

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fifteenth Legislature

OF THE

State Of Maine

VOLUME III

FIRST REGULAR SESSION

Senate

December 5, 1990 to May 20, 1991

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

In Senate Chamber
Wednesday
December 5, 1990

Pursuant to the Provisions of the Constitution and the laws of the State of Maine the Senators-elect of the One Hundred and Fifteenth Legislature convene in the Senate Chamber and are called to order by JOY J. O'BRIEN, Secretary of the Senate of the One Hundred and Fourteenth Legislature.

Prayer by Reverend Jerry Conover of the Millinocket Baptist Church.

REVEREND JERRY CONOVER: Almighty God and loving Father, we bow in humility this morning in recognition of Your sobriety, and Your claim over all of us as our Creator, Sustenance, Judge and Redecorate. We ask Your presence and blessing on these precedings today, and on these men and women who have accepted the awesome responsibility of governing this state and its people. We acknowledge that You hold us all accountable for every attitude and deed, so we ask that You would grant this 115th Legislature wisdom in decision making, honesty and integrity and deportment, faithfulness in their vows, and courage to stand against what is popular and easy, but on the side of what is right even when it is difficult.

Father, grant a zeal for justice and compassion in dealing with people of such wide diversity of thought and beliefs. Make all of us wise stewards of the resources of this beautiful state that You have put in our care. And in a time when more and more of our nation is practicing freedom from religion, may we be faithful to You as our God, obedient to Your commands, thankful for the abundance of Your love and grace, and seek often Your guidance and strength. This we ask in the name of Jesus Christ. Amen.

COMMUNICATIONS

The Following Communication:

STATE OF MAINE
OFFICE OF THE SECRETARY OF STATE

To Joy J. O'Brien, Secretary of the Senate of the One Hundred and Fourteenth Legislature:

In compliance with 3 M.R.S.A., Section 1, I hereby certify that the following are the names and residences of the Senators-elect to the One Hundred and Fifteenth Legislature, as appears by the report submitted to the Governor under date of November 26, 1990.

- District 1 Raynold Theriault, Fort Kent
- District 2 Donald F. Collins, Caribou
- District 3 Margaret G. Ludwig, Houlton
- District 4 Charles M. Webster, Farmington
- District 5 Charles P. Pray, Millinocket
- District 6 Michael D. Pearson, Enfield
- District 7 Harry L. Vose, Meddybemps
- District 8 Jeffery N. Mills, Bethel
- District 9 Jerome A. Emerson, Corinna
- District 10 John E. Baldacci, Bangor
- District 11 Stephen M. Bost, Orono
- District 12 Ruth S. Foster, Ellsworth
- District 13 Zachary E. Matthews, Winslow
- District 14 Robert R. Gould, Belfast
- District 15 R. Donald Twitchell, Norway
- District 16 Georgette B. Berube, Lewiston
- District 17 Judy C. Kany, Waterville
- District 18 Dale McCormick, Monmouth
- District 19 Beverly Miner Bustin, Hallowell
- District 20 Muriel D. Holloway, Edgecomb
- District 21 Linda Curtis Brawn, Camden
- District 22 John J. Cleveland, Auburn
- District 23 N. Paul Gauvreau, Lewiston
- District 24 Pamela L. Cahill, Woolwich
- District 25 Bonnie L. Titcomb, Casco
- District 26 Nancy Randall Clark, Freeport
- District 27 Donald L. Rich, Windham
- District 28 Donald Esty Jr., Westbrook
- District 29 Joseph C. Brannigan, Portland
- District 30 Gerard P. Conley Jr., Portland
- District 31 Charles E. Summers, Scarborough
- District 32 Barbara A. Gill, South Portland
- District 33 David L. Carpenter, Sanford
- District 34 Dennis L. Dutremble, Biddeford
- District 35 Stephen C. Estes, Kittery

IN TESTIMONY WHEREOF I Have caused the Seal of the State to be herewith affixed at Augusta this thirtieth day November, 1990.

S/G. WILLIAM DIAMOND
Secretary of State

Which was READ and ORDERED PLACED ON FILE.

At this time, The Chair noted the absence of the Senator from Franklin, Senator-elect WEBSTER, and further excused him from the Quorum Call.

The Roll being called, the following Senators-elect answered to their name:

ROLL CALL

- Senators-elect: BALDACCI, BERUBE, BOST, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CARPENTER, CLARK, CLEVELAND, COLLINS, CONLEY, DUTREMBLE, ESTES, ESTY, FOSTER, GAUVREAU, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, MCCORMICK, MILLS, PEARSON, PRAY, RICH, SUMMERS, THERIAULT, TITCOMB, TWITCHELL, VOSE

EXCUSED: Senator-elect WEBSTER

ABSENT: Senator-elect: EMERSON

33 Senators having answered to the Roll, the Chair declared a quorum present.

Out of order and under suspension of the Rules, on motion by Senator-elect CLARK of Cumberland, the following Senate Order:

ORDERED, that a message be sent to His Excellency, Governor John R. McKernan, Jr., informing him that a quorum of Senators-elect is present in the Senate Chamber, ready to take and subscribe to the oaths of office required by the Constitution to qualify them to enter upon the discharge of their official duties.

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

The Chair appointed the Senator from Cumberland, Senator CLARK to deliver the message to Governor JOHN R. MCKERNAN, JR..

Senate at Ease

Senate called to order by the Chair.

Subsequently, the Senator from Cumberland, Senator CLARK reported that she had delivered the message with which she was charged and Governor JOHN R. MCKERNAN, JR. was pleased to reply that he would attend upon the Senators-elect forthwith for the purpose of administering to them the oaths of office required by the Constitution.

Senate at Ease

Senate called to order by the Chair.

ORGANIZATION OF THE SENATE

At this time, the HONORABLE JOHN R. MCKERNAN, JR., GOVERNOR of the State of Maine, entered the Senate Chamber and was escorted by the Sergeant-At-Arms, to the Rostrum. (Amid applause, the Members rising.)

GOVERNOR MCKERNAN: Madam Secretary and Honorable Members of the 115th Maine Senate. I want to officially welcome all of you to Augusta and to your rolls as Representatives of the people of this state and the Maine State Senate. I can see that you all survived last night in great shape and are ready to begin this session of the legislature.

I want to wish you success in the months ahead in what is going to be one of the most challenging sessions of the Maine State Legislature that we have seen in recent history. In years past we have had the luxury of governing in the good times. We could count on economic growth to fund new programs and expanded services. We made some very valuable investments in our state's future, and for that I think we should all be grateful. But this time around we are going to have a different situation. We have been dealt a very difficult hand. The state and national economies as we all know are undergoing a sharp downturn, and as people throughout our state feel the pain of this downturn in our economy, we in government are being asked to provide more services with less money. It is small consolation that our colleagues in some thirty other states will be groveling with similar problems. But I believe that good government means leading in the tough times as well as in the good.

Our mission this session is going to be to create a State Government that Maine people can afford. Bipartisan corporation will be more important than ever before. Every day will count. The failure to act now will mean deeper cuts in government services later. Last year I believe I quoted John Kenneth Galbreath, who said "Politics is the art of choosing between the disastrous and the unpalatable." There will be no shortage of unpalatable decisions here in Augusta this year.

But there is one decision that I believe would be disastrous, and that is raising taxes. Raising taxes in a slumping economy takes money out of people's pockets when they need it most. It undermines consumer confidence, and it drains away the very consumer spending and investment that we need to spur an economic recovery. More importantly, from a standpoint of our jobs here in Augusta, I do not believe that two-thirds of the Maine State Legislature would vote for a tax increase at this time, and therefore, it is not something that would be a reality.

It is for these reasons that we have concluded that our best approach to balancing our budget is to refinance our contributions to the Maine State Retirement System for the Teachers Retirement Program. Under our proposal, the payments will be made in full between 1993 and the year 2001. Not one teacher or one retiree will lose one penny! That is important for all of you to understand. I like in our situation to the way many families in this state are refinancing their mortgages in order to tighten their belts and make ends meet during these difficult times. Now is not the time to ask Maine people for more in taxes at a time when they have less to give. This refinancing of the Teachers Retirement Program will allow us to avoid having to reduce programs like General Purpose Aid to our communities, like contributions to our University of Maine, and to services for the needy. Without this change in the Teachers Retirement Program, we will be forced to cut those programs and all the others in State Government by 15% between now and the end of June. I believe that would be a disaster for services to people in this state. I ask for your help in this endeavor, these are not going to be easy choices, but they are choices that in my view are going to have to be made before the end of December so that we can avoid this curtailment in allotments come January 1st.

With those uplifting remarks, let me just say again, that I do look forward to working with all of you on these critical issues that face our state. And with that I do now have the pleasure, and it is a pleasure, to administer the oath of office to all of you, the Honorable Members of the 115th Maine State Senate.

Thereupon, the Senators-elect took and subscribed to the oaths of office required by the Constitution of Maine.

The Sergeant-At-Arms escorted Governor JOHN R. MCKERNAN, JR. from the Senate Chamber. (Amid applause, the Members rising.)

The Senate called to order by the Chair

THE CHAIR: Nominations are now in order for the office of the President of the Senate of the 115th Legislature. The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator **PEARSON:** Thank you Madam Chairman, Men and Women of the Maine Senate, of this 115th Maine Senate. It is with a great deal of pleasure, and I mean that sincerely, that I have the opportunity to nominate the next President of the Maine State Senate, **CHARLES P. PRAY** from Millinockett.

Senator Pray was first elected to the Maine Legislature, to the Maine Senate, in 1974. He became the Assistant Minority Leader in the 109th and was re-elected in the 110th Maine Legislature. In the 111th Maine Legislature, he became the Majority Leader. In the 112th Maine Legislature, and every legislature since, he has been elected as President of the Maine State Senate. He will upon this election tie the record for the most number of terms served as President of the Maine Senate.

I have had the pleasure of knowing him for quite a number of years as a number of you have. Sometimes in order to get a good index of the number of years that go by, one has to stop and think about lots of things. Over in the corner, behind the good Senator from Androscoggin, Senator Berube, standing there closest to the column is his youngest son, Jason. Jason is seventeen years old. He was one and one-half years old when his father began his service in the Maine Legislature. His older brother, Damon, is now in the Colorado School of Mines, in college, he is twenty years old, he was three years old. Times go by so fast sometimes.

Senator Pray has been a distinguished public servant for the State of Maine and for his community. Where else but in America could a boy who came from a town where the population was, let's see, one, two, three, four, five...could a person become President of the Maine State Senate. He has proven to me and I think to the satisfaction of everybody no matter which side of the aisle you are on, that he is capable. He has proven that he is also fair. And he

has proven that he is also decent.

I digress just for a minute to illustrate that point. As the election season concluded this year, two weeks before the election, I and all the members of his political party received this letter from him, and I will only quote a small part of it. He said, "As the 1990 Campaign enters the final weeks, I want to take this opportunity to compliment each one of you, and to remind you to keep the high road in the remaining days, regardless of the provocations that you might face. And the final two weeks of the campaign tend to have the greatest concentration of feelings. I am sure that I can rely on the Members of my Caucus to respond with only the highest ethical standards." That was a private communication directed to only Democrats, but it tells you the kind of person that he is, and the kind of person he expects everybody else to be.

It is with the most sincere pleasure then, Madam Secretary, and Members of the Caucus, that I nominate, my neighbor, my friend, my comrade, Charles P. Pray of Penobscot, as President of the Maine State Senate.

THE CHAIR: The name of **CHARLES P. PRAY** has been placed in nomination. The Chair recognizes the Senator from Cumberland, Senator Titcomb.

Senator **TITCOMB:** Thank you Madam Secretary, Men and Women of the Maine State Senate. I also stand here today in support of a committed Senator, a fine leader, and a true friend, Senator Charles P. Pray. There are certain character traits that are especially admirable in people; honesty, integrity, fair play, reason, and Senator Charles P. Pray possesses them all.

In my first two years here in the State Senate I have felt great pride in the admirable sense of fairness and the quality of statesmanship demonstrated by our Senate President. All who sit in this Chamber are afforded equal opportunity to be recognized, to speak out, to differ, and we do, and to utilize the democratic process to its fullest extent. All who have served under the leadership of Senator Pray have been treated with the greatest of respect, and the greatest of dignity.

It is also my sincere pleasure to second the nomination of Senator **CHARLES P. PRAY** for President of the Maine State Senate.

THE CHAIR: The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator **CAHILL:** Thank you Madam Secretary. I move that nominations cease, and that one ballot be cast on the part of the Senate, in favor of **CHARLES P. PRAY** of Penobscot for President of the Senate of the 115th Legislature.

This being done, Senator **CHARLES P. PRAY** of Penobscot, was duly elected President of the Senate of the 115th Legislature.

The Senator from Penobscot, Senator **PEARSON**, and the Senator from Cumberland, Senator **TITCOMB**, escorted the President-elect to the Governor's Office for the purpose of taking and subscribing to the necessary oaths of office to qualify him to enter

upon the discharge of the duties of the Office of the President of the Senate.

The Sergeant-At-Arms then escorted the Senators and the President-elect to the Governor's Office.

Senate at Ease

Senate called to order by the Chair.

