

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

**One Hundred And Seventeenth Legislature**

OF THE

**State Of Maine**

**VOLUME III**

**FIRST REGULAR SESSION**

**Senate**

December 7, 1994 to April 27, 1995

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

In Senate Chamber

Wednesday

January 4, 1995

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

Prayer by Reverend Victor Stanley of the First Baptist Church of Gardiner.

**REVEREND VICTOR STANLEY:** Let's pray. Gracious God, as we cross the threshold and enter a new year together we pause for a moment to look over our shoulders and reflect upon the past. You have blessed us in the State of Maine in many ways. We are blessed with a magnificent natural beauty and a rich history. You have blessed us with many women, men, boys and girls, who have led Maine to excellence through the years. Now, as we reflect upon the past, we seek hope for the future. Give us a common vision where we see Maine at its best. In this present day and hour our prayer is a simple, but powerful, prayer. Faithful God of the past, God of our future hope, please help us today. For your help and blessings we are truly grateful. Amen.

Reading of the Journal of Thursday, December 8, 1994.

**COMMUNICATIONS**

The Following Communication: (S.C. 31)

**HEALTH CARE FINANCE COMMISSION**  
State House Station 102  
Augusta, Maine 04333

August 1, 1994

The Honorable Jeffery H. Butland  
President, Maine State Senate  
State House Station Three  
Augusta, Maine 04333

Dear President Butland:

I am pleased to transmit to you the Commission's Annual Report. My fellow Commissioners and I hope that our report will be helpful to you and the other members of the Legislature in your efforts to formulate and implement health policy for Maine.

Our report indicates that the cost of hospital services has increased at a significantly lower rate in Maine than in our neighboring states and the nation since the establishment of Maine's hospital payment system. These lower rates of increase have directly benefitted Maine payors in the form of lesser payments and have made hospital services more accessible to Maine citizens.

Unfortunately, this progress in cost containment has been somewhat clouded by the continuing failure of the federal government to pay its fair share of the cost of hospital services. Governmental payment shortfalls have increased significantly over the past several years, causing higher hospital charges and greater payments by Maine's private payors. We recognize that this problem is not unique to Maine and that its solution may require a national initiative.

In our last Annual Report we described the implementation process for the major statutory amendments enacted in 1989. This year we present a preliminary assessment of the impact of these amendments on hospitals and payors. It appears that the amendments have increased the burden on payors and reduced the effectiveness of the payment system in containing costs. We believe these outcomes suggest careful scrutiny of the amendments as additional data becomes available.

We look forward to working with you to assure that quality hospital care is available to all Maine citizens at an affordable cost.

Sincerely yours,

S/Rosalyn S. Bernstein  
Chairman

Which was READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 32)

**HEALTHY START TASK FORCE**

December 12, 1994

The Honorable Dan A. Gwadosky  
The Honorable Jeffrey H. Butland  
Maine Legislature  
State House  
Augusta, ME 04333

Dear Speaker Gwadosky and President Butland:

The Healthy Start Task Force is pleased to submit its report to the Legislature pursuant to Resolves, 1993, Chapters 25 & 54.

Sincerely,

S/Pamela Correll, R.N.  
Chair  
396 Griffen Rd.  
Bangor, ME 04401

Which was READ and ORDERED PLACED ON FILE.

Please do not hesitate to call me, Peter Hayes, Neil Rolde or our staff person, Ellen Schneider, with any questions or concerns.

Sincerely,

S/Robert B. Keller, M.D.  
Chairman

Which was READ and with accompanying report ORDERED PLACED ON FILE pursuant to PL 1993, Ch. 707, Part AA-10, Sub-sec 2.

The Following Communication: (S.C. 33)

**MAINE HEALTH CARE REFORM COMMISSION**  
9 Green Street  
Augusta, Maine 04333

December 22, 1994

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

Dear Mister President:

I am pleased to submit the first interim report of the Maine Health Care Reform Commission. There are great challenges in our effort to develop the health system reform options for Maine, but we are making progress toward the objectives outlined in the legislative mandate which established the Commission.

An important part of this report is the "Principle for Health Care Reform." These principles constitute the basis on which our specific recommendations for reform will be built. In developing these principles, we drew heavily on the work of our "Phase One" advisory committees. We are heartened by the enthusiasm and dedication to the task that has been shown by the great number of people who have joined us in this effort. The energy and insight of our many advisory committee members and those members of the public who have actively participated in our meetings and hearings have been a significant help to us. It is only with such broad based involvement that Maine will be able to successfully address the difficult job of reforming our health care system.

Over the next year we will be working toward completion of the legislatively mandated tasks. We will have at least three plans available for public review and comment in June. Refinements to those proposals will be made in the early fall, in response to comments received in public hearings that will be held over the course of the summer. Final proposals will be submitted in November, 1995.

**ORDERS**

**Joint Orders**

On motion by Senator BUTLAND of Cumberland, the following Joint Order:

S.P. 10

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

**JOINT RULES - 117TH LEGISLATURE**

**GENERAL PROVISIONS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11. Employees. The salaries of all officers and employees of the Senate and House of Representatives shall be established by the 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.

