

# **House Legislative Record**

of the

# **One Hundred and Eighteenth Legislature**

of the

**State of Maine** 

# Volume I

# **First Regular Session**

December 4, 1996 - March 27, 1997

# **First Special Session**

March 27, 1997 - May 15, 1997

### ONE HUNDRED AND EIGHTEENTH LEGISLATURE FIRST REGULAR SESSION 1st Legislative Day Wednesday, December 4, 1996

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

Prayer by Reverend Martha W. McDowell, First Congregational Church, Waterville.

National Anthem by Cony High School Band, Augusta. Physician for the day, Peter C. Goth, M.D., Bremen.

### COMMUNICATION (H.C. 1) STATE OF MAINE

OFFICE OF THE SECRETARY OF STATE

December 4, 1996

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

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

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DISTRICT 1	KENNETH F. LEMONT, Kittery
DISTRICT 2	DAVID N. OTT, York
DISTRICT 3	GARY J. WHEELER, Eliot
DISTRICT 4	JAY MACDOUGALL, North Berwick
DISTRICT 5	THOMAS J. WRIGHT, Berwick
DISTRICT 6	HOWARD A. CHICK, Lebanon
DISTRICT 7	JOSEPH G. CARLETON, JR., Wells
DISTRICT 8	THOMAS W. MURPHY, JR., Kennebunk
DISTRICT 9	NORMAN R. PAUL, Sanford
DISTRICT 10	JOHN L. TUTTLE, JR., Sanford
DISTRICT 11	RICHARD A. NASS, Acton
DISTRICT 12	MICHAEL J. MCALEVEY, Waterboro
DISTRICT 13	JEFFERY G. JOYNER, Hollis
DISTRICT 14	JOHN W. VEDRAL III, Buxton
DISTRICT 15	CHRISTOPHER P. O'NEIL, Saco
DISTRICT 16	THOMAS J. KANE, Saco
DISTRICT 17	STEVEN M. JOYCE, Biddeford
DISTRICT 18	ROGER D. FRECHETTE, Biddeford
DISTRICT 19	LUCIEN A. DUTREMBLE, Biddeford
DISTRICT 20	GEORGE J. KERR, Old Orchard Beach
DISTRICT 21	GLENYS P. LOVETT, Scarborough
DISTRICT 22	ROBERT E. PENDLETON, JR., Scarborough
DISTRICT 23	JANICE E. LABRECQUE, Gorham
DISTRICT 24	PETER E. CIANCHETTE, South Portland
DISTRICT 25	JEAN GINN MARVIN, Cape Elizabeth
DISTRICT 26	CHRISTOPHER T. MUSE, South Portland
DISTRICT 27	ALTON E. MORGAN, South Portland
DISTRICT 28	RONALD E. USHER, Westbrook
DISTRICT 29	WILLIAM LEMKE, Westbrook
DISTRICT 30	J. ELIZABETH MITCHELL, Portland
DISTRICT 31	MICHAEL V. SAXL, Portland
DISTRICT 32	RICHARD R. FARNSWORTH, Portland
DISTRICT 33	MICHAEL W. QUINT, Portland
DISTRICT 34	F. THOMAS GIERINGER, JR., Portland
DISTRICT 35	G. STEVEN ROWE, Portland
DISTRICT 36	ELIZABETH TOWNSEND, Portland

DISTRICT 37 MICHAEL F. BRENNAN, Portland **DISTRICT 38** JOSEPH BRUNO, Raymond CAROL A. KONTOS, Windham **DISTRICT 39 DISTRICT 40** ROBERT F. FISK, JR., Falmouth **DISTRICT 41** CLIFTON FOSTER, Grav **DISTRICT 42** JOSEPH B. TAYLOR. Cumberland **DISTRICT 43** ADAM MACK, Standish JOHN T. BUCK, Yarmouth **DISTRICT 44 DISTRICT 45** HARRY G. TRUE, Fryeburg **DISTRICT 46** G. PAUL WATERHOUSE, Bridgton **DISTRICT 47 RICHARD H. THOMPSON, Naples DISTRICT 48** THOMAS BULL, Freeport **REGINALD G. PINKHAM, Brunswick DISTRICT 49 DISTRICT 50** THOMAS M. DAVIDSON, Brunswick DISTRICT 51 **DAVID ETNIER, Harpswell** VERDI L. TRIPP, Topsham **DISTRICT 52 DISTRICT 53** DAVID C. SHIAH, Bowdoinham **DISTRICT 54** ARTHUR F. MAYO III, Bath **DISTRICT 55** JUDITH B. PEAVEY. Woolwich **DISTRICT 56** WENDY PIEH, Bremen **DISTRICT 57** BENJAMIN L. RINES, JR., Wiscasset KENNETH A, HONEY, Boothbay **DISTRICT 58 DISTRICT 59** ROBERT W. SPEAR, Nobleboro **DISTRICT 60** CHRISTINE R. SAVAGE, Union JAMES G. SKOGLUND, St. George **DISTRICT 61 DISTRICT 62** PAUL CHARTRAND, Rockland JUDITH POWERS, Rockport **DISTRICT 63** JOHN H. UNDERWOOD, Mechanic Falls ALVIN L. BARTH, JR., Bethel **DISTRICT 64 DISTRICT 65 DISTRICT 66** EDWARD L. DEXTER, Kingfield DISTRICT 67 JOHN BAKER, Dixfield **DISTRICT 68** TOM J. WINSOR, Norway **DISTRICT 69** ROSITA GAGNE, Buckfield **DISTRICT 70** ROBERT A. CAMERON, Rumford **DISTRICT 71** LOIS A. SNOWE-MELLO, Poland **DISTRICT 72** ROBERT J. WINGLASS, Auburn BELINDA A. GERRY, Auburn **DISTRICT 73 DISTRICT 74 BRIAN BOLDUC, Auburn DISTRICT 75 ROY I. NICKERSON, Turner DISTRICT 76** ROLAND B. SAMSON, Jay DISTRICT 77 CHARLES C. LAVERDIERE, Wilton **DISTRICT 78** WALTER R. GOOLEY, Farmington **DISTRICT 79** LINDA ROGERS MCKEE, Wayne **DISTRICT 80 ELAINE FULLER, Manchester DISTRICT 81** JUNE C. MERES, Norridgewock **DISTRICT 82** ELIZABETH WATSON, Farmingdale **DISTRICT 83 BONNIE GREEN, Monmouth DISTRICT 84** NANCY L. CHIZMAR, Lisbon **DISTRICT 85** WILLIAM E. BODWELL II, Brunswick **DISTRICT 86** RICHARD H. MAILHOT, Lewiston **DISTRICT 87 THOMAS SHANNON, Lewiston DISTRICT 88** PATRICIA LEMAIRE, Lewiston ALBERT P. GAMACHE, Lewiston **DISTRICT 89 DISTRICT 90** GERALD N. BOUFFARD, Lewiston DISTRICT 91 PATRICK COLWELL, Gardiner **DISTRICT 92** SCOTT W. COWGER, Hallowell **DISTRICT 93** RANDALL L. BERRY, Livermore **DISTRICT 94** ELIZABETH H. MITCHELL, Vassalboro **DISTRICT 95** DAVID R. MADORE, Augusta JULIE ANN O'BRIEN, Augusta **DISTRICT 96 DISTRICT 97** SHIRLEY K. RICHARD, Madison **DISTRICT 98** PAMELA H. HATCH, Skowhegan **DISTRICT 99** JOSEPH M. JABAR, SR., Waterville **DISTRICT 100** KENNETH T. GAGNON, Waterville **DISTRICT 101** PAUL L. TESSIER, Fairfield DISTRICT 102 MARC J. VIGUE, Winslow

THOMAS E. POULIN, Oakland **DISTRICT 103** DISTRICT 104 DISTRICT 105 SUMNER A. JONES, JR., Pittsfield DAVID A. LINDAHL, Northport **DISTRICT 106** RANDALL L. BUMPS, China **DISTRICT 107** JOSEPH E. BROOKS, Winterport **DISTRICT 108** VAUGHN A. STEDMAN, Hartland DONALD P. BERRY, SR., Belmont **DISTRICT 109 DISTRICT 110** RODNEY W. MCELROY, Unity SHARON LIBBY JONES, Greenville **DISTRICT 111 DISTRICT 112** RUEL P. CROSS, Dover-Foxcroft **DISTRICT 113** JOSEPH H. BIGL, Bucksport **DISTRICT 114** DEBRA D. PLOWMAN, Hampden **DISTRICT 115** CHARLES D. FISHER, Brewer **DISTRICT 116 RICHARD H. CAMPBELL, Holden DISTRICT 117** CHRISTINA L. BAKER, Bangor **DISTRICT 118** JOSEPH C. PERRY, Bangor **DISTRICT 119** TARREN R. BRAGDON, Bangor JANE W. SAXL, Bangor **DISTRICT 120 DISTRICT 121** MATTHEW DUNLAP, Old Town **DISTRICT 122** JULIE WINN, Glenburn KATHLEEN A. STEVENS, Orono **DISTRICT 123 DISTRICT 124** RUSSELL P. TREADWELL, Carmel **DISTRICT 125** SUSAN KASPRZAK, Newport **DISTRICT 126** JAMES H. TOBIN, JR., Dexter **DISTRICT 127** EDWARD J. POVICH, Ellsworth **DISTRICT 128** ROYCE W. PERKINS, Penobscot **DISTRICT 129** PAUL VOLENIK, Brooklin KYLE W. JONES, Bar Harbor **DISTRICT 130 DISTRICT 131** JAMES D. LAYTON, Cherryfield **DISTRICT 132** WILLIAM D. PINKHAM, Lamoine MARTHA A. BAGLEY, Machias **DISTRICT 133 DISTRICT 134** ALBION D. GOODWIN, Pembroke **DISTRICT 135** JOSEPH D. DRISCOLL, Calais **DISTRICT 136** GEORGE H. BUNKER, JR., Kossuth Township LAURA SANBORN, Alton **DISTRICT 137** PRISCILLA LANE, Enfield **DISTRICT 138** STEPHEN S. STANLEY, Medway **DISTRICT 139** JOSEPH E. CLARK, Millinocket **DISTRICT 140 DISTRICT 141** HENRY L. JOY, Crystal DEAN F. CLUKEY, Houlton **DISTRICT 142 DISTRICT 143** EDGAR WHEELER, Bridgewater **DISTRICT 144 RICHARD KNEELAND, Easton DISTRICT 145** JAMES O. DONNELLY, Presque Isle MABEL J. DESMOND, Mapleton **DISTRICT 146 DISTRICT 147 IRVIN G. BELANGER, Caribou DISTRICT 148** GARY O'NEAL, Limestone **DISTRICT 149** ROSAIRE J. SIROIS, Caribou DOUGLAS J. AHEARNE, Madawaska **DISTRICT 150 DISTRICT 151 DUANE J. BELANGER, Wallagrass** 

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

S/BILL DIAMOND Secretary of State Was read and ordered placed on file.

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

The elected membership of the House being 151 and 148 members-elect having answered to their names, a quorum was found to be present.

Absent were: Representative DUTREMBLE of Biddeford Representative POULIN of Oakland Representative WINGLASS of Lewiston

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

Motion by Representative-elect KONTOS of Windham, that Representative-elect PAUL of Sanford, Representative-elect KERR of Old Orchard Beach, Representative-elect LEMKE of Westbrook. Representative-elect VIGUE of Winslow. Representative-elect DEXTER of Kingfield, Representative-elect CARLETON of Wells, Representative-elect DONNELLY of Presque Isle, Representative-elect OTT of York, Representativeelect SPEAR of Nobleboro and Representative-elect PLOWMAN of Hampden be appointed a Committee to wait upon the Governor and inform him that a quorum of the members of the House of Representatives-elect have assembled in the Hall of the House of Representatives and request his attendance to administer to them the oaths required by the Constitution to qualify them to enter upon the discharge of their official duties.

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

The Governor, the Honorable ANGUS S. KING, JR., enters and administers to the members-elect and they subscribe the oaths required by the Constitution to qualify them to discharge their official duties.

Governor KING: Good morning. This is one of the great celebration days of democracy. As I get older, I sometimes think that we don't celebrate enough. We always worry about the next issue and the next crisis and what cloud is on the horizon. We have to think about the next bill that is coming in January or the budget or whatever. Today is a day of celebration. Today is a day of victory. I think we should be celebrating just that. We don't think about it very often because of the long tradition of democracy and peaceful political change in this country, but we are still one of the few countries in the world that has discovered the secret of the peaceful transfer of power between individuals, between parties, between interest groups and that is what this day is really all about. It is one of the great days in the history of this state.

I am here to administer to you the oath of office as Representatives in the 118th Legislature. I will do so in a minute, but first I want to thank all of you, the new members, for the effort that you have put forth and will put forth to come here and serve the people. I also want to make a special note of thanks for the families, the children, the spouses and loved ones who have made sacrifices to send you here. I hate to tell you, but there will be further sacrifices. There is something about this business that decisions seem to not get made until after midnight, quite often. I don't know what it is, but there will be long hours between now and June. There will be aggravations. There will be differences. They will be resolved in a spirit of civility and respect and that is the tradition here in Maine.

I want to thank the families. I want to invite, on a personal note, Mary and I want to invite each of you, the new members and your families, if you can, to join us across the street at the Blaine House at 4:00 for a reception. Again, to celebrate this wonderful day. That is assuming that you get your work done by 4:00. If it is 4:05, that is okay, too. We would love to have you come over and enjoy the hospitality of the Blaine House. The message I want to give you as Governor is that the door is always open. I know that almost half of you are new members. You don't know the rules around here. I will tell you what I said this time, two years ago. I don't know the rules either and that is the good news and the bad news. The bad news is we may break them every now and then, but the good news is we don't know what we are not supposed to do.

For example, about three weeks after taking office in January of 1995, I didn't have anything else to do in the office so I wondered up here to the third floor and started chatting with some old friends and suddenly I was surrounded by reporters and photographers. I couldn't figure it out. I wasn't standing on my head or anything. Suddenly, I couldn't really sense what the big deal was until one of the Sergeants-at-Arms took me aside and said, "Governor, you are the first governor to come to the third floor except to make a speech since Ken Curtis in 1973." I said, that is ridiculous. When I climbed up the stairs, I didn't see any signs that said, "No Governors Allowed." That is the way that it should be. I will tell you that the rule in my office is that legislators and kids always get in. If you are the fourth grade class from Easton, you get in. If you are the Representative from Easton or Millinocket or Jay or Brunswick, you also get in. Some legislators seem to have been more ready to take advantage of that than others. I want to tell you quite sincerely that I mean it.

I have found that one of the problems that we have in doing the people's business is a lack of direct communication. Those of you who are new here will soon learn this winter that this building is heated by rumors. That is the energy source. It is so much easier to resolve those matters if you just come down and say, is it true that . . , because nine times out of ten you are going to find that it isn't. Things are not guite as complex as they sometimes are represented to be. Please, talk to me or people on my staff, the commissioners on my staff. The door really is open. I think in that way we can do the public's business. As I travel the state and as I am sure you did during the campaign, the one refrain that I hear over and over is, we just want the problem solved. We don't care who gets the credit. We don't care who wins or loses. We don't care about the internal games. We just want the problem solved. My father used to say, "To the general public it is all the gumment." They don't distinguish between the House and the Senate, Republicans and Democrats, county, local and state. They just want the pot hole filled or they want their schools to have textbooks. They want us to do their business with a minimum of partisanship and bickering.

I want to offer a special service to the new members. If you are confused or have difficulty in deciding how to vote, ask me. I will give you a nonpartisan response. Seriously, I do look forward to working together with you. I think we are poised for a great session. I think the State of Maine is poised for greatness for entering the 21st Century as one of the most, I believe, the most prosperous and exciting places in this entire country to live, work and to raise a family. We have it in our power to make that happen. I look forward to working with you to do so.

If the new newly elected members of the House of Representatives of the 118th Legislature would please rise. It is my honor and privilege to administer the oath of office. We have two oaths in Maine so don't quit on me in the middle. Okay? Please stand, raise your right hands.

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

I, (members stated their names) do swear, that I will faithfully discharge, to the best of my abilities, the duties incumbent upon me as a Representative in the 118th Legislature of the State of Maine, according to the Constitution and laws of this state. So help me God.

The Governor retires.

On motion of Representative GAMACHE of Lewiston, Representative ROWE of Portland, Representative THOMPSON of Naples, Representative McKEE of Wayne, Representative DONNELLY of Presque Isle, and Representative MARVIN of Cape Elizabeth were appointed a Committee to receive, sort and count votes for the Speaker.

The CLERK: The Chair recognizes the Representative from Naples, Representative Thompson.

Representative THOMPSON: Mr. Chair, Men and Women of the House: Today is a very special day for all of us and especially for me. I am lucky enough to have my parents, my wife and my children, but in addition, I am in the enviable position of having the honor and privilege to stand before you to nominate the next Speaker of the House of Representatives.

It is especially important to me because that person is someone for whom I have the utmost respect. She is the person that I believe is the most gualified person in this House and there are many qualified people in this House. She is the most qualified person in this House for the position of Speaker. That person is a very special person. That person is uniquely qualified and that person is Libby Mitchell. She has served for 16 years in the House of Representatives. She has served as a Majority Leader, Assistant Majority Leader. She has served as chairs of committees. She has chaired the Maine State Housing Authority and has served on numerous boards and commissions. She has dedicated most of her adult life to serving the people of this state. She has been on the forefront of public policy in this state for many years. Each of these positions has been a challenge. She has faced each of these challenges with dignity, resolve and a work ethic that is second to none.

Today, she is poised to take on a new challenge, that of Speaker of the House. It is not an easy task that we are asking here to undertake, but there is no doubt in my mind that she is up to that task. There are many difficult issues facing this, the 118th Legislature. We will be able to solve them, only if we work together. We cannot do that without strong leadership. We need someone who understands the many complex issues, which we face. Someone who can work with each of us, regardless of party affiliation to solve these problems. Someone we can rely upon to always act in the best interests of the State of Maine and the House of Representatives.

During the past two years, I have had a number of opportunities to work closely with Libby. On each of these occasions, my respect for her has grown. She is knowledgeable. She is an advocate for her positions. She truly believes that we can help the people of the State of Maine. She will be an outstanding speaker. There are few instances in our lifetime when we can witness firsthand a historical event, but today everyone in this chamber will be witnessing such an event. There are even fewer opportunities for any of us to actually take part in such an event. Each of the members of the 118th Legislature is taking part in such an event. Today, for the first time in the history of the State of Maine, a woman will be elected as Speaker of the House of Representatives. That woman is Elizabeth Mitchell.

Men and women of the House, I nominate the Representative from Vassalboro, Representative Elizabeth Mitchell as the next Speaker of the House of Representatives.