Subsequently, the Senator from Penobscot, Senator **PEARSON**, and the Senator from Cumberland, Senator **TITCOMB** reported that they had attended to the duties to which they were assigned and was pleased to report that Senator **CHARLES P. PRAY** of Penobscot, had, before the Governor, taken and subscribed to the necessary oaths of office to qualify him to enter upon the discharge of the duties of the Office of President of the Senate of the 115th Legislature.

Thereupon, Senator **PRAY** of Penobscot was escorted to the Rostrum by the Sergeant-At-Arms. (Amid prolonged applause, the Members rising.)

THE PRESIDENT: I would like to begin by expressing my appreciation to the good Senator of Penobscot, Senator Pearson, in his nominating comments, as well as the good Senator from Cumberland, Senator Titcomb, and also extend my appreciation to the good Senator from Sagadahoc, Senator Cahill, in casting the ballot, the one vote margin by which I won.

My first responsibility is to inform you that both the Senator from Penobscot, Senator Pearson, the Senator from Sagadahoc, Senator Cahill, violated the Senate Rules by not referring to me as to the County from which I was at, but the community, but since we have not adopted those Rules yet, we will excuse them for that. But to their comments and to the acceptance of the responsibility that goes with presiding over this Chamber, let me say that I have always felt that the Institution and that the process is paramount in a Democracy. As we discuss the people's business and deal with the issues that come before us while we represent a diversity of Maine people, diversity and philosophy and diversity and lifestyle, we recognize that are responsibilities is to the common good of all. We will not always agree on solutions that are presented to us as resolutions to the problems that this state face. But paramount is our acceptance of the role of the Legislature, in a Democracy, the freedom to express our differences of opinion, and respect to each other, why we may differ and disagree, that each of us have the right to our own opinions in representing our constituency. What I accept as your presiding officer, is to be fair, is to attempt to proceed to the months ahead in reaching resolutions so that Maine is a little bit better than what we inherited when we stepped in here today and took the oath of office. That we recognize and accept each other as individuals, and the people that we represent. It will call, as the Governor himself said, that these

are trying times, that it will be at moments extremely difficult. But as long as we accept the responsibilities that have been laid upon us by the citizens of our state, to the greatest process in the world, an electoral process in the democracy that we have, than we cannot do wrong.

It is with a pledge of accepting that responsibility myself, and to each and everyone of you, that I extend to both Republicans and Democrats alike, to those in my Caucus, and those of the other side of the aisle, an open door policy, a fairness of listening to you, not always agreeing with you, but at least listening to you. In trying to make a valued judgment, what is best for the institution, what is best for the state, what is best for the people of Maine, that I pledge for you in the days and weeks ahead as we address these problems.

I also accept the responsibility, and I need to thank a number of people, but if I could on behalf of all of the Members of the Senate, I need to thank my family, my wife, my children, my mother, my aunts and uncles, and everybody else, and all of you who have relatives here, if I could ask all the Members of the Senate to stand and give them greetings and appreciation. (Amid applause, the Members rising.) Each of us here would not be here if it had not been for your assistance, your persistence, and putting up with us through the electoral process, and we appreciate the fact you are here today to witness this swearing in. It is not only an accomplishment for each and every one of us, but it is an accomplishment and a proud moment for each and everyone of you. I was pleased, and I am always pleased to hear the voices of children, I enjoy the fact that the Senator from Kennebec, Senator Matthews, had his twins here this morning, and noting that his wife departed early because of the outcries of one. The voices of children give us an added responsibility, the responsibility as legislators to help insure the children's future, as well as the future of their families, and it is something that does give us extra meaning. We need to address the entire Senate Body, Senator Pearson, Senator Titcomb, as well as each and everyone of you for the confidence you have given to me at this time. Thank you.

At this point, The Chair noted the presence in the Senate Chamber of the Senator-elect **WEBSTER** of Franklin. In accordance with a longstanding and unique tradition of the Maine Senate, the Senator-elect from Franklin has been absent to attend to the furnace and make sure they are well stoked. The Chair requested that the Senator from Sagadahoc, Senator **CAHILL** escort the Senator-elect from Franklin, Senator **WEBSTER** to the Governor's office for the purpose of subscribing to the oaths of office required by the Constitution.

The Assistant Sergeant-At-Arms escorted the Senator from Sagadahoc, Senator **CAHILL**, and the Senator-elect, Senator **WEBSTER** to the Governor's Office.

Off Record Remarks

Senate at Ease

Senate called to order by the President.

Subsequently, the Senator from Sagadahoc, Senator **CAHILL** reported that she had attended to the duties to which she was assigned and was pleased to report that the Senator from Franklin, Senator **WEBSTER** had, before the Governor, taken and subscribed to the oaths of office as required by the Constitution. Thereupon, Senator **WEBSTER** of Franklin was escorted to his seat in the Senate Chamber by the Senator from Sagadahoc, Senator **CAHILL**.

THE PRESIDENT: Nominations are now in order for the Office of the Secretary of the Senate of the 115th Legislature. The Chair recognizes the Senator from Penobscot, Senator **BOST**.

Senator **BOST:** Mr. President. I nominate **JOY J. O'BRIEN** of Portland for Secretary of the Senate of the 115th Legislature.

It is my deep privilege and honor to nominate a friend, and a colleague for the Office of Secretary of the Senate, Joy J. O'Brien. Joy has without question earned the support of this entire Senate. In fact, when one thinks of the Senate beyond the Chamber itself, and beyond the very distinguished Members that serve in this Chamber, we think of Joy O'Brien. She has provided and continues to provide the continuity, the quiet behind the scenes stability, and the parliamentary prowess that enable each of us to do our jobs here in the Chamber, certainly more effectively than my microphone. We sometimes forget the vast amount of preparation that Joy and her very able staff are engaged in each and every day. And during the long hours so typical of the final weeks and days of each session, she makes certain that we remain in tact. Not only by her administrative skills, but by her "Arrid Extra Dry Wit". Thus, it is in this spirit that I urge each of you to join me in supporting Joy J. O'Brien for her fifth term as Secretary of the Maine Senate. Thank you.

THE PRESIDENT: The name of **JOY J. O'BRIEN** has been placed in nomination for the Secretary of the Senate for the 115th Legislature. The Chair recognizes the Senator from Cumberland, Senator **Esty**.

Senator **ESTY:** Thank you Mr. President. Men and Women of the Senate. I rise to second the nomination of **JOY J. O'BRIEN** to be our Secretary of the Senate. It is an honor and a privilege for me to be able to do this. During my first term in the Maine Senate, no one in this room was more helpful to me than Joy O'Brien regarding parliamentary procedure, how to take care of Bills, and how to get the job done for my constituency. I am truly proud to second Joy's nomination.

I would like to note that when I think of Joy O'Brien in this Chamber, I think of a person who is absolutely fair, treats each and every Senator the same and very well, serves us and is dedicated and committed to the Maine Legislature. Thank you very much.

THE PRESIDENT: The name of **JOY J. O'BRIEN** has been seconded for the nomination for the Secretary of the Senate. The Chair recognizes the Senator from Sagadahoc, Senator **CAHILL**.

Senator **CAHILL:** Mr. President. I move that nominations cease and I further move that one ballot be cast on the part of the Senate in favor of **JOY J. O'BRIEN** of Cumberland for Secretary of the Senate of the 115th Legislature.

This being done, **JOY J. O'BRIEN** of Portland was duly elected Secretary of the Senate of the 115th Legislature. (Applause, the Members rising.)

The Senator from Penobscot, Senator **BOST**, and the Senator from Cumberland, Senator **Esty**, escorted the Secretary-elect to the Governor's Office for the purpose of taking and subscribing to the necessary oaths of office to qualify her to enter upon the discharge of the duties of the Secretary of the Senate.

The Sergeant-At-Arms then escorted the Senators and the Secretary-elect to the Governor's Office.

Senate at Ease

Senate called to order by the President.

Subsequently, the Senator from Penobscot, Senator **BOST** and the Senator from Cumberland, Senator **ESTY**, reported to the Senate that they had attended to the duty assigned to them and that **JOY J. O'BRIEN** had, before the Governor, taken and subscribed to the necessary oaths of office to qualify her to enter upon the discharge of the duties of Secretary of the Senate of the 115th Legislature.

Thereupon, the Secretary of the Senate was escorted to the Rostrum by the Senator from Penobscot, Senator **BOST** and the Senator from Cumberland, Senator **ESTY**.

THE PRESIDENT: Nominations are now in order for the Office of Assistant Secretary of the Senate of the 115th Legislature. The Chair recognizes the Senator from Cumberland, Senator **Brannigan**.

Senator **BRANNIGAN:** Mr. President. I nominate **PAMELA E. LOVLEY** of Portland for Assistant Secretary of the Senate of the 115th Legislature.

Once upon a time, twelve years ago, a young woman came to the Legislature to take up an obscure

clerking job in the House, and she was lovely, not only in name, but in appearance, in person, and in potential. She had a great potential, and her challenge was to recognize it, to discover it, to develop it, and to grow. And as with many of us, we need to do that, and for many people, they never do. But for this woman she did. She began to grow in taking on responsibility in jobs, she moved to the Senate. She realized her potential in dealing with people, relationships, and was elected to a position in this Body.

Pam gained a great deal from the Legislature, and from the people in it. But the Legislature, and the people in it have gained far more in return. She is fiercely loyal to her friends. She is devoted to this group of people, to this place. She is a hard-working woman for the Senate and the Senators. You know it is people that make this place, from the President to the Pages, it is we the people and the kind of people that say what this place is like, and Pam is one of the most important people here.

I am pleased to have been here twelve years, and have watched her accept her challenge and gain and grow, and I am pleased, Mr. President, for the third time to nominate her as Assistant Secretary of the Senate. Thank you.

THE PRESIDENT: The name of **PAMELA E. LOVLEY** has been placed in nomination for the Assistant Secretary of the Senate for the 115th Legislature. The Chair recognizes the Senator from Androscoggin, Senator Gauvreau.

Senator **GAUVREAU:** Thank you Mr. President. Men and Women of the Senate. I would second the nomination of **PAMELA E. LOVLEY** to the position of Assistant Secretary of the Senate.

Like my distinguished colleague from the county of Cumberland, Senator Brannigan, I have had an opportunity over these past several years to work closely with Pam Lovley. First in the other Chamber, and now in this Chamber. I wholeheartedly endorse his comments that Pam Lovley has the requisite abilities and the degree of experience which will serve us in good stead in the coming two years as we go about our very challenging tasks.

I would confine my remarks to what I think are the most important qualities for this office, and that is for a person with good, strong, personal qualities, and good instincts. Pam Lovley, as Senator Brannigan has noted, is a person who is fiercely loyal to this Institution. Over the past few years, not just in this state, but around the country, there have been critical voices raised as to the efficacy and appropriateness of Legislative Bodies, and questioning their ability to address in forceful fashion the problems that confront the American people. I can say without reservation, I have the utmost confidence, in you, my colleagues in this Body, and my colleagues in the other Chamber, to courageously address in principle fashion, the issues which confront us. We truly are only as good as our staff, and those who serve us. Pam Lovley has always been there when I have had needs for help. I think that many around this Chamber would endorse that thought.

We will no doubt face very trying days ahead.

After this pleasant day of ceremony and pomp and circumstance, we will address perhaps an unprecedented circumstance in our state as regards to the illuming fiscal crisis which we all confront. We will put in long hours, eighteen and twenty hour days. And in those times, we need to have someone with good humor, good sense to help us along the day. Pam Lovley is exactly that person for that job. Mr. President, Ladies and Gentlemen of this Senate, I am pleased and honored to second the nomination of Pam Lovley for this particular position as Assistant Secretary of the Senate. Thank you.

THE PRESIDENT: The name of **PAMELA E. LOVLEY** has been seconded for the nomination for the Assistant Secretary of the Senate. The Chair recognizes the Senator from Franklin, Senator Webster.

Senator **WEBSTER:** Mr. President. I move that nominations cease and I further move that one ballot be cast on the part of the Senate in favor of **PAMELA E. LOVLEY** of Portland for Assistant Secretary of the Senate of the 115th Legislature.

This being done, **PAMELA J. LOVLEY** of Portland was duly elected Assistant Secretary of the Senate of the 115th Legislature. (Applause, the Members rising.)

The Senator from Cumberland, Senator **BRANNIGAN**, and the Senator from Androscoggin, Senator **GAUVREAU**, escorted the Assistant Secretary-elect to the Governor's Office for the purpose of taking and subscribing to the necessary oaths of office to qualify her to enter upon the discharge of the duties of the Assistant Secretary of the Senate.

The Assistant Sergeant-At-Arms escorted the Senators and the Assistant Secretary-elect to the Governor's Office.

Off Record Remarks

Senate at Ease

Senate called to order by the President.

Subsequently, the Senator from Cumberland, Senator **BRANNIGAN**, and the Senator from Androscoggin, Senator **GAUVREAU**, reported to the Senate that they had attended to the duty assigned to them and that **PAMELA E. LOVLEY** had, before the Governor, taken and subscribed to the necessary oaths of office to qualify her to enter upon the discharge of the duties of Assistant Secretary of the Senate of the 115th Legislature.