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

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

12-A. Duration of Roll Calls: Calls for Yeas and Nays. A roll call in the Senate, or a call for yeas and nays in the House must close no more than 30 minutes after such call was commenced.

12-B. Questions Posed to Chair. When a question is posed to the Chair by a member in the Senate or the House, the presiding officer must respond to the question within 7 legislative days. Pending the presiding officer's response to the question, the item about which the question was posed must be tabled.

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

## LEGISLATIVE COMMITTEES

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

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

There shall be no more than 17 Joint Standing Committees which shall be appointed as follows at the commencement of the first regular session, viz:

- On Agriculture, Conservation and Forestry
- On Appropriations and Financial Affairs
- On Banking and Insurance
- On Business and Economic Development
- On Criminal Justice
- On Education and Cultural Affairs
- On Human Resources
- On Inland Fisheries and Wildlife
- On Judiciary
- On Labor
- On Legal and Veterans Affairs
- On Marine Resources
- On Natural Resources
- On State and Local Government
- On Taxation
- On Transportation
- On Utilities and Energy

Membership. Each of these committees shall consist of no more than 3 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. Every member of the House of Representatives and the Senate is entitled to at least one initial committee assignment.

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

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

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

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

Scheduling Public Hearings and Work Sessions.

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

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

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

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

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

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

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

constraints set by the Appropriations and Financial Affairs Committee;

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

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

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

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

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

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

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

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

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

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

Confidentiality. The committee shall protect confidential records, including those records excluded from the definition of "public records" under the freedom of access laws, Maine Revised

Statutes, Title 1, section 402, subsection 3 from public disclosure by holding executive sessions to discuss information contained in such records. Executive sessions must be held in accordance with the provisions of the freedom of access laws, Maine Revised Statutes, Title 1, section 401, et seq.

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

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

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

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

13-B. Amendments to Rules. Notwithstanding Joint Rule 9, proposed amendments to the rules may be adopted by a majority vote in each House, until and including the end of the session on the 3rd Friday in January.

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

Legislative Council for resolution. Upon the decision of the Legislative Council, the suggested reference shall be placed upon the calendar of each House.

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

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

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

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

15. Reports of Bills from Committee.

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

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

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

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

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

3. Unanimous Ought Not to Pass Report. When all 13 members of a Joint Standing Committee vote to report a bill Ought Not to Pass, the committee shall notify the presiding officers, the sponsor and cosponsors of the bill of their action. This communication must appear on the calendar in each

House, and the bill shall, upon notification of both Houses, be placed in the legislative file and disposed of as provided in subsection 4 as prescribed herein.

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

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

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

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

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

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

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

17. Conference Committees. Committees of conference shall consist of three members on the part of each House, representing its vote. A committee of conference shall meet and submit a report, agreed to by a majority of each committee or unable to agree within 10 legislative days to the branch asking the conference. This report may be either accepted or rejected, but no other action shall be had except



through another committee of conference. If the committee of conference is unable to agree, the President of the Senate and the Speaker of the House may appoint a new committee.

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

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

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

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

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

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

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

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

LEGISLATION

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

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

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

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

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

25. Cloture at the First Regular Session. During any first regular session, all other requests for bills and resolves submitted by Legislators shall be submitted in complete form to the Revisor of Statutes by 4:00 p.m. on the 3rd Friday in December; except that for the First Regular Session of the 117th Legislature, cloture is 4:00 p.m. on the first Friday in January.

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 sponsor 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.

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

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

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

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

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

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

If changes are requested, the Revisor of Statutes shall notify the sponsor when changes have been made

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

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

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

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

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

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

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

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

claim of an amount greater than \$2,000 shall be in order for introduction only in the form of a resolve authorizing a suit against the State.

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

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

37. Measures Rejected at any Prior Session. No 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 and copies of accompanying materials to the Chairs of the Joint Standing Committee which is charged by law with reviewing nominations to that office, to the Legislative Information Office and to the 2 partisan staff assistants for nominations.

The Legislative Information Office shall establish an official file for each nominee.

The joint standing committee shall hold a prehearing conference within 21 days of the notification from the Governor unless the committee decides otherwise. The prehearing conference must be consistent with the Maine Revised Statutes, Title 3, chapter 6.

The joint standing committee shall hold a public hearing on the nomination in Augusta at a time convenient to the public within 30 days, or 35 days for judicial officers, from the date of the Governor's notice of the nomination to the President of the Senate and Speaker of the House. The Legislative Information Office shall cause to be published in the state paper and in a newspaper of general circulation in the area where the nominee resides 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 and a statement that written comments relevant to the qualifications of the nominee together with supporting materials may be filed with the Legislative Information Office by 9 a.m. on the hearing date. At the hearing, the committee shall take written or oral testimony 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 testimony and other materials received by the committee shall be preserved according to the Maine Revised Statutes, Title 3, section 159. The 2 partisan assistants for nominations shall provide the committee with a written report of their investigations before the committee votes to recommend or deny confirmation.