On motion of Representative THOMPSON of Naples the name of Elizabeth H. Mitchell of Vassalboro was placed in nomination for the Speaker of the House.

The CLERK: The Chair recognizes the Representative from Wayne, Representative McKee.

Representative McKEE: Mr. Clerk, Colleagues of the House: I am proud and honored to second the nomination of Elizabeth Harrell Mitchell as the Speaker of the Maine House of Representatives.

As a native also of Libby's home state of South Carolina, I can tell you that this great woman of Maine politics defines the cultural role model Southern women are brought up to emulate -- capable, gracious, principled, loyal, dedicated, girded by faith, loved by her family, revered by her community and respected by all.

In the early 60s, I knew Libby as a campus leader at Furman University in Greenville, South Carolina when we were both students there and then in the early 70s our paths crossed again when we both moved to Maine with our husbands and began to raise our families. There we were having babies and wedging in time for the League of Women Voters and trying to get out the vote. Then I stood in awe one day as she stepped bravely from the home into state politics as a young busy mother and began to broaden her definition of the political unit of the family. I watched in admiration as she demonstrated to us newly aware women that we could widen our responsibility and do more than simply get out the vote for others. Then there she was on television, courageously defending our party and our values in a bid for Washington against a popular, political icon. I followed her career from there proudly as she led efforts to help Maine people find a place called home at the Maine Housing Authority and to rally support for Maine schools and students, an effort she continues to this day from podiums across the state and the pages of state newspapers. From my classroom in Winthrop, I have silently applauded over and over as she has role modeled genuineness, civility, dignity, bipartisanship and humility in a time when many young people have doubted their textbook idealism of American government and politics.

These achievements have inspired women all over the State of Maine, especially many of us sitting here in this chamber. We have heard the call to service beyond the local level through her encouraging words. "You can do it," we heard over and over and because she had done it, we believed we could, too. Libby's campaign card says on the back, "Libby Listens" and "Libby Leads," and both statements are undeniably true. I'll add another: "Libby Inspires." Just as a student begins to believe in herself when a teacher believes in that student, so Libby has inspired many of us here to believe that we, too, have a contribution to make to American politics.

So on behalf of the women of our great State of Maine and the women of the State of South Carolina who nurtured her, on behalf of our mothers, our sisters, our daughters, our goddaughters, our granddaughters, including Libby's dear Hannah and my own sweet Madeleine, and on behalf of all the girls and young women in classrooms across the state who will be inspired by what we do here today, I ask that you join me in making Maine history and electing Libby Mitchell, Speaker of the Maine House of Representatives. Libby listens, Libby leads and Libby inspires. Thank you.

The CLERK: The Chair recognizes the Representative from Portland, Representative Rowe.

Representative ROWE: Mr. Clerk, members of the House of Representatives of the 118th Maine Legislature, families, friends, and distinguished guests. It is an honor for me to also rise today to second the nomination of Representative Elizabeth Mitchell of Vassalboro to be the Speaker of the Maine House of Representatives for the 118th Maine Legislature.

Libby Mitchell is a person of great character, courage and commitment. She is well prepared to take on the challenges of the speakership. She has the experience, including as you heard, 16 years of service in this chamber. The leadership skills honed by her position she has held as a leader, both within this chamber and outside the Legislature, her temperament and perhaps most importantly a vision to be an exceptional speaker. That vision is one of us working together, Democrats with Republican, House members with Senate members, the legislative branch with the Governor to help achieve a high quality of life for all Maine citizens.

With all indications this is going to be a very busy session that we have ahead of us. We have a full plate of issues to deal with. Someone recently described the potential of this session as high octane. I read in yesterday's paper, someone used the phrase, "mind numbing," to describe the issues before us. I am not sure what they meant by that, but I do know it is going to be a very busy session. By any measure of the issues that we will deal with will be very complex and at times contentious. We will have to make difficult choices. If we are to be successful, if we are truly to do the work of the people of the State of Maine, we will have to work together. There is no other way.

I believe that Representative Elizabeth Mitchell is a person to guide us and provide leadership through this process. She is committed to continuing the atmosphere of civility, cooperation and of mutual trust and respect that we have most recently enjoyed in this Chamber. She is also committed to using each member's talent and ability to its fullest and to organizing the work of this body so we can meet the challenges and accomplish our tasks in a manner that is timely, efficient and humane.

Libby Mitchell has a public service record that is long, distinguished and is testimony of her love for Maine and its people. Men and women of the House, years from now we will look back and tell our children and grandchildren that we were in the House Chamber on that historic occasion in December of 1996 and that we were proud to be one of the first to address a Speaker of the Maine House of Representatives as Madam Speaker.

Colleagues of the House, it is my distinct honor to second the nomination of Representative Elizabeth Mitchell of Vassalboro to the Speaker of the Maine House of Representatives. Thank you.

Representative McKEE of Wayne and Representative ROWE of Portland seconded the motion.

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

Representative DONNELLY: Thank you Mr. Clerk, Men and Women of the House, distinguished guests, family and friends. It is my honor and privilege to place the name of Joseph G. Carleton of Wells to be the next Speaker of the House of Representatives.

For the past six years, Joe has worked to resolve differences between Republicans, Democrats and Independents. He has resolved those differences to what was best for the people of the State of Maine, not just his party. Joe is an attorney, but Joe is a bridge builder. He reformed our rules to assure that they were understandable and fair, not just for the minority party to protect their place here, which we were at a time when Joe reformed the rules, but to also assure that all of us can get our work done in a timely fashion. I mentioned that Joe is a bridge builder, not because he is term limited out this time and will be looking for a new career, but because Joe always reaches out. He is one of the very select few people who helped resolve the problems of the state in the 115th Legislature and broke the partisan log jam, which shut down state government. He led while others watched. He spoke of compromise while others raised the level of debate to a fever pitch.

Joe is a man of high integrity and offers his services to this House to build those bridges. He builds bridges between parties, between the House and Senate and to build the bridges between the Governor's Office and this body. I am going to steal a little bit from President Clinton, to build that bridge to the 21st Century. I respectfully and humbly submit the name of Joseph G. Carleton of Wells to be the next Speaker of the House of Representatives and ask for your vote. Thank you.

On motion of Representative DONNELLY of Presque Isle the name of Joseph G. Carleton of Wells was placed in nomination for the Speaker of the House.

The CLERK: The Chair recognizes the Representative from Cape Elizabeth, Representative Marvin.

Representative MARVIN: Thank you Mr. Clerk, Ladies and Gentlemen of the House and special guests. It is my privilege to second the nomination of Joseph G. Carleton, Jr. of Wells for Speaker of the Maine House. A graduate of Dartmouth College and Boston University Law School, Joe is a great example of what a citizen legislator should be. He has been the sole proprietor of a law firm in Wells for the past 20 years and a very active member of his community. During this last election, Joe showed leadership in his usual quiet way, by sending out information that was not flashy, but useful and needed. That is a great example of how Joe works, quietly, behind the scenes and taking care of what needs to be done without fanfare. His knowledge of parliamentary procedure complete and organizational skills will make him a wonderful Speaker of the House.

The Governor told us today that Maine politics is based on civility and respect. Joe certainly optimizes those traits. This body would be well served by his understated style. He adds an AIR of decorum to all that he does. I feel strongly that he would make an outstanding Speaker of the Maine House and I, too, ask for your vote. Thank you.

Representative MARVIN of Cape Elizabeth seconded the motion.

On motion of Representative SAXL of Portland nominations ceased.

Subsequently, the Committee reported that it had attended to its duties and that:

Total number of votes cast	148	
Total number of votes needed	75	
Elizabeth H. Mitchell received	86	
Joseph G. Carleton received	62	
The Representative from Vassal	boro, Elizabeth H	. Mitchell,
having received a majority of the	votes cast, the S	Sergeant-at-
Arms escorted Speaker Mitchell to	her Chair.	

The Honorable JOSEPH W. MAYO, Clerk of the House of the 117th Maine Legislature, administered the necessary oath of office to qualify the Speaker of the House to enter upon the discharge of her official duties.

The CLERK: Mr. Sergeant-at-Arms, please add to the gallery of Speakers of the Maine House of Representatives, the name and photograph of Elizabeth H. Mitchell of Vassalboro, the first woman to have the distinction of holding this office.

The House was called to order by the Speaker.

At this point, the Vassalboro Community School Student Choir were escorted to the front of the Chamber for their rendition of "America the Beautiful." Representative MITCHELL: I am almost speechless, which is a surprise to most of my friends. I want to thank you from the bottom of my heart for your confidence in me. I am both humbled and honored by this opportunity.

I pledge to do my very best to live up to the confidence that you have placed in me, but I will need the help of every single one of you.

May I take one moment please to thank some people, I would not be here, frankly, standing behind this podium without their love, their patience and their support. I know your families have begun to understand exactly what I mean. Without my longsuffering adoration and loving husband, James Mitchell, I would not be standing here today. Thank you Jim. Stand up. I also have some pretty extraordinary children. Some of you know one of them better than others, my daughter Elizabeth who has been imbued with the love of this institution, so much so that she came here, much to my surprise. I have a wonderful daughter Emily, a student at Waterville High School, who puts up with all of this as well. I have a beautiful daughter-in-law Kristen, who came up from Virginia to share this day with us. Of course, I have some extraordinary sons, believe me, I am an equal opportunity mom. I have a beautiful son named William Mitchell and a son named Charlie Mitchell. I am equally proud of them. I have my only sister, I won't look at her very much today or you will have me dissolved into tears because we have many, many secrets and bonds that we share. I have a very special motherin-law that came to join in this day and a sister-in-law, Francis. Would you all just stand together. I didn't forget her because most of you know her, if you have been around, because she sort of runs in and around my desk. Her name is Hannah and she is my grandchild. On the day that I was nominated, the headlines that night and, frankly, they were the ones of which I was most proud, "The grandmother from Vassalboro."

I also want to give special thanks to all the women of Maine who have been so supportive and encouraging to me. Everywhere I go I am greeted with the most extraordinary outpouring of goodwill from mothers and daughters and from all of you men whose daughters are so excited because they all recognize that the honor you bestowed on me today shines on every woman in Maine.

It is a new era in Maine politics. I am the first woman speaker, but I won't be the last.

I remember how I first got involved in politics. I was home on my hands and knees painting the trim on the living room wall. A neighbor came in for a conversation with my husband Jim and lamented the fact that there was not a single person who would run for the Legislature from the Town of Vassalboro. They thought of a lot of names and one by one each one fell off the table because of lack of interest or whatever. No one would run. I listened to the conversation and finally said, I will do it.

They agreed and they worked with me and together we went to victory because today and then was not a woman's victory. Society wins, we all win, but when those who have been previously left out, overlooked and forgotten become valued, respected and active players in our family and even leaders.

Convincing people to be inclusive is not always easy. You could ask Nelson Mandela about that, but you do not have to go abroad for such lessons. Consider the 19th amendment to our own constitution, women's suffrage. The amendment that allowed women to vote came after a 72-year campaign that included: 56 referenda which only men were allowed to vote; campaigns involving 19 successive US Congresses; 47 campaigns to get state conventions to write women's suffrage into their constitutions; 277 campaigns to get political parties to put women's suffrage on their planks at state conventions and 30

campaigns to get this plank into presidential conventions and 76 years later when someone suggested that the bust of Susan B. Anthony be moved into the rotunda of our nations capitol to honor her for the work here, the architect told them the statue was too heavy! Well, we all have our heavy burdens. Our job is to do heavy lifting. I think my election represents great progress for Maine. In this respect my speakership represents a new era, but in another respect, it is the end of an old era. I will be the last Maine Speaker to serve with 16 years of legislative experience to prepare me for the job. The Maine voters have said that they want new faces and new people to have an opportunity to serve in the Legislature.

I wish it were possible for every single citizen of Maine to have a chance to sit in these chambers even if just for one or two days to see how well democracy does work in Maine, but the new arrangement also brings a challenge. We have to learn the ropes quickly to become more effective quickly in order to keep democracy functioning. That means that all of us in this room, must help each other, must share our experiences and must pass on our wisdom to newer members so that they will be ready very soon for their time is coming. This is a commencement speech in a way. We have 60 freshmen sitting among our 151 members. I feel an obligation to give a bit of a commencement speech. I promise it won't be too long. It is one that I have treasured. It is great speech. I wish it was my words, but I must confess, I am taking them from another speaker. Listen to these words as we go forward for the next two years.

"It's a complex world. I hope you'll learn to make distinctions. A peach is not its fuzz, a toad is not its warts, a person is not his or her crankiness. If we can make distinctions, we can be tolerant, and we can get to the heart of our problems instead of wrestling endlessly with their gross exteriors. Once you make a habit of making distinctions, you'll begin challenging your own assumptions. Your assumptions are your windows on the world. Scrub them off every once in a while or the light won't come in. If you challenge your own assumptions, you won't be so quick to accept the unchallenged assumptions of others. You'll be a lot less likely to be caught up in bias or prejudice or be influenced by people who ask you to hand over your brains, your soul or money because they have everything all figured out for you. Be as smart as you can, but remember that it's always better to be wise than to be smart. And don't be upset that it takes a long, long time to find wisdom. Like a rare virus, wisdom tends to break out at unexpected times, and it's mostly people with compassion and understanding who are susceptible to it."

You can use the skills of your profession and other skills you have learned here, dig into the world and push it into better shape. For one thing, you can try to clean the air and water. You can try to make the justice system work, too. You can bring the day a little closer when the rich and privileged have to live by the same standards as the poor and the outcast. My predecessor, Dan Gwadosky, made a great start to such cooperation by restoring a sense of civility to this House. Civility does not mean agreeing on everything. Disagreement and debate are still the lifeblood of democracy, but civility does mean respecting those with whom we disagree and avoiding brinkmanship and hostage-taking.

I'm happy that Minority Leader James Donnelly shares this spirit in his comments that we must work to build consensus when that is not possible, we must find compromise.

I look forward to working closely with Jim and with all the members of the Republican Party in order to assure a civil, open, inclusive Legislature. I also look forward to working with Governor Angus King who is also dedicated to finding common ground. Mark Lawrence, the new Senate President reports that the Senate is going in the same direction. We will need the civility for the challenges we face this session are significant and we won't always agree on solutions.

Our biggest challenge is education. Education is the road to economic development in Maine. The simplest and surest way to improve income is to expand educational opportunity. All of the research confirms this and common sense confirms this. Our research shows that we are not doing a very good job in this area. Maine ranks 49th in the country in the number of high school graduates who go on to college. We simply have got to do better. We face many issues related to the university this vear. Two reports with conflicting, far reaching recommendations, budget problems and the like. We will address them, but it is important that in doing so we keep our eve on what truly matters. What matters is more access to higher education for Maine students. Whatever we do with the University the ultimate test will not be how neat the new organizational chart is, it will be whether or not more Maine people are actually going on to further education.

That's the bottom line. That's what I will join you in fighting for. As complex as the solution to our educational challenge is the mental health crisis is equally complex. The mental health issue didn't start last session or the session before. It has been going on for years. It is saturated with pain, even blood. We've got to address it. Every parent and family member of a person with mental illness must be assured that the highest level of care is being given. There will be no closing of AMHI or any other state hospital on my watch until responsible alternatives are fully developed. As a civilized and caring people we must face up to this challenge once and for all. These are two major issues but there are many others beside.

There is the problem of children going hungry. There is the need to resolve the forestry debate. There is need to promote the economy with capital improvements. We all have our own lists to bring. I have an interest in Augusta for economic development. A new center for the Muskie Center to honor a Maine hero on the campus of the University of Southern Maine. Better transportation links to Canada to improve our trade. A court system as sensitive to families as we are to our families. I want to congratulate Chief Justice Wathen for challenging us to be imaginative enough to take advantage of federal assistance in making a family court system happen. We have to consider all of these needs in light of yet another budget crisis.

Maine is not a rich state, at least in money. We have a relatively high tax burden and we cannot automatically turn to new taxes as a way out of our dilemma, but Maine is a fair state. We are a community where the better-off help those less well-off and do so willingly. I will be looking closely, with you, at the issue of fairness and who bears the burden of cuts and taxes when we evaluate alternative solutions. The challenges are indeed great, but I am an optimist by nature. Maine's history has been that the greater the problem the more heroic the response of Maine leaders. That is all our jobs to do our best. We must be slow to take offense and quick to take responsibility. We must challenge each other without demeaning each other. We must forge consensus by the strength of our ideas not the weight of our numbers.

I am going to close with a personal statement because I have had the opportunity, the real privilege of serving in this body for so long. I once sat in this corner anxiously awaiting the arrival of my youngest daughter along with certain representatives in this Chamber, I know what it is like to have young children floating around as you serve. I have been to many weddings. I have been to many funerals and I have really become a part of the fabric and the family of this institution. I love the people. I love even the long nights. This place is very much a part of me. We are public servants, but we are also politicians. I want you all to take pride in that. It is not a bad thing to be. You are all that. You were that when you took this oath of office and came here today.

I want to talk about in the words of a very poetic and articulate former President of the Senate and Speaker of the House of our sister state of Massachusetts, Billy Bulger. I want to quote from his book, <u>While the Music Lasts</u>, because he has a way of capturing exactly the love I feel and the love that I hope you will feel at the end of your two years.

"The moil of politics is a great aurelian web of many strands, and no one can get to a position to serve the public for any length of time unless he or she learns how to spin that web. It is a complex whole of so many parts, so many threads: magic tricks to appease unreasonable constituents; a genuine sense of empathy to buoy the hopes of the hopeless whose sad existences one cannot remedy; tactics and tenacity to build and maintain a solid base of support; boundless physical endurance to survive the debates, even the fund-raisers and the banquets and the wakes and so much more, so many threads."

That is what being a politician is all about. It is the fun of having a box in a theater that never closes, but it is also the work of being an actor in that theater and having many roles in the very same play. It is at the same time being part of a very real world where one must campaign for one's life. In that world there is no time for fantasy. The time is always now. Always today and in each day, if you would win, you must achieve something of value however small. Something before a weltering sun signals the end of that day's opportunity. Politicians didn't invent any of that, democracy did. I love it all. Thank you very, very much.

The Speaker recognized former Representative Paul Jacques, who was escorted to the front of the chamber.

The SPEAKER: The Chair is pleased to recognize in the rear of the chamber a former member of this body, the former Representative from Waterville, Representative Paul Jacques. The Sergeant-at-Arms will escort Representative Jacques to the rostrum.

Representative JACQUES: Thank you Madam Speaker and members of the 118th Legislature. I have a brief, but very honorable duty here this morning and that is to award some scholarships. Those who have been here before will know what this is about and those that are new, I will give you a little background on it.