Thereupon, the Assistant Secretary of the Senate was escorted to the Rostrum by the Senator from Cumberland, Senator **BRANNIGAN** and the Senator from Androscoggin, Senator **GAUVREAU**.

Off Record Remarks

On motion by Senator **DUTREMBLE** of York, **RECESSED** until 1:30 this afternoon.

After Recess

Senate called to order by the President.

Senator **WEBSTER** of Franklin requested unanimous consent to address the Senate Off the Record.

Senator **DUTREMBLE** of York requested unanimous consent to address the Senate Off the Record.

Off Record Remarks

On motion by Senator **MCCORMICK** of Kennebec, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

Out of order and under suspension of the Rules, on motion by Senator **DUTREMBLE** of York, the following Senate Order:

ORDERED, that a message be sent to the House of Representatives informing that Body that the Senate had organized by the choice of **CHARLES P. PRAY** of Penobscot as President, **JOY J. O'BRIEN** of Cumberland as Secretary, and **PAMELA E. LOVLEY** of Cumberland as Assistant Secretary of the 115th Legislature.

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

The President appointed the Senator from York, Senator **DUTREMBLE** to deliver the message to the House of Representatives.

The Sergeant-At-Arms escorted the Senator to the Hall of the House.

Senate at Ease

Senate called to order by the President.

Subsequently, the Senator from York, Senator **DUTREMBLE** reported that he had delivered the message with which he was charged.

Out of order and under suspension of the Rules, on motion by Senator **PEARSON** of Penobscot, the following Senate Order:

ORDERED, that a committee of seven be appointed by the President to whom the returns of votes for Senators for the political years of 1991 and 1992 shall be referred for examination and report.

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

The Following Communication:

**STATE OF MAINE
OFFICE OF THE SECRETARY OF STATE
AUGUSTA, MAINE**

November 30, 1990

To the President of the Senate:

In compliance with the Constitution and laws of the State of Maine, I have the honor to herewith transmit the returns of votes cast for Senators to the Legislature in the several cities, towns and plantations in the State of Maine at the General Election held on November 6, 1990.

Respectfully,

S/G. WILLIAM DIAMOND
Secretary of State

District 1
Raynold Theriault, Fort Kent 6,016
Wanda Lea Towns, Van Buren 1,398
Others 1

District 2
Donald F. Collins, Caribou 7,518
Others 1

District 3
Margaret G. Ludwig, Houlton 6,767
Russell F. Taylor, Jr., Ludlow 4,238
Others 2

District 4
Charles M. Webster, Farmington 7,800
Diana L. White, Farmington 7,021
Others 1

District 5
Stephen E. Hall, Guilford 6,147
Charles P. Pray, Millinocket 7,241
Darrell Morrow, Millinocket (write-in) 146
Others 14

LEGISLATIVE RECORD - SENATE, DECEMBER 5, 1990

<u>District 6</u>		<u>District 21</u>	
Eugene J. Paradis, Old Town	5,936	Linda Curtis Brawn, Camden	8,949
Michael D. Pearson, Enfield	8,865	Sive Neilan, Hope	5,821
		Others	3
<u>District 7</u>		<u>District 22</u>	
Edwin C. Randall, East Machias	5,526	John J. Cleveland, Auburn	7,821
Harry L. Vose, Meddybemps	6,363	John C. Turner, Auburn	7,041
Others	1		
<u>District 8</u>		<u>District 23</u>	
Randy E. Hotham, Dixfield	5,652	N. Paul Gauvreau, Lewiston	10,503
Jeffery N. Mills, Bethel	8,752	Others	39
<u>District 9</u>		<u>District 24</u>	
Jerome A. Emerson, Corinna	8,384	Pamela L. Cahill, Woolwich	10,915
Carol J. Perkins, Newport	6,730	Roger R. Therriault, Phippsburg	5,699
		Others	3
<u>District 10</u>		<u>District 25</u>	
John E. Baldacci, Bangor	6,801	Larry E. Simpson, Standish	5,865
N. Laurence Willey, Jr., Bangor	5,811	Bonnie L. Titcomb, Casco	12,406
<u>District 11</u>		<u>District 26</u>	
Stephen M. Bost, Orono	9,944	Peter H. Choate, Brunswick	5,512
Francis J. Martin, Orono	4,739	Nancy Randall Clark, Freeport	11,612
Others	3	Others	4
<u>District 12</u>		<u>District 27</u>	
William E. Butler, Aurora	4,772	Merle Nelson, Falmouth	9,202
Ruth S. Foster, Ellsworth	12,033	Donald L. Rich, Windham	9,702
Others	3	Others	1
<u>District 13</u>		<u>District 28</u>	
Rene Laliberty, Winslow	4,392	Donald Esty, Jr., Westbrook	12,877
Zachary E. Matthews, Winslow	9,559	Others	22
Others	1		
<u>District 14</u>		<u>District 29</u>	
Robert R. Gould, Belfast	9,364	Bryan J. Albert, Portland	3,973
Charlene Kent, Castine	5,559	Joseph C. Brannigan, Portland	9,965
Others	2	Others	3
<u>District 15</u>		<u>District 30</u>	
R. Donald Twitchell, Norway	13,828	Gerard P. Conley, Jr., Portland	8,746
Others	7	Karen A. Evans, Portland	3,116
		Others	16
<u>District 16</u>		<u>District 31</u>	
Georgette B. Berube, Lewiston	9,406	Peter W. Danton, Saco	8,099
Others	1	Charles E. Summers, Scarborough	8,716
		Others	19
<u>District 17</u>		<u>District 32</u>	
J. Alfred Boucher, Waterville	6,286	Barbara A. Gill, South Portland	8,981
Judy C. Kany, Waterville	7,254	Birger T. Johnson, South Portland	6,081
Others	2	Others	13
<u>District 18</u>		<u>District 33</u>	
Dale McCormick, Monmouth	9,392	David L. Carpenter, Sanford	6,835
Norman E. Weymouth, Gardiner	8,116	John L. Tuttle, Jr., Sanford	6,605
Others	1		
<u>District 19</u>		<u>District 34</u>	
Beverly Miner Bustin, Hallowell	8,210	Dennis L. Dutremble, Biddeford	9,703
Marshall Duke Dulac, Augusta	5,649	Plato Truman, Biddeford	5,079
Others	2	Others	10
<u>District 20</u>		<u>District 35</u>	
Shirley R. Barlow, Alna	6,024	Stephen C. Estes, Kittery	7,452
Muriel D. Holloway, Edgecomb	12,342	Orland G. McPherson, Eliot	6,506
Others	4	Others	4

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

The Following Communication: S.P. 1

DEPARTMENT OF TRANSPORTATION
STATE HOUSE STATION 16
AUGUSTA, MAINE 04333

July 23, 1990

To: Members of the Maine 114th Legislature

We are pleased to present to you this copy of TRANSPORTATION TO THE YEAR 2000: A CAPITAL IMPROVEMENT PLAN FOR MAINE. This document, which represents a milestone in the evolution of Maine's transportation policy, is the product of extensive effort on the part of the newly created Maine Transportation Capital Improvement Planning Commission as well as Department staff.

The Plan reflects a new direction in transportation planning in Maine. It is the first Plan to give comprehensive consideration to all modes of transportation, in a long-term perspective, in an effort to start the process of forging a truly intermodal system.

In addition to a discussion of the broad issues that confront the development of Maine's transportation network into the future, the document contains a description of transportation supply and demand by mode and presents specific issues and strategies to be considered in meeting identified needs. It also presents, by transportation mode, the expenditure levels required to meet the needs outlined in the Plan.

The Plan represents but one product in an on-going planning process that constantly requires change in order to respond to changing transportation needs. As mandated by the legislation establishing the Planning Commission, the Plan is to be updated on a biennial basis.

In developing this Plan, the Commission has encouraged public review and comment and will continue to offer a forum for public debate on the goals, issues and strategies contained in this Plan.

Sincerely,

S/Henry Bourgeois, Chair
Maine Transportation Capital
Improvement Planning Commission

S/Dana Connors,
Commissioner
Maine Department of
Transportation

Which was READ and with Accompanying Papers ORDERED PLACED ON FILE.

Sent down for concurrence.

The Following Communication: S.P. 2

STATE OF MAINE
INTER-DEPARTMENTAL MEMORANDUM

TO: Governor/Legislative Leaders
FROM: Samuel Shapiro, State Treasurer
DATE: August 13, 1990
RE: Title 3, Section 551 - Bonded
Indebtedness

Title 3, Section 551 of the Maine Revised Statutes requires the Commissioner of Finance and the State Treasurer to advise the Legislature and the Governor of the effect of any proposed bond issues on the State's debt. Presently there are several L.D.'s pending before the Legislature requesting additional bonding authorization as follows:

Referendum of November 6, 1990
New Authorizations Pending

1. Build, Plan and Renovate Correctional Facilities	\$20,250,000
2. Investigation, Abatement, Cleanup and Mitigation of Uncontrolled Hazardous substance sites that pose a hazard to Public Health, etc.	\$3,000,000
3. Correction of major maintenance problems in public schools	\$5,000,000
4. Construction of Water Pollution Control Facilities	\$9,000,000
5. Restoration and Preservation of Historic Buildings	\$5,000,000
6. Acquisition of certain rail lines, rail trunkage rights or easements	\$4,500,000
7. Purchase of public lands to provide access for Maine's people and for Construction to replace Churchill Dam	\$19,000,000
Total:	\$65,750,000

Outlined as follows are the bonds presently authorized and unissued which will be issued as projects come on line and will be added to \$306,275,000 of bonds already outstanding as of 6/30/90.

AMOUNT	PURPOSE
\$ 5,220,000	Sewerage, Water, Oil Clean up
10,000,000	Construction of Correctional Facilities
9,000,000	Sewerage Treatment Facilities
1,000,000	Clean up solid waste Landfills
5,500,000	Sewerage Treatment Facilities
2,000,000	Oil Storage Tank Removal
10,000,000	Highway and Bridges
20,000,000	Land Purchases
31,800,000	University of Maine
12,000,000	Sewerage Treatment Facilities

10,500,000	Hazard Site Clean up
3,200,000	9-1-1 Telephone System
14,500,000	Correctional Facilities
10,000,000	Asbestos Removal
21,000,000	Highway and Bridges
5,000,000	Capital Grants Program
7,000,000	Construction Facilities
	Serving People with Mental Illness
4,400,000	Sewerage Facilities
	Construction
6,000,000	Clean up of Municipal and Solid Waste Landfills
15,000,000	Acquiring Land for Affordable Housing
<u>19,710,600</u>	Maine Vocational Technical Institutes
\$222,830,600	

CONTINGENT DEBT

86,936,927	FAME
4,000,000	Student Loans
4,800,000	School Building Authority
1,000,000	Indian Housing
<u>4,000,000</u>	Veterans Small Business Loans
\$100,736,927	Total Contingent Debt

SUMMARY

Bonds Outstanding 6/30/90	306,275,000
Authorized-Unissued	222,830,600
Contingent Debt	<u>100,736,927</u>
Total:	\$629,842,527
New L.D.'s Pending listed on preceding Page	65,750,000

I would be pleased to answer any further questions concerning the above material at any time.

S/Samuel Shapiro
Treasurer of State

S/H. Sawin Millett, Jr.
Commissioner of Finance

Which was **READ** and with Accompanying Papers **ORDERED PLACED ON FILE.**

Sent down for concurrence.

At this time, a message was received by the House of Representatives, borne by Representative MAYO of Thomaston, informing the Senate that the House had organized by the choice of JOHN L. MARTIN as Speaker of the House, EDWIN H. PERT as Clerk of the House and DEBORAH B. WOOD as Assistant Clerk of the 115th Legislature and is ready to transact such business as might come before the House.

The Following Communication: S.P. 3

**PUBLIC ADVOCATE
STATE HOUSE STATION 112
AUGUSTA, MAINE 04333**

TO: Interested Parties
FROM: Stephen G. Ward, Public Advocate
RE: Monthly Status Report
DATE: September 28, 1990

As required by PL 1989, C. 875, I hereby provide an accounting of office time by work category for all seven employees in the Public Advocate's office, as well as a caseload listing as of September 28 and a statement of highlights of the previous month. Note that 77% of all office time (and 98% of direct hours) were devoted to utility advocacy at the Maine PUC.

Please do not hesitate to contact me in the event of any questions about this report.

Which was **READ** and with Accompanying Papers **ORDERED PLACED ON FILE.**

Sent down for concurrence.

The Following Communication: S.P. 22

**DEPARTMENT OF PUBLIC SAFETY
STATE HOUSE STATION 42
AUGUSTA, MAINE 04333**

The Honorable Charles P. Pray
President of the Senate
State House Station 3
Augusta, Maine 04333

Dear President Pray:

Pursuant to 25 MRSA §1544, it is my privilege to present to you and the members of the Senate the 15th Crime in Maine Annual Report.

Since 1974, the Maine State Police and Department of Public Safety have provided our citizens with a clearinghouse for statistical information on crime.

