend the Laws Relating to Recovery for Property Damage

H.P. 1246 L.D. 1708
 (C "A" H-753)

An Act Concerning Special Licenses in the Department of Marine Resources

S.P. 667 L.D. 1727
 (C "A" S-457)

An Act to Clarify the Agency Rule-making Process

S.P. 678 L.D. 1735
 (C "A" S-455)

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

An Act to Establish Limited Liability Partnerships

S.P. 499 L.D. 1358
(C "A" S-450)

Senator **HANLEY** of Oxford moved to **PLACE ON THE SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

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

Senator **HARRIMAN:** Thank you, Mr. President. May I pose a question through the Chair? Is this a revenue expenditure or a revenue enhancer?

THE PRESIDENT: The Senator from Cumberland, Senator Harriman, 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:** To respond to the good Senator from Cumberland's question, it will be revenue enhancing.

On motion by Senator **HANLEY** of Oxford, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

An Act Concerning Juveniles Who Have Been Adjudicated to Have Committed the Juvenile Crime of Gross Sexual Assault

H.P. 1234 L.D. 1694
(C "A" H-752)

On motion by Senator **HANLEY** of Oxford, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

An Act to Amend the Protection from Abuse and Protection from Harassment Statutes

H.P. 1279 L.D. 1758
(C "A" H-751)

On motion by Senator **HANLEY** of Oxford, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

An Act to Distribute the Assets of the Maine Sardine Council to Council Members upon Dissolution of the Council by the Legislature

H.P. 1346 L.D. 1841

On motion by Senator **HANLEY** of Oxford, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

An Act to Clarify the Process for Referendum Recount

H.P. 1350 L.D. 1851

On motion by Senator **HANLEY** of Oxford, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

Off Record Remarks

Under suspension of the Rules, all matters thus acted on were ordered sent forthwith.

Off Record Remarks

Senator **CIANCHETTE** of Somerset was granted unanimous consent to address the Senate on the Record.

Senator **CIANCHETTE:** Thank you, Mr. President. I assume that we will be discussing the Joint Rules before we come back; and I would like to point out something, and maybe make a recommendation for you to be thinking about. When we look at this so-called emergency session, and we look at the number of bills that were introduced that died in committee, or died on the floor, can we truly say that this has been an emergency session? I think not. I think that calling this session an emergency session is a farce, a joke, and an insult to the citizens of Maine. I would request that we either change the name of this session to a second annual session, or maintain the emergency session and strengthen the rules that allows bills into this emergency session as truly emergency measures. Certainly, what we have gone through here this year does not represent emergency measures. Either we ought to call it what it is and fix it, or call it something else. It's an annual session of the Legislature. I would hope that we could find language to put in these Joint Rules that strengthens the requirements to put bills in this emergency session. I hope you will give it attention. Thank you.

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

Senator **KIEFFER:** Thank you, Mr. President. While I certainly agree with the submission of bills and the process that we use during this session, I don't believe that this is really called an emergency session. It is specified, at least on our calendars, as the Second Regular Session. But, I certainly do agree that we do let too many bills in. The bills that are to be allowed in are specifically designated as emergency and/or administration bills. I agree we should take a look at that part of it. Thank you.

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

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

After Recess
Senate called to order by the President.

Senate at Ease
Senate called to order by the President.

Emergency

An Act to Limit the Liability of Property Owners in Cases of Nonnegligent Lead Poisoning

S.P. 528 L.D. 1445
(C "A" S-463)

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

Senator **RAND:** Thank you, Mr. President. May I pose a question through the Chair? Could someone from the appropriate committee give us a half minute explanation of what "limit the liability of property owners" means?

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

On motion by Senator **RAND** of Cumberland, Tabled until Later in Today's Session, pending **ENACTMENT**.

Emergency

An Act to Amend the Charter of the East Boothbay Water District

H.P. 1181 L.D. 1620
(H "A" H-760 to C
"A" H-750)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with No Senator having voted in the negative, and 27 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.

Emergency

An Act to Implement the Recommendations of the Task Force to Study the Operations of the Department of Inland Fisheries and Wildlife

S.P. 666 L.D. 1726
(C "A" S-465)

On motion by Senator **HANLEY** of Oxford, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

Emergency

An Act to Further Streamline Licensing Procedures at the Bureau of Insurance

S.P. 692 L.D. 1762
(C "A" S-459)

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with No Senator having voted in the negative, and 26 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.

Emergency

An Act to Exempt Certain Individuals from Unemployment Insurance Requirements

S.P. 696 L.D. 1770
(C "A" S-453)

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with No Senator having voted in the negative, and 25 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.