Many years ago in the dark ages when I got elected to the Legislature, we started a scholarship fund, which was called the Gould/Michaud Scholarship Fund. It was done in memory of a former member of this body, Representative Steve Gould of Stillwater. He was quite a character and we miss him dearly. He passed away in his second term in the Legislature. The Michaud part comes from Dave Michaud who was a page in this House, who was killed on the way to his home one evening by a drunk driver. It was not too long after that incident that this state, at that time, passed one of the toughest drunk driving laws in the country. I think it is pretty fair to say that that quickly brought that particular problem home to roost in this Legislature.

The first auction we had was to raise funds for scholarships was held in 1981. The Gould/Michaud Scholarships were awarded to students who were attending the University of Maine either at Orono or Fort Kent. In 1995, a scholarship committee was formed and as a result created the new Legislative Scholarship Memorial Fund, which would be named after all members of this body that we had lost and all members of staff that we had lost from this time on. This new fund would make scholarships available to Maine residents attending any accredited Maine institution of higher education. In 1995, our auction raised more than \$7,000. Those of you who are members of this House will be asked to contribute to that auction later on when the new committee hits you up. The Gould/Michaud fund each received 25 percent back in 1995 and the other 50 percent was put into a kitty. Last year, 1996, the auction raised in excess of \$7,000 then. The Legislative Staff and lobbyists from all areas of this state participated.

The scholarship committee unanimously agreed that a \$500 scholarship should be awarded to Maine students, one from each of our 16 counties. The size of scholarships in the future will be determined how well you folks do in raising that amount of money. We will divide that up by 16 and obviously you will determine the amount of the scholarships. We received about 200 applications. A selection committee went through them and from what I was told was a very tough decision and we chose 16 students to receive those awards for the beginning of the 1996-97 semester upon verification of their standing. We have some of those students here with us, if they haven't left. This certainly is an education in the democratic process for them, I am sure.

We will list all of these students that got chosen from each county, but the ones that are here, if Representative True would We have some plaques. I have made a step forward. commitment because it is the first year to get some plaques made and offered to pay for them and I went to Aladdin's Trophy in Winslow and the lady that owned the place had been helped out by Representative Vigue and myself, way back. She never forgot that and she said wanted to donate these plagues. She did an outstanding job. We have our first student here. He is James Bois of Androscoggin County. James will be going to the University of Southern Maine School of Nursing. Our lady from Aroostook County, which can't be here today is Rachelle M. Our winner from Cumberland County, who was Smith. scheduled to be here today, but I don't know if she made it or not was Jaclyn Mauer. The winner from Franklin County was Heidi Labbe. The winner from Hancock County was Timothy Pert. The winner from Kennebec County, who will be attending St. Joseph's and whose dad, Ernie, is here today is Jennifer Johnston of Clinton. Our winner from Knox County, whose mother Donna was here to accept on her behalf is Cameron S.C. Brown. He will be attending Bates. His plaque will be accepted by his mother Donna. Our winner from Lincoln County is Kelly M. MacDonald. Our winner from Oxford County was Rebecca Fletcher. Our winner from Penobscot County will be attending the College of the Atlantic. Her mother Becky is here. Her name is Shauna M. Land. The winner from Piscataguis County was Catherine A. Rideout. The winner from Sagadahoc County was lan Buchan. The winner from Somerset County, who will be going to Colby, who cannot be with us here today, but she sent a stand-in to accept the plaque for her, who is an old friend of most of you who have been here a while. The winner was Kate M. Scott, who is the granddaughter of the Representative from Pittsfield, Representative Jones. He will be accepting that on behalf of his granddaughter. Kate's dad is an old fishing buddy of mine and her other grandfather's name was Brady Scott, who was a long time ranger for the Department of Conservation. My best friend, Pat McGowan, named his first born son after Brady Scott. Our winner from Waldo County will be attending the University of Maine at Farmington is Allan D. Colby. Our winner from Washington County was Parris J. Avery. Finally, our winner from York County was Raymond A. Sargent, Jr.

We congratulate all these winners. We would like to issue the challenge to you that will be here in the 118th Legislature to carry this on. I have had the pleasure of cochairing this committee for the last couple of terms with the Senator from Sanford, Senator Carpenter. It has been a great honor for me. thank the Speaker and the Clerk for allowing us to do this today. I certainly thank the students for taking time out of their busy schedules to be here so we can see the fruition of what we started to do. Thank you.

On motion of Representative MAYO of Bath, Representative SKOGLUND of St. George, Representative KONTOS of Windham, Representative DESMOND of Mapleton, Representative SAXL of Bangor and Representative GIERINGER of Portland were appointed a Committee to receive, sort and count votes for the Clerk of the House.

The SPEAKER: The Chair recognizes the Representative from St. George, Representative Skoglund.

Representative SKOGLUND: Thank you Madam Speaker, Ladies and Gentlemen of the House and good and patient citizens of the State of Maine. Eventually I will nominate Joseph Mayo as Clerk of the House of Representatives for the State of Maine. As the witch said in the story of the Wizard of Oz, these things must be done very delicately. Joseph Mayo was one of my students in the sixth, seventh and eighth grades in Thomaston Grammar School. When Joseph was in the eighth grade, I had the privilege of awarding him the Outstanding Citizenship Award. | presume if I were a credit grabber, one of those unscrupulous politicians who tries to turn every instance to his own advantage, I would claim credit for having discovered Joseph Mayo. I am not that unscrupulous. I do take sincere pride, however, in hoping that I have encouraged Joe. I certainly have watched with great interest and great pride as he has served as the Representative from Thomaston. He has served as Assistant Majority Leader and he has served as Clerk of the House.

Joseph Mayo understands and respects traditions of this body. He has a wonderful knowledge of how government works and he knows how to make it work effectively. You recall the story of the Wizard of Oz. Toward the end of the story, Dorothy and her rather bizarre companions come into a large auditorium that is very similar to this. They stand quite awestricken at the entrance. They are overwhelmed by the sound effects, until ToTo the dog runs up and tears away a curtain that reveals one man had been manipulating all these special effects. In this House, Joe Mayo is the wizard who does all of these effects without the curtain. He does a remarkable job. He performs the presigious feat of handling pounds of paperwork. He has organized scores of schedules. He has done this without developing that bureaucratic attitude.

People, not paperwork comes first with Joseph Mayo. The Clerk of the Maine House is one of the most visible and important public figures in the state. We are fortunate to have Joseph Mayo in that position where he performs his duties with a smile, most often with a smile and always with cheerful efficiency and usually with some intimation of submersed amusement. In addition, men and women of the House, he will provide an excellent role model for young men coming into this House who need to know that a male can still aspire to a position of leadership.

I take great pride in nominating my former student and my life-long friend, Joseph Mayo as Clerk of the Maine House of Representatives. Thank you.

On motion of Representative SKOGLUND of St. George, the name of Joseph W. Mayo of Augusta was placed in nomination for the Clerk of the House.

been duly organized by the election of Honorable MARK W. LAWRENCE as President, JOY J. O'BRIEN as Secretary and JUDI M. DELFRANCO as Assistant Secretary, and the Senate was ready to transact such business as might come before it.

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

Representative KONTOS: Thank you Madam Speaker, my esteemed Colleagues. It is my privilege to second the nomination of Joe Mavo for Clerk of the House. I have not had the good fortune of knowing him as long as the good Representative from St. George, but I make decisions about folks very quickly and I decided early on when Joe was the Assistant Majority Leader when I entered this body that he was one of the good guys. Those of you that have entered with me or since then, know that to be true. He is accessible. He is affable. He is sensitive to us, to his staff and to the other staff that work to make us do our jobs better. Professionally, all of us who come to know Joe in his capacity as Clerk and previously as a Representative value his attention to detail, his tireless energy, his unwavering commitment, his consistent good humor and most especially the institutional memory that so many of us are going to need as we face the term-limit crunch. If you have a question, Joe will be able to answer it. I promise you that.

What I like about him most, however, is that he is motivated by the best intentions. Those are his deep respect for this institution and for this House in particular. He believes in protocol. He believes in order and he believes in improving the way we do our business. Most importantly, like a proud parent or a successful coach or an effective teacher, Joe Mayo believes in us and our ability to do the people's business well and our potential to govern with pride and dignity. I know I speak for all of you when I say how grateful we are for Joe Mayo's years of service to this body and how fortunate we are that he agrees to continue to serve so that we can continue to learn from him.

In closing, I am proud to call Joe Mayo a colleague. I am honored to consider Joe Mayo a friend and I am privileged to stand before all of you and second Joe Mayo's nomination for Clerk of the House for the 118th Legislature. Thank you Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Gieringer.

Representative GIERINGER: Thank you Madam Speaker, Men and Women of the Maine House. It is my pleasure to second the nomination of Joseph W. Mayo of Augusta as Clerk of the House for the 118th Legislature.

When I think of Joe, I think of so many wonderful things as a human being and how he is always ready and available. His open-door policy, anytime you want something, Joe says to feel free to come in. He has the answer for you. That kind of kindness, believe me, goes a long way. We all appreciate it. The only thing that bothers us Joe is that bell ringing. Can't you do something about that? I did have a few comments to make. Joe has proven himself more than qualified for this position since his tenure as House Clerk in providing expedient service on a timely basis for all House Representatives. I do mean a timely basis, if you want something, he is there. He can get it for you and it is there on time. His dedication to his responsibilities is indeed commendable, as well as his concern for others. I'll always remember when he convinced me to do the eulogy in the House Chamber for Margaret Chase Smith, my mentor and good friend and on the same day made arrangements for me to accompany the Governor to the Margaret Chase Smith memorial service. Knowing I wanted to take pictures and had no camera, here I am with a dilemma, I had planned to bring a camera and I

At this point, a message was received from the Senate, borne by Senator PINGREE of that body that the Senate had

had no camera and mentioned it to Joe. During the memorial service, Joe came up with a box camera so that pictures could be taken of me, one on one, with former Governors Muskie, Reed and Curtis, Senators Cohen and Olympia Snowe. It was one chance in a million. Thanks to Joe, I had that opportunity to do that, but Joe, can you do something about the bell ringing. Joe, I'll always be grateful for that extra effort of kindness. Thank you.

Representative KONTOS of Windham and Representative GIERINGER of Portland seconded the motion.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Barth.

Representative BARTH: Thank you Madam Speaker, Ladies and Gentlemen of the newly sworn in 118th and those family, friends and guests who are still here. I know this has been a long day and I will try not to make it too much longer. I would like to place in nomination the name of the Honorable Gary W. Reed of Falmouth for the position of Clerk of the House of the 118th Legislature. Gary has served five terms in this House, beginning in the 113th and ending last year in the 117th Legislature. Last year he served as Chairman of the Taxation Committee and also on the Governor's Productivity Task Force, which had the job of trying to shrink the size of government. He also served many times on the Appropriations Committee and has had to make the tough decisions in terms of how we spend our money for the people of Maine.

He is known for his wisdom, his incredible ability to define the issues and make sense out of legislation that is proposed. He didn't speak often in this body, but I think those who were here before when Gary served, knew that when Gary spoke, people listened.

He is also quite a parliamentarian. I know our caucus has relied on that, over the years, many, many times. He is eminently qualified to be Clerk of this House and for that reason I place his name in nomination, continuing my caucus' attempt to put forth extremely well qualified people for every position that we will be voting on for today. I urge your support for Gary Reed as Clerk of the House.

On motion of Representative BARTH of Bethel, the name of Gary W. Reed of Falmouth was placed in nomination for the Clerk of the House.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Plowman.

Representative PLOWMAN: Thank you Madam Speaker, Members of the 118th Legislature, friends and family. My name is Debra Plowman and I am a State Representative from the Town of Hampden, which is in central Maine. I have the incredible honor or seconding the nomination of one of the men I respect most that I have met since I came to this body four years ago.

Gary Reed is a quiet, gentle man. A man who emanates a steady confidence. Gary wears the mantle of integrity with broad shoulders. His ability to succinctly, logically and accurately state his position is granted to few persons and rarer still in a body of this size. I, myself, am hoping to receive that gift. Gary's mastery of the rules and parliamentary procedure was a resource drawn upon by many members. I have to speak of Gary's dry wit, timing Jay Leno would envy and tact that we all should have. These three qualities have defused many a tense discussion and his leadership abilities kept the discussion going after it was de-escalated. Gary's ability to listen is well known. In fact, you may end up telling Gary just a little bit more than he really wanted to know because he won't cut you off. Gary's decorum was a gift to this body as he served. His constancy in this respect was drawn from his deep respect for this body and for each and every member.

Upon Gary's retirement from S.D. Warren, that company lost a great resource. Term limits have done the same thing to this body. We now have the opportunity to return someone with the love, respect and dedication that we need as a Clerk to this body to draw upon the resources that we all know that are there. I am pleased and incredibly humble that I am so honored to put this man's nomination in. I hope that you will join me in voting for Gary Reed as Clerk of the House. Thank you.

Representative PLOWMAN of Hampden seconded the motion.

On motion of Representative DONNELLY of Presque Isle, nominations ceased.

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

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

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

Subsequently, the Committee to receive, sort and count votes for the Clerk of the House reported that it had attended to its duties and that:

Total number of votes cast	147
Total number of votes needed	74
Joseph W. Mayo received	99
Gary W. Reed received	48

Thereupon, JOSEPH W. MAYO was elected Clerk of the House.

On motion of Representative GAGNON of Waterville, Representative COLWELL of Gardiner, Representative BROOKS of Winterport, Representative COWGER of Hallowell, Representative FULLER of Manchester, Representative TRUE of Fryeburg, Representative CHICK of Lebanon and Representative MADORE of Augusta were appointed a Committee to receive, sort and count votes for Assistant Clerk of the House.

The SPEAKER: The Chair recognizes the Representative from Farmingdale, Representative Watson.

Representative WATSON: Madam Speaker. I move that the name Millincent M. MacFarland of Augusta be placed in nomination for the position of Assistant Clerk of the House. Men and Women of the House, I appreciate this opportunity to try to convey to the new members of this body and to remind those of us who are returning of the importance of the position and the many good reasons that Millie is so well suited to continue to serve during the 118th Legislature.

The Assistant Clerk must oversee personnel functions of the House. She must work closely with the Clerk on all aspects of preparing, recording, printing, disseminating and maintaining official House papers and records. She assists both the presiding officer of the House and the Clerk with floor operations while the House is in session. She acts as an office liaison with outside vendors and other legislative offices, state agencies and members of the House and Senate.

Millie's experience and extensive background working with the Legislature dates back to 1978 when she began as Chief Calendar Clerk in the House of Representatives. She managed, for many years, to keep the members on track for fulfilling their obligations by providing scripts on how to back up a bill, how to put on an amendment and even sometimes directing chairs with bills that were to be referred to their committees. Through this work, Millie has learned parliamentary procedure, which makes her uniquely gualified to be Assistant Clerk of the House.

Millie is one of those professionals who make the House of Representatives work. She is one of those people who is master of the technical side of state government. Millie has broad experience in the operations of the Clerk's Office. She has helped deliver services that we all need to help make our jobs that much easier. Millie has demonstrated her confidence and expertise these past two sessions serving as the Assistant Clerk. It is with great pleasure and pride that today I rise to nominate Millie M. MacFarland as Assistant Clerk of the Maine House of Representatives.

On motion of Representative WATSON of Farmingdale the name of Millicent M. MacFarland of Augusta was placed in nomination for Assistant Clerk of the House.

Representative SAXL: Madam Speaker, fellow Legislators, it is my greatest honor today, to stand and second the nomination of Millie MacFarland as Assistant Clerk of the House. Millie is an incredible resource for each and every one of us in this body. Her years of experience, her reverence for this institution, her sense of humor, her tireless efforts and her incredible good nature make her the very, very best that Maine has to offer.

Can you believe that it was over 20 years ago that Millie MacFarland first began her service to the State of Maine. At that time Millie worked for the governor. After her years working for the executive, Millie came to work in the House and has been here for 18 years. Throughout those years, Millie has worked tirelessly for each and every one of us, Democrats, Republicans and Unenrolled. When we go home after a long and tiring day, Millie stays behind making sure the calendar for the following day is ready to go out and making sure that we all look our very best on the floor of the House as we need to make motions and do the business that the people sent us here to do.

Millie has written countless scripts. She has guided us as a road map through the straits of parliamentary procedure. She has made sure our constituents are well served and well informed about the goings on the floor of the House. More than that, Millie complements my good friend, Joseph Mayo, Clerk of the House with style, grace, ease and earnestness. She does what Joe does for the House in reaching out to the rest of the State of Maine in making sure that they know what we are accomplishing for them.

Millie has done this all without being seen, without asking for any special gratitude without being seen and without the glamour or the glitz of being in front of the camera. She has done it fairly and with incredible competence and style. Millie's good nature is second to none. When a member needs some cold medicine or wants an extra special tour of the state house for their constituents, Millie is the very best woman for this job. Millie MacFarland, a woman of quiet consistence, tireless effort, experience, humor and a great deal of class. We owe Millie a great deal of gratitude. I thank her for all of her service in the past and hope that you will all join me in supporting her for Assistant Clerk of the House.

The SPEAKER: The Chair recognizes the Representative from Scarborough. Representative LOVETT.

Representative LOVETT: Madame Speaker, Ladies and Gentlemen of the House. I am very, very pleased to second the nomination of Millicent M. MacFarland for the position of the Assistant Clerk of the House. I consider this to be a great honor and a pleasure to be able to second the nomination of Millie MacFarland.

During the last two years, in working with Millie, I have found her to be very professional in the way she handles her duties. I also have found her to be very dedicated to her job. She has always been very helpful and if you ask her a question, she will always give you a very direct answer. If she didn't have the information, she would go and seek it. She did this all with great enthusiasm. Consequently, I hope you will join me today in electing her as our Assistant Clerk of the Maine House of Representatives. Thank you.

Representative SAXL of Portland and Representative LOVETT of Scarborough seconded the motion.

On motion of Representative CAMPBELL of Holden nominations ceased.

On motion of Representative SAXL of Portland the Committee cast one vote for the House for MILLICENT M. MacFARLAND.

Thereupon, MILLICENT M. MacFARLAND was elected Assistant Clerk of the House.

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

### COMMUNICATIONS

The following Communication: (H.C. 5) STATE OF MAINE HOUSE OF REPRESENTATIVES SPEAKER'S OFFICE AUGUSTA, MAINE 04333-0002 December 4, 1996

Mr. Michael J. Cote

2 State House Station

Augusta, ME 04333-0002

Dear Mike:

Pursuant to House Rule 1, I am pleased to reappoint you as the Sergeant-at-Arms for the 118th Legislature.

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

Sincerely, S/Elizabeth H. Mitchell Speaker of the House Was read and ordered placed on file.