The Uniform Crime Reporting Program (UCR) has been a municipal, county and state law enforcement cooperative effort that provides a statewide view of crime. Currently, over 120 law enforcement agencies report on crimes coming to their attention. The success of our UCR program must be credited to the cooperative attitudes of law enforcement officials across the state.

This publication attempts to help compensate for law enforcement's limited resources by providing chiefs and sheriffs with timely statistical information with which to make informed decisions concerning budget preparations, training, staff

development, crime fighting and crime prevention programs.

It is hoped that the members of Maine's legislature will find the enclosed crime data as a useful resource of factual information during deliberations on new crime bills, enhancements to existing laws and fiscal resource allocations to criminal justice agencies.

Should you like further information concerning the nature and extent of Maine's crime challenge, please feel free to contact Stephan M. Bunker, Uniform Crime Reporting Supervisor, at 289-2025.

Respectfully submitted,
S/John R. Atwood
Commissioner

Which was **READ** and with Accompanying Papers **ORDERED PLACED ON FILE.**

Sent down for concurrence.

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

The Following Communication:

**DEPARTMENT OF FINANCE
STATE HOUSE STATION 14
AUGUSTA, MAINE 04333**

The Honorable John L. Martin
Speaker of the House
114th Legislature

The Honorable Charles P. Pray
President of the Senate
114th Legislature

Dear Mr. Speaker and Mr. President:

In accordance with Title 5, Maine Revised Statutes Annotated, Section 1547, the accompanying Financial Report of the State of Maine is submitted for the fiscal year ended June 30, 1989.

The first section of the report consists of the General Purpose Financial Statements for all funds reported in accordance with generally accepted accounting principles. Generally accepted accounting principles for the Governmental Funds uses the modified accrual basis of accounting. Revenues are recognized when they become measurable and available as current assets. Expenditures are generally recognized when the related fund liability is incurred. Exceptions to generally accepted accounting principles in these financial statements include accumulated unpaid vacation and sick leave which has not been recorded, and interest on general long-term debt which is recognized when due.

The second section is reported as it has been in the past, based upon the budgetary and legal requirements. Please refer to Note 7 of the General Notes to the Financial Statements for the reconciliation of the fund balances between the two sections. Comparative budgetary data and statistical information have also been included in this report to promote a better understanding of the State's finances.

Questions and comments about this report or any phase of State finances are always welcome.

Sincerely,
S/David A. Bourne
State Controller
S/Victor E. Fleury
Deputy State Controller

Which was **READ** and with Accompanying Papers **ORDERED PLACED ON FILE.**

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

ORDERS

On motion by Senator **CLARK** of Cumberland, the following Senate Order:

ORDERED, that a message be sent to the House of Representatives proposing a Convention of the two branches of the Legislature in the Hall of the House, for the purpose of electing a Secretary of State for the Political Years 1991 and 1992, a State Treasurer for the Political Years 1991 and 1992, and an Attorney General for the Political Years 1991 and 1992 at 3:30 in the afternoon.

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

The President appointed the Senator from Cumberland, Senator **CLARK** to deliver the message to the House.

Subsequently, the Senator from Cumberland, Senator **CLARK** reported that she delivered the message with which she was charged.

The Following Communication:

**SUPREME JUDICIAL COURT PLAN AND DESIGN COMMISSION
MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333**

March 9, 1990

Which was READ and with Accompanying Papers
ORDERED PLACED ON FILE.

The Honorable Charles P. Pray
President of the Senate
114th Legislature

The Honorable John L. Martin
Speaker of the House
114th Legislature

The Following Communication:

Dear Mr. President and Mr. Speaker:

**INTERDEPARTMENTAL COUNCIL
STATE HOUSE STATION 146
AUGUSTA, MAINE 04333**

The Supreme Judicial Court Plan and Design Commission is pleased to submit its final report to the Legislature on planning and programming for the Supreme Judicial Court Building, with the State Law Library option, in Augusta as required by ch. 107 of the Resolves of 1987 and later amended by ch. 501 of the Public Laws of 1989.

March 30, 1990

Honorable Charles P. Pray
President of the Senate
State House Station 3
Augusta, Maine 04333

The Commission Report was prepared by Space Management Consultants, Inc. of Seattle, Washington, one of the leading firms in the nation specializing in court programming and planning.

Honorable John L. Martin
Speaker of the House
State House Station 2
Augusta, Maine 04333

In response to specific mandates of the legislation:

Dear President Pray and Speaker Martin:

1. The Commission has adopted the consultant's recommendation that the Court Building be sited across the river. Details of the consultant's evaluation of the nine sites considered are found in Section 10 of the Executive Summary, pages ES.9.

Pursuant to Public Law 1987, Chapter 181, we are pleased to provide you with the Second Annual Report on the Committee for Interdepartmental Coordination of Services for Children and Families, for the period of January 1989 - December 1989. The Interdepartmental Council (IDC) comprises the Commissioners of the Departments of Corrections, Educational and Cultural Services, Human Services, and Mental Health and Mental Retardation.

2. The Commission projects the cost of construction without the State Law Library at \$18,989,530 (see ES. 12). The attached legislation is prepared to reflect either option.

The mission of the IDC, as established in Chapter 181, is threefold:

3. In addition to the requirement for bond issues, a general Fund appropriation is required of \$367,500 to provide for a two-stage design competition, as specified in the original Resolve. In accordance with that Resolve, the Commission recommends that a 7-member jury be appointed by the Chair of the Commission to oversee the design competition.

to encourage the development of a coordinated, statewide system of services which is responsive to the needs of children and families and to promote access to these services;

This report reflects a four year building process (see ES. 13) following approval of a construction bond issue and design competition. In view of current budgetary constraints, however, it may behoove the Legislature to suspend the operation of this Commission until such time as funding may be more favorable.

to ensure the availability and quality of coordinated services; and,

I wish to thank each member of the Commission and our consultant, Dr. F. Michael Wong, for their outstanding efforts in bringing the Supreme Judicial Court Building in the Capitol City of Augusta a little closer to reality.

to advance the development of a comprehensive and coordinated approach to the initiation and revision of policies affecting children and families.

Sincerely,

S/Ruth S. Foster
Chair

This report reflects a synthesis of major activities conducted over the past year by the IDC in fulfillment of its mission.

In order to realize the full intent of Chapter 181, the IDC process draws upon the expertise of not only policy makers but also planners and program managers at various levels of administration in the four departments. Further, the IDC looks to local providers and concerned citizens to serve as members of several committees; their expertise greatly facilitates work in a variety of policy issue areas.

These pages, therefore, reflect the talents, energies, and dedication of a variety of individuals

committed to the development of the most responsive and cost-effective system of quality services to children and families in the State of Maine.

Sincerely,

S/Donald L. Allen
Commissioner
Corrections

S/Eve M. Bither
Commissioner
Educational and
Cultural Services

S/Rollin Ives
Commissioner
Human Services

S/Robert W. Glover
Commissioner
Mental Health and
Mental Retardation

Which was **READ** and with Accompanying Papers
ORDERED PLACED ON FILE.

The Following Communication:

**BUREAU OF TAXATION
STATE OF MAINE
AUGUSTA, MAINE 04333**

April 17, 1990

The Honorable Charles P. Pray
President of the Senate
State House Station 3
Augusta, Maine 04333

Dear President Pray:

I am pleased to submit to the Legislature and in particular to the Joint Standing Committee on Taxation, the Joint Standing Committee on Transportation and the Legislative Council the annual report evaluating the effectiveness of the Regional Fuel Tax Agreement pursuant to 36 MRSA section 3312, sub-section 2.

Sincerely,

S/John D. LaFaver
State Tax Assessor

Which was **READ** and with Accompanying Papers
ORDERED PLACED ON FILE.

The Following Communication:

**WORKERS' COMPENSATION COMMISSION
STATE HOUSE STATION 27
AUGUSTA, MAINE 04333**

April 24, 1990

The Honorable Charles P. Pray
President of the Senate
State House Station 3
Augusta, Maine 04333

RE: Quarterly Report for the First Quarter of
Calendar 1990 39 M.R.S.A. §92(3)

Dear President Pray:

This letter and statistical attachments are the quarterly report of Commissioner caseload and progress mandated by 39 M.R.S.A. §92(3).

The Commission received an estimated 3,737 petitions and disposed of 2,784 by decision or dismissal during the first quarter of 1990.

During 1988 and the first half of 1989, backlog of undecided petitions remained in the area of 7,500 undecided petitions. By the end of December 1989, this had grown to 8,194. During the first quarter of 1990, this increased to 9,147, the highest in Maine's history.

However, the number of petitions undecided for more than two years is 249. This is the lowest since the Commission began tracking this figure in late 1986.

Petition filings are increasing and larger backlogs are all but inevitable. It remains to be seen whether the Commission can maintain a low level of older cases despite an increased volume of litigation. We are currently in the process of adjusting Commissioner territories to balance workload as evenly as possible.

In our fourth quarterly report for 1989, we mentioned that the agency is working on a statistical technique to forecast litigation levels based on employment in prior years.

At that time, we anticipated about 13,665 petitions in 1990. During January, additional employment data became available and we plugged it into our equation. The results were not comforting. If this new forecast is accurate, the Commission may see over 16,000 petitions in 1990.

There have been no complaints or filings in connection with the 30 day decision rule of 39 M.R.S.A. §99-B as implemented by Commission Rule 22.11.

A summary of caseload and dispositions is presented in the attached tables. I would be happy to discuss this report further if you wish.

Sincerely,

S/Ralph L. Tucker
Chairman

Which was **READ** and with Accompanying Papers
ORDERED PLACED ON FILE.

The Following Communication:

**MAINE EDUCATIONAL LOAN AUTHORITY
PO BOX 510
AUGUSTA, MAINE 04332**

May 1, 1990

The Honorable Charles P. Pray
President of the Senate
Maine State Senate
State House Station 3
Augusta, Maine 04333

Dear President Pray:

Pursuant to Chapter 417A, Subsection 11427, 20A MRSA, I am forwarding to you the second annual report and financial accounting of the Maine Educational Loan Authority (MELA).

Following the Authority's inception and first loan cycle in 1988-89, the program underwent several changes which had a direct impact on 1989-90 MELA loan processing activities. A sequence of these events is as follows:

New Authority Member selected	June
MELA loan applications revised, printed and disseminated	July
Revision of several program guidelines achieved through administrative rule changes	August

During the 1989-1990 academic year, the Authority continued its activities by providing over \$6 million dollars to nearly one thousand borrowers. While the number of borrowers decreased slightly from that reported in the previous year, actual loan volume increased. Total loan volume from the previous year combined with the present year is now over \$12 million dollars.

The attached report indicates in greater detail the distribution of loans by state and institution. While a comparison between last year's and this year's report indicates a similar distribution of borrowers among states and institutions, average loans for students attending private and public institutions increased in size.

Based upon this second year activity, the MELA program has demonstrated itself to be a significant resource for families attempting to meet the rising costs of higher education. In the 1990-91 academic year, the Authority will continue to streamline the application process, and search for ways to encourage and assist families in higher education finance.

The Authority recently completed its second financial audit by an independent certified public accounting firm, Peat Marwick, Main & Co. Their audited financial statements are enclosed for your reference.

As you are aware, legislative action has clouded the future of the MELA program beyond this year.

However, we will continue to work with the Legislature during the next session and attempt to keep this important program ongoing.

We are grateful for your interest in and strong support of the Maine Educational Loan Authority, and will continue to assist and promote the financing of higher education for students and families in the State of Maine.

Sincerely,

S/Richard H. Pierce
Executive Director

Which was **READ** and with Accompanying Papers
ORDERED PLACED ON FILE.

The Following Communication:

**ADMINISTRATIVE OFFICE OF THE COURTS
PO BOX 4820 DTS
PORTLAND, MAINE 04112**

May 2, 1990

The Honorable Charles P. Pray
President of the Senate
The State House
Augusta, Maine 04333

Dear President Pray:

It is my honor and personal pleasure to transmit to you and each of the other Senators of the 114th Legislature a copy of the Thirteenth Annual Report of the Judicial Department, pursuant to the provisions of 4 MRSA §17.10.

Sincerely,

S/Dana R. Baggett
State Court Administrator

Which was **READ** and with Accompanying Papers
ORDERED PLACED ON FILE.

The Following Communication:

**BUREAU OF INSURANCE
STATE HOUSE STATION 34
AUGUSTA, MAINE 04333**

May 7, 1990

The Honorable Charles P. Pray
President of the Senate
Augusta, Maine 04333

Dear President Pray:

Enclosed herewith is a copy of the Report of the Superintendent of Insurance on Workers' Compensation Safety Pool Activity for the Year 1989 as required by law (24A M.R.S.A. §2366, sub§ 9).

Sincerely,

S/Joseph A. Edwards
Superintendent of Insurance

Which was **READ** and with Accompanying Papers
ORDERED PLACED ON FILE.

The Following Communication:

**DEPARTMENT OF
MENTAL HEALTH AND MENTAL RETARDATION
STATE HOUSE STATION 40
AUGUSTA, MAINE 04333**

May 29, 1990

Charles P. Pray, President of the Senate
John L. Martin, Speaker of the House
Maine State Legislature
State House
Augusta, Maine 04333

Dear Senator Pray and Representative Martin:

Enclosed is the interim report on the individual assessment project on long-term inpatients at the Augusta and Bangor Mental Health Institutes requested by Maine's Legislature. The final report will be submitted on August 17, 1990.

As you are aware, the critical elements of this project were ultimately designed as a result of discussions with the mental health advocates and legislative staff. While complex in scheduling and management, we look forward to implementing this project and its protocols and learning from its results.

We will keep you informed as we go along so that you are aware of any significant issues or findings as they surface. Let us know if you have any questions or need additional information.

Sincerely,

S/Ronald S. Welch
Acting Commissioner

Which was **READ** and with Accompanying Papers
ORDERED PLACED ON FILE.

The Following Communication:

**WORKERS' COMPENSATION COMMISSION
STATE HOUSE STATION 27
AUGUSTA, MAINE 04333**

July 19, 1990

The Honorable Charles P. Pray
President of the Senate
State House Station 3
Augusta, Maine 04333

RE: Quarterly Report for the Second Quarter of
Calendar 1990 39 M.R.S.A. §92(3).

Dear President Pray:

This letter and statistical attachments are the quarterly report of Commissioner caseload and progress mandated by 39 M.R.S.A. §92(3).

The Commission received an estimated 3,876 petitions and disposed of 3,155 by decision or dismissal during the second quarter of 1990.

Petition filings continue to rise. The Commission received an estimated 7,613 petitions during the first half of 1990. Our statistical forecast, based on employment growth, is over 16,000 petitions during 1990.

The backlog of undecided petitions increased to 9,868 during the second quarter of 1990. We are continuing to keep the backlog of petitions undecided for more than two years at a low level.

The additional Commissioners added in 1987 and 1988 are, we believe, the primary reason. Improved tracking of cases via computer has also assisted us in managing the volume of litigation.

We modified the assignment of Commissioner territories in Central and Southern Maine during the second quarter. We will be evaluating how well this new system balances Commissioner workload. We are currently operating with 15.5 vacant support positions which the Commission is unable to fill.

There have been no formal complaints or filings in connection with the 30 day decision rule of 39 M.R.S.A. §99-B as implemented by Commission Rule 22.11.

A summary of caseload and dispositions is presented in the attached tables. I would be happy to discuss this report further if you wish.

Sincerely,

S/Ralph L. Tucker
Chairman

Which was **READ** and with Accompanying Papers
ORDERED PLACED ON FILE.

The Following Communication:

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333**

August 3, 1990

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

RE: Chairperson for the Commission to Study
the Future of Maine's Courts, established pursuant to
P.L. 1989, ch. 891, PART B.

Dear Secretary O'Brien:

The purpose of this letter is to notify you that
the undersigned, pursuant to Sec. B-2 of the above
referenced statute, hereby appoint the Honorable
Harriet P. Henry as Chair of the Commission to Study
the Future of Maine's Courts.

Sincerely,

S/John R. McKernan, Jr.
Governor

S/Charles P. Pray
President of the Senate

S/Vincent L. McKusick
Chief Justice of the
Maine Supreme Judicial Court

S/John L. Martin
Speaker of the House
of Representatives

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

The Following Communication:

**DEPARTMENT OF HUMAN SERVICES
STATE HOUSE STATION 11
AUGUSTA, MAINE 04333**

August 27, 1990

The Honorable Charles P. Pray
President of the Senate
State House Station 3
Augusta, Maine 04333

Dear Senator Pray:

I am pleased to submit to you this report from
the Office of Nuclear Safety within the Division of
Health Engineering. This report, which was prepared
by the State Nuclear Safety Inspector and staff of
the Division of Health Engineering, represents the
first year activities of the Office of Nuclear Safety.

This report is being submitted pursuant to Title
22 M.R.S.A., Section 666. If you should have any
questions in connection with this report, please

contact the Division of Health Engineering at
289-5676.

Sincerely,

S/Rollin Ives
Commissioner

Which was **READ** and with Accompanying Papers
ORDERED PLACED ON FILE.

The Following Communication:

**MAINE TURNPIKE AUTHORITY
430 RIVERSIDE STREET
PORTLAND, MAINE 04103**

September 24, 1990

Senator Charles P. Pray
President of the Senate
State House
Augusta, Maine 04333

Dear Senator Pray:

I am pleased to submit to you in accordance with
Section 1966 paragraph 4, of Title 23, M.R.S.A. the
Maine Turnpike Authority's Legislative Report, which
will serve as the semi-annual report to the
Transportation Committee.

I trust that you have had an enjoyable summer. I
look forward to working with you during the coming
legislative session. If you have any concerns
regarding the Turnpike and its programs please let me
know.

With best wishes.

Sincerely,

S/Paul E. Violette
Executive Director

Which was **READ** and with Accompanying Papers
ORDERED PLACED ON FILE.

The Following Communication:

**COMMISSION ON CODIFICATION OF RULES
MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333**

October 10, 1990

The Honorable John L. Martin
The Honorable Charles P. Pray
Maine Legislature
State House
Augusta, Maine 04333

The Following Communication:

**COMMISSION TO STUDY THE HARNESS RACING INDUSTRY
MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333**

Dear Speaker Martin and President Pray:

November 5, 1990

The Commission on Codification of Rules has submitted its report to the Joint Standing Committee on State and Local Government pursuant to P.L. 1989 c. 636. We are pleased to transmit a copy of that report to you.

The Honorable John L. Martin
The Honorable Charles P. Pray
Maine Legislature
State House
Augusta, Maine 04333

Sincerely,

S/Georgette B. Berube
Commission Chair

Dear Speaker Martin and President Pray:

The Commission to Study the Harness Racing Industry is pleased to submit its report to the Legislature pursuant to P.L. 1989, c. 787.

Which was **READ** and with Accompanying Papers
ORDERED PLACED ON FILE.

Sincerely,

S/Sen. Bonnie Titcomb
Chair

The Following Communication:

Which was **READ** and with Accompanying Papers
ORDERED PLACED ON FILE.

**BUREAU OF TAXATION
STATE OF MAINE
AUGUSTA, MAINE 04333**

October 31, 1990

The Honorable Charles P. Pray
President of the Senate
Maine State Senate
State House Station 3
Augusta, Maine 04333

The Following Communication:

**MAINE STATE LEGISLATURE
COMMISSION TO STUDY PUBLIC FINANCING
OF STATE ELECTIONS
AUGUSTA, MAINE 04333**

Dear President Pray:

November 14, 1990

The accompanying report of State-owned real estate is submitted in accordance with the provisions of Title 36, MRSA §1283.

The Honorable John L. Martin
The Honorable Charles P. Pray
Maine Legislature
State House
Augusta, Maine 04333

This report includes ten properties or interests acquired through liens maturing since the last Regular Session of the Legislature and one property held over from the 1988 report.

Dear Speaker Martin and President Pray:

The Commission to Study Public Financing of State Elections is pleased to submit its report to the Legislature pursuant to Resolves 1989, c. 59.

Part A (the Resolve) includes a legal description of each property, the entire amount of outstanding tax, interest and costs which have accrued, and recommendation for disposition. Part B includes a narrative description of each property.

Sincerely,

S/Rep. Charles R. Priest
Chair

Respectfully submitted

S/John D. LaFaver
State Tax Assessor

Which was **READ** and with Accompanying Papers
ORDERED PLACED ON FILE.

Which was **READ** and with Accompanying Papers
ORDERED PLACED ON FILE.

The Following Communication:

114TH LEGISLATURE
AUGUSTA, MAINE 04333

November 26, 1990

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

Dear Madam Secretary:

Please be advised that we have made the following appointments:

Commission to Study Maine's Oil Spill Clean-Up Preparedness; Pursuant to Chapter 868 of the Public Laws of 1989:

Ms. Cathy Crory of Eastport appointed as the representative of the aquaculture industry

If you have any questions about this appointment, please let one of us know as soon as possible.

Sincerely,

S/Charles P. Pray S/John L. Martin
President of the Senate Speaker of the House

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

The Following Communication:

STATE OF MAINE
OFFICE OF THE PRESIDENT
AUGUSTA, MAINE 04333

November 27, 1990

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

Dear Madam Secretary:

Please be advised that I have made the following appointments:

Advisory Committee to the Model System for Child Abuse Referrals in Penobscot and Piscataquis Counties; Pursuant to Chapter 99 of the Resolves 1990:
Senator Baldacci of Penobscot

Commission on Maine Lakes; Pursuant to Chapter 100 of the Resolves 1990:
Senator Kany of Kennebec

Commission to Study Certain Provisions of the Certificate of Need Law; Pursuant to Chapter 919 of the Public Laws of 1990:

Mr. Gene Boyett of Guilford
Mr. James Roach of Millinocket
Senator Gauvreau of Androscoggin

Commission to Study Maine's Oil Spill Clean Up Preparedness; Pursuant to Chapter 868 of the Public Laws of 1990:

Senator Brannigan of Cumberland

Commission to Study the Feasibility of Establishing a Piscataqua River Basin Compact Between Maine and New Hampshire; Pursuant to Chapter 89 of the Resolves of 1990:

Mr. Conrad Quimby of Kittery Point
Senator Estes of York

Commission to Study the Future of Maine's Courts; Pursuant to Chapter 891 of the Public Laws of 1990:

Senator Hobbins of York
Senator Holloway of Lincoln

Commission to Study the Harness Racing Industry; Pursuant to Chapter 787 of the Public Laws of 1990:

Senator Titcomb of Cumberland
Senator Twitchell of Oxford

Commission to Study the Use of Herbicides; Pursuant to Chapter 98 of the Resolves of 1990:

Mr. Anthony Filauro of Millinocket
Mr. Charles Fitzgerald of Dover Foxcroft
Mr. Richard Niles of Millinocket
Senator Kany of Kennebec
Senator Pray of Penobscot

Committee to Advise the Department of Human Services on AIDS; Pursuant to M.R.S.A. 5, Section 19201:

Senator Titcomb of Cumberland reappointed

Maine Commission on Women; Pursuant to M.R.S.A. 5, Section 7021:

Ms. Sharon Libby Jones of Greenville
Ms. Rae Bates of Patten

Maine Correctional Advisory Commission; Pursuant to Chapter 808 of the Public Laws of 1990:

Senator Bustin of Kennebec
Senator Gauvreau of Androscoggin

Maine Health Program Advisory Committee; Pursuant to Chapter 588 of the Public Laws of 1989:

Senator Bustin of Kennebec reappointed

Medical Demonstration Project Advisory Committee as Public Representative; Pursuant to Chapter 931 of the Public Laws of 1990:

Mr. Donald Hall of Sangerville

Medical Specialty Advisory Committee on Obstetrics as Representative of Payors of Medical Costs; Pursuant to Chapter 931 of the Public Laws of 1990:

Mr. William Burgess of Augusta

Medical Specialty Advisory Committee on Anesthesiology as Representative of Payors of Medical Costs; Pursuant to Chapter 931 of the Public Laws of 1990:

Dr. Richard T. Chamberlin of Portland

Medical Specialty Advisory Committee on Emergency Medicine as Representative of Payors of Medical Costs; Pursuant to Chapter 931 of the Public Laws of 1990:

Mr. Kenneth Quirion of Augusta

Motor Fuel Tax Evasion Committee; Pursuant to Chapter 921 of the Public Laws of 1990:

Senator Twitchell of Oxford

Select Committee on Comprehensive Tax Reform; Pursuant to Chapter 880 of the Public Laws of 1990:

Mr. Steven C. Deller of Bangor
Mr. William Hamlin of Dover Foxcroft
Senator Baldacci of Penobscot
Senator Estes of York

State Emergency Response Commission; Pursuant to Chapter 464 of the Public Laws of 1989:

Mr. Estol McClintock of Wellington

Toxics Reduction Advisory Committee; Pursuant to Chapter 929 of the Public Laws of 1990:

Ms. Michelle McCabe of Standish
Mr. David Tudor of Jay
Ms. Diana White of Farmington

Travel Information Advisory Council; Pursuant to Chapter 735 of the Public Laws of 1990:

Senator Twitchell of Oxford

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

Sincerely,

S/Charles P. Pray
President of the Senate

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

At this point, a message was received from the House of Representatives, borne by Representative GWADOWSKY of Fairfield, informing the Senate that the House of Representatives concurred with the proposition for a Joint Convention, to be held in the Hall of the House, at 3:30 p.m., for the purpose of electing an Attorney General, a Secretary of State, and a State Treasurer.

The Following Communication:

**114TH LEGISLATURE
AUGUSTA, MAINE 04333**

November 27, 1990

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

Dear Madam Secretary:

Please be advised that we have made the following appointments:

Commission on Investment Capital; Pursuant to Chapter 914 of the Public Laws of 1990:

Mr. Shepard Lee of Auburn appointed as public member and co-chair
Representative Gregory G. Nadeau of Lewiston
Representative Ronald C. Bailey of Farmington
Representative Wilfred J. Bell of Caribou
Senator Dennis Dutremble of York
Senator Joseph Brannigan of Cumberland

Commission on Job Opportunity Zones; Pursuant to Chapter 500 of the Public Laws of 1987:

Mr. Laurence E. Gardiner of Mapleton appointed to replace Edith Beaulieu who resigned
Mr. William Forbes of Presque Isle appointed as Co-Chairman, replacing Gregory Cyr who resigned

Commission to Assess the Impact of Increased State Spending on the University of Maine System; Pursuant to Chapter 101 of the Resolves of 1990:

Dr. James M. Acheson of Orono
Mr. Dean Smith of Dover Foxcroft
Mr. Mark Sirois of Augusta appointed as student representative
Ms. Sharon Zimmer-Boucher of Fort Kent appointed as faculty representative
Representative James V. Oliver of Portland
Representative John O'Dea of Orono
Senator Stephen Bost of Penobscot

Commission to Study Maine's Oil Spill Clean-Up Preparedness; Pursuant to Chapter 868 of the Public Laws of 1989:

Dr. Hugh Mitchell of Eastport appointed as the representative of the aquaculture industry,

replacing Cathy Crory who is unable to serve
Mr. David Norton of Boothbay
Mr. James Lemmon of Casco
Mr. Jeffrey H. Kaelin of Winterport appointed as the representative of the sardine industry
Mr. Sidney Barht of Pembroke appointed as a public member

Commission to Study the Establishment of a State and Tribal Partnership to Encourage Economic Development; Pursuant to Chapter 76 of the Resolves of 1990:

Mr. Clair Sabattus of Houlton
Mr. Melvin Francis of Perry
Mr. Nicholas Dow of Old Town
Ms. Mary Philbrook of Presque Isle
Representative Fred W. Moholland of Princeton
Representative George A. Townsend of Eastport
Senator Michael Pearson of Penobscot

Commission to Study the Use of Herbicides; Pursuant to Chapter 98 of the Resolves of 1989:

Mr. James H. Wazlaw of Brunswick appointed as the representative of electric utilities

Health Insurance Continuity Task Force; Pursuant to Chapter 867 of the Public Laws of 1990:

Representative Charlene B. Rydell of Brunswick
Representative Harriet A. Ketover of Portland
Representative Harvey C. Donald of West Buxton
Senator Beverly Miner Bustin of Kennebec

Interagency Task Force on Homelessness and Housing Opportunities; Pursuant to Chapter 581 of the Public Laws of 1989:

Mr. Joel Rekas of Portland appointed as the representative of non-profit shelters, replacing Donald Gean who resigned
Ms. Peggy Dunn of Portland appointed as the representative of municipalities, replacing Doris Hohman who resigned

Mackworth Island Public Trust Advisory Board; Pursuant to Chapter 113 of the Private and Special Laws of 1990:

Mr. Donald Perkins of Peaks Island appointed as an environmental member
Mr. John Deiffenbacher Kroll of Portland Representative Hebert C. Adams of Portland appointed as a legislative member

Maine Commission on Mental Health; Pursuant to Chapter 887 of the Public Laws of 1988:

Janet Stratton of Bangor reappointed
Marc Plourde of Eagle Lake reappointed
Ronald Melendy of Rockland reappointed
Tim R. Rogers of Bangor reappointed
Mr. David Gregory of Portland reappointed
Mrs. Janice Burns of South Portland reappointed

Maine Health Program Advisory Committee; Pursuant to Chapter 588 of the Public Laws of 1989:

Susan M. Soucie of Eagle Lake reappointed
Ms. Barbara Darling of Portland reappointed

Mandated Benefits Advisory Committee; Pursuant to Chapter 556 of the Public Laws of 1989 and MRSA 24, Section 2325-B:

Mrs. Carol Harris of Greenville reappointed as the representative of health insurance consumers
Senator Raynold Theriault of Aroostook reappointed

Medical Demonstration Project Advisory Committee; Pursuant to Chapter 931 of the Public Laws of 1990:

Ms. Katherine Alexander of Portland appointed as the non-profit health insurer representative

Special Commission to Study and Evaluate the Status of Education Reform in Maine; Pursuant to Chapter 88 of the Resolves of 1990:

Honorable Stephanie Locke of Sebec
Representative Judy A. Paradis of Frenchville
Representative Nathaniel J. Crowley, Sr. of Stockton Springs
Representative Omar P. Norton of Winthrop
Senator Stephen M. Bost of Penobscot

Student Financial Aid Transition Advisory Committee; Pursuant to Chapters 559 & 698 of the Public Laws of 1989:

Mr. Marshall Frankel of Bangor
Mr. Michael Cote of Farmingdale appointed as a public member, replacing Dean Smith who resigned

If you have any questions about these appointments, please let one of us know as soon as possible.

Sincerely,

S/Charles P. Pray
President of the Senate

S/John L. Martin
Speaker of the House

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

The Following Communication:

**DEPARTMENT OF EDUCATION
STATE HOUSE STATION 23
AUGUSTA, MAINE 04333**

November 30, 1990

The Honorable Charles P. Pray
President of the Senate
State House Station 3
Augusta, Maine 04333

Dear President Pray:

In accordance with 20-A MRSA, section 15618-A, a report of all school administrative unit state and local revenues designated for K-12 education in their FY 91 budgets has been compiled and a copy is provided for your use.

It should be noted that the amounts budgeted in the various categories may not be the same as actual expenditures for these categories, for the following reasons:

1. Some budgeted amounts may be unexpended and carried forward to the following year. The statewide balance forward, for all budget categories, is usually between 2% and 3%.
2. School administrative units which do not utilize a line-item budget may transfer funds to other categories.
3. For certain types of funds that are transferred between school administrative units (for tuition costs and for transportation and other services provided to another school administrative unit), the amount is budgeted in both school administrative units, since each unit must appropriate these funds. Since these instances cannot be netted out in the State Total Summary, the state totals will overestimate actual expenditures to some degree.

Sincerely,

S/Eve M. Bither
Commissioner

Which was **READ** and with Accompanying Papers **ORDERED PLACED ON FILE**.

The Following Communication:

STATE OF MAINE
DEPARTMENT OF AUDIT
STATE HOUSE STATION 66
AUGUSTA, MAINE 04333

DEPARTMENT OF EDUCATION
STATE HOUSE STATION 23
AUGUSTA, MAINE 04333

To the President of the Senate and the
Speaker of the House of Representatives

We are pleased to submit the single audit of the
State of Maine for the fiscal year ended June 30,
1989.

This report complies with the state's audit
requirements contained in Title 5 MRSA, Chapter 11
and the federal audit requirements of the Single
Audit Act of 1984, and the associated Circular A-128,
issued by the U.S. Office of Management and Budget.

We note for your attention the following areas that
we believe to be of particular significance.

	<u>Section/Page</u>
Independent Auditor's Report	B-1 - B-2
Independent Auditor's Report on Internal Control Structure Related Matters Noted in a Component Unit Financial Statement Audit Conducted in Accordance with Government Auditing Standards	D-1 - D-3
Schedule of Reportable Conditions	D-5 - D-28
Independent Auditor's Report on Internal Controls (Accounting and Administrative) Based on a Study and Evaluation Made as a Part of an Audit of the Component Unit Financial Statements and the Additional Tests Required by the Single Audit Act	D-29 - D-32
Independent Auditor's Report on Compliance with Laws and Regulations Based on an Audit of Component Unit Financial Statements Performed in Accordance with Government Auditing Standards Issued by the GAO	E-1 - E-2

We would like to express our appreciation to the
federal cognizant audit agency, the U.S. Department
of Health & Human Services, and to the Maine
Department of Finance and the other state agencies
for their assistance during the audit.

We would be pleased to respond to any of your
questions or comments about the 1989 single audit
report.

S/Rodney L. Scribner, CPA
State Auditor

Which was **READ** and with Accompanying Papers
ORDERED PLACED ON FILE.

The Following Communication:

November 30, 1990

TO: Members of the 115th Legislature

FROM: S/Eve M. Bither, Commissioner

SUBJECT: Actual Education Costs for Base Year 1989-90

Pursuant to the provisions of 20-A MRSA section
15604, I am providing notification of the "actual
education costs" as defined in subsection 1, of the
20-A MRSA section 15604 for the base year 1989-90.

A. Operating costs		
(1) Elementary		\$448,313,549
(2) Secondary		249,872,225
B. Special education costs for programs operated by administrative units		76,616,433
C. Special education tuition and board excluding medical costs		21,916,744
(1) Tuition and board for pupils placed by administrative units	13,663,572	
(2) Tuition and board for State wards and direct State placement	2,418,514	
(3) Adjustments under section 15612, subsection 6 (Special Education Hardship grants)	500,000	
(4) Cost to the state for State agency clients (section 15613, subsection 5)	5,334,658	
D. Vocational education costs		20,355,564
E. Transportation operating costs		52,321,366
F. Bus Purchases		
(1) Purchase of Buses-Regular Approvals		4,991,848
(2) Purchase of Buses from Bond Issue		367,817
G. Debt Service Costs		
(1) Principal and Interest		44,573,231
(2) Insured Value Factor		1,572,258
(3) Leased (approved)		5,045,269
(4) Construction-Current year construction funding		0
(5) Other major capital costs		12,985,144
H. Cost of reimbursement for private school services		253,107

- I. Cost of state expenditure for teacher retirement benefits 116,799,185
- J. Early childhood educational programs 673,521

The above figures include all adjustments in expenditure reports through November 28, 1990. These expenditures are from state and local monies only, except that Federal P.L. 81-874 funds are included.

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

**MAINE STATE LEGISLATURE
COMPENSATION COMMISSION
AUGUSTA, MAINE 04333**

November 16, 1990

The Honorable Charles P. Pray
President of the Senate
Maine Legislature
State House
Augusta, Maine 04333

Dear President Pray:

The State Compensation Commission is pleased to submit its Final Report to the Legislature pursuant to Title 3, Section 2-A of the Revised Statutes. We have submitted legislation to implement our statutory recommendation to the Revisor of Statutes.

We would be pleased to answer any questions you may have regarding our recommendations.

Respectfully submitted,

S/Stephen R. Crockett
Chairman

Which was READ and with Accompanying Papers ORDERED PLACED ON FILE.

The Following Communication:

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333**

November 29, 1990

The Honorable Charles P. Pray
President of the Senate
Maine State Senate
Augusta, ME 04333

Dear President Pray:

Attached is a copy of the public Proclamation of the results of the vote taken on November 6, 1990 regarding "An Act to Amend the Sunday Sales Law." I am providing this proclamation to you as written notice pursuant to the provisions of 21-A MRSA, Section 724-A.

Sincerely,

S/JOHN R. MCKERNAN, JR.
Governor

The following Proclamation:

**STATE OF MAINE
PROCLAMATION**

An Act to Amend the Sunday Sales Law

WHEREAS, the electors of the State of Maine presented to the One Hundred and Fourteenth Legislature in Second Regular Session an initiated bill entitled,

"An Act to Amend the Sunday Sales Law,"

under the provisions of Article IV, Part Third, Section 18 of the Constitution of Maine, and

WHEREAS, the Legislature failed to enact such initiated bill, and

WHEREAS, the initiated bill was submitted to the electors for approval, by proclamation of the Governor, at an election to be held on the Tuesday following the first Monday in November, 1990, and

WHEREAS, it appears by the return of votes given in by the electors of the various cities, towns and plantations voting upon said initiated bill on November 6, 1990, and reviewed by the Governor on November 27, 1990, that a majority of said votes were in favor of the initiated bill becoming law; namely,

272,129 for, and
246,408 opposed;

NOW, THEREFORE, I, JOHN R. MCKERNAN, JR., Governor of the State of Maine, in pursuance of the provisions of the Constitution of Maine in such case provided, declare said measure adopted, to take effect and become law thirty days after the date of this proclamation.

In testimony whereof I have caused the Great Seal of the State to be hereunto affixed GIVEN under my hand at Augusta this twenty-seventh day of November in the year of our Lord One Thousand Nine Hundred and Ninety.

S/JOHN R. MCKERNAN, JR.
Governor

S/G. William Diamond
Secretary of the State

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

November 30, 1990

The Following Communication:

**COMMISSION TO STUDY THE IMPACT
OF GAME AND NONGAME SPECIES
ON MAINE'S ECONOMY
STATE HOUSE STATION 5
AUGUSTA, MAINE 04333**

November 29, 1990

Honorable Charles P. Pray
President
State House
Augusta, Maine 04333

Dear President Pray:

The Commission to Study the Impact of Game and Nongame Species on Maine's Economy is pleased to submit the attached final report pursuant to Public Laws of 1987, chapter 554, Section 3.

The Commission, consisting of members of the Legislature and the public, was established to study the economic contribution of recreational fishing, wildlife hunting, and nonconsumptive uses to the economy of Maine. In December of 1987, the Commission contracted with Dr. Kevin Boyle and the University of Maine to conduct the research necessary to carry out its mission.

It is my understanding that Maine is the first state to ever conduct such a comprehensive study identifying specific participation rates, valuations, and expenditure estimates for consumptive and nonconsumptive users of fish and wildlife resources. Furthermore, this final report will assist the State in developing a data base that will reveal the vast dimensions and regional importance of our precious resources.

In closing, I hope you find this report useful and if I can be of any assistance, please let me know.