Emergency

An Act to Extend the Electric Rate Stabilization Projects

S.P. 704 L.D. 1793
(C "A" S-458)

On motion by Senator **HANLEY** of Oxford, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

Resolve

Resolve, Directing the Commissioner of Agriculture, Food and Rural Resources to Research the Reinstatement of a State-operated Meat Inspection Program

H.P. 1050 L.D. 1469
(C "A" H-749)

On motion by Senator **HANLEY** of Oxford, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **FINAL PASSAGE**.

Emergency Mandate

Resolve, for Laying the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1996

H.P. 1345 L.D. 1840

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 24 Members of the Senate, with No Senator having voted in the negative, and 24 being two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Mandate

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1996

H.P. 1348 L.D. 1845

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 27 Members of the Senate, with No Senator having voted in the negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

An Act to Limit the Liability of Property Owners in Cases of Nonnegligent Lead Poisoning

S.P. 528 L.D. 1445
(C "A" S-463)

Tabled - earlier in the day by Senator **RAND** of Cumberland.

Pending - **ENACTMENT**.

(In House, March 19, 1996, **PASSED TO BE ENACTED**.)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with No Senator having voted in the negative, and 27 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.

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

SENATE ORDER - relative to amending Senate Rules 17, 25, and 26

S.O. 39

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

Pending - **PASSAGE.**

(In Senate, earlier in the day, **READ.**)

On motion by Senator KIEFFER of Aroostook, Tabled 1 Legislative Day, pending **PASSAGE.**

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

SECOND READERS

The Committee on Bills in the Second Reading reported the following:

House

Resolve, to Require Additional Promotion of the Maine Quality Seal (Emergency)

H.P. 1294 L.D. 1776

Which was **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, in concurrence.

House As Amended

Bill "An Act to Make Pet Dealers Liable for the Sale of Dogs and Cats That Have Health Problems"

H.P. 53 L.D. 47

(C "A" H-779)

Bill "An Act to Dismiss Certain Federal Mandates"

H.P. 1028 L.D. 1443

(C "A" H-775)

Bill "An Act to Enhance Used Oil Recycling Capabilities"

H.P. 1178 L.D. 1610

(C "A" H-777)

Bill "An Act Relating to Payment of Tri-state Lotto Prizes"

H.P. 1304 L.D. 1785

(C "A" H-773)

Which were **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**, in concurrence.

Bill "An Act Regarding Municipal Penalties for Late Filing under the Maine Tree Growth Tax Law"

H.P. 1271 L.D. 1749

(C "A" H-764)

Which was **READ A SECOND TIME.**

On motion by Senator Ruhlín of Penobscot, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-764), in concurrence.

On further motion by the same Senator, Senate Amendment "A" (S-491) to Committee Amendment "A" (H-764) **READ.**

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

Senator Ruhlín: Thank you, Mr. President. I would just speak briefly to the members of the Senate as to what Senate Amendment "A" does. It goes along with the principle and tries to address the fairness. We have small communities that have volunteer selectboards, and so forth, who have other duties to do. It recognizes that from time to time they are going, perhaps, to need a short grace period. That is what the whole of Committee Amendment "A" does in any event. Senate Amendment "A" backs that Committee Amendment up to November of 1994, recognizing the same principle, but says, because it is an extra year, only ten days would be allowed for a grace period. That's an honest effort to be fair to those communities that do have a volunteer form of town government and do need those grace periods. Thank you.

On motion by Senator KIEFFER of Aroostook, Tabled 1 Legislative Day, pending the motion by Senator Ruhlín of Penobscot that the Senate **ADOPT** Senate Amendment "A" (S-491) to Committee Amendment "A" (H-764).

Senate As Amended

Bill "An Act to Allow the Adjutant General to Sell Unfit and Unneeded Property and Apply Proceeds to the Military Bureau's Construction and Capital Repair Account, to Authorize the Adjutant General to Transfer Real Property, and to Authorize the Military Bureau to Retain the Proceeds of Armory Rentals"

S.P. 660 L.D. 1720

(C "A" S-489)

Which was **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended.**

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

JOINT RESOLUTION COMMEMORATING YOM HASHOAH, THE DAYS OF REMEMBRANCE OF THOSE WHO SUFFERED AS VICTIMS OF THE HOLOCAUST

WHEREAS, 54 years ago, 6,000,000 Jews were murdered in the Nazi Holocaust as part of a systematic program of genocide and millions of other people suffered as victims of Nazism; and

WHEREAS, the year 1996 is the 51st anniversary of the conclusion of World War II; and

WHEREAS, the people of the State of Maine should always remember the atrocities committed by the Nazis so that such horrors are never repeated; and