The Speaker of the House administered the necessary oaths of office to qualify the Clerk of the House, the Assistant Clerk of the House, and the Sergeant-at-Arms to enter upon the discharge of their official duties.

Motion of Representative TUTTLE of Sanford that Representative KONTOS of Windham, Representative BUNKER of Kossuth Township, Representative GAGNE of Buckfield, Representative McKEE of Wayne, Representative POWERS of Rockport, Representative STANLEY of Medway, Representative MURPHY of Kennebunk, Representative DONNELLY of Presque Isle, Representative JOY of Crystal, Representative BIGL of Bucksport and Representative O'BRIEN of Augusta be appointed a Committee to notify the Governor of the organization of the House. The following items were taken up out of order by unanimous consent:

### SENATE PAPERS

The following Joint Order: (S.P. 1)

**ORDERED**, the House concurring, that a sufficient number of the Legislative Record for the 118th Legislature be printed, one copy for each of the members of the Senate and the House of Representatives who so desires, the Secretary of the Senate and Clerk of the House. The remainder is to be deposited with the State Law Librarian for exchange and library use; and be it further

**ORDERED**, that suitable index be prepared for such Legislative Record, under the direction of the Secretary of the Senate and the Clerk of the House.

Came from the Senate, read and passed.

Was read and passed in concurrence.

The following Joint Order: (S.P. 2)

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

Came from the Senate, read and passed.

Was read and passed in concurrence.

The following Joint Order: (S.P. 3)

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

Came from the Senate, read and passed.

Was read and passed in concurrence.

## The following Joint Order: (S.P. 4)

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

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

Came from the Senate, read and passed. Was read and passed in concurrence.

The following Joint Order: (S.P. 5)

**ORDERED**, the House concurring, that the Executive Director of the Legislative Council be authorized and directed to

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

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

Came from the Senate, read and passed.

Was read and passed in concurrence.

The following Joint Order: (S.P. 6)

**ORDERED**, the House concurring, that there be paid to the members of the Senate and the House of Representatives as advances on account of compensation established by statute, 10 payments on a biweekly basis commencing January 8, 1997, according to lists certified to the State Controller by the President of the Senate and Speaker of the House, respectively.

Came from the Senate, read and passed.

Was read and passed in concurrence.

### COMMUNICATIONS

The following Communication: (H.C. 2)

STATE OF MAINE Office of the Secretary of State

December 4, 1996 To the Speaker of the House in the One Hundred and Eighteenth

Legislature: I, BILL DIAMOND, Secretary of State, in accordance with the Constitution and laws of the State of Maine, having tabulated the

returns of the votes cast for State Representatives at the General Election held on the fifth day of November in the year one thousand nine hundred and ninety-six;

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

3,107
7
,921
3,287
1,924
2,599
1
1,925
1,859
2
1,480
1,676
1
1,336
2,132

# LEGISLATIVE RECORD - HOUSE, December 4, 1996

District 7		MODOAN ALTON E. Cauth Dardand	1 700
<u>District 7</u> CARLETON, JOSEPH G., JR., Wells	3,828	MORGAN, ALTON E., South Portland Others	1,763
Others	21	District 28	1
District 8	21	EATON, RICHARD W., Westbrook	842
MURPHY, THOMAS W., JR., Kennebunk	3,026	USHER, RONALD E., Westbrook	2,628
PERKINS, KATHLEEN E., Kennebunk	2,226	Others	2,020
Others	1	District 29	
District 9	I	LEMKE, WILLIAM, Westbrook	3.370
CARR, ROBERT B., Sanford	1,428	Others	4
PAUL, NORMAN R., Sanford	2,065	District 30	-
District 10	2,000	MITCHELL, J. ELIZABETH, Portland	3,016
CARPENTER, DAVID L., Sanford	1,359	District 31	0,010
TUTTLE, JOHN L., JR., Sanford	1,616	AKERS, FRANK G., Portland	708
District 11	1,010	SAXL, MICHAEL V., Portland	2,856
	2,585		2,000
NASS, RICHARD A., Acton	1,841	District 32 FARNSWORTH, RICHARD R., Portland	2,469
THERIANOS, DOROTHY P., Alfred	1,041		
Others	1	HARRIS, RICHARD S., JR., Portland	1,482
District 12	1 501	Others	1
LIBBY, SHERWOOD, Limington	1,501	District 33	405
MCALEVEY, MICHAEL J., Waterboro	2,832	FELDHAUS, PAUL W., Portland	435
Others	1	QUINT, MICHAEL W., Portland	1,874
District 13	0.070	Others	5
JOYNER, JEFFERY G., Hollis	2,673	District 34	
MCGONIGLE, DAVID J., JR., Arundel	1,497	GIERINGER, F. THOMAS, JR., Portland	2,325
District 14		HOGLUND, ANNETTE M., Portland	1,987
PETERS, LAWRENCE F., JR., Hollis	1,869	Others	1
VEDRAL, JOHN W., III, Buxton	2,174	District 35	
District 15		ROWE, G. STEVEN, Portland	2,918
O'NEIL, CHRISTOPHER P., Saco	2,524	Others	2
POIRIER, THEODORE M., Saco	1,871	District 36	
District 16		TOWNSEND, ELIZABETH, Portland	3,355
KANE, THOMAS J., Saco	2,836	Others	2
SIMONDS, SCOTT P., Saco	1,014	District 37	
Others	1	BRENNAN, MICHAEL F., Portland	3,194
District 17		WHEATLEY, THOMAS B., Portland	1,058
JOYCE, STEVEN M., Biddeford	2,293	District 38	,
MELVILLE, ROBERT F., Biddeford	2,076	BRUNO, JOSEPH, Raymond	2,300
District 18	-,-	TYLER, THOMAS M., Windham	2,116
FRECHETTE, ROGER D., Biddeford	2,128	Others	1
District 19	-,	District 39	
DUTREMBLE, LUCIEN A., Biddeford	2,432	CRESSEY, JOHN K., Windham	322
MARTIN, STEPHEN P., Biddeford	1,293	GRAFFAM, LINWOOD E., Windham	109
District 20	1,200	JOHNSTON, RALPH H., Windham	1,238
KERR, GEORGE J., Old Orchard Beach	3,606	KONTOS, CAROL A., Windham	2,395
Others	8	District 40	2,030
District 21	v	DAVIS, GERALD M., Falmouth	2,666
CARLETON, MICHAEL D., Scarborough	2,066	FISK, ROBERT F., JR., Falmouth	2,680
LOVETT, GLENYS P., Scarborough	3,070	Others	2,000
District 22	0,010	District 41	Ũ
NEEDHAM, EDWARD IV, Gorham	1,978	FOSTER, CLIFTON, Gray	2,192
PENDLETON, ROBERT E., JR., Scarborough	2,441	THAXTER, ANN H., New Gloucester	2,132
	2,771	District 42	2,104
<u>District 23</u> DUGAS, PHILIP A., Gorham	505	PERKINS, DAVID J., North Yarmouth	0.400
		,	2,499
	1,994	TAYLOR, JOSEPH B., Cumberland	2,970
SHORTILL, JOSEPH, GORHAM	1,506	Others	1
District 24		District 43	
BYRAM, NADINE, South Portland	2,099	AVERY, BRUCE V., Standish	1,651
CIANCHETTE, PETER E., South Portland	2,192	MACK, ADAM, Standish	2,112
District 25		MOORE, GARY W., Standish	457
MARVIN, JEAN GINN, Cape Elizabeth	2,932	Others	2
MCNALLY, PAMELA A., Cape Elizabeth	1,968	District 44	
District 26		BUCK, JOHN T., Yarmouth	2,871
CARPENTER, JUDY M., South Portland	1,642	WILLARD, JENNIFER J., Yarmouth	1,947
MUSE, CHRISTOPHER T., South Portland	2,279	Others	3
District 27		District 45	
BREWSTER, JAMES E., South Portland 1,49	9	TRUE, HARRY G., Fryeburg	3,250
			-,

Others	8	UNDERWOOD, JOHN H., Mechanic Falls	\$ 1,858
District 46		Others	2
ADAMS, HERBERT R., Lovell	1,608	District 65	
WATERHOUSE, G. PAUL, Bridgton	2,940	BARTH, ALVIN L., JR., Bethel	2,983
District 47		GRAHAM, ROCKIE, Bethel	1,363
BLACK, HENRY W., Baldwin	1,899	Others	2
THOMPSON, RICHARD H., Naples	2,762	District 66	
Others	3	DEXTER, EDWARD L., Kingfield	2,211
District 48	0	MCGLOCKLIN, MONICA, Embden	2,030
	0 446		2,000
BULL, THOMAS, Freeport	2,446	District 67	1 075
HARTNETT, ROBERT R., Freeport	2,353		1,975
District 49	4	WORTHLEY, RICHARD LOUIS, Peru	1,764
BENEDIKT, EDMUND E., Brunswick	1,638	Others	2
PINKHAM, REGINALD G., Brunswick	1,731	District 68	
District 50		CLARK, CHARLES L., Norway	1,354
DAVIDSON, THOMAS M., Brunswick	3,225	WINSOR, TOM J., Norway	2,461
Others	2	Others	1
District 51		District 69	
ETNIER, DAVID, Harpswell	3,445	GAGNE, ROSITA, Buckfield	2,003
FULLER, MARILYN, Harpswell	1,535	TRACY, ELEANOR G., Hebron	1,989
Others	3	Others	1
District 52	•	District 70	•
ROGERS, THOMAS J., Topsham	1,331	CAMERON, ROBERT A., Rumford	2.243
TRIPP, VERDI L., Topsham	2,310	TRUNDY, DONNA, Rumford	1,774
	2,510	• •	1,774
District 53	1 000	District 71	0.000
PINKHAM, BARBARA J., Richmond	1,236	LEVESQUE, RAYMOND R., Poland	2,039
SHIAH, DAVID C., Bowdoinham	2,807	SNOWE-MELLO, LOIS A., Poland	2,102
District 54		District 72	
FINN, PATRICIA D., Bath	1,029	COYNE, COLEMAN, Auburn	1,926
MAYO, ARTHUR F., III, Bath	2,400	WINGLASS, ROBERT J., Auburn	2,310
District 55		District 73	
BLEAU, JAMES A., DRESDEN	1,151	BOLEN-MORIN, DEBBIE, Auburn	1,226
PEAVEY, JUDITH B., Woolwich	3,305	GERRY, BELINDA A., Auburn	1,265
Others	1	District 74	.,
District 56	•	BOLDUC, BRIAN, Auburn	1,529
PIEH, WENDY, Bremen	2,590	MICHAEL, JOHN M., Auburn	922
RICE, CHESTER A., South Bristol	2,479	YOUNG, DAVID C., Auburn	1,320
	· .		1,320
Others	1	District 75	0.440
District 57	0.010	NICKERSON, ROY I., Turner	2,119
MATTHEWS, BRUCE, Whitefield	2,019	PLUMMER, VIRGINIA NORMAN, Turner	
RINES, BENJAMIN L., JR., Wiscasset	2,323	Others	2
Others	1	District 76	
District 58		POULSON, ROSEMARY K., Chesterville	
HAMRIN, JEANNIE M., Boothbay	1,832	SAMSON, ROLAND B., Jay	2,775
HONEY, KENNETH A., Boothbay	3,154	Others	9
Others	4	District 77	
District 59		LAKE, LILLIAN M., Wilton	1,350
CARTWRIGHT, STEVEN, Waldoboro	1,797	LAVERDIERE, CHARLES C., Wilton	2,627
SPEAR, ROBERT W., Nobleboro	2,446	District 78	_,
District 60	_,	FUSON, JEFFREY, Farmington	464
SAVAGE, CHRISTINE R., Union	3,374	GOOLEY, WALTER R., Farmington	2,012
TOTH, JEANNETTE M., Warren	1,074	SCHULER, CRAIG D., Industry	963
Others	2	District 79	903
District 61	2		1 000
	0 157	BURK, MARSHALL F., Winthrop	1,802
SIMONEAU, RICHARD N., Thomaston	2,157	MCKEE, LINDA ROGERS, Wayne	2,424
SKOGLUND, JAMES G., St. George	2,175	District 80	
District 62		DAMREN, CATHARINE L., Belgrade	2,405
CHARTRAND, PAUL, Rockland	1,886	FULLER, ELAINE, Manchester	2,479
KNAPP, ROLAND G., Rockland	1,064	District 81	
Others	1	HOLMES, KERRY L., Norridgewock	320
District 63		MERES, JUNE C., Norridgewock	1,976
GRAHAM, CHARLES W., Camden	818	TRACY, RICHARD H. C., Rome	1,584
JOHNSTON-NASH, MARTHA L., Camden	1,526	Others	1,564
POWERS, JUDITH, Rockport	2,181	District 82	2
District 64	د, ۱۰۱		1 070
BLANCHARD, DANIEL G., Mechanic Falls	1,720	DEARBORN, LOUIS E., Farmingdale	1,276
DEANOTATID, DANIEL G., MECHANIC Palls	1,720	WATSON, ELIZABETH, Farmingdale	2,759

# LEGISLATIVE RECORD - HOUSE, December 4, 1996

Others	1	District 102	
District 83	0.400	BOWDOIN, LORRAINE LIBBY, Winslow	1,335
GREEN, BONNIE, Monmouth	2,432	VIGUE, MARC J., Winslow	2,442
GREENWOOD, RANDALL A., Wales	1,717	District 103	4 504
Others	2	PIERCE, J. HOBART, JR., Oakland	1,564
District 84	4 000	POULIN, THOMAS E., Oakland	2,567
BERUBE, ROBERT A., Lisbon	1,632	Others	1
CHIZMAR, NANCY L., Lisbon	1,929	District 104	4 507
District 85	o . = .	CLEMENT, ARTHUR H., Clinton	1,567
BODWELL, WILLIAM E., II., Brunswick	2,151	JONES, SUMNER A., JR., Pittsfield	2,077
BOLL, ANNA J., Brunswick	2,100	District 105	
Others	1	LINDAHL, DAVID A., Northport	2,234
District 86	4 9 9 9	OLSON, STEPHEN, Belfast	1,631
ADAMS, GARY L., Lewiston	1,392	District 106	
MAILHOT, RICHARD H., Lewiston	2,495	BUMPS, RANDALL L., China	2,043
Others	2	CHASE, GAIL M., China	1,619
District 87		WIAND, H. FREDERICK, China	229
POULIN, RAYMOND R., Lewiston	750	District 107	
SHANNON, THOMAS, Lewiston	1,533	BROOKS, JOSEPH E., Winterport	2,222
District 88		TUFTS, ROBERT L., Stockton Springs	2,115
LEMAIRE, PATRICIA, Lewiston	2,274	District 108	
MENDROS, STAVROS J., Lewiston	1,552	BREEN, TIMOTHY M., St. Albans	1,261
Others	1	STEDMAN, VAUGHN A., Hartland	2,471
District 89		Others	2
GAMACHE, ALBERT P., Lewiston	1,865	District 109	
Others	3	BERRY, DONALD P., SR., Belmont	2,331
District 90		ROBERTS, PAULA L., Swanville	2,000
BOUFFARD, GERALD N., Lewiston	2,239	Others	2
NASON, JOAN SNYDER, Lewiston	1,361	District 110	
Others	1	MCELROY, RODNEY W., Unity	2,276
District 91		MCGEE, DALE, Palermo	1,803
BAILEY, STEPHEN E., Gardiner	1,013	District 111	
COLWELL, PATRICK, Gardiner	2,464	DUNFEE, DONALD E., Monson	656
District 92		JONES, SHARON LIBBY, Greenville	1,973
COWGER, SCOTT W., Hallowell	2,165	RICHARDSON, EARL, Greenville	1,520
GUERRETTE, WILLIAM G., Pittston	2,139	District 112	
Others	2	CROSS, RUEL P., Dover-Foxcroft	2,155
District 93		PIERIBONI, JANE M., Dover-Foxcroft	1,504
BARKER, CHARLES W., Leeds	1,196	Others	2
BERRY, RANDALL L., Livermore	2,687	District 113	
District 94		BIGL, JOSEPH H., Bucksport	2,734
DOSTIE, DAVID JOSEPH, Augusta	1,203	PHINNEY, CLARK S., Bucksport	1,438
MITCHELL, ELIZABETH H., Vassalboro	2,929	District 114	
District 95		PEASE, CARL E., Hampden	1,637
HARRIS, PAUL R., Augusta	1,286	PLOWMAN, DEBRA D., Hampden	2,949
MADORE, DAVID R., Augusta	2,019	District 115	
Others	1	BOND, L. MARA, Brewer	1,723
District 96		FISHER, CHARLES D., Brewer	2,402
DOORE, THOMAS F., Augusta	1,627	District 116	
O'BRIEN, JULIE ANN, Augusta	1,702	CAMPBELL, RICHARD H., Holden	2,500
Others	1	PERRY, WILLIAM, Veazie	2,026
District 97		District 117	
RICHARD, SHIRLEY K., Madison	2,524	BAKER, CHRISTINA L., Bangor	1,917
SIDELL, HAROLD D., Solon	933	FARNHAM, WILLARD C., Bangor	1,910
District 98		Others	1
HATCH, PAMELA H., Skowhegan	2,684	District 118	
WHITMAN, LEONARD C., Skowhegan	843	LUMBRA, LISA J., Bangor	1,643
District 99		PERRY, JOSEPH C., Bangor	2,106
JABAR, JOSEPH M., SR., Waterville	2,041	Others	<u></u> 1
PELLETIER, GILMAN R., Waterville	1,015	District 119	
District 100		BRAGDON, TARREN R., Bangor	1,523
GAGNON, KENNETH T., Waterville	2,335	MORRISON, HUGH A., Bangor	1,452
PROSIENSKI, EDWARD S., Waterville	698	District 120	
District 101		FARNHAM, NICHI S., Bangor	1,508
HAGERTY, WILLIAM J., Fairfield	1,687	SAXL, JANE W., Bangor	1,746
TESSIER, PAUL L., Fairfield	1,692	District 121	,

COFFMAN, RALPH I., Old Town	941	SANBORN, LAURA, Alton	1786
DUNLAP, MATTHEW, Old Town	1,862	Others	1
STILLINGS, SEAN, Old Town	1,053	District 138	
Others	1	BRUCE, VANESSA NUTTER, Enfield	1907
District 122		LANE, PRISCILLA, Enfield	2014
MCLEOD, JAMES W., Glenburn	2,131	District 139	
WINN, JULIE, Glenburn	2,248	FARRINGTON, RICHARD B., Medway	1325
Others	4	STANLEY, STEPHEN S., Medway	2540
District 123		Others	1
OLIVER, MARC A., Orono	608	District 140	
STEVENS, KATHLEEN A., Orono	2,384	CLARK, JOSEPH E., Millinocket	2037
Others	3	SCARANO, MARK V., Millinocket	1701
District 124		District 141	
SHEPLEY, DONALD E., Hermon	1,911	JOY, HENRY L., Crystal	2217
TREADWELL, RUSSELL P., Carmel	2,256	TAYLOR, JOHN K., Oakfield	1495
District 125		Others	3
HAMMOND, BERNARD, Charleston	1,771	District 142	
KASPRZAK, SUSAN, Newport	2,193	CLUKEY, DEAN F., Houlton	1919
Others	1	RUSH, ROBERT R., Houlton	1269
District 126		District 143	
ROSS, ALLEN A., Dexter	1,507	SERRANO, PEDRO J., Presque Isle	1080
TOBIN, JAMES H., JR., Dexter	2,130	WHEELER, EDGAR, Bridgewater	2453
District 127	_,	District 144	
MACDONALD, THOMAS F., Ellsworth	1,406	FINDLEN, JANE, Fort Fairfield	236
POVICH, EDWARD J., Elisworth	3,362	HAYSLETT, BARBARA L., Fort Fairfield	1451
Others	1	KNEELAND, RICHARD, Easton	1879
District 128	•	District 145	10/0
PERKINS, ROYCE W., Penobscot	3,135	DONNELLY, JAMES O., Presque Isle	2370
SCHATZ, JAMES M., Blue Hill	1,949	L'HOMMEDIEU, EDWARD C., Presque Isl	
Others	1	District 146	6 / 61
District 129	•	DESMOND, MABEL J., Mapleton	2540
JEFFERIES, BENJAMIN E., Stonington	1,873	GAHAGAN, HAYES E., Mapleton	1264
VOLENIK, PAUL, Brooklin	2,408	District 147	1204
	2,400	BELANGER, IRVIN, G., Caribou	2142
District 130	2,728	DUFFY, GERALD C., Caribou	1054
JONES, KYLE W., Bar Harbor	2,720	District 148	1054
STANWOOD, ROBERT E.,	2,200	HUNTRESS, C. PETER, Limestone	285
Southwest Harbor	2,200		657
District 131	0101	O'NEAL, GARY L., Limestone	657
LAYTON, JAMES D., Cherryfield	2131 696	District 149	705
SMITH, DANIAL R., Franklin		MASSE, GERALD J., Caribou	785
WEST, EMORY P., Steuben	822	SIROIS, ROSAIRE J., Caribou	1730
Others District 122	2	Others	1
District 132	1000	District 150	0071
ATKINSON, ANN J., Hancock	1800	AHEARNE, DOUGLAS J., Madawaska	2871
PINKHAM, WILLIAM D., Lamoine	2293	DUMAIS, JACQUELINE L., Madawaska	759
Others	1	Others	2
District 133	1710	District 151	1000
BAGLEY, MARTHA A., Machias	1749	BELANGER, DUANE J., Wallagrass	1963
CRANDLEMIRE, DONALD C., Machias	1378	MARTIN, JOHN L., Eagle Lake (Write-in)	1393
Others	2	Others	6
District 134	700	I, BILL DIAMOND, Secretary of State	
CLARKE, ELMER O., Eastport	762	foregoing report is a true tabulation of the	
GOODWIN, ALBION D., Pembroke	1874	Representatives at the General Election, a	
KILBY, RONALD P., Edmunds Township	782	returns from the cities, towns and plantation	ns of the State.
District 135		S/BILL DIAMONI	
DAVIS, ELBRIDGE B., Calais	1195	Secretary of Stat	e
DRISCOLL, JOSEPH D., Calais	2176	Was read and ordered placed on file.	
Others	1		_
District 136			
BUNKER, GEORGE H., JR.,		The following Communication: (H.C. 3	3)
Kossuth Township	2184	PENOBSCOT INDIAN N	
WELCH, HAROLD M., Lee	1693	Office of the Governor and	
District 137		Community Building	
BROWN, MARK O., Lagrange	303	Indian Island	3
KNIGHTLY, MERRIE C., Lagrange	1220	Old Town, Maine 044	68
PINEO, DALE G., SR., Hudson	387	October 18, 1996	
. , .		-,	

Joseph W. Mayo

Clerk of the House of Representatives

Clerk's Office Room 300

State House

Augusta, Maine 04333

Dear Clerk Mayo:

This is to certify that Paul J. Bisulca was duly re-elected Representative to the State Legislature for a term of two years beginning on the first day of October, 1996 and ending September 30, 1998.

The Biennial General Tribal Election was held on September 14, 1996 under the provisions of Chapter 4 of the Penobscot Nation Laws & Ordinances.

Sincerely

S/E, J, Kimball

Deputy Tribal Clerk

Was read and ordered placed on file.

### The following Communication: (H.C. 4) MAINE STATE LEGISLATURE Augusta, Maine 04333 November 15, 1996

Members of the 118th Maine Legislature

State House

Augusta, ME 04333

Dear Members of the 118th Legislature:

We are pleased to forward to you the enclosed report of the Commission to Study Poverty Among Working Parents. The Commission was established by Public Law 1995, Chapter 418, Part B to investigate the extent to which poverty exists among families, how poverty among working or underemployed parents contributes to the need for greater public assistance, and how economic development efforts and other public and private sector initiatives could reduce poverty.

The Commission has worked diligently and is proud to forward the report and the fourteen recommendations. Legislation will be prepared for the 118th Legislature to accomplish the actions contained in the recommendations.

The Commission has enjoyed the able assistance of the Department of Human Services, the State Planning Office, the Bureau of Taxation, the Office of Fiscal and Program Review and the Maine Economic Growth Council. We extend our thanks to all who participated.

Sincerely,

S/Edward J. Povich, Co-chair

S/Marc R. Mutty. Co-chair

Was read and with accompanying report ordered placed on file.

## ORDERS

On motion of Representative SAXL of Portland, the following Order: (H.O. 1)

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

Was read and passed.

On motion of Representative GAMACHE of Lewiston, the following Order: (H.O. 2)

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

Was read and passed.

On motion of Representative DESMOND of Mapleton, the following Order: (H.O. 3)

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

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

Was read and passed.

On motion of Representative COWGER of Hallowell, the following Order: (H.O. 4)

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

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

Was read and passed.

On motion of Representative KONTOS of Windham, the following Order: (H.O. 5)

ORDERED, that the Rules of the 118th Maine House of Representatives are as follows:

## **RULES OF THE HOUSE 118TH LEGISLATURE** PART 1 **GENERAL PROVISIONS**

Rule 101. Chaptains. Every morning the House on assembling shall join with the Chaplains in religious service. On the first legislative day of each week, the National Anthem must follow the religious service.

Rule 102. Monitors. A monitor shall see to the observance of the rules of the House. If any member violates any of the rules of the House and persists in violating the rules after being notified of the violation by any monitor, the monitor shall give information of the violation to the House.

Rule 103. Vacancy in the office of Clerk or Assistant Clerk. A Clerk or Assistant Clerk is either appointed or elected in the following circumstances.

- A. In the case of a vacancy in the office of Clerk:
  - (1) When the Legislature is in session, the House elects a clerk: or

(2) When the Legislature is not in session, the Assistant Clerk is Clerk pro tempore to serve until the Legislature is in session and elects a Clerk.

- B. In the case of a vacancy in the office of Assistant Clerk: (1) When the Legislature is in session, the House elects
  - an Assistant Clerk; or (2) When the Legislature is not in session, the Speaker

shall appoint an Assistant Clerk to serve until the Legislature is in session and elects an Assistant Clerk.

C. In the case of a vacancy in the offices of the Clerk and Assistant Clerk:

(1) When the Legislature is in session, the House elects a Clerk and Assistant Clerk; or

(2) When the Legislature is not in session, the Speaker shall appoint a Clerk and Assistant Clerk to serve until the Legislature is in session and elects a Clerk and Assistant Clerk.

<u>Rule 104. Partisan staff</u>. The floor leaders shall appoint partisan staff with staffing patterns determined by House leadership.

<u>Rule 105. Lobbyists banned from House floor</u>. One-half hour before the beginning of any regularly scheduled session, registered lobbyists are banned from the floor of the House of Representatives.

**Rule 106.** Admission to Representatives' hall. Only a member or officer of the House, a member of the Senate, the Secretary of the Senate, the Assistant Secretary of the Senate, the Governor, heads of state departments and bureaus, Justices of the Supreme Judicial Court, Chaplains of the Senate and reporters of the proceedings and debates of the House may be admitted within the Representatives' hall, unless invited by some member of the House. While the House is in session, only members and officers of the House and officers of the Senate on official business are admitted inside the rail, except members of the press, who shall occupy places at the press table, and guests of the Speaker.

#### PART 2 SPEAKER

#### Rule 201. Duties and Powers of the Speaker

1. Duties. The Speaker shall:

A. Take the chair at the hour to which the House has adjourned, call the members to order and, after the appearance of a quorum, cause the journal of the preceding day to be read;

B. Announce the business before the House in the order in which it is to be acted upon;

C. Receive, submit to vote and announce the result of all motions that are in proper order and that arise in the course of proceedings;

D. Enforce the observance of order and decorum;

E. Decide all questions of order within 7 legislative days, subject to an appeal to the House;

F. Receive all messages and other communications and announce them to the House;

G. Authenticate by the Speaker's signature bills that have passed to be enacted and resolves that have finally passed;

H. Name a member to perform the duties of Speaker during the Speaker's absence;

I. Appoint and may rescind the appointments of the following individuals at any time:

(a) The members who are to serve on committees; and

(b) A sergeant-at-arms, an assistant sergeant-at-arms, a document clerk, doorkeepers, a courier and 5 pages;

J. At the commencement of the session, appoint the following standing committees:

(a) On Leave of Absence;

(b) On Bills in the Second Reading;

(c) On Engrossed Bills;

(d) On Ethics;

(e) On Elections; and

(f) On Rules and Business of the House .

Each committee consists of 8 members, except the Committee on Rules and Business of the House, which consists of 3 members and the Speaker ex officio. Each committee shall consider and report on all subjects referred to the committee;

K. Name the person to speak when 2 or more members rise at the same time; in other instances, recognize the member who rises first and addresses the chair;

L. Appoint one monitor for each division of the House; and

M. Decide whether debate is relevant to some definite question under consideration.

2. Powers. The Speaker may:

A. Appoint honorary pages;

B. Appoint legal counsel while the Legislature is in session;

C. Address the House on points of order, in preference to other members; and

D. Vote in all cases.

## PART 3

CLERK Rule 301. Duties of the Clerk. The Clerk shall:

I. Journal. Keep a journal of what is done by the House;

 <u>Read papers</u>. Read papers when required by the House or Speaker;

3. Note answers of members. Note the answers of members when the House orders or when a question is taken by yeas and nays;

 <u>A. Notify members of committee appointments</u>. Notify members of their committee appointments and of the business referred to committees;

5. Authenticate by Clerk's signature. Authenticate by the Clerk's signature all the orders and proceedings of the House not authenticated by the Speaker;

6. Responsible for documents. Have responsibility for all the documents and papers of every kind confided to the care of the House;

7. Transmit messages and papers. Transmit all messages and papers from the House to the Governor or to the Senate;

8. <u>Preside in Speaker's absence</u>. Preside in the case of the absence of the Speaker or Speaker pro tempore at the hour for meeting, until a Speaker pro tempore is chosen;

**<u>9. File papers and documents</u>**. File in an orderly manner at the close of the session all papers and documents in possession of the House that were passed upon or received during the session;

10. Preside at commencement of next Legislature. Preside at the commencement of the next Legislature until the election of the Speaker;

**<u>11. Record House business</u>**. Record what is done by the House until a new Clerk is chosen and qualified;

**<u>12.</u> Prepare daily calendar.** Prepare a daily calendar of bills, resolves and other papers assigned for that day's consideration, bills and resolves that have had their first reading, showing the disposition of each, and orders presented to the Clerk by members; and

**<u>13.</u>** Enter questions on journal. Enter every question of order that is decided on appeal on the journal of the House with the decision of every question. The journal must include all rulings of the Chair.

## PART 4 MEMBERS

Rule 401. Rights and duties of members. Members of the House have the following rights and duties.

1. <u>Member's seat</u>. The seat a member draws at the commencement of the session is that member's during the session, unless the member has leave of the Speaker to change it. No other person may occupy a member's seat at any time during a session of the House.

2. Pairing of votes. A member may not pair that member's vote with the vote of another member.

3. Sit at Speaker's or Clerk's desk. A member may not sit at the desk of the Speaker or Clerk, except by the permission of the Speaker.

4. Member may not speak. A member may not speak without first rising and addressing the Speaker and being recognized, and a member may not speak while away from that member's seat without leave from the Speaker. A member shall sit down as soon as the member is done speaking.

**<u>5. Debate</u>**. A member shall limit debate to that which is relevant to some definite question under consideration.

6. May not interrupt. A member may not interrupt another member while the other is speaking, except to call to order or correct a mistake. <u>A member may not</u> stand up to the interruption of another while any member is speaking, pass unnecessarily between the Speaker of the House and the person speaking, stand in an aisle or sit or stand covered-during the session of the House.

<u>7. Speak more than twice</u>. A member may not speak more than twice to the same question without first asking leave of the House. Any other member objecting to that member speaking more than twice to the same question must stand and be recognized by the Speaker of the House and the objection must be noted.

**<u>8. Counsel</u>**. A member may not act as counsel for any party-before a joint committee of the Legislature-or a committee of the House.

<u>9. Leave of absence</u>. A member may not be absent more than 2 days without leave of the House; and a member may not have such a leave, unless it is reported by the Committee on Leave of Absence.

**10. Papers.** Any member having obtained leave of absence shall leave any papers relating to the business before the House with the Clerk.

**<u>11.</u>** Breach of rules. When any member is guilty of a breach of any of the rules and orders of the House and the House has determined that the member has violated a rule or order, that member may not be allowed to vote or speak, unless by way of excuse for the breach, until the member has made satisfaction.

**12.** Voting. A member who is in the House when a question is put shall vote, unless the presiding officer for reasons excuses that member. When yeas and nays are ordered, a member may not leave the member's seat until the vote is declared. A call for yeas and nays must close no more than 30 minutes after a roll call is commenced. In all elections by the House, or on joint ballot of the Chambers, a member may not leave the member's seat after voting, before a return of the House is had.

**13.** Sponsor obtains signatures. A bill or resolve in final form that is ready for signature whose primary sponsor is a member of the House may be circulated for signatures only by the sponsor or cosponsors of that bill or resolve. This does not preclude a bill or a resolve from being held for signature in the Office of the Speaker of the House, the offices of the minority or majority party or the Office of the Revisor of Statutes.

## PART 5 PROCEEDINGS AND DEBATES

**<u>Rule 501.</u>** Order of business. After reading of the journal, the following is the order of business:

1st. Senate papers and first reading of accompanying bills and resolves;

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

3rd. Reception of petitions, bills and resolves requiring reference to any committee;

4th. Orders;

5th. Expressions of legislative sentiment - Special sentiment calendar;

6th. Reports of committees and first reading of accompanying bills and resolves;

7th. Consent calendar - First Day;

8th. Consent calendar - Second Day;

9th. Bills and resolves reported by <u>the</u> Committee on Bills in the Second Reading and on their passage to be engrossed;

10th. Bills on their passage to be enacted; and

11th. Orders of the day.

A paper may not be taken up out of its regular order. Business may not be transacted in the House after the hour of 9:00 p.m.

**Rule 502.** Unfinished business. The unfinished business of the House at the time of the last adjournment has preference in the orders of the day and continues to be among the orders of the day for each succeeding day until action on it is completed.

<u>Rule 503. Motions and concurrence</u>. The following rules apply to motions and questions of concurrence with the Senate.

A. When a question is under debate, a motion may not be received, except a motion:

- 1st. To adjourn;
- 2nd. To table unassigned;
- 3rd. For the previous question;
- 4th. To commit;
- 5th. To table to a day certain;
- 6th. To amend; or
- 7th. To postpone indefinitely.

These motions have precedence in the order in which they are arranged. A motion to adjourn must be decided without debate.

- B. Questions of concurrence with the Senate have precedence in the following order:
  - 1st. To recede;
  - 2nd. To concur;
  - 3rd. To insist; or
  - 4th. To adhere.

**Rule 504. Previous question**. When a motion for the previous question is made, the consent of <u>one third</u> of the members present is necessary to authorize the Speaker to entertain the motion. Debate is not allowed until the matter of consent is determined. The previous question must be submitted in the following words: Shall the main question be put now? A member may not speak more than 5 minutes on the motion for the previous question. A call for the yeas and nays—or for division of a question is in order after the main question has been ordered to be put. After the adoption of the previous question, the vote must be taken upon amendments and then upon the main question.

**Rule 505.** Consideration of business. In filling blanks and assigning times for the consideration of business, the longest time must be put first.

<u>Rule 506.</u> <u>Germane amendments</u>. An amendment must be germane to the proposition under consideration.

## Rule 507. Printing and distribution of amendments. An

amendment to a bill or resolve may not be acted upon by the House until the same has been printed and distributed to the members under the direction of the Clerk, unless the same bears the recommendation of the Committee on Rules and Business of the House that such printing be dispensed with; and any amendment not so printed or bearing such recommendation must lie on the table until printed or until the Committee has recommended that such printing be dispensed with. All amendments filed with the Clerk for printing must bear the signature of the member filing the same.

**Rule 508.** Withdrawal of motion, order or amendment. A motion, order or amendment may be withdrawn by a sponsor only prior to a vote, except that a motion to reconsider may be withdrawn only with consent of the House.

**Rule 509.** Process when declared vote doubted. When a vote declared by the Speaker is doubted, the members for and against the question, when called on by the Speaker, shall vote again without further debate.

<u>Rule 510. Yeas and nays</u>. A call for the yeas and nays is in order at any time before a vote is made certain and declared.

**Rule 511. Motion to reconsider**. When a motion has been made and carried in the affirmative or negative, it is in order for any

member who voted with the prevailing side, or in the negative on a tie vote, to move to reconsider on the same or succeeding day. A motion to reconsider may not be tabled unassigned. A motion to reconsider is not in order more than once on the same question. When a member moves or gives notice of the member's intention to move a reconsideration of any vote, the papers to which the motion relates must remain in possession of the Clerk until the question of reconsideration has been decided, or the right to move such a guestion is lost.

**<u>Rule 512.</u>** Elections. In all elections by ballot of the House a time must be assigned for the election at least one day prior to the election.

**<u>Rule 513.</u>** Opinion of justices. A proposition to require the opinion of the justices of the Supreme Judicial Court, as provided by the Constitution, may not be acted upon until the next day after the proposition is made.

**<u>Rule 514.</u>** Signature required. All petitions, memorials and other papers addressed to the House, and all bills and resolves to be introduced in the House, must bear the signature of the member or member-elect presenting them.

**<u>Rule 515.</u>** Second reading. All bills and resolves in their Second Reading must be committed to the standing Committee on Bills in the Second Reading to be examined and corrected. The Revisor of Statutes is the clerk of the Committee on Bills in the Second Reading.

**<u>Rule 516.</u>** Two several readings. A bill may not pass to be engrossed until the bill has had 2 several readings; the House shall assign the time for the second reading. Every resolve that requires the approval of the Governor must have 2 several readings.

<u>Rule 517.</u> Engrossed bills. All engrossed bills and resolves must be committed to the standing Committee on Engrossed Bills to be strictly examined; if found by the committee to be truly and strictly engrossed, <u>the committee</u> shall so report to the House, and the question must be taken without any further reading.

<u>**Rule 518.**</u> **Report by committee**. A bill or resolve must be reported by a committee.

**Rule 519.** Special consent calendar. A bill or resolve that bears a unanimous Ought to Pass or Ought to Pass as Amended report by the committee to which it has been referred, upon notification to the House, must, without further action, be placed by the Clerk upon the special consent calendar and remain there for 2 legislative days; the bill or resolve, at the termination of these 2 days, is considered as passed to be engrossed. Upon objection of any member to the placement or retention of any bill or resolve on the consent calendar, that bill or resolve ceases to be a consent calendar bill. If a bill or resolve is taken from the special consent calendar, the first order of business with respect to the bill or resolve must be whether to accept the committee report.

Any expression of legislative sentiment must be placed by the Clerk upon a special consent calendar and remain there for one legislative day. At the end of the legislative day the legislative sentiment is considered passed or adopted. Upon objection of any member to the placement or retention of such an expression on <u>the</u> consent calendar, the legislative sentiment must be removed and the question before the House is passage or adoption.

**Rule 520.** Notice to House. The Speaker shall give the House notice before an engrossed bill or resolve may be sent to the Senate.

**<u>Rule 521. Veto</u>**. When a bill or resolve is returned by the Governor with objections, the question must be stated by the Chair: Shall this bill become a law notwithstanding the

objections of the Governor? and the same in substance in <u>the</u> case of a resolve. The question may be postponed to a day within the session, not exceeding one week. No other question may apply to bills and resolves originating in either branch.

When a bill or resolve is returned by the Governor with any dollar amount disapproved pursuant to the Governor's line-item veto power, the House shall act upon the disapproved item or items within 5 days of receiving the bill or resolve from the Governor.

**Rule 522. Rules of parliamentary practice.** The rules of parliamentary practice comprised in Mason's Rules govern the House in all cases in which they are applicable and in which they are not inconsistent with the standing rules and orders of the House and the joint rules of the Senate and House of Representatives. In the event that Mason's Rules do not cover the parliamentary practice in question, then Reed's Rules govern. If neither Mason's Rules nor Reed's Rules cover the parliamentary practice in question, the rules of any other standard authority may be applied.

<u>Rule 523.</u> <u>Dispensation of rule or order</u>. A rule or order of the House may not be dispensed with unless <u>two thirds</u> of the members present consent to the dispensation.

**Rule 524.** Amendment, adoption or repeal of rule or order. A rule or order of the House may not be altered or repealed, nor may any new standing rule or order be adopted, unless one day's previous notice is given in each case. The notice must be entered on the journal. Notwithstanding this rule and Rule 523, after the convening of the First Regular Session, and before the third Friday in January in odd years, any amendment to the House Rules proposed by a House Order may be adopted by a majority vote in the House. If the amendment has already failed to be adopted during that session, it may only be adopted if, upon reconsideration, it receives the approval of <u>two thirds</u> of the members present in the House.

**Rule 525. Penobscot Nation and Passamaquoddy Tribe**. The member of the Penobscot Nation and the member of the Passamaquoddy Tribe elected to represent their people at the biennial session of the Legislature must be granted seats on the floor of the House of Representatives; be granted, by consent of the Speaker, the privilege of speaking on pending legislation; must be appointed to sit with joint standing committees as nonvoting members during the committees' deliberations; and be granted such other rights and privileges as may from time to time be voted by the House of Representatives.

Was read and passed.

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

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

Was read and passed and sent up for concurrence.

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

ORDERED, the Senate concurring, that any Town or City Clerk or Board of County Commissioners may, upon written request to the Clerk of the House, receive without charge, copies of all printed bills, so that there may be available to the public during the legislative session a complete and convenient file of all printed bills; and be it further

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

Was read and passed and sent up for concurrence.

On motion of Representative KONTOS of Windham, the following Joint Order: (H.P. 3)

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

Was read and passed and sent up for concurrence.

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

#### ORDERS

On motion of Representative THOMPSON of Naples, the following Order: (H.O. 6)

ORDERED, that Representative Elizabeth H. Mitchell of Vassalboro be declared Speaker of the House of Representatives for a term to expire on December 1, 1998.

AND BE IT FURTHER ORDERED, that Joseph W. Mayo of Augusta be declared Clerk of the House of Representatives for a term to expire on December 1, 1998.

AND BE IT FURTHER ORDERED, that Millicent M. MacFarland of Augusta be declared Assistant Clerk of the House of Representatives for a term to expire on December 1, 1998.

Was read and passed.

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

By unanimous consent, all matters having been acted upon were ordered sent forthwith.

The House recessed until the sound of the bell.

(After Recess)

The House was called to order by the Speaker.

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

On motion of Representative VIGUE of Winslow, the following Joint Order (H.P. 4):

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

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

#### In Convention

The President of the Senate, the Honorable Mark W. Lawrence, in the Chair.

The Convention was called to order by the Chairman.

The CHAIRMAN: The Chair recognizes the Honorable Sam S. Shapiro, Treasurer of the State of Maine.

Samuel SHAPIRO: I want to thank Libby and Mark for allowing me this brief moment to be able to say good-bye and thank you. I am so proud of Libby. She has done a historic thing. She is the first Speaker of the House from the metropolis of Vassalboro. I want to thank this Legislature and those of you who served in it who voted for me before and also the eight previous Legislatures who elected me. People are saying they are going to miss me, well, I am going to miss you more than you are going to miss me. I am sure.

I was born is a small coal mining town of western Pennsylvania. It had no streets. It is A Road, B Road, C Road, D Road and E Road. I was raised in my first home that had no running water. It had an outhouse and potties and a pump to get water. I was educated on the GI Bill and came to Maine with a minority ethnic background. Only in Maine, could somebody if they worked hard that would be accepted by their people, their party and their state and do for me what is something that is so wonderful in my life. I was able to serve as your treasurer for 16 years. I will always be grateful. Believe me, you have given me more than I have given you.

There are a couple of things that I would like to leave with you. I think, in looking back, there are three things as treasurer that perhaps some other treasurer might not have done. At the bond bank, I worked over Shawmut Bank on float and got over \$1.2 million out of them. That money then was returned to the communities. I have fought on our bond rating and I have given more than my fair share credit on that. I brought the Abandoned Property Program to the point where it was bringing in over \$2.5 to \$3 million every year into the general fund from about \$60,000 to \$80,000. That is what I think that I have done and left with you.

I would just like to make three or four comments about the things that I have seen or would like to see. First, I would like to talk about the sacrifices of legislators, both Representatives and Senators. Nobody knows better than me what you sacrifice, how much time you put in, how you take away from your families, pocketbooks, the criticism of a lot of people around you and yet you go on and do these things for many years. You don't get paid enough and it is hard for you to legislate pay to yourself, but I have always been one that said you deserve everything you got and probably a lot more. I am leaving that with you, in the past when I have said things like that I was up for reelection, now I am saying it when I am not going to be reelected.

The second thing I would like to talk about is the press. In this state we have a wonderful press. Without going into detail, all I can tell you is that in 1987-88, they could have ruined my life if they wanted to, but because of the quality of people that we have in the Maine press, from the top to the bottom, they did the right thing. For that, I will be personally and eternally grateful.

The next thing I want to talk about is state employees. I won't get into numbers, but honestly, we should be doing more

for state employees than we do. They are a hardworking group of people. The people in my office and in other offices work long hours and they deserve more. I think up there in the stands, I have some of my people here. I would just like to mention the names of Natalie, Warner, Dianne, Donna, Moe and Pat, who were there in the office when I got here 16 years ago and still are there. You know, parting has no sorrow because of the hundreds of wonderful experiences I have had. There are so many tremendous people that I have met as Treasurer of the State of Maine. I want to thank you very much. I want to leave you with that traditional Jewish farewell, zay gezundt, stay well. Thank you.

The CHAIRMAN: Nominations are now in order for the office of Secretary of State for the political years 1997 and 1998.

The Chair recognizes the Representative from Portland, Representative Rowe.

Representative ROWE: Mr. Chairman, Colleagues of the 118th Maine Legislature. I move the name of Dan A. Gwadosky of Fairfield be placed in nomination for the position of Secretary of State for the political years 1997 and 1998. I am extremely pleased and proud to nominate Dan Gwadosky to be the next Secretary of State for the State of Maine. Dan is a friend to many of us and now, a former colleague. I think we all know him. Before I start with the speech, I did want to clarify something. For four years, I have been working on pronouncing Dan's name and it always looked like it was Gadosky. I asked Dan and Cheryl earlier and indeed, I was right. There is no "w" in that first syllable, so it is Gadosky. I know that many of us have dealt with that issue.

The Office of Secretary of State is provided for in the Maine Constitution. The constitution requires the Secretary of State to attend the Governor, the Senate and the House as they require and to keep and preserve the records of their official acts. The Office of the Secretary of State also is responsible to provide administrative and policy oversight for the Department of the Secretary of State. The Department of the Secretary of State is an agency that provides a multitude of important services to Maine citizens. It touches the lives of every single citizen in this The department is responsible for overseeing and state. administering such diverse areas as notaries, the state archives. administrative procedures, services and trademarks, uniform commercial code filings, the registration of corporations and other business organizations, state and county elections and, of course, motor vehicles. The department is large. It has about 450 employees and an annual budget of about \$25 million. It also generates approximately \$170 million a year for the State of Maine, that is both in terms of general fund revenues and highway funds.

Our outgoing Secretary of State, G. William Diamond, is leaving some very big shoes to fill. I think we would all agree to that. Under Bill's leadership, the department has become an extremely professional and productive organization. Bill has worked hard as Secretary of State to improve customer service, both to individuals and corporate customers, to introduce technology, enhance productivity and to ensure that public trust and safety are paramount.

I believe that Dan Gwadosky is precisely the right person to follow Bill Diamond as Secretary of State. Most of you are familiar with Dan's impressive public service record. As you know, he has served in this chamber for 18 years. He has chaired committees. He has sat in this corner as Assistant Majority Leader and Majority Leader. Most recently, he has served the House as Speaker. The first time Dan Gwadosky sounded the Speaker's gavel was in February 1994. At that time he helped create an atmosphere of cooperation, fairness, civility, trust and respect for all members. Dan's actions have gone a long way to restore the public's confidence in the Legislature. He will make an exceptional Secretary of State. Dan's leadership style will serve the department and all of its employees well. Many of us know Dan well and I think you all would agree that he is a person of great character and intellect. He can handle multiple complex issues at the same time. That will come in very handy in an organization as diverse as the Department of the Secretary of State. Dan is a person who believes in and practices strategic planning. To borrow a phrase from the speech he gave last night, "Dan steers, he doesn't row." Dan is an innovator. He knows how to effectively use staff. He inspires enthusiasm and confidence in people. In short, Dan Gwadosky is a leader. Dan will guide the Department of the Secretary of State with a steady and responsible hand. Like Bill Diamond before him, Dan will work tirelessly to uphold the public trust of the office.

Colleagues of the 118th Legislature, I can think of no one, absolutely no one, who is more prepared to assume the duties of this important office than Dan Gwadosky. It is my pleasure and privilege to place his name in nomination as the next Secretary of State for the State of Maine. Thank you.

On motion of Representative ROWE of Portland the name of Daniel A. Gwadosky of Fairfield was placed in nomination for the Secretary of State of the State of Maine.

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

Representative KILKELLY: Mr. Chairman, Members of the Convention. A summary of the business plan of the Office of the Secretary of State is headed, stressing leadership and education. I can think of no one more appropriate title to express the tenure of the outgoing Secretary of State, G. William Diamond and my enthusiasm for the future of that office under the steady hand of Dan Gwadosky, whose nomination 1 am honored to second at this time.

In 1820, Maine became a state. The constitution was adopted. The constitutional officers were thereby established. Article V, part Second, Secretary, Section 2, outlines the duties. "The records of the state shall be kept in the Office of the Secretary, who may appoint deputies to that office, for whose conduct the secretary is accountable." The scope of that office, under the simple charge of maintaining the records of state include securing our historical documents from our constitution to census data to birth and marriage records; maintaining records of all entities that are incorporated within this state; creating and maintaining a system to ensure reasonable, safe drivers licensing processes, and responsible vehicle identifications and titles; creating and maintaining a general election process, from training municipal clerks, printing and distributing ballots and even overseeing recounts; educating the public about their responsibility as participants in this democratic process and that takes on many forms; publishing voter guides and information about referendum questions; sponsoring Citizen Bees and mock elections in schools, which train the leaders of the future; assisting notaries in developing a state association that is focused on education and development of professional standards in performing their duties. All of these functions spring from the simple statement of duties outlined in the constitution.

Even more important than the duties is how those duties are performed. The consumer of these services is also the boss. The secretary works for 1.2 million people providing the services necessary for them to go about their lives within the state. Under the leadership of Secretary Diamond, the past several years have seen great strides in how the functions of state have been performed. Customer access to information, comfort while waiting, reducing waiting time, improving efficiency and reducing the turnaround time for documents. All of this focus on quality has improved the public's perception of government services and set new standards of excellence. While strong leadership provides a tough act to follow, it also provides a solid base of quality for which to spring into the future.

I know of no better person to continue the progress and expand up on it, than Dan Gwadosky, who is a capable manager and a strong proven leader. A proven leader in his community where he served on the Public Library Committee, The Farfield Community Festival Committee and the Lawrence High School Alumni Association. He is a leader in the state, the Advisory Board of the Kennebec Valley Vo-Tech College, the state YMCA and the Board of Trustees at Thomas College. A leader in state government. A legislator for 18 years. Serving on several committees and sponsoring legislation that strongly encouraged economic development and technical education and jobs for our future, Chair of the Legislative Council and even nationally as he served on the board of State Leaders Foundation and the Executive Committee of the Council of State Governments. Most of all, Dan is known for his role of Speaker of the House. A position that he rose to in a time of turmoil. A position to which he brought civility, fairness, business sense, organizational skills and a deep appreciation for the important work of the people that was to be accomplished on his watch. Dan's commitment, his skills, his leadership, his experience and abilities will be put to great use in the Office of the Secretary of State. I urge you to join me in supporting Dan A. Gwadosky to become the 41st Secretary of State for the great State of Maine. Thank you.

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

Representative DONNELLY: Mr. Chairman, It is my pleasure and honor to second the second nomination of Dan A. Gwadosky for Secretary of State. It is an unusual circumstance, but a proud one for the State of Maine, I think, when we find ourselves where both parties have selected the same individual to be the Secretary of State. In both caucuses, yesterday, Dan A. Gwadosky was selected to represent the people of the State of Maine for this position. I am honored to do that because of the things that were mentioned by both the person that nominated him and seconded him. The civility. the professionalism and overall ability, intellect and probably most important in an administrative job, humor. I think there are few of us here that even in the most tense moments of the last three vears, did not crack a smile once in a while when Dan knew it was just the right time to bring some levity to help keep the debate civil, help keep friendships whole and help keep the state moving forward. The role is different, but the man is the same. We believed vesterday, as we do today that Dan will make a fine Secretary of State and are honored to second his second. While the Senators missed our Speaker's speech earlier of the advantages of having Representative Mitchell as a new Speaker and a historic moment we make, I think it is only appropriate to have the secretary be a man.

Senator KILKELLY of Lincoln and Representative DONNELLY of Presque Isle seconded the motion.

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

Senator AMERO: Mr. Chairman, I move that nominations cease and that one vote be cast for Dan A. Gwadosky of Fairfield for the Office of Secretary of State, of the State of Maine, for the Political Years 1997 and 1998.

The CHAIRMAN: The Senator from Cumberland, Senator Amero, moves that nominations cease and that one vote be cast for Dan A. Gwadosky of Fairfield for the Office of Secretary of State, of the State of Maine, for the Political years 1997 and 1998. Is this the pleasure of the Convention? It's a vote.

Dan A. Gwadosky of Fairfield is duly elected as the Secretary of State, of the State of Maine, for the political years 1997 and 1998.

The CHAIRMAN: Nominations are now in order for the Office of Attorney General of the State of Maine for the political years 1997 and 1998.

The Chair recognizes the Representative from Bangor, Representative Saxl.

Representative SAXL: Mr. Chairman, It is my distinct pleasure and honor to place in nomination the name of Andrew Ketterer of Madison for reelection to the Office of Attorney General for the political years 1997 and 1998. Two years ago when Drew came to me looking for support in his bid to become Maine's 53rd Attorney General, I remember him telling me several things. Two of which stand out in particular. First he told me he would bring compassion to the Office of Attorney General and second, that he would apply private practice principles to the running of the department. Principles acquired through 15 years of practice as the senior partner in his own law firm. In the past two years, Drew has more than kept his word. He has made a concern for the survivors of domestic violence and sexual assault, a corner stone of his administration. He has visited many of Maine's domestic violence shelters, including Spruce Run in my own City of Bangor. While there he stated in clear, firm terms that domestic violence is not a women's' issue, but a matter of basic, civil and human rights. "No one," Drew said, "should have to live a life of fear and of intimidation." That my fellow members of the 118th Maine Legislature is compassion.

Drew's policy regarding the bringing of state's appeals is just one example of the private practice principles he has brought to the department. Prior to Drew's election, whenever the state received an adverse ruling or a lost case, a state's appeal was almost automatic. Drew immediately instituted a change to that policy. Now, no appeal is taken unless the issue to be appealed has long-term state-wide implications or is the case of clear error on the part of the judge. This simple change of policy has saved the State of Maine countless thousands of dollars because the state upon taking an appeal is responsible for paying the other party's attorney. It has also eased the burden on our Judicial Department. As Drew explained it, a private citizen has limited resources and often can't take an appeal when valid grounds for such an appeal exists. Drew recognized that the State of Maine, likewise, has only limited resources and should not appeal simply because it is the state. That my fellow members is applying private practice principles to make our judicial system operate more smoothly and to save the state money.

Yesterday, the Democratic caucus had the opportunity to hear Drew speak about his own personal life and tell the significance of his handkerchief. As many of you know in this body, Drew lost his parents when he was very young. He takes his handkerchief, which his mother gave him when he was but a small child, to each important occasion in his life. He had that with him yesterday as he has had it with him on many other occasions that I have been fortunate enough to share with him. I hope that he will have it with him today and when he is sworn in again as the 53rd Attorney General. I hope you will join with me in admiring Drew's both compassion and efficiency. Those are only two of the many reasons there are to ask for your support for his nomination. Please join with me in supporting Drew Ketterer for Attorney General. On a motion of Representative SAXL of Bangor the name of Andrew Ketterer of Madison was placed in nomination for the Office of the Attorney General.

The CHAIRMAN: The Chair recognizes the Senator from Franklin, Senator Benoit.

Senator BENOIT: Mr. Chairman. My name is John Benoit. I am the Senator in District 17, here to second the nomination of Andrew Ketterer for a second term as our public attorney. A bit of trivia. My district is one and a guarter times larger than Rhode Island. It is all of Franklin County; two towns in Kennebec, Rome and Vienna; and four towns in Somerset, Anson, Mercer. Smithfield and Starks. While I was sitting over here waiting to come up, it reminded me of a war story that I would like to share with you. I am a very nervous person by nature, as you can tell. Years ago as a young attorney in the AG's Office, I had occasion to litigate with one of O.J. Simpson's lawyers, F. Lee Bailey, in a case, at the time when Bailey was touring the country springing murderers out in Michigan and Florida. He came to Maine to spring out, apparently, a murderer from Thomaston. It was my job to uphold the conviction. I won the case in the District Court in Portland and Bailey appealed to Boston. I had only been to Boston twice in my life and here I was down there in the Circuit Court with "Mr. Smoothie" on the other side. I sat there because he went first. My hands started to get nervous under the counsel table, so I was clenching them to keep the circulation going as I did a few moments ago here. Then my feet started to get fuzzy. The blood apparently was rushing to the center of my body to explode or I would pass out. I happened to get up just before I passed out and made my argument and beat his pants off there and proceeded on to the United States Supreme Court to win the case there. I was nervous all the way, nevertheless.

There are two nominees today, Ann Robinson and Andrew Ketterer. Before I give my three reasons for supporting this nomination, I want to share something with you that happened this morning when I talked with Ann and told her what I was about and why. She was very gracious, as I knew she would be. I met her during the last session and saw her manners and professionalism. She is a neat person. She is a nice person. She has a lot of quality. I am pleased that yesterday, Ann, in the Republican Caucus, that you were selected as our nominee. It reflects well upon us, as I told you this morning. You exemplify something that I have been talking about here all during the last session, about what I see going on in our society. I just love to see the success here in the Legislature with elected folks, staff and whatever, with the success that women have here in this building. The high quality of their work. The freshmen men here are going to learn soon how right I am. You exemplify that. Your nomination proves that. It is a successful step for you. I just love the fact that it happened. As I told you this morning, I wished that I could vote for you, but you are up against, as I explained, a situation where Andrew Ketterer, with 20-plus years of experience in trial work, both sides of the fence, legislative experience and the term as Attorney General. Those are positive pluses for him. I like what I see you reflecting. I have two daughters who asked only that they be allowed to compete fairly. They will do fine, thank you. One of them holds a master's degree in counseling. She counsels children in New Hampshire in two schools. She has two children, she and Chris, raising a family. She is succeeding, competing as you. Lynn doesn't have as many degrees as a thermometer, but she is working on it. She has two degrees from the University of Maine, a master's degree working on a scholarship for a Ph.D. She is a teaching assistant at UNH. She is succeeding. A good example of what you represent. I respect you. I love you for what you stand for.

I was a District Court Judge for 15 years. I came to see Drew Ketterer often at the District Court in Skowhegan. He always came with manners and professionalism, free of frills and fancy stuff. He is a good lawyer. You know, what we are about today is to select an attorney for the people. We want the best attorney we can give them. He is our attorney, too. We better have the best attorney we can get. He is capable. He has had a good term. He has the experience. He has manners. On occasion, you can run into a lawyer lacking in manners. Twenty years ago, when I was sitting in the District Court in Farmington one day in a disclosure proceeding, the lawyer got angry at my order and picked up his papers and walked out, leaving his client at counsel table. There we were, myself and the client, looking at each other, eyeball-to-eyeball. Bad manners, sure. Drew Ketterer, give me a break. It can't happen. It is impossible. I always love to see him coming to court. I hated to see him leave. He was always prepared and represented his people well. He is a good person.

He has a failing that I want to share with you. For 16 years I was in the Attorney General's Office working for five different AGs of both political parties and my last six years as deputy. On occasion, I saw some fancy political footwork, not often, but on occasion. An example would be when I wrote an opinion one day and went in to talk about it with the Attorney General, who will be nameless, who said, "Okay, it is legally correct Benoit, but is it politically correct?" I said, give me a break general. I had enough trouble writing this opinion on legal principles, don't give me politics. That doesn't happen. When it comes to fancy political footwork, Andrew Ketterer is a stumblebum. He may be able to walk a waltz and fox trot and maybe even a twist, but he is stumblebum when it comes to fancy political footwork. I vote for people who are stumblebums when it comes to fancy political footwork in the Attorney General's Office. I love a stumblebum. Drew, it doesn't make you a bad person at all. Relax, I like the way the office is conducted.

I had occasion to be on the Health and Human Services Committee last session when we investigated AMHI incidents and the tragedy up in Waterville with the death of the two nuns. Andrew Ketterer gave us Linda Pistner as our counsel. More than once I said, I like the quality of our representation. I like the quality of the staff that Drew has. As another example, he has Charlie Leadbetter down there that I dubbed "Mr. Criminal Code." When that man walks out of the state office building, when he retires, he is going to take a great big hole with him. That man lives and breathes the Maine Criminal Code and as Senate Chair of the Criminal Justice Committee last session, he was invaluable. The high quality of the staff reflects well upon our Attorney General.

A couple days ago I had a constituent call me about the Victim Compensation Fund that the Attorney General mentioned yesterday in the Republican Caucus. Andrew Ketterer was a leading light in seeing that that fund was established. I had a constituent call me who is going to be benefited by this fund concerning lost wages and some hospital expenses, possibly. She is a direct result of his caring for victims. I vote for people who care for victims.

In conclusion, I want to share a story with you that will guide me today in how I am going to vote on this office. As a young attorney in the AG's Office, I happened to work for Dick Dubord. He was a Democrat and I, a Republican. He kept me on. One day he sent me to a convention of Attorneys General to represent Maine. At that convention, there was a resolution by the Chief Justice Association dealing with post-conviction work. It so happens that, at that time, the Chief Justice was Chief Justice Williamson, who chaired the association and supported this resolution. When I got there I couldn't vote for the resolution and neither could a majority of the other AGs, so it was killed. I came home knowing that I had voted against my Chief Justice and I was worried about it. The next business day, I sat down with the Attorney General and said, I am worried that you are going to hear from the Chief Justice that Maine voted against something he has supported. He looked at me and he said, "John, do you think what you did was right?" I said, yes, general. He said, "Stop worrying." I loved that man and the principles he stood by.

We have to ask ourselves today, what is right in giving the people their attorney? What is the best decision we can make? We don't have an agenda for ourselves today. We have one for our constituents. I will be voting for this nomination and respectfully asking you to do the same. Thank you.

The CHAIRMAN: The Chair recognizes the Senator from Franklin, Senator Goldthwait.

Senator GOLDTHWAIT: Thank you Mr. Chairman. I am pleased to also rise to second the nomination of Drew Ketterer for Attorney General of the State of Maine, but probably no more pleased than he is since the last time he ran, I refused to say anything but no comment. It takes me a while to make up my mind sometimes, but I have made it up and I am ready to comment. Drew has the requisite skills to be the Attorney General of Maine, including over 20 years of practice as an attorney, two terms in the Legislature and a term as Attorney General already. He brings much more than that to this job. I think the kind of person he is and the kind of Attorney General he is reflected in what he has chosen to focus on in his service to our state. He participated in a justice program and worked as a public defender in the Boston area when he was newly out of law school. As has been noted, he has been very active on issues regarding domestic violence, a very serious problem for the State of Maine and has visited a number of women's shelters to advance that cause. He supported a victim compensation fund. He is on the board of the Skowhegan Nursery School. In his first official address as Maine's Attorney General was on the subject of civil rights.

My first direct contact with Drew was in regard to a very small problem in the grand scheme of things, but it wasn't a small problem to me and it wasn't a small problem to my constituent. Drew didn't take it as a small problem either and he fixed it. The number 35, 583 is an important number to Drew. It is the number he wore when he ran in the Boston Marathon at the age of 47. When he was asked what he would tell himself to get himself over the infamous "heart break hill," he said, "I think what I will tell myself is that I am on the threshold of a dream." This is a man who sees difficulties and challenges, not as burdens. He overcame significant obstacles in his personal life as a child. He graduated from the Connecticut College for Women, one of 27 men in a class of over 1,600 women. Let's look at Drew in his own words. In a newspaper interview, he was asked one of the insightful and probing questions that the Maine media are famous for. The question was, what is your favorite food? Even though he is from Trenton, New Jersey, Drew had the good sense to give the politically correct Maine answer, baked stuffed haddock and a baked potato. More seriously, when asked what he thought the Attorney General's Office should be doing, he said, "It should spend less time talking about making more laws and more time on implementing existing laws." I don't know many citizens in the State of Maine who would disagree with that.

Drew's view of human rights in his own words is to be free from government intrusion, to be free from hatred, to live within the same confines in the community that everyone does, to be able to work at a job and live where you want. When he was asked what he would like to be remembered for, he didn't mention his job. He said, "I would like to be remembered as the best father my son could ever have." I am pleased to second the nomination of Andrew's father, Drew Ketterer, for Attorney General of the State of Maine and I hope you will join me in supporting him. Thank you.

Senator BENOIT of Franklin and Senator GOLDTHWAIT of Hancock seconded the motion.

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

Senator AMERO: Mr. Chairman, I nominate Ann R. Robinson of Lewiston for the Office of Attorney General for the political years 1997 and 1998. It is with a great deal of pride that put in nomination, for your consideration, for Attorney General, the name of Ann R. Robinson. Ann is a partner in the law firm of Preti, Flaherty, Beliveau and Pachios. She has been associated with that law firm for 13 years. Ann, during her association with the law firm, has represented corporations. She has represented businesses. She has represented individuals. She has been very involved in the hard work of the regulatory process. I think everyone who comes in contact with Ann Robinson has one thing to say about her, if there is one thing to say about her. It is always that she is very well prepared and extremely professional in what she does. For those of you who are returning members of the Legislature, I am sure that you have met Ann in her work as a lobbyist in these halls. I have always found Ann to be very fair in her presentation as a lobbyist. She is always well prepared and a woman of great integrity. Besides her work in the legal field she served with great distinction on the Maine Human Rights Commission. She is a very caring person. She is one of, I think, our finest young attorneys in the State of Maine. Ann did her under-graduate work at Brown University. She is a graduate of the University of Maine Law School. I feel that she has probably an extra dose of the good hardworking Maine ethic. She is the woman who is willing to take on extra duties to always go that extra mile to get the job done. I think this state would be very well served by selecting Ann Robinson as our Attorney General. It gives me a great deal of pride to place her name in nomination today.

On motion by Senator Amero of Cumberland the name of Ann R. Robinson of Lewiston was placed in nomination for the Attorney General of the State of Maine.

The CHAIRMAN: The Chair recognizes the Representative from York, Representative Ott.

Representative OTT: Thank you Mr. Chairman and Men and Women of this Joint Convention. I second the nomination of Ann R. Robinson for the Office of Attorney General of the State of Under our parliamentary practice, a second is an Maine. optional procedure afforded one who wishes to express formal support for a nominee. I feel honored to have the privilege of expressing this formal support for Ann's nomination. I am a lawyer by occupation and I can tell you watching and listening to Anne over the six years that I have been here, has convinced me that she would be one of Maine's great Attorney General. Senator Amero has indicated that she has a strong and distinguished educational background. A graduate of Brown University with a bachelor of arts degree and jurist doctorate from the University of Maine Law School, where I might add, she was a dean's list student and the recipient of the American Jurist Prudence Award in torts. She also has the legal training to bring to the job of Attorney General. Again, as Senator Amero had indicated, a member of one of Maine's leading law firms. Her practice in the legislative and regulatory field have ranged from environmental issues to those involving insurance, cable TV, taxes and banking to name only a few of her areas of expertise. I believe Ann would bring to the position of Attorney General, not only those professional qualifications, but the personal qualities that would make us all feel proud of her selection as Maine's chief law enforcement officer. She personifies a commitment to excellence.

Earlier today marked a historic event when we elected Maine's first Madam Speaker. In 1820, Erastus Foote of Wiscasset was appointed Maine's first Attorney General by the Honorable William King. Today, 176 years later, we have another opportunity to mark a second historic event. This time for the Office of Attorney General. I urge each of you to support the nomination of Ann B. Robinson. Thank you.

Representative OTT of York seconded the motion.

The CHAIRMAN: The Chair will appoint a committee to receive, sort and count votes for the Office of Attorney General of the State of Maine for the political years 1997 and 1998. Is this the pleasure of the Convention? It's a vote.

The Chair will Appoint:

The Representative from Bangor, Representative SAXL,

The Senator from Franklin, Senator BENOIT,

The Senator from Hancock, Senator GOLDTHWAIT,

The Senator from Cumberland, Senator AMERO and

The Representative from York, Representative OTT,

The pending question before the Convention is the election of the Attorney General. The nominees are Andrew Ketterer of Madison and Ann R. Robinson of Lewiston.

A vote of the Convention was taken.

179 votes having been cast, 80 being necessary for choice, Andrew Ketterer having received a majority of all the votes cast, the Chairman declared Andrew Ketterer duly elected Attorney General of the State of Maine for the political years 1997 and 1998.

The CHAIRMAN: Nominations are now in order for the Office of Treasurer of the State of Maine for the political years 1997 and 1998.

The Chair recognizes the Senator from Cumberland, Senator O'Gara.

Senator O'GARA: Mr. Chairman and members of the 118th Legislature. Yesterday when I made the nomination that I am about to repeat, I told the members of my caucus that the occasion was a very special time for me. I want very much for all of you to know why I made that admission. It is always an honor to be asked to nominate someone for an office as important and demanding as the Treasurer of the State of Maine, regardless of who that nominee might be. It is even more significant and more special when that person is someone you have known for a long time and admired for even longer. You realize all to well, how important the words you are about to use to make that nomination become. Fortunately, two of the words that I shall use say a lot about the candidate even if I didn't have anything else to say. Those two words are Dale McCormick. I feel a great sense of pride and honor as I place before you the name of Dale McCormick in nomination for the Office of Treasurer of the State of Maine.

I first met Dale some 12 years ago, at the beginning of my first term in this House and six years before she ran for the Senate. I was struck by her candor and her poise. I was very impressed by her and I can tell you now that the admiration has grown stronger as I have followed her career and worked with her here at the Legislature. Since I do not think it necessary at this point, I shall not spend a lot of time describing the duties and responsibilities of the position that you are, by now, familiar with. Having said that, I submit to you that Dale McCormick is in an excellent position to assume the responsibilities and to bring to that office a solid background that has given her a broad range of experiences as a base in which to operate and contacts and relationships with a wide range of persons in the banking, retirement and investment fields who know her, respect and trust her and who have worked successfully with her. Dale McCormick is a team player who has worked well with the financial community, with the Governor and legislators on both sides of the aisle and in both houses of the Legislature. The ability to work with people on serious legislation has been one of Dale's strengths and will be especially vital when she assumes this new responsibility. Her experience as a member of the Banking and Insurance Committee for five years and as Senate Chair for part of that time, gives her valuable insight into the matters that will come before her. I think it is important to note that Dale McCormick has always had the support of the banking industry and continues to have it even now.

Dale McCormick is always thinking of ways to make things better, easier and more efficient. Recently, you many have read about some of the creative ideas she plans to work on, such as, the Tuition Savings Program to help parents prepare for the rising cost of college tuition or the Dollars and Cents Program to encourage saving and investing by students in our schools, to mention just a couple. As our Treasurer, Dale McCormick will continue to operate and maintain the state's finances in the highest possible fiduciary manner. She will continue to invest Maine's money so that it is always working for Maine and for Maine's people. She will bring to the office, 24 years as a successful business woman having started and operated two small businesses and managing the financial systems of both. Dale has clearly demonstrated the ability to bring together diverse interests and competing ideas to do what is best for Maine.

Finally, Dale McCormick is a doer. I can assure you that she will be looking country wide, if necessary, to learn about new and innovative ideas, working successfully elsewhere, to make her department as productive as possible. She will constantly be seeking ways to build upon the outstanding job done by our outgoing Treasurer, Sam Shapiro. That is who she is. That is what she is about. That is why you should support her candidacy today. Those legislators who know me, especially those with whom I have served in this truly great hall, know that I do not take lightly my work as a legislator and I do not get up to speak unless I feel very strongly about an issue. Likewise, I am very selective about who I nominate or whose nominations I second. I can tell you without fear of contradiction that I have said no to requests for such support more often than I have said yes, because it is that important to me. Today, however, I am standing to nominate a person that I truly respect and admire. I am presenting to you a person of courage, determination and just plain common sense. If it has not already become apparent to you, I like Dale McCormick. I know she can do the job and that she will do it professionally, ethically and effectively. I am proud to place in nomination before you the name of Dale McCormick for the Office of the State Treasurer and I sincerely ask for your support. Thank you.

On a motion of Senator O'GARA of Cumberland the name of Dale McCormick of Hallowell was placed in nomination for the Office of Treasurer of the State of Maine.

The CHAIRMAN: The Chair recognizes the Senator from Hancock, Senator Goldthwait.

Senator GOLDTHWAIT: Thank you Mr. Chairman, Ladies and Gentlemen of the Joint Convention. I rise today to second the nomination of Dale McCormick for the position of Treasurer of the State of Maine and I want to tell you three good things about Dale. Number one, she is positive. Her reaction to almost everything is how can we get that done? Whether it is getting people off welfare or passing legislation, she takes a positive attitude toward whatever the task at hand is and that positive attitude usually leads to success. Dale believes that anything is possible. Number two, she is thorough. She does careful research on any issue with which she is involved. She works until she understands and knows that issue inside and out. She is open to all points of view and she is as interested in talking to opponents of an issue as she is proponents and does her best to encompass and accommodate all points of view. Number three, she has a sense of adventure. She likes government. She makes others think that it is worthy of being liked. She has a good time working in government and her enthusiasm is contagious. She will be a good ambassador for Maine and she will be a good State Treasurer and I hope you will join me in supporting her for the position of State Treasurer. Thank you.

The CHAIRMAN: The Chair recognizes the Representative from Greenville, Representative Jones.

Representative JONES: Thank you Mr. President, my fellow colleagues, it is a great honor to rise and second the nomination of Dale McCormick for the State Treasurer. I am not going to go into all the comments that I made yesterday because the two that just preceded me did a wonderful job in doing that. Her background certainly is impressive and she is the best candidate for the State Treasurer. I have the utmost respect for Dale. I am very proud to nominate her to be the next Treasurer of the great State of Maine and the first woman Treasurer of the State of Maine. I ask you to please join me in voting for Dale McCormick for State Treasurer. Thank you.

Senator GOLDTHWAIT of Hancock and Representative JONES of Greenville seconded the motion.

The CHAIRMAN: The Chair recognizes the Senator from Somerset, Senator Mills.

Senator MILLS: Mr. President, I rise to nominate David Bourne of East Winthrop as State Treasurer for the political years 1997 and 1998. Men and women of the Joint Convention, good afternoon. I will be brief. David Bourne is behind you in the gallery. He is a man of exceptional gualifications for this position. Most of you, if not all of you, have seen his resume and are familiar with his experience as the state's controller for many, many years. In preparing for this afternoon, I looked briefly at the constitution to see if our constitution explains to us what it is that the Treasurer is supposed to do for work. You will find it amusing to know that the constitution, although it lays out with some detail how we are supposed to elect the Treasurer, there is absolutely or very little about the duties of the Treasurer. Somehow it was assumed by the people in 1819, who met in Portland during the month of October to frame this constitution, that everyone knew what the duties were of the Treasurer of the State of Maine.

It reminds me a little bit of what I used to do as a child in Franklin County when I was eight or nine years old, at this season of the year. All of us kids in the neighborhood would get together and build a big tree house in some maple tree and all sit around on the floor of it and think of what we are going to do. We would form a club. Then what would we do? We would nominate officers, a vice-president, a president, secretary and someone, who was not so popular perhaps, be treasurer. Why do we need a Treasurer? We don't have any money. Well, everybody has a treasurer and I am not so sure that that was the thinking in 1819 when they drafted the constitution.

Let me explore with you briefly what the job of Treasurer now means. We generate annual revenue through the State of Maine of some \$3.5 billion annually. Every penny of it has to come in and out through this person's signature. Mr. Shapiro, at present. It is a job of immense fiscal responsibility. It is on a par, our government, \$3.5 billion annually in revenue, it easily exceeds the scope of a company like BIW. It is easily on a par with some of our larger companies like UNUM and Hannaford Brothers. It is big, big business. There are 18 people who work for the Treasurer of the State of Maine. It is a very respectable size piece of the third floor in the building that adjoins us. It is a tremendously responsible job. It is not the type of job to which we should nominate people lightly. I don't suggest that we are doing that.

I am only suggesting that Mr. Bourne, whose resume you are familiar with, has exceptional gualifications for this work. He is an accountant by training. A business major in college. He graduated in 1965. He has had 31 years of experience in this field. You have all heard the story about the accountant who came to work complaining that he couldn't sleep at night and one of his allies at work said, well, why didn't you try counting sheep and he said, I did. I got the wrong answer and stayed up all night trying to find the error. The kind of qualifications that are necessary for this job have very little to do, interestingly enough, with public policy. That may shock you to have me say that. This is not a policy-making job. There're 186 people in this room right now who set policy and who make policy and who were elected to formulate state policy. The person that runs the checkbook must be a person of supreme competence in the management of money. That is what we ask of them. It must be a person of supreme trust. Mr. Bourne and his 31 years of fiscal experience, I suggest, brings those attributes to the job. Thank you.

On a motion of Senator MILLS of Somerset the name of David Bourne of East Winthrop was placed in nomination for the Office of the Treasurer of the State of Maine.

The CHAIRMAN: The Chair recognizes the Representative from Woolwich, Representative Peavey.

Representative PEAVEY: Thank Mr. President, Men and Women of the House and Senate. I am very pleased to second the nomination of David Bourne for the Treasurer of the State of Maine. I feel that David is an extremely qualified candidate and he will bring a high level of experience to this office. David has served as Maine's State Controller for eight years. During that time, he developed a record of leadership in governmental financial management. He designed and installed the state's first cash forecasting system. He led the effort to bring the state into compliance with the Federal Cash Management Improvement Act and he chaired the committee that developed recommendations to strengthen the cash position in the general fund.

During his time as State Controller, David worked very closely with the State Treasurer's Office and his staff preparing materials for rating agencies and investment bankers in conjunction with bond issues. He is known to the people in the banking industry in Maine. He is known to the people in the rating agencies on Wall Street. He is familiar with the operations of the Office of the Treasurer and with the personnel. He is an active member of the National Association of State Auditors. Controllers and Treasurers. David's gualifications include a bachelor of business administration degree from the University of Massachusetts and 30 years of experience in financial management in the private sector and in government. He began his career in an international accounting firm of Ernstein and Young. He has been comptroller of two hospitals and later was Chief Financial Officer and Assistant Treasurer of the Dana-Farber Cancer Institute in Boston.

The job of Treasurer of the State of Maine requires the knowhow to run a very large financial operation. He needs to possess the knowledge of debt management short-term borrowing and investing and the ability to ensure that the state stays in compliance with federal cash management operation requirements. I feel that David Bourne has these qualifications and his experience make him an excellent candidate for the

position of Treasurer of the State of Maine. I hope you will give him your careful consideration. Thank you. Representative PEAVEY of Woolwich seconded the motion.

Senator PINGREE of Knox moved that nominations cease.

The CHAIRMAN: The Chair will appoint a committee to receive, sort and count votes for the Treasurer of the State of Maine for the political years 1997 and 1998. Is this the pleasure of the convention? It's a vote.

Subsequently, the Chair Appointed:

The Senator from Cumberland, Senator O'GARA.

The Senator from Hancock, Senator GOLDTHWAIT,

The Representative from Greenville, Representative JONES. The Senator from Somerset, Senator MILLS and

The Representative from Woolwich, Representative PEAVEY

The pending question before the Convention is the election of the Treasurer for the State of Maine. The nominees are Dale McCormick of Hallowell and David Bourne of East Winthrop.

177 votes having been cast, 89 votes being necessary for choice. Dale McCormick having received a majority of all the votes cast, the Chairman declared Dale McCormick duly elected Treasurer of the State of Maine for the political years 1997 and 1998.

The CHAIRMAN: Nominations are now in order for the Office of Auditor of the State of Maine for the Political years 1997, 98, 99 and 2000.

The Chair recognizes the Senator from Penobscot, Senator Michaud.

Senator MICHAUD: Thank you Mr. Chair, Men and Women of the Joint Convention. It is truly an honor to place before the 118th Legislature the name of Gail Chase in nomination for the Office of State Auditor. As a former colleague of Gail's in the Maine House of Representatives, I understand first hand the experience that Gail brings to the table. With 18 years of fiscal experience, Gail would bring with her both a breadth and depth of knowledge to this position. Most recently, I served with Gail on the Governor's Productivity Realization Task Force, which had the difficult task of cutting over \$45 million in state government spending. While such a task force is never necessarily an enjoyable experience, to say the least, Gail took her responsibility seriously and applied a common sense and compassionate task at hand. I am sure that you are aware of Gail's qualifications, both in the private and public sector. Perhaps most important Gail's qualification is her understanding of the legislative process and the need for accountability at a time when government is asked to do more with much less.

Gail works well within the legislative process and understands the need to communicate on a consistent basis with legislators and legislative committees. As a former legislator herself, she will undoubtedly keep the highest regards to the needs to save taxpayer money and to help make the bureaucracy work efficiently and effectively. I want to emphasize that Gail Chase meets the qualifications as identified under the Maine Statutes for this position, as outlined in a four-page letter sent down from the Attorney General's Office. l am wholeheartedly confident that Gail Chase would make an excellent State Auditor. It is without hesitation that I nominate Gail Chase to this position. I ask you to join with me in support of this outstanding candidate as we prepare today to meet the challenges of tomorrow. Thank you.

On a motion by Senator MICHAUD of Penobscot the name of Gail Chase of China was placed in nomination for the Office of Auditor of the State of Maine.

THE CHAIRMAN: The Chair recognizes the Representative from Waterville, Representative Jabar.

Representative JABAR: Thank you Mr. Chairman. I rise to second the nomination of Gail Chase. I want to say that vesterday I nominated one of Gail's opponents in the Democratic Caucus. Gail won the race in the first vote and she is the only Democratic candidate before this chamber today. My support for Gail's opponent vesterday was in no way meant to be a reflection on Gail's ability and that is why I rise here today. Gail is qualified and she is capable. I have know Gail personally from the central Maine area, she being a legislator from China, a small distance from Waterville. She graduated from Colby College, my alma mater, graduating Magna Cum Laude, no easy task for anyone attending that school. She was the founder of a very successful business locally in Waterville. A business that I have frequented and am very proud to say that I have been there guite often. She has had extensive business experience, both as an auditor and as a business woman. I urge everyone today to vote for Gail Chase for State Auditor. Thank you.

The CHAIRMAN: The Chair recognizes the Representative from Portland, Representative Rowe.

Representative ROWE: Thank you Mr. Chairman. Mr. Chairman, Men and Women of the 118th Maine Legislature. It is my privilege to also second the nomination of Gail Chase of China for Auditor of the State of Maine. I have served with Gail Chase in this chamber for the past four years. I feel gualified to speak to her abilities. Gail is one of the most intelligent, honest and hardworking individuals that I know. She has very strong analytical skills and is an exceptional communicator. She has been a workhorse on two very important committees, the Labor Committee and the Banking and Insurance Committee, over the last four years. As Senator Michaud said, she has also served on the Productivity Task Force. She probably has the strongest work ethic or at least she is among those who have the strongest work ethic of anyone I have ever met in the Legislature. She is experienced as an auditor. She has six years of experience auditing state agencies, including four years in the Department of Audit.

You may not know a lot about the Department of Audit. I, in the last couple of days, have done some reading on it. The Department of Audit conducts post-audits of accounts and financial records of state government agencies, including the legislative, executive and judicial branches. It also does some audits as requested for municipalities in other governmental instrumentalities. The department also serves as a staff resource to the Legislature and the Governor in making investigations of state agencies. I believe that Gail's first-hand knowledge of the organization and the operation of Maine State government would be a great asset to the Department of Audit. Her familiarity with the Legislature, in particular, will prove especially valuable. The State Auditor must not only be technically proficient but should also possess strong leadership and management skills. Gail Chase does possess those skills. Her professional record both within and outside of state government is testimony to her leadership and management skills. One of the nominators today used term doer to describe a candidate, I think that applies to Gail Chase, too. Gail is a doer. She is a person of action, but thoughtful and prudent action. Gail demands accountability in anything she does. I know she will carry that through as the State Auditor. She is extremely thorough. She has a keen eye for detail. She will make an exceptional State Auditor. I am extremely pleased to second the nomination of Gail Chase to be the next Auditor of the State of Maine. Thank you very much.

Representative Jabar of Waterville and Representative Rowe of Portland seconded the motion.

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

Representative CARLETON: Thank you Mr. Chairman. Mr. Chairman, I am pleased and honored to place in nomination for the job of State Auditor the name of Joseph M. Donato of Waterville. I make this nomination, not as a Republican, because both candidates for this position are members of the Democratic Party. I don't make this nomination out of any comment about the personal qualities of the other candidate because we know that Gail Chase is a solid person. I do make this nomination because the job of Auditor requires specialized professional training and skills and a lot of experience and Joseph Donato has that experience. He has a degree in accounting and government from the University of Massachusetts. He has a master's of business administration from the same school. He has gualified as a Certified Public Accountant and practiced as a Certified Public Accountant for 30 years. He has been a member of the CPA board membership in three different states. He achieved the rank of Senior Audit Manager for, not one, but two of the big six accounting firms in this country. Finally, he served as the vice-president for finance for one of our larger construction companies here in Maine, which is Cianbro Corporation. I think in light of those gualifications that Joseph Donato, not only meets the minimum requirements that are set out in our statutes for State Auditor, but that he would be an outstanding State Auditor in light of his experience and long work in this field.

Representative Rowe has set forth some of the qualifications or jobs of the State Auditor. I took a look at the statute, which sets forth what the State Auditor does as well. The State Auditor is a watch dog for the monies of the state. As we all know, there is a lot of money that flows through the state coffers. The State Auditor has the ability to make audits and post audits of almost any department in the state, independent agencies, working with the Legislature. It is a job that requires a lot of knowledge and initiative and Joe Donato's experience would certainly serve him well in this position. The Auditor, unlike the other officers that we have elected today is a four-year job. The present Auditor has done his job well. He is a CPA. It is the type of job that requires this specialized training. To me, it is obvious that he is the best candidate for this job. I hope that when you vote that you will remember that this job is a nonpartisian position. There are no Ds or Rs when you talk about state audits. I hope you will do the right thing today when you cast your vote for State Auditor and vote for the best person for that job. The best person is Joseph Donato. Thank you

On motion by Representative Carleton of Wells the name of Joseph M. Donato of Waterville was placed in nomination for the Office of Auditor of the State of Maine.

The CHAIRMAN: The Chair recognizes the Representative from Dover-Foxcroft, Representative Cross.

Representative CROSS: Thank you Mr. Chairman, Ladies and Gentlemen of the House. I would like to second the nomination of Mr. Donato. Everybody has heard for the past two or three days the pros and cons of the individuals, their abilities, their experience and all that goes with auditing. My two bits, if I am going to add anything to it at all is, I certainly hope that everybody will take a good hard look. We are talking auditing. We are talking cash flow. We are talking \$400 million deficit at this time. How do we correct it? I want somebody at the helm with the experience that can help us. I recommend Mr. Donato as Auditor. Thank you very much.

Representative CROSS of Dover-Foxcroft seconded the motion.

Senator PINGREE of Knox moved that nominations cease.

The CHAIRMAN: The Chair will appoint a committee to receive, sort and count votes for the Auditor of the State of

Maine for the political years 1997, 98, 99 and 2000. Is this the pleasure of the convention? It's a vote.

Subsequently, the Chair appointed:

The Senator from Penobscot, Senator MICHAUD,

The Representative from Portland, Representative ROWE,

The Representative from Waterville, Representative JABAR,

The Representative from Wells, Representative CARLETON and

The Representative from Dover-Foxcroft, Representative CROSS

The pending question before the Convention is the election of the Auditor of the State of Maine. The nominees are Gail Chase of China and David Joseph M. Donato of Waterville.

176 votes having been cast, 89 votes being necessary for choice, Gail Chase having received a majority of all the votes cast, the Chairman declared Gail Chase duly elected Auditor of the State of Maine for the political years 1997 and 1998.

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

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

Subsequently, the Senate Retired.

The House was called to order by the Speaker.

By unanimous consent, all matters having been acted upon were ordered sent forthwith.

### ORDERS

On motion of Representative KONTOS of Windham, the following Joint Order (H.P. 6):

ORDERED, the Senate concurring, that when the House and Senate adjourn, they do so until Tuesday, January 7, 1997, at 3:00 o'clock in the afternoon.

Was read and passed and sent up for concurrence. Ordered sent forthwith.

The House recessed until the sound of the bell.

### (After Recess)

The House was called to order by the Speaker.

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

## SENATE PAPERS

The following Joint Order: (S.P. 7)

**Ordered**, the House concurring, that the Joint Rules of the 117th Legislature shall be the Joint Rules of the 118th Legislature except as follows:

That Joint Rule 203 shall be amended to read:

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

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 <del>or special</del> 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.

That Joint Rule 207, Section 1 shall be amended to read: 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. The names of sponsors and the titles of requests for bills and resolves submitted after cloture are public information when transmitted to the Legislative Council pursuant to Joint Rule 205. The names of sponsors and the titles of requests for bills and resolves submitted for a special session are public information when transmitted to the Legislative Council pursuant to Joint Rule 205. The names of sponsors and the titles of requests for bills and resolves submitted for a special session are public information when transmitted to the Legislative Council.

That Joint Rule 208 shall be amended to read:

#### 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.

When directed by the sponsor, the Revisor of Statutes shall prepare a bill or resolve in concept form. The bill or resolve shall contain only an enacting clause and a summary of the proposed legislation and shall not be fully drafted by the Revisor. The bill or resolve prepared in this form shall be printed and referred to a committee in the same manner as other legislation and may be reported by that committee in the same manner as other legislation. This method of drafting legislation is not allowed for legislation submitted by the Governor, by agencies or departments of state government, by study commissions, or pursuant to statute. Any request for a bill or resolve submitted after cloture must state if it is a request for a concept draft. Any committee amendment must be germane to the detailed summary of the concept draft. This paragraph of Joint Rule 208 shall have a sunset date of March 1, 1997. This sunset date may be extended by a majority vote of both branches of the Legislature.

That Joint Rule 308 shall be amended by the addition of a new Section 3 to read:

## Rule 308. Reference of Bills to Committee.

3. Reference to More Than One Committee. When a bill or resolve has a subject matter that falls within the jurisdiction of more than one committee, suggested references may be made and the full Legislature may vote to refer a bill or resolve to more than one committee. When references are made to more than one committee, the first named committee is responsible for the scheduling and conduct of all public hearings and work sessions. Committees to whom a bill or resolve is referred pursuant to this rule shall participate equally in all public hearings and work sessions and shall make a joint report or joint reports. If a member serves on more than one committee to whom a bill or resolve is referred, that member may cast only one vote.

That Joint Rule 310, Sections 2 and 4 shall be amended to read:

## Rule 310. Reports of Bills from Committee.

**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

The committee shall vote on all recommendations to be included in reports on a bill during a work session on that bill. 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.

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.

That Joint Rule 314, Section 4 shall be amended to read: Rule 314. Participation in Budget Hearings and Work Sessions.

**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.

That Joint Rule 405 shall be amended to read:

## 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 is 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.

Came from the Senate read and passed as amended by Senate Amendment "A" (S-1)

Was read.

Senate Amendment "A" (S-1) was read by the Clerk and adopted. The Joint Order (S.P. 7) was passed as amended in concurrence.

## SENATE PAPERS

The following Joint Order: (S.P. 8) ORDERED, the House concurring, that the Revisor of Statutes shall deliver by March 1, 1997, to the Clerk of the House or Secretary of the Senate all bills or resolves filed prior to the cloture date. Said bills or resolves shall be fully drafted as of that date. The Revisor of Statutes is authorized to hire such temporary staff as necessary to carry out this order.

Came from the Senate, read and passed.

Was read and passed in concurrence.

On motion of Representative BOUFFORD of Lewiston, the House adjourned pursuant to the Joint Order. (H.P. 6).