Sincerely,

S/Rep. Donald V. Carter
Chair

Which was **READ** and with Accompanying Papers **ORDERED PLACED ON FILE**.

The Following Communication:

**EXECUTIVE DEPARTMENT
PUBLIC ADVOCATE
STATE HOUSE STATION 112
AUGUSTA, MAINE 04333**

Honorable Charles P. Pray
President of the Senate
State House Station 3
Augusta, Maine 04333

Dear President Pray:

I enclose for your review a copy of "Ready for Winter? The Final Report of the Blue Ribbon Commission on Energy Policy for Maine's Low-Income Citizens" which was delivered to the Governor today.

Please do not hesitate to contact me with questions about the Blue Ribbon Commission, the report's seven recommendations or related matters.

Sincerely,

S/Stephen G. Ward

Which was **READ** and with Accompanying Papers **ORDERED PLACED ON FILE**.

The Following Communication:

**MAINE STATE LEGISLATURE
COMMISSION TO STUDY THE LEVEL OF SERVICES
FOR MAINE'S ELDERLY CITIZENS
AUGUSTA, MAINE 04333**

December 5, 1990

The Honorable Charles P. Pray, President of the Senate
The Honorable John L. Martin, Speaker of the House
Maine Legislature
State House
Augusta, Maine 04333

Dear President Pray and Speaker Martin:

The Commission to Study the Level of Services for Maine's Elderly Citizens is pleased to submit its report to the Legislature pursuant to Resolves 1989, c. 58.

Sincerely,

S/Rep. Virginia Constantine
Chair

Which was **READ** and with Accompanying Papers **ORDERED PLACED ON FILE**.

At this point, the Senate retired to the Hall of the House, where a Joint Convention was formed.

AFTER CONVENTION

IN SENATE

Senate called to order by the President.

SENATE PAPERS

Bill "An Act to Restrict Disclosure of HIV Test Results" (Emergency)

S.P. 17 L.D. 6

Presented by Senator **GILL** of Cumberland
Cosponsored by Representative **RYDELL** of Brunswick
Submitted by the Department of Professional and
Financial Regulation pursuant to Joint Rule 24.

Committee on **BUSINESS LEGISLATION** suggested and
ORDERED PRINTED.

Which was, under suspension of the Rules, **READ
TWICE** and **PASSED TO BE ENGROSSED**, without reference
to a Committee, and **ORDERED PRINTED**.

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

Bill "An Act to Change an Effective Date and to
Correct Errors and Inconsistencies in the Real Estate
Appraisal Laws" (Emergency)

S.P. 18 L.D. 7

Presented by Senator **BALDACCI** of Penobscot
Submitted by the Department of Professional and
Financial Regulation pursuant to Joint Rule 24.

Committee on **BUSINESS LEGISLATION** suggested and
ORDERED PRINTED.

Which was, under suspension of the Rules, **READ
TWICE** without reference to a Committee.

On motion by Senator **BALDACCI** of Penobscot,
Senate Amendment "A" (S-1) **READ** and **ADOPTED**.

Which was, under suspension of the Rules, **PASSED
TO BE ENGROSSED**, as **Amended** without reference to a
Committee.

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

Bill "An Act to Allow Relicensing of an Existing
Biomedical Waste Facility" (Emergency)

S.P. 15 L.D. 3

Presented by Senator **LUDWIG** of Aroostook
Cosponsored by President **PRAY** of Penobscot,
Senator **CARPENTER** of York and Representative
JACQUES of Waterville

Committee on **ENERGY AND NATURAL RESOURCES**
suggested and **ORDERED PRINTED**.

Which was, under suspension of the Rules, **READ
TWICE** without reference to a Committee.

On motion by Senator **LUDWIG** of Aroostook, Senate
Amendment "A" (S-2) **READ**.

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

Senator **KANY:** Thank you Mr. President, Ladies
and Gentlemen of the Senate. I simply rise to
support this Amendment since it is simply a fiscal
note.

Senate Amendment "A" (S-2) **ADOPTED**.

Which was, under suspension of the Rules, **PASSED
TO BE ENGROSSED**, as **Amended**, without reference to a
Committee.

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

Bill "An Act to Revise the Lobster Measure"
(Emergency)

S.P. 20 L.D. 9

Presented by Senator **VOSE** of Washington
Cosponsored by Representative **TOWNSEND** of
Eastport and Representative **LOOK** of Jonesboro

Which was referred to the Committee on **MARINE
RESOURCES** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Provide a Salary Payment Option
for Legislators" (Emergency)

S.P. 16 L.D. 5

Presented by President **PRAY** of Penobscot
Cosponsored by Senator **CLARK** of Cumberland

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

Which was, under suspension of the Rules, **READ
TWICE** and **PASSED TO BE ENGROSSED**, without reference
to a Committee.

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

Bill "An Act to Regulate Water Utilities"
(Emergency)

S.P. 19 L.D. 8

Presented by Senator **KANY** of Kennebec
Cosponsored by Representative **CARTER** of Winslow,
Representative **JOSEPH** of Waterville and
Representative **GWADOWSKY** of Fairfield

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

Sent down for concurrence.

ORDERS

On motion by Senator **DUTREMBLE** of York, the
following Senate Order:

ORDERED, that the subordinate officers of the
Senate be appointed by the Secretary as follows:
Senate Reporters, and sufficient staff to attend to
the duties of the Office of the Secretary.

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

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

ORDERED, that the Secretary of the Senate be
directed to furnish each member of the Senate, during
the present session with one daily newspaper printed
in the State, as each member may direct.

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

On motion by Senator **TITCOMB** of Cumberland, the
following Senate Order:

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

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

On motion by Senator **BOST** of Penobscot, the
following Senate Order:

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

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

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

On motion by Senator **KANY** of Kennebec, the
following Senate Order:

ORDERED, that the Secretary of the Senate be
directed to secure uniforms for the subordinate
officers of the Senate.

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

On motion by Senator **DUTREMBLE** of York, the
following Senate Order:

ORDERED, that all Bills and Resolves carrying or
requiring an appropriation of highway revenue or
involving a loss of highway revenue that are in order
to be passed, to be enacted, or finally passed,
shall, at the request of a member of the Committee on
Transportation, be placed on a special calendar to be
called up for consideration only by a member of that
Committee.

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

On motion by Senator **PEARSON** of Penobscot, the
following Senate Order:

ORDERED, that all Bills and Resolves carrying or
requiring an appropriation or involving a loss of
revenue that are in order to be passed to be enacted,
or finally passed, shall, at the request of a member
of the Committee on Appropriations and Financial
Affairs, be placed on a special calendar to be called
up for consideration only by a member of that
committee.

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

On motion by Senator **CLARK** of Cumberland, the following Senate Order:

ORDERED, that all Bills and Resolves carrying or requiring an appropriation of fishery and wildlife revenue or involving a loss of fishery and wildlife revenue that are in order to be passed to be enacted, or finally passed, shall, at the request of a member of the Committee on Fisheries and Wildlife be placed on a special calendar to be called up for consideration only by a member of that committee.

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

On motion by Senator **CLARK** of Cumberland the following Senate Order:

ORDERED, that the Senate Rules of the 115th Legislature are as follows:

**RULES OF THE SENATE
115TH LEGISLATURE**

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

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

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

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

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

5. The President shall have the right to appoint a Secretary of the Senate and an Assistant Secretary of the Senate to fill any vacancy that may occur in said office while the Legislature is not in session,

to serve until the Senate in session shall elect a Secretary or Assistant Secretary.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4th. Orders.

5th. Reports of committees.

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

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

8th. Orders of the day.

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

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

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

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

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

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

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

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

33. No rule shall be dispensed with, except by the consent of two-thirds of the members present.

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

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

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

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

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

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

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

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

the committee shall proceed, until dissolved in the usual manner.

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

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

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

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

Off Record Remarks

Joint Orders

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

ORDERED, the House concurring, that a sufficient number of the Legislative Record for the 115th Legislature be printed. One copy for each of the members of the Senate and the House of Representatives who so desires, the Secretary of the Senate and Clerk of the House, and the remainder to be deposited with the State Law Librarian for exchange and library use; and be it further

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

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

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

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

On motion by Senator **CLARK** of Cumberland the following Joint Order: S.P. 21

ORDERED, the House concurring, that the Joint Rules of the 115th are as follows:

JOINT RULES - 115TH LEGISLATURE
GENERAL PROVISIONS

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

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

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

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

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

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

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

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

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

7. Conventions. No business shall be transacted in convention of the two Houses unless by unanimous consent, except such as may be agreed upon before the convention is formed.

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

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

9. Rules. Except as otherwise provided in these rules, no joint rule or order shall be suspended without the consent of two-thirds of the members present in each House.

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

11. Employees. The salaries of all officers and employees of the Senate and House of Representatives shall be established by the President of the Senate, the Speaker of the House and the Majority Floor Leaders of both the House and Senate. The Secretary of the Senate is authorized and directed to certify vouchers of the officers and employees of the Senate and the Clerk of the House is authorized and directed to certify vouchers of the officers and employees of the House in conformance with this Rule to the Executive Director of the Legislative Council and said salaries shall be paid at such intervals as the President of the Senate, the Speaker of the House and the Majority Floor Leaders of both the House and the Senate may determine.

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

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

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

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

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

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

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

LEGISLATIVE COMMITTEES

13. Joint Standing Committees. There shall be no more than 19 Joint Standing Committees which shall be appointed as follows at the commencement of the first regular session, viz:

- On Aging, Retirement and Veterans
- On Agriculture
- On Appropriations and Financial Affairs
- On Audit and Program Review
- On Banking and Insurance
- On Business Legislation
- On Education
- On Energy and Natural Resources

- On Fisheries and Wildlife
- On Housing and Economic Development
- On Human Resources
- On Judiciary
- On Labor
- On Legal Affairs
- On Marine Resources
- On State and Local Government
- On Taxation
- On Transportation
- On Utilities

Membership. Each of these committees shall consist of no more than 3 on the part of the Senate and no more than 10 on the part of the House. The first named Senate member shall be the Senate chair. The first named House member shall be the House chair. The Senate chair shall preside and in the Senate chair's absence, the House chair shall preside and, thereafter, as the need may arise, the chair shall alternate between the members from each House in the order of their appointment to the committee.

Committee Clerks. The hiring of all committee clerks is to be mutually agreeable to both the Senate and House chairs; if not agreeable, it shall be decided by the President of the Senate and Speaker of the House. The salaries of each committee clerk shall be established by the President of the Senate and the Speaker of the House and shall terminate when all bills have been reported out by the committee. The Executive Director of the Legislative Council is authorized and directed to certify vouchers of the committee clerks.

Committee Procedure. Committees shall adopt standard rules of procedure at their first meeting in accordance with guidelines established by the President of the Senate and the Speaker of the House, and adhered to. These committees may report by bill or otherwise. The presiding chair shall decide all questions of order, subject to appeal to the committee. The chair's ruling shall stand unless overruled by a majority vote of the committee membership.

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

Participation in Budget Hearings and Work Sessions. Each joint standing committee, except the Committee on Appropriations and Financial Affairs, shall appoint a subcommittee of three of its members to attend and participate in Appropriations Committee budget hearings and to attend and advise at working sessions dealing with that portion of the budget within their committee's area of interest. One member of the subcommittee shall be appointed by the Senate chair and the remaining two members shall be appointed by the House chair. This subcommittee may advise the Committee on Appropriations and Financial Affairs of their respective committee's recommendations on these portions of the budget.

Each committee to which is referred bills, resolves or orders involving appropriations or revenues shall, within five legislative days after reporting out all these bills, submit to the Committee on Appropriations and Financial Affairs a

list indicating the committee's priority for final passage of these bills.

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

13-A. Joint Select Committee on Indian Affairs. There shall be a Joint Select Committee on Indian Affairs to review all legislation relating to Indians and Indian land claims after its submission to a joint standing committee but before a public hearing is held on that legislation. The committee shall consist of the representatives from House Districts 131, 137, 139 and 141, the Senators from Senate Districts 3, 6 and 7, the member of the Penobscot Indian Tribe and the member of the Passamaquoddy Indian Tribe elected to represent the tribes at the Legislature and the executive secretary of the Tribal State Commission. The President of the Senate and the Speaker of the House of Representatives shall serve as ex officio members of the committee. The Joint Select Committee on Indian Affairs may make recommendations to the joint standing committee to which the legislation is referred.

14. Reference of Bills to Committee. The Secretary of the Senate and the Clerk of the House shall, after conferring together, suggest an appropriate committee reference for every bill, resolve and petition offered in either House. Upon their agreement, the suggested reference shall be placed upon the calendar of each House. If, however, they are unable to agree, the question of reference shall be referred to a conference of the President of the Senate and the Speaker of the House. Upon their agreement, the suggested reference shall be placed upon the calendar of each House. If, however, they are unable to agree, the question of suggested reference shall be referred to the Legislative Council for resolution. Upon the decision of the Legislative Council, the suggested reference shall be placed upon the calendar of each House.

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

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

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

15. Reports of Bills from Committee.

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

2. Recommendation Required. The report of the committee shall include a recommendation of one of the following: Ought to Pass, Ought to Pass as Amended, Ought to Pass in New Draft, Ought Not to Pass, Unanimous Ought Not to Pass, Unanimous Leave to Withdraw, Ought to Pass, Ought to Pass as Amended, Ought to Pass in New Draft or Ought Not to Pass reports may be recommended by a plurality of the committee. When the committee recommendation is not unanimous a minority report or reports are required.

3. Unanimous Ought Not to Pass Report. When all 13 members of a Joint Standing Committee vote to report a bill Ought Not to Pass the bill shall, upon notification of both Houses, be placed in the legislative file and disposed of as provided in subsection 5 as prescribed herein.

4. Unanimous Leave to Withdraw. When the sponsor and all cosponsors request that the committee give Leave to Withdraw a bill and all 13 members of the Committee concur, the bill shall be reported Unanimous Leave to Withdraw and the bill shall be placed in the legislative file and disposed of as provided in subsection 5 as prescribed herein.

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

6. New Drafts. When the changes voted by the committee are major, the committee may elect to report the bill out Ought to Pass in New Draft with authorization of the presiding officers. When a plurality of the committee recommends this report, the chairs shall submit a request for authority to report the bill out in this fashion. When the committee recommendation is not unanimous, a minority report is required. New drafts printed pursuant to these rules shall include the legislative document number that the new bill replaces with the names of the original sponsor and cosponsors. The Secretary of the Senate and the Clerk of the House shall determine the number of copies which shall be printed of each new draft.

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

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

17. Conference Committees. Committees of conference shall consist of three members on the part of each House, representing its vote, and their report, agreed to by a majority of each committee or unable to agree, shall be made within 10 legislative days to the branch asking the conference, and may be

either accepted or rejected, but no other action shall be had except through another committee of conference. If after 10 legislative days no report is made by the Conference Committee, the President of the Senate and the Speaker of the House may appoint a new committee.

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

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

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

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

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

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

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

22. Fiscal Notes. Every bill or resolve affecting state revenues, appropriations or allocations which has a committee recommendation other than Ought Not to Pass or Unanimous Leave to Withdraw shall include a fiscal note. This statement shall be incorporated in the bill before it is reported out of committee. Any amendment introduced that would affect the fiscal impact of the original bill shall also include a fiscal note. The Office of Fiscal and Program Review shall have sole responsibility for preparing all fiscal notes.

LEGISLATION

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

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

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

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

3. After-Deadline Requests. Any request for a bill or resolve submitted under this rule after the first Wednesday in December in either the first or second regular session shall be considered an after cloture request and shall be transmitted to the Legislative Council by the Revisor of Statutes. The Legislative Council shall consider the facts supporting introduction notwithstanding cloture. If two-thirds of the Legislative Council approve the request for the bill or resolve, it shall be accepted for introduction. Notice of that action shall appear on the calendar of the appropriate House.

25. Cloture at the First Regular Session. During any first regular session, all other requests for bills and resolves submitted by returning Legislators shall be submitted in complete form to the Revisor of Statutes by 5:00 p.m. on the 2nd Friday in December. Requests for bills and resolves submitted by new Legislators shall be submitted in complete form to the Revisor of Statutes by 5:00 p.m. on the last Friday in December.

Presenters shall be notified by the Revisor of Statutes when the bill or resolve is ready for signature and shall be responsible for reviewing and signing the bills and resolves in accordance with Joint Rule 32 to ensure timely introduction into the appropriate House.

Exception. This rule shall not apply to bills or resolves reported by any joint committee in the regular course of business, nor to such bills and resolves as are intended only to facilitate the business of the Legislature.

26. Cloture at the Second Regular or Special Sessions. The Legislative Council shall establish procedures for submission of legislation to the Revisor of Statutes at any second regular or special session. Procedures established for any second

regular session shall ensure compliance with the requirements of the Maine Constitution, Article IV, Part Third, Section 1.

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

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

28. Cosponsorship. A presenter of legislation may authorize up to three additional members of either House to cosponsor a bill or resolve. Orders, resolutions and memorials may be cosponsored in the same manner as bills and resolves. A bill, resolve, order, resolution or memorial having cosponsors shall originate in the House of the presenter.

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

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

31. Form. All bills and resolves shall be corrected as to matters of form, legislative style and grammar and allocation to the Revised Statutes by the Revisor of Statutes before printing.

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

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

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

34. Expressions of Legislative Sentiment. All expressions of legislative sentiment shall conform to guidelines issued by the President of the Senate and the Speaker of the House and shall be presented in such manner as standardized by the Revisor of Statutes.

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

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

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

1. Any item requesting the calling of a United States Constitutional Convention shall require a two-thirds vote of the members present in each House;
2. Any item requesting ratification of an amendment to the United States Constitution shall require a majority vote of the members present in each House; and
3. Any item requesting any other action under the United States Constitution, Article V, shall require a majority vote of the members present in each House.

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

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

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

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

LEGISLATIVE CONFIRMATIONS

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

The joint standing committee shall hold a public hearing on the nomination in Augusta at a time convenient to the public, within 30 days from the date of the Governor's notice of the nomination to the President of the Senate and Speaker of the House. The chairs of the committee shall cause to be published in the state paper at least 7 days before the hearing a notice of that hearing, which shall contain the time and place of the hearing, the name of the nominee, the office to which that person has been nominated and a general description of the duties of that office. At the hearing, the committee shall take written or oral testimony which shall be limited to relevant comments and questions regarding the qualifications of the nominee. All testimony taken at the hearing shall be transcribed by mechanical means, and shall be preserved, together with any other relevant data provided the committee at the public hearing, by the committee for at least 6 months after the date of the public hearing. The 2 partisan assistants for nominations shall provide the committee with a written report of their investigations before the committee votes to recommend or deny confirmation.

Within 30 days from the date of the Governor's notice of the nomination to the President of the Senate and Speaker of the House, the committee shall recommend confirmation or denial by majority vote of the committee members present and voting. The vote of the committee shall be taken only upon an affirmative motion to recommend confirmation of the nominee, and a tie vote of the committee shall be considered a recommendation of denial. The committee vote shall be by the yeas and nays. The chairs of the committee shall send written notices of the committee's recommendation to the President of the Senate. Within 45 days from the date of the Governor's notification of the nomination to the President of the Senate and the Speaker of the House, the Senate shall review the recommendation of the committee on the nomination, and, after review, shall vote by the yeas and nays on that recommendation.

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

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

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

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

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

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

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

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

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

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

ORDERED, the House concurring, that there be prepared, after adjournment of the present session, by the Legislative Information Coordinator, 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 400 copies of the same. The Legislative Information Coordinator shall mail a copy of the Register to each member and officer of the Legislature and the State Law and Legislative Reference Library shall receive such number of copies as may be required.

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

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

On motion by Senator **MATTHEWS** of Kennebec, the following Joint Order: S.P. 7

ORDERED, the House concurring, that the Secretary of the Senate and Clerk of the House jointly prepare the Senate and House Register and that 40,000 copies be printed for the use of the Legislature.

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

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

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

ORDERED, the House 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.

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

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

On motion by Senator **BUSTIN** of Kennebec, the following Joint Order: S.P. 9

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

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

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

On motion by Senator **DUTREMBLE** of York, the following Joint Order: S.P. 10

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

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

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

On motion by Senator **ESTES** of York, the following Joint Order: S.P. 11

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

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

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

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

On motion by Senator **CLARK** of Cumberland, the following Joint Order: S.P. 12

**STATE OF MAINE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
COMMITTEE ON MARINE RESOURCES
STUDY OF MAINE'S SALMON AQUACULTURE INDUSTRY**

November 9, 1990

The Honorable John L. Martin, Chair
Legislative Council
Maine Legislature
State House
Augusta, ME 04333

Dear Mr. Chair:

The Aquaculture Study Subcommittee of the Joint Standing Committee on Marine Resources is pleased to submit the attached report of our study of Maine's Salmon Aquaculture Industry pursuant to the order of the Legislative Council. We hope you find this report a useful tool in our continuing efforts to provide reasonable and effective environmental safeguards for the important and growing aquaculture industry.

Sincerely,

S/Rep. James Reed Coles
Chair

Which was **READ** and with Accompanying Papers **ORDERED PLACED ON FILE**, in concurrence.

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

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

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

On motion by Senator **DUTREMBLE** of York, the following Joint Order: S.P. 13

ORDERED, the House concurring, that there be paid to the members of the Senate and the House as advances on account of compensation established by statute, 13 payments on a biweekly basis commencing January 2, 1991, the first 12 payments to be in the amount of Eight Hundred (\$800) and the final payment to be in the amount of Nine Hundred Dollars (\$900), according to lists certified to the State Controller by the President of the Senate and Speaker of the House, respectively.

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

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

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

COMMUNICATIONS

The Following Communication H.P. 5

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

PAPERS FROM THE HOUSE

Joint Orders

The following Joint Order: H.P. 6

ORDERED, the Senate concurring, that the Executive Director of the Legislative Council be authorized and directed to pay prior to December 20, 1990 each member of the Senate \$650 and each member of the House \$500 for constituent services allowance as authorized in the Maine Revised Statutes, Title 3, section 2.

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

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

The following Joint Order: H.P. 7

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

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

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

Off Record Remarks

On motion by Senator **CLEVELAND** of Androscoggin, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Give the Legislative Council Express Authority to Set Fees for Legislative Publications" (Emergency)

H.P. 3 L.D. 4

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

Comes from the House, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

Which was, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee, and **ORDERED PRINTED**, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Concerning Open Burning Regulations" (Emergency)

H.P. 2 L.D. 2

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

Which was referred to the Committee on **ENERGY AND NATURAL RESOURCES** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Mandate the Continuance of Current Policies on Winter Utility Disconnections" (Emergency)

H.P. 4 L.D. 10

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

Which was referred to the Committee on **UTILITIES** and **ORDERED PRINTED**, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

**Pursuant to Public Law
COMMISSION ON CODIFICATION OF RULES**

The **COMMISSION ON CODIFICATION OF RULES**, pursuant to Public Law 1989, Chapter 636, ask leave to submit its findings and to report that the accompanying Bill "An Act to Codify the Rules of Maine"

H.P. 1 L.D. 1

Be referred to the Joint Standing Committee on **STATE AND LOCAL GOVERNMENT** for Public Hearing and printed pursuant to Joint Rule 18.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill referred to the Committee on **STATE AND LOCAL GOVERNMENT** and **ORDERED PRINTED**, pursuant to Joint Rule 18.

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

The Bill referred to the Committee on **STATE AND LOCAL GOVERNMENT** and **ORDERED PRINTED**, pursuant to Joint Rule 18, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Refinance a Portion of the Teacher Retirement Payments for the Fiscal Year 1990-91" (Emergency)

H.P. 9 L.D. 12

Comes from the House referred to the Committee on **AGING, RETIREMENT AND VETERANS** and **ORDERED PRINTED**.

Which was referred to the Committee on **AGING, RETIREMENT AND VETERANS** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Increase the Amount the State may Borrow in Anticipation of Tax Revenues" (Emergency)

H.P. 10 L.D. 13

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

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

Bill "An Act to Conform the Maine Income Tax Law for 1990 with the United States Internal Revenue Code" (Emergency)

H.P. 8 L.D. 11

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

Which was referred to the Committee on **TAXATION** and **ORDERED PRINTED**, in concurrence.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Allow Relicensing of an Existing Biomedical Waste Facility" (Emergency)

S.P. 15 L.D. 3
(S "A" S-2)

Committee on **ENERGY AND NATURAL RESOURCES** suggested and **ORDERED PRINTED**.

In Senate, December 5, 1990, under suspension of the Rules, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-2)**, without reference to a Committee.

Comes from the House referred to the Committee on **ENERGY AND NATURAL RESOURCES** and **ORDERED PRINTED** in **NON-CONCURRENCE**.

On motion by Senator **CLARK** of Cumberland, Tabled Unassigned pending **FURTHER CONSIDERATION**.

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

After Recess

Senate called to order by the President.

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

ENACTORS

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

Emergency

An Act to Restrict Disclosure of HIV Test Results

S.P. 17 L.D. 6

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Change an Effective Date and to Correct Errors and Inconsistencies in the Real Estate Appraisal Laws

S.P. 18 L.D. 7
(S "A" S-1)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

ENACTORS

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

Emergency

An Act to Provide a Salary Payment Option for Legislators

S.P. 16 L.D. 5

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

Off Record Remarks

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

After Recess

Senate called to order by the President.

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

ORDERS

Joint Order

On motion by Senator **DUTREMBLE** of York the following Joint Order: S.P. 23

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Thursday, January 3, 1991, at 4 o'clock in the afternoon or to the call of the President of the Senate and the Speaker of the House when there is need to conduct legislative business.

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

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

Off Record Remarks

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

ENACTORS

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

Emergency

An Act to Give the Legislative Council Express Authority to Set Fees for Legislative Publications
H.P. 3 L.D. 4

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Off Record Remarks

The **ADJOURNMENT ORDER** having been returned from the House **READ** and **PASSED**, in concurrence, on motion by Senator **MATTHEWS** of Kennebec, **ADJOURNED** until Thursday, January 3, 1991, at 4:00 in the afternoon.