Within 35 days, or 40 days for judicial officers, from the date of the Governor's notice of the nomination to the President of the Senate and 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. A vote may not be taken sooner than 15 minutes after the close of the public hearing unless by agreement of all committee members present. The committee vote 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, or 50 days for judicial officers, from the date of the Governor's notification of the nomination to the President of the Senate and the Speaker of the House, the Senate shall review the recommendation of the committee on the nomination, and, after review, shall vote by the yeas and nays on that recommendation.

After vote by the Senate, the committee's recommendation 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.

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

the time periods for legislative action begin on the date the Legislature adjourns.

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.

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

Senator AMERO: Thank you Mr. President, Ladies and Gentlemen of the Senate. It is a pleasure to bring forward to you today the compromise that has been worked out by the Legislative Council in establishing Joint Rules for the 117th Legislative Session. I believe that we have made some real strides forward in the proposed rules. I want to thank the members of both caucuses for their diligent work in trying to find a way to make the operations of this Legislature much more efficient, much more reasonable, to balance the work load between the Committees and to do it in a way that saves the State money. I think you have all had a chance to review the major change, which is encompassed in this proposal, this Joint Order, and that is the reduction of Committees and Joint Committees from 21 to 17. That is the major piece reflected in this Joint Order. Rather than review each of the Committees' work loads and the changes, I would be happy to respond to questions through the Chair if there are any. I think both caucuses have had plenty of time to discuss them and I feel that we came forward with very similar proposals and I am personally very pleased with the compromise that was established.

I also have a letter from John Wakefield, with his outline of where savings may occur if these Joint Rules are established. No action has been taken yet by the Legislative Council, but if anyone is interested in seeing where he sees some savings to take place, I would be happy to share his letter with any of you.

There are three other changes that you will find in these Joint Rules. One has to do with the cloture date, which we are proposing would be January 6, at 4:00, just for this session only. A second change is allowing a window for changing the Joint Rules by a majority vote only until the third Friday in

January. A third housekeeping matter that is included has to do with updating the districts represented by the Senators and Representatives on the Joint Select Committee on Indian Affairs. This was a result of the reapportionment decision. Thank you.

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

Senator LAWRENCE: Thank you Mr. President, Ladies and Gentlemen of the Senate. I, too, want to extend my thanks to members of leadership in both the House and the Senate for working together, and to the Republican Senate caucus. The Democratic Senate caucus spent a long time trying to find some middle ground between what was proposed by the Senate Republican caucus and the proposal by both the Republicans and the Democrats in the House. We are pleased to see the spirit of cooperation in working together and I hope that we can go on to speedily adopt these rules and not have any further delay in the session. I would encourage that when issues like this come up in the future that we perhaps all work together in joint caucus to try to resolve them ahead of session so we don't have the delays that we have had in the past. Thank you.

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

Senator HANLEY: Thank you Mr. President, Ladies and Gentlemen of the Senate. I rise this morning to applaud the hard work that has taken place by both the members of the House and the members of the Senate leadership on both sides of the aisle. I am very encouraged by the initial work of this Legislature to agree that we have to downsize State Government and that we just can't talk about it. We need to lead by example. Yes, in fact, our State motto "Dirigo", which rests underneath the North Star means "I Lead", and we, as elected officials of the State of Maine, take that to heart. While I rise this morning and applaud the hard work that went into the rules that are in front of us this morning, I need to point out that the only major change is the Committees. There are other iniquities, as I see them, present in the Joint Rules. While I will not be offering an amendment now to the rules, I will go along with the compromise that has been arrived at; and I will then bring forward other issues during the window that is left open. At this point in time I would just like to make reference to a couple of concerns so people can start thinking. As the good Senator from York, Senator Lawrence, pointed out, it is important that people have some idea as far as the changes that need to be made, or some members of this body feel need to be made. I would direct your attention specifically to that portion of the Joint Rules which deals with after deadline, after cloture, bills. Men and women of the Senate, having been in this Legislature for almost nine years, I have realized that the biggest log jam that faces this Legislature are those bills that are put in after the deadline. Currently, they only require a majority vote out of the Legislative Council. The rules that I proposed earlier, in the first week of December, would have required a two-thirds vote. I believe that if we are going to move forward and work toward consensus government, then, in fact, we should

toward that, specifically in the areas where there are supposedly emergency bills, requiring a higher standard before they are allowed in. I raise these concerns just to let the members of this body know that there are aspects of these Joint Rules which I think need to be clarified and refined. Not refined because of the current dynamics that exist in this 117th Legislature, with a Republican majority in this chamber and a Democratic majority in the other chamber, I think there are changes that need to be made regardless of what the dynamics are here in Augusta. Regardless of which party has the majority, there are certain iniquities which need to be addressed and clarified.

I appreciate the opportunity to speak this morning and look forward to operating under the Joint Rules in the session to come. Thank you.

Which was PASSED.

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

After Recess

Senate called to order by the President.

Off Record Remarks

On motion by Senator HALL of Penobscot,  
ADJOURNED until ten o'clock tomorrow.

Senate at Ease

Senate called to order by the President.

Off Record Remarks

Senate at Ease

Senate called to order by the President.

Off Record Remarks

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

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