WHEREAS, the people of the State of Maine should always remember those who liberated the Nazi concentration camps, some at the cost of their lives and others with lifelong emotional suffering, as holding an honored place in our history; and

WHEREAS, the people of the State of Maine should continually rededicate themselves to the principle of equal justice for all people, remain eternally vigilant against all tyranny and recognize that bigotry provides a breeding ground for tyranny to flourish; and

WHEREAS, April 16, 1996 has been designated internationally as a Day of Remembrance of the Victims of the Nazi Holocaust, known as Yom Hashoah; and

WHEREAS, the national community pursuant to an Act of Congress will be commemorating the week of April 14th to April 21st as the Days of Remembrance of the Victims of the Nazi Holocaust; and

WHEREAS, it is appropriate for the people of the State of Maine to join in this international commemoration; now, therefore, be it

RESOLVED: That, We, the Members of the One Hundred and Seventeenth Legislature, now assembled in the Second Regular Session, on behalf of the people we represent, pause in solemn memory of the victims of the Nazi Holocaust and urge one and all to recommit themselves to the lessons of the Nazi Holocaust through this international week of commemoration and express our common desire to continually strive to overcome prejudice and inhumanity through education, vigilance and resistance; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the United States Holocaust Memorial Council in Washington, D.C. on behalf of the people of the State of Maine.

H.P. 1364

Comes from the House **READ** and **ADOPTED**.
Which was **READ** and **ADOPTED**, in concurrence.

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

ORDERS

Joint Resolutions

On motion by Senator **KIEFFER** of Aroostook, (Cosponsored by: Senator **AMERO** of Cumberland, Senator **BUSTIN** of Kennebec, Senator **HALL** of Piscataquis, Senator **LAWRENCE** of York, Senator **O'DEA** of Penobscot, Representative **GWADOSKY** of Fairfield, Representative **JACQUES** of Waterville, Representative **MITCHELL** of Vassalboro), the following Joint Resolution:

**JOINT RESOLUTION RECOMMENDING THE SELECTION OF
LEWIS E. NEWELL FOR INTERNATIONAL SNOWMOBILE
CONGRESS SNOWMOBILER OF THE YEAR**

WHEREAS, Lewis E. Newell of the Maine Snowmobile Association has given countless hours of volunteer time since the early 1970's to improve the sport of snowmobiling in the State of Maine; and

WHEREAS, as Chairman of the Maine Snowmobile Association Trails Committee from 1986 to 1993, Lewis E. Newell was instrumental in creating the interconnecting trail system for snowmobile travel in the State of Maine, regarded as one of the finest trail systems in the United States; and

WHEREAS, as Chairman of the Maine Snowmobile Association Legislative Committee, Lewis E. Newell has worked tirelessly for legislation to better the sport of snowmobiling in this State; and

WHEREAS, Lewis E. Newell has contributed his knowledge of snowmobiling to countless Legislators, state administrators and the general public; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Seventeenth Legislature, now assembled in Second Regular Session, do hereby express our gratitude to Lewis E. Newell and recommend his selection as the International Snowmobile Congress Snowmobiler of the Year for 1996; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Snowmobile Association as a gesture of our deep respect for Lewis E. Newell.

S.P. 763

Which was **READ** and **ADOPTED**.
Sent down for concurrence.

The following matter in the consideration of which the Senate was engaged at the time of Adjournment has preference in the Orders of the Day and continues with such preference until disposed of as provided by Senate Rule 29.

The Chair laid before the Senate the following Tabled and Specially Assigned (Tuesday, March 19, 1996) matter:

Bill "An Act to Amend the Laws Regarding Employee Leasing Companies" (Emergency)

S.P. 689 L.D. 1761
(C "A" S-464)

Tabled - March 14, 1996, by Senator **KIEFFER** of Aroostook.

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**.
(In Senate, March 12, 1996, **READ A SECOND TIME**.)

Senator **KIEFFER** of Aroostook moved to Table.

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

Senator **LAWRENCE:** Thank you, Mr. President. Point of parliamentary inquiry, please. Was that motion to Table Unassigned?

THE PRESIDENT: The Chair would answer in the affirmative.

On motion by Senator **KIEFFER** of Aroostook, Tabled Unassigned, pending **PASSAGE TO BE ENGROSSED, AS AMENDED**.

Off Record Remarks

Senator **CASSIDY** of Washington 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.

On motion by Senator **ESTY** of Cumberland, **ADJOURNED** until Thursday, March 21, 1996, at 9:00 o'clock in the morning.

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

Off Record Remarks

**ORDERS OF THE DAY
Unfinished